

PUBLIC SCHOOL CODE OF 1949
Act of Mar. 10, 1949, P.L. 30, No. 14
AN ACT

Cl. 24

Relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto.

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**ARTICLE XXVI-I.
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Section 2601-I. Definitions.
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**ARTICLE XXVII.
REPEALS.**

Section 2701. Specific Repeals.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

**ARTICLE I.
PRELIMINARY PROVISIONS.**

Section 101. Short Title and Effective Date.--This act shall be known and may be cited as the "Public School Code of 1949." The provisions thereof shall become effective on the first day of July, one thousand nine hundred forty-nine, except in so far as they affect school districts of the first class. In so far as they affect school districts of the first class, the provisions of this act shall become effective on the first day of January, one thousand nine hundred fifty.

Section 102. Definitions.--When used in this act the following words and phrases shall have the following meanings:

"Academic performance target." A percentage of students in a school or school district required to score at a level equal to or above proficient in those subject areas assessed through a PSSA test and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) in order to achieve adequate yearly progress pursuant to 22 Pa. Code § 403.3 (relating to single accountability system).

"Adequate yearly progress" or "AYP." Adequate yearly progress as defined by section 1111(b)(2)(C) of the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) and in 22 Pa. Code §§ 403.2 (relating to definitions) and 403.3 (relating to single accountability system).

"Board of school directors." Includes the board of public education in school districts of the first class except where specifically limited to school districts of other classes.

"Corrective action." Classification as provided in 22 Pa. Code § 403.3 (relating to single accountability system) indicating that a school or school district failed to meet adequate yearly progress for four or more consecutive years and requiring development of a corrective action plan.

"Keystone Exam." An assessment developed or caused to be developed by the Department of Education pursuant to 22 Pa. Code § 4.51(f) (relating to State assessment system). (Def. added June 30, 2012, P.L.684, No.82)

"No Child Left Behind Act of 2001." The No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).

"Official visitor." Includes the Governor, Lieutenant Governor, members of the Senate and the House of Representatives, the Secretary of Education and members of the State Board of Education.

"Pennsylvania System of School Assessment test" or "PSSA test." A test developed and implemented by the Department of Education to determine only academic achievement relating to objective academic standards in the areas of reading, writing, mathematics and science and which test is so developed and implemented as necessary to comply with Federal law.

"Proficient." The attainment of performance levels in those subject areas assessed through the Pennsylvania System of School Assessment test and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) that have been approved by the State Board of Education to reflect satisfactory academic performance.

"School district." Includes school districts of all classes except where specifically limited to districts of a particular class or classes.

"School improvement." Classification as provided in 22 Pa. Code § 403.3 (relating to single accountability system) indicating a school or school district has failed to make adequate yearly progress for two consecutive years and needs improvement.

"School term." The period of time elapsing between the opening of the public schools in the fall of one year and the closing of the public schools in the spring of the following year.

"School year." The period of time elapsing in school districts of the first class between the first day of January and the 31st day of December of any year and in school districts of all other classes between the first day of July of one year and the 30th day of June of the following year. Effective July 1, 1997, for the 1997-1998 school year and each school year thereafter, school districts with a year-round education program may submit a request to the Secretary of Education for approval or disapproval to extend the school year until August 15 for the purpose of determining average daily memberships for students whose 180 days of instruction continue into the summer months.

"Warning." Classification as provided in 22 Pa. Code § 403.3 (relating to single accountability system) indicating that a school or school district has failed to make its academic performance targets for one year.

(102 amended Dec. 23, 2003, P.L.304, No.48)

Section 103. Excluded Provisions.--This act does not include any provisions of, and shall not be construed to repeal:

(1) The Public School Employees Retirement Law, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1043). ((1) amended Sept. 28, 1951, P.L.1551, No.395)

(2) The Municipal Claim and Tax Lien Law, approved the sixteenth day of May, one thousand nine hundred twenty-three (Pamphlet Laws 207).

(3) "The Administrative Code of 1929", approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177).

(4) "The Vehicle Code", approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 905).

(5) The Delinquent Tax Sales Act of 1931, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (Pamphlet Laws 280).

(6) The "Municipal Borrowing Law", approved the twenty-fifth day of June, one thousand nine hundred forty-one (Pamphlet Laws 159).

(7) The "Local Tax Collection Law", approved the twenty-fifth day of May, one thousand nine hundred forty-five (Pamphlet Laws 1050).

(8) The "Real Estate Tax Sale Law", approved the seventh day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1368).

(9) The Act Relating to Strikes by Public Employes, approved the thirtieth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1183).

(10) Any law relating to elections.

(11) Any temporary law.

(12) Any law validating past actions or proceedings.

(13) Any amendment or supplement of any of the laws referred to in this section.

Section 104. Saving Clause.--The provisions of this act, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments. The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded nor affect the existence or class of any school district heretofore created. The provisions of this act shall not affect the title to, or ownership of, any property, real or personal, vested prior to the effective date of this act. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws. All rules and regulations made pursuant to any act of Assembly repealed by this act shall continue with the same force and effect as if such act had not been repealed. Any person holding office under any act of Assembly repealed by this act shall continue to hold such office until the expiration of the term thereof, subject to the conditions attached to such office prior to the passage of this act.

Section 105. Right of Appeal Saved.--Except as herein otherwise provided, nothing in this act contained shall be held to preclude the right of appeal in actions arising under this act from any court wherein such action shall be brought.

Section 106. Publication of Notices, etc.; Proofs of Publication.--(a) Whenever, under the provisions of this act, notice is required to be published in one newspaper, such publication shall be made in a newspaper of general circulation as defined by the "Newspaper Advertising Act" of May sixteen, one thousand nine hundred twenty-nine (Pamphlet Laws 1784), printed in the county, unless the matter in connection with which the advertising is being done affects only a school district, in which case such advertisement shall be published in a newspaper printed in such school district, if there is such a newspaper, and if not, then in a newspaper circulating generally in such school district. If such notice is required to be published in more than one newspaper, it shall be published in at least one newspaper of general circulation, defined as aforesaid, printed, if there be such a newspaper, or circulating generally, as above provided, in the school district.

(b) When such notice relates to any proceeding or matter in any court, or the holding of an election for the increase of indebtedness, or the issue and sale of bonds to be paid by taxation, such notice, in each school district, shall also be published in the legal newspaper, if any, designated by the rules of court of the proper county for the publication of legal notices and advertisements: Provided, That auditors' statements, summaries of auditors' statements, advertisements inviting proposals for public contracts and for bids for materials and supplies, or lists of delinquent taxpayers, shall be published only in newspapers of general circulation, defined as aforesaid.

(c) Proof of publication of any notice required to be given by the posting of handbills or statements shall be made by

attaching an original copy of such handbill or statement as actually printed and posted to an affidavit made by the person posting such notice. Such affiant shall not be an interested party or an employe of any person or persons interested in the subject matter of said notice. His affidavit shall state where and when the notices were posted and where the notice was published in newspapers, as aforesaid. A printed copy, exactly as published in said newspaper, shall be securely attached to a similar affidavit of the publisher or his designated agent.

Section 107. Compensation for Services or Additional Services.--Where, by the provisions of this act, any services or additional services are imposed upon any public official for which no compensation is provided, the board of school directors of the proper district may, unless such service is required to be performed without compensation, pay out of the funds of the district such reasonable compensation for such service or additional service as it may determine, subject to the provisions of this act.

Section 108. Religious or Political Tests, etc., Prohibited.--No religious or political test or qualification shall be required of any director, visitor, superintendent, teacher, or other officer, appointee, or employe in the public schools of this Commonwealth.

Section 109. Disposition of Fines.--All fines that are imposed and collected under any of the provisions of this act shall be paid to the treasurer of the proper school district, or, when the proper school district cannot be determined, into the State School Fund.

Section 110. Official Visitors Access to Public Schools.--An official visitor shall have access to and may not be denied access to any public school in the Commonwealth at any time.

(110 added May 11, 1982, P.L.396, No.115)

Section 111. Criminal History of Employes and Prospective Employes; Conviction of Certain Offenses.--(Hdg. amended June 30, 2012, P.L.684, No.82) (a) ((a) expired March 31, 2007. See Act 114 of 2006.)

(a.1) Beginning April 1, 2007, this section shall apply to all current and prospective employes of public and private schools, intermediate units and area vocational-technical schools, including, but not limited to, teachers, substitutes, janitors, cafeteria workers, independent contractors and their employes, except those employes and independent contractors and their employes who have no direct contact with children.

(1) Beginning April 1, 2007, this section shall apply to bus drivers employed or offered employment by a school district, private school, nonpublic school, intermediate unit or area vocational-technical school or by an independent contractor.

(2) Beginning April 1, 2007, this section shall apply to student teachers and student teacher candidates assigned to all public and private schools, intermediate units and area vocational-technical schools.

(3) For purposes of this section, "student teacher" or "student teacher candidate" shall mean an individual participating in a classroom teaching, internship, clinical or field experience who, as part of a program for the initial or advanced preparation of professional educators, performs classroom teaching or assists in the education program in a public or private school, intermediate unit or area vocational-technical school under the supervision of educator preparation program faculty.

(4) Prior to a student teacher or student teacher candidate's participation in any classroom teaching, internship,

clinical or field experience, the student teacher or student teacher candidate shall provide to the administrator of his or her educator preparation program all criminal history record information required of an employee or prospective employee who is subject to this section.

(5) A student teacher or student teacher candidate may not participate in any classroom teaching, internship, clinical or field experience if this section would prohibit an employee or prospective employee subject to this section from being employed under those circumstances.

(6) During the course of a student teacher or student teacher candidate's participation in an educator preparation program, the administrator of the student teacher or student teacher candidate's educator preparation program shall maintain a copy of the criminal history record information that was provided by the student teacher or student teacher candidate. The penalty provisions of subsection (g) shall be applicable to the administrator of a student teacher or student teacher candidate's educator preparation program.

(7) If a student teacher or student teacher candidate is continuously enrolled in an educator preparation program, the criminal history record information initially submitted by the student teacher or student teacher candidate to that program shall remain valid during that period of enrollment, subject to the requirements of subsection (j). If a student teacher or student teacher candidate's enrollment in an educator preparation program is interrupted or if the student teacher or student teacher candidate transfers to another educator preparation program, the student teacher or student teacher candidate shall provide to the administrator of his or her educator preparation program all criminal history record information required of an employee who is subject to this section.

((a.1) amended June 30, 2012, P.L.684, No.82)

(b) Administrators of public and private schools, intermediate units and area vocational-technical schools shall require prospective employees to submit with their employment application, pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to that person. Such report of criminal history record information shall be no more than five (5) years old. An applicant may submit a copy of the required information with the application for employment. Administrators shall maintain a copy of the required information. Administrators shall require contractors to produce a report of criminal history record information for each prospective employee of such contractor prior to employment. A copy of the report of criminal history record information from the Pennsylvania State Police shall be made available to the applicant in a manner prescribed by the Department of Education. ((b) amended Feb. 16, 2016, P.L.6, No.4)

(c) ((c) expired March 31, 2007. See Act 114 of 2006.)

(c.1) Beginning April 1, 2007, administrators shall maintain on file with the application for employment a copy of the Federal criminal history record in a manner prescribed by the Department of Education. At a minimum, the Department of Education shall prescribe a method for applicants to submit a set of fingerprints to be transmitted to the Federal Bureau of Investigation for Federal criminal history record information pursuant to the applicable Federal law. The Federal criminal

history record information report shall be no more than five (5) years old. Administrators shall maintain a copy of the required information and shall require each applicant to secure a Federal criminal history record information report that may not be more than five (5) years old at the time of employment. A copy of the Federal criminal history record information report shall be made available to the applicant in a manner prescribed by the Department of Education. ((c.1) amended Feb. 16, 2016, P.L.6, No.4)

(c.2) The provisions of 18 Pa.C.S. § 9121(b)(2) (relating to general regulations) shall not apply if the request is made pursuant to this section. ((c.2) added July 9, 2008, P.L.846, No.61)

(c.3) In accordance with 23 Pa.C.S. § 6344.4 (relating to recertification), administrators shall require the persons subject to this section to obtain the reports described in subsections (b) and (c.1) and under 23 Pa.C.S. § 6344(b)(2) (relating to employees having contact with children; adoptive and foster parents) on a renewed basis every sixty (60) months. Any person subject to this section who has previously not been required to obtain the reports required by subsections (b) and (c.1) and under 23 Pa.C.S. § 6344(b)(2) on account of service prior to April 1, 2007, shall be required to obtain such reports no later than December 31, 2015. The administrator shall review the reports and determine if the reports disclose information that may require further action. The administrator shall maintain a copy of the required reports. ((c.3) added Feb. 16, 2016, P.L.6, No.4)

(c.4) To the extent permitted by 23 Pa.C.S. § 6344.3(f) (relating to continued employment or participation in program, activity or service), an administrator may accept the reports identified in 23 Pa.C.S. § 6344(b)(1) and (3) obtained for employment requirements pursuant to 23 Pa.C.S. § 6344 in satisfaction of the requirements of subsections (b) and (c.1), provided that the reports are not more than sixty (60) months old and the applicant provides the administrator with the report described in subsection (j)(1) indicating that the individual has not been disqualified from employment pursuant to subsection (e) or (f.1). The applicant shall also provide an attestation that the applicant has not been disqualified for employment under 23 Pa.C.S. § 6344(c)(1). The administrator shall review the reports and determine if the reports disclose information that may require further action and shall maintain a copy of the required reports. ((c.4) added Feb. 16, 2016, P.L.6, No.4)

(d) The State Board of Education shall, in the manner provided by law, promulgate the regulations necessary to carry out this section. The regulations shall provide for the confidentiality of criminal history record information obtained pursuant to this act.

(e) No person subject to this act shall be employed or remain employed in a public or private school, intermediate unit or area vocational-technical school where a report of criminal history record information or a form submitted by an employe under subsection (j) indicates the person has been convicted of any of the following offenses:

(1) An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes:

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709.1 (relating to stalking).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 2910 (relating to luring a child into a motor vehicle or structure).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3124.2 (relating to institutional sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 3129 (relating to sexual intercourse with animal).

Section 4302 (relating to incest).

Section 4303 (relating to concealing death of child).

Section 4304 (relating to endangering welfare of children).

Section 4305 (relating to dealing in infant children).

A felony offense under section 5902(b) (relating to prostitution and related offenses).

Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

Section 6301(a)(1) (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

Section 6318 (relating to unlawful contact with minor).

Section 6319 (relating to solicitation of minors to traffic drugs).

Section 6320 (relating to sexual exploitation of children).

(2) An offense designated as a felony under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."

(3) An offense similar in nature to those crimes listed in clauses (1) and (2) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

((e) amended June 30, 2012, P.L.684, No.82)

(f) ((f) deleted by amendment June 30, 2011, P.L.112, No.24)

(f.1) (1) If a report of criminal history record information or a form submitted by an employe under subsection (j) indicates the person has been convicted of an offense graded as a felony offense of the first, second or third degree other than one of the offenses enumerated under subsection (e), the person shall be eligible for continued or prospective employment only if a period of ten years has elapsed from the date of expiration of the sentence for the offense.

(2) If a report of criminal history record information or a form submitted by an employe under subsection (j) indicates the person has been convicted of an offense graded as a misdemeanor of the first degree, other than one of the offenses enumerated in subsection (e), the person shall be eligible for continued or prospective employment only if a period of five years has elapsed from the date of expiration of the sentence for the offense.

(3) If the report of criminal history record information or a form submitted by an employe under subsection (j) indicates the person has been convicted more than once for an offense under 75 Pa.C.S. § 3802(a), (b), (c) or (d) (relating to driving under influence of alcohol or controlled substance) and the offense is graded as a misdemeanor of the first degree under

75 Pa.C.S. § 3803 (relating to grading), the person shall be eligible for current or prospective employment only if a period of three years has elapsed from the date of expiration of the sentence for the most recent offense.

((f.1) amended June 30, 2012, P.L.684, No.82)

(f.2) Nothing in this section shall be construed to interfere with the ability of a public or private school, intermediate unit or area vocational-technical school to make employment, discipline or termination decisions, provided that this subsection shall not be construed to conflict with subsection (e), (f.1) or (j)(6).

((f.2) amended June 30, 2012, P.L.684, No.82)

(g) An administrator, or other person responsible for employment decisions in a school or other institution under this section who wilfully fails to comply with the provisions of this section commits a violation of this act and shall be subject to civil penalty as provided in this section.

(1) The department shall have jurisdiction to determine violators of this section and may, following a hearing, assess a civil penalty not to exceed two thousand five hundred dollars (\$2,500).

(2) The civil penalty shall be payable to the Commonwealth.

(h) Subject to the requirements of subsection (j), any person who has once obtained the information required under subsections (b), (c) and (c.1) may transfer to or provide services to another school in the same district, diocese or religious judicatory or established and supervised by the same organization and shall not be required to obtain additional reports before making such transfer.

((h) amended June 30, 2012, P.L.684, No.82)

(i) Notwithstanding subsections (b), (c) and (c.1), and subject to the requirements of subsection (j), administrators, before April 1, 2007, may employ in-State applicants on a provisional basis for a single period not to exceed thirty (30) days and may employ out-of-State applicants on a provisional basis for a single period not to exceed ninety (90) days and, after March 31, 2007, may employ any applicants on a provisional basis for a single period not to exceed ninety (90) days, except during a lawful strike proceeding under the provisions of the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," provided that all of the following conditions are met:

(1) the applicant has applied for the information required under subsection (b) and, where applicable, under subsection (c) or (c.1) and the applicant provides a copy of the appropriate completed request forms to the administrator;

(2) the administrator has no knowledge of information pertaining to the applicant which would disqualify him from employment pursuant to subsection (e) or (f.1);

(3) the applicant swears or affirms in writing that he is not disqualified from employment pursuant to subsection (e) or (f.1);

(4) if the information obtained pursuant to subsection (b), (c) or (c.1) reveals that the applicant is disqualified from employment pursuant to subsection (e) or (f.1), the applicant shall be suspended and subject to termination proceedings as provided for by law; and

(5) the administrator requires that the applicant not be permitted to work alone with children and that the applicant work in the immediate vicinity of a permanent employe.

((i) amended June 30, 2012, P.L.684, No.82)

(j) (1) The department shall develop a standardized form to be used by current and prospective employees of public and private schools, intermediate units and area vocational-technical schools for the written reporting by current and prospective employees of any arrest or conviction for an offense enumerated under subsections (e) and (f.1). The form shall provide a space in which a current or prospective employee who has not been convicted of or arrested for any such offense will respond "no conviction" and "no arrest." The form also shall provide that failure to accurately report any arrest or conviction for an offense enumerated under subsection (e) or (f.1) shall subject the current or prospective employee to criminal prosecution under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The department shall publish the form on its publicly accessible Internet website and in the Pennsylvania Bulletin.

(2) All current and prospective employees of a public or private school, intermediate unit or area vocational-technical school shall complete the form described in clause (1), indicating whether or not they have been arrested for or convicted of an offense enumerated under subsections (e) and (f.1), provided that any current employee who completed the form on or before December 27, 2011, in compliance with clauses (1) and (2) on that date and who has not been arrested for or convicted of an offense enumerated under subsections (e) and (f.1) shall not be required to complete an additional form under this subsection.

(3) If, as required in clause (2), a current or prospective employee refuses to submit the form described in clause (1), the administrator or other person responsible for employment decisions in a school or other institution shall immediately require the current or prospective employee to submit to the administrator a current report of criminal history record information as required under subsections (a.1), (b) and (c.1).

(4) If the arrest or conviction for an offense enumerated under subsection (e) or (f.1) occurs after the effective date of this subsection, the current or prospective employee shall provide the administrator or designee with written notice utilizing the form provided for in clause (1) not later than seventy-two (72) hours after an arrest or conviction.

(5) If an administrator or other person responsible for employment decisions in a school or other institution has a reasonable belief that a current or prospective employee was arrested or has a conviction for an offense required to be reported under clause (2) or (4) and the employee or prospective employee has not notified the administrator as required under this section, the administrator or other person responsible for employment decisions in a school or other institution shall immediately require the current or prospective employee to submit to the administrator a current report of criminal history record information as required under subsections (a.1), (b) and (c.1). The cost of the criminal background check shall be borne by the employing entity.

(6) A current or prospective employee who willfully fails to disclose a conviction or an arrest for an offense enumerated under this section shall be subject to discipline up to and including termination or denial of employment and may be subject to criminal prosecution under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

((j) amended June 30, 2012, P.L.684, No.82)

(111 amended Dec. 19, 1990, P.L.1362, No.211)

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 111(b) and (c), provided that Act 61 shall apply retroactively to July 1 2008.

Compiler's Note: Section 3 of Act 4 of 2016, which amended or added section 111(b), (c.2), (c.3) and (c.4), provided that Act 4 shall apply retroactively to December 31, 2015.

Section 111.1. Employment History Review.--(a) This section shall apply to all positions for employment at school entities and independent contractors of school entities involving direct contact with children.

(b) In addition to fulfilling the requirements of section 111 and 23 Pa.C.S. § 6344.2 (relating to information relating to other persons having contact with children), before a school entity or independent contractor may offer employment to an applicant who would be employed by or in a school entity in a position involving direct contact with children, the school entity or independent contractor shall:

(1) Require the applicant to provide:

(i) A list, including name, address, telephone number and other relevant contact information of the applicant's:

(A) Current employer.

(B) All former employers that were school entities.

(C) All former employers where the applicant was employed in positions that involved direct contact with children.

(ii) A written authorization that consents to and authorizes disclosure by the applicant's current and former employers under subparagraph (i) of the information requested under paragraph (2) and the release of related records and that releases those employers from liability that may arise from such disclosure or release of records pursuant to subsection (d)(5).

(iii) A written statement of whether the applicant:

(A) has been the subject of an abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or child protective services agency, unless the investigation resulted in a finding that the allegations were false;

(B) has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of abuse or sexual misconduct as described in clause (A) were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct as described in clause (A); or

(C) has ever had a license, professional license or certificate suspended, surrendered or revoked while allegations of abuse or sexual misconduct as described in clause (A) were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct as described in clause (A).

(2) Conduct a review of the employment history of the applicant by contacting those employers listed by the applicant under the provisions of paragraph (1)(i) and requesting the following information:

(i) The dates of employment of the applicant.

(ii) A statement as to whether the applicant:

(A) was the subject of any abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or child protective services agency, unless such investigation resulted in a finding that the allegations were false;

(B) was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any

employment while allegations of abuse or sexual misconduct as described in clause (A) were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct described in clause (A); or

(C) has ever had a license, professional license or certificate suspended, surrendered or revoked while allegations of abuse or sexual misconduct as described in clause (A) were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct as described in clause (A).

(3) Check the eligibility for employment or certification status of any applicant for a position involving direct contact with children to determine whether the applicant holds valid and active certification appropriate for the position and is otherwise eligible for employment and whether the applicant has been the subject of public professional discipline.

(4) Inquire whether the Department of Education has received notification of pending criminal charges against the applicant.

(c) An applicant who provides false information or wilfully fails to disclose information required in subsection (b) shall be subject to discipline up to, and including, termination or denial of employment and may be subject to criminal prosecution under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), and may be subject to civil penalties and professional discipline in accordance with subsection (1).

(d) (1) No later than twenty (20) days after receiving a request for information required under subsection (b)(2), an employer that has or had an employment relationship with the applicant shall disclose the information requested.

(2) The employer shall disclose the information on a standardized form developed by the Department of Education.

(3) (i) After reviewing the information initially disclosed under paragraph (1) and finding an affirmative response to subsection (b)(1)(iii)(A), (B) or (C), (2)(ii)(A), (B) or (C) where the prospective employing school entity or contractor makes a determination to further consider the applicant for employment, the school entity or contractor shall request that former employers provide additional information about the matters disclosed and all related records.

(ii) Former employers shall provide the additional information requested no later than sixty (60) days after the prospective employer's request under this paragraph.

(4) (i) Information received under this section shall not be deemed a public record for the purposes of the act of February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

(ii) A school entity that receives the information under this subsection may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment and may report the information as appropriate to the Department of Education, a State licensing agency, law enforcement agency, child protective services agency, another school entity or prospective employer.

(5) An employer, school entity, school administrator or independent contractor that provides information or records about a current or former employee or applicant shall be immune from criminal liability under 23 Pa.C.S. Ch. 63 (relating to child protective services) and the act of December 12, 1973 (P.L.397, No.141), known as the "Educator Discipline Act," and civil liability for the disclosure of the information, unless the information or records provided were knowingly false. Such immunity shall be in addition to and not in limitation of any

other immunity provided by law or any absolute or conditional privileges applicable to such disclosures by virtue of the circumstances or the applicant's consent thereto.

(6) Except where the laws of other states prevent the release of the information or records requested, or disclosure is restricted by the terms of a contract entered into prior to the effective date of this section, the wilful failure of a former employer, school entity, school administrator or independent contractor to respond or provide the information and records as requested may result in civil penalties, and professional discipline where appropriate, in accordance with subsection (1).

(7) Notwithstanding any provision of law to the contrary, an employer, school entity, school administrator, independent contractor or applicant shall report and disclose in accordance with this section all relevant information, records and documentation that may otherwise be confidential under 23 Pa.C.S. Ch. 63 and the "Educator Discipline Act."

(e) (1) A school entity or independent contractor may not hire an applicant who does not provide the information required under subsection (b) for a position involving direct contact with children.

(2) A school entity or independent contractor may hire an applicant on a provisional basis for a period not to exceed ninety (90) days pending the school entity's or independent contractor's review of information and records received under this section, provided that all of the following are satisfied:

(i) The applicant has provided all of the information and supporting documentation required under subsection (b).

(ii) The school administrator has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment.

(iii) The applicant swears or affirms that the applicant is not disqualified from employment.

(iv) The applicant is not permitted by the school entity or independent contractor to work alone with children and is required to work in the immediate vicinity of a permanent employe.

(f) On or after the effective date of this section, a school entity or independent contractor may not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any other contract or agreement or take any action that:

(1) has the effect of suppressing information relating to an investigation related to a report of suspected abuse or sexual misconduct by a current or former employe;

(2) affects the ability of the school entity or independent contractor to report suspected abuse or sexual misconduct to the appropriate authorities; or

(3) requires the school entity or independent contractor to expunge information about allegations or findings of suspected abuse or sexual misconduct from any documents maintained by the school entity or independent contractor, unless after investigation the allegations are found to be false.

(g) Any provision of an employment contract or agreement for resignation or termination or a severance agreement that is executed, amended or entered into after the effective date of this section and that is contrary to this section shall be void and unenforceable.

(h) (1) For substitute employes, the employment history review required by this section shall be required only prior

to the initial hiring of a substitute employee or placement on the school entity's approved substitute list and shall remain valid as long as the substitute employee continues to be employed by the same school entity or remains on the school entity's approved substitute list.

(2) A substitute employee seeking to be added to another school entity's substitute list shall undergo a new employment history review. Except as otherwise provided in paragraph (3), the appearance of a substitute employee on one school entity's substitute list does not relieve another school entity from compliance with this section.

(3) An employment history review conducted upon initial hiring of a substitute employee by an independent contractor, intermediate unit or any other entity that furnishes substitute staffing services to school entities shall satisfy the requirements of this section for all school entities using the services of that independent contractor, intermediate unit or other entity.

(4) An independent contractor, intermediate unit or any other entity furnishing substitute staffing services to school entities shall comply with the provisions of subsection (i) (3) and (4).

(5) For purposes of this subsection, "substitute employee" shall not mean school bus drivers employed by an independent contractor.

(i) (1) For employees of independent contractors, the employment history review required by this section shall be performed, either at the time of the initial hiring of the employee or prior to the assignment of an existing employee to perform work for a school entity in a position involving direct contact with children. The review shall remain valid as long as the employee remains employed by the same independent contractor, even if assigned to perform work for other school entities.

(2) An independent contractor shall maintain records documenting employment history reviews for all employees as required by this section and, upon request, shall provide a school entity for whom an employee is assigned to perform work access to the records pertaining to that employee.

(3) Prior to assigning an employee to perform work for a school entity in a position involving direct contact with children, the independent contractor shall inform the school entity of any instance known to the independent contractor in which the employee:

(i) was the subject of any abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement authority or child protective services agency, unless such investigation resulted in a finding that allegations are false;

(ii) has ever been disciplined, discharged, nonrenewed, removed from a substitute list, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of abuse or sexual misconduct as described in subparagraph (i) were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct as described in subparagraph (i); or

(iii) has ever had a license, professional license or certificate suspended, surrendered or revoked while allegations of abuse or sexual misconduct as described in subparagraph (i) were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct as described in subparagraph (i).

(4) The independent contractor may not assign the employee to perform work for the school entity in a position involving direct contact with children where the school entity objects to the assignment after being informed of an instance listed in paragraph (3).

(j) An applicant who has undergone the employment history review required under this section and seeks transfer to or to provide services to another school in the same district, diocese or religious judicatory or to another school established and supervised by the same organization shall not be required to obtain additional reports before making such transfer.

(k) Nothing in this section shall be construed:

(1) To prevent a prospective employer from conducting further investigations of prospective employees or from requiring applicants to provide additional background information or authorizations beyond what is required under this section, nor to prevent a former employer from disclosing more information than what is required under this section.

(2) To relieve a school entity, school administrator or independent contractor of its legal responsibility to report suspected incidents of abuse in accordance with the provisions of 23 Pa.C.S. Ch. 63.

(3) To relieve a school entity, school administrator or independent contractor of its legal responsibility to report suspected incidents of professional misconduct in accordance with the "Educator Discipline Act."

(4) To prohibit the right of the exclusive representative under a collective bargaining agreement to grieve and arbitrate the validity of an employee's termination or discipline for just cause or for the causes set forth in this act.

(1) (1) The Department of Education shall have jurisdiction to determine wilful violations of this section and may, following a hearing, assess a civil penalty not to exceed ten thousand dollars (\$10,000). School entities shall be barred from contracting with an independent contractor who is found to have wilfully violated the provisions of this section.

(2) Notwithstanding any provision of law to the contrary, the Department of Education may initiate disciplinary action before the Professional Standards and Practices Commission pursuant to the "Educator Discipline Act" against any applicant, employee, independent contractor or school administrator who is subject to the "Educator Discipline Act" for wilful violations of this section.

(m) The Department of Education shall develop the forms for applicants and employers required under subsection (b)(1) and (2), as well as any other forms necessary to carry out the provisions of this section.

(n) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Abuse." Conduct that falls under the purview and reporting requirements of 23 Pa.C.S. Ch. 63 and is directed toward or against a child or a student, regardless of the age of the child or student.

"Direct contact with children." The possibility of care, supervision, guidance or control of children or routine interaction with children.

"School entity." Any public school, including a charter school or cyber charter school, private school, nonpublic school, intermediate unit or area vocational-technical school operating within this Commonwealth.

"Sexual misconduct." Any act, including, but not limited to, any verbal, nonverbal, written or electronic communication

or physical activity, directed toward or with a child or a student regardless of the age of the child or student that is designed to establish a romantic or sexual relationship with the child or student. Such acts include, but are not limited to:

- (1) Sexual or romantic invitation.
- (2) Dating or soliciting dates.
- (3) Engaging in sexualized or romantic dialog.
- (4) Making sexually suggestive comments.
- (5) Self-disclosure or physical exposure of a sexual, romantic or erotic nature.
- (6) Any sexual, indecent, romantic or erotic contact with the child or student.

(111.1 added Oct. 22, 2014, P.L.2624, No.168)

Section 111.2. Electronic Public Safety and Criminal Justice Information.--(a) Subject to subsection (b), the Department of Education shall obtain and monitor public safety and criminal justice information, including, but not limited to, arrest and disposition information, for all educators from any Statewide electronic database to the extent such public safety and criminal justice information is available to the Department of Education and shall use such information for certification and discipline purposes.

(b) For purposes of this section, "educator" shall mean all of the following:

(1) Any person who holds a Commonwealth of Pennsylvania certificate, commission, letter of eligibility or permit issued under this act or under the act of January 28, 1988 (P.L.24, No.11), known as the "Private Academic Schools Act," or who has applied for a certificate, commission, letter of eligibility or permit.

(2) Any person who is a charter or cyber charter school staff member or who is a contracted educational provider or contracted educational provider staff member as those terms are defined in the act of December 12, 1973 (P.L.397, No.141), known as the "Educator Discipline Act."

(3) Any person over whom the Professional Standards and Practices Commission has disciplinary authority pursuant to the "Educator Discipline Act."

(111.2 added Oct. 22, 2014, P.L.2624, No.168)

Section 112. Report of Racial and Ethnic Groupings.--The Department of Education shall conduct a thorough review of the 1991-1992 PennData report "Statistical Summary for 1991-1992" and identify those school districts that have special education enrollments whose gender and ethnic representation exceeds by five percent (5%) the gender and ethnic makeup of the student population for the 1991-1992 school year. The Department of Education shall report to the Committee on Education in the Senate and the Committee on Education in the House of Representatives by October 1993 the findings of the review by the Department of Education, an outline of what further investigative steps should be taken, recommendations for appropriate actions to be taken by the Department of Education and any technical assistance services to be provided by the Department of Education to school districts.

(112 added June 7, 1993, P.L.49, No.16)

Section 113. Study of Public Schools that Provide Internet Instruction.--(a) The Department of Education shall conduct a study of public schools that provide instruction primarily through the Internet. The study shall include:

- (1) a review of academic accountability methods and systems;

(2) a summary of governance structures, approval processes and oversight mechanisms of each public school that provides instruction primarily through the Internet;

(3) an analysis and verification of the actual and reasonable instructional cost per student for each public school that provides instruction primarily through the Internet; and

(4) recommendations regarding funding alternatives.

(b) The Department of Education shall prepare a report that includes its findings and recommendations from the study and shall provide the report to the chairman and the minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives by October 30, 2001.

(c) In the event that the report required under subsection (b) is not provided by October 30, 2001, no school district shall pay to any public school that provides instruction primarily through the Internet an amount to exceed two thousand dollars (\$2,000) per resident student enrolled.

(113 added June 22, 2001, P.L.530, No.35)

Section 114. Report of Graduate Rates for Certain Colleges and Universities.--(a) The Department of Education shall annually conduct a survey related to completion of undergraduate degree programs by students who are residents of this Commonwealth in four-year, public colleges and universities and in private, not-for-profit colleges and universities in this Commonwealth. The survey shall include the following information for each college or university:

(1) the number and percentage of first-time, full-time students who graduate in four (4) years or less; and

(2) the number and percentage of first-time, full-time students enrolled in approved five-year programs who graduate in five (5) years or less.

(b) By January 15, 2003, and each year thereafter, the department shall publish the results of the survey on its World Wide Web site and provide a copy to the Governor, the chairman and minority chairman of the Appropriations Committee of the Senate, the chairman and minority chairman of the Appropriations Committee of the House of Representatives, the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives.

(c) The department shall develop guidelines to implement the requirements of this section.

(114 added June 29, 2002, P.L.524, No.88)

Section 115. Optometric Externs.--(a) Notwithstanding the provisions of section 6 of the act of June 6, 1980 (P.L.197, No.57), known as the "Optometric Practice and Licensure Act," an optometric extern who is performing procedures and tests for the sole purpose of clinical instruction and experience under the direct supervision of a licensed health care professional in this Commonwealth shall be defined as a student enrolled in an accredited school or college of optometry in the United States.

(b) An optometric extern may not independently practice optometry.

(115 added July 4, 2004, P.L.536, No.70)

Section 116. Technical Assistance and Information Provided by Department of Education.--(a) A school district or school identified for warning, school improvement or corrective action shall be eligible for technical assistance from the Department of Education.

(b) Within ten (10) days of a request from the board of school directors of an eligible school district, the Department of Education shall provide technical assistance to the school district or any school within the school district identified for warning, school improvement or corrective action. Such technical assistance shall include, but shall not be limited to:

(1) Assistance to analyze data from the Pennsylvania System of School Assessment test or any other test established by the State Board of Education for the purpose of assessing student progress toward or attainment of an academic performance target.

(2) Assistance to identify and implement professional development and instructional strategies and methods to improve the academic performance of students in subject areas for which an academic performance target has been established and has not been met.

(3) Assistance to analyze the school district's budget or parts thereof to enable the school district to more effectively allocate its resources.

(4) Identification, training and assignment of educational advisors to schools eligible for school improvement or corrective action.

(5) Identification and implementation of professional development and instructional strategies and methods to improve the academic performance of students who are classified as students with disabilities, as limited English proficient students or as students who have been enrolled in a school district for less than two (2) school years.

(c) The Department of Education shall establish a clearinghouse of information related to specific strategies for improving the academic performance of students in eligible school districts. Such clearinghouse shall include best practices, methods and instructional strategies based on scientific research, including, but not limited to:

(1) Parental involvement programs and policies.

(2) Classroom instructional strategies.

(3) Curriculum redesign.

(4) School safety.

(5) Tutoring programs.

(d) In order to fulfill its duties under this section, the Department of Education may, in consultation with a school district, assign personnel of the Department of Education or contract with outside providers to ensure that the requirements of subsection (b) are met.

(e) Nothing contained in this section shall supersede or preempt any provision of a collective bargaining agreement between a school district and an employee organization.

(116 added July 14, 2005, P.L.308, No.55)

Section 117. Prohibition of Certain Regulations for the 2008-2009 Fiscal Year.--Notwithstanding any provision of law to the contrary, in the 2008-2009 fiscal year, a regulation to change or establish high school graduation requirements shall not be further promulgated, approved or proposed.

(117 added July 9, 2008, P.L.846, No.61)

Compiler's Note: Section 34 of Act 61 of 2008, which added section 117, provided that Act 61 shall apply retroactively to July 1 2008.

Section 118. Collection of Identifying Information of Students Attending Institutions of Higher Education.--(a) The following provisions shall apply to the Department of Education's collection of identifying information of students:

(1) The department may collect identifying information of students only if:

(i) the department is specifically required to do so under Federal statute or regulation or under another provision of this act; or

(ii) the information is voluntarily provided by an institution of higher education.

((1) amended June 30, 2012, P.L.684, No.82)

(2) To the extent the department may collect identifying information of a student under clause (1), the following shall apply:

(i) Before collecting any identifying information from an institution of higher education, the department shall provide the institution of higher education with written notice of the identifying information the department seeks to collect and the date by which a student who wishes to do so may opt out of the department's information collection.

(ii) Upon receiving the notice required under subparagraph (i), the institution of higher education shall provide those students who are subject to the request for identifying information with electronic notice of the department's request and of the students' ability to opt out of the department's collection of identifying information by the date identified by the department in subparagraph (i). The notice shall direct students to an Internet website maintained by the department which shall contain the following information:

(A) A description of the identifying information the department seeks to collect.

(B) A statement of the department's legal authority to collect the identifying information.

(C) A statement informing students that, by the date identified by the department in subparagraph (i), they may opt out of the department's collection of identifying information.

(D) An electronic link the student may use to opt out of the department's collection of identifying information.

(iii) Following the opt-out date identified by the department in subparagraph (i), the department shall provide the institution of higher education with a list of those students who have opted out of the department's collection of identifying information.

(iv) The institution of higher education may provide the department with identifying information for only those students who have not opted out of the department's collection of identifying information.

(3) Notwithstanding clause (1), the department may collect student information in an aggregated format that does not reveal the identifying information of an individual student.

(4) To the extent the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) or a successor Federal statute requires an institution of higher education to obtain a student's written consent to the disclosure of identifying information, those provisions shall apply.

(5) An institution of higher education that discloses identifying information to the department at the department's request shall not be held liable in any court of law for any breach of confidentiality pertaining to such identifying information that resulted from actions of the department or the department's staff, contractors or researchers, whether paid or unpaid.

(b) The Secretary of Education shall establish an advisory committee to offer recommendations to the Department of

Education concerning the department's collection of identifying information and other data from institutions of higher education. The following shall apply to the advisory committee established under this section:

(1) The secretary shall appoint six (6) members to the advisory committee, including the following:

(i) A representative of a community college operating under Article XIX-A.

(ii) A representative of the State System of Higher Education.

(iii) A representative of an institution of higher education that is designated as "State-related" by the Commonwealth.

(iv) A representative of an accredited private or independent college or university.

(v) A representative of a private licensed school.

(vi) A representative of the department's information technology staff.

(2) The advisory committee shall meet at least quarterly at the call of the secretary or the secretary's designee, who shall serve as chairperson. The first meeting of the advisory committee shall occur within sixty (60) days of the effective date of this section.

(3) Members of the advisory committee shall serve without compensation.

(c) For purposes of this section, the following words and phrases shall have the following meanings:

"Identifying information" shall mean any document, photographic, pictorial or computer image of another person or any fact used to establish identity, including, but not limited to, a name, birth date, Social Security number, driver's license number, nondriver governmental identification number, telephone number, checking account number, savings account number, student identification number, employee or payroll number, residence address, mailing address, e-mail address or electronic signature.

"Institution of higher education" includes any of the following:

(1) A community college operating under Article XIX-A.

(2) A university within the State System of Higher Education.

(3) The Pennsylvania State University.

(4) The University of Pittsburgh.

(5) Temple University.

(6) Lincoln University.

(7) Any other institution that is designated as "State-related" by the Commonwealth.

(8) Any accredited private or independent college or university.

(9) Any private licensed school as defined in the act of December 15, 1986 (P.L.1585, No.174), known as the "Private Licensed Schools Act."

"Student" shall mean a person who attends an institution of higher education, whether enrolled on a full-time, part-time, credit or noncredit basis.

(118 added June 30, 2011, P.L.112, No.24)

Section 119. Adjustments Based on Consumer Price Index.--(119 repealed June 30, 2012, P.L.684, No.82)

Compiler's Note: Section 5 of Act 97 of 2011, which added section 119, provided that Act 97 shall apply to contracts and purchases advertised on or after January 1 of the year following the effective date of section 5.

Section 120. Adjustments Based on Consumer Price Index.--Adjustments to the base amounts shall be made as follows:

(1) The Department of Labor and Industry shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending September 30, 2012, and for each successive twelve-month period thereafter.

(2) If the Department of Labor and Industry determines that there is no positive percentage change, then no adjustment to the base amounts shall occur for the relevant time period.

(3) (i) If the Department of Labor and Industry determines that there is a positive percentage change in the first year that the determination is made under paragraph (1), the positive percentage change shall be multiplied by each base amount, and the products shall be added to the base amounts, respectively, and the sums shall be preliminary adjusted amounts.

(ii) The preliminary adjusted amounts shall be rounded to the nearest one hundred dollars (\$100) to determine the final adjusted base amounts.

(4) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary adjusted amounts, and the products shall be added to the preliminary adjusted amount of the prior year to calculate the preliminary adjusted amounts for the current year. The sums thereof shall be rounded to the nearest one hundred dollars (\$100) to determine the new final adjusted base amounts.

(5) The determinations and adjustments required under this section shall be made in the period between October 1 and November 15, 2012, and annually between October 1 and November 15 of each year thereafter.

(6) The final adjusted base amounts and new final adjusted base amounts obtained under paragraphs (3) and (4) shall become effective January 1 for the calendar year following the year in which the determination required under paragraph (1) is made.

(7) The Department of Labor and Industry shall publish notice in the Pennsylvania Bulletin prior to January 1 of each calendar year of the annual percentage change determined under paragraph (1) and the unadjusted or final adjusted base amounts determined under paragraphs (3) and (4) at which competitive bidding is required and written or telephonic price quotations are required, respectively, for the calendar year beginning the first day of January after publication of the notice. The notice shall include a written and illustrative explanation of the calculations performed by the Department of Labor and Industry in establishing the unadjusted or final adjusted base amounts under this section for the ensuing calendar year.

(8) The annual increase in the preliminary adjusted base amounts obtained under paragraphs (3) and (4) shall not exceed three percent (3%).

(120 added June 30, 2012, P.L.684, No.82)

Section 121. Keystone Exams.--(a) The Department of Education shall develop and implement Keystone Exams in algebra I, literature and biology. The State Board of Education shall promulgate regulations, subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this section. ((a) amended June 21, 2017, P.L.200, No.6)

(b) The following shall apply:

(1) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code § 4.24 (relating to high school graduation requirements), 4.51 (relating to State assessment system) or 4.51c (relating to project-based assessment) or any statute or regulation to the contrary, the use of the Keystone Exams as a graduation requirement or as a benchmark for the need for participation in a project-based assessment shall be delayed until the 2018-2019 school year.

(2) The Department of Education shall investigate and develop alternatives in addition to the use of the Keystone Exams as a requirement for graduation and shall, within six (6) months of the effective date of this paragraph, issue a report of the Department of Education's findings and recommendations, including proposed legislation, to the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives. The report shall, at a minimum, contain a detailed plan and timeline within which the Department of Education shall accomplish all of the following:

(i) Implement alternative methods for students to demonstrate proficiency for graduation in addition to the Keystone Exams, the project-based assessments and other alternative assessments provided for in 22 Pa. Code § 4.24.

(ii) Improve and expedite the evaluation of project-based assessments.

(iii) Ensure that no student is prohibited from participation in vocational-technical education or elective courses or programs as a result of supplemental instruction required in 22 Pa. Code §§ 4.24(k) and 4.51b(f) (relating to Keystone Exams).

(c) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code § 4.24 (relating to high school graduation requirements) or 4.51 (relating to State assessment system) or any statute or regulation to the contrary, in any school year in which a demonstration of proficiency on a Keystone Exam is required for high school graduation, a CTE Concentrator shall be deemed proficient provided that the CTE Concentrator shall meet all of the following requirements:

(1) completes locally established grade-based requirements for academic content areas associated with each Keystone Exam on which the CTE Concentrator did not achieve proficiency. For the purposes of this paragraph, completion of grade-based requirements in any science and technology and environment and ecology course shall satisfy the requirements for the academic content area associated with the Keystone Exam in biology; and

(2) completes one of the following:

(i) attains an industry-based competency certification related to the CTE Concentrator's program of study; or

(ii) demonstrates a high likelihood of success on an approved industry-based competency assessment or readiness for continued meaningful engagement in the CTE Concentrator's program of study as demonstrated by performance on benchmark assessments, course grades and other factors consistent with the CTE Concentrator's goals and career plan.

((c) added June 21, 2017, P.L.200, No.6)

(d) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Approved industry-based competency assessment." A NOCTI exam, NIMS assessment or other industry-based competency

assessment identified by the Secretary of Education and approved by the State Board of Education.

"CTE Concentrator." A student who, by the end of a reporting year, will be reported as successfully completing at least fifty percent (50%) of the minimum technical instructional hours required under 22 Pa. Code Ch. 339 (relating to vocational education).

"NIMS assessment." An assessment based on the National Institute for Metalworking Skills standards.

"NOCTI exam." A National Occupational Competency Testing Institute exam.

((d) added June 21, 2017, P.L.200, No.6)

(121 amended Feb. 3, 2016, P.L.1, No.1)

Section 122. Special Education Funding Commission.--(a)

There is hereby established a Special Education Funding Commission.

(b) The Special Education Funding Commission shall review and make recommendations related to special education funding as provided in this section.

(c) (1) The commission shall consist of the following members:

(i) The chair and minority chair of the Education Committee of the Senate and the chair and minority chair of the Education Committee of the House of Representatives, or their designees.

(ii) Two (2) legislators from each of the four (4) legislative caucuses, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives in consultation with the Majority and Minority Leaders of the Senate and the Majority and Minority Leaders of the House of Representatives.

(iii) The Secretary of Education or a designee.

(iv) The Secretary of the Budget or a designee.

(v) The Deputy Secretary for Elementary and Secondary Education or a designee.

(2) The commission shall appoint a member to serve as chair of the commission.

(d) The commission shall hold its first meeting within thirty (30) days of the effective date of this section, regardless of whether the Governor or all legislative caucuses have actually approved members to the commission.

(e) The commission shall hold meetings at the call of the chair.

(f) The members may not receive compensation for their services but shall be reimbursed for all necessary travel and other reasonable expenses incurred in connection with the performance of their duties as members of the commission.

(g) The General Assembly shall provide administrative support, meeting space and any other assistance required by the commission to carry out its duties under this section in cooperation with the department. The department shall provide the commission with data, research and other information upon request by the commission.

(h) The commission shall develop a special education formula and identify factors that may be used to determine the distribution of a change in special education funding among the school districts in this Commonwealth.

(i) The commission shall have all of the following powers and duties:

(1) Review and make findings and recommendations related to special education funding in this Commonwealth.

(2) Consult with and utilize experts to assist in carrying out the duties under this subsection.

(3) Receive input from interested parties, including, but not limited to, charter and cyber charter school operators, and gather information on the identification of children as eligible students by charter and cyber charter schools. The commission shall also receive input and gather information on charter and cyber charter school funding reimbursements regarding eligible students. The commission shall draft proposed regulations and proposed legislation based on its findings.

(4) Hold public hearings in different regions of this Commonwealth.

(5) Issue a report of its findings and recommendations to the Governor, the President pro tempore of the Senate, the Majority Leader and Minority Leader of the Senate, the Education Committee of the Senate, the Speaker of the House of Representatives, the Majority Leader and Minority Leader of the House of Representatives, the Education Committee of the House of Representatives, the Secretary of Education and the State Board of Education not later than November 30, 2013. ((5) amended July 9, 2013, P.L.408, No.59)

(6) Determine the factors under this paragraph that may include all of the following:

(i) Three (3) cost categories of eligible students, established so that students with disabilities typically requiring the least intensive range of services would comprise Cost Category 1, students with disabilities typically requiring a middle range of services would comprise Cost Category 2 and students with disabilities typically requiring the most intensive range of services would comprise Cost Category 3. The commission shall determine a description of and parameters for each of the three (3) cost categories.

(ii) A student count for each school district averaged for each of the three (3) most recent years for each cost category of eligible students. For Cost Category 3, the number of eligible students residing or enrolled in the school district and classified in Cost Category 3 shall be calculated in a manner that limits the potential incentive for school districts to overidentify, except for the number of eligible students who are placed by the school district and served in public or private separate schools, residential placements or homebound or hospital placements.

(iii) A weighting factor that differs for each of the three (3) cost categories of students with disabilities based on the typical range of services for each cost category.

(iv) Adjustments for any of the following:

(A) The market value/personal income aid ratio averaged for each of the three (3) most recent years for each school district.

(B) The equalized millage rate averaged for each of the three (3) most recent years for each school district.

(C) Geographic price differences identified for each school district.

(v) A proportional system for distributing the changes in special education funding among the school districts, based on factors listed in this section.

(vi) Development and implementation by the department of improved systems for collecting and documenting student enrollment and membership in public schools, including revised methods for calculating average daily membership.

(vii) Other factors related to the distribution of special education funding.

(7) Review and consider special education funding factors utilized throughout the United States.

(8) In developing the special education funding factors under subsection (h) and in completing the report required under this subsection, consider the impact these factors may have on the distribution of special education funding among the school districts.

(9) Review the administration of State and regional special education programs and services to determine if cost savings may be achieved and make recommendations to implement the savings.

(10) Consult with and utilize experts to assist the commission in carrying out the duties under this subsection.

(11) Prior to recommending a special education formula under this section, consider nationally accepted accounting and budgeting standards.

(j) The special education formula developed by the commission shall not go into effect unless the formula is approved by an act of the General Assembly enacted after the effective date of this section.

(k) Every five (5) years the commission shall be reconstituted in accordance with subsection (c) and shall meet and hold public hearings to review the operation of the special education funding provisions of this section, shall make a further report and shall issue the report to the recipients listed in subsection (i) (5). When in receipt of a further report recommending changes to the special education funding formula, the General Assembly shall consider and take action to enact the formula into law in accordance with subsection (j).

(l) The General Assembly shall, through the annual appropriations process, determine the level of State funding for special education and the amount of any change in funding. The special education formula developed under this section shall determine only the distribution of any increase in special education funding among the school districts of this Commonwealth above the amount of special education funding in the base year and shall not be used for any other purpose.

(m) Notwithstanding any provision of law to the contrary, for the 2013-2014 school year and each school year thereafter, any State funding for special education in an amount that does not exceed the amount of State funding for special education in the base year shall be allocated in the same manner as the State funding was allocated in the base year.

(n) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Base year." Fiscal year 2010-2011.

"Commission." The Special Education Funding Commission established under this section.

"Department." The Department of Education of the Commonwealth.

(122 added Apr. 25, 2013, P.L.12, No.3)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Compiler's Note: Section 4 of Act 3 of 2013 provided that the Secretary of Education shall propose regulations for promulgation by the State Board of Education which implement section 122.

Section 123. Basic Education Funding Commission.--(a) There is hereby established a Basic Education Funding Commission.

(b) The commission shall review and make recommendations related to basic education funding as provided in this section.

(c) (1) The commission shall consist of the following members:

(i) The chair and minority chair of the Education Committee of the Senate and the chair and minority chair of the Education Committee of the House of Representatives or their designees.

(ii) Two (2) legislators from each of the four (4) legislative caucuses, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, in consultation with the Majority Leader and Minority Leader of the Senate and the Majority Leader and Minority Leader of the House of Representatives.

(iii) The Secretary of Education or a designee.

(iv) The Deputy Secretary for Elementary and Secondary Education or a designee.

(v) An individual appointed by the Governor from within the Governor's Administration.

(2) The commission shall appoint a member to serve as chair of the commission.

(d) The commission shall hold its first meeting within forty-five (45) days of the effective date of this section, regardless of whether the Governor or all legislative caucuses have actually approved members to the commission.

(e) The commission shall hold meetings at the call of the chair.

(f) The members may not receive compensation for their services but shall be reimbursed for all necessary travel and other reasonable expenses incurred in connection with the performance of their duties as members of the commission.

(g) The General Assembly shall provide administrative support, meeting space and any other assistance required by the commission to carry out its duties under this section in cooperation with the department. The department shall provide the commission with data, research and other information upon request by the commission.

(h) The commission shall develop a basic education funding formula and identify factors that may be used to determine the distribution of basic education funding among the school districts in this Commonwealth. The factors identified under this subsection may include all of the following:

(1) The market value/personal income aid ratio averaged for each of the three (3) most recent years for each school district.

(2) The equalized millage rate averaged for each of the three (3) most recent years for each school district.

(3) Geographic price differences identified for each school district.

(4) Whether a school district has experienced exceptionally high enrollment growth.

(5) Whether a school district has an exceptionally high level of local support.

(6) Whether a school district has a high level of its students in poverty as identified as eligible for free or reduced price meals under the National School Lunch Program.

(7) Whether a school district has students identified as limited English proficient.

(8) Whether the district has a scarce or dense population in relation to the district size.

(9) Other factors related to the distribution of basic education funding.

(i) The commission shall have all of the following powers and duties:

(1) Review and make findings and recommendations related to basic education funding in this Commonwealth.

(2) Consult with and utilize experts to assist the commission in carrying out the duties under this subsection.

(3) Receive input from interested parties, including, but not limited to, school districts and charter and cyber charter school operators.

(4) Hold public hearings in different regions of this Commonwealth.

(5) Review and consider basic education funding formulas and factors utilized throughout the United States.

(6) In identifying the basic education funding factors under subsection (h) and in completing the report required under this subsection, consider the impact these factors may have on the distribution of basic education funding among the school districts.

(7) Review the administration of State and regional basic education programs and services to determine if cost savings may be achieved and make recommendations to implement the savings.

(8) Prior to recommending a basic education funding formula under this section, consider the potential consequences of a basic education funding formula that does not allocate to each school district at least the same level or proportion of State basic education funding as the school district received in the prior school year.

(9) Prior to recommending a basic education funding formula under this section, consider nationally accepted accounting and budgeting standards.

(10) Develop a proposed basic education funding formula and factors pursuant to subsection (h).

(11) Draft proposed regulations and proposed legislation based on the commission's findings.

(12) Issue a report of the commission's findings and recommendations to the Governor, the President pro tempore of the Senate, the Majority Leader and Minority Leader of the Senate, the Education Committee of the Senate, the Speaker of the House of Representatives, the Majority Leader and Minority Leader of the House of Representatives, the Education Committee of the House of Representatives, the Secretary of Education and the State Board of Education not later than one (1) year after the effective date of this section.

(j) The basic education formula developed by the commission shall not go into effect unless the formula is approved by an act of the General Assembly enacted after the effective date of this section.

(k) Every five (5) years, the commission shall be reconstituted in accordance with subsection (c), shall meet and hold public hearings to review the operation of the basic education funding provisions of this section, shall make a further report and shall issue the report to the recipients listed in subsection (i)(12).

(l) The General Assembly shall, through the annual appropriations process, determine the level of State funding for basic education.

(m) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Commission." The Basic Education Funding Commission established under this section.

"Department." The Department of Education of the Commonwealth.

(123 added June 10, 2014, P.L.675, No.51)

Section 124. Powers and Duties of the Secretary of Education.--(a) On behalf of the Commonwealth, the Secretary of Education shall have the authority and duty to enter into and administer membership in a regional compact and an interstate reciprocity agreement for the provision of postsecondary distance education by the following:

(1) Institutions of higher education to students in other states, territories and districts party to such agreement.

(2) Postsecondary institutions in other states, territories or districts that are a party to such agreement to students in this Commonwealth.

(b) The Department of Education may charge administrative fees to institutions of higher education that choose to participate in the agreement, not to exceed the amount necessary to pay the administrative costs of the agreement. The department may promulgate final-omitted regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this subsection, provided that such final-omitted regulations shall expire June 30, 2018. After June 30, 2018, any revisions to the administrative fees charged under this subsection shall be made through regulations promulgated under the "Regulatory Review Act."

(c) The Postsecondary Distance Education Interstate Reciprocity Agreement Restricted Receipts Account is established as a special restricted receipts account within the General Fund of the State Treasury, from which the Department of Education may draw moneys for the purpose of agreement expenses, the costs of administering and implementing the agreement and all other costs associated with the activities of the department related to implementation of this section. This account shall consist of all administrative fees deposited under subsection (b) and State funds appropriated for use under this section. The restricted receipts account shall be subject to audit by the Auditor General.

(d) For purposes of this section, "institution of higher education" shall have the meaning given in section 118.

(124 added June 1, 2016, P.L.252, No.35)

Section 125. Duties of Public School Building Construction and Reconstruction Advisory Committee.--(a) The Public School Building Construction and Reconstruction Advisory Committee established under section 1708-E.2 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, as part of its duties shall review and report on whether the Commonwealth should implement a comprehensive public school building safety program, which may include:

(1) Regular safety inspections.

(2) Building and building component inspections.

(3) A system of rating school building safety.

(4) Periodic surveys of the inventory and condition of school buildings.

(5) Any other information related to school building safety in and of this Commonwealth's public school buildings, as the committee deems appropriate.

(b) (Reserved).

(125 added July 13, 2016, P.L.716, No.86)

ARTICLE II. SCHOOL DISTRICTS.

(a) Designation and Classification.

Section 201. How Constituted.--All school districts shall remain as now constituted until changed as authorized by this act. Except as otherwise now or hereafter constituted, each city, incorporated town, borough, or township in this Commonwealth, now existing or hereafter created, shall constitute a separate school district, to be designated and known as the "School District of:" Provided, That where any city, incorporated town, borough, or township, or a part of the school district remaining after its separation would constitute a third or fourth class school district, it shall remain a part of the school district to which it formerly belonged until the change to a new school district is approved by the Council of Basic Education, as hereinafter provided.

(201 amended Oct. 21, 1965, P.L.601, No.312)

Section 202. Classification.--The several school districts of the Commonwealth are hereby divided into five classes, as follows:

Each school district having a population of one million (1,000,000), or more, shall be a school district of the first class;

Each school district having a population of two hundred fifty thousand (250,000), or more, but of less than one million (1,000,000), shall be a school district of the first class A;

Each school district having a population of thirty thousand (30,000), or more, but of less than two hundred fifty thousand (250,000), shall be a school district of the second class;

Each school district having a population of five thousand (5,000), or more, but of less than thirty thousand (30,000), shall be a school district of the third class.

Each school district having a population of less than five thousand (5,000) shall be a school district of the fourth class.

(202 amended June 22, 2001, P.L.530, No.35)

Section 203. Creation of New Cities, Boroughs, and Townships.--When a new school district is formed by the creation of a new city, borough, or township, the court of common pleas having jurisdiction shall determine and enter in its decree the class of school districts to which such new district, if formed, shall belong, and if of the first, first class A, or second class, it shall thereupon become a new school district of such class. If the newly created city, borough, or township would constitute a school district of the fourth class, the court of common pleas having jurisdiction shall so certify and a new school district shall be formed only if and when it is approved by the Council of Basic Education as hereinafter provided.

(203 amended Oct. 21, 1965, P.L.601, No.312)

Section 204. Basis for and Change of Classification.--Except as provided in clause (2) of this section, the last United States census, as set forth in the official report thereof, shall be the basis on which the population of the several school districts shall be computed. A change from one class of school district to another shall be made in the following cases, and in no other:--(Par. amended July 3, 1957, P.L.455, No.253)

(1) After the taking of a United States census showing the population of any school district to be such as to entitle it to be changed from one class of school district to another;

(2) When a district, which at a decennial census, had sufficient population to entitle it to an advance to another class of district, has since suffered a large decrease in population, or which at a decennial census did not have sufficient population to entitle it to an advance to another class of district and has since increased in population, a

census of the district may be authorized by the board of school directors of the district, and, if it shall appear that said district has not the required population to remain in the class in which the same then is or if it shall appear that the district has sufficient population to entitle it to advance to another class of district, the Superintendent of Public Instruction, on the request of the board of school directors and upon receipt of the facts disclosed by said census, may issue his proclamation declaring such district to be of the class to which it properly belongs, as disclosed by the census of the school board. ((2) amended Aug. 11, 1959, P.L.667, No.217)

(3) Where the population of two districts combined subsequent to the taking of a United States census and ascertained by such census is such as to entitle the new or combined district to be in a class different from the class of either of the districts so combined;

(4) Where, since the last preceding United States census, any territory has been annexed to any city, borough, town, or township, whereby the population of such city, borough, town, or township has been increased, and the population of such annexed territory cannot be ascertained from the last preceding census of the United States, the directors of the school districts affected by such annexation may apply to the court of common pleas for the appointment of a commissioner to make an enumeration of the population of such annexed territory. The court shall certify the population of the annexed territory so ascertained, together with the population of the city, borough, town, or township, as shown by the last preceding United States census, to the Superintendent of Public Instruction. The cost of the proceeding, including reasonable compensation for the commissioner, to be fixed by the court, shall be paid by the school district.

Section 205. Change of Class; How Effectuated.--Whenever it shall appear, in any case hereinafter enumerated, that the population of any school district in this Commonwealth is such that it should be included in another class of school districts, the Superintendent of Public Instruction shall issue a certificate to said school district to that effect, and such school district shall, with the beginning of the next school year after said certificate has been issued, become a school district of the class to which it properly belongs. The provisions of this section shall apply when:--

(1) The Superintendent of Public Instruction, after the taking of each United States census, has canvassed the same, so far as it relates to the population of the several school districts, which he is hereby required to do;

(2) Territory comprising a separate school district is annexed to a city, borough, or township, and the decree of the court or the vote of the electors effecting such annexation has been certified to the Superintendent of Public Instruction;

(3) Territory has been annexed to a city, borough, town, or township, and enumeration of the population of such annexed territory has been made.

(b) Powers and Duties, etc.

Section 211. General Powers of Districts.--The several school districts in this Commonwealth shall be, and hereby are vested as, bodies corporate, with all necessary powers to enable them to carry out the provisions of this act.

Section 212. Corporate Seal.--Each school district in this Commonwealth may, by a majority vote of the members of the board of school directors of such district, adopt a corporate seal for the use of said district. The seal shall have engraved thereon the following: "School District of, Pennsylvania," and such other inscription or design as the board of school directors may direct.

Section 213. Right to Sue and be Sued.--Each school district shall have the right to sue and be sued in its corporate name. Any legal process against any school district shall be served on the president or secretary of its board of school directors.

Section 214. Competency as Witnesses.--No person, on account of being a taxpayer or resident in any school district, shall, by reason thereof, be incompetent to testify in any suit or action in which such school district is a party.

Section 215. Conveyances by Districts.--Any deed for school property, properly executed and delivered in the name of any school district as established by this act, shall convey to the grantee the entire interest of the grantor in such property, irrespective of the manner or name in which said property was conveyed to or acquired by, or is held by, the school district conveying the same.

Section 216. Gifts to Districts; Investment Accounts.--(a) It shall be lawful for any school district to receive and hold, absolutely or in trust, any devise, bequest, grant, endowment, gift, or donation of any property, real or personal, which shall be made to said school district or for any of the purposes of this act. Any such devise, bequest, grant, endowment, gift, or donation shall be administered by or under the direction of the board of directors of the district to which it is made, subject to all the conditions and trusts thereto annexed. The board of school directors shall not be obliged to accept any such devise, bequest, grant, endowment, gift, or donation unless it deems it proper so to do.

(b) The board of school directors shall promptly invest, and keep invested as constantly as possible and to the best advantage, any devise, bequest, grant, endowment, gift, or donation accepted, and the proceeds thereof. Such investment may be made in obligations declared to be legal investments in the act of May twenty-six, one thousand nine hundred forty-nine (Pamphlet Laws 1828), known as the "Fiduciaries Investment Act of 1949." ((b) amended Sept. 27, 1955, P.L.649, No.172)

(c) It shall be the duty of the board of school directors to keep an accurate account of all devises, bequests, grants, endowments, gifts, and donations accepted, the income arising therefrom, the proceeds thereof, and the expenses of administering the same; and at the end of each fiscal year to render a detailed statement of such devises, bequests, grants, endowments, gifts, and donations, held and possessed by such school district, the proceeds thereof, the investments which have been made therewith, the income arising therefrom, the expenses of administration, and the purposes to which the income arising therefrom have been applied. Such statement shall be audited as hereinafter provided for the auditing of school finances.

Section 217. Unlawful Gifts.--It shall be unlawful for any member of or any board of school directors to demand, request, or accept, directly or indirectly, any gift or donation from any teacher or supervisor within its employ.

Section 218. Reports to Department of Education.--(a) An annual financial report shall be submitted to the Secretary of

Education by each school district, charter school, cyber charter school and area vocational-technical school not later than the 31st day of October. All financial accounting and reporting by school districts, charter schools, cyber charter schools and area vocational-technical schools to the Department of Education shall be in accordance with generally accepted accounting and reporting standards, except that management discussion and analysis and related notes and the following financial statements shall not be required components of the annual financial report: entity-wide financial statements, including the statement of activities and the statement of net assets; the reconciliation of the balance sheet - governmental funds to statement of net assets; and the reconciliation of the statement of revenues, expenditures and changes in fund balances - governmental funds to statement of activities. The Department of Education shall establish a reporting standard for the annual financial report.

(b) The chief school administrator and board secretary of a school district, charter school, cyber charter school or area vocational-technical school shall submit a signed statement to the Department of Education not later than the 31st day of December of each year certifying that: the audited financial statements of the school district, charter school, cyber charter school or area vocational-technical school have been properly audited pursuant to Article XXIV and that in the independent auditor's professional opinion, the financial information submitted in the annual financial report was materially consistent with the audited financial statements.

(c) If the financial information submitted in the annual financial report was not materially consistent with the audited financial statements, the school district, charter school, cyber charter school or area vocational-technical school shall submit a revised annual financial report to the Department of Education not later than the 31st day of December.

(d) The Department of Education shall order the forfeiture penalties provided for under section 2552.1(a.1) against a school district, charter school, cyber charter school or area vocational-technical school for failure to timely submit an annual financial report or revised annual financial report.

(218 amended Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which amended section 218, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 219. National Assessment Tests.--A school district selected to participate in a national assessment of public school students' education progress authorized by the Federal Department of Education shall administer the assessment.

(219 added June 22, 2001, P.L.530, No.35)

Section 220. State Report Card.--(a) The department shall create a State Report Card based on the information collected pursuant to this section. The department:

(1) Shall inform the public of the availability of the State Report Card prior to publication.

(2) Shall publish on its World Wide Web site the State Report Card, providing information at the State, local education agency and school levels. The State Report Card shall include all of the following:

(i) Information regarding the number of schools and school districts that have achieved adequate yearly progress and the

number of schools and school districts that have not achieved adequate yearly progress.

(ii) Information regarding the number of schools and school districts that have achieved each academic performance target and the number of schools and school districts that have not achieved each academic performance target.

(iii) Information regarding the number of schools and school districts in which more than five percent (5%) of the students to whom the PSSA test was administered were enrolled in the school district for less than two (2) school years as of the day on which the PSSA test was administered.

(iv) Information regarding the number of schools and school districts identified under subparagraph (iii) that have achieved each academic performance target and the number of schools and school districts that have not achieved each academic performance target. For the purposes of this subparagraph, achievement of the academic performance target shall be calculated by excluding the PSSA test score of any student who was enrolled in the school district for less than two (2) school years as of the day on which the PSSA test was administered.

(v) Information regarding the number of schools and school districts in which more than five percent (5%) of the students to whom the PSSA test was administered were classified as limited English proficient as of the day on which the PSSA test was administered.

(vi) Information regarding the number of schools and school districts identified under subparagraph (v) that have achieved each academic performance target and the number of schools and school districts that have not achieved each academic performance target. For the purposes of this subparagraph, achievement of the academic performance target shall be calculated by excluding the PSSA test score of any student who was classified as limited English proficient as of the day on which the PSSA test was administered.

(vii) Information regarding the number of schools and school districts in which more than sixteen percent (16%) of the students to whom the PSSA test was administered were classified as students with a disability as of the day on which the PSSA test was administered.

(viii) Information regarding the number of schools and school districts identified under subparagraph (vii) that have achieved each academic performance target and the number of schools and school districts that have not achieved each academic performance target. For the purposes of this subparagraph, achievement of the academic performance target shall be calculated by excluding the PSSA test score of any student who was classified as a student with a disability as of the day on which the PSSA test was administered.

(3) Shall issue guidelines concerning the collection and submission of data as necessary to ensure continued compliance with Federal and State laws, regulations and standards.

(4) May conduct audits of the data submitted by local education agencies under subsection (b) for the purpose of assuring accuracy and completeness. If the department determines to conduct audits under this paragraph, the department shall issue guidelines for the conduct of such audits, including the percentage of local education agencies to be audited on a yearly basis. In conducting such audits, the department shall coordinate with the Department of the Auditor General. Nothing in this section shall be construed to expand the auditing authority of the Auditor General.

(b) A local education agency shall do all of the following:

(1) Collect data and submit it in a form and manner prescribed by the department. The data shall include:

(i) The information described in section 1111(h)(1)(C) of the No Child Left Behind Act of 2001 as applied to the local education agency as a whole and to each of its schools.

(ii) The information described in section 1111(h)(2)(B)(i) and (ii) of the No Child Left Behind Act of 2001.

(iii) Any other information required to comply with the No Child Left Behind Act of 2001.

(iv) Any information described in 22 Pa. Code § 4.61 (relating to school profiles) that is not included under subparagraph (i), (ii) or (iii).

(v) Information on the number of students to whom the PSSA test was administered who were enrolled in the school district for less than two (2) school years as of the day on which the PSSA test was administered.

(vi) Information on the number of students to whom the PSSA test was administered who were classified as limited English proficient as of the day on which the PSSA test was administered.

(vii) Information on the number of students to whom the PSSA test was administered who were classified as students with a disability as of the day on which the PSSA test was administered.

(2) Disseminate the information collected in paragraph (1) in accordance with the public dissemination requirements of section 1111(h)(2)(E) of the No Child Left Behind Act of 2001.

Nothing in this section shall excuse a local education agency from complying with the requirements of the No Child Left Behind Act of 2001 not specifically referenced in this section.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Department." The Department of Education of the Commonwealth.

"Local education agency." A school district, cyber charter school, charter school, area vocational-technical school or intermediate unit.

(220 amended July 7, 2006, P.L.611, No.94)

Compiler's Note: Section 4 of Act 153 of 2002, which added section 220, provided that the purpose of section 220 is to provide the taxpayers and the parents of students in this Commonwealth with information related to the performance of school districts, intermediate units, area vocational-technical schools, charter schools and cyber charter schools; to assist taxpayers and parents in making informed decisions about the performance of those school entities; and to hold those school entities accountable to high academic standards.

Section 221. Value-added Assessment System.--(a) Beginning on the effective date of this section, the Department of Education shall make available on its publicly accessible Internet website the following:

(1) Value-added assessment system data for the school district level and the school level. The Department of Education's disclosure of value-added assessment system data shall be subject to the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) or a successor Federal statute.

(2) Instructions that may assist the public in understanding and interpreting the data provided under paragraph (1).

(b) For purposes of this section:

"Value-added assessment system" shall mean a statistical analysis of results on the Pennsylvania System of School Assessment test or any other test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) pursuant to 22 Pa. Code § 403.3 (relating to single accountability system) that uses measures of student learning to enable the estimation of school or school district statistical distributions.

(221 added Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which added section 221, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 221.1. Moratorium on Certain Data Collection Systems and Data Sets.--(a) For the school years 2011-2012 and 2012-2013, the Department of Education and the Department of Public Welfare shall suspend the collection of data through Pennsylvania's Enterprise to Link Information for Children Across Network (PELICAN) and the Pennsylvania Information Management System (PIMS) except as follows:

(1) Information required to meet Federal mandates in the following:

(i) The Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6301 et seq.).

(ii) The Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(iii) The Educational Technical Assistance Act of 2002 (Public Law 107-279, 116 Stat. 1975).

(iv) Title VI of the America COMPETES Act or the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act (Public Law 110-69, 121 Stat. 572).

(v) The American Recovery and Reinvestment Act of 2009 (Public Law 111-5, 123 Stat. 115).

(vi) The Head Start Act (Public Law 97-35, 42 U.S.C. § 9831 et seq.).

(vii) The Child Care and Development Block Grant Act of 1990 (Public Law 101-508, 42 U.S.C. § 9858 et seq.).

(viii) The Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.).

(ix) Any data pursuant to other Federal requirements and to meet eligibility requirements for Federal funds.

(2) Pennsylvania Value-Added Assessment System (PVAAS), including any revisions or improvements made to the system.

(3) Information required by the Department of Public Welfare to supervise, license or register a child-care provider under Articles IX and X of the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code."

(4) Information relating to background checks required in section 111 and in 23 Pa.C.S. §§ 6344 (relating to information relating to prospective child-care personnel) and 6344.1 (relating to information relating to family day-care home residents).

(5) Information necessary for all payments or reimbursement by the Commonwealth.

(6) Information required to be reported pursuant to Article XIII-A of this act.

(7) Information which is voluntarily provided by an institution of higher education.

((a) amended June 30, 2012, P.L.684, No.82)

(b) The Department of Education and the Department of Public Welfare shall notify their affected program participants no later than August 1, 2011, of the data elements required to comply with the laws and programs identified in subsection (a).

(c) By February 1, 2012, the Department of Education and the Department of Public Welfare shall provide a report to the Education Committee of the Senate, the Public Health and Welfare Committee of the Senate, the Education Committee of the House of Representatives and the Children and Youth Committee of the House of Representatives which shall include the following:

(1) Category of the data to include the child, family, program and staff.

(2) Data elements to be collected and the law requiring the data and its intended use.

(3) Total funding expended as of December 2011, including funding source to develop, implement and maintain the system.

(4) Long-term cost projections to administer and maintain the information systems. The projections shall include costs to the Commonwealth and the program participants.

(5) Any law needed to authorize the departments to collect, use and distribute the information.

(d) The Department of Education and the Department of Public Welfare shall not be required to complete reports that include data elements within the moratorium of this section.

(221.1 added June 30, 2011, P.L.112, No.24)

Compiler's Note: The short title of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, referred to in this section, was amended by the act of December 28, 2015 (P.L.500, No.92). The amended short title is now the Human Services Code.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 221.2. Data Collection Reduction.--(a) The State Board, in consultation with the advisory committee, shall:

(1) Review data collection requirements existing as of the effective date of this section that are imposed on public school entities in the areas of finance, human resources, food services, transportation, child accounting, athletics, health and special education. In the review, the advisory committee shall also consider whether the data has a valuable purpose to inform policymakers and the public about the operation of public school entities.

(2) Identify those data collection requirements that are redundant, overly burdensome or no longer necessary.

(3) Within one hundred eighty (180) days of the effective date of this section, issue a report of its findings and recommendations based on the data collection requirements identified under paragraph (2) to the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives and post the report on the department's publicly accessible Internet website.

(b) (1) Notwithstanding any other provision of law, by the conclusion of the school year following the issuance of the report required under subsection (a)(3), the department shall terminate all data collection requirements imposed on public school entities identified under subsection (a)(2) that are not required by statute or regulation.

(2) Once a data collection requirement has been terminated under this section, the department may not resume the collection

of any data subject to the terminated data collection requirement.

(c) (1) Within thirty (30) days of the effective date of this section, the State Board shall establish an advisory committee consisting of:

(i) The Secretary of Education or a designee.

(ii) The chairperson and minority chairperson of the Education Committee of the Senate or their designees.

(iii) The chairperson and minority chairperson of the Education Committee of the House of Representatives or their designees.

(iv) The following members, to be appointed by the State Board in consultation with education associations representing school districts, intermediate units, public school employes, charter school entities and area vocational-technical schools:

(A) Two school district business managers.

(B) Two intermediate unit business managers.

(C) Two charter school entity business managers.

(D) Two area vocational-technical school business managers.

(E) One representative from a school district board of school directors.

(F) One representative from an intermediate unit board of directors.

(G) One representative from a charter school entity board of trustees.

(H) One representative from an area vocational-technical school joint operating committee.

(I) One member of a Statewide association representing public school entity employes that has a membership on the effective date of this section of greater than 140,000 public school entity employes.

(2) The advisory committee shall hold its first meeting within forty-five (45) days of the effective date of this section.

(3) The State Board shall provide administrative support, meeting space and any other assistance required by the advisory committee to carry out its duties under this section.

(d) For all new public school entity data collection requirements instituted after the effective date of this section that are not the result of legislation enacted by the General Assembly, the department shall provide the following information to all public school entities and to the General Assembly sixty (60) days prior to the first deadline for any new data collection requirement:

(1) a justification for the data collection, including a statement indicating why the data collection is necessary for the proper performance of the department's functions;

(2) an explanation of how the department will use the data collected;

(3) an explanation of how the department will share the data with public school entities;

(4) a statement affirming that the data collection will not impose any unjustified costs on public school entities or require duplication of existing data collection requirements; and

(e) Any data collection requirement imposed by the Federal Government shall not be subject to this section.

(f) For purposes of this section:

(1) "Advisory committee" shall mean the advisory committee established under subsection (c).

(2) "Charter school entity" shall mean a charter school, regional charter school or cyber charter school as defined in section 1703-A.

(3) "Department" shall mean the Department of Education of the Commonwealth.

(4) "Public school entity" shall mean any of the following:

(i) An area vocational-technical school.

(ii) A school district.

(iii) A charter school entity.

(iv) An intermediate unit.

(5) "State Board" shall mean the State Board of Education.

(221.2 added July 13, 2016, P.L.716, No.86)

Section 222. Drop-out Data Collection.--(a) The department shall have the following powers and duties:

(1) To report the graduation rates and drop-out rates in this Commonwealth.

(2) To implement and maintain a data collection and reporting system that accounts for all students and calculates graduation rates and drop-out rates in all school entities in accordance with Federal regulations or guidelines. The department may comply with this section by modifying a currently existing data collection and reporting system to provide the information required under subsection (b).

(3) To require school entities to report student graduation and drop-out data to the department using the department's data collection system.

(b) (1) Beginning in the 2011-2012 school year and in each school year thereafter, the department shall annually prepare a report and provide a copy of the report to the Education Committee of the Senate and the Education Committee of the House of Representatives and shall post a copy of the report on the department's publicly accessible Internet website by December 1 of each year. The report shall contain, at a minimum, the following:

(i) All drop-out rates and graduation rates reported by school entities, including school-level data, disaggregated by the factors used to identify an at-risk student and the following classifications:

(A) Limited English proficiency.

(B) Low income.

(C) Special education.

(D) Gifted education.

(E) Race or ethnicity.

(F) Gender.

(G) School entity.

(H) Geographic area.

(ii) Highest grade level completed and age prior to dropping out.

(2) School entities shall use the definitions and formulas established by the department if no Federal statute, regulation or guideline exists when reporting the graduation rates and drop-out rates to the department. School entities shall report these rates annually in a manner required by the department.

(3) The department may develop any guidelines or standards necessary to implement the requirements of this section.

(c) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"School entity." A public school district, charter school, cyber charter school or area vocational-technical school.

(222 added Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which added section 222, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 223. Certified Safety Committees.--(a) The board of directors of each school district shall take such steps as necessary in order to have or maintain a certified safety committee by June 30, 2011, or the effective date of this section, whichever occurs later, for the purposes of section 1002(b) of the act of June 2, 1915 (P.L.736, No.338), known as the "Workers' Compensation Act."

(b) The Department of Labor and Industry shall provide the Department of Education with the list of school districts that have certified safety committees.

(c) In the case of a school district that does not submit evidence to the Department of Education that complies with this section, the Department of Education shall deduct from any allocation from the Commonwealth to which the school district is entitled the amount of the discount the school district would otherwise receive under section 1002(b) of the "Workers' Compensation Act."

(d) This section shall not apply to a school district that cannot receive a premium discount under section 1002(b) of the "Workers' Compensation Act," or an equivalent reduction in contribution rates, by establishing and maintaining a certified safety committee because it is authorized to self-insure its liabilities under section 305 of the "Workers' Compensation Act" or pool its liabilities under section 802 of the "Workers' Compensation Act."

(223 added June 30, 2011, P.L.112, No.24)

(c) Changes in District.

Section 224. Combination of School Districts.--Any two or more school districts or administrative units may combine to create a larger school district. The board of school directors of each school district desiring to form such a combination shall, by a majority vote, adopt a resolution outlining the areas to be combined and file an application for approval with the Superintendent of Public Instruction. The Superintendent of Public Instruction shall place on the agenda of the State Board of Education each such application for its consideration.

The State Board of Education shall review each application upon its agenda and approve such applications as it deems wise in the best interest of the educational system of the Commonwealth.

The State Board may continue the application on its agenda and may permit any school district or interested party, aggrieved by the petition, to file its objection. Such objection shall set forth the basis for and facts of aggrievement.

If an application is not approved it shall be returned to the applying districts for resubmission in accordance with such recommendations as may be attached thereto.

When an application receives approval, the State Board of Education shall direct the Superintendent of Public Instruction to issue a certificate creating the new school district, listing the name, constituting components, classification and effective date of operation.

(224 added Dec. 7, 1965, P.L.1034, No.385)

Section 225. Property and Indebtedness and Rental Obligations of Former Component School Districts.--All real and personal property, indebtedness and rental obligations to an approved building authority or nonprofit corporation, if any, of former school districts forming a new school district, constituted after July 1, 1966, shall become the property, indebtedness, and rental obligations of such newly constituted school district. All rights of creditors against any of the component former school districts shall be preserved against the new school district. All property theretofore vested in the component former school districts, and all debts and taxes owing to the component former school districts, uncollected in the several component former school districts, and all moneys in the treasuries of the component former school districts, shall be paid to the treasurer of the newly constituted school district.

(225 added Dec. 7, 1965, P.L.1034, No.385)

Section 226. Change in Districts; When Effective.--If any new school district is made by the creation of any city, borough, township, or independent school district, or by the annexation of territory comprising a separate school district to a city, or borough, or township, or if the boundary lines of any school district are changed, by reason of the changing of the boundary lines of any city, incorporated town, borough, township, or independent school district, then, in any such case, the change, so far as it relates to school districts or school affairs, shall take effect at the beginning of the first school year after such new city, borough, township or independent school district has been created, or such annexation effected, or such change in boundary lines permanently effected.

Section 227. Filing Copy of Action Creating New District, or Affecting Fourth Class District, with Superintendent of Public Instruction.--Whenever a new school district is created by the creation of a new city, borough, township, or independent school district, or by the consolidation of two or more districts as a union district, or an existing school district of the third or fourth class is affected by the annexation to a city, or borough, or township, of territory included within a school district of the third or fourth class, the clerk of the courts or other proper officer shall, within ten days thereafter, make a certified copy of the petition therefor, agreement, or ordinance, and the decree or order creating such new city, borough, township, or independent school district, or union school district, or of the decree of the court or vote of the electors affecting such annexation, and mail the same to the Superintendent of Public Instruction, Department of Public Instruction, Harrisburg, Pennsylvania.

(227 amended May 11, 1949, P.L.1089, No.320)

Section 228. Approval or Disapproval of Creation or Change of Third or Fourth Class Districts.--(a) If the newly created city, borough, or township, or independent school district, or union school district, or the part of a school district remaining after the separation would constitute a school district of the third or fourth class, the receipt of said certified copy shall be deemed an application for the creation of a new school district of the third or fourth class or change in the boundaries of an existing school district of the third or fourth class, and the Superintendent of Public Instruction shall, within sixty days thereafter, notify the school districts, which will be affected that an application has been received and that a time and place for hearing the application will be determined upon receipt of request from any such

district. If no such request is filed within thirty days, the Department of Public Instruction may certify approval of the application without a hearing. At the hearing, if one is requested, the proper officials of or the counsel for the districts shall present to the council, or its designated representative, the reasons for approval or disapproval of the application, and the council shall then determine whether such new school district, or independent school district, or union school district, or change in the boundaries of an existing school district of the third or fourth class, is desirable, and whether the welfare of the pupils within the territory affected thereby will be promoted by the creation of such district or change in the boundaries of such existing district.

(b) If the council shall approve such application, it shall certify its findings and its approval of such new district or change in such existing district thereon, and transmit a certified copy thereof to the clerk of the courts or other proper officer from whom the application was received, who shall file the same in such original proceedings, whereupon unless an appeal is filed with the State Board of Education the new city, borough, or township will become a new school district of the third or fourth class, or the school district of the third or fourth class remaining after such annexation shall constitute a separate school district as so changed.

(c) If, in the judgment of the council, the application should not be granted, it shall endorse thereon "not approved," and transmit a certified copy thereof to the clerk of the courts or other proper officer from whom the application was received, who shall file the same in the original proceedings. In such event, if no appeal to the State Board of Education is filed within ninety days, the action of the council is final and the boundaries of the existing school district shall remain unchanged. Within ninety days after the decision of the council, ten taxables of any school district affected by the council's decision may appeal to the State Board of Education in which case the board, for cause shown, may vacate such refusal, and may approve the creation of such new district of the third or fourth class or change in boundaries of an existing district of the third or fourth class. After the elapse of five years from the date of any refusal by the Council of Basic Education to approve an annexation for school purposes, the council shall reconsider its decision upon petition of ten taxables of any school district affected by the council's decision.

(228 amended Oct. 21, 1965, P.L.601, No.312)

Section 229. Annexation to District of First Class.--Whenever hereafter the territory comprising a school district of the second, third, or fourth class is annexed to a city comprising a school district of the first class or of the first class A, the annexed school district shall immediately become merged in and become a part of said school district of the first class or of the first class A.

(229 amended May 13, 1949, P.L.1332, No.397)

Section 230. Approval of Contracts and Changes after Vote for Annexation.--Where, under the provisions of any act of Assembly, an election shall be held for and against the annexation of territory comprising a school district of the second, third, or fourth class, to a city comprising a separate school district, and, if it shall appear by the vote when counted that a majority has voted for said annexation and the result of said election shall have been certified to the court of quarter sessions having jurisdiction of the proceedings, the board of school directors of said annexed school district shall

not thereafter make any change in textbooks, or adopt additional textbooks, or contract for any new school sites, or let any contract for the erection, enlargement, alteration, equipment, or furnishing, of any new school sites, or let any contract for the erection, enlargement, alteration, equipment, or furnishing, of any school building, without the approval of the board of school directors of the said school district of such annexing city.

Section 231. Tax Levy or Debt for Buildings or Grounds Pending Change of Boundaries, etc.--While proceedings are pending in court for the changing of any boundary lines of any city, incorporated town, borough, or township, or the creation of any new city, borough, or township, the board of school directors in every school district to be affected by such change of boundary lines or creation of a new municipality shall be permitted to levy and assess a school tax and incur debts for the purpose of purchasing ground or building or enlarging a school building, in the same manner as though such proceedings were not pending in court for the changing of any boundary lines of any such city, incorporated town, borough, or township, or the creation of any new city, borough, or township.

Section 232. Special Tax Directed by Court.--In addition to the levies provided for in the preceding sections, when it is shown to the court of quarter sessions that by reason of the partition of any school district and the apportionment of the debts of the original district, the debts of such school district exceed the amount which the board of directors may collect in any year by taxation, the court, after ascertaining the amount of indebtedness of any such school district, may, by a writ of mandamus, direct the board of school directors, by special taxation, to collect an amount sufficient to pay the same. If the amount of such indebtedness is so large as to render it inadvisable to collect the same in any one year, taking into consideration other necessary taxation, the court may direct the same to be levied and collected by annual installments and may order such special taxes to be levied and collected during such successive years as may be required for the payment of the same. The special tax shall be subject to the same penalties for nonpayment, and shall be computed and collected in the same manner, as other school taxes.

Section 233. Small District Assistance after Combination of School Districts.--If two or more school districts combine to create a new school district and at least one of the districts which combined to create that new school district was eligible for small district assistance for the last school year prior to the combination, the new school district shall receive, for each of the first five school years after the combination, in addition to any other payments by the Commonwealth, an amount equal to either the total of the small district assistance for which all of the districts were eligible for the last school year prior to combining to create that new school district or the small district assistance for which that new school district is eligible, whichever is greater.

(233 added July 10, 1987, P.L.286, No.50)

(d) Independent Districts.

Section 241. Creation of Independent Districts.--(241 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 242. Approval of Fourth Class Districts; Adjustment of Indebtedness; Costs.--(242 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 242.1. Establishment of Independent Districts for Transfer of Territory to Another School District.--(a) A majority of the taxable inhabitants of any contiguous territory in any school district or school districts, as herein established, may present their petition to the court of common pleas of the county in which each contiguous territory, or a greater part thereof, is situated, asking that the territory be established as an independent district for the sole purpose of transfer to an adjacent school district contiguous thereto. Where the territory described in any such petition is to be taken from two or more school districts, such petition shall be signed by a majority of all the taxable inhabitants of the part of each school district which is to be included in such independent district for transfer. Such petitions shall set forth a proper description of the boundaries of the territory to be included in such proposed independent district, and the reasons of the petitioners for requesting such transfer to another school district and the name of the district into which its territory is proposed to be placed.

The court shall hold hearing thereon, of which hearing the school district or districts out of whose territory such proposed independent district is to be taken and the school district into which the territory is proposed to be assigned, shall each have ten days notice. In all cases where an independent district is proposed for transfer from one school district to another, the merits of the petition for its creation, from an educational standpoint, shall be passed upon the Superintendent of Public Instruction and the petition shall not be granted by the court unless approved by him. The court of common pleas shall secure the reaction from the Superintendent of Public Instruction upon receipt of the petition properly filed.

The court, in its decree establishing such independent district for transfer purposes, shall also determine the amount, if any, of the indebtedness and obligations of the school district, from whose territory such independent district is taken, that said district shall assume and pay, and, a statement prorating the State subsidies payable between or among the losing district or districts and the receiving district.

In all cases where such proceedings result in the creation and transfer, by decree of the court, of an independent district, the cost and office fees shall be paid by the petitioners or, otherwise, by the receiving district. Such independent districts created under the provisions of this act shall not become an operating school district but will be created for transfer of territory only.

(b) In the case of independent districts established hereafter, the court of common pleas shall notify the county board of school directors regarding receipt of petition for such establishment and shall direct said board to prepare a statement of acceptance or rejection of the proposed placement of the district in the designated administrative unit of the county plan; such statement to be transmitted to the court and to the State Board of Education.

(242.1 amended Dec. 19, 1967, P.L.865, No.383)

Section 243. Abolition of Independent Districts.--(243 repealed Dec. 7, 1965, P.L.1034, No.385)

(e) Union Districts.

Section 251. How Formed.--(251 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 252. Return of Election.--(252 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 253. When Established; Classification.--(253 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 254. Liabilities and Property of Component Districts.--(254 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 255. Validation of Certain Union School Districts.--(255 repealed Dec. 7, 1965, P.L.1034, No.385)

(f) Merger of Districts.

Section 261. Standards and Regulations; Approval of Plans.--(261 repealed Sept. 12, 1961, P.L.1283, No.561)

Section 262. County-Wide Plans for Merger, etc.--(262 repealed Sept. 12, 1961, P.L.1283, No.561)

Section. 263. Petitions and Elections for Mergers; Returns; When Effective.--(263 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 263.1. Mergers; Voting; Partial Mergers. (263.1 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 264. Merged Districts; Assets and Liabilities.--(264 repealed Dec. 7, 1965, P.L.1034, No.385)

(g) Apportionment of Property and Indebtedness.

Section 271. Amicable Adjustment and Apportionment.--In any case where (1) any school district is abolished and its land reverts to or becomes a part of two or more school districts, or (2) any land heretofore annexed to one school district is made a part of the district in which it is located, or (3) a new district is made by the creation of a new city, borough, township, or independent school district, out of one or more school districts, or (4) the boundary lines of any district are changed by the changing of the boundary lines of any city, incorporated town, borough, township, or school district, or (5) any part of any school district is merged with any other district or districts or parts thereof, then, in any such case, the school districts to which land has been annexed or from which land has been taken, or which have been newly created, shall make a just and proper adjustment and apportionment of all school property, real and personal, including funds, as well as indebtedness, and rental obligations to an approved school building authority, if any, to and among such school districts. Such adjustment and apportionment shall be made as of the date of the decree or order creating such new city, borough, township, or school district, or of the decree of the court or vote of the electors effecting such annexation or merger, or the first Monday of July following approval by the Council of Basic Education of the annexation for school purposes.

(271 amended Oct. 21, 1965, P.L.601, No.312)

Section 272. Apportionments; How and When Made.--In making such adjustment and apportionment of property, indebtedness, and rental obligations to an approved school building authority, the amount and assessed value of land acquired by or taken from such districts, as compared with the amount and assessed value of the other land in the districts, as well as the value of the school grounds, together with the buildings thereon, and the furniture and equipment therein, and other school property in such districts, shall be taken into consideration in determining the amount, if any, that shall be paid by one district to another, or in apportioning the indebtedness, and rental obligations to an approved school building authority, if any,

that shall be assumed and paid by any of the districts. Such adjustment and apportionment of property and liability shall be made by the boards of school directors of the several districts concerned, before or during the first school year after such boundaries have been changed.

(272 amended Aug. 22, 1961, P.L.1022, No.460)

Section 273. Apportionment by Commissioners.--In case the boards of school directors of the several school districts cannot make amicable apportionment and adjustment of their property, indebtedness and rental obligations to an approved school building authority, before or during the first school year beginning after any such change in their boundary lines is made, any one of such school districts may, at any time within the succeeding school year, present its petition to the court of common pleas of the county in which such school district is located. The court shall appoint three disinterested commissioners, residents and taxpayers of the county, not residing in either of the districts whose boundary lines are changed. Such commissioners, after a hearing, shall make a report to the court, making an apportionment and adjustment, according to the provisions of this act, of all school property, as well as indebtedness, and rental obligations to an approved school building authority, if any, to and among the several school districts from which or to which land has been taken or added, or which have been newly created, as the case may be. Said report shall state the amount, if any, that shall be due and payable from one district to another, as well as the amount of indebtedness, and rental obligations to an approved school building authority, if any, that shall be assumed by any district. Due notice of such hearing shall be given to the several districts interested as the court may direct.

(273 amended Aug. 22, 1961, P.L.1022, No.460)

Section 274. Confirmation of Report; Effect; Costs.--The commissioners shall give the several districts interested at least five (5) days' notice of the filing of their report. Unless exceptions are filed thereto by any district interested within thirty (30) days after the filing thereof, the same shall be confirmed by the court absolutely. Any sum awarded by said report to any school district shall be a legal and valid claim in its favor against the school district charged therewith. The amount of debt, if any, apportioned to any school district shall be a legal and valid claim against such district charged therewith. Upon the report of the commissioners being confirmed, such claims or indebtedness charged against any school district may be collected in the same manner as a judgment is collected against any school district.

Such commissioners shall be allowed three dollars (\$3) per day for each day actually spent by them in the performance of their duties, together with their actual necessary expenses. All costs and expenses of such proceeding shall be apportioned by the court, to and among the several school districts, as it shall deem proper.

Section 275. Court to Dispose of Exceptions.--In case exceptions are filed to the report of the commissioners, the court shall dispose of the same, taking testimony therein, if it deems advisable. The decision of the court thereon shall be final and binding on the several districts, without any right of appeal.

Section 276. Apportionment by Bill in Equity.--If the respective school districts shall neglect or refuse to petition the court for the appointment of commissioners to secure an apportionment and adjustment within the period of the second

year, as herein provided, either of said school districts, or any ten resident citizens owning taxable property within either of said school districts, may file a bill in equity at any time within six (6) years from the date of said change in boundary lines, in the name of the school district or for the use of the school district, against the other school district, in the court of common pleas of the proper county, to have such indebtedness apportioned and adjusted, and setting forth the facts upon which any claim of amounts due shall be made in accordance with the manner of adjustment set forth in the preceding sections of this act. Such case shall be proceeded with in accordance with the equity rules and a decree of dismissal or of payment shall be made after due hearing by the court, subject to further right of appeal, as allowed by law.

Section 277. Districts in More Than One County.--In cases in which such districts are situated in two or more counties, the court of common pleas of the county in which the largest part in area of the land annexed to or taken from any district is situated shall have exclusive jurisdiction over the matter. If commissioners are to be appointed, the court may appoint the commissioners from any one or all such counties.

(h) Reorganization of School Districts.
((h) repealed Aug. 8, 1963, P.L.564, No.299)

Section 281. Standards for Organization of Administrative Units.--(281 repealed Aug. 8, 1963, P.L.564, No.299)

Section 282. Submission of Plans.--(282 repealed Aug. 8, 1963, P.L.564, No.299)

Section 283. Approval of Plans.--(283 repealed Aug. 8, 1963, P.L.564, No.299)

Section 284. Disapproval of Plans.--(284 repealed Aug. 8, 1963, P.L.564, No.299)

Section 285. Department of Public Instruction to Prepare Plans.--(285 repealed Aug. 8, 1963, P.L.564, No.299)

Section 286. Establishment of Reorganized School Districts.--(286 repealed Aug. 8, 1963, P.L.564, No.299)

(i) Reorganization.
((i) added Aug. 8, 1963, P.L.564, No.299)

Section 290. Purpose; Construction of Subdivision.--The purpose of this subdivision is to provide a flexible framework and effective and orderly means whereby the administrative units of the Commonwealth's public school system can be expeditiously reorganized. While deeply impressed with the continuous dedicated responsibility exercised over the last century by the citizenry through their local boards of school directors, the General Assembly must also be cognizant of the responsibility placed upon it by Article X., section 1 of the Constitution of Pennsylvania which requires in part, that "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of the Commonwealth above the age of six years may be educated" As the evidence demonstrates beyond reasonable dispute that the present administrative system of more than two thousand (2,000) school districts is incapable of providing adequate education and appropriate training for all of the children of the Commonwealth above the age of six, the General Assembly hereby renews its dedication to its responsibility of providing a thorough and efficient system of public schools within the Commonwealth. It is hereby declared to be the purpose and

intention of the General Assembly to establish the procedures and provide for the standards and criteria under which school directors and district administrators and county boards of school directors and county administrators shall have the power and bear the duty of determining the appropriate administrative units to be created in each county to carry out the responsibilities shared by them and the General Assembly, of educating and training each child within his capacity to the extent demanded by the immediate requirements of growth and strengthening of this Commonwealth and nation. Only where such local officials fail to act, or act arbitrarily outside of the standards and criteria provided for in the sections following, shall the Commonwealth through its duly authorized agencies and officials act to insure compliance with law within the powers set forth below and as restricted therein. The improvements in the educational system hereby obtained are not to be construed as a final resolution of organizational problems. Local school officials as agents of the General Assembly are directed to continually review organizational patterns and adopt without delay all changes which will accelerate the progress of public education. It is further declared to be the purpose and intention of the General Assembly that the above may be used in construing and arriving at legislative intent with respect to the provisions of this subdivision.

(290 added Aug. 8, 1963, P.L.564, No.299)

Section 290.1. Educational Performance Standards.--To implement the purpose of this subdivision, the State Board of Education, as soon as possible and in any event no later than July 1, 1965, shall develop or cause to be developed an evaluation procedure designed to measure objectively the adequacy and efficiency of the educational programs offered by the public schools of the Commonwealth. The evaluation procedure to be developed shall include tests measuring the achievements and performance of students pursuing all of the various subjects and courses comprising the curricula. The evaluation procedure shall be so constructed and developed as to provide each school district with relevant comparative data to enable directors and administrators to more readily appraise the educational performance and to effectuate without delay the strengthening of the district's educational program. Tests developed under the authority of this section to be administered to pupils shall be used for the purpose of providing a uniform evaluation of each school district and the other purposes set forth in this subdivision. The State Board of Education shall devise performance standards upon the completion of the evaluation procedure required by this section.

(290.1 added Aug. 8, 1963, P.L.564, No.299)

Section 291. Standards for Organization of Administrative Units.--The State Board of Education, within ninety (90) days of the effective date of this amending act, shall adopt standards for approval of administrative units, taking into consideration the following factors: topography, pupil population, community characteristics, transportation of pupils, use of existing school buildings, existing administrative units, potential population changes and the capability of providing a comprehensive program of education.

(291 added Aug. 8, 1963, P.L.564, No.299)

Section 292. Submission of Plans.--Each county board of school directors, on or before July 1, 1964, shall prepare a plan of organization of administrative units for the county, conforming to the standards for approval of administrative units adopted by the State Board of Education. The plan shall be

submitted to the Department of Public Instruction not less than thirty (30) days nor more than sixty (60) days after it is prepared. Any school district which considers itself aggrieved by the plan may set forth its specific objections in a petition which shall be served by registered or certified mail on the secretary of the county board of school directors. All such petitions filed shall be appended to the plan prior to submission to the Department of Public Instruction. No plan of organization of administrative units shall be submitted which violates any written agreement entered into by several school districts for the establishment of a joint school or department, unless the agreement is amended to provide that it shall be discontinued at the time the proposed administrative unit is deemed established as a school district. A plan of organization of administrative units shall be deemed to violate a written agreement entered into by several school districts for the establishment of a joint school or department only when it formulates an administrative unit, which in whole or in part comprises less than all of the school districts joined by such agreement. In preparing its plans, a county board of school directors shall confer with school directors and administrators of all school districts of the county, and may confer with the staff of the Department of Public Instruction and upon written request shall confer with other interested persons. Each plan shall assure the continuity of special education and area technical school programs by providing special education and area technical school attendance areas established in accordance with standards approved by the State Board of Education.

Each county board of school directors which prepared and submitted to the Department of Public Instruction prior to January 1, 1963, a plan of organization of administrative units for the county, shall, in compliance with the provisions hereof, reconsider such plan and submit the same or a revised plan on or before July 1, 1964, irrespective of the action taken on the prior plan. In those cases where the prior plan was approved by the State Council of Education, the plan submitted when approved by the Council of Basic Education shall supersede the prior approved plan as the plan of organization of administrative units for the county.

(292 added Aug. 8, 1963, P.L.564, No.299)

Section 292.1. Independent Districts.--When an independent district is created by the court of common pleas for purposes of transfer from one school district to another, the court shall submit to the State Board of Education its decree creating such district. Such decree shall be considered an application for the assignment of said district to the designated administrative unit of the approved county plan.

(292.1 amended Dec. 19, 1967, P.L.865, No.383)

Section 293. Approval of Plans.--(a) When any plan of organization of administrative units for a county is found to conform to the standards for approval of administrative units adopted by the State Board of Education, the Department of Public Instruction shall cause such plan to be placed upon the agenda of the Council of Basic Education. The Council of Basic Education shall review all plans placed upon its agenda, and approve such plans as it deems wise in the best interests of the educational system of the Commonwealth. Except as hereinafter provided, no plan of organization of administrative units shall be approved in which any proposed school district contains a pupil population of less than four thousand (4,000), unless when factors of topography, pupil population, community characteristics, transportation of pupils, use of existing

school buildings, existing administrative units, potential population changes and the capability of providing a comprehensive program of education are considered by the Council of Basic Education as requiring the approval of a plan of organization of administrative units in which one or more proposed school districts contains a pupil population of less than four thousand (4,000). (b) A plan of organization of administrative units for a county shall be approved by the Council of Basic Education, if the plan contains (i) no unit with a pupil population less than that of the unit with the smallest pupil population in the last previous county-wide plan submitted to and approved by the State Council of Education prior to September 12, 1961, and (ii) no more units than were in the aforesaid county-wide plan plus an additional unit for each second class district which was not required to be a part of such county-wide plan and which was not included in an administrative unit thereof. (c) Pupil population as used in this section shall mean the average daily membership for the school year 1961-1962 including kindergarten or grade one through grade twelve.

(293 added Aug. 8, 1963, P.L.564, No.299)

Section 293.1. Independent Districts.--When a court decree is received creating an independent district for transfer purposes, the State Board of Education shall place such item on its agenda and either approve or disapprove the creation and transfer. If approval is given, the board shall direct the Council of Basic Education to make the necessary changes in the county plan. If disapproved, the board shall state its reasons for such disapproval and the independent district shall be provided a hearing if it so desires.

(293.1 amended Dec. 19, 1967, P.L.865, No.383)

Section 293.2. Consolidation of Municipalities.--Whenever the court of common pleas in any county orders the consolidation of any municipalities, it shall serve a copy of its order on the State Board of Education. Upon receipt of such order the board shall direct the Council of Basic Education to make such changes in county plans as may be necessary.

(293.2 added June 23, 1965, P.L.139, No.95)

Section 294. Disapproval of Plans.--When any plan of organization of administrative units for a county is disapproved by the Council of Basic Education, it shall be returned to the county board of school directors which submitted the plan for reconsideration, amendment and resubmission in accordance with the recommendations of the Council of Basic Education.

(294 added Aug. 8, 1963, P.L.564, No.299)

Section 295. Department of Public Instruction to Prepare Plans.--In the event that no plan of organization of administrative units is approved by the Council of Basic Education for a county prior to January 1, 1965, the Department of Public Instruction shall prepare and place upon the agenda of the Council of Basic Education a plan of organization of administrative units for the county. When approved by the Council of Basic Education, such plan shall be deemed the approved plan of organization of administrative units for the county.

Any school district which considers itself aggrieved by a plan of organization of administrative units approved by the Council of Basic Education may appeal to the State Board of Education by filing a petition, within thirty (30) days after approval of the plan, setting forth the grounds for such appeal. A copy of such petition shall be served by registered or certified mail on the secretary of the county board of school

directors. The State Board of Education, or its representative, shall fix a day and time for hearing, shall give written notice to all parties interested, and may hear and consider such testimony as it may deem advisable to enable it to make a decision. After reaching its decision, the State Board of Education shall enter such order as appears to it just and proper, either directing the Council of Basic Education to approve the plan in an amended form or confirming the plan in the form previously approved by the Council of Basic Education. The decision of the State Board of Education shall be final, unless an appeal is taken as now provided under the provisions of the "Administrative Agency Law."

(295 added Aug. 8, 1963, P.L.564, No.299)

Section 296. Establishment of Reorganized School Districts.--On July 1, 1966, or on the date of advance establishment, all administrative units contained in plans of organization of administrative units approved by the Council of Basic Education shall constitute and be deemed established as school districts, and shall belong to the class to which they are entitled as provided by law: Provided, however, if any approved administrative unit includes any district or districts of the second, third, or fourth class with any district of the first class A, such district or districts of the second, third, or fourth class shall be merged into and become part of said district of the first class A, and said district of the first class A as thus enlarged shall be the reorganized district and shall be considered as having had continued existence.

(296 amended June 2, 1965, P.L.86, No.59)

Section 297. Advance Establishment.--(a) Any administrative unit contained in a plan of organization of administrative units approved by the Council of Basic Education may constitute and be deemed established as a school district on July 1, 1964, or on July 1, 1965, when the following conditions have been satisfied:

(1) All appeals to the State Board of Education from the action of the Council of Basic Education approving the plan of organization of administrative units have been finally determined;

(2) At a regular meeting or at a special meeting called for such purpose, the board of school directors of each school district composing the administrative unit has approved by majority vote the establishment in advance of July 1, 1966, of the proposed school district contained in the plan of organization of administrative units approved by the Council of Basic Education;

(3) A copy of the resolution of each school district is filed with the Department of Public Instruction; and

(4) The Superintendent of Public Instruction certifies to the Council of Basic Education that all school districts composing the administrative unit have filed resolutions with the Department of Public Instruction approving the establishment of the school district in advance of July 1, 1966. The certification shall state the date when the school district shall be deemed established.

(b) Any school district established in advance of July 1, 1966, shall be entitled to all the benefits of this act and shall be subject to all of the provisions of this act as if the school district were constituted and deemed established on July 1, 1966: Provided, however, That in the case of school districts established on July 1, 1964, the provisions of section 303.1 of this act relating to election of school directors shall be advanced two years: And provided further, That in the case of

school districts established on July 1, 1965, the provisions of section 303.1 of this act shall not be advanced.

(297 added Aug. 8, 1963, P.L.564, No.299)

Section 298. Property and Indebtedness and Rental Obligations of Former School Districts.--(a) Except as otherwise provided in this section, all real and personal property, indebtedness and rental obligations to an approved school building authority or non-profit corporation, if any, of former school districts composing any school district constituted and deemed established pursuant to this subdivision (i) shall become the property, indebtedness and rental obligations of such newly established school district. All rights of creditors against any of the component former school districts shall be preserved against the newly established school district. All property theretofore vested in the component former school districts shall become vested in the newly established school district, and all debts and taxes owing to the component former school districts, uncollected in the several component former school districts, and all moneys in the treasuries of the component former school districts, shall be paid to the treasurer of the newly established school district.

(b) All obligations of any component former school district evidenced by funding bonds issued after September 12, 1961, for the purpose of funding unfunded debt contracted for current operating expenses, shall continue to be an obligation of the taxable property within such former component school district and any sinking fund created on account of such indebtedness shall remain the separate sinking fund for such bonds. In levying and assessing taxes for the first school year of operation, the interim operating committee, and in levying and assessing such taxes for each subsequent school year, the board of school directors of the newly established school district, shall levy and assess, upon the taxable property within such component former school district for which bonds issued after September 12, 1961, for the purpose of funding unfunded debt contracted for current operating expenses shall be outstanding, a tax in addition to all other school district taxes, in an amount sufficient to discharge the obligation of such component former school district, as set forth pursuant to section 207 of the Municipal Borrowing Law, in the resolution increasing the indebtedness of such component former school district for such purpose. If such funding bonds shall be a part of an issue of bonds issued partly for other purposes, such funding bonds shall be deemed to be the bonds of such issue which mature first: Provided, however, if any district of the second, third or fourth class is merged into and becomes part of any district of the first class A as a reorganized or newly established school district, the reorganized or newly established district, for its first year of operation and for every subsequent year, shall levy and assess the aforesaid tax on the territory comprising the district of the second, third or fourth class merged into and becoming a part of the school district of the first class A: Provided further, That by agreement in writing approved by a majority vote of the directors of the district of the second, third or fourth class merged into and becoming a district of the first class A as a reorganized or newly established school district, and the directors of the district of the first class A, entered into prior to the effective date of reorganization, the provisions of this subsection may be waived. ((b) amended June 2, 1965, P.L.86, No.59)

(298 added Aug. 8, 1963, P.L.564, No.299)

ARTICLE III.
SCHOOL DIRECTORS.

Section 301. Board of Directors; Election or Appointment.--The public school system of the Commonwealth shall be administered by a board of school directors, to be elected or appointed, as hereinafter provided. At each election of school directors, each qualified voter shall be entitled to cast one vote for each school director to be elected. Any system providing for cumulative voting for the office of school director is hereby abolished.

Section 302. Number and Appointment in Districts First Class and First Class A; Reorganized District of First Class A Containing Former Districts of Second, Third or Fourth Class: Terms of Office.--(a) In each school district of the first class or of the first class A, the board shall be known as the "Board of Public Education," and shall consist of fifteen (15) school directors, whose term of office shall be six (6) years. The terms of five of the members shall expire on the second Monday of November of each odd numbered year, as now provided by law. The judges of the courts of common pleas of the county in which such school district is situated shall, in October of every odd numbered year, appoint five (5) members for terms of six (6) years. Their term of office shall begin on the second Monday of November next following their appointment.

(b) When a school district or districts of the second, third or fourth class is merged into and becomes part of a district of the first class A as a reorganized district under the provisions of Article II, subdivision (i) of this act, the terms of office of all directors of such district or districts of the second, third or fourth class shall terminate on the date of establishment of such reorganized district of the first class A.

As soon as a vacancy occurs in the office of Director of the Board of Public Education, a resident of the area comprising the district of the second, third or fourth class merged into and becoming a part of the school district of the first class A shall be appointed to the Board of Public Education of the reorganized district and following the expiration of the term of the director so appointed, the appointment of directors shall be without regard to this limitation.

(302 amended June 2, 1965, P.L.86, No.59)

Section 302.1. School Board in First Class A School Districts; Apportionment of Seats, and Numbers, Terms, and Methods for Election of School Directors in First Class A School Districts.--(a) Composition of School Board.

(1) In each school district of the first class A, the school board shall be known as the Board of Public Education and shall consist of an odd number of members not less than seven nor more than fifteen school directors, to be elected by the qualified voters of the school district by specified districts.

(2) There shall be a corresponding odd number, not less than seven nor more than fifteen separate districts for each of which only one candidate shall be elected. Each candidate shall be nominated only for the specified district in which he resides and each elected member shall represent only a specified district in which he resides, such districts to be constituted as hereinafter set forth.

(b) Term of Office. All elected members shall serve for a term of four years except the three, four, five, six or seven members elected at the initial election in even numbered school

director districts, who shall serve for two years. In the event the first election occurs in an even-numbered year, the terms of the initial members shall be increased by one year, so that future elections can be held in odd-numbered years. In the case of death or resignation of elected members, the mayor of the most populous municipality contained in such school district shall fill the vacancy from the same school director district in which the vacancy occurred until the first Monday in December following the next municipal primary occurring one hundred twenty days after the vacancy occurred.

(c) Apportionment.

(1) In each school district of the first class A, a school director district apportionment commission shall be constituted for the purpose of establishing an odd number not less than seven nor more than fifteen school director districts within the first class A school district by assigning each election district within such school district into one of such school director districts. The commission shall select that odd number of districts from seven to fifteen which will best provide for racial balance and proportional representation of all segments of the population at the time of the apportionment. Such school director districts shall be compact, contiguous, and as nearly equal in population as practicable.

(2) The commission shall consist of six members, two to be appointed by the mayor of the most populous municipality in such school district, three by the city council of such municipality and one by the mayor of any other municipality in such school district with the approval of the legislative body thereof. The commission shall elect one of its members chairman, and shall act by a majority of its entire membership. If any of the appointing authorities shall fail to make any or all of such appointments within fifteen days after enactment of this act, such appointment or appointments shall be made by the court of common pleas.

(3) No later than forty-five days after the commission has been duly certified, the commission shall file an apportionment plan with the county board of elections to be submitted to the voters of the district at the next primary election occurring not less than ninety-one days after the plan is filed with the county board and at which primary election the candidates for members of the school board shall be nominated.

(4) No later than September in the second year following the year in which Federal census data is officially gathered, a school director district reapportionment commission shall be appointed. Said reapportionment commission shall consist of seven members, three to be appointed by the mayor of the most populous municipality in the school district, three by the city council of such municipality and one by the mayor of any other municipality of the school district with the approval of the legislative body thereof. The duties of the reapportionment commission shall be, from the official data of the United States Bureau of the Census, to define the lines that divide the existing school director districts to make any new school director districts as nearly equal in population as practicable, and as compact and contiguous as possible, and to best provide for racial balance on the board of school directors of said school district. The number of school directors or school director districts shall not be increased or decreased. In addition, the reapportionment commission shall make every effort to maintain neighborhood boundary lines of communities of like interest whenever practicable. Such reapportionment commission shall file its plan no later than ninety days after either the

commission has been appointed or the specified population data for the first class A school district as determined by the Federal decennial census are available, whichever is later in time. ((4) amended Dec. 20, 1983, P.L.267, No.73)

(5) The school district shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by such apportionment and reapportionment commissions, and other necessary expenses. The members of such commissions shall be entitled to such compensation for their services as the school district from time to time shall determine. ((5) amended Dec. 20, 1983, P.L.267, No.73)

(6) If an apportionment or reapportionment plan is not filed by the commission within the time prescribed by this section, the court of common pleas of the county in which the district is located shall immediately proceed on its own motion to apportion or reapportion the school director districts, in accordance with the standards set forth in subsection (c)(4). ((6) amended Dec. 20, 1983, P.L.267, No.73)

(7) Any apportionment or reapportionment plan, filed by any such commission or prepared by the court of common pleas of the county in which the district is located upon the failure of the commission to act shall be published by the county board of elections once in at least one newspaper of general circulation in the most populous municipality of the school district, which publication shall contain a map of the school district showing the complete apportionment or reapportionment of the school director districts. The publication shall also state the population of the school director districts having the smallest and largest population and the percentage variation of such districts from the average population for such districts.

(8) The county board of elections shall place upon the ballot to be submitted to the voters of each first class A school district under the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," the following question:

Shall the apportionment plan submitted by
the school director district apportionment Yes
commission for the election of members of
the Board of Public Education of the school No
districtof.....beapproved?

Since the voters have accepted the apportionment plan, the number of school director districts contained in the apportionment plan shall be the permanent number of school director districts in said school district, and said permanent number of school director districts shall neither be increased nor decreased by any future reapportionment commission nor by the court of common pleas of the county in which the school district is located. The ballot question shall not be considered in the case of a reapportionment plan submitted by a reapportionment commission or the court of common pleas. ((8) amended Dec. 20, 1983, P.L.267, No.73)

(d) Nomination and Elections of School Directors. School directors shall be nominated and elected in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

(e) Applicable Law upon Adoption. After the election of school directors from specified districts in accordance therewith, the Board of Public Education of such first class A school district shall be governed by the provisions of this section and by all other provisions of the act to which this is an amendment and other provisions of general law relating to first class A school districts which are not inconsistent

with the provisions of this section. The provisions of this section shall supersede all other parts of the act to which this is an amendment and all other acts affecting the organization of school districts of the first class A to the extent that they are inconsistent or in conflict herewith. All existing acts or parts of acts and resolutions affecting the organization of first class A school districts not inconsistent or in conflict with the provisions of this section shall remain in full force until modified or repealed as provided by law.

(f) Certain Prohibitions of Service. No superintendent, assistant superintendent, supervising principal, teacher or other employe shall serve either temporarily or permanently as a member of the school board by which employed.

(g) Transition Provisions and Expiration of Existing Terms. The terms of existing appointed board members shall terminate on the first Monday of December in 1976 or in any subsequent year in which the initial elected members are elected, at which time the terms of all members to be elected as herein provided shall be deemed to begin. Thereafter the terms of all elected members shall expire on the first Monday of December in the year in which the length of term to which such members shall have been elected has been served.

(302.1 added Dec. 19, 1975, P.L.511, No.150)

Section 303. Number and Election in Districts of the Second, Third and Fourth Classes; Terms of Office.--(a) In each school district of the second class, and on and after July 1, 1966, or if there is advance establishment July 1, 1964, or July 1, 1965, as the case may be, in each school district of the second, third and fourth class, there shall be a board of nine (9) school directors, who, except as otherwise provided in this act, shall be elected at large for terms of six (6) years. The terms of three of the members shall expire on the first Monday of December of each odd numbered year, as now provided by law. At each municipal election, three school directors, except as otherwise provided in this act, shall be elected at large for terms of six (6) years. Their terms of office shall begin on the first Monday of December following their election. Beginning with the terms to be filled at the municipal election held in 1979 and each odd numbered year thereafter, the terms of school directors so elected shall be four (4) years, except that at the municipal election in 1983, five (5) school directors shall be elected for terms of four (4) years and one (1) for a term of two (2) years. At the municipal election in 1985 and every four (4) years thereafter, four (4) directors shall be elected for terms of four (4) years. At the municipal election in 1987 and every four (4) years thereafter, five (5) directors shall be elected for terms of four (4) years. The board shall select by lot, prior to the time for filing of nomination petitions, the vacancy that is to be filled for a two (2) year term in 1983. ((a) amended Dec. 17, 1982, P.L.1378, No.316)

(b) (1) The interim operating committee or the board of school directors may develop a plan to elect school directors from regions or to elect some school directors at large and some from regions. Such a plan may also be developed by the resident electors of a school district as provided herein and shall have the same effect as one developed by the board of school directors.

(2) Electors equal to at least twenty-five (25) per centum of the highest vote cast for any school director in the last municipal election may develop a plan to elect school directors from regions or to elect some school directors from regions and some from the school district at large. Plans proposed by

electors shall be subject to the same requirements as plans proposed by the board of school directors.

(3) The boundaries of the regions shall be fixed and established in such manner that the population of each region shall be as nearly equal as possible and shall be compatible with the boundaries of election districts. Such plan for the division of the school district shall be submitted for approval to the court of common pleas. If approved by such court, the clerk thereof shall certify the regional boundaries contained therein to the county board of elections. In the event of any division, redivision, alteration, change or consolidation of election districts which renders regional boundaries incompatible with the boundaries of election districts, a new plan shall be developed and submitted for court approval in like manner. Any proposed change in an approved plan, including abolition of regional representation, shall be submitted for approval to the court of common pleas by the board of school directors, or by a petition of the resident electors within the district. Where a region plan is approved, school directors who reside in each region shall be elected by and from each region. At all times each region shall be represented by directors elected or appointed from that region. Where a combination at large and region plan is approved, all regions shall have an equal number of school directors who reside in each region and who shall be elected or appointed by and from each region. At all times each region shall be represented by a director or directors elected or appointed from that region. All plans shall provide that three school directors shall be elected at each municipal election. In a combination at large and region plan, the number of regions shall be three. In a region plan not combining at large directors, the number of regions shall be three or nine.

((b) amended July 1, 1978, P.L.575, No.105)

(c) In any case where the newly established school district is situated in two or more counties, the plan for regional representation provided for herein shall be submitted for approval to the court of quarter sessions of the county in which the largest part in area of the land affected is situated, which court shall have exclusive jurisdiction over the matter.

(303 amended Aug. 8, 1963, P.L.564, No.299)

Section 303.1. Incumbent School Directors and Interim Operating Committee.--(a) All school directors of the component school districts forming an administrative unit composed of two or more school districts approved by the Council of Basic Education to be established as a school district shall serve out the terms of office for which they were elected. No vacancies occurring in such position after the date of establishment shall be filled.

(b) On or before the fifteenth day of January immediately preceding the date of establishment, such incumbent school directors of the component school districts shall be called into convention by the county superintendent of schools or, if necessary, after July 1, 1970, by the executive director of the intermediate unit and shall select by majority vote an interim operating committee composed of nine incumbent school directors. In selecting the interim operating committee, the incumbent school directors shall take into consideration the principle of proportionate representation according to population. If, by reason of failure to receive a majority vote, a tie vote, or otherwise all nine members of the interim operating committee are not selected at such convention, the county superintendent of schools shall call another convention within thirty days for

the purpose of selecting the remaining members. If all remaining members are not selected at such second convention the court of common pleas of the proper county, upon the petition of the county superintendent of schools, shall within thirty days appoint to the interim operating committee, from the incumbent school directors, the remaining member or members and specify their terms. The decision of the convention in selecting the interim operating committee, except as hereinbefore provided, shall be final. Six of the members of the interim operating committee shall be selected for a term expiring on the first Monday of December, 1967; and three for a term expiring on the first Monday of December, 1969. In the event an incumbent director is selected for a term on the interim operating committee which would expire later than the term for which he was elected as a school director, he shall serve only until the end of his term for which he was elected as a school director. At the municipal elections held in November, 1967 three members shall be elected for a four-year term and three members shall be elected for a six-year term. Thereafter, all members shall be elected for six-year terms. The school directors elected at the municipal elections held in November, 1967, and thereafter, shall take the place of the appointed members of the board of school directors of the newly established school district as their terms expire. The members of the interim operating committee shall become and shall serve as the board of school directors of the school district on and after the date of establishment. ((b) amended Jan. 14, 1970, 1969 P.L.468, No.192)

(c) The interim operating committee shall have the power and its duty shall be to meet, prepare and adopt a budget, levy and assess taxes and perform all acts and functions necessary to enable the proposed school district to function properly prior to the date of its establishment. The committee shall have the power to fill vacancies should a deficiency in membership arise due to death, resignation or otherwise: Provided, however, That vacancies shall first be filled by the selection of an incumbent school director, if any.

(d) The incumbent school directors not selected for membership on the interim operating committee shall serve in an advisory capacity to the interim operating committee and to the board of school directors of the newly established school district. Such incumbent school directors may attend meetings and participate in discussions of the interim operating committee and board of school directors, but shall have no vote.

(e) In the case of a single school district forming an administrative unit approved by the Council of Basic Education to be established as a school district, the incumbent school directors shall be the school directors of the newly established district and the election of school directors at each municipal election subsequent to the date of establishment shall be as provided in section 303 of this act. In the event the number of incumbent school directors is less than nine, the board of school directors on and after the date of establishment shall have the power to raise its membership to nine in the manner now provided by law to fill vacancies on the board.

(f) The interim operating committee or the board of school directors shall also have the power and its duty shall be to propose a name for the school district to be established. The name proposed shall be reported to the Department of Public Instruction which shall review the proposed name and approve it if it is not a duplication of a name previously approved by the Department of Public Instruction. When it approves a name, the Department of Public Instruction shall issue a certificate

stating that the approved name has been registered as the official designation of the school district.

(303.1 added Aug. 8, 1963, P.L.564, No.299)

Section 304. Number and Election in Districts Third Class; Terms of Office.--In each school district of the third class there shall be a board of seven (7) school directors, who shall be elected at large, and whose terms of office shall be six (6) years. The terms of the members now in office shall expire at the end of the terms for which they were respectively elected. At each of the municipal elections held in November, one thousand nine hundred and forty-nine (1949), and in November, one thousand nine hundred and fifty-one (1951), two school directors shall be elected. At the municipal election held in November, one thousand nine hundred and fifty-three (1953), three school directors shall be elected. At each of the first two municipal elections thereafter, two school directors shall be elected. At the third municipal election, three shall be elected. Thereafter, two school directors shall be elected at each of the two succeeding municipal elections, and three at each third municipal election. All shall be elected at large, for terms of six years. Their terms of office shall begin on the first Monday of December following their election.

Section 305. Number and Election in Districts Fourth Class; Terms of Office.--In each school district of the fourth class there shall be a board of five (5) school directors, who shall be elected at large, and whose terms of office shall be six (6) years. The terms of the members now in office shall expire at the end of the terms for which they were respectively elected. At each of the municipal elections held in November, one thousand nine hundred and forty-nine (1949), and in November, one thousand nine hundred fifty-one (1951), two school directors shall be elected. At the municipal election held in November, one thousand nine hundred fifty-three (1953), one school director shall be elected. At each of the first two municipal elections thereafter, two school directors shall be elected. At the third municipal election, one shall be elected. Thereafter, two school directors shall be elected at each of the two succeeding municipal elections, and one at each third municipal election. All shall be elected at large, for terms of six (6) years. Their terms of office shall begin on the first Monday of December following their election.

Section 306. Elections Where District Not Coextensive With, or in More than One City, Borough, Town or Township.--Whenever any school district is not coextensive with a city, borough, incorporated town, or township, the county commissioners shall furnish the proper election officials with a certified list of the qualified electors of such school district and with the necessary ballots to enable such electors to vote on matters pertaining solely to such school district. When such school district lies in two or more cities, boroughs, incorporated towns, or townships, or any combination thereof, the judge, inspectors, and clerks of each election district within such school district which lies in two or more cities, boroughs, incorporated towns, and townships, or any combination thereof, shall make out a complete return of all the votes given at any election for officers in the school district, or for the submission of any question to the electors of such district, designating the number of votes cast for each person, and for and against each question so submitted to the electors. Whereupon, the judge and inspectors shall appoint one of their number for return judge to meet the other return judge or judges of the school district, on the second day after any such

election, at the oldest election place within the district or at such place within the district as shall have been appointed by the court of common pleas. The judges shall then and there add together the number of votes cast for each person voted for, and for and against any question submitted to the electors, and shall make out the returns as the nature of the election may require, complying in all respects with the provisions of existing election laws. After the performance of such duties, the return judges shall appoint one of their number, by consent or lot, to deliver, within two days thereafter, the full returns of the vote for officers, to the prothonotary of the court of common pleas, and of the vote on questions submitted to electors, to the clerk of the court of quarter sessions of the proper county, in the manner now provided by law for making township or borough returns. Such judges shall ascertain and declare the result of such election and shall issue certificates to persons elected to fill such offices, within five (5) days after making such returns.

Section 307. Newly Formed Districts.--Where a new school district of the first, second, or third class is formed by the creation of a new city, borough or township, and where a new school district of the third or fourth class is so formed and is approved by the Council of Basic Education, the court of common pleas having jurisdiction shall appoint a board of school directors for such new school district, which shall serve until the first Monday of December next following the first municipal election occurring more than thirty (30) days after the formation of such new school district.

(307 amended Oct. 21, 1965, P.L.601, No.312)

Section 308. Elections or Appointments in Newly Formed Districts.--At the first municipal election occurring more than thirty (30) days subsequent to the formation of such new school district, a board of school directors for such district shall be elected or appointed, as provided in this act. Such school directors shall be elected or appointed for such terms that the number and terms of those whose places are to be filled at each succeeding municipal election shall be the same as the number and terms of those whose places are filled at the corresponding election in other school districts of the same class.

When two or more school districts are combined into a single district as the result of State Board approval, the directors then in office in each component school district shall, until the end of their respective terms, be directors of the newly formed school district. Vacancies occurring in such incumbent positions shall not be filled. At the first municipal election following the date of establishment of the new district and at each subsequent municipal election, three directors shall be elected at large for six year terms. Their term of office shall begin on the first Monday of December following their election.

The school directors of the component districts of the new district before the date of establishment or the board of school directors after establishment, may, if they choose, develop a plan to divide the new school district into three or nine regions in the same manner as provided in section 303 of this act.

(308 amended Dec. 7, 1965, P.L.1034, No.385)

Section 309. Change of Class of Districts.--If any school district hereafter becomes a district of the first class, a new board of school directors shall be appointed in the manner provided in this act for the appointment of school directors in districts of the first class. If any school district hereafter becomes a district of any of the other classes and

the number of directors therein is increased, the additional directors shall be appointed or elected as vacancies in the board of directors are now filled and for terms corresponding to those of directors in other school districts of the same class. When the change reduces the number of directors in such district, the school directors then in office shall hold office during the respective terms for which they are elected, and as vacancies are about to happen by the expiration of the terms of any directors, a number of directors shall be elected at the municipal election preceding such vacancies equal to the number of directors required by law to be elected at the corresponding election in other school districts of the same class.

Section 310. Annexation of Territory.--When territory comprising a separate school district is annexed to a city, or borough, or township, the terms of office of all the school directors of such annexed territory shall expire at the beginning of the first school year after such annexation is effected, except the terms of the president and vice-president, who shall hold office during the respective terms for which they were elected.

(310 amended Mar. 11, 1957, P.L.6, No.2)

Section 311. Appointment or Election in Independent Districts; Terms of Office.--(311 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 311.1. Appointment in Independent Districts for Transfer Purposes; Terms of Office.--In the case of an independent district established by court for purposes of transfer to another school district subsequent to the passage of this act, the court shall appoint a director or directors, not to exceed three. The term of the directors so appointed shall begin on the date of appointment and shall terminate on the date the transfer to the receiving school district becomes effective. If there reside in the territory of the independent district one or more who are currently serving as school directors, the court shall make its first appointments from that group.

The directors so appointed shall have as their responsibility the right and authority to represent the independent district in all legal activities and conferences to properly effect the transfer of the independent district to the receiving school district.

(311.1 added Dec. 19, 1967, P.L.865, No.383)

Section 312. Union and Merged Districts.--(312 repealed Dec. 7, 1965, P.L.1034, No.385)

Section 313. Merged Districts.--(313 repealed Jan. 18, 1952, 1951 P.L.2125, No.603)

Section 314. Two or More Persons Receiving Same Number of Votes.--If at any election two (2) or more candidates for school director receive the same number of votes for the same office, the candidates receiving the same number of votes shall cast lots before the county board of elections at twelve (12) o'clock noon on the third Friday following the election, and the one to whom the lot shall fall shall be entitled to the election. In any case where the fact of a tie vote is not authoritatively determined until the third Wednesday after the election, the time for casting lots shall be twelve (12) o'clock noon of the second day the fact of such tie is authoritatively determined. If any candidate or candidates receiving a tie vote fail to appear before twelve (12) o'clock noon of said day the county board of elections shall cast lots for him or them. For the purpose of casting lots any candidate may appear in person or by proxy duly appointed in writing.

(314 amended Sept. 1, 1965, P.L.434, No.220)

Section 315. Filling of Vacancies.--In case any vacancy shall occur in any board of school directors by reason of death, resignation, removal from the district, or otherwise, such vacancy shall, in a school district of the first class, be filled for the unexpired term by the court of common pleas of the county in which such school district is situated from the qualified electors of the district; and in a school district of the second, third, or fourth classes, the remaining members of the board of school directors shall, by a majority vote thereof, fill such vacancy from the qualified electors of the district within thirty (30) days thereafter. In a district of the second, third, or fourth class, the person selected to fill such vacancy shall be a qualified elector of the district and shall hold his office, if the term thereof so long continues, until the first Monday of December after the first municipal election occurring more than sixty (60) days after the vacancy shall have occurred. At such election an eligible person shall be elected for the remainder of the unexpired term. If, by reason of a tie vote or otherwise, such vacancy shall not have been filled by the board of school directors within thirty (30) days after such vacancy shall have occurred from the qualified electors of the district, the court of common pleas of the proper county, upon the petition of ten or more resident taxpayers, shall fill such vacancy by the appointment of a suitable person from the qualified electors of the district if the term of the vacant office so long continues, until the first Monday of December after the first municipal election occurring more than sixty (60) days after the vacancy shall have occurred. At such election an eligible person shall be elected for the remainder of the unexpired term. When any member of a board of school directors heretofore or hereafter enlists or is inducted into the military or naval forces of the United States in time of war, or is called to active duty in the military or naval forces of the United States, a temporary vacancy shall be declared, which shall be filled by the remaining members of the board or the court, as the case may be from the qualified electors of the district, until the return of such member of the board from the military or naval service, or until the expiration of the term for which he shall have been elected, whichever shall be the shorter period.

(315 amended June 26, 2014, P.L.785, No.74)

Section 316. Vacancies in Majority of Members.--In case vacancies occur whereby the offices of a majority of the members of any board of school directors, other than the board of school directors of a school district of the first class or of the first class A becomes vacant, such vacancies shall be filled by the court of common pleas of the county in which such school district is situated from the qualified electors of the district. The persons selected to fill such vacancies shall hold their offices, if the terms thereof continue so long, until the first Monday in December after the first municipal election occurring more than sixty (60) days after the vacancy shall have occurred, at which election eligible persons shall be elected for the remainder of the respective unexpired term.

(316 amended July 8, 1989, P.L.253, No.43)

Section 317. Vacancies in All Members.--If at any time vacancies exist or occur in the membership of all the members of any board of school directors in any school district, other than a school district of the first class or of the first class A, the court of common pleas of the county in which such district, or the largest part in area thereof, is located,

shall, after ten (10) days from the time such vacancies exist or occur, appoint a board of properly qualified persons from the qualified electors of the district who shall serve, if the terms thereof continue so long, until the first Monday in December after the first municipal election occurring more than sixty (60) days after the vacancy shall have occurred; at which election a board of school directors for such district shall be elected for the remainder of the respective unexpired term. Whenever a vacancy of the entire membership of a board of school directors in any school district of the fourth class occurs, the executive director of the intermediate unit may enter and take full charge of and, at the expense of the district, maintain the schools thereof in accordance with the provisions of the school laws of the Commonwealth, under the direction of the Secretary of Education, and may continue in charge thereof until a board of school directors has been appointed from the qualified electors of the district and has qualified.

(317 amended July 8, 1989, P.L.253, No.43)

Section 318. Removal for Failure to Organize or Neglect of Duty.--If the board of school directors in any district (1) fail to organize as hereafter provided, or (2) refuse or neglect to perform any duty imposed upon it by the provisions of this act relating to school districts or (3) being a party to a joint board agreement refuse or neglect to perform any duty imposed upon it by the provisions of this act relating to joint boards or by the joint board agreement, any ten resident taxpayers in the district or, in the case of a distressed school district as defined in this act, the special board of control provided for in section 692 of this act, may present their or its petition in writing, verified by the oath or affirmation of at least three such resident taxpayers or, in the case of a distressed school district, by the Superintendent of Public Instruction, to the court of common pleas of the county in which such district or the largest part in area is located, setting forth the facts of such refusal or neglect of duty on the part of such school directors. The court shall grant a rule upon the school directors, returnable in not less than ten or more than twenty days from the date of issue thereof, to show cause why they should not be removed from office. The school directors shall have at least five days' notice of the granting of the rule. On or before the return day of the rule the school directors, individually or jointly, shall file in writing their answer or answers to the petition, under oath. If the facts set forth in the petition, or any material part thereof, is denied, the court shall hear the several parties on such matters as are contained in the petition. If on such hearing, or if when no answer is filed denying the facts set forth in the petition, the court shall be of the opinion that any duty imposed on the board of school directors, which is by the provisions of this act made mandatory upon them to perform, has not been done or has been neglected by them the court shall have power to remove the board, or such of its number as in its opinion is proper, and appoint for the unexpired terms other qualified persons in their stead, subject to the provisions of this act.

The court shall impose the cost of such proceedings upon the petitioners, or upon the school directors, or upon the school district, or may apportion the same among them as it shall deem just and proper.

Any person so removed from the office of school director shall not be eligible again as school director for the period of five (5) years thereafter.

(318 amended Dec. 15, 1959, P.L.1842, No.675)

Section 319. Vacancy where Director Fails to Qualify or Attend Meetings.--If any person elected or appointed as school director, who has been notified of his election or appointment, shall refuse or neglect to qualify as such director, within ten days next succeeding the beginning of his term of office, the remaining members of the board may declare his office as director vacant. His office shall be filled from the qualified electors of the district.

If any person having qualified as school director and any qualified school director who is a member of a joint board or who is selected as a member of a joint school committee or who is a member of a joint school committee by virtue of the provisions of a joint board agreement shall neglect or refuse to attend two successive regular meetings of the school board, joint board or joint school committee, unless detained by sickness, or prevented by necessary absence from the district, or if in attendance at any meetings shall neglect or refuse to act in his official capacity as a school director, the remaining members of the board may declare his office as director vacant. His office shall be filled from the qualified electors of the district.

(319 amended Nov. 28, 1973, P.L.361, No.127)

Section 320. Notification of Election.--The number of votes cast for the several candidates for school directors in all school districts in this Commonwealth at any election shall be returned by the election officers, as provided by law, and the clerk, prothonotary, or other proper authority, shall, within ten days thereafter, under seal of the court, certify the result of the election to each candidate duly elected, and a duplicate copy of each such certificate shall be mailed to the president of the board of school directors in the district in which such person or persons were elected.

Section 321. Compensation; Oath of Office.--All persons elected or appointed as school directors shall serve without pay except as hereinafter provided. Before entering upon the duties of their office each shall take and subscribe to the following oath or affirmation, which may be administered by any one qualified to administer an oath, or as hereinafter provided:--

I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity.

(321 amended Nov. 22, 1968, P.L.1079, No.331)

Section 322. Eligibility; Incompatible Offices.--Any citizen of this Commonwealth, having a good moral character, being eighteen (18) years of age or upwards, and having been a resident of the district for at least one (1) year prior to the date of his election or appointment, shall be eligible to the office of school director therein: Provided, That any person holding any office or position of profit under the government of any city of the first class, or the office of mayor, chief burgess, county commissioner, district attorney, city, borough, or township treasurer, member of council in any municipality, township commissioner, township supervisor, tax collector, assessor, assistant assessor, any comptroller, auditor, constable, executive director or assistant executive director of an intermediate unit, supervisor, principal, teacher, or employe of any school district, shall not be eligible as a school director in this Commonwealth. This section shall not prevent any district superintendent, assistant district superintendent, supervisor, teacher, or employe of any school

district, from being a school director in a district other than the one in which he is so employed, and other than in a district with which the district in which he is employed operates a joint school or department. Provided, however, That a joint school or department does not include a vocational school, intermediate unit or community college: And provided further, That a school director who is a supervisor, principal, teacher or employe of a vocational school, intermediate unit or community college shall not serve as a member of a board of the vocational school, intermediate unit or community college in which he is a supervisor, principal, teacher or employe: And provided further, That a school director who is a supervisor, principal, teacher or employe of a vocational school, intermediate unit or community college, shall not be assigned to a position of employment under the supervision of the district in which he or she serves as a member of the board of school directors. A school director shall not be eligible to the office of member of council in any municipality.

(322 amended May 11, 1982, P.L.396, No.115 and repealed in part June 26, 1989, P.L.47, No.10)

Compiler's Note: Section 4 of Act 2 of 1980, which amended section 3222, provided that the actions of any school director who held an incompatible office or employment at the same time he or she held the office of school director are hereby validated. Any person who is a school director on the effective date of this act and who holds an office or employment that was incompatible therewith prior to this amendatory act but which is not incompatible after passage of this amendatory act may continue to hold the office of school director.

Section 5 of Act 2 of 1980 provided that Act 2 shall take effect immediately and shall be retroactive to February 1, 1980.

Section 323. Ineligibility.--Any person who has held any office of trust or profit under the laws of the United States or of this Commonwealth, or in any county, city, borough, incorporated town, or township therein, and has been removed therefrom for any malfeasance in office, shall not be eligible to the office of school director.

Section 324. Not to be Employed by or do Business with District; Exceptions.--(a) No school director shall, during the term for which he was elected or appointed, as a private person engaged in any business transaction with the school district in which he is elected or appointed, be employed in any capacity by the school district in which he is elected or appointed, or receive from such school district any pay for services rendered to the district except as provided in this act: Provided, That one who has served as a school director for two consecutive terms, of six years each, may be elected to the position of attorney or solicitor for the board of which he was a member by the unanimous vote of all the other members of the board, and, after resigning his office as school director, shall be entitled to receive such pay for his services as solicitor as the board of school directors may determine: Provided, however, That a school director may be appointed to the position of secretary to the board of a school district of the second class, of which he was a member during the term for which he was elected or appointed upon the unanimous consent of all the other members of the board after resigning his office as school director, and he shall be entitled to receive such pay for his services as secretary as the board of school directors shall determine: And provided further, That one who has served as a

school director may, after resigning from office as a school director, be elected to the position of teacher by the board of which he was a member by a vote of at least two-thirds of all other members of the board and shall be entitled to receive such pay for his services as a teacher as the board of school directors may lawfully determine.

(b) No school board shall draw, cause to be drawn or accept a specification for any item to be purchased by the school district that would limit the purchase of the item to the firm, corporation, partnership or other business entity of which a school director is an officer, agent or employe and exclude all other persons who could submit quotations or bid on an equivalent item.

(c) It shall not be a violation of this section for a school district to contract for the purchase of goods or services from a business with which a school director is associated to the extent permitted by and in compliance with 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure).

(324 amended June 22, 2001, P.L.530, No.35)

Section 325. Offering Bribes; Penalty.--Every person who shall, individually or by or through any agent or representative, directly or indirectly, promise, pay, or give to any school director in this Commonwealth, any sum of money or other valuable thing, or make any promise of any office or appointment of any kind, in order to influence or secure the voting for, or the appointment of, himself, or any other person, as a teacher, executive director or assistant executive director of an intermediate unit, district superintendent, assistant superintendent, tax collector, attendance officer, or to any other position connected with the public schools of this Commonwealth, or for the purpose of having his salary increased while holding any appointment under the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine of not less than five dollars (\$5) or more than five hundred dollars (\$500), or be sentenced to the county jail for not less than thirty (30) days or more than one year, or both, at the discretion of the court. Any person so convicted shall thereafter be ineligible to be engaged as a teacher or to hold any office or appointment provided for by the provisions of this act.

(325 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 326. Receiving Bribes; Penalty.--Any school director in this Commonwealth who shall, directly or indirectly, accept or receive any money or other valuable thing for voting for or against, or for withholding his vote for or against, any appointment or matter or action that may come before the board or any committee thereof, or before any convention of school directors of which he is a member, shall be guilty of a misdemeanor, and on conviction thereof shall forfeit his office and shall not be eligible again to hold office of any kind provided for in this act, and shall be sentenced to pay a fine of not less than five dollars (\$5) or more than five hundred dollars (\$500), or to undergo imprisonment in the county jail for a term of not less than thirty (30) days or more than one year, either or both, as the court may determine.

Section 327. Demanding, etc., Gratuities from Teachers or Supervisors; Withholding State Appropriation.--It shall be unlawful for any board of school directors to demand, request, or accept, directly or indirectly, any gift or donation from any teacher or supervisor within its employ. When the Superintendent of Public Instruction shall be of the opinion that any board of school directors has violated the provisions

of this section, he shall have the power to refuse to authorize the payment of any amount payable to the school district by the Commonwealth on account of instruction for the school year in which such violation occurred.

(327 added May 14, 1949, P.L.1365, No.408)

ARTICLE IV.
ORGANIZATION MEETINGS AND OFFICERS
OF BOARDS OF SCHOOL DIRECTORS.

(a) General Provisions.

Section 401. Beginning of School Year; Organization Meetings.--

(a) In all school districts of the first class the school year shall begin on the first day of January of each year and the school directors shall meet and organize annually during the second week of November.

(a.1) In all school districts of the first class A, the school directors shall meet and organize annually during the first week of December. ((a.1) added Aug. 5, 1977, P.L.178, No.46)

(b) In all school districts of the second, third, and fourth class, except as hereinafter provided, the school year shall begin on the first day of July of each year and the school directors shall meet and organize annually during the first week of December.

(c) When a new school district is created, or when the offices of all the school directors of a district become vacant, the school directors appointed by the court, in any such case, shall meet and organize within ten days after their appointment.

(d) When two or more school districts are consolidated in any manner provided in this act and under the provisions of this act the members of the boards of directors of the respective districts continue in office during the respective terms for which they were elected and become the school directors of the consolidated district, they shall organize during the first week of July following such consolidation by electing a president and vice-president who shall hold their respective offices until the first Monday of December following their election, and by the election of a secretary for the consolidated district who shall serve for the remainder of the term for which secretaries are elected, and by the election of a treasurer for the consolidated district who shall hold office for the school year.

(401 amended Dec. 14, 1967, P.L.837, No.363)

Section 402. Notice of Organization Meetings; Temporary Officers; etc.--All members of the board of school directors in every school district shall be given five days' notice, by mail, by the secretary of the retiring board, of the time and place of meeting for organization, at which time and place, if a majority are present, an organization shall be effected as follows: In districts of the first class there shall be elected from the hold-over members a temporary president and secretary; and in all other school districts there shall be elected from the hold-over members a temporary president, and the secretary of the board shall act as secretary of such meeting. The certificates of the election or appointment of all new school directors shall be read, and a list of the legally elected or appointed and qualified school directors prepared. If any of the members have not taken and subscribed to the oath of office

required by this act, the same may be administered to them by the temporary president.

Section 403. Districts First Class and First Class A Permanent Organization; Election of Officers.--In all school districts of the first class or first class A, the school directors shall effect a permanent organization by electing a president and vice-president from their members, and a secretary who is not a member. They shall elect the treasurer of the city constituting all or the greater part of such school district of the first class or first class A as the school treasurer for such school district for the ensuing fiscal year.

The school treasurer of each school district of the first class or first class A may recommend to the board of public education for appointment, a deputy school treasurer. The board of public education shall appoint as deputy school treasurer the candidate recommended by the school treasurer, who, in case of death, resignation, or inability of the school treasurer to act, for any cause whatsoever, shall have the same powers and shall perform the same duties as imposed by law on the school treasurer. In case the school treasurer does not recommend to the board of public education for appointment a deputy school treasurer, the board of public education may elect a deputy school treasurer who shall serve until such time as the school treasurer recommends to the board of public education the appointment of a deputy school treasurer. The salary of the deputy school treasurer shall be fixed by the board of public education. He shall furnish bond in the sum of ten thousand dollars (\$10,000).

(403 amended June 2, 1965, P.L.86, No.59)

Section 404. Districts Second, Third and Fourth Class Permanent Organization; Election of Officers.--In each school district of the second, third and fourth class, the school directors shall effect a permanent organization by electing, during the first week of December, from their members, a president and vice-president, each to serve for one year, and shall annually, during the month of May, elect a treasurer to serve for one year, beginning the first day of July following such election, and shall, during the month of May, one thousand nine hundred and fifty-three, and every four years thereafter, elect a secretary for a term of four years, beginning the first day of July following such election. The treasurer may be any corporation duly qualified and legally authorized to transact a fiduciary business in the Commonwealth. Vacancies in the office of secretary shall be filled for the unexpired term. In school districts of the second class the secretary and treasurer shall not be members of the board. In districts of the third and fourth class they may be members of the board. The same person shall not hold at the same time more than one of the offices of president, vice-president, secretary or treasurer of any board of school directors.

No superintendent, assistant superintendent, supervising principal, or teacher shall serve, either temporarily or permanently, as an officer of the school board by which he is employed.

(404 amended Dec. 14, 1967, P.L.837, No.363)

Section 405. President or Secretary Pro Tempore.--In the absence of both the president and vice-president, or of the secretary, the board of school directors may elect a president or secretary pro tempore for such meeting only, and the appointment of such temporary officer shall be noted on the minutes of such meeting.

Section 406. Solicitor and Other Appointees.--Each board of school directors may appoint a solicitor, such assistant solicitors and such other appointees, clerks or employes as it may deem proper, none of whom, except as provided in section three hundred twenty-four of this act, shall be a member of the board, and shall define their duties and fix their salaries.

(406 amended July 31, 1968, P.L.1019, No.300)

Section 407. Rules and Regulations.--Each board of school directors may adopt reasonable rules and regulations for its government and control.

Section 408. Records, etc., Open to Taxpayers.--The accounts and records of proceedings of the board of every school district of the third and fourth class and of their officers shall be open to the inspection of any taxpayer thereof, his, her, or its agents or representative, upon request therefor, in writing, to the board of school directors at a regular meeting.

Section 409. Payment of Premiums on Officers' Bonds by School Districts.--When any officer or employe of any school district shall be required to give a bond for the faithful performance of his duties and such bond shall be required to be endorsed by a surety company, it shall be lawful for the school district to pay the premium on such bond.

(b) Meetings.

Section 421. Times and Places.--Each board of school directors in this Commonwealth shall have specified times and places at which it shall hold its meetings, and shall during the school term meet at least once every two months. The meetings for organization, and meetings provided for by any board of school directors at stated times at which such board is required to meet, or any adjournment thereof, shall be called "regular meetings," and all other meetings shall be called "special meetings."

Section 422. Quorum; Filling Vacancies.--A majority of the members of a board of school directors shall be a quorum. If less than a majority is present at any meeting, no business shall be transacted at such meeting, but the members present may adjourn to some stated time: Provided, That if there shall be a minority of the board present, because a majority of the seats are vacant, then in such case the minority members at any such meeting may fill vacancies in the manner provided in this act.

Section 423. Special Meetings.--Members shall have reasonable notice of all special meetings, and any board may adopt reasonable rules directing the kind and length of notice of the meetings of the board that shall be given to its members by the secretary.

No business shall be transacted at any special meeting except that named in the call sent to the members for such special meeting: Provided, That special meetings may be called for general purposes.

Section 424. Meetings Open to Public.--(424 repealed Sept. 28, 1959, P.L.987, No.403)

(c) President and Vice-President.

Section 426. President to Preside; Calling Special Meetings.--The president shall preside at all meetings. He may call special meetings at any time. He shall call a special meeting whenever so requested, in writing, by any three members of the board of school directors. Should he fail or refuse so

to do, a special meeting may be called at any time by a majority of the legally qualified and acting members of the board.

Section 427. Duties of President.--The president shall be the executive officer of the board of school directors, and as such he, together with the secretary, when directed by the board, shall execute any and all deeds, contracts, warrants to tax collectors, reports, and other papers pertaining to the business of the board, requiring the signature of the president. In school districts other than in school districts of the first class he shall, after the board has acted on and approved any bill or account for the payment of money authorized by this act, sign an order on the treasurer for the payment of the same. He shall in no case, except as this section otherwise provides, sign any order for any sum unless the same has first been acted upon and approved by the board, and the amount thereof and the name of the payee properly inserted. Any orders which shall be for the payment of amounts owing under any contracts which shall previously have been approved by the board, and by the prompt payment of which the district will receive a discount or other advantage, may be signed without the approval of the board first having been secured. All such orders shall be presented to the board at its next meeting. The president shall perform such other duties as the board may direct and as pertain to his office.

Section 428. Duties of Vice-President.--In the absence of the president the vice-president shall preside at all meetings, call special meetings whenever so requested by any three members of the board of directors, and when directed by the board shall execute any and all deeds, contracts, warrants to tax collectors and other papers pertaining to the business of the board, and perform all other duties imposed on the president. Except in school districts of the first class any school board, joint board or joint committee upon request of the president may authorize its vice-president to sign checks or vouchers for the payment of current expenses and salaries.

(428 amended Aug. 2, 1955, P.L.294, No.109)

(d) Secretary.

Section 431. Bond.--Before he enters upon the duties of his office the secretary of the board of school directors shall furnish to the school district, for the faithful performance of his duties, a bond, in such amount and with such surety or sureties as may be required of him, and approved by the board of school directors. The cost of such bond may be paid for by the school district. In lieu of furnishing a surety bond, the secretary may file his own collateral bond, in such amount as may be required by the board of school directors, secured by an actual deposit with the board of school directors, or with any bank or trust company within the Commonwealth which may be agreed upon, of any of the securities which depositories may use to secure the deposit of school funds as herein provided. The total market value of the securities, thus deposited, shall equal the amount of the collateral bond. Such collateral bond shall be conditioned upon the faithful performance of his duties as secretary. The securities, thus deposited, shall constitute a trust fund to be available for the satisfaction of any liability accruing upon the collateral bond.

The securities shall be accompanied by a proper assignment or power of attorney for their transfer. Such trust deposit, in the event of any depreciation in its value, shall be maintained, upon request in writing of the board of school

directors, at the amount provided therein. The board of school directors may permit the secretary to substitute for any one or more bonds or obligations included in any such securities, other bonds or obligations that meet the requirements of this act.

Section 432. Compensation.--The secretary of the board of school directors may receive for his services such compensation as the board shall fix, the amount of which shall be reported annually to the Superintendent of Public Instruction and be printed in his report.

Section 433. Duties.--The secretary of the board of school directors shall perform the following duties:

(1) He shall keep a correct and proper record of all the proceedings of the board, and shall prepare such reports and keep such accounts as are required by the provisions of this act;

(2) He shall after the board has acted on and approved any bill or account for the payment of money authorized by this act, prepare and sign an order on the treasurer for the payment of the same. He may prepare and sign orders on the treasurer for the payment of amounts owing under any contracts which shall previously have been approved by the board, and by the prompt payment of which the district will receive a discount or other advantage, without the approval of the board first having been secured;

(3) He shall attest, in writing, the execution of all deeds, contracts, reports, and other instruments that are to be executed by the board;

(4) He shall furnish, whenever requested, any and all reports concerning the school affairs of the district, on such form, and in such manner, as the State Board of Education or the Superintendent of Public Instruction may require; ((4) amended Oct. 21, 1965, P.L.601, No.312)

(5) He shall have general supervision of all the business affairs of the school district, subject to the instructions and direction of the board of school directors;

(6) He shall be the custodian of all the records, papers, office property, and official seal of the school district, and at the expiration of his term shall turn the same over to his successor;

(7) He shall keep correct accounts with each receiver of taxes, school treasurer, or school tax collector of the district, reporting a statement of the same, together with a statement of the finances of the district, at each regular meeting of the board, which statement shall be entered in full upon the minutes;

(8) He shall perform such other duties pertaining to the business of the district as are required by this act or as the board of school directors may direct.

Section 434. Assistant Secretary.--Every board of school directors may, by resolution, appoint an assistant secretary who shall, in the absence or disability of the secretary, perform the duties and exercise the powers of the secretary. The assistant secretary may be appointed from the membership of the board of school directors but shall not be any other officer thereof, shall not receive compensation for such services and shall be bonded.

(434 added July 13, 1961, P.L.591, No.289)

(e) Treasurer.

Section 436. Bond.--Every person elected treasurer of any school district, including the city treasurer elected as treasurer of a school district of the first class, shall, before entering upon the duties of his office, furnish to the school district a proper bond, in such amount and with such corporate surety as the board of school directors therein may approve, conditioned for the faithful performance of his duties as school treasurer. If any school treasurer is re-elected, he shall furnish a new bond for each year. The treasurer's bond may be paid for by the school district. In lieu of furnishing such a bond, the treasurer may file his own collateral bond, in such amount as may be required by the board of school directors, secured by an actual deposit with the board of school directors, or with any bank or trust company within the Commonwealth which may be agreed upon, of any of the securities which depositories may use to secure the deposit of school funds as herein provided. The total market value of the securities, thus deposited, shall equal the amount of the collateral bond. Such collateral bond shall be conditioned upon the faithful performance of his duties as treasurer. The securities, thus deposited, shall constitute a trust fund to be available for the satisfaction of any liability accruing upon the collateral bond. The securities shall be accompanied by a proper assignment or power of attorney for their transfer. Such trust deposit, in the event of any depreciation in its value, shall be maintained, upon request in writing of the board of school directors, at the amount provided therein. The board of school directors may permit the treasurer to substitute for any one or more bonds or obligations included in any such securities, other bonds or obligations that meet the requirements of this act.

The school treasurer shall not enter upon the duties of his office until his bond, with the proper corporate surety or securities, has been furnished to, and approved by, the board of school directors.

(436 amended Aug. 19, 1953, P.L.1153, No.314)

Section 437. Audit of Accounts.--The accounts of the school treasurer shall be audited annually as hereinafter provided.

Section 438. Compensation.--School treasurers shall be paid such compensation as the boards of school directors of the respective districts may determine. In all school districts of the second, third, and fourth class such compensation or commission shall not exceed two per centum of the amount of funds paid out on school orders. No compensation shall be allowed to any school treasurer on account of any balance in his hands paid over to his successor, nor for the repayment of any loan or redemption of bonds, whether upon order or otherwise. The compensation received by each school treasurer for the preceding year shall be reported annually to the Superintendent of Public Instruction, and be printed in his report.

Section 439. Receipt and Payment of School Funds.--The treasurer of each school district shall receive all State appropriations, district school taxes, and other funds belonging to the school district, and make payments out of the same on proper orders approved by the board of school directors, signed, except in districts of the first class, by the president, and, in any school district of the first class by the secretary. The treasurer may pay out such funds on orders which have been prepared and signed by the secretary, and in school districts other than in school districts of the first class, signed by the president, without the approval of the board first having

been secured, for the payment of amounts owing under any contracts which shall previously have been approved by the board, and by the prompt payment of which the district will receive a discount or other advantage. In all school districts of the first class, all school orders before being paid by the school treasurer shall be approved by the school controller of such district.

Section 440. Deposit of Funds; Monthly Reports.--The treasurer of each school district shall deposit the funds belonging to the school district in the school depository, if any, as directed by the board of school directors, and shall at the end of each month make a report to the school controller, if any, and to the secretary of the board of school directors, of the amount of funds received and disbursed by him during the month. All deposits of school funds by any school treasurer shall be made in the name of the school district.

Section 440.1. Investment of School District Funds.--(a) The board of school directors in any school district of the first class, first class A, second, third or fourth class shall invest school district funds consistent with sound business practice.

(b) The board of school directors shall provide for an investment program subject to restrictions contained in this act and in any other applicable statute and any rules and regulations adopted by the board.

(c) Authorized types of investments for school district funds shall be:

(i) United States Treasury bills.

(ii) Short-term obligations of the United States Government or its agencies or instrumentalities.

(iii) Deposits in savings accounts or time deposits or share accounts of institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or the National Credit Union Share Insurance Fund to the extent that such accounts are so insured, and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository.

(iv) Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth, or of any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.

(v) Shares of an investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.), whose shares are registered under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.): Provided, That the following are met:

(A) Only investments of that company are in the authorized investments for school district funds listed in clauses (i) through (iv) and repurchase agreements fully collateralized by such investments.

(B) The investment company is managed so as to maintain its shares at a constant net asset value in accordance with 17 CFR 270 2a-7 (relating to money market funds).

(C) The investment company is rated in the highest category by a nationally recognized rating agency.

((c) amended June 30, 1995, P.L.220, No.26)

(d) In making investments of funds, the board shall have authority:

(i) To permit assets pledged as collateral under subsection (c)(iii), to be pooled in accordance with the act of August 6, 1971 (P.L.281, No.72), relating to pledges of assets to secure deposits of public funds.

(ii) To combine moneys from more than one fund under school district control for the purchase of a single investment, provided that each of the funds combined for the purpose shall be accounted for separately in all respects and that the earnings from the investment are separately and individually computed and recorded, and credited to the accounts from which the investment was purchased.

(e) Any such purchase or sale shall be made by the treasurer of the school district on a resolution adopted by the board of school directors.

(440.1 amended July 1, 1981, P.L.200, No.62)

Section 441. Settlement of Accounts.--The school treasurer shall settle his accounts annually with the board of school directors for each school year.

Section 442. Other Duties; Payment of Balance to Successor.--The school treasurer shall perform such other acts and duties pertaining to the district as the board of school directors may direct, or as may be required of him by law, and at the end of his term the school treasurer shall promptly pay over to his successor in office the balance of any and all money remaining in his hands, and shall deliver to him all books, accounts, and other property of the school district.

Section 443. Embezzlement; Penalty.--Any school treasurer who converts to his own use in any way whatsoever, or uses by way of investment, any portion of the school funds or school property entrusted to him for safekeeping or disbursement, or proves to be a defaulter, or fails to pay a proper school warrant when properly presented, or when legally required to do so, or fails to pay said funds or any part thereof to his successor in office, or to any other person authorized to demand and receive the same, or receives and accepts for his own use any interest or profit on any school funds, or fails to account for and pay over to the proper school district any and all interest or profit collected by or paid to him on account of any school funds in his hands, or deposited by him, or deposits any of the funds of the school district in any other name in the name of the school district, shall be guilty of embezzlement of so much of said money as shall thus be taken, converted, invested, accepted, collected, used, not paid over, unaccounted for, or wrongfully deposited. Every school treasurer, and every person aiding or abetting, or being in any way an accessory to said acts, or any of them, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine for the use of the school district of not less than twenty-five dollars (\$25), and not more than one thousand dollars (\$1000), or be sentenced to undergo imprisonment of not less than thirty (30) days, nor more than five (5) years, either or both, at the discretion of the court. Any school treasurer so convicted shall forfeit his office.

ARTICLE V. DUTIES AND POWERS OF BOARDS OF SCHOOL DIRECTORS.

Section 501. Elementary Schools.--(a) The board of school directors in every school district shall establish, equip,

furnish, and maintain a sufficient number of elementary public schools, in compliance with the provisions of this act, to educate every person, residing in such district, between the ages of six and twenty-one years, who may attend.

(b) A board of school directors may satisfy the requirement set forth in subsection (a) by any of the following:

(1) Operating a school building.

(2) Converting a school building to a charter school pursuant to section 1717-A, provided that a school district in financial recovery status or in receivership under Article VI-A that seeks to convert a school building to a charter school shall comply with the provisions of section 642-A(2).

(3) Contracting with an education management service provider to operate a school building. For purposes of this paragraph, "education management service provider" shall mean a for-profit education management organization, nonprofit charter management organization, school design provider, business manager or any other partner entity with which a school district contracts to provide educational design, business services, comprehensive management or personnel functions. The term shall not include a charter school foundation.

(4) Paying tuition for students residing in the school district to attend school in another school district upon the agreement of both school districts.

(501 amended July 12, 2012, P.L.1142, No.141)

Section 502. Additional Schools and Departments.--In addition to the elementary public schools, the board of school directors in any school district may establish, equip, furnish, and maintain the following additional schools or departments for the education and recreation of persons residing in said district, and for the proper operation of its schools, namely:--

- High schools,
- Trade schools,
- Vocational schools,
- Technical schools,
- Cafeterias,
- Agricultural schools,
- Evening schools,
- Kindergartens,
- Libraries,
- Museums,
- Reading-rooms,
- Gymnasiums,
- Playgrounds,
- Schools for physically and mentally handicapped,
- Truant schools,
- Parental schools,
- Schools for adults,
- Public lectures,

Such other schools or educational departments as the directors, in their wisdom, may see proper to establish.

Said additional schools or departments, when established, shall be an integral part of the public school system in such school district and shall be so administered.

No pupil shall be refused admission to the courses in these additional schools or departments, by reason of the fact that his elementary or academic education is being or has been received in a school other than a public school.

(502 amended May 9, 1949, P.L.939, No.263)

Section 502.1. Establishment of Independent Schools.--(a) A school district may, upon approval of the board of school directors, designate any school of the district as an

independent school operating under an agreement with the board of school directors that grants operational control to the governing body of the independent school. The governing body of the independent school, including its composition, membership and selection process, shall be established by the board of school directors. The governing body shall include representatives of parents and teachers. The board of school directors shall consider recommendations from teachers or parents regarding the composition of the governing body. Teacher representatives shall be selected by a vote of teachers employed in the school being designated as an independent school. The governing body of a school designated as an independent school under this section shall have the authority to decide all matters related to the operation of the school pursuant to the agreement established in subsection (b).

(b) The agreement between the board of school directors and the governing body of the independent school shall:

(1) Describe the governance structure of the independent school.

(2) Prescribe the educational goals and mission of the independent school and the curriculum to be offered.

(3) Describe the academic, fiscal and other goals and objectives for which the independent school will be held accountable and the evaluation criteria and procedures that will be employed to determine if that school is meeting its goals and objectives.

(4) Grant the independent school allocation of, and control over, its funding and budget. The independent school's funding shall be determined by the agreement.

(5) Grant the independent school control of its educational program and curriculum.

(6) Prescribe the authority of the independent school to establish working conditions, select and assign professional and nonprofessional employees, including authority to apply section 1724-A as it pertains to certification, establish nonteaching duties, extend the length of the school year and schedule of the school day, including holding class after regular hours.

(7) Define the terms by which the agreement may be terminated, modified, extended or renewed.

(8) An independent school agreement shall be for a period of no less than three (3) nor more than five (5) years and may be renewed for five (5) year periods upon reauthorization by the board of school directors.

(c) Employees assigned to an independent school shall be employees of the school district.

(d) Independent schools shall be subject to the following: Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 771, 776, 777, 808, 809, 810, 1006, 1109, 1111, 1112(a), 1310, 1317, 1317.1, 1317.2, 1318, 1327, 1330, 1332, 1303-A, 1513, 1517, 1518, 1521, 1523, 1547, 2014-A, 2513, Article XI except as limited by subsection (b)(6), Article XII except as limited by subsection (b)(6), and Articles XIII-A and XIV.

Act of July 17, 1961 (P.L.776, No.341), known as the "Pennsylvania Fair Educational Opportunities Act."

Act of July 19, 1965 (P.L.215, No.116), entitled "An act providing for the use of eye protective devices by persons engaged in hazardous activities or exposed to known dangers in schools, colleges and universities."

Section 4 of the act of January 25, 1966 (1965 P.L.1546, No.541), referred to as the Higher Education Scholarship Law.

Act of July 12, 1972 (P.L.765, No.181), entitled "An act relating to drugs and alcohol and their abuse, providing for projects and programs and grants to educational agencies, other public or private agencies, institutions or organizations."

Act of December 15, 1986 (P.L.1595, No.175), known as the "Antihazing Law."

The following provisions of 22 Pa. Code:

Chapter 4 (relating to academic standards and assessment).

Section 4.4 (relating to general policies).

Section 4.26 (relating to ESOL).

Chapter 11 (relating to pupil attendance).

Chapter 12 (relating to students).

Chapter 14 (relating to special education services and programs).

Chapter 16 (relating to special education for gifted students).

Section 32.3 (relating to assurances).

Section 121.3 (relating to discrimination prohibited).

Section 235.4 (relating to practices).

Section 235.8 (relating to civil rights).

(e) Nothing in this section shall be construed to supersede or preempt any provisions of a collective bargaining agreement in effect on the effective date of this act.

(f) The department may award planning grants for the conversion of schools to independent schools. The total amount of grants awarded shall be limited to funds appropriated for this purpose. Grant applications shall be filed in accordance with procedures developed by the department. ((f) amended June 29, 2002, P.L.524, No.88)

(502.1 added May 17, 2001, P.L.4, No.4)

Section 503. Kindergartens.--The board of school directors in any school district may establish and maintain kindergartens for children between the ages of four and six years. When established, the kindergartens shall be an integral part of the elementary school system of the district, and be kept open for not less than two and one-half hours each day for the full school term as provided in section 1501.

The number of kindergartens in any one district shall be fixed by the board of school directors, and shall be open during the school year.

If the average attendance in any one kindergarten in any district is ten or less for the school year, the school directors shall, at the close of the school year, discontinue the same.

The board of school directors shall appoint and assign a sufficient number of teachers to such kindergartens, who shall be certified in accordance with the rules and regulations prescribed by the Council of Basic Education. (Par. amended Oct. 21, 1965, P.L.601, No.312)

(503 amended Sept. 21, 1959, P.L.925, No.373)

Section 504. Cafeterias.--(a) The board of school directors in any school district shall have power to establish, equip, maintain, and operate cafeterias, or to contract for any services necessary for the operation of a food service program, in any of the schools under its jurisdiction, whenever in its judgment it is deemed advisable to do so, and shall have power to appoint such directors, supervisors, or other employes as are necessary, and set and pay their salaries.

(b) The cost of housing, equipping and operating such cafeterias may be charged against the funds of the school district.

(c) The food served shall be sold to the pupils, teachers, and school employes of the cafeterias at such price as will not materially exceed the cost of operation.

(d) It shall be legal for boards of school directors to authorize the proper school employe to purchase perishable food supplies for cafeterias without advertising for bids.

(e) There shall be a separate cafeteria fund, and all payments from said fund shall be made upon a special order drawn by the school employe authorized to purchase food supplies. Said employe shall present each month to the board of directors, for approval, a statement of receipts and expenditures.

(f) The accounts shall be subject to examination by the auditors of the school district in like manner as other accounts of the school district. Any balance of funds accruing from the operation of the cafeteria must be used only for the improvement or maintenance of the cafeteria and may not be used for other purposes.

(504 amended July 1, 1978, P.L.575, No.105)

Section 504.1. Competitive Food or Beverage Contracts.--(a)

(1) A board of school directors of a school district or any of the schools under its jurisdiction shall not enter into an exclusive competitive food or beverage contract unless the board of school directors provides reasonable public notice or holds a public hearing about the contract.

(2) As used in this subsection, "reasonable public notice" shall mean providing notice to parents or guardians utilizing normal school communication procedures at least 30 days prior to the board of school directors or any of the schools under its jurisdiction entering into an exclusive competitive food or beverage contract, which notice includes guidance for parents or guardians on how to offer public comment regarding the contract.

(b) A board of school directors or any of the schools under its jurisdiction shall not enter into any contract prohibiting a school district employe from disparaging the goods or services of the party contracting with the board of school directors or any of the schools under its jurisdiction.

(c) (1) No contract entered into under this section may include a confidentiality clause prohibiting a board of school directors or any of the schools under its jurisdiction from making any part of the contract public.

(2) A contract entered into or renewed under this section shall be made accessible to the public pursuant to section 2 of the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(d) The board of school directors shall report the amounts and specific sources of funds received and the nature of expenditures made from funds received from a competitive food or beverage contract at a regularly scheduled board meeting, a public hearing or on the school district's Internet website.

(e) The board of school directors may post signs publicly expressing the school district's appreciation of a business or person that supports the school district's educational programs.

(f) As used in this section, the term "competitive food or beverage" means any food or beverages offered or sold in competition with reimbursable meals served under the National School Lunch or School Breakfast Program.

(504.1 added July 11, 2006, P.L.1092, No.114)

Compiler's Note: The act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, referred to in

subsec. (c)(2), was repealed by the act of Feb. 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 505. Establishment and Maintenance of Consolidated Schools.--The board of directors of any school district may establish, equip, furnish, and maintain consolidated schools formed by uniting two or more public schools, which prior to such union were maintained in separate buildings, and after such union are maintained in one school organization taught by two or more teachers. The board of school directors may transport pupils to and from such schools as provided for by this act.

(505 amended Oct. 21, 1965, P.L.601, No.312)

Section 506. Duty to Consolidate Schools.--Whenever graded schools can be made to accommodate the pupils of one or more one room schools by consolidating said one room school or schools with another school, either graded or ungraded, it shall be the duty of the board of school directors to abandon the one room school or schools, and instead of repairing or rebuilding the one room schoolhouse or schoolhouses, they shall erect a suitable modern building for the purpose of consolidating and properly grading all of the schools. No pupil of the abandoned schools shall be required to walk more than a mile and a half to the new school building.

Section 507. General Powers; Taxation.--In order to establish, enlarge, equip, furnish, operate, and maintain any schools or departments herein provided, or to pay any school indebtedness which any school district is required to pay, or to pay any indebtedness that may at any time hereafter be created by any school district, or to enable it to carry out any provisions of this act, the board of school directors in each school district is hereby vested with all the necessary authority and power annually to levy and collect, in the manner herein provided, the necessary taxes required, in addition to the annual State appropriation, and shall have, and be vested with, all necessary power and authority to comply with and carry out any or all of the provisions of this act. In the case of a school district of the first class, the duties imposed by this section shall apply to a city of the first class that is coterminous with a school district of the first class.

(507 amended Apr. 27, 1998, P.L.270 No.46)

Section 508. Majority Vote Required; Recording.--The affirmative vote of a majority of all the members of the board of school directors in every school district, duly recorded, showing how each member voted, shall be required in order to take action on the following subjects:--

Fixing length of school term.

Adopting textbooks.

Appointing or dismissing district superintendents, assistant district superintendents, associate superintendents, principals, and teachers.

Appointing tax collectors and other appointees.

Adopting the annual budget.

Levying and assessing taxes.

Purchasing, selling, or condemning land.

Locating new buildings or changing the locations of old ones.

Dismissing a teacher after a hearing.

Creating or increasing any indebtedness.

Adopting courses of study.

Establishing additional schools or departments.

Designating depositories for school funds.

Entering into contracts of any kind, including contracts for the purchase of fuel or any supplies, where the amount involved exceeds one hundred dollars (\$100).

Fixing salaries or compensation of officers, teachers, or other appointees of the board of school directors.

Entering into contracts with and making appropriations to the intermediate unit for the district's proportionate share of the cost of services provided or to be provided for by the intermediate unit.

Failure to comply with the provisions of this section shall render such acts of the board of school directors void and unenforcible.

(508 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 509. Supervision over Schools; Visitation.--(509 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 510. Rules and Regulations; Safety Patrols.--The board of school directors in any school district may adopt and enforce such reasonable rules and regulations as it may deem necessary and proper, regarding the management of its school affairs and the conduct and deportment of all superintendents, teachers, and other appointees or employes during the time they are engaged in their duties to the district, as well as regarding the conduct and deportment of all pupils attending the public schools in the district, during such time as they are under the supervision of the board of school directors and teachers, including the time necessarily spent in coming to and returning from school.

In the exercise of this authority the board of school directors is empowered to organize school safety patrols and, with the permission of the parents, to appoint pupils as members thereof, for the purpose of influencing and encouraging the other pupils to refrain from crossing public highways at points other than at regular crossings, and for the purpose of directing pupils not to cross highways at times when the presence of traffic would render such crossing unsafe. Nothing herein contained shall be construed to authorize or permit the use of any safety patrol member for the purpose of directing vehicular traffic, nor shall any safety patrol member be stationed in that portion of the highway intended for the use of vehicular traffic. No liability shall attach either to the school district, or any individual director, superintendent, teacher, or other school employe, by virtue of the organization, maintenance, or operation of a school safety patrol organized, maintained, and operated under authority of this section.

All flags, belts, apparel and devices issued, supplied or furnished to persons acting in the capacity of special school police, or special police appointed to control and direct traffic at or near schools, in order to enhance the conspicuity of such persons, shall be made from retro-reflective and fluorescent materials visible both day and night at three hundred (300) feet to approaching motorists using lawful low beam headlights and shall conform to standards, specifications, or regulations issued by the State Board of Education. All belts supplied or furnished to pupils active in the capacity of school safety patrol members shall be fluorescent.

(510 amended June 29, 1976, P.L.450, No.110)

Section 510.1. Special School Watchmen-School Districts in Townships of the Second Class.--The board of school directors of school districts in townships of the second class may, by resolution, appoint and fix the salary of special school watchmen, who shall have the duty of patrolling school grounds and protecting school property.

(510.1 added Jan. 14, 1952, 1951 P.L.2031, No.569)

Section 510.2. Publication of Rules, Regulations and Policies.--The board of school directors of a school district shall post on its publicly accessible Internet website the following rules, regulations and policies to the extent that they are required to be adopted by the school district under Federal or State law:

- (1) The following relating to students:
 - (i) Admission of beginners.
 - (ii) Attendance, excusals and truancy.
 - (iii) Withdrawal from school.
 - (iv) Student discipline.
 - (v) Suspension and expulsion of students.
 - (vi) Searches.
 - (vii) Audio interception on school buses or school vehicles for disciplinary or security persons.
 - (viii) Retention, maintenance and access to student records.
 - (ix) Use of personal electronic devices.
 - (x) Dress and grooming.
 - (xi) Student complaint process.
 - (xii) Parent appeal of a school district's placement of twins or multiple birth siblings.
 - (xiii) Participation by home school students in school district extracurricular activities.
- (2) The following relating to educational programs:
 - (i) Curriculum review by parents and students.
 - (ii) Promotion and retention.
 - (iii) Graduation requirements.
- (3) The following relating to student health:
 - (i) Communicable diseases and immunization.
 - (ii) Health examinations and screenings.
 - (iii) Student use of medications.
 - (iv) The school district's wellness policy.
- (4) The following relating to school property:
 - (i) Use of school property and facilities.
 - (ii) School visitation policies.
 - (iii) Integrated pest management plan.
- (5) The following relating to community:
 - (i) Public participation in school board meetings.
 - (ii) Public attendance at school events.
 - (iii) Parental involvement policy for parents and guardians of students participating pursuant to section 1118 of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C § 6318).
 - (iv) Public access to and use of school district buildings, facilities and grounds.
- (v) Public complaint process.

(510.2 added July 13, 2016, P.L.716, No.86)

Section 511. School Athletics, Publications, and Organizations.--

(a) The board of school directors in every school district shall prescribe, adopt, and enforce such reasonable rules and regulations as it may deem proper, regarding (1) the management, supervision, control, or prohibition of exercises, athletics, or games of any kind, school publications, debating, forensic, dramatic, musical, and other activities related to the school program, including raising and disbursing funds for any or all of such purposes and for scholarships, and (2) the organization, management, supervision, control, financing, or prohibition of organizations, clubs, societies and groups of the members of any class or school, and may provide for the suspension, dismissal, or other reasonable penalty in the case of any

appointee, professional or other employe, or pupil who violates any of such rules or regulations.

(b) Any school or any class activity or organization thereof, with the approval of the board, may affiliate with any local, district, regional, State, or national organization whose purposes and activities are appropriate to and related to the school program.

(b.1) Private schools shall be permitted, if otherwise qualified, to be members of the Pennsylvania Interscholastic Athletic Association except that private schools located in cities of the second class which are members of the Pennsylvania Interscholastic Athletic Association shall, if they so elect, be assigned to a district or section outside of the geographical boundary of the second class city but contiguous thereto, and shall participate in Pennsylvania Interscholastic Athletic Association sponsored athletic contests in that section. The association shall not prohibit a private school from being a member solely on the grounds that the coach or a member of the coaching staff of any athletic team is not a teacher, or professional employe, either full-time or part-time, at such private school, except that this provision shall not apply to coaches or members of the coaching staff initially employed after January 1, 1965. ((b.1) amended June 26, 1974, P.L.370, No.125)

(c) The board of school directors may (1) permit the use of school property, real or personal, for the purpose of conducting any activity related to the school program, or by any school or class organization, club, society, or group, (2) authorize any school employe or employes to manage, supervise and control the development and conduct of any of such activities, (3) employ or assign any school employe to serve in any capacity in connection with any of such activities.

(d) Notwithstanding the use of school property or personnel, it shall be lawful for any school or any class or any organization, club, society, or group thereof, to raise, expend, or hold funds, including balances carried over from year to year, in its own name and under its own management, under the supervision of the principal or other professional employe of the school district designated by the board. Such funds shall not be the funds of the school district but shall remain the property of the respective school, class, organization, club, society, or group. The treasurer or custodian of such funds shall furnish to the school district a proper bond, in such amount and with such surety or sureties as the board shall approve, conditioned upon the faithful performance of his duties as treasurer or custodian. The premium of such bond, if any, shall be paid from the fund or funds secured thereby or from the funds of the school district, at the discretion of the board. The treasurer or custodian shall be required to maintain an accounting system approved by the board, shall deposit the funds in a depository approved by the board, shall submit a financial statement to the board quarterly or oftener, at the direction of the board, and shall submit the accounts to be audited in like manner as the accounts of the school district.

(e) All purchases of materials or supplies made by any organization, club, society or group or by any school or class shall be made by the purchaser in accordance with the requirements of section 807.1. ((e) amended June 29, 2002, P.L.524, No.88)

(f) The board of school directors of any district is hereby authorized to appropriate any monies of the district for the payment of medical and hospital expenses incurred as a result

of participation in such athletic events or games, practice or preparation therefor, or in transportation to or from such athletic events or games, or the practice or preparation therefor, and for the purchase of accident insurance in connection with such participation and transportation. ((f) added Apr. 22, 1949, P.L.726, No.178)

(511 amended Apr. 14, 1949, P.L.460, No.85)

Section 512. Advertising for Bids in Trade Journals.--(512 repealed July 9, 1976, P.L.877, No.160)

Section 513. Group Insurance Contracts.--(a) Any school district may make contracts of insurance with any insurance company, or nonprofit hospitalization corporation, or nonprofit medical service corporation, authorized to transact business within the Commonwealth, insuring its employees, their spouses and dependents and retired employees, or any class or classes thereof, under a policy or policies of group insurance covering life, health, hospitalization, medical service, or accident insurance, and may contract with any such company granting annuities or pensions, for the pensioning of such employees, and may contract with any such company insuring members of the school board under policies of travel and accident insurance while on the official business of the board, including travel to and returning from meetings of the board or committees thereof, and for such purposes may agree to pay part or all of the premiums or charges for carrying such contracts, and may appropriate out of its treasury any money necessary to pay such premiums or charges or portions thereof. No contract or contracts of insurance authorized by this section shall be purchased from or through any person employed by the school district in a teaching or administrative capacity. ((a) amended July 24, 1970, P.L.611, No.204)

(b) The board of school directors is hereby authorized to deduct from the employee's pay, salary, or compensation, such part of the premium as is payable by the employee and as may be so authorized by the employee in writing.

(b.1) (1) School districts, intermediate units and area vocational-technical schools shall give employees and their dependents, upon the employee's retirement, the option of continuing coverage in the group health plan to which they belonged as employees.

(2) Notwithstanding the provisions of Title XXII of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 300 bb-1 et seq.) and amendments thereto, annuitants of the Public School Employees' Retirement System may continue to purchase that coverage after retirement, as defined in paragraph (4), until sixty-five years of age or until they are covered by another plan. An annuitant who is eligible to be covered as an employee or dependent by any other employer-provided health plan shall not be eligible for coverage in the school unit's health plan: Provided, however, That such annuitant shall be eligible for reinstatement in the school unit's health plan whenever such alternate coverage ceases.

(3) Purchase of the coverage provided for in this subsection shall equal the cost of the program for active employees and dependents plus an additional two per centum.

(4) For purposes of this section, an annuitant shall mean a member of the Public School Employees' Retirement System who has taken superannuation retirement, has retired with thirty (30) or more years of credited service or has taken disability retirement.

(5) Qualifying annuitants who retired from the school entity prior to July 1, 1989, or subsequent to that date shall be

eligible for continuing coverage under the school unit's group health plan. No qualifying annuitant, however, may purchase such coverage until July 1, 1989. Annuitants shall be required to comply with the following conditions in order to purchase continuing coverage as provided in this section:

(i) Annuitants who retired prior to July 1, 1989, shall, within sixty (60) days of the effective date of this act, be notified by the Public School Employees' Retirement System of their entitlement to purchase continuing medical coverage as provided herein. Within forty-five (45) days from the date of such notice, annuitants who elect to purchase continuing coverage shall provide written notification to the school unit from which they retired of their decision to enroll in its health plan.

(ii) Annuitants who retire after July 1, 1989, shall, within sixty (60) days of their retirement, be notified by the school unit to which they belonged at the time of retirement of their entitlement to purchase continuing medical coverage as provided herein. Within forty-five (45) days from the date of such notice, annuitants who elect to purchase continuing coverage shall provide written notification to the school unit of their decision to enroll in the health plan to which they belonged at the time of retirement.

(iii) The school unit shall be responsible for providing annuitants with written notification of deadlines for payment of premiums. Failure to pay prescribed premiums and fees, as provided in this section, in not less than sixty (60) days from the date of notice, shall automatically terminate eligibility of an annuitant to participate in the health care plan: Provided, however, That nothing in this subsection shall prohibit the reinstatement of persons into the health plan in accordance with procedures established by the school unit, consistent with policies of the provider of the health plan.

(6) School districts, intermediate units and area vocational-technical schools shall report annually to the Department of Education the increased costs resulting exclusively from the inclusion of qualified annuitants and their dependents in the entity's group health plan, for the purpose of evaluating the feasibility of future Commonwealth funding.

((b.1) amended July 8, 1989, P.L.253, No.43)

(c) All contracts procured hereunder shall conform and be subject to all the provisions of any existing or future laws concerning group insurance and group annuity contracts.

(d) Nothing contained in this section shall be construed to repeal any act of Assembly now providing for the granting of pensions or retirement remuneration to any of the employees of any school district.

Section 514. Removal of Officers, Employees, etc.--The board of school directors in any school district, except as herein otherwise provided, shall after due notice, giving the reasons therefor, and after hearing if demanded, have the right at any time to remove any of its officers, employees, or appointees for incompetency, intemperance, neglect of duty, violation of any of the school laws of this Commonwealth, or other improper conduct.

On the removal by the board of school directors of any officer, employee, or appointee, such officer, employee, or appointee shall surrender and deliver to the secretary, or other person designated by the board, any and all papers, property, and effects of the school district in his hands at the time of such removal.

Section 515. Rights and Powers Preserved.--In every school district the board of school directors shall continue to have and possess, all the powers, rights, and privileges, not inconsistent with this act, which boards of school directors, boards of school controllers, or boards of public education, in its respective district, lawfully had on the eighteenth day of May, one thousand nine hundred eleven.

Section 516. State Convention or Association; Delegates; Expenses; Membership.--The board of school directors or the board of public education of any school district may appoint one or more of its members, its non-member secretary, if any, and its solicitor, if any, as delegates to any State convention or association of school directors, held within the Commonwealth. It shall be the duty of such delegates to attend the meetings of such convention or association, and each delegate so attending shall be reimbursed for travel, travel insurance, lodging, meals, registration fees and other incidental expenses necessarily incurred. Any such board may become a member of the Pennsylvania School Boards Association, Inc., and may pay, out of the school funds of the district, any membership dues which may be assessed by the association at any State convention of school directors to defray the necessary expenses of maintaining the association and of holding the convention. Such expenses shall be paid by the treasurer of the school district, in the usual manner, out of the school funds of the district, upon the presentation of an itemized, verified statement of such expenses.

(516 amended Aug. 13, 1963, P.L.768, No.385)

Section 516.1. Expenses for Attendance at Meetings of Educational or Financial Advantage to District.--When, in the opinion of the board of school directors or of the board of public education, attendance of one or more of its members and of its non-member secretary, if any, and of its solicitor, if any, at any meeting held within the Commonwealth (other than annual State conventions of school directors) or the attendance of one or more of its members and of its non-member secretary, if any, and of its solicitor, if any, at the annual convention of the National School Boards Association or any other educational convention, will be of educational or financial advantage to the district, it may authorize the attendance of any of such persons at such meeting within the Commonwealth and at the annual convention of the National School Boards Association or any other educational convention, wherever held, not exceeding two meetings in any one school year in addition to annual or special conventions of the intermediate unit. Each person so authorized to attend and attending shall be reimbursed for all expenses actually and necessarily incurred in going to, attending and returning from the place of such meeting, including travel, travel insurance, lodging, meals, registration fees and other incidental expenses necessarily incurred. Actual travel expenses shall be allowed. All such expenses shall be itemized and made public at the next meeting of the board. Such expenses shall be paid by the treasurer of the school district in the usual manner out of the funds of the district, upon presentation of an itemized verified statement of such expenses: Provided, That advanced payments may be made by the proper officers of the district upon presentation of estimated expenses to be incurred, to be followed by a final itemized, verified statement of such expenses actually incurred upon return from such conventions, and a refund be made to the district of such funds remaining or an additional payment be made to meet the verified expenses actually incurred.

Each member of an intermediate unit board of directors shall be reimbursed by the intermediate unit and each member of a school district board of directors shall be reimbursed by the school district for mileage and for all expenses actually and necessarily incurred in attending meetings, conventions and other functions of and on behalf of the intermediate unit or the school district provided that reimbursement for attendance at meetings called by the intermediate unit board of directors shall not exceed an average of four (4) per month per annum and provided that reimbursement for attendance at meetings called by the district board of directors shall not exceed an average of four (4) per month per annum.

(516.1 amended June 18, 1982, P.L.539, No.155)

Section 517. Attendance of Superintendents, etc., at Educational Conferences, and of Pupils at State Farm Show, etc.; Expenses.--The board of school directors of each district may authorize the attendance of the superintendent and such other members of the teaching and supervisory staff of such districts as they may specify, at any educational conference or conferences, when in the opinion of the board, such attendance will be conducive to the best interests of the district. Each person so authorized to attend and attending shall be reimbursed for all necessary traveling and hotel expenses actually incurred. The board of school directors may also authorize the transportation of pupils to the State Farm Show and to other exhibitions and places of interest, when their attendance at the same is deemed of educational value to such pupils, and may pay the expenses of such pupils, in whole or in part, from the funds of the district. Such expenses shall be paid by the treasurer of the school district, in the usual manner, out of the school funds of the district, upon the presentation of an itemized, verified statement of such expenses.

The board of school directors of each district may reimburse any principal, supervising principal, school nurse, teacher or other employe for necessary traveling expenses incurred in the furthering of the educational program of the school district: Provided, That prior authorization to incur said expenses shall have been previously given by the board of school directors: Provided further, That advanced payments may be made by the proper officers of the district upon presentation of estimated expenses to be incurred, to be followed by a final itemized, verified statement of such expenses actually incurred upon return from such conventions, and a refund be made to the district of such funds remaining or an additional payment be made to meet the verified expenses actually incurred.

(517 amended Sept. 2, 1961, P.L.1203, No.529)

Section 518. Retention of Records.--Every board of school directors shall retain as a permanent record of the district, the minute book, each annual auditor's report, and each annual financial report. All other financial records of the district, including financial account books, orders, bills, contracts, invoices, receipts, and purchase orders shall be retained by the district for a period of not less than six years. Records may be retained as recorded or copied in accordance with 53 Pa.C.S. Ch. 13 Subch. F (relating to records).

(518 amended June 29, 2002, P.L.524, No.88)

Section 519. Copies of School Laws.--The Superintendent of Public Instruction shall send to each member of every board of school directors in the State, a bound copy of each new edition of the School Laws, as soon as possible after the same shall have been published.

Section 520. Temporary Emergency War Provisions.--(a) Whenever, during the continuance of any war in which this Nation is or may become engaged, it shall be found as a fact by the board of school directors of any school district and so recorded on the minutes of a regular or special meeting of such board and certified to the Department of Public Instruction, that the normal operation of the schools, as required by this act, in respect to any of the matters hereinafter set forth, shall interfere with the prosecution of such war, such board of school directors shall have power to put into operation in such school district any one or more temporary emergency war provisions authorized by this act, but in no event longer than for a period of one year after the cessation of the hostilities of such war. ((a) amended Jan. 14, 1970, 1969 P.L.468, No.192)

(b) Subject to the foregoing provisions, any board of school directors may--

(1) Keep the schools of the district in session such days and number of days per week as they shall deem necessary or desirable, but the provisions of this act requiring a minimum of one hundred eighty (180) session days as a school year shall not be affected thereby;

(2) Extend the length of the school days in such manner as to make it possible to complete and to accredit a calendar day as a full school day and a fractional portion of an additional school day;

(3) Suspend temporarily the regular session of any class or classes, or close temporarily any school or all the schools of the district as an emergency war measure, or when the Governor by proclamation so directs. The days on which the regular sessions of classes or schools are so suspended or closed shall be recorded and credited as if they were days taught: Provided, That in no instance shall the session so suspended or closed exceed thirty school days during any school term for any pupil except by special wartime emergency proclamation by the Governor;

(4) Adjust the assignment and reassignment of teachers in such fields, subjects, schedules and semesters or other periods of work and in such schools as their preparation, experience and certification may qualify them. No such temporary emergency assignment or reassignment shall reduce the annual compensation any teacher receives at the time of such assignment or reassignment, nor shall the emergency assignment, reassignment or the return to the original type of assignment when the emergency has ended be deemed to be a demotion under the tenure provisions of this act;

(5) Grant farm and conservation employment permits to pupils who have attained the age of fourteen years and have completed the sixth grade or equivalent thereof, and to enable group participation by pupils regularly enrolled in schools in seasonal farm and conservation activities. The word "conservation" as used in this clause shall mean the conserving, preserving, guarding or protecting of crops, forests and rivers;

(6) Accept the certification of the family physician of any child as satisfactory proof of suitable physical condition for the issuance of any farm or conservation permit granted during the period of emergency;

(7) Make such arrangements for extending the use of school buses or other school transportation facilities as may seem desirable for the transportation of teachers, as well as pupils, or for otherwise furthering the war and civilian defense effort;

(8) Provide, in lieu of pupil transportation required by law, tuition to a school in another district, when educational

facilities can thus be made available, without requiring such pupils to walk more than two miles to the school to which the pupil has been assigned. The above provisions shall also apply in any case where the Department of Public Instruction determines that a revision of existing transportation practices will result in the more economical use of school facilities and the conservation of transportation equipment;

(9) Obtain the full State subsidy provided for fully and regularly certificated teachers when, at the request of the responsible school district, the Superintendent of Public Instruction has issued to a teacher temporarily employed, a special emergency wartime certificate to teach in the subject or field for which wartime emergency conditions make it necessary to employ such teacher. ((9) amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 520.1. Temporary Emergency Provisions.--(a) Whenever an emergency shall arise which the board of school directors of any school district in the performance of its duties could not anticipate or foresee, and which emergency shall result in any such school district being unable to provide for the attendance of all pupils during the prescribed length of school days, number of days per week, or usual hours of classes, it shall be found as a fact by the school directors of any school district and so recorded on the minutes of a regular or special meeting of such board and certified to the Superintendent of Public Instruction, and such board of school directors, subject to the approval of the Superintendent of Public Instruction, shall have power to put into operation in such school district any one or more of the temporary provisions hereinafter provided for, but in no event shall such temporary provisions remain in effect for a period of more than four years after they are first put into effect.

(b) Subject to the foregoing provisions, any board of school directors may:

(1) Keep the schools of the district in session such days and number of days per week as they shall deem necessary or desirable, but the provisions of this act requiring a minimum of one hundred eighty (180) session days as a school year shall not be affected thereby.

(2) Reduce the length of time of daily instruction for various courses and classes.

(c) Any school district, by invoking the powers herein granted, shall not thereby forfeit its right to reimbursement by the Commonwealth or other State-aid as otherwise provided for by this act.

(520.1 added Jan. 14, 1952, 1951 P.L.1940, No.541)

Section 521. Joint Action with Other Political Subdivisions.--Each board of school directors shall have power to enter into agreements with other political subdivisions, in accordance with existing laws, in making joint purchases of materials, supplies, or equipment, and in performing governmental powers, duties, and functions, and in carrying into effect provisions of law relating to said subjects, which are common to all such political subdivisions.

Section 522. Payments of Salaries of Professional Employees Granted Leaves of Absence as Exchange Teachers Authorized; Rights Preserved.--Any board of public education or board of school directors of any school district or vocational school district of this Commonwealth is hereby authorized to pay any professional employe the salary he would be entitled to if teaching in the school district from which he is granted a leave of absence to serve as an exchange teacher in any foreign

country or territory or possession of the United States of America.

Any professional employee, while on leave as an exchange teacher, shall be considered to be in regular full-time daily attendance in the position from which the leave was granted, during the period of said leave, for the purpose of determining the employee's length of service, the right to receive increments as provided by law, and the right to make contributions as a member of the Public School Employees' Retirement Fund and continue his or her membership therein, the right to service credits toward the time necessary for a sabbatical leave for health or a leave of absence for professional development, and the right to accumulate days of leave on account of illness or accidental injury.

(522 amended June 28, 1996, P.L.430, No.66)

Section 522.1. Payments of Contributions to the School Employees' Retirement Fund on Account of School Employees on Approved Leaves of Absence for Professional Study Authorized; Service Credits.--Any school employee who has been granted a leave of absence, approved by the board of school directors, for professional study shall be considered to be in regular full-time daily attendance in the position from which the leave was granted during the period of said leave for the purpose of determining the employee's length of service and right to make contributions as a member of the School Employees' Retirement Fund and continue his or her membership therein: Provided, That if the employee does not return to the employment of the school district for a period of at least one year the contributions made by and on behalf of the employee during the period of the leave of absence shall be refunded.

(522.1 amended July 29, 1965, P.L.255, No.147)

Section 522.2. Classroom Occupational Exchange.--A board of school directors may grant a leave of absence to a professional employee for the purpose of acquiring practical work experience in business, industry or government in accordance with the conditions and provisions set forth in section 1166.1 of this act. Persons on classroom occupational exchange shall be considered in full-time daily attendance in the position from which the leave was granted, during the period of said leave, for the payment of compensation by the school district and for the purpose of determining the employee's length of service, the right to receive increments as provided by law and the right to make contributions as a member of the Public School Employees' Retirement Fund and continue membership therein. The business, industry or government to whom the employee is assigned during the period of the classroom occupational exchange shall fully compensate the employee's school employer for all salary, wages, pension and retirement contributions and other benefits as if the school employee were in full-time active service.

(522.2 added June 28, 1996, P.L.430, No.66)

Section 523. Educational Broadcasting.--

(a) The State Board of Education shall adopt and amend, when necessary, a State Plan for Educational Broadcasting. The State plan shall provide for the development of educational broadcasting facilities in the Commonwealth and shall define educational broadcasting service areas which shall be served by specified broadcasting centers. The Department of Education shall promulgate regulations to implement the State plan. Prior to adoption or amendment of the State plan, the board shall submit the plan to the Pennsylvania Public Television Network

Commission and receive its comments thereon. ((a) amended Nov. 2, 1973, P.L.321, No.103)

(b) The board of school directors of any school district may enter into an agreement or agreements with one or more school districts and/or intermediate units and/or with other educational institutions or agencies and/or with non-profit organizations for the joint operation of an educational television and/or radio station. In the case where the members of the board of school directors and/or intermediate unit board of directors are members of any non-profit community corporation holding a valid Federal Communications Commission broadcasting license for a television and/or radio station, these non-profit community corporations which are a part of the State Plan for Educational Broadcasting, may enter into contracts with the State Public School Building Authority for the purpose of constructing, improving, maintaining, operating, furnishing and equipping these educational broadcasting facilities as a part of the public school system of the Commonwealth of Pennsylvania. ((b) amended Jan. 14, 1970, 1969 P.L.468, No.192)

(c) The board of school directors of any school district and any intermediate unit board of directors may enter into an agreement or agreements with one or more school districts and/or intermediate unit boards of directors and/or other educational institutions or agencies and/or non-profit or commercial organizations for broadcasting. ((c) amended Jan. 14, 1970, 1969 P.L.468, No.192)

(d) The Department of Public Instruction may enter into agreements with educational or commercial radio and/or television networks or stations, non-profit organizations radio and/or television production centers, or any intermediate units, school district or districts for the purpose of educational broadcasting. ((d) amended Jan. 14, 1970, 1969 P.L.468, No.192)

(e) The Department of Public Instruction and boards of school directors of any school district or intermediate units, or both, may contract for educational broadcasts for children or adults, using State funds or State-administered Federal funds appropriated for that purpose, or private grants or gifts. ((e) amended Jan. 14, 1970, 1969 P.L.468, No.192)

(f) In accordance with the State plan for educational broadcasting, the Department of Public Instruction may establish and/or operate a broadcasting station and/or purchase, produce and/or contract to purchase or produce tapes, films and/or recordings for educational broadcasting.

(523 amended Sept. 12, 1961, P.L.1272, No.558)

Section 524. The board of school directors of any school district, including merged or union districts, and any boards of school directors establishing any joint school or department, shall not close any school or department during the school term, unless such action shall advance the orderly development of attendance areas within an approved administrative unit and has been approved by the Department of Public Instruction. In the event a school board shall determine prior to the beginning of the next school term to close any school or department, sixty (60) days' notice, in writing, prior to the closing of any school or department, shall be given to all temporary professional and professional employees affected thereby, unless such action shall advance the orderly development of attendance areas within an approved administrative unit and has been approved by the Department of Public Instruction. Upon failure to give written notice of intention to close any school or department, the school district shall pay such employees their salaries until the end of the school year during which such

schools or departments were closed. (Par. amended Jan. 14, 1970, 1969 P.L.468, No.192)

Temporary professional or professional employes, whose positions are abolished as a result of the action of the board of school directors in closing a school or department, or reassigning pupils in its effort to consummate partially or wholly the orderly development of approved administrative and attendance areas, may not be suspended until the end of the school year if such action is taken during the school year or later than sixty (60) days prior to the opening of the next school term.

The payment of salary to any temporary professional or professional employe shall be discontinued immediately, if such employe obtains other employment which, in the judgment of the board of school directors, could not have been obtained or held if such school or department had not been closed: Provided, however, That if the salary in the new position is less than the salary the professional employe would have received had he remained in the employment of the school district, the school district shall be liable for the difference.

(524 amended Oct. 21, 1965, P.L.601, No.312)

Section 525. Establishment and Operation of Educational Television and Broadcasting Facilities.--Whenever funds become available from any source whatever for the purpose of (1) establishing and where necessary operating such pilot educational television projects, (2) purchasing, producing and contracting for the purchase or production of tapes, films and recordings for educational broadcasting, (3) making special grants to school districts, county boards of school directors and State colleges for educational broadcasting services procured by them where it is determined by the Department of Public Instruction that the awarding of such special grants will materially encourage the use of educational television facilities, (4) establishing educational television facilities in accordance with the State plan for educational broadcasting, and (5) establishing network facilities to link educational broadcasting facilities as may be required by the State plan for educational broadcasting or any of these purposes, the Department of Public Instruction may expend such funds for such purpose or purposes in amounts to be determined by the Department of Public Instruction in accordance with policies approved by the State Board of Education. This section shall not be construed to authorize the expenditure of any State funds for such purposes unless specifically appropriated by the General Assembly.

(525 amended Oct. 21, 1965, P.L.601, No.312)

Section 526. Funds for Traffic Control Devices.--The board of directors of any school district acting alone or with another district or districts, may contribute funds to another political subdivision for the erection and maintenance of stop and go signal lights, blinkers or other like traffic control devices.

(526 added Dec. 1, 1965, P.L.1002, No.369)

Section 527. Drug Law Convictions.--(a) Any employe, professional or otherwise, of a school district, intermediate unit or area vocational-technical school who is convicted of delivery of a controlled substance or convicted of possession of a controlled substance with the intent to deliver, as prohibited by the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," shall be terminated from his or her employment with the school entity. The governing body of the school entity shall enforce this section.

(b) Notwithstanding any other provisions of this act, any person subject to this section who, while employed in a public or private school, intermediate unit or area vocational-technical school, is convicted of any of the offenses enumerated in subsection (e) of section 111 of this act shall be immediately terminated from such employment.

(527 amended Dec. 19, 1990, P.L.1362, No.211)

ARTICLE VI. SCHOOL FINANCES.

(a) General Provisions.

Section 601. Information to Incoming Directors for Tax Levy and Budget.--The board of school directors of every school district shall annually, through its proper officers, furnish to the incoming board of school directors all necessary information and such detailed statements as may be needed by it to provide for the annual tax levy and to prepare the annual estimate of expenditures.

Section 602. Tax Levies.--All taxes required by any school district, in addition to the State appropriation, shall be levied by the board of school directors therein.

Section 603. Only One Annual Tax Levy.--There shall be but one levy of school taxes made in each school district in each year, which shall be assessed, levied, and collected for all the purposes provided in this act, and shall be uniform throughout the territorial limit of each school district, except that those school taxes which school districts are empowered to levy under the authority of the act of June 25, 1947 (P.L.1145), as amended, may be levied at any time during the period authorized for the assessment and levy of any school taxes: Provided, That (1) where two or more school districts have voted to become a union school district in accordance with the provisions of this act and prior to the actual creation of the union school district, the school board members by a majority vote of all the members comprising said school boards shall assess and levy a uniform school tax in all of the districts comprising said union school district for general revenue purposes necessary to operate said union school district commencing the first day of July following the vote establishing said union district, and (2) whenever hereafter a school district of the second, third, or fourth class shall be annexed to and merged in, and become a part of a school district of the first class or first class A, or shall be merged into and become a part of a school district of the first class A as a reorganized district under the provisions of Article II, subdivision (i) of this act, the board of public education of said school district of the first class or first class A shall have power to levy a special school tax on the territory which comprised said annexed and merged school district or on the territory which comprised the school district into and becoming a part of a school district of the first class A as a reorganized district, to provide for the expense and maintenance of the schools thereof from the end of the school year of said annexed and merged or merged by force of reorganization school district to the beginning of the next school year in said school district of the first class or first class A, and to provide for and pay the floating indebtedness of said annexed and merged or merged by force of reorganization school district. Said levy shall not exceed one-half of the last previous total annual

millage levied by said school district of the first class or first class A.

(603 amended June 2, 1965, P.L.86, No.59 and Sept. 1, 1965, P.L.433, No.218)

Section 604. Property Acquired by State for Water Conservation or Flood Prevention.--Whenever the Commonwealth of Pennsylvania shall, for the purpose of conservation of water or to prevent flood conditions, acquire any lands and property within the limits of any school districts, and shall, by such acquisition, reduce the amount of property within the district taxable for school purposes, the board of school directors shall immediately after such acquisition certify to the Auditor General and to the Superintendent of Public Instruction the assessed valuation of such lands and property at the time of such acquisition.

After any such acquisition the board of directors shall from year to year, at the time of its annual levy of taxes for school purposes, certify to the Auditor General and Superintendent of Public Instruction the rate of its levy for the next school year. Thereupon, the Superintendent of Public Instruction shall ascertain the amount of taxes which would have been collected upon the assessed valuation, certified as hereinbefore provided, at the rate of the levy so certified. Upon the ascertainment of such amount, the same shall be paid by the Commonwealth from time to time from the general fund.

Section 605. Affidavit of Uncollectability of Taxes on Real Property.--Each certificate which any collector of school taxes makes of delinquent school taxes, levied upon real estate upon which there is no personal property from which the same can be collected, shall be accompanied by the affidavit of the tax collector that, after the proper efforts, he could not find sufficient personal property out of which the taxes or any part thereof could be made or collected as provided by law. Such affidavit shall be conclusive as to that fact in so far as it may affect the lien of said taxes or the title of a purchaser at a sheriff's sale thereunder. In the event any such collector shall make any wilfully false return he shall be liable therefor to any person or persons injured thereby.

Section 606. Collection of Taxes Where New District Created.--In case a new school district is created after taxes have been assessed and levied in the district out of which it is partly or wholly created, but before the beginning of the school year therein, then, in such cases, all the taxes assessed and levied in said year by the board of school directors, on the property or residents within the limits of the new school district, shall be collected by the tax collector of the district out of which the new district was created, and all such taxes collected on property or from residents within the limits of a new school district shall be paid over by him to the treasurer of such new school district.

Section 607. Payments; How Made; Limitations.--All payments made by the board of school directors of any school district from the school funds shall be made by proper school orders drawn on the treasurer. No school order shall be authorized by the board, or signed by the president or secretary of any board of school directors, unless there are sufficient funds in the treasury of the district to pay the same, and no school order shall be made payable at any time in the future, or draw interest. A separate school order shall be drawn for each account or payment: Provided, That the monthly payroll of teachers, janitors, or other employes may be included on one or more orders, which may be made payable to the order of such

person or persons, and distributed in such manner as the board of school directors in any school district may determine.

In all school districts of the first class, each school order shall state on its face the particular item of the annual school estimate upon which it is drawn.

In all school districts of the second, third, and fourth class, each school order shall state on its face the particular class of expenditure of the annual school budget upon which the same is drawn.

Section 608. Liability for Improper School Orders.--Any school director voting for, or any officer approving, a school order for the payment of school funds for any other purpose, or drawn in any other manner, than that provided in this act, shall, together with the surety or sureties on his bond, in addition to the penalty herein provided, be individually liable to the district for the amount thereof: Provided, That on appeal from an auditor's report, it shall be within the discretion of the court having jurisdiction of the matter to sustain or not to sustain a surcharge, where it appears that the appellant or appellants acted honestly and in good faith for the best interests of the school district and where no loss or damage to the school district resulted from the action of such appellant or appellants.

Section 609. Budgeted Funds not to be Used for Other Purposes or Exceeded.--The amount of funds in any annual estimate by any school district, at or before the time of levying the school taxes, which is set apart or appropriated to any particular item of expenditure, shall not be used for any other purpose, or transferred, except by resolution of the board of school directors receiving the affirmative vote of two-thirds of the members thereof.

No work shall be hired to be done, no materials purchased, and no contracts made by any board of school directors which will cause the sums appropriated to specific purposes in the budget to be exceeded.

Whenever Federal or State funds are made available to school districts, such funds may be expended by the board of school directors for the purposes for which they are made available even though provisions therefor were not made in the annual estimates or budget of such school district. Whenever the General Assembly shall enact a law providing for the levy of taxes within a school district, the revenues from the taxes so levied may be expended by the board of school directors for general school purposes even though provisions therefor were not made in the annual estimates or budget of such school district for the fiscal year within which such law was enacted.

(609 amended Aug. 13, 1963, P.L.770, No.386)

Section 610. Use of School Funds; Illegal Use.--The board of school directors in every school district shall have the right to use and pay out, in the manner herein provided, any funds of the district for any and all of the purposes therein provided, subject to all the provisions of this act. The use or payment of any public school funds of any school district, in any manner or for any purpose not provided in this act, shall be illegal.

Section 611. Enforcement of Judgments Against School Districts.--If any judgment is obtained against any school district and the same is not paid as required, the same may be collected as follows and not otherwise:--

The plaintiff in any such judgment shall petition the court of common pleas in which such judgment was obtained, or in which any transcript of a judgment obtained against any school

district before any magistrate, alderman, or justice of the peace, is filed, whereupon the court shall issue a writ in the nature of a mandamus execution, directed to the directors and treasurers of the school district against which such judgment was obtained, commanding them to pay the amount of such judgment, together with interest and costs, out of any unappropriated funds of such school district, and in case there are no unappropriated funds of such school district, then out of the first funds that shall be received by said school district. The court may enforce obedience to such writ by attachment on proper cause being shown.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 612. Counsel Fees on Appeals from County Auditors' Reports.--When an appeal is taken from the county auditors' report or settlement of the account of any public officer, in accordance with the laws relating thereto, and such appeal results favorably to the appellants in such a manner that money is recovered for any school district, the court hearing such appeal shall make an order to pay a counsel fee which it deems just and reasonable to the counsel representing such appeal, out of the funds so recovered.

Section 613. Management Information Reports.--(a) For the 2000-2001 school year and each school year thereafter, each school district shall report to the Department of Education expenditures of all governmental funds at the school operational unit for:

- (1) classroom instruction;
- (2) instructional student support; and
- (3) facilities and plant management costs.

(b) ((b) deleted by amendment)

(c) For the 2001-2002 school year and each school year thereafter, each school district shall report to the Department of Education districtwide expenditures of all governmental funds for:

- (1) special education noninstructional student support;
- (2) professional development; and
- (3) technology.

(d) The Department of Education shall issue specific guidelines for the collection, reporting and submission of the information under this section.

(e) As used in this section, a "school operational unit" is defined as any individual school within a district, as reported by the district. A school district is comprised of all the school operational units within the district.

(f) Beginning with the 2001-2002 school year and each school year thereafter, the mandatory reporting requirements of this section shall apply, as prescribed by the department, to area vocational-technical schools, intermediate units and charter schools to the extent that funding is available. Area vocational-technical schools, intermediate units and charter schools shall apply for funding in a form and manner prescribed by the department.

(613 amended July 4, 2004, P.L.536, No.70)

Section 614. Certain Budget Timelines.--(614 expired January 1, 2007. See Act 114 of 2006.)

Section 615. Reopening of 2011-2012 Budget.--Notwithstanding any other provision of law, a board of school directors of a school district may reopen its 2011-2012 budget to reflect

Federal and State allocations for fiscal years 2010-2011 and 2011-2012 provided by the act of June 30, 2011 (P.L.633, No.1A), known as the General Appropriation Act of 2011.

(615 added June 30, 2011, P.L.112, No.24)

Section 616. Reopening of 2012-2013 Budget.--Notwithstanding any other provisions of law, a board of school directors of a school district may reopen its 2012-2013 budget to reflect the following:

(1) Federal and State allocations for fiscal years 2011-2012 and 2012-2013 provided by the act of June 30, 2012 (P.L.1740, No.9A), known as the General Appropriation Act of 2012; and

(2) any increase in local revenue allocations that result from other legislation enacted by the General Assembly during the 2011 regular session.

(616 added June 30, 2012, P.L.684, No.82)

Section 616.1. Reopening of School District Annual Budget.--Notwithstanding any other provision of law, a board of school directors of a school district may reopen its annual budget for a period of thirty (30) days after the annual General Appropriation Act is enacted to reflect Federal and State allocations for the current fiscal year provided by the annual General Appropriation Act. (616.1 added July 9, 2013, P.L.408, No.59)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Section 617. Intergovernmental Agreements for School Security and Safety.--The board of school directors of a school district may enter into agreements with other political subdivisions to provide for the safety and security of the school. The board of school directors may use school funds to share costs with municipalities and counties for such expenses as benefits and salaries of school resource officers and probation officers. Such officers are not required to be employees of the school district and may be employees of other political subdivisions.

(617 added June 30, 2012, P.L.684, No.82)

(b) School Depositories.

Section 621. Designation of Depositories; Bond.--The board of school directors in any school district shall designate one or more banks or bank and trust companies as a depository or depositories for its school funds. No such depository shall be named unless it receives a majority of the votes of the entire school board elected or appointed in such district. Each such depository before receiving any of the school funds shall, except as hereinafter otherwise provided, furnish a proper bond, in such amount and with such surety or sureties as may be required, to be approved by the board of school directors, and conditioned upon the faithful keeping, paying out, and accounting for all of the school funds and property of said school district that may come into its hands, as well as for the payment of all interest on money deposited in such depository in accordance with any contract made by it with said school district.

Section 622. Collateral in Lieu of Bond.--(a) In lieu of one or more surety bonds, the deposit of school funds may be secured by the deposit with the board of school directors, or with any bank or trust company, other than the designated depository, within the Commonwealth which may be agreed upon,

of bonds or other interest-bearing obligations of the United States, of the Commonwealth of Pennsylvania, or of any state of the United States, of the General State Authority, and other authorities created by the General Assembly of the Commonwealth of Pennsylvania for the payment of which the faith and credit of the authority is pledged, and the obligations of any municipality authority, if such obligations of the municipality authority are authorized investments for a fiduciary, pursuant to the act of May 26, 1949 (P.L.1828), known as the "Fiduciaries Investment Act of 1949," and its amendments, or other bonds to be approved by the board: Provided, That in school districts of the second, third, and fourth classes, such securities shall be only bonds or other interest-bearing obligations of the United States, of this Commonwealth, of any state of the United States, or bonds of any county, city, borough, incorporated town, township, school district, or other political subdivision of this Commonwealth, or of any other state of the United States, or of the General State Authority, and other authorities created by the General Assembly of the Commonwealth of Pennsylvania for the payment of which the faith and credit of the authority is pledged, and the obligations of any municipality authority, if such obligations of the municipality authority are authorized investments for a fiduciary, pursuant to the act of May 26, 1949 (P.L.1828), known as the "Fiduciaries Investment Act of 1949," and its amendments, which has not at any time within the five years immediately preceding the date of the deposit of such bonds by the depository failed punctually to pay the matured principal and interest on all of its indebtedness.

(b) When collateral security is thus deposited in lieu of one or more surety bonds, the total amount of such bonds and obligations thus deposited, measured by their actual market value, less the total indebtedness of the school district to the depository and any amount that is insured under the provisions of section 623, shall be equal to the amount of the deposits secured and twenty per centum in addition. All such bonds and obligations shall be accompanied by a proper assignment or power of attorney for their transfer. Such trust deposit, in the event of any depreciation in value, shall be maintained, on request in writing of the board of school directors, at the amount provided herein. ((b) amended June 15, 1961, P.L.438, No.216)

(622 amended July 5, 1957, P.L.508, No.286)

Section 623. Insurance of Deposits of Funds.--All moneys belonging to any school district or held by any school district for any purpose, and deposited with any banking institution in this Commonwealth, may be insured with the Federal Deposit Insurance Corporation, or any other corporation hereafter organized by the United States for the purpose of insuring deposits, up to the amount to which such corporation is or may hereafter be authorized to insure deposits in any one name. When so insured, the school district shall not require such banking institution to furnish additional bond, insurance or security to cover the amount of such deposits so insured.

Section 624. Monthly Reports by Depositories.--Every bank or trust company designated as a depository for school funds in any school district shall, at the end of every month, make a report to the school treasurer, to the board of school directors, and to the school controller, if any, stating the amount of school funds deposited with it during the month, together with the balance on hand at the beginning of the month, as well as the amount of school funds disbursed by it during

the month, any accrued interest paid, or due, and the balance remaining on hand at the time of making the report.

Section 625. Deposit of School Funds; Treasurer Relieved of Liability; School Orders.--The funds of the school district shall be deposited, as directed by the board of school directors, in a designated depository, by the school treasurer, in the name of the school district. After any funds have been deposited with such regularly designated depository by any school treasurer, he shall thereafter be relieved from all liability therefor, and all school orders drawn on the school treasurer for any funds so deposited by him shall be endorsed by said treasurer and made "Payable at.....depository of the School District of....."

(625 amended June 28, 1963, P.L.182, No.109)

(c) Indebtedness.

Section 631. Power to Incur Debt; Limitations.--The board of school directors in any school district may, in any year, create and incur an indebtedness against such school district and issue bonds to secure the same, payable as provided by the act of July 12, 1972 (Act No.185), known as the "Local Government Unit Debt Act," or any amendment or re-enactment thereof, for any or all of the following purposes:

(1) To purchase or acquire proper sites, buildings or grounds for school use, or any lands additional to any existing school sites or grounds;

(2) To erect, enlarge, equip or furnish any building for school use;

(3) To repair, remodel or rebuild any building of the school district;

(3.1) To lease for an extended period building facilities or portions of buildings constructed for school use and/or existing building facilities or portions of existing building facilities altered for school use;

(4) To purchase school buses;

(5) To pay any indebtedness incurred by any municipality for or on account of the school district or for school purposes, and required by this act to be assumed by the school district;

(6) To pay any refund of taxes decreed by an order of court;

(7) To refund certain bonds, as hereinafter provided;

(8) To fund floating indebtedness incurred for current expenses and debt service;

(9) To fund temporary indebtedness incurred for permanent improvements, or in anticipation of proceeds from a bond issue;

(10) To purchase or acquire buildings for school use.

The indebtedness of any school district shall never exceed fifteen (15) per centum of the last assessed valuation of property taxable for school purposes therein.

(631 amended Dec. 6, 1972, P.L.1445, No.323)

Section 632. Assent of Electors; When Necessary and When Not Necessary.--The assent of the electors shall be required in all school districts of the second, third and fourth class, to issue bonds which will incur any new debt or increase the indebtedness to an amount in excess of five (5) per centum of the assessed valuation of property taxable for school purposes therein. The assent of the electors shall be required in school districts of the first class and first class A to issue bonds which will incur any new debt or increase the indebtedness to an amount in excess of five (5) per centum of the assessed valuation of property taxable for school purposes therein. The

board of school directors of any school district of the first, first class A, second, third, or fourth class shall have authority, without the assent of the electors, to issue bonds which will incur upon its own authority any amount of such indebtedness not in excess of five (5) per centum of the last assessed valuation of property taxable for school purposes therein.

If the amount of bonds of any bond issue maturing in any single year is in excess of five percent of the total amount of such bond issue, the amount in excess of five percent of such bond issue may be refunded by the board of school directors of any school district, upon its own authority, without submitting any such refunding bond issue to a vote of the electors.

Any school district which calls bonds for payment prior to the date of maturity may issue bonds for the purpose of paying any or all such bonds as may be called for payment. All bonds issued for the purpose of refunding bonds shall be issued as hereinbefore provided for the issuing of such bonds.

(632 reenacted and amended Mar. 16, 1967, P.L.9, No.3)

Section 633. Reports to Secretary of Education; Withholding State Appropriations.--It shall be the duty of the Secretary of Education, to require, as part of the annual financial reports of all of the school districts and charter schools, a list of the amount of bonds or other indebtedness that becomes due during the fiscal year, together with the amount paid on each item of indebtedness. In case of failure on the part of any school district or charter school to furnish such report at the required time after the close of the fiscal year, the Secretary of Education may withhold any State appropriation that may become due to any such school district or charter school until such report covering information regarding the maturities of indebtedness and payments on same during the preceding fiscal year, as required herein, and any other information which he may require of a school district or charter school, has been received. In all cases where the board of directors of any school district fails to pay or to provide for the payment of any indebtedness at date of maturity or date of mandatory redemption or on any sinking fund deposit date, or any interest due on such indebtedness on any interest payment date, or on any sinking fund deposit date in accordance with the schedule under which the bonds were issued, the Secretary of Education shall notify such board of school directors of its obligation and shall withhold out of any State appropriation due such school district an amount equal to the sum of the principal amount maturing or subject to mandatory redemption and interest owing by such school district, or sinking fund deposit due by such school district, and shall pay over the amount so withheld to the bank or other person acting as sinking fund depository for such bond issue.

(633 amended July 4, 2004, P.L.536, No.70)

Section 634. Temporary Debt.--Any school district having no indebtedness, or whose indebtedness, incurred or created without the assent of the electors thereof, is less than five (5) per centum of the total valuation of property taxable for school purposes therein, may, at any time, for the purpose of providing funds in any fiscal year for current expenses and debt service, for permanent improvements, the acquiring of school buses, or in anticipation of proceeds from a bond issue already officially authorized and (except in school districts of the first class) approved by the Department of Community Affairs, with such limitations and for such length of term as

hereinafter provided, by or through its board of school directors, incur, in addition to any bonds therein authorized, a temporary debt, or borrow money, and issue an obligation or obligations therefor, under the seal of the district, if any, properly executed by the president and attested by the secretary thereof, and bearing interest not exceeding the legal rate, but no such obligation shall be sold for less than par. The incurring of any such temporary debt, or borrowing money upon such obligation, shall receive the affirmative vote of not less than two-thirds of the members of the board of school directors therein.

In addition thereto, any school district may, as hereinbefore provided, incur a temporary debt or borrow money for permanent improvements, where no bond issue has been previously officially authorized, and refund such temporary indebtedness by the issue of bonds, in the manner provided by law, when the exact amount required for such permanent improvement becomes known.

(634 amended Mar. 16, 1967, P.L.9, No.3)

Compiler's Note: Section 301(a)(5) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that the approval required under section 634 is transferred from the Department of Community Affairs to the Department of Community and Economic Development.

Section 635. Limit on Temporary Debt for Current Expenses and Debt Service.--The total amount of temporary indebtedness incurred for current expenses and debt service shall, at no time, exceed an amount equal to the State appropriations not received but payable during the fiscal year, and the tax levied upon property taxable for school purposes within such school district, and remaining uncollected and unpledged for the current fiscal year. All such loans shall be paid out of the receipts available, or pledged for the repayment thereof when and as the funds are received. The total amount of the temporary indebtedness for such purpose remaining unpaid at the close of the fiscal year shall become an obligation upon the following year's budget, and be included therein.

(635 amended Sept. 28, 1951, P.L.1551, No.395)

Section 636. Emergency Loans for Current Expenses and Debt Service.--(a) In case of an emergency, any school district in any fiscal year, after borrowing money in anticipation of current revenues to the full extent permitted by the provisions of section six hundred forty (640) of this act, and finding the receipts from said loans, together with all other receipts, to be inadequate to meet the expenditures of the official fiscal year's budget, may appeal to the State Superintendent of Public Instruction for permission to incur a temporary debt for the purpose of providing funds for current expenses and debt service and shall present to the State Superintendent of Public Instruction, or his agent, such financial statements or reports as he may require to give him adequate facts relative to the necessity of such increase in indebtedness. The State Superintendent of Public Instruction is hereby authorized, after due examination of the need of such school district, either to refuse or grant permission to such school district to borrow additional funds for current expenses and debt service beyond the amount permitted by the provisions of section six hundred forty (640) of this act. In case of approval, he shall designate the maximum length of the term and shall set a maximum limit of the total amount of such temporary indebtedness that such

school district may incur during the fiscal year in addition to all temporary indebtedness for other purposes outstanding at the time of such approval.

(b) All temporary indebtedness, for the purpose of current expenses and debt service in school districts of the first class, shall not exceed four tenths of one per centum (4/10%), and in school districts of the second class, shall not exceed three fourths of one per centum (3/4%), and in school districts of the third and fourth class, shall not exceed one (1) per centum of the total amount of property taxable for school purposes in such district, and the total indebtedness for such purposes, together with all other indebtedness incurred without authorization by vote of the electors of the district shall, at no time, exceed five (5) per centum of the last total assessed valuation of the property taxable for school purposes therein. ((b) amended Mar. 16, 1967, P.L.9, No.3)

Section 636.1. Approval of Unfunded Debt in Certain Distressed School Districts.--(a) Notwithstanding any other provision of law, the governing body of a distressed school district may approve the issuance of bonds or notes to fund unfunded debt of the school district if the governing body finds all of the following:

(1) The unfunded debt is a lawful obligation or is a lawfully budgeted obligation of the school district.

(2) Paying the unfunded debt by reducing school district services will endanger student health or safety and public education.

(3) It is not feasible or in the public interest to levy sufficient additional taxes to fund the unfunded debt in the current fiscal year or ensuing fiscal years.

(b) In addition to the requirements of 53 Pa.C.S. § 8111 (relating to submission to department), a governing body authorizing bonds or notes under subsection (a) shall include certified copies of the findings of the governing body made pursuant to subsection (a) with the copy of the proceedings certified to the Department of Community and Economic Development under 53 Pa.C.S. § 8201 (relating to certification to department of bond or note transcript or lease, guaranty, subsidy contract or other agreement).

(c) Bonds or notes authorized in accordance with subsection (a) shall be stated to mature or be subject to mandatory redemption in the principal amounts and over the number of years, not to exceed thirty (30) years, as the governing body finds will allow for the payment of the bonds or notes without endangering student health or safety and public education or requiring the levying of excessive taxes.

(d) Except as provided in this section, bonds or notes authorized in accordance with subsection (a) shall be issued and sold by a distressed school district in accordance with provisions of 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).

(e) The amount by which payments appropriated and paid by a city of the first class to a distressed school district in the fiscal year in which the declaration of distress was issued exceed the payments appropriated and paid by the city to the distressed school district in the immediately preceding fiscal year shall be excluded in determining the obligations of the city to make payments to the distressed school district under section 696(h).

(f) Subsections (a) and (b) of 53 Pa.C.S. § 8022 (relating to limitations on incurring of other debt) shall not apply to bonds or notes authorized in accordance with subsection (a).

(g) This section shall provide the exclusive method for the issuance of bonds and notes to fund unfunded debt of a distressed school district.

(h) The Pennsylvania Supreme Court shall have exclusive jurisdiction to hear any challenge to or to render a declaratory judgment concerning this section. The Supreme Court is authorized to take any action it deems appropriate, consistent with the Supreme Court retaining jurisdiction over the matter, to find facts or to expedite a final judgment in connection with a challenge or request for declaratory relief.

(i) Subsections (a) and (g) shall expire July 1, 2003.

(j) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Distressed school district." A school district of the first class which has been declared to be distressed by the Secretary of Education under section 691.

"Governing body." A school reform commission established in accordance with section 696(a) or the commission's successor.

"Unfunded debt." Obligations, including tax anticipation notes, of a distressed school district incurred for current expenses; obligations of a distressed school district for expenses included in a budget adopted on or before June 30, 2003, which are to become due and owing; or judgments against a distressed school district entered by a court after adversary proceedings; if the taxes and other revenues remaining to be collected in the current fiscal year or to be collected in the ensuing fiscal years and the funds on hand will not be sufficient for payment of the obligations or judgments without endangering student health or safety and public education and the distressed school district either may not legally levy a sufficient tax for the balance of the fiscal year or a sufficient tax, if legally leviable, would not be in the public interest. The term excludes debt incurred under or obligations in respect of a project or part of a project as incurred in respect of the cost of a project as defined in 53 Pa.C.S. Pt. VII Subpt. B.

(636.1 added Apr. 18, 2002, P.L.264, No.36)

Section 637. Limit on Temporary Debt for Permanent Improvements, etc.; Tax Levy.--The total amount of temporary indebtedness incurred in any school district for the purpose of permanent improvements and the acquiring of school buses except obligations incurred under the provisions of section six hundred forty of this act, shall never exceed five (5) per centum of the last assessed valuation of property taxable for school purposes therein. Except where such temporary indebtedness is to be refunded by the issue of bonds, as hereinbefore authorized, at or before the time of incurring such indebtedness for such purpose, provision shall be made for the collection of an annual tax, sufficient to pay the interest and also the principal thereof within the term of such indebtedness, as provided by law.

(637 amended Mar. 16, 1967, P.L.9, No.3)

Section 638. Temporary Debt for Permanent Improvements, etc.; Payment.--(638 repealed Sept. 8, 1959, P.L.802, No.299)

Section 639. Limit on Temporary Debt in Anticipation of Proceeds of Bond Issue; Payment.--The total amount of temporary indebtedness incurred in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs, as hereinbefore provided, shall not exceed seventy-five (75) per centum of the full amount of bonds authorized by such bond issue.

All obligations, other than bonds, issued by any school district in anticipation of proceeds from a bond issue already officially authorized and approved by the Department of Internal Affairs, shall be paid in full, together with interest, out of the proceeds of such bond issue within one year and six months from the date of authorization of such bond issue.

Section 640. Borrowing in Anticipation of Current Revenue.--School districts may borrow money in anticipation of current revenues, to an amount not exceeding such anticipated current revenues, which shall be pledged for the payment of such loan or loans, and issue notes or other form of obligation, executed by the president of the board of school directors and attested by the secretary of the board under the seal of the school district, securing such loans. Such notes, or other form of obligation, shall mature and be payable during the current fiscal year in which such money is borrowed. No such borrowing shall constitute an increase of indebtedness within the meaning of Article nine, section eight of the Constitution of Pennsylvania, or of the "Municipal Borrowing Law" of June twenty-fifth, one thousand nine hundred forty-one (Pamphlet Laws 159), or of any of the provisions of this act, and shall not require the approval of the Department of Internal Affairs. Such notes shall bear interest at a rate not exceeding six (6) per centum per annum, payable at maturity or in advance, and may be sold at either public or private sale for not less than par. If such loans are not repaid in whole or in part during the fiscal year in which they are made, they, or such amounts as remain unpaid, shall become an obligation upon the following year's budget and shall be included therein and paid not later than the first day of July of such following year, in school districts of the first class, and not later than the first day of November of such following year, in school districts of the second, third, and fourth class. The incurring of such obligations shall receive the affirmative vote of not less than two-thirds of the members of the board of school directors.

Compiler's Note: Section 1307(b)(5) of Act 185 of 1972 provided that section 640 is repealed insofar as it relates to the authorization, issue and sale of tax anticipation notes.

(d) First Class School District.

Section 651. Fiscal Year.--In all school districts of the first class and first class A, the fiscal year shall begin on the first day of January in each year: Provided, That the Board of Public Education of any district of the first class or first class A may, by resolution adopted by two-thirds vote of the members thereof at a meeting of the board after not less than ten days' notice of the fact that such resolution would be presented for action at such meeting, fix the fiscal year of such school district so as to begin on the first day of July in each year instead of on the first day of January as hereinabove provided.

(651 amended Dec. 22, 1965, P.L.1159, No.453)

Section 652. Tax Levy; Purposes; Limitations.--In all school districts of the first class the school taxes for the following fiscal year shall be levied annually, by the board of public education thereof, on or after the second Monday of November and before the first Monday of December following. In all school districts of the first class A the school taxes for the following fiscal year shall be levied annually by the board of

public education on or after the first Monday of December and before the end of the current fiscal year. The board of public education thereof shall annually levy a tax on each dollar of the total assessments of all property assessed and certified for taxation in said district, which tax shall be ascertained, determined, and fixed by adding together the following:

(1) An amount which, with all moneys received from the Commonwealth applicable thereto, shall be sufficient to pay the minimum salaries and increments of the teaching and supervisory staff thereof as fixed and provided by law and to pay the contributions of said district to the teachers' retirement system. For the purpose of computing the amount required to pay the minimum salaries and increments fixed by law, but without otherwise limiting the rights of the district to employ teachers or other employes, (i) The number of teachers on the salary schedule of the elementary schools shall not exceed one for every thirty pupils in average daily membership in such schools, (ii) The number of teachers on the salary schedule of the junior high schools shall not exceed one for every twenty-two pupils in average daily membership in such schools, (iii) The number of teachers on the salary schedule of the senior high schools shall not exceed one for every twenty-two pupils in average daily membership in such schools, (iv) The number of teachers with salaries and increments fixed by law, on any salary schedule now established or hereafter established, and not specially mentioned in this act, shall not exceed one for every twenty-two pupils in average daily membership, (v) The number of principals in the elementary schools, and the principals in charge of all other character of schools now established or hereafter established, and not specially mentioned in this act, shall not exceed one for every six hundred pupils in average daily membership in such schools, (vi) The number of principals in the junior and senior high schools shall not exceed one for every twelve hundred pupils in average daily membership in such schools, (vii) The number of supervisors in all schools shall not exceed one for every fifteen hundred pupils in average daily membership, (viii) The number of attendance officers and home and school visitors shall not exceed one for every two thousand pupils in average daily membership in all elementary and secondary schools, (ix) In all adult and extension school classes, the number of teachers shall not exceed one for every twenty pupils in average daily membership in such schools.

The salary and increments, fixed by law, of members of the teaching and supervisory staff whose number is not in some manner limited hereby, shall not be included within the purposes authorized by clause (1) of this section, but shall be construed and regarded as constituting expenses within the meaning of clause (3) of this section.

Average daily membership, as used herein, shall be based upon membership during the preceding school term.

(2) An amount sufficient to pay the interest on, and retire at maturity the principal of, the indebtedness of said district incurred as authorized by law.

(2.1) An amount sufficient to pay any rentals agreed to be paid to the State Public School Building Authority or any other authority created by the General Assembly, having State-wide jurisdiction.

(3) An amount sufficient to pay all other expenses and requirements of said school district, which amount shall be equivalent to not less than three, nor more than five, mills on the dollar of the total assessment of all property assessed and certified for taxation therein.

The total annual school tax levy for all purposes in any school district of the first class shall not be more than eleven and three-quarter (11 3/4) mills on the dollar of the total assessment of all property assessed and certified for taxation in the territory constituting the district.

(652 amended Aug. 5, 1977, P.L.178, No.46)

Section 652.1. Taxing Power of Elected Board of Public Education of School Districts of the First Class A.--(a) The elected Board of Public Education in any school district of the first class A shall have authority to impose taxes for the purposes of such school district as follows:

(1) Without ordinance and under the following statutes their reenactments and amendments, at the rates fixed therein, namely:

(i) (Reserved),

(ii) Act of June 20, 1947 (P.L.733, No.319), (Personal Property Tax),

(iii) Act of August 24, 1961 (P.L.1135, No.508), (Income Tax),

(iv) Real property tax acts:

Act of March 10, 1949 (P.L.30, No.14), 11.75 mills,

Act of November 30, 1955 (P.L.793, No.226), 1.5 mills,

Act of July 12, 1957 (P.L.837, No.386), .75 mills,

Act of November 19, 1959 (P.L.1552, No.557), 2 mills,

Act of October 21, 1965 (P.L.650, No.321), 1 mill,

Act of November 26, 1968 (P.L.1098, No.340), 6 mills,

Act of December 15, 1975 (P.L.483, No.143), 6 mills.

(2) (i) In addition to the taxing authority set forth in the act of August 24, 1961 (P.L.1135, No.508), (Income Tax), by ordinance, a tax of one per centum (1%) on wages, salaries, commissions and other earned income of individuals: Provided, however, That the total tax levied under the act of August 24, 1961 (P.L.1135, No.508) and the total tax levied under this subsection on wages, salaries, commissions and other earned income of individuals may equal but shall not exceed two per centum (2%).

(ii) A school district of the first class A located in whole or in part within a city of the second class shall share the earned income tax under this section with such city of the second class as follows: in tax year 2007, one-tenth of one per centum (0.1%) to the city; in tax year 2008, two-tenths of one per centum (0.2%) to the city; in tax year 2009 and thereafter, one-quarter of one per centum (0.25%) to the city.

(3) In addition to the taxing authority set forth in the real property tax acts referred to in section 652.1(a)(1)(iv), by ordinance a tax, sufficient to meet the school district's anticipated expenses on each dollar of the total assessment of all property assessed and certified for taxation in the territory constituting the district.

(4) In addition thereto, by ordinance on any persons, transactions, occupations, privileges, subjects and real or personal property as they shall determine not prohibited by section 2 of the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act" and not specifically excluded under paragraph (5) hereof; even if the ordinance imposing such tax or taxes is duplicative of the taxes enumerated in section 652.1(a)(1); but no ordinance shall authorize the imposition of a tax on the wages, salary or net income of any person not a resident of such school district.

(5) No tax of any kind may be imposed on admission to places of amusement, athletic events, motion picture theaters, occupations or occupational privilege, gross receipts of businesses, including institutions and nonprofit services, and

parking, but this paragraph shall not apply to taxes imposed on the whole volume of business transacted by retail and wholesale dealers in goods, wares and merchandise.

(b) Any ordinance authorizing a tax, other than under a statute and at the rate fixed thereby, shall fix the rate thereof and provide for the levy, assessment and collection of the same.

(652.1 amended Nov. 30, 2004, P.L.1471, No.187)

Compiler's Note: Section 25(1)(ii) of Act 40 of 2005 provided that subsection (a)(4) is repealed insofar as it is inconsistent with the amendment or addition by Act 40 of sections 1111-C, 1114-C, 1101-D, 1102-D, 1103-D, 1104-D, 1105-D, 1106-D, 1107-D, 1108-D, 1109-D, 1110-D, 1111-D, 1112-D, 1113-D and 1114-D of the Tax Reform Code of 1971.

Compiler's Note: Section 4 of Act 187 of 2004, which amended section 652.1, provided that the amendment shall apply to tax years commencing on or after January 1, 2005.

Compiler's Note: See section 3 of Act 182 of 1982 in the appendix to this act for special provisions relating to levying of taxes by boards of public education.

Section 652.2. Appeals by Taxpayers.--(a) Within thirty (30) days after a tax has been levied for the first time by an elected Board of Public Education in any school district of the first class A, taxpayers representing twenty-five per centum (25%) or more of the total valuation of real estate in the school district as assessed for taxation purposes or taxpayers of the school district not less than twenty-five (25) in number aggrieved by the ordinance or resolution shall have the right to appeal therefrom to the court of common pleas of the county upon giving bond with sufficient security in the amount of five hundred dollars (\$500), approved by the court, to prosecute the appeal with effect and for the payment of costs. The petition shall set forth the objections to the tax and the facts in support of such objections and shall be accompanied by the affidavit of at least five (5) of the petitioners that the averments of the petition are true and the petition is not filed for the purpose of delay.

(b) No such appeal shall act as a supersedeas unless specifically allowed by the court to which the appeal is taken or a judge thereof.

(c) Immediately upon the filing of any such petition, the petitioners shall serve a copy of the petition and any rule granted by the court upon the president or secretary of the legislative body levying the tax.

(d) The court shall fix a day for a hearing not less than fifteen (15) days nor more than thirty (30) days after the filing of the petition. Notice of the time of such hearing shall be given to all interested parties as the court shall direct. The court shall promptly hear and dispose of the appeal.

(e) It shall be the duty of the court to declare the ordinance and the tax imposed thereby to be valid unless it concludes that the ordinance is unlawful; but the court shall not interfere with the reasonable discretion of the legislative body in selecting the subjects or fixing the rates of the tax. The court may declare invalid all or any portion of the ordinance or of the tax imposed or may reduce the rates of tax.

(f) Any party to the proceeding shall have the right to appeal from the decision of the court of common pleas to the Commonwealth Court as in other cases, but such appeal shall be taken within thirty (30) days from the time the decree of the

court was entered and not thereafter. Any two (2) or more parties may join in such appeal.

(652.2 added June 25, 1982, P.L.643, No.182)

Section 653. Tax Levy for Indebtedness of Prior Districts.--Any school district of the first class assuming any bonded indebtedness of any former school district, sub-school district, or ward school district within its limits, may levy and collect a school tax, not to exceed eight and one half mills on the dollar of the total assessment of all property assessed and certified for taxation therein, until such assumed bonded indebtedness has been paid, after which such school tax levy shall not exceed the limitations fixed by the preceding section of this act.

Section 654. Tax Rates to be Expressed in Dollars and Cents.--Whenever the board of public education of any school district of the first class shall, by resolution, fix the rate of taxation for any year at a mill rate, such resolution shall also include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property.

Section 655. Property Taxable.--In all school districts of the first class or first class A, the school taxes shall be levied and assessed upon the same real estate and property as that upon which the municipal taxes of the municipality or municipalities comprising such school district of the first class or first class A are levied and assessed. All of such real estate and property is hereby made taxable for school purposes in each school district of the first class or first class A.

(655 amended June 2, 1965, P.L.91, No.60)

Section 655.1. Tax on Owners of Ground Rents.--The board of public education in school districts of the first class shall levy, on or before October 15, 1963, for the calendar year 1963, a tax on owners of ground rents. The tax levied under the provisions of this section for the calendar year 1963 shall be at the rate of one per centum (1%) on each dollar of the total assessment of the full principal value of all ground rents charged on real estate located within such school district of the first class without regard to any statutory provision or to any provisions made in the ground rent deed with respect to the payment of taxes on the ground rent. The tax shall be collected in the same manner with like authority and subject to the same penalties as other real estate taxes for school purposes in school districts of the first class are collected.

The board of public education in school districts of the first class shall levy for the calendar years 1964 and 1965 a tax on owners of ground rents in the same manner with like authority and subject to the same penalties as other real estate taxes for school purposes in school districts of the first class are collected. The tax levied under the provisions of this section shall be at the rate of one per centum (1%) on each dollar of the total assessment of the full principal value of all ground rents charged on real property located within such school district of the first class without regard to any statutory provision or to any provision made in the ground rent deed with respect to the payment of taxes on the ground rent. The taxes authorized to be levied hereunder shall be in addition to any other taxes levied by such school district of the first class on the real property charged with such ground rent. All taxes, penalties and interest collected under the provisions of this section shall be used by the school district collecting

the taxes to pay current expenses or other obligations of the school district.

(655.1 added Aug. 8, 1963, P.L.591, No.309)

Section 656. Certification of Assessments.--In order to enable the board of public education to levy the necessary school taxes for each school year, there shall be certified to the board, annually, before the first day of November of each year, by the board or bureau of assessors, board of revision of taxes, or other proper authorities in the municipality or municipalities comprising school districts of the first class or first class A, an estimated statement of the total assessment of all real estate and property taxable for municipal purposes in such municipality or municipalities comprising a school district of the first class or first class A, for the ensuing year. In school districts of the first class or first class A that are coterminous with a municipality or municipalities, the taxes of which are levied and assessed on real estate and personal property as contained in the assessments made for county tax purposes, the proper county assessing authorities shall furnish to the board of public education, annually, on or before the first day of November, a properly certified duplicate of the then existing adjusted valuation of all property taxable for county purposes and for municipal purposes within the territorial limits of such municipality or municipalities comprising such school district of the first class or first class A, excepting only such assessments of intangible personal property as is not subject to the payment of school taxes.

(656 amended June 2, 1965, P.L.91, No.60)

Section 657. Certification of Levy; Collection.--Upon any school taxes being levied by the board of public education in any school district of the first class, the amount of such levy shall forthwith be properly certified, under the seal of the district, attested by the president and secretary of the board, to the board or bureau of assessors, board of revision of taxes, or other proper authority, authorized to prepare tax duplicates, to be entered thereon, and by said authority properly certified to the receiver of taxes, city treasurer, or other proper authority collecting the municipal taxes in said district, which school taxes shall then be collected as provided by law, at the same time, in the same manner, and with like authority, and subject to the same discounts and penalties as other taxes collected in the municipalities.

Section 658. Bond of Collector; Neglect to Furnish.--(a) Every receiver of taxes, city treasurer, or other authority in a school district of the first class, who is by the provisions of this act authorized to collect or receive the school taxes therein, shall, before entering upon the duties of his office as collector or receiver of school taxes, furnish to the school district a bond, in such amount and with such surety or sureties as the board of public education may approve, conditioned upon the faithful performance of his duty in the office of such collector or receiver. The cost of such bond shall be paid by the school district.

(b) In lieu of furnishing such a bond, each such receiver of taxes, city treasurer, or other authority, may file his own collateral bond, in such amount as may be required by the board of public education, secured by an actual deposit with the board of public education, or with any bank or trust company within the Commonwealth which may be agreed upon, of any of the securities which depositories may use to secure the deposit of school funds as herein provided. The total market value of the

securities, thus deposited, shall equal the amount of the collateral bond. Such collateral bond shall be conditioned upon the faithful performance of his duties as receiver or collector of taxes. The securities, thus deposited, shall constitute a trust fund to be available for the satisfaction of any liability accruing upon the collateral bond. The securities shall be accompanied by a proper assignment or power of attorney for their transfer. Such trust deposit, in the event of any depreciation in its value, shall be maintained, upon request in writing of the board of public education, at the amount provided herein. The board of public education may permit the receiver or collector of taxes to substitute for any one or more bonds or obligations included in any such securities, other bonds or obligations that meet the requirements of this act.

(c) In case any receiver of taxes, or city treasurer elected as receiver of taxes or as school treasurer in a school district of the first class, shall refuse or neglect to furnish a proper bond with the proper sureties or securities, as herein provided, after his election, then, in that case, the board of public education may elect any other proper person as receiver of school taxes or school treasurer.

Section 659. Compensation; Stationery; Books; Clerks.--Every such treasurer or receiver of school taxes shall be paid such compensation as the board of public education in the district may determine, and, in addition to his salary, be furnished by the school district with the necessary stationery and books required by him in the performance of his duties as treasurer or receiver of school taxes. The board of public education may also appoint, annually, such clerks as it may deem necessary to assist the receiver of taxes.

Section 660. Monthly Reports; Payment of Taxes Collected.--In every school district of the first class the receiver of taxes, city treasurer, or other proper authority collecting or receiving the school taxes as herein provided, shall, at the end of each month, report to the board of public education, and to the school controller, the total amount of school taxes collected during the month, setting forth the years for which collected. He shall pay the same when and as collected to the school treasurer, and shall file with the school controller a duplicate receipt therefor, and shall, at the end of each month, also report the total amount collected during the current fiscal year, and the unexonerated balance remaining uncollected on the tax duplicate for each year in such district.

Section 661. Annual Reports.--The receiver of taxes, city treasurer, or other proper authority collecting or receiving school taxes in any school district of the first class, shall, annually, on the first Monday of April of each year, settle his accounts for the school taxes for the preceding fiscal year, and shall, at the same time, furnish the board of public education with a statement of the total amount of school taxes standing unpaid upon the tax duplicates.

(661 amended Nov. 30, 1959, P.L.1606, No.583)

Section 662. Liens of Unpaid Taxes.--In all school districts of the first class, all unpaid school taxes assessed upon any real property shall be liens thereon, in like way and manner, and subject to like provisions and restrictions, as exist and shall exist in the cases of all other taxes assessed in this Commonwealth. Such taxes and liens shall be filed, enforced, and collected by the receiver of taxes, treasurer, or other proper authority, in the manner and under and in accordance with the provisions which are and shall be applicable in the cases of other taxes assessed in this Commonwealth.

Section 663. Per Capita Tax; Districts First Class Less than 1,500,000 Population.--(663 repealed Aug. 24, 1961, P.L.1135, No.507)

Section 664. Annual Budget; Advertising; Public Hearing.--(a) The board of public education of each school district of the first class shall, annually, at or before the time of levying the annual school taxes, prepare an approximate estimate of the amount of funds that will be required by the school district in its several departments for the following fiscal year. Such annual estimate shall be apportioned to the several classes of expenditures of the districts as the board of public education thereof may determine. The total amount of such estimate shall not exceed the amount of funds, including the proposed annual tax levy and State appropriation, available for school purposes in the district. The annual estimates shall be properly certified to the school controller of the district by the secretary of the board.

(b) The board of public education shall, at least fifteen days prior to the time final action is taken on any budget, publish, by advertisement at least once in two newspapers of general circulation printed in the municipality in which such school district is located, notice that such proposed budget has been prepared and is open to public inspection at the office of the board of public education. Such advertisement shall include a notice of public hearing on the proposed budget, scheduled for at least ten days before final action is taken upon any budget.

Section 665. Emergency Appropriations.--The board of public education in school districts of the first class may, during any fiscal year, make additional appropriations, or increase the existing appropriations, to meet emergencies such as epidemics, floods, fire or other catastrophies, and to increase the salaries of the employes of the board, the funds therefor to be provided from unexpended balances in existing appropriations, from unappropriated revenues, if any, or from temporary loans. Such additional appropriations, and such temporary loans, shall be authorized by the affirmative vote of two-thirds of all the members of the board.

The board of public education shall have the power to transfer any unencumbered balance, or any portion thereof, from one appropriation to another, or from one spending agency to another, by the affirmative vote of two-thirds of all the members of the board.

Section 666. Limit of Indebtedness.--The total indebtedness incurred or created in any school district of the first class and first class A, including any indebtedness assumed by it on or before the eighteenth day of May, one thousand nine hundred eleven, shall not exceed fifteen (15) per centum upon the total assessed value of the taxable property in such school district.

(666 reenacted and amended Mar. 16, 1967, P.L.9, No.3)

(e) Second, Third and Fourth Class
School Districts.

Section 671. Fiscal Year.--(a) In all school districts of the second, third, and fourth class, the fiscal year shall begin on the first day of July in each year: Provided, That the board of school directors of any district of the second class may, by resolution adopted by two-thirds vote of the members thereof at a meeting of the board after not less than ten days' notice of the fact that such resolution would be presented for action at such meeting, fix the fiscal year of such school district

so as to begin on the first day of January in each year instead of on the first day of July as hereinabove provided.

(b) (1) For fiscal years beginning after June 30, 2004, a school district of the second, third or fourth class may delay the adoption of its annual budget beyond the last day in June where legislation providing the appropriation for basic education funding to be paid as a reimbursement for the preceding school year is not enacted by June 15.

(2) A school district that delays the adoption of its annual budget under paragraph (1) shall adopt an annual budget no later than fifteen days subsequent to the enactment of legislation providing the appropriation for basic education funding to be paid as a reimbursement for the preceding year.

(3) The provisions of section 687 requiring ten days' public notice prior to final action shall apply in cases when the adoption of a school district's budget is delayed under this subsection.

(671 amended Dec. 23, 2003, P.L.304, No.48)

Section 672. Tax Levy; Limitations.--(a) In all school districts of the second, third, and fourth class, all school taxes shall be levied and assessed by the board of school directors therein, during the month of February or March or April or May or June each year, or no later than twenty days following the enactment of legislation providing the appropriation for basic education funding to be paid as a reimbursement for the preceding school year, for the ensuing fiscal year, except in districts of the second class where the fiscal year begins on the first day of January, in which the school taxes shall be levied and assessed during the month of October or November of each year. In such school districts the tax rate shall not exceed twenty-five mills on the dollar, on the total amount of the assessed valuation of all property taxable for school purposes therein. Each school district of the second, third or fourth class may also collect a per capita tax on each resident or inhabitant of such district over eighteen years of age, as herein provided. ((a) amended Dec. 23, 2003, P.L.304, No.48)

(b) Boards of school directors of districts of the second, third, and fourth classes are hereby authorized to levy annually, a tax on each dollar of the total assessment of all property assessed and certified for taxation therein, (1) to pay up to and including the salaries and increments of the teaching and supervisory staff, (2) to pay rentals due any municipality authority or nonprofit corporation or due the State Public School Building Authority, (3) to pay interest and principal on any indebtedness incurred pursuant to the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act," or any prior or subsequent act governing the incurrence of indebtedness of the school district, which tax shall be unlimited, and (4) to pay for the amortization of a bond issue which provided a school building prior to the first Monday of July, 1959. ((b) amended Feb. 4, 1982, P.L.1, No.1)

(c) The tax levied to pay salaries and increments of the teaching and supervisory staff shall not be invalidated by reason of the fact that in determining the amount to be raised by such tax for the payment of salaries and increments no deduction was made for appropriations or reimbursements paid or payable by the Commonwealth to the School District which are applicable directly or indirectly to the salaries and increments. None of said taxes shall be invalidated or affected by reason of the fact that it may increase the total annual school tax levy of any school district beyond the millage fixed

or limited by this section. ((c) amended Dec. 10, 1974, P.L.914, No.302)

(d) The boards of school directors of all independent school districts in which the board members are elected or appointed by court may, annually, levy a tax as herein authorized, at the same time and in the same manner as other school districts of the same class to which such independent district belongs, in an amount which shall be sufficient with all other taxes imposed by such district to pay the expenses of such district as set forth in subsection (b) of this section and to pay all other expenses and requirements of such district: Provided, That such tax shall not be more than seventy-five (75) mills on the dollar on the total amount of the assessed valuation of all property taxable for school purposes within such district. Each such district may also collect, annually, a per capita tax in an amount of not less than one dollar (\$1) and not more than ten dollars (\$10) on each resident or inhabitant of such district over eighteen (18) years of age. ((d) amended June 16, 1972, P.L.449, No.138)

(e) The board of school directors of any school district of the third class with a coterminous boundary with a third class city may in any year levy separate and different rates of taxation for school purposes on all real estate classified as land, exclusive of the buildings thereon, and on all real estate classified as buildings on land. When real estate taxes are so levied, (1) the rates shall be determined annually by a vote of the board of school directors of a school district of the third class based upon passage of the school district's annual budget, (2) the rates may be levied by a school district of the third class: Provided, That (i) the revenue obtained in the first year of the levy is not in excess of one hundred fifteen (115) per centum of the aggregate revenue which the school district collected from a levy on real estate in the prior year, and (ii) in the second and subsequent years, the school district levy on real estate shall not be in excess of the aggregate revenue which a school district is empowered to collect under existing statute, and (3) the rates levied by a school district of the third class shall be uniform as to all real estate within the classification. ((e) added June 7, 1993, P.L.49, No.16)

Section 672.1. School Districts Lying in More Than One County or in More Than One Municipality; Limitation on Total Tax Revenues.--(a) Whenever a school district shall lie in more than one county, the total taxes levied on real estate within the school district in each county shall be subject to:

(1) the limitation that the ratio which such total taxes bears to the most recent valuation of the same properties by the State Tax Equalization Board shall be uniform in all of the counties, and the school district shall adjust its rate of taxation applicable to the portion of the district in each county to the extent necessary to achieve such uniformity; or

(2) as an alternative to the method provided in clause (1) or (3), whenever a school district shall lie in more than one county the board of assessment and revision of taxes in any of the counties or all of the counties in which the school district is located shall, at the request of the school directors of the district, furnish the market value of each parcel of property on the tax roll required to be furnished to the school directors under any assessment law of the Commonwealth. The market value of each parcel shall be (i) the quotient of the assessed value divided by the latest ratio of assessed value to market value in the municipality as determined by the State Tax Equalization

Board, or (ii) at the option of the school district, the market value of each parcel shall be the quotient of the assessed value divided by the latest ratio of assessed value to market value as determined by the State Tax Equalization Board in the aggregate of all municipalities of the school district within the county, or (iii) at the option of the school district where there are two or more ratios of assessed value to market value, the school directors of that school district shall select the lowest of the ratios for a uniform assessed value to market value throughout the school district, or (iv) at the option of the school district where such school district is located in a home rule county, the school directors of that school district may use the county assessments. Under this clause, the school directors shall set a tax rate based upon a percentage not exceeding seventy-five (75) per centum of such market values which shall be uniform throughout the district; or

(3) as an alternative to the methods provided in clauses (1) and (2), whenever a school district shall lie in more than one county, the school directors of the district may set the millage at a uniform rate for the entire district if the counties are assessed at one hundred (100) per centum of the market value and the counties are using the same base year for assessed value and market value.

(b) In the event a school district or part thereof located within one county is composed of two or more municipal governments at least one of which levies property taxes upon assessments made for county tax purposes and at least one of which utilizes separate assessments made for municipal tax purposes, the property tax levy for school district purposes shall be equalized by either of the methods prescribed in subsection (a)(1) or (2). If the former method is adopted, the ratio which the total taxes levied in each part of the school district bears to the most recent valuation of the same properties by the State Tax Equalization Board shall be uniform; if the latter method is adopted, the market value of each parcel of property on the tax roll shall be (i) in the case of the assessment made for county tax purposes, the quotient of the assessed value divided by the latest ratio of assessed value to market value for that portion of the school district as determined by the State Tax Equalization Board and, (ii) in the case of the separate assessment for municipal tax purposes, the quotient of the assessed value divided by the product of the latest ratio of assessed value to market value in the municipality as determined by the State Tax Equalization Board and the ratio of the total assessed valuation of the same properties for municipal tax purposes to the total assessed valuation of said properties for county tax purposes: Provided, however, that the taxpayers of no municipality or political subdivision within a school district shall pay an aggregate amount in school property taxes which, as a percentage of total school property taxes, shall exceed the ratio of its market value to the total market value of the school district as determined by the State Tax Equalization Board.

(c) Whenever a revision of assessment is completed in any portion of a school district and the revised assessments are to be used for school tax purposes the method prescribed in subsection (a)(2) above to equalize school property tax levies shall not be used until the latest ratio of assessed value to market value as determined by the State Tax Equalization Board for that portion of the school district is based upon the revised assessments.

(672.1 amended Dec. 21, 1998, P.L.1194, No.154)

Section 672.2. School Districts Lying in More Than One County; Tax Levy on Occupations.--(a) Any school district which lies in more than one (1) county and which levies an occupation tax, shall levy such tax uniformly upon each occupational category existing in all counties in which the district lies, at the lowest assessed valuation for each equivalent occupational category as certified to the school district by the counties in which the district lies.

(b) This section shall not apply to any school district which levies an occupational assessment tax on the effective date hereof unless the school district by resolution elected to be subject thereto.

(672.2 added Nov. 20, 1979, P.L.465, No.97)

Section 673. Tax Rates to be Expressed in Dollars and Cents.--Whenever the board of school directors of any school district of the second, third, or fourth class shall, by resolution, fix the rate of taxation for any year at a mill rate, such resolution shall also include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property.

Section 674. Property Subject to Tax; Districts Second Class.--In school districts of the second class, the school taxes shall be levied and assessed on the real estate and personal property therein, as contained in the assessment used for tax purposes in the city, borough, incorporated town or township in which the school district is located or as contained in the assessment made for county tax purposes.

(674 amended Jan. 26, 1966, 1965 P.L.1606, No.567)

Section 675. Certification of Assessments, etc.; Districts Second Class.--In order to enable the board of school directors in school districts of the second class to levy and assess the necessary school taxes required by such school district each year, the city clerk or other proper official required by law so to do shall, annually, on or before the first day of April in each year, at the expense of the city, furnish to each school district of the second class for its use, to be retained by it, a properly certified duplicate of the last adjusted valuation of all real estate, personal property, and a list of all residents or inhabitants made taxable in such school district of the second class, stating the name of each taxable, the valuation, and kind of property assessed. All of such real estate, personal property, and residents or inhabitants are hereby made taxable for school purposes in each such school district of the second class. The properly certified duplicate, herein required to be furnished each school district of the second class at the expense of the city, shall consist of a bound book printed and indexed according to the form to be submitted by the secretary of the board of school directors of each such school district to the city clerk or other proper official on or before the first day of January of each year: Provided, That in all cases where a school district of the second class is not located wholly within the boundary lines of a city, the county commissioners or other proper officials in the county shall, at the expense of the county, furnish to the school district a properly certified duplicate of the last adjusted valuation of all real estate, personal property, and residents or inhabitants made taxable for county purposes in such school district.

(675 amended May 9, 1949, P.L.937, No.262)

Section 676. Property Subject to Tax; Districts Third and Fourth Class.--In all school districts of the third class, excepting school districts of that class which are located

wholly within the boundary lines of cities of the third class and where such third class school districts comprise the same territory as such city of the third class in which the same is so located, and in all school districts of the fourth class, the school taxes shall be levied and assessed upon all the property upon which the county taxes are levied and assessed.

In all school districts of the third class which are located wholly within the boundary lines of any city of the third class, and where such third class school district comprises the same territory as such city of the third class in which the same is so located, the school taxes shall be levied and assessed on the real estate and personal property therein as contained in the assessment made for city tax purposes: Provided, That in any such school district of the third class which is situated within a county of the fourth to the eighth class, the board of school directors may, by resolution, accept the provisions of "The Fourth to Eighth Class County Assessment Law" irrespective of whether or not the city has accepted the provisions of such assessment law, and in such case the school taxes shall be levied and assessed upon all the property upon which the county taxes are levied and assessed.

(676 amended Apr. 11, 1961, P.L.80, No.34)

Section 677. Certification of Assessments, etc.; Districts Third and Fourth Class.--(a) In order to enable the board of school directors in each district of the third class, other than school districts of that class which are located wholly within the boundary lines of cities of the third class, and where such third class school districts comprise the same territory as such city of the third class in which the same is so located, and in each district of the fourth class, to assess and levy the necessary school taxes required by such district each year, the county commissioners or other proper officials in each county shall, on or before the first day of April in each year, at the expense of the county, furnish to each school district of the third class, other than school districts of that class which are located wholly within the boundary lines of cities of the third class, and where such third class school districts comprise the same territory as such city of the third class in which the same is so located, and to each district of the fourth class therein, for its use, to be retained by it, a properly certified duplicate of the last adjusted valuation of all real estate, personal property, and residents or inhabitants made taxable for county purposes in such school districts, stating the name of each taxable, and the valuation, description, and kind of property, and a list of the residents or inhabitants assessed. All of such real estate, personal property, and residents or inhabitants are hereby made taxable for school purposes in each school district of the third and fourth class.

(b) In order to enable the board of school directors in all school districts of the third class which are located wholly within the boundary lines of any city of the third class, and where such third class school district comprises the same territory as such city of the third class in which the same is so located, to levy and assess the necessary school taxes required by such school district each year, the city clerk or other proper officials shall, annually, on or before the first day of April in each year, at the expense of the city, furnish to each school district of the third class mentioned in this subsection, for its use, to be retained by it, a properly certified duplicate of the last adjusted valuation of all real estate, personal property, and a list of all residents or

inhabitants made taxable in such school district of the third class mentioned in this subsection, stating the name of each taxable, the valuation, and kind of property assessed. All of such real estate, personal property, and residents or inhabitants are hereby made taxable for school purposes in each such school district of the third class. The properly certified duplicate, herein required to be furnished each of such school districts of the third class at the expense of the city, shall consist of a bound book or books printed and indexed according to the form to be submitted by the secretary of the board of school directors of each school district to the city clerk or other proper official on or before the first day of March of each year.

Section 677.1. Additions and Revisions to Duplicates.--Whenever in second, third and fourth class school districts there is any construction of a building or buildings not otherwise exempt as a dwelling and such building is not included in the tax duplicate of the school district, the authority responsible for assessments in the city, borough, township or county shall, upon the request of the board of school directors, direct the assessor in the district to inspect and assess, subject to the right of appeal and adjustment provided by the act of Assembly under which assessments are made, all taxable property in the district to which major improvements have been made and to give notice of such change in the assessed valuation within ten days to the authority responsible for assessments, the school district and the property owner. Such property shall then be added to the duplicate, and shall be taxable for school purposes at the assessed valuation for that proportionate part of the fiscal year of the school district remaining after the property was improved. Any improvement made during the month shall be computed as having been made on the first of the next succeeding month. A certified copy of the additions or revisions to the duplicate shall be furnished monthly by the board of school directors to the tax collector for the district, and within ten days thereafter the tax collector shall notify the owner of the property of the taxes due the school district.

(677.1 amended July 8, 1989, P.L.253, No.43)

Section 678. Duplicates to Include Certain Territory.--The tax duplicate to be certified by the count commissioners, the city clerk, or other proper official, to every school district of the second, third, or fourth class shall, in each proper district, include such territory as was attached to another district but by the provisions of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309), became a part of the district in which it is situated on the first Monday of July, one thousand nine hundred eleven.

Section 679. Per Capita Taxes.--Each resident or inhabitant, over eighteen years of age, in every school district of the second, third, and fourth class, which shall levy such tax, shall annually pay, for the use of the school district in which he or she is a resident or inhabitant, a per capita tax of not less than one dollar nor more than five dollars, as may be assessed by the local school district. The tax collector shall not proceed against a spouse or his employer until he has pursued remedies against the delinquent taxpayer and the taxpayer's employer under this section.

Each school district may exempt any person whose total income from all sources is less than ten thousand dollars per annum from its per capita tax or any portion thereof. The school

district may adopt and employ regulations for the processing of claims for the exemption.

(679 amended Dec. 23, 2003, P.L.304, No.48)

Section 680. List of Residents for Per Capita Tax Purposes.--(a) In order that the board of school directors of each school district of the second, third, or fourth class may assess, levy, and collect a per capita tax of not less than one dollar nor more than five dollars on each resident or inhabitant over eighteen years of age in the district, it shall be the duty of the proper assessors in each such school district to prepare a list of residents or inhabitants in such school district over eighteen years of age, and return the same with the other taxable property in the district, as provided by law. In each school district all such lists of residents or inhabitants shall be included and certified in the list of taxable property to be certified to the board of school directors in each such school district, as herein provided. Assessors whose assessment district includes the whole or parts of more than one school district shall return separate lists of residents and inhabitants of each such school district.

(b) Every resident or inhabitant in any school district, upon attaining eighteen years of age, and every person eighteen years of age or over becoming a resident or inhabitant in any school district, shall, within twelve months after the happening thereof, notify the proper assessors of his becoming of age or becoming a resident or inhabitant. Any person failing, within said period, to notify the assessors of the school district within which he resides, shall, in addition to the tax levied by such school district, be liable to such school district in a penal sum equal to such tax.

The board of school directors shall, at the same time as they give public notice of a proposed budget, include a notice of the requirements of this subsection, together with the name and address of the assessor to be notified.

(680 amended June 16, 1972, P.L.449, No.138)

Section 680.1. Temporary Continuance of Tax on Landfill or Resource Recovery Facilities.--Notwithstanding the provisions of the act of July 28, 1988 (P.L.556, No.101), known as the "Municipal Waste Planning, Recycling and Waste Reduction Act," any school district that initially imposed a tax on a municipal waste landfill or resource recovery facility on or before June 30, 1988, but after December 31, 1987, may continue to collect such tax at the rate in effect on July 1, 1988, during the 1988-1989 school year only.

(680.1 added Oct. 20, 1988, P.L.827, No.110)

Section 681. Certification of Levy.--In all school districts of the second, third, and fourth class, as soon as the school tax is assessed and levied by the board of school directors, the secretary shall compute and enter the same, stating the amount of school tax to be collected on the duplicate herein required to be furnished to the district. A certified copy of such duplicate shall be furnished by the board of school directors to the tax collector in each district. In any school district where the collector of school taxes is also the collector of county taxes the secretary of the board of school directors may compute and add the amount of the school taxes to the duplicate furnished by the county commissioners to such tax collector for county purposes. In all school districts of the second, third, or fourth class, all tax duplicates shall be furnished, as herein provided, to the tax collectors on or before the first day of July in each year.

(681 amended July 31, 1963, P.L.389, No.206)

Section 682. Tax Duplicates and Warrants.--Each collector of school taxes in every school district of the second, third, or fourth class, shall, on or before the first day of July in each year, be furnished with his tax duplicate.

(682 amended July 31, 1963, P.L.389, No.206)

Section 683. Appointment of Tax Collector in Certain Cases.--The board of school directors in each school district of the second, third, or fourth class, where a tax collector is not elected to collect school taxes, or where there is a vacancy, or where any tax collector elected refuses to qualify or furnish a bond as herein provided, shall, annually, on or before the first day of June in each year, appoint one or more suitable persons as tax collectors in said school districts. The board of school directors in any school district, appointing any tax collector or tax collectors, may authorize and direct any one tax collector to collect the school taxes in any one or more wards or other proper divisions in such school district.

Section 684. Bond of Appointed Collectors.--(a) Every person appointed collector of school taxes in any school district of the second, third, or fourth class, before receiving his tax duplicate, shall furnish to the school district a proper bond, in an amount to be fixed by the board of school directors, with such surety or sureties as it may approve, conditioned upon the faithful performance of his duties as such tax collector.

(b) In lieu of furnishing such a bond, the tax collector may file his own collateral bond, in such amount as may be required by the board of school directors, secured by an actual deposit with the board of school directors, or with any bank or trust company within the Commonwealth which may be agreed upon, of any of the securities which depositories may use to secure the deposit of school funds as herein provided. The total market value of the securities, thus deposited, shall equal the amount of the collateral bond. Such collateral bond shall be conditioned upon the faithful performance of his duties as tax collector. The securities, thus deposited, shall constitute a trust fund to be available for the satisfaction of any liability accruing upon the collateral bond. The securities shall be accompanied by a proper assignment or power of attorney for their transfer. Such trust deposit, in the event of any depreciation in its value, shall be maintained, upon request in writing of the board of school directors, at the amount provided herein. The board of school directors may permit the tax collector to substitute for any one or more bonds or obligations included in any such securities other bonds or obligations, that meet the requirements of this act.

(c) In school districts of the second class, the board of school directors may in lieu of a surety bond accept a fidelity bond, conditioned upon the accounting for and payment over of all moneys received by him as taxes and the accounting for all tax items contained in his duplicate which remain uncollected. The tax collector and his sureties shall be discharged from further liability on any bond as soon as all tax items contained in the duplicate are either: (1) collected and paid over or, (2) certified to the board of school directors for entry as liens in the office of the prothonotary, or (3) returned to the county commissioners for sale, or (4) the tax collector is exonerated from the collection thereof.

(d) In case any person appointed tax collector shall fail to furnish a proper bond, with the proper sureties or securities, within fifteen days after his appointment, or notice so to do, then, in any such case, the board of school directors

shall appoint another suitable person as collector of the school taxes in said district in his place and stead, who, upon giving the proper bond, with the proper sureties or securities, shall be the duly authorized person to collect the school taxes in said district for the ensuing school year.

Section 685. Disqualification for Reappointment, etc.--In all school districts of the second, third, and fourth class, no tax collector shall be reappointed, or be authorized to collect any school taxes in any school year, unless he shall have first settled his duplicate in full with the board of school directors for the preceding year, in the manner herein provided.

Section 686. Delinquent Taxes; Appointment of Collector; etc.--(a) In all school districts of the second, third, and fourth class, all unpaid school taxes assessed and levied upon real property upon which there is no personal property out of which the same can be collected, shall be certified by the tax collector to the secretary of the board of school directors, together with a proper description of the property upon which the same is levied, on or before the first day of June in each year. All delinquent school taxes so certified to the board of school directors in any school district of the second, third, or fourth class, by any school tax collector, shall be collected by said board as provided by law.

(b) The board of school directors in such district may annually, on or before the first day of July in each year, appoint one or more suitable persons, as delinquent tax collectors in said school district, to collect any and all school taxes from the collection of which the original tax collector has been exonerated, in accordance with the laws of this Commonwealth, and which taxes still remain unpaid upon any of the school tax duplicates, other than such unpaid school taxes as shall have been filed as liens in the office of the prothonotary, or have been returned to the county commissioners for sale. Such delinquent tax collector or collectors shall, upon the certification over to him or them of such taxes so remaining unpaid, proceed to collect the same from the persons respectively charged therewith, for which purpose he or they shall have all the authority and power now vested by law in any collector of school taxes for the collection of such taxes. The board of school directors issuing the original warrants shall issue an additional warrant to the collector or collectors of such delinquent taxes so appointed. ((b) amended July 31, 1963, P.L.389, No.206)

(c) Collectors of delinquent school taxes so appointed shall give bond in the same manner as required of the original tax collector, and shall be paid such commissions or compensation as is paid the regular collector. Such commissions or compensation shall be paid by proper orders drawn on the school treasurer as other accounts are paid by the school district. Every such collector of delinquent school taxes shall be responsible and account to the board of school directors for all such taxes collected by him in like manner and in accordance with existing laws pertaining to school tax collections.

(d) (1) Each school district may assign some or all of its claims for delinquent school taxes, either absolutely or as collateral security, for an amount to be determined by the school district and under such terms and conditions upon which the school district and the assignee may agree in writing. Upon such an assignment, the following shall apply:

(i) The school district or the assignee shall direct the tax claim bureau to record notice of the assignment on the docket.

(ii) Assignment shall not be deemed a discharge or satisfaction of the claim or the taxes giving rise to the claim, and the lien of the assigned claim and taxes giving rise to the claim shall continue in favor of the assignee.

(iii) The assignee shall have and enjoy the same rights, privileges and remedies as were held by the school district with respect to the assigned claim and the tax giving rise to the claim.

(iv) An owner of property shall have the same rights and defenses under all laws applicable to the collection and enforcement of tax claims that the owner held against the assignor.

(2) A claim assigned pursuant to this subsection may be further assigned, with the subsequent assignee having and enjoying the same rights, privileges and remedies as its assignor had, provided that notice of any subsequent assignment is recorded pursuant to paragraph (1).

((d) added July 4, 2004, P.L.536, No.70)

Section 687. Annual Budget; Additional or Increased Appropriations; Transfer of Funds.--(a) (1) The board of school directors of each school district of the second, third, or fourth class shall, annually, at least thirty (30) days prior to the adoption of the annual budget, prepare a proposed budget of the amount of funds that will be required by the school district in its several departments for the following fiscal year. Such proposed budget shall be prepared on a uniform form, prepared and furnished by the Department of Education. The uniform form shall require identification of specific function, subfunction and major object of expenditure. On the date of adoption of the proposed budget required under this section, the president of the board of school directors shall certify to the Department of Education that the proposed budget has been prepared, presented and will be made available for public inspection using the uniform form prepared and furnished by the Department of Education. The certification shall be in a form and manner as required by the Department of Education. Final action shall not be taken on any proposed budget that has not been prepared, presented and made available for public inspection using the uniform form prepared and furnished by the Department of Education. Final action shall not be taken on any proposed budget in which the estimated expenditures exceed two thousand dollars (\$2000) until after ten (10) days' public notice. Nothing in this act shall be construed to prevent any school district whose total estimated expenditures do not exceed two thousand dollars (\$2000) from holding a public hearing.

(2) (i) The proposed budget, on the uniform form required by the Department of Education, shall be printed or otherwise made available for public inspection to all persons and shall be made available for duplication to any person, on request, at least twenty (20) days prior to the date set for the adoption of the budget.

(ii) Fees for duplication under this paragraph by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication must be reasonable and based on prevailing fees for comparable duplication services provided by local business entities.

((a) amended July 13, 2005, P.L.226, No.46)

(b) The board of school directors, after making such revisions and changes therein as appear advisable, shall adopt the budget and the necessary appropriation measures required to put it into effect. The total amount of such budget shall not exceed the amount of funds, including the proposed annual tax levy and State appropriation, available for school purposes in that district. Within fifteen (15) days after the adoption of the budget, the board of school directors shall file a copy of the same in the office of the Department of Public Instruction. ((b) amended Jan. 14, 1970, 1969 P.L.468, No.192)

(c) The board of school directors may, during any fiscal year, make additional appropriations or increase existing appropriations to meet emergencies, such as epidemics, floods, fires, or other catastrophies, or to provide for the payment for rental under leases or contracts to lease from the State Public School Building Authority or any municipality authority entered into subsequent to the date of the adoption of the budget. The funds therefor shall be provided from unexpended balances in existing appropriations, from unappropriated revenue, if any, or from temporary loans. Such temporary loans, when made, shall be approved by a two-thirds vote of the board of school directors. ((c) amended Jan. 21, 1952, 1951 P.L.2195, No.627)

(d) The board of school directors shall have power to authorize the transfer of any unencumbered balance, or any portion thereof, from one class of expenditure or item, to another, but such action shall be taken only during the last nine (9) months of the fiscal year.

(e) For the fiscal year 1980-1981, a school district may, by a majority vote of the board of school directors, reopen its budget for the purpose of reallocating any surplus funds in the district budget for the retirement of any outstanding indebtedness of the district or for the reduction of property taxes for the fiscal year 1980-1981. ((e) added June 30, 1981, P.L.140, No.45)

(f) For the fiscal year 1980-1981, a school district may, by a majority vote of the board of school directors, reopen its budget for the purpose of reallocating any surplus funds in the district budget for the retirement of any outstanding indebtedness of the district or for the reduction of property taxes for the fiscal year 1980-1981. ((f) added Feb. 4, 1982, P.L.1, No.1)

(g) (1) Notwithstanding any other provisions of this act, the board of school directors of each school district is required to, and shall, reopen its 1991-1992 budget during the month of August 1991 for the purposes of adjusting their budgets to reflect the following increased State allocations for fiscal year 1991-1992 provided by the General Assembly through the act of August 4, 1991 (P.L.484, No.7A), known as the "General Appropriation Act of 1991": subsidy payments on account of instruction; small district assistance payment; payments on account of transportation of nonpublic school pupils; and State reimbursement for health services.

(2) In those districts which levy taxes and where the increased State allocations exceed the State revenue figures utilized by the school district at the time of adoption of its original fiscal year 1991-1992 budget, the district shall use these increases in State allocations to abate local property tax or nuisance taxes, or both, which were levied at the time of original budget adoption within sixty (60) days of the reopening of the district's budget. Districts may implement such tax abatements in the form of tax credits against 1992-1993

tax bills or may use such increases in State allocations to reduce or retire outstanding school district indebtedness.

(3) Those districts which levy taxes and in which the increased State allocations, when compared to State revenue figures utilized in their originally adopted budget, exceed the budgeted figures by an amount insufficient to cost-effectively prepare and mail adjusted tax notices shall apply to the Department of Education for a waiver of this tax rebate provision.

(4) Districts that obtain waivers from the Department of Education shall use all the increased State allocations to meet fiscal year 1991-1992 program needs. Districts that do not obtain waivers from the Department of Education shall use all the increased State allocations to abate local tax levies. Districts that implement such tax abatement in the form of a credit against 1992-1993 tax bills may hold the increased State allocations in a reserve account or fund balance during the 1991-1992 fiscal year. Under no other circumstances shall any of these increased State allocations be used to increase a district's existing fund balance or for deposit into any district reserve accounts.

(5) At such time as school districts mail out adjusted tax notices resulting from 1991-1992 budget reopening actions, such notice shall include the following statement:

"These decreased school district tax assessments result from additional revenues allocated to the district as a result of passage of the 'General Appropriation Act of 1991' by the Pennsylvania General Assembly."

(6) The Department of Education shall establish the administrative procedures necessary to implement and to audit school district compliance with the provisions of this section and shall report its findings to the Education Committee of the Senate and the Education Committee of the House of Representatives.

((g) amended July 9, 1992, P.L.392, No.85)

(h) Beginning with the adjusted final fiscal year 1991-1992 budget, and each fiscal year thereafter, on or before September 15, each school district shall furnish to the Education Committee of the Senate and the Education Committee of the House of Representatives an electronic copy of the school district's final adopted annual budget to include the amount of district revenues being held in excess of its total budgeted expenditures. Such documentation shall include an explanation of the district's need to maintain the revenues in this fund balance. ((h) amended July 9, 2013, P.L.408, No.59)

(i) (1) Notwithstanding any other provisions of this act, the board of school directors of each school district is required to and shall reopen its 2002-2003 budget during the month of July 2002 to reflect the increased State allocations under sections 2502.13, 2502.40, 2509.3 and 2591.1 for fiscal year 2002-2003 provided by the General Assembly through the act of June 29, 2002 (P.L.2106, No.7A), known as the "General Appropriation Act of 2002."

(2) In those school districts which levy taxes and where the increased State allocations exceed the State revenue figures utilized by the school district at the time of adoption of its original fiscal year 2002-2003 budget, the board of school directors shall use the increases in State allocations to do any of the following:

(i) abate any local taxes which were levied at the time of original budget adoption. Such tax abatements shall occur within

sixty (60) days of the reopening of the school district's budget and may take the form of tax reductions, rebates or credits;

(ii) reduce or retire any outstanding indebtedness of the school district; or

(iii) restore funding to any educational programs which were reduced or eliminated for the 2002-2003 school year.

(3) Under no circumstances shall any increased State allocations be used to increase a school district's reserved or unreserved fund balance.

((i) added June 29, 2002, P.L.524, No.88)

(j) Notwithstanding any other provisions of this act, the board of school directors of each school district may reopen its 2003-2004 budget, its 2004-2005 budget, its 2005-2006 budget, its 2006-2007 budget, its 2007-2008 budget or its 2008-2009 budget to reflect any State allocations for fiscal year 2003-2004, fiscal year 2004-2005, fiscal year 2005-2006, fiscal year 2006-2007, fiscal year 2007-2008 or fiscal year 2008-2009 provided by the General Assembly through this act.
(j) amended July 9, 2008, P.L.846, No.61)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 687(j), provided that Act 61 shall apply retroactively to July 1 2008.

Section 688. Limitations on Certain Unreserved Fund Balances.--(a) For the 2005-2006 school year and each school year thereafter, no school district shall approve an increase in real property taxes unless it has adopted a budget that includes an estimated ending unreserved, undesignated fund balance less than the percentages set forth as follows:

School District Total Budgeted Expenditures	Estimated Ending Unreserved, Undesignated Fund Balance as Percentage of Total Budgeted Expenditures
Less Than or Equal to \$11,999,999	12%
Between \$12,000,000 and \$12,999,999	11.5%
Between \$13,000,000 and \$13,999,999	11%
Between \$14,000,000 and \$14,999,999	10.5%
Between \$15,000,000 and \$15,999,999	10%
Between \$16,000,000 and \$16,999,999	9.5%
Between \$17,000,000 and \$17,999,999	9%
Between \$18,000,000 and \$18,999,999	8.5%
Greater Than or Equal to \$19,000,000	8%

(b) By August 15, 2005, and August 15 of each year thereafter, each school district that approves an increase in real property taxes shall provide the Department of Education with information certifying compliance with this section. Such information shall be provided in a form and manner prescribed by the Department of Education and shall include information on the school district's estimated ending unreserved, undesignated fund balance expressed as a dollar amount and as a percentage of the school district's total budgeted expenditures for that school year.

(c) As used in this section, "estimated ending unreserved, undesignated fund balance" shall mean that portion of the fund balance which is appropriable for expenditure or not legally or otherwise segregated for a specific or tentative future use, projected for the close of the school year for which a school district's budget was adopted and held in the General Fund accounts of the school district.

(688 added Dec. 23, 2003, P.L.304, No.48)

Section 689. Payroll Tax.--(a) A school district within which a financially distressed municipality is located may levy a payroll tax in accordance with section 303 of the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act," if the following apply:

(1) Each financially distressed municipality within the school district levies a payroll tax pursuant to section 123(c) and (d) of the act of July 10, 1987 (P.L.246, No.47), known as the "Municipalities Financial Recovery Act."

(2) The school district levied a mercantile or business privilege tax on a flat rate or millage basis in the year that the financially distressed municipality filed a petition to levy a payroll tax pursuant to section 123(c) of the "Municipalities Financial Recovery Act."

(b) The following shall apply:

(1) The tax authorized under subsection (a) may be imposed at a rate not to exceed a rate sufficient to produce revenues equal to revenues collected from the levy of a mercantile or business privilege tax by the school district under Chapter 3 of "The Local Tax Enabling Act" in the preceding fiscal year. Except as provided under clause (2), a school district may levy a payroll tax in any subsequent year at a rate not to exceed the rate initially authorized under this clause.

(2) In the event that the rate imposed under clause (1) fails to produce the revenues projected in the first full year after the imposition of a payroll tax, a school district may amend the rate imposed not to exceed a rate that is sufficient to produce revenues equal to the revenues collected as a result of the mercantile or business privilege tax in the final year it was levied. A school district may levy the payroll tax in any subsequent year at a rate not to exceed the adjusted rate authorized under this clause.

(c) After imposing a payroll tax under this section, the authority of a school district to continue to levy the payroll tax is not contingent on the distressed status of, or decision to levy a payroll tax by, a municipality within the school district.

(d) A school district which levies a payroll tax under this section may not thereafter levy a mercantile or business privilege tax.

(e) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Financially distressed municipality." A financially distressed municipality under the act of July 10, 1987 (P.L.246, No.47), known as the "Municipalities Financial Recovery Act."

"School district." A school district coterminous with a home rule municipality that is a city of the second class A.

(689 added July 13, 2016, P.L.716, No.86)

(f) Capital Reserve Fund for School Building
Project Programs Approved by the Department of Public
Instruction.

((f) added Nov. 30, 1959, P.L.1597, No.577)

Section 690. Creation of Capital Reserve Fund for Approved School Building Project Programs.--Any school district shall have the power to create a special fund, which may be designated as a Capital Reserve Fund, and to accumulate therein moneys to be expended, in accordance with the provisions of this act, during a period not to exceed five years from the date when the first payment was made into the fund, for the purpose of

constructing a school building project or projects under a long-term project program approved by the Department of Public Instruction. The proposed project program may include the cost of acquiring suitable sites for school buildings, the cost of constructing new school buildings, or the cost of providing needed additions or alterations to existing buildings. The Department of Public Instruction may approve any project programs if it shall find in the case of all school districts, except school districts of the first class, first class A and second class which are not part of a county-wide plan, that each component of the proposed project program is in conformity to plans for the orderly development of improved attendance areas and administrative units and for the improved housing of public schools in the Commonwealth and in the case of all school districts, that the building or buildings will conform to standards prescribed by the State Board of Education with respect to educational and architectural design, building materials, fixtures and equipment, location, usefulness for community activities, safety, comfort and convenience and that the school district will have the ability to meet from current revenues the rental or sinking fund charge which may be necessary to amortize that portion of the cost of the proposed project or projects which is not covered by anticipated accumulation of money in the district's capital reserve fund. Moneys accumulated in the district's capital reserve fund may be paid as a lump sum at the time that construction of the project or projects is begun or payment of such accumulated sums may be spread over a period of years as a part of the annual rental or sinking fund charge approved by the Department of Public Instruction for the proposed project or projects. (Par. amended Jan. 14, 1970, 1969 P.L.468, No.192)

The capital reserve fund herein provided for shall consist of receipts from a special tax which each board of school directors or board of education is hereby authorized to levy in accordance with the provisions of this act. Such tax levy may not exceed three mills in any one year; nor may the tax be levied, on account of any one project program, for a period of more than five years. Furthermore, such tax may be levied only for the purpose of financing a school building project or projects which have been approved by the Department of Public Instruction for construction within five years from the date of the approval given by that department. Upon the total and final completion of a project program which for the purpose herein contemplated, may include the construction, reconstruction, or renovation of more than one building, the board of school directors may proceed to set up a new project program for later construction and may establish a new capital reserve fund to finance such project program.

If for any reason the project program for which the capital reserve fund was established fails to materialize, the moneys accumulated in the fund shall be reverted to the district's general fund in equal amounts spread over a period of five years.

(690 added Nov. 30, 1959, P.L.1597, No.577)

Section 691. Investment of Fund; Budget; Record.--The moneys in the capital reserve fund shall be kept separate and apart from any other fund by the treasurer of the school district, and the moneys in the fund may be invested by the board of directors or by the board of education in securities legal for the investment of sinking fund moneys of school districts. The interest earnings on investments shall be paid into the capital reserve fund. The board of directors or the board of education

may sell any such securities and reinvest the moneys in other securities or convert such securities into cash when the same may be needed for expenditure under the provisions of this act or for reverting to the general fund if the approved project or projects fail to materialize within the five year period. The school district shall annually show in its budget and in its annual financial report, the amount of moneys in the capital reserve fund which shall at all times be properly identified as to purpose and authority under which it is constituted.

(691 added Nov. 30, 1959, P.L.1597, No.577)

Section 692. Expenditure of Fund.--The moneys in any such capital reserve fund may be expended by the school district singly or jointly (1) with the Commonwealth or any department or agency thereof; (2) with the Federal government or any department or agency thereof; or (3) with one or more other school districts only during the period of time for which the fund was created, and only for capital improvements approved by the Department of Public Instruction and for no other purpose.

(692 added Nov. 30, 1959, P.L.1597, No.577)

(f) Distressed School Districts

((f) added Dec. 15, 1959, P.L.1842, No.675)

Section 691. When District Distressed.--(a) Except for a school district of the first class A, second class, third class or fourth class, a school district shall be deemed to be distressed when any one of the following circumstances shall arise and the Secretary of Education, after proper investigation of the district's financial condition, the administrative practices of the board and such other matters deemed appropriate by the Secretary of Education, has issued a certificate declaring such district in financial distress:

(1) The salaries of any teachers or other employes have remained unpaid for a period of ninety (90) days.

(2) The tuition due another school district remains unpaid on and after January first of the year following the school year it was due and there is no dispute regarding the validity or amount of the claim.

(3) Any amount due any joint board of school directors under a joint board agreement remains unpaid for a period of ninety (90) calendar days beyond the due date specified in the joint board's articles of agreement.

(4) The school district has defaulted in payment of its bonds or interest on such bonds or in payment of rentals due any authority for a period of ninety (90) calendar days and no action has been initiated within that period of time to make payment.

(5) The school district has contracted any loan not authorized by law.

(6) The school district has accumulated and has operated with a deficit equal to two per centum (2%) or more of the assessed valuation of the taxable real estate within the district for two successive years.

(7) A new, merged or union school district has been formed and one or more of the former school districts which compose the merged or union school district was a distressed school district at the time of the formation of the merged or union school district.

((a) amended July 12, 2012, P.L.1142, No.141)

(b) No school district shall be deemed to be distressed by reason of any of the above circumstances arising as a result

of the failure of the Commonwealth to make any payment of money due the district at the time such payment is due.

(c) In addition to the circumstances to determine financial distress under subsection (a), the Secretary of Education may declare a school district of the first class to be distressed if the Secretary of Education determines that:

(1) the school district of the first class failed to adopt or to comply with a valid budget to operate the school district for a minimum instructional school year under section 1501;

(2) the school district of the first class failed to allocate or transfer revenues to ensure that funds are sufficient to provide a minimum instructional school year under section 1501;

(3) the city of the first class failed to transfer revenues to the school district consistent with the current budget; or

(4) the school district of the first class has failed or will fail to provide for an educational program in compliance with the provisions of this act, regulations of the State Board of Education or standards of the Secretary of Education.

(691 amended Apr. 27, 1998, P.L.270, No.46)

Compiler's Note: Section 27 of Act 46 of 1998, which amended section 691, provided that the Pennsylvania Supreme Court shall have exclusive jurisdiction to hear any challenge to or to render a declaratory judgment concerning the constitutionality of sections 691(c) and 696 and issues related to collective bargaining arising under those sections. The Supreme Court is authorized to take such action as it deems appropriate, consistent with the Supreme Court retaining jurisdiction over such a matter, to find facts or to expedite a final judgment in connection with such a challenge or request for declaratory relief.

Section 692. Special Board of Control; Petition; Appointments.--(692 repealed July 12, 2012, P.L.1142, No.141)

Section 692.1. When No Appointment is Made.--(692.1 repealed July 12, 2012, P.L.1142, No.141)

Section 692.2. Compensation of Special Board of Control.--(692.2 repealed July 12, 2012, P.L.1142, No.141)

Section 693. Powers of Special Board of Control.--(a) Except as otherwise provided in subsection (b), when the special board of control assumes control of a distressed school district, it shall have power and is hereby authorized to exercise all the rights, powers, privileges, prerogatives and duties imposed or conferred by law on the board of school directors of the distressed district, and the board of school directors shall have no power to act without the approval of the special board of control. In addition thereto, the special board of control shall have power to require the board of directors within sixty (60) days to revise the district's budget for the purpose of effecting such economies as it deems necessary to improve the district's financial condition. To this end the special board of control may require the board:

(1) To cancel or to renegotiate any contract other than teachers' contracts to which the board or the school district is a party, if such cancellation or renegotiation of contract will effect needed economies in the operation of the district's schools.

(2) To increase tax levies in such amounts and at such times as is permitted by the act to which this is an amendment.

(3) To appoint a special collector of delinquent taxes for the district who need not be a resident of the school district. Such special tax collector shall exercise all the rights and perform all the duties imposed by law on tax collectors for school districts. The superseded tax collector shall not be entitled to any commissions on the taxes collected by the special collector of delinquent taxes.

(4) To direct the special school auditors of the department or to appoint a competent independent public accountant to audit the accounts of the distressed school districts.

(5) To dispense with the services of such nonprofessional employes as in his judgment are not actually needed for the economical operation of the school system.

(6) To suspend, in accordance with the provisions of section 1124 of the act to which this is an amendment, such number of professional and temporary professional employes as may be necessary to maintain a pupil-teacher ratio of not less than twenty-six pupils per teacher for the combined elementary and secondary school enrollments.

(b) The provisions of subsection (a) shall not apply to a school district of the first class A, second class, third class or fourth class.

(693 amended July 12, 2012, P.L.1142, No.141)
Section 694. Additional Tax.--(694 repealed July 12, 2012, P.L.1142, No.141)

Section 695. School Directors to Remain in Office; Elections.--(695 repealed July 12, 2012, P.L.1142, No.141)

Section 696. Distress in School Districts of the First Class.--(a) Within thirty (30) days of a declaration by the Secretary of Education that a school district of the first class is distressed under section 691(c), a School Reform Commission shall be established consisting of four members initially appointed by the Governor and one member initially appointed by the mayor of the city coterminous with the school district. The School Reform Commission shall be an instrumentality of a school district of the first class, exercising the powers of the board of school directors. The Governor shall appoint a chairman of the School Reform Commission. At least three of the commission members, including the member appointed by the mayor, must be residents of the school district. ((a) amended June 29, 2002, P.L.524, No.88)

(b) Membership of the School Reform Commission shall be as follows:

(1) Members appointed pursuant to this section shall serve terms as follows:

(i) Two of the members appointed by the Governor shall serve initial terms of seven (7) years.

(ii) One of the members appointed by the Governor shall serve an initial term of five (5) years.

(iii) One of the members appointed by the Governor shall serve an initial term of three (3) years. Upon the expiration of the initial term of this member, the mayor shall appoint an individual to fill this position.

(iv) The member appointed by the mayor shall serve an initial term of three (3) years.

(v) After the expiration of each initial term:

(A) Members appointed by the Governor under subclauses (i) and (ii) shall be appointed for a term of five (5) years.

(B) Members appointed by the mayor under subclauses (iii) and (iv) shall be appointed for a term of four (4) years.

(2) Except as authorized in this subsection, no commission member may be removed from office during a term. The Governor may, upon proof by clear and convincing evidence of malfeasance or misfeasance in office, remove a commission member prior to the expiration of the term. Before a commission member is removed, that member must be provided with a written statement of the reasons for removal and an opportunity for a hearing in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(3) Upon the expiration of term or the occurrence of a vacancy in the office of a commission member appointed by the Governor, the Governor shall appoint, with the consent of a majority of the members elected to the Senate, the successor member. Upon the expiration of term or the occurrence of a vacancy in the office of a commission member appointed by the mayor, the mayor shall appoint the successor member. An appointment to fill a vacancy shall be for the balance of the unexpired term.

(4) A commission member shall hold office until a successor has been appointed and qualified.

(5) A commission member may serve successive terms.

(6) No commission member may, while in the service of the School Reform Commission, seek or hold a position as any other public official within this Commonwealth or as an officer of a political party.

(7) Commission members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their official duties from funds of the school district.

((b) amended June 29, 2002, P.L.524, No.88)

(b.1) Actions of the School Reform Commission shall be by a majority vote. A majority of the commission members appointed shall constitute a quorum.

(b.2) Upon the issuance of a declaration by the Secretary of Education that a school district of the first class is distressed under section 691(c), the Governor shall appoint an interim chairman of the School Reform Commission, who shall have the full power and authority of the School Reform Commission. The interim chairman shall serve for a term not to exceed thirty (30) days. The interim chairman may be appointed to the School Reform Commission pursuant to this section.

(c) The School Reform Commission may suspend or dismiss the superintendent or any person acting in an equivalent capacity.

(d) (Deleted by amendment).

(e) The following shall apply:

(1) The School Reform Commission shall be responsible for the operation, management and educational program of the school district of the first class. The powers and duties of the board of school directors of a school district of the first class shall be suspended. All powers and duties granted heretofore to the board of school directors of a school district of the first class under this act or any other law, including its authority to levy taxes and incur debt, shall be vested in the School Reform Commission until the Secretary of Education issues a declaration under subsection (n).

(2) The School Reform Commission may enter into agreements necessary to provide for the operation, management and educational programs of the school district of the first class. The agreements shall include appropriate fiscal and academic accountability measures. Academic accountability measures shall include:

(i) Strategic goals and objectives for improving academic performance.

(ii) Methods setting forth how the strategic goals and objectives are to be achieved and the specific methodology for evaluating results.

(f) (Deleted by amendment).

(g) (Deleted by amendment).

(h) The School Reform Commission shall be responsible for financial matters related to the distressed school district of the first class and:

(1) All taxes authorized to be levied by a school district of the first class or for a school district of the first class by a city or county of the first class on the date of the declaration of distress shall continue to be authorized and levied in accordance with this act and shall be transmitted to the school district. For the first fiscal year or part thereof and every fiscal year thereafter in which the school district is declared to be distressed, the amount appropriated or paid by the city or county to the school district and the tax authorized by the city or county to be levied for the school district or dedicated to the school district shall be an amount or tax not less than the highest amount paid by the city or county to the school district or authorized by the city or county to be levied for the school district or dedicated to the school district during any of the three full preceding fiscal years. In addition, the city of the first class shall provide to the school district of the first class all other available local non-tax revenue, including grants, subsidies or payments made during the prior year.

(2) In addition to the moneys collected under paragraph (1), the city of the first class shall remit to the school district of the first class for each year that the school district is declared distressed that portion of all other local tax revenue levied for a full fiscal year by a city or county of the first class coterminous with a school district of the first class that was allocated to the school district prior to the school district being declared distressed in accordance with section 691(c).

(3) All taxes collected on behalf of a school district of the first class by any person or entity, including a city or county of the first class, shall be promptly paid following collection to the School Reform Commission for the benefit of the school district.

(4) In the event the city or county of the first class does not meet the financial obligations prescribed in this subsection, the Commonwealth may apply to that obligation any amounts otherwise due from the Commonwealth to the city or county of the first class, including, but not limited to, grants, awards and moneys collected by the Commonwealth on behalf of the city or county of the first class. Funds withheld shall be maintained in a separate account by the State Treasurer to be disbursed as determined by the Secretary of Education in consultation with the State Treasurer.

(5) The School Reform Commission shall adopt a budget.

((h) amended June 29, 2002, P.L.524, No.88)

(i) In addition to all powers granted to the superintendent by law and a special board of control under section 693 and notwithstanding any other law to the contrary, the School Reform Commission shall have the following powers:

(1) To appoint such persons and other entities as needed to conduct fiscal and performance audits and other necessary analyses.

(2) To enter into agreements with persons or for-profit or nonprofit organizations to operate one or more schools. A school operated under this clause shall be funded in accordance with the terms of the agreement.

(i) All applications to operate a charter school in a school year after a declaration of distress is issued and all charter schools established after a declaration of distress is issued shall not be subject to sections 1717-A(b), (c), (d), (e), (f), (g), (h) and (i), 1722-A(c) and 1724-A.

(ii) The School Reform Commission may suspend or revoke a charter pursuant to section 1729-A.

(3) To suspend the requirements of this act and regulations of the State Board of Education except that the school district shall remain subject to those provisions of this act set forth in sections 1073, 1073.1, 1076, 1077, 1078, 1080, 1732-A(a), (b) and (c), 1714-B and 2104 and regulations under those sections. ((3) amended July 12, 2012, P.L.1142, No.141)

(4) To employ professional and senior management employees who do not hold State certification if the School Reform Commission has approved the qualifications of the person at a salary established by the commission.

(5) To enter into agreements with persons or for-profit or nonprofit organizations providing educational or other services to or for the school district. Services provided under this clause shall be funded in accordance with the terms of the agreement.

(6) Notwithstanding any other provisions of this act, to close or reconstitute a school, including the reassignment, suspension or dismissal of professional employees.

(7) To suspend professional employees without regard to the provisions of section 1125.1.

(8) To appoint managers, administrators or for-profit or nonprofit organizations to oversee the operations of a school or group of schools within the school district.

(9) To reallocate resources, amend school procedures, develop achievement plans and implement testing or other evaluation procedures for educational purposes.

(10) To supervise and direct principals, teachers and administrators.

(11) To negotiate any memoranda of understanding under the collective bargaining agreement in existence on the effective date of this section.

(12) To negotiate a new collective bargaining agreement.

(13) To delegate to a person, including an employee of the school district or a for-profit or nonprofit organization, powers it deems necessary to carry out the purposes of this article, subject to the supervision and direction of the School Reform Commission.

(14) To employ, contract with or assign persons or for-profit or nonprofit organizations to review the financial and educational programs of school buildings and make recommendations to the School Reform Commission regarding improvements to the financial or educational programs of school buildings.

(j) The board of school directors of the distressed school district of the first class shall continue in office for the remainder of their terms during the time the district is operated by the commission unless removed for neglect of duty under section 318 by the court of common pleas or unless the director is elected to another position not compatible with the position of school director or is appointed to a position for which there is a requirement that the appointee shall hold no

elective office. The board of school directors shall perform any duties delegated to it by the commission. The establishment of the School Reform Commission shall not interfere with the regular selection of school directors for the school district of the first class.

(k) Collective bargaining between employees and the school district of the first class shall be conducted in accordance with this subsection. For purposes of collective bargaining, as used in section 693 and this section: "professional employee" shall have the meaning given in section 1101(1), and "teacher" shall have the meaning given in section 1202-A.

(1) ((1) repealed June 22, 2001, P.L.530, No.35)

(2) No distressed school district of the first class shall be required to engage in collective bargaining negotiations or enter into memoranda of understanding or other agreements regarding any of the following issues:

(i) Contracts with third parties for the provision of goods or services, including educational services or the potential impact of such contracts on employees.

(ii) Decisions related to reductions in force.

(iii) Staffing patterns and assignments, class schedules, academic calendar, places of instruction, pupil assessment and teacher preparation time.

(iv) The use, continuation or expansion of programs designated by the School Reform Commission as pilot or experimental programs.

(v) The approval or designation of a school as a charter or magnet school.

(vi) The use of technology to provide instructional or other services.

(3) A collective bargaining agreement for professional employees entered into after the expiration of the agreement in effect on the date of the declaration of distress shall provide for the following:

(i) A school day for professional employees that is equal to or exceeds the State average as determined by the department. An extension of the school day resulting from this requirement shall be used exclusively for instructional time for students.

(ii) The number of instructional days shall be equal to or exceed the State average number of instructional days.

(iii) The School Reform Commission shall not increase compensation for employees solely to fulfill the requirements under subparagraphs (i) and (ii).

(4) A provision in any contract in effect on the date of the declaration of distress under this subsection that is in conflict with this subsection shall be discontinued in any new or renewed contract.

(5) Except as specifically provided in section 693, nothing in this subsection shall eliminate, supersede or preempt any provision of an existing collective bargaining agreement until the expiration of the agreement unless otherwise authorized by law.

(6) If upon the termination of a collective bargaining agreement in effect on the date of the declaration of distress under this section a new collective bargaining agreement has not been ratified, the School Reform Commission shall establish a personnel salary schedule to be used until a new agreement is ratified.

(1) During the time the school district of the first class is under the direction of the School Reform Commission, all school employees shall be prohibited from engaging in any strike as defined in Article XI-A and section 301 of the act of July

23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act." The Secretary of Education may suspend the certificate of an employee who violates this subsection.

(m) (Deleted by amendment).

(n) The Secretary of Education, only upon the recommendation of a majority of the School Reform Commission, may issue a declaration to dissolve the School Reform Commission. The dissolution declaration shall be issued at least one hundred eighty (180) days prior to the end of the current school year and shall be effective at the end of that school year. Except as otherwise provided in this section, after dissolution the board of school directors shall have the powers and duties of the School Reform Commission.

(n.1) When a declaration has been issued by the Secretary of Education under section 691(c) and a School Reform Commission has been appointed under this section, section 1705-B shall be suspended for school districts of the first class.

(n.2) Beginning in 2003, by August 31 of each year, the School Reform Commission shall provide a report for the preceding school year regarding progress made toward improvements in fiscal and academic performance in a school district of the first class. The report shall be filed with the Governor's Office and with the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives.

(o) The provisions of this section are severable. If any provision of this section or its application to any person or circumstance is held invalid, the invalidity shall not affect the remaining provisions or applications.

(696 amended Oct. 30, 2001, P.L.828, No.83)

Compiler's Note: Section 27 of Act 46 of 1998, which added section 696, provided that the Pennsylvania Supreme Court shall have exclusive jurisdiction to hear any challenge to or to render a declaratory judgment concerning the constitutionality of sections 691(c) and 696 and issues related to collective bargaining arising under those sections. The Supreme Court is authorized to take such action as it deems appropriate, consistent with the Supreme Court retaining jurisdiction over such a matter, to find facts or to expedite a final judgment in connection with such a challenge or request for declaratory relief.

Section 697. Educational Assessment Center.--(a) A governing body of a distressed school district shall establish an independent educational assessment and reporting center to monitor and report on the performance of the publicly funded schools in the distressed school district.

(b) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Distressed school district." A school district of the first class which has been declared to be distressed by the Secretary of Education under section 691.

"Governing body." A school reform commission established in accordance with section 696(a) or the commission's successor.

(697 added Apr. 18, 2002, P.L.264, No.36)

(a) Preliminary Provisions
(Subart. (a) added July 12, 2012, P.L.1142, No.141)

Section 601-A. Scope of article.

This article provides for financial recovery in certain school districts.

(601-A added July 12, 2012, P.L.1142, No.141)

Section 602-A. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Advisory committee." The advisory committee established by a board of school directors under section 654-A.

"Chief recovery officer." The chief recovery officer appointed by the Secretary of Education under section 631-A.

"Claim." A right to:

(1) payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or

(2) an equitable remedy for breach of performance if the breach gives rise to a right to payment, whether or not the right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

"Creditor." An individual, partnership, corporation, association, estate, trust or governmental unit that has a claim against a school district. The term shall include the Public School Employees' Retirement Board.

"Deficit." The excess of expenditures over revenues, calculated as a percentage of revenue, during an accounting period, and which calculation includes all governmental fund types and all proprietary fund types, but excludes all fiduciary fund types of the school district.

"Department." The Department of Education of the Commonwealth.

"Employee organization." As defined in section 1101-A.

"Expenditures." Reductions in fund equity, including current operating expenses that require the use of fund equity, debt service and capital outlays. The term shall not include interfund transfers.

"Financial recovery plan" or "plan." A financial recovery plan under subarticle (c).

"Financial recovery school district." A school district of the first class A, second class, third class or fourth class declared by the Secretary of Education to be in financial recovery status under section 621-A.

"Financial recovery school district transitional loan account." The account for loans awarded under Subdivision (vii) of subarticle (c).

"Fund equity." Excess of assets of a fund over its liabilities. The term shall include a fund balance.

"Receiver." The receiver of a financial recovery school district appointed under Subdivision (vi) of subarticle (c).

"Revenues." Additions to fund equity other than from interfund transfers, proceeds of debt and proceeds of disposition of general fixed assets.

"School district." A school district of the first class A, second class, third class and fourth class and a financial

recovery school district. The term does not include a school district of the first class.

"Secretary." The Secretary of Education of the Commonwealth.
(602-A added July 12, 2012, P.L.1142, No.141)

(b) School District Financial Watch
(Subart. (b) added July 12, 2012, P.L.1142, No.141)

Section 611-A. Early warning system.

(a) Establishment.--

(1) The department shall develop and implement an early warning system under which the department shall:

(i) Compile financial data and maintain accurate and current information and data on the financial conditions of school districts. Each school district shall provide its financial data and information to the department within 15 days of a request by the department.

(ii) Regularly analyze and assess school district budget reports, data and other information directly related to the financial conditions of school districts.

(iii) Utilize appropriate fiscal and socioeconomic variables to identify financial difficulties in school districts in financial watch status.

(iv) Notify any school district identified for financial watch status.

(v) Offer technical assistance to school districts in financial watch status to correct minor financial problems and to avoid a declaration of financial recovery status under section 621-A.

(2) (i) The department shall develop the fiscal and economic variables to be used in identifying school districts in financial watch status, shall test the validity and reliability of the variables and shall continuously monitor the variables to assure their effectiveness.

(ii) The variables developed by the department under this paragraph shall include, but shall not be limited to, whether any political subdivision located within the school district is a financially distressed municipality under the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act.

(3) In developing an early warning system under this section, the department may employ or contract with fiscal consultants as deemed necessary to administer the provisions of this section.

(b) Duties.--When a school district is identified through the early warning system for financial watch status, the department shall:

(1) Notify the school district that the department has identified the school district for financial watch status.

(2) Request from the school district all information necessary to enable the department to conduct a review of the school district's financial condition. A school district that receives a request for information under this paragraph shall provide the department with all information requested within 15 days.

(3) Perform a thorough review of the school district's financial condition, which shall include a review of the information provided by the school district under paragraph (2) and which may include visits and correspondence with school district officers and employees.

(4) Provide the school district with technical assistance appropriate to remedying the school district's financial difficulties, which may include, but shall not be limited to, contracting with financial consultants to assist the school district.

(c) Guidelines.--

(1) Within 60 days of the effective date of this section, the department shall establish guidelines for the operation of the early warning system established under this section, including a description of the variables that will be used by the department to identify school districts in financial watch status. The guidelines shall be published as a statement of policy in the Pennsylvania Bulletin and shall be posted on the department's publicly accessible Internet website.

(2) Notwithstanding any other provision of law to the contrary, guidelines required under this subsection shall not be subject to review, regulation or approval by the State Board of Education.

(3) The guidelines established by the department, and any amendments thereto, shall be exempt from the requirements of the following:

(i) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(ii) The act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(iii) The act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(4) The early warning system may not become operational until publication of the guidelines as required under paragraph (1).

(611-A added July 12, 2012, P.L.1142, No.141)

(c) School District Financial Recovery
(Subart. (c) added July 12, 2012, P.L.1142, No.141)

(i) Declaration of School District
Financial Recovery Status
(Subdiv. (i) added July 12, 2012, P.L.1142, No.141)

Section 621-A. Issuance of declaration.

(a) Criteria.--Subject to the provisions of subsection (b) and after proper investigation of the school district's financial condition, the administrative practices of the board of school directors and such other matters deemed appropriate by the secretary, the following shall apply:

(1) (i) Subject to the provisions of subparagraph (ii), the secretary shall issue a declaration that a school district is in financial recovery status when either of the following applies:

(A) The school district has an average daily membership greater than 7,500 and receives an advance of its basic education subsidy at any time.

(B) The school district receives an advance of its basic education subsidy at any time and is either subject to a declaration of financial distress under section 691 or engaged in litigation against the Commonwealth in which the school district seeks financial assistance from the Commonwealth to allow the school district to continue in operation.

(ii) Notwithstanding the provisions of subparagraph (i), the following shall apply:

(A) Not more than nine school districts may be under a declaration of financial recovery status under this section or in receivership under subdivision (vi) at any time.

(B) the secretary may decline to issue a declaration that a school district is in financial recovery status where the secretary determines that the school district, within the previous five years, has faced an emergency that caused the occurrence of a circumstance set forth in subparagraph (i).

(2) (i) Within two years of the effective date of this section, the State Board of Education shall promulgate regulations under the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, establishing additional criteria which the secretary may consider in determining whether to issue a declaration that a school district is in financial recovery status and whether a school district in financial recovery status shall be deemed a moderate financial recovery school district under subdivision (iv) or a severe financial recovery school district under subdivision (v), provided that not more than nine school districts may be under a declaration of financial recovery status under this section or in receivership under subdivision (vi) at any time. The criteria the secretary may consider in determining whether to issue a declaration that a school district is in financial recovery status shall include, but shall not be limited to, the following:

(A) The school district receives at least 85% of its per pupil funding from the Commonwealth and collects less than 50% of local taxes levied to fund the school district.

(B) The school district's unreserved fund balance has declined for three consecutive years and is less than 5% of the school district's annual expenditures.

(C) The school district's fixed costs are at least 30% of the school district's total annual expenditures.

(D) The school district's total outstanding debt is greater than the school district's annual expenditures.

(E) The salaries of any teachers or other employees of the school district are unpaid at least 15 days after payment is due.

(F) The school district is subject to withholding of its State appropriation under section 633.

(G) The school district has defaulted on the payment of a debt due to any school district, intermediate unit or charter school that remains unpaid on or after January 1 of the year following the school year it was due and there is no dispute regarding the validity or amount of the claim.

(H) The school district's assigned and unassigned total fund balance is less than zero in the school district's general fund.

(I) The school district's assigned and unassigned total fund balance in the school

district's general fund as a percentage of total expenditures is less than 3%.

(J) The school district experiences a delinquent tax rate of more than 10%.

(K) The assessed valuation of taxable real estate in the school district has not increased over the previous five years.

(L) Any amount due a joint board of school directors under a joint board agreement remains unpaid beyond the due date specified in the joint board's articles of agreement.

(M) The school district has contracted a loan not authorized by law.

(N) The school district has accumulated and operated with a deficit equal to at least 2% of the assessed valuation of the taxable real estate within the school district for two successive years.

(O) A new, merged or union school district has been formed and one or more of the former school districts which compose the merged or union school district was a distressed school district under section 691 or a financial recovery school district under this article at the time of the formation of the new, merged or union school district.

(ii) (A) In promulgating the regulations required under subparagraph (i), the State Board of Education shall convene and consult with a Statewide advisory committee which shall include a superintendent, a school board member, a school district business manager or chief financial officer, one designee from the department and one designee from the Office of the Budget.

(B) Members of the Statewide advisory committee required to be convened under clause (A) shall be selected to be representative of the rural, suburban and urban school districts of this Commonwealth.

(C) The Statewide advisory committee required to be convened under clause (A) shall be convened not later than 60 days after the effective date of this section and shall meet regularly to fulfill the requirements of this paragraph.

(b) Failure of Commonwealth to make payment.--No school district shall be declared in financial recovery status by reason of any of the circumstances enumerated in subsection (a)(1) or any of the criteria stated in regulations promulgated under subsection (a)(2) having been caused by the failure of the Commonwealth to make any payment of money due the school district at the time the payment is due, including payment of any Federal funding that is distributed through the Commonwealth.

(c) Appeal.--A declaration of financial recovery status by the secretary under this section is appealable under 2 Pa.C.S. (relating to administrative law and procedure).

(621-A added July 12, 2012, P.L.1142, No.141)
Section 622-A. Commitment to ensure delivery of effective educational services.

The Commonwealth shall ensure the delivery of effective educational services to all students enrolled in a school district in financial recovery status under Subdivision (i) or in receivership under Subdivision (vi).

(622-A added July 12, 2012, P.L.1142, No.141)

Section 623-A. School directors to remain in office and elections.

(a) Resignation prohibited.--The school directors of a school district that has been declared in financial recovery status under this subdivision or is in receivership under Subdivision (vi) may not resign their offices, except with the consent of the chief recovery officer or receiver, and shall:

(1) Remain in office, unless:

(i) removed from office for neglect of duty under the provisions of section 318; or

(ii) the directors are elected to another position incompatible with the position of school director or are appointed to any position for which there is a requirement that the appointee must hold no elective office,

for the remainder of their terms during the time the school district is in financial recovery status or receivership.

(2) Perform any duties delegated to them by the chief recovery officer or the receiver appointed to serve the school district.

(3) Comply with any directive issued to them by the chief recovery officer or the receiver if the directive is consistent with the financial recovery plan for the school district.

(b) No interference with elections.--A declaration by the secretary that a school district is in financial recovery status under section 621-A or the appointment of a receiver under Subdivision (vi) shall in no way interfere with the regular election or reelection of school directors for the school district.

(623-A added July 12, 2012, P.L.1142, No.141)

Section 624-A. Termination of status.

(a) Declaration by secretary.--

(1) (i) Following a determination that the school district has satisfied and is continuing to satisfy the criteria for termination of financial recovery status enumerated in section 641-A(9), the secretary may issue a declaration terminating the school district's financial recovery status.

(ii) In making the determination under this paragraph, the secretary shall consider whether the monthly financial reports submitted by the chief recovery officer to the secretary and the department concerning the school district's progress under the financial recovery plan under section 653-A(a)(3) or 664-A(a)(3) indicate that termination of financial recovery status is appropriate.

(2) If the secretary determines to terminate a school district's financial recovery status under this section, the secretary shall issue a written declaration stating:

(i) That the school district's financial recovery status has been terminated.

(ii) The effective date of the termination of financial recovery status.

(iii) A statement of the facts upon which the secretary relied in making the determination.

(b) Determination upon petition by a school district.--A financial recovery school district may petition the secretary for a declaration that the school district's financial recovery status has been terminated. A declaration issued under this subsection shall comply with subsection (a).

(624-A added July 12, 2012, P.L.1142, No.141)

Section 625-A. Transition period.

(a) Board resumes control and oversight.--Subject to the provisions of subsections (b) and (c), after the secretary terminates a school district's financial recovery status under section 624-A, the following shall apply:

(1) The board of school directors shall resume full control over school district management.

(2) The chief recovery officer and the department shall oversee the board of school directors for five years to ensure financial stability is maintained.

(b) Petition for appointment of receiver.--If, during the transition period after the secretary terminates a school district's financial recovery status under section 624-A, the board of school directors fails to maintain the objectives stated in the financial recovery plan, the secretary shall petition the court of common pleas in the county in which the school district or the largest part in area of the school district is located for the appointment of a receiver under Subdivision (vi).

(c) Oversight where municipalities financially distressed.--Notwithstanding the provisions of subsection (a), the chief recovery officer and the department shall oversee the board of school directors of any former financial recovery school district for so long as any political subdivision located within the school district is a financially distressed municipality under the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, without regard to whether the school district continues to maintain the objectives stated in its financial recovery plan. The oversight shall be subject to the provisions of subsection (b).

(625-A added July 12, 2012, P.L.1142, No.141)

Section 626-A. Technical assistance.

Subject to sections 652-A(c)(2)(ii) and 663-A(c)(2)(ii), the department shall provide technical assistance to each financial recovery school district. The department's provision of technical assistance shall be coordinated through the chief recovery officer or receiver appointed to serve the financial recovery school district.

(626-A added July 12, 2012, P.L.1142, No.141)

(ii) Chief Recovery Officer

(Subdiv. (ii) added July 12, 2012, P.L.1142, No.141)

Section 631-A. Appointment.

(a) Appointment.--Not later than five days after a declaration of financial recovery status under section 621-A, the secretary shall appoint a chief recovery officer for the financial recovery school district. The chief recovery officer shall serve at the pleasure of the secretary.

(b) Qualifications and prohibitions.--

(1) The chief recovery officer must be an individual who satisfies one of the following:

(i) possesses at least five years' experience in one or more of the following areas: budget and financial management, public school finance, school administration, accounting, academic assessment or education law;

(ii) holds a graduate degree from an accredited institution of higher education in business or finance and has at least four years' relevant experience in business, finance or management; or

(iii) is the current business manager or financial officer of a school district in this Commonwealth.

(2) The chief recovery officer may not be an elected or an appointed official or employee of the financial recovery school district for which he is appointed to serve as chief recovery officer, provided that the current business manager or financial officer of a financial recovery school district may serve as chief recovery officer for the financial recovery school district by which he is employed.

(3) During the term of appointment as chief recovery officer and for the following two years, the chief recovery officer may not seek or hold elected office in the financial recovery school district for which the chief recovery officer was appointed or in any political subdivision located in the financial recovery school district.

(c) Not subject to contractual competitive bidding procedures.--Notwithstanding any other provision of law to the contrary, the appointment of a chief recovery officer shall not be subject to contractual competitive bidding procedures.

(631-A added July 12, 2012, P.L.1142, No.141)

Section 632-A. Compensation.

The department shall pay a chief recovery officer appointed by the secretary under section 631-A actual and necessary expenses incurred in the performance of duties as chief recovery officer and a reasonable salary determined by the department.

(632-A added July 12, 2012, P.L.1142, No.141)

Section 633-A. Powers and duties.

Subject to section 662-A, the chief recovery officer shall:

(1) With the assistance of the department, develop, implement and administer a financial recovery plan in accordance with Subdivision (iii).

(2) Coordinate the department's provision of technical assistance to the financial recovery school district under section 626-A.

(3) Maintain oversight of the financial recovery school district during the transition period under section 625-A.

(4) Attend regular and executive sessions of the board of school directors.

(5) When a receiver is appointed to oversee the management of the financial recovery school district under Subdivision (vi), serve as an advisor to the receiver.

(6) Where an advisory committee is established under section 654-A, meet at least monthly with the advisory committee.

(7) In a financial recovery school district to which section 654-A does not apply, conduct at least four public forums on the basis for the financial recovery declaration and the development and implementation of a financial recovery plan.

(633-A added July 12, 2012, P.L.1142, No.141)

Section 634-A. Access to information.

(a) School district required to provide records and information.--The chief recovery officer shall be given full access to all records of the financial recovery school district. Employees and elected and appointed officials of the financial recovery school district shall provide the chief recovery officer with all records and information requested.

(b) Enforcement.--

(1) If the chief recovery officer reasonably believes that an employee or an elected or appointed official of the financial recovery school district has failed to answer questions accurately or completely or has failed to furnish

information requested, the chief recovery officer shall direct the employee or elected or appointed official in writing to furnish answers to questions or to furnish documents or records, or both.

(2) If the employee or elected or appointed official refuses to furnish answers to questions or to furnish documents or records within 15 days of a written request, the chief recovery officer shall petition the court of common pleas of the county in which the financial recovery school district or the largest part in area of the financial recovery school district is located for a writ of mandamus requiring the employee or elected or appointed official to provide the chief recovery officer with the information, documents or records requested.

(3) Within seven days of the filing of a petition under paragraph (2), the court shall conduct a hearing on the petition. The court shall grant the petition and compel the employee or elected or appointed official to provide the requested information unless the court finds by clear and convincing evidence that the request for information is arbitrary, capricious or wholly irrelevant to the duties of the chief recovery officer.

(634-A added July 12, 2012, P.L.1142, No.141)

Section 635-A. Public and private meetings.

(a) Public meetings authorized.--

(1) The chief recovery officer may hold public meetings, as defined in 65 Pa.C.S. Ch. 7 (relating to open meetings), in connection with the preparation and implementation of a financial recovery plan.

(2) Meetings between the chief recovery officer and an advisory committee established under section 654-A shall be public meetings as defined in 65 Pa.C.S. Ch. 7.

(b) Private meetings authorized.--Notwithstanding the provisions of 65 Pa.C.S. Ch. 7, the chief recovery officer may conduct private negotiation sessions between the financial recovery school district and the individual creditors of the financial recovery school district in an effort to obtain the consent of each creditor to the proposed adjustment and handling of specific claims against the financial recovery school district.

(635-A added July 12, 2012, P.L.1142, No.141)

(iii) Financial Recovery Plan

(Subdiv. (iii) added July 12, 2012, P.L.1142, No.141)

Section 641-A. Contents.

A financial recovery plan developed under this subarticle shall:

(1) Provide for the delivery of effective educational services to all students enrolled in the financial recovery school district.

(2) Provide for the payment of lawful financial obligations of the financial recovery school district.

(3) Provide for the timely deposit of required payments to the Public School Employees' Retirement Fund.

(4) Provide a plan for the financial recovery school district's return to financial stability, which may include any of the following, if appropriate to restoring the financial recovery school district's financial stability:

(i) Recommendations for:

(A) Satisfying judgments, past-due accounts payable and past-due and payable payroll and fringe benefits.

(B) Eliminating deficits and deficit funds.

(C) Restoring to special fund accounts money from those accounts that was used for purposes other than those specifically authorized.

(D) Balancing the budget, avoiding future deficits in funds and maintaining current payments of payroll, fringe benefits and accounts through possible revenue enhancement recommendations, including tax or fee changes.

(E) Avoiding a future declaration of financial recovery status.

(F) Enhancing the ability of the financial recovery school district to negotiate new general obligation bonds, lease rental debt, funded debt and tax and revenue anticipation borrowings.

(G) Considering changes in accounting and automation procedures for the financial benefit of the financial recovery school district.

(H) Proposing a reduction of debt due on specific claims by an amortized or lump-sum payment considered to be the most reasonable disposition of each claim possible for the financial recovery school district considering the totality of the circumstances.

(ii) Recommendations for:

(A) Changes in permanent and temporary staffing levels.

(B) Changes in organization.

(C) Changes in school district policy.

(D) Special audits or further studies.

(E) The sale, lease, conveyance, assignment or other use or disposition of the financial recovery school district's assets.

(F) The application for a loan under the Financial Recovery Transitional Loan Program established in Subdivision (vii) in an amount specified by the chief recovery officer in the financial recovery plan. The financial recovery plan shall specify the current expenses of the school district to which the loan proceeds would be applied.

(iii) An analysis of whether functional consolidation or privatization of existing noninstructional or other school district services is appropriate and feasible and recommendations for carrying out such consolidation or privatization, including timelines for implementation and anticipated cost efficiencies to be attained.

(iv) A capital budget which addresses infrastructure deficiencies.

(v) Recommendations for greater use of Commonwealth or intermediate unit programs.

(vi) Recommendations for, and anticipated cost savings resulting from, the use of powers permitted to be used under section 642-A.

(5) Set forth a cash flow analysis for the financial recovery school district.

(6) State projections of revenues and expenditures for the current year and the next two years, both assuming the

continuation of present operations and as impacted by the measures included in the financial recovery plan.

(7) State benchmarks and timelines for restoring the financial recovery school district to financial stability.

(8) Require the financial recovery school district to use financial data software that is connected directly to the department's financial data systems to ensure that both the financial recovery school district and the department are using accurate and consistent data. All costs of the financial data software required to be used by the financial recovery school district under this paragraph shall be paid by the department.

(9) Establish specific criteria that the financial recovery school district must satisfy before the secretary may terminate the financial recovery school district's financial recovery status under section 624-A. Such criteria shall include, but shall not be limited to:

(i) The financial recovery school district does not request an advance of its basic education subsidy.

(ii) All teacher and other employee salaries are paid when due.

(iii) The financial recovery school district is not in default on any bonds, notes or lease rentals and is not subject to withholding by the secretary under section 633.

(iv) The financial recovery school district does not satisfy the criteria stated in regulations promulgated under section 621-A(a)(2).

(v) The financial recovery school district is making progress toward financial stability.

(641-A added July 12, 2012, P.L.1142, No.141)

Section 642-A. Powers and duties.

(a) General rule.--A school district in financial recovery status under this subdivision or in receivership under Subdivision (vi) may exercise any of the following powers only to the extent that the powers are specifically included in the school district's financial recovery plan and the exercise of the powers will effect needed economies in the operation of the district's schools:

(1) Reopen its budget for the current school year, notwithstanding any other provision of law.

(2) Convert school buildings to charter schools. The following shall apply:

(i) The school district may convert an existing public school building or a portion of an existing public school building to a charter school, provided that conversion will result in financial savings. There shall be no limit on the number of public schools in the school district that can be converted to a charter school.

(ii) The board of school directors may designate and approve by majority vote the existing public school building or portion of an existing public school building that it seeks to convert to a charter school.

(iii) (A) The board of school directors shall solicit applications to operate a charter school established under this paragraph through a competitive request for proposal process. The content and dissemination of the request for proposal shall be consistent with the purpose and the requirements of Article XVII-A and shall require the applicant to demonstrate that the conversion will result in

financial savings. The board of school directors may accept applications by an individual or entity authorized to establish a charter school under section 1717-A(a) to operate the converted charter school.

(B) The board of school directors shall evaluate each submitted proposal in a public manner. Once a proposal has been selected, the board of school directors shall explain how and why the proposal was selected and provide evidence, if available, of the provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement, successful management of nonacademic school functions and safe school environment, if applicable.

(C) No member of the board of school directors may serve on the board of trustees of an existing school or portion of an existing school which is converted to a charter school under this subsection.

(D) The provisions of Article XVII-A shall apply to an existing public school building or portion of an existing public school building converted to a charter school, provided that any application to operate a charter school under the provisions of this section and any charter school established under the provisions of this section shall not be subject to sections 1717-A(b), (c), (d), (e), (f), (g), (h) and (i) and 1724-A(b), (c), (d), (e), (f), (g) and (h), including after the school district's financial recovery status is terminated under section 624-A or after the school district's receivership expires under section 675-A.

(E) In the case of an existing school or portion of an existing school being converted to a charter school, the board of school directors shall establish the alternative arrangements for current students who choose not to attend the charter school.

(3) Cancel or renegotiate any contract to which the board of school directors or the school district is a party, if the cancellation or renegotiation of contract will effect needed economies in the operation of the district's schools. Collective bargaining agreements are specifically exempt from this clause and shall be governed by the provisions of clause (15).

(4) Increase tax levies in such amounts and at such times as is recommended by the chief recovery officer, subject to the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

(5) Appoint a special collector of delinquent taxes for the school district who need not be a resident of the school district. The special tax collector shall exercise all the rights and perform all the duties imposed by law on tax collectors for school districts. The tax collector superseded by the special tax collector shall not be entitled to any commissions on the taxes collected by the special tax collector.

(6) Dispense with the services of such nonprofessional employees as in the judgment of the chief recovery officer are not actually needed for the economical operation of the school district.

(7) Enter into agreements with persons or for-profit or nonprofit organizations to operate one or more schools.

A school operated under this paragraph shall be funded in accordance with the terms of the agreement.

(8) Suspend or revoke a charter under section 1729-A.

(9) Employ professional and senior management employees who do not hold State certifications if the secretary has approved the qualifications of the persons at salaries that are within the limitations stated in the financial recovery plan.

(10) Enter into agreements with persons or for-profit or nonprofit organizations providing noninstructional or other services to or for the school district, provided that the school district shall present a three-year cost comparison of the services as currently provided and as projected under the proposed agreement demonstrating that the proposed agreement will result in financial savings. Services provided under this paragraph shall be funded in accordance with the terms of the agreement. The agreement shall provide that the school district may terminate the agreement if costs under the agreement exceed the costs projected in the cost comparison.

(11) Close or reconstitute a school, including the reassignment, suspension or dismissal of professional employees.

(12) Appoint managers, administrators or for-profit or nonprofit organizations to oversee the operations of a school or group of schools within the school district.

(13) Reallocate resources, amend school procedures, develop achievement plans and implement testing or other evaluation procedures for educational purposes.

(14) Supervise and direct principals, teachers and administrators.

(15) Negotiate a new collective bargaining agreement if the negotiation of a new collective bargaining agreement will effect needed economies in the operation of the district's schools.

(16) Delegate to a person, including an employee of the school district or a for-profit or nonprofit organization, powers the chief recovery officer deems necessary to carry out the purposes of this article, subject to the supervision and direction of the chief recovery officer.

(17) Employ, contract with or assign persons or for-profit or nonprofit organizations to review the financial and educational programs of school buildings and make recommendations to the chief recovery officer regarding improvements to the financial or educational programs of school buildings.

(18) Negotiate a contract with a charter school under section 681-A(f).

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Professional employee." The term shall have the meaning as given in section 1101(1).

"Teacher." An individual who holds an instructional certificate issued by the department under this act and is employed full time as a temporary professional or professional employee by a school entity and provides learning experiences directly to students during the instructional day.

(642-A added July 12, 2012, P.L.1142, No.141)
Section 643-A. Financial recovery plan not affected by certain collective bargaining agreements or settlements.

No collective bargaining agreement, arbitration settlement or arbitration award may in any manner violate, expand or diminish the provisions of a financial recovery plan in effect on the date of execution of the collective bargaining agreement, arbitration settlement or arbitration award.

(643-A added July 12, 2012, P.L.1142, No.141)

(iv) Process for Moderate Financial
Recovery School Districts

(Subdiv. (iv) added July 12, 2012, P.L.1142, No.141)

Section 651-A. Applicability.

(a) General rule.--This subdivision shall apply to school districts that satisfy the criteria for financial recovery status stated in section 621-A(a)(1)(i)(A).

(b) Designation.--School districts that satisfy the criteria for financial recovery status stated in section 621-A(a)(1)(i)(A) shall be deemed "moderate financial recovery" school districts.

(651-A added July 12, 2012, P.L.1142, No.141)

Section 652-A. Development and approval of plan.

(a) Submission of plan.--

(1) Within 90 days of appointment, the chief recovery officer shall, in consultation with the superintendent of the school district, develop a financial recovery plan that complies with section 641-A and shall provide copies of the plan to the school district business office, each member of the board of school directors, the superintendent of the school district, the solicitor of the school district and each member of the advisory committee established under section 654-A. The chief recovery officer may comply with this subsection by providing copies of the plan by electronic mail.

(2) (i) The chief recovery officer may request from the secretary an extension of time to comply with paragraph (1).

(ii) The secretary shall grant the request for an extension of time, if the secretary determines that the chief recovery officer needs additional time to develop a financial recovery plan that complies with section 641-A.

(b) Public inspection.--Upon receipt of the plan, the board of school directors shall immediately place the plan on file for public inspection in the school district business office and make the plan available on the school district's publicly accessible Internet website.

(c) Board of school directors' approval.--

(1) Within 30 days of the chief recovery officer's submission of the plan to the board of school directors, the board of school directors shall approve or disapprove the plan by majority vote at a public meeting of the board of school directors. Approval of the plan by the board of school directors shall constitute the school district's application for a loan under Subdivision (vii) in the amount specified in the financial recovery plan.

(2) If the board of school directors does not approve the plan within 30 days, the following shall apply:

(i) The school district shall not be eligible for a financial recovery transitional loan under Subdivision (vii).

(ii) The school district shall not receive technical assistance from the department under section 626-A.

(3) If the board of school directors does not approve the plan within 365 days following a declaration of financial recovery status, the secretary shall petition the court of common pleas of the county in which the school district or the largest part in area of the school district is located for the appointment of a receiver under Subdivision (vi). The secretary shall file the petition under this paragraph not less than 366 days nor more than 370 days following the declaration of financial recovery status.

(d) Secretary approval.--

(1) If the board of school directors approves the plan under subsection (c), the chief recovery officer shall provide a copy of the plan to the secretary within five days of the board's approval.

(2) Within ten days of the chief recovery officer's submission of the plan to the secretary, the secretary shall approve or disapprove the plan in a written statement. Approval of the plan by the secretary shall constitute the department's approval of a loan under Subdivision (vii) in the amount specified in the financial recovery plan.

(3) If the secretary disapproves the plan, the following shall apply:

(i) The secretary's written statement shall state the reasons for the secretary's disapproval of the plan and recommendations for revisions to the plan.

(ii) The chief recovery officer shall develop a revised plan within 20 days of receipt of the secretary's written statement disapproving the plan, distribute copies of the plan as required under subsection (a) and submit the revised plan to the board of school directors and the secretary for approval pursuant to subsection (c) and this subsection.

(652-A added July 12, 2012, P.L.1142, No.141)

Section 653-A. Implementation of financial recovery plan.

(a) Chief recovery officer charged with implementing plan.--Following the secretary's approval of the financial recovery plan under section 652-A(d), the chief recovery officer shall:

(1) Implement the plan.

(2) Give written notice of the plan's adoption to creditors, the employee organization and other parties who will be directly affected by the plan's implementation. The notice shall outline the provisions of the plan and specify how that party's claim or interest will be treated.

(3) Oversee the implementation and completion of the plan by directly controlling the implementation process, in consultation with the superintendent of the school district, including directing employees and elected or appointed officials of the school district to take actions that, in the judgment of the chief recovery officer, are necessary to implement the plan and to refrain from taking actions that, in the judgment of the chief recovery officer, would impede the implementation of the plan.

(4) Provide the department and the secretary with monthly reports that contain the following information:

(i) Evidence of payments to creditors as required under the plan.

(ii) Evidence that any loan given to the school district from the department under Subdivision (vii) is being repaid.

(iii) Monthly revenue and expenditure sheets which indicate the balances of each in relation to the other.

(iv) Evidence that the recommendations stated in the plan are being accomplished by the dates specified in the plan, where applicable.

(5) Suggest amendments or revisions to the plan that may be necessary to implement or complete the plan or adapt the plan to circumstances that arise or become apparent after approval of the plan by the secretary. In determining whether to suggest amendments or revisions to the plan, the chief recovery officer shall consult with the board of school directors, the advisory committee established under section 654-A and the superintendent of the school district. Amendments or revisions to the plan shall be submitted to the board of school directors and the secretary for approval as provided in section 652-A.

(6) Upon achievement of the goals and objectives stated in the plan, recommend to the secretary that financial recovery status be terminated under section 624-A.

(b) Duty to comply.--

(1) The board of school directors shall comply with all directives of the chief recovery officer under subsection

(a)(3) and may take no action that is:

(i) inconsistent with the plan;

(ii) not specifically identified in the plan; or

(iii) not directed by the chief recovery officer as necessary to implement the plan.

(2) If a board of school directors fails to comply with paragraph (1), the school district shall be subject to the appointment of a receiver under Subdivision (vi).

(654-A added July 12, 2012, P.L.1142, No.141)

Section 654-A. Advisory committee.

(a) Establishment.--

(1) Within ten days after a school district to which this subdivision applies is declared to be in financial recovery status under section 621-A, the board of school directors shall establish an advisory committee to meet and consult with the chief recovery officer or receiver in carrying out the duties of the chief recovery officer or receiver under this article.

(2) The sole function of the advisory committee shall be to provide recommendations and feedback to the chief recovery officer or receiver on the development and implementation of the financial recovery plan.

(b) Composition.--The advisory committee established under subsection (a) shall consist of:

(1) The following members appointed by the board of school directors:

(i) Two members of the board of school directors.

(ii) One principal employed by the school district.

(iii) One business official employed by the school district.

(2) The following members appointed by the intermediate unit of which the school district is a member:

(i) One employee of the intermediate unit.

(ii) One representative of a charter school or cyber charter school in which students residing in the school district are enrolled.

(iii) One special education advocate.

(iv) One superintendent, school director or business official of an adjoining school district.

(v) Two residents of the school district.

(3) One teacher appointed by the employee organization that represents teachers employed by the school district.

(4) The superintendent of the school district.

(c) Compensation prohibited.--Members of the advisory committee shall receive no compensation for their services.

(d) Meetings.--The advisory committee shall meet with the chief recovery officer or receiver at least monthly to discuss the development or implementation of the financial recovery plan. Meetings of the advisory committee shall be in accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings).

(e) Termination.--The advisory committee shall terminate when the school district's financial recovery status terminates under section 624-A.

(f) Establishment of advisory committee following appointment of receiver.--

(1) If a receiver is appointed under section 671-A(a)(1)(iii), the board of school directors shall establish an advisory committee within ten days of the appointment of the receiver.

(2) The sole function of the advisory committee shall be to provide recommendations and feedback to the receiver on the development and implementation of the financial recovery plan.

(3) The provisions of subsections (b), (c) and (d) shall apply to the advisory committee.

(4) The advisory committee shall terminate when the school district's receivership expires under section 675-A. (654-A added July 12, 2012, P.L.1142, No.141)

(v) Process for Severe Financial
Recovery School Districts

(Subdiv. (v) added July 12, 2012, P.L.1142, No.141)

Section 661-A. Applicability.

(a) General rule.--This subdivision shall apply to school districts that satisfy the criteria for financial recovery status stated in section 621-A(a)(1)(i)(B).

(b) Designation.--School districts that satisfy the criteria for financial recovery status stated in section 621-A(a)(1)(i)(B) shall be deemed "severe financial recovery" school districts.

(661-A added July 12, 2012, P.L.1142, No.141)

Section 662-A. Vote to proceed.

(a) General rule.--Within 14 days following a declaration of financial recovery status under section 621-A, the board of school directors of a school district to which this subdivision applies shall, at a regular or special meeting of the board of school directors, adopt by majority vote a resolution electing to proceed with one of the following:

(1) cooperation with the chief recovery officer appointed under Subdivision (ii) and development, approval and implementation of a financial recovery plan under sections 663-A and 664-A; or

(2) the appointment of a receiver under Subdivision (vi).

(b) Effect of failure to vote.--Any failure by the board of school directors to hold a vote under this section within 14 days shall be deemed a vote to proceed with the appointment of a receiver.

(c) Receivership.--Where the board of school directors votes to proceed with the appointment of a receiver under subsection

(a) (2) or fails to hold a vote under subsection (a), the secretary shall file a petition for the appointment of a receiver under section 671-A(a) by the earlier of the following:

- (1) five days following the vote of the board of school directors to proceed with the appointment of a receiver; or
- (2) nineteen days following the declaration of financial recovery status.

(662-A added July 12, 2012, P.L.1142, No.141)

Section 663-A. Development and approval of plan.

(a) Submission of plan.--

(1) Within 30 days of appointment, the chief recovery officer of a school district that votes to proceed under section 662-A(1) shall develop a financial recovery plan that complies with section 641-A and provide copies of the plan to the school district business office, each member of the board of school directors, the superintendent of the school district and the solicitor of the school district. The chief recovery officer may comply with this subsection by providing copies of the plan by electronic mail.

(2) (i) The chief recovery officer may request from the secretary an extension of time to comply with paragraph (1).

(ii) The secretary shall grant the request for an extension of time, if the secretary determines that the chief recovery officer needs additional time to develop a financial recovery plan that complies with section 641-A.

(b) Public inspection.--Upon receipt of the plan, the board of school directors shall immediately place the plan on file for public inspection in the school district business office and make the plan available on the school district's publicly accessible Internet website.

(c) Board of school directors' approval.--

(1) (i) Within ten days of the chief recovery officer's submission of the plan to the board of school directors, the board of school directors shall approve or disapprove the plan by majority vote at a public meeting of the board of school directors. The approval of the plan by the board of school directors shall constitute the school district's application for a loan under Subdivision (vii) in the amount specified in the financial recovery plan.

(ii) Any failure by the board of school directors to vote on the proposed plan within ten days shall be deemed a vote to disapprove the plan.

(2) If the board of school directors does not approve the plan within ten days, the following shall apply:

(i) The school district shall not be eligible for a financial recovery transitional loan under Subdivision (vii).

(ii) The school district shall not receive technical assistance from the department under section 626-A.

(iii) The secretary shall petition the court of common pleas of the county in which the school district or the largest part in area of the school district is located for the appointment of a receiver under Subdivision (vi).

(3) The secretary shall file the petition under this paragraph not later than five days following the vote by the board of school directors to disapprove the plan.

(d) Secretary approval.--

(1) If the board of school directors approves the plan under subsection (c), the chief recovery officer shall provide a copy of the plan to the secretary within five days.

(2) Within ten days of the chief recovery officer's submission of the plan to the secretary, the secretary shall approve or disapprove the plan in a written statement. The approval of the plan by the secretary shall constitute the department's approval of a loan under Subdivision (vii) in the amount specified in the financial recovery plan.

(3) If the secretary disapproves the plan, the following shall apply:

(i) The secretary's written statement shall state the reasons for the secretary's disapproval of the plan and recommendations for revisions to the plan.

(ii) The chief recovery officer shall develop a revised plan within 20 days of receipt of the secretary's written statement disapproving the plan, distribute copies of the plan as required under subsection (a) and submit the revised plan to the board of school directors and the secretary for approval under subsection (c) and this subsection.

(663-A added July 12, 2012, P.L.1142, No.141)

Section 664-A. Implementation of financial recovery plan.

(a) Chief recovery officer charged with implementing plan.--Following the secretary's approval of the financial recovery plan under section 663-A(d), the chief recovery officer shall implement the plan and:

(1) Give written notice of the plan's adoption to creditors, the employee organization and other parties who will be directly affected by the plan's implementation. The notice shall outline the provisions of the plan and specify how that party's claim or interest will be treated.

(2) Oversee the implementation and completion of the plan by directly controlling the implementation process, including directing employees and elected or appointed officials of the school district to take actions that, in the judgment of the chief recovery officer, are necessary to implement the plan and to refrain from taking actions that, in the judgment of the chief recovery officer, would impede the implementation of the plan.

(3) Provide the department and the secretary with monthly reports that contain the following information:

(i) Evidence of payments to creditors as required under the plan.

(ii) Evidence that any loan given to the school district from the department under Subdivision (vi) is being repaid.

(iii) Monthly revenue and expenditure sheets which indicate the balances of each in relation to the other.

(iv) Evidence that the recommendations stated in the plan are being accomplished by the dates specified in the plan where applicable.

(4) Suggest amendments or revisions to the plan that may be necessary to implement or complete the plan or adapt the plan to circumstances that arise or become apparent after approval of the plan by the secretary. In determining whether to suggest amendments or revisions to the plan, the chief recovery officer shall consult with the board of school directors and the superintendent of the school district. Amendments or revisions to the plan shall be submitted to the board of school directors and the secretary for approval as provided in section 663-A.

(5) Upon achievement of the goals and objectives stated in the plan, recommend to the secretary that financial recovery status be terminated under section 624-A.

(b) Duty to comply.--

(1) The board of school directors shall comply with all directives of the chief recovery officer under subsection

(a) (2) and may take no action that is:

(i) inconsistent with the plan;

(ii) not specifically identified in the plan; or

(iii) not directed by the chief recovery officer

as necessary to implement the plan.

(2) If a board of school directors fails to comply with paragraph (1), the school district shall be subject to the appointment of a receiver under Subdivision (vi).

(664-A added July 12, 2012, P.L.1142, No.141)

(vi) Receivership

(Subdiv. (vi) added July 12, 2012, P.L.1142, No.141)

Section 671-A. Appointment of a receiver.

(a) Duty to file petition.--

(1) The secretary shall petition the court of common pleas in the county in which a school district or the largest part in area of the school district is located for the appointment of the individual named in the petition to serve as receiver for the school district upon the occurrence of any of the following conditions:

(i) A failure by the board of school directors to approve a financial recovery plan under section 652-A(c) or 663-A(c).

(ii) A failure by the board of school directors to comply with directives issued by the chief recovery officer under section 653-A(a)(2) or 664-A(a)(2).

(iii) A failure by the board of school directors to satisfy or continue to satisfy the objectives stated in the financial recovery plan under section 641-A(9) during the transition period under section 625-A.

(iv) A vote by the board of school directors to proceed with the appointment of a receiver under section 662-A(2).

(2) For a school district that was declared to be in financial recovery status under section 621-A(a)(1)(i)(A), the secretary shall file a petition under this section not less than 366 days nor more than 370 days following the declaration of financial recovery status.

(b) Financial recovery plan.--The secretary shall attach to the petition filed under subsection (a) a copy of a financial recovery plan for the school district. The financial recovery plan attached to the petition shall comply with section 641-A. When a receiver is appointed under this subdivision, all references to the chief recovery officer in section 641-A shall be deemed references to the receiver appointed under this subdivision.

(c) Requirements for individual appointed as receiver.--

(1) To be appointed as receiver under this subdivision, an individual must satisfy one of the following:

(i) possess at least five years' experience in one or more of the following areas: budget and financial management, public school finance, school administration, accounting, academic assessment or education law;

(ii) hold a graduate degree from an accredited higher education institution in business or finance and have at least four years' relevant experience in business, finance or management; or

(iii) be the current business manager or financial officer of a school district in this Commonwealth.

(2) The chief recovery officer of the financial recovery school district may be appointed as receiver.

(3) The receiver shall not:

(i) Seek or hold a position as an employee or as an elected or appointed official of the school district for which the individual is appointed to serve as receiver during the term of the receivership or for a period of two years after the receivership has ended.

(ii) Seek or hold elected office in a political subdivision within the school district during the term of the receivership or for a period of two years after the receivership has ended.

(iii) Engage in any conduct prohibited by the act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act, or 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure).

(d) Consent.--The occurrence of any of the conditions enumerated in subsection (a) shall be deemed consent by the board of school directors to a petition filed by the secretary for the appointment of a receiver under this subdivision.

(e) Notice.--On the same day the secretary files the petition under subsection (a), the secretary shall:

(1) Serve the petition by electronic mail, first class mail or hand delivery upon all of the following:

(i) Each member of the board of school directors of the school district.

(ii) The chief recovery officer of the school district.

(iii) The superintendent of the school district.

(iv) The solicitor of the school district.

(v) Each member of the advisory committee, if an advisory committee has been established under section 654-A.

(2) Publish notice of the filing of the petition once in a newspaper of general circulation in the school district.

(f) Hearing.--Within seven days after the filing of a petition under subsection (a), the court of common pleas shall conduct a hearing on the petition.

(g) Order.--

(1) Not later than ten days following the hearing conducted under subsection (f), the court shall issue an order granting or denying the receivership. The court shall grant the receivership unless the court finds by clear and convincing evidence that the petition for the appointment of a receiver is arbitrary, capricious or wholly irrelevant to restoring the school district to financial stability.

(2) An order issued under this subsection granting the receivership shall do all of the following:

(i) Declare the school district to be in receivership for a period of three years, subject to extension under section 675-A(b).

(ii) State the criteria upon which the order is granted.

(iii) State findings of fact to support the order.

(iv) Appoint the individual named in the petition to be the receiver if the individual satisfies the

provisions of subsection (c), provided that the court may reject the appointment for any reason. If the court rejects the appointment, the court may do either of the following:

(A) name a receiver subject to the requirements of section 671-A(c) and for good cause shown; or

(B) order the secretary to submit an alternative appointment.

(v) Direct the receiver to implement the financial recovery plan attached to the petition under subsection (b).

(vi) Order the department to award a loan to the school district under section 682-A(a)(1)(ii), if the receiver appointed for the school district has applied for a loan under section 682-A(a)(1)(ii) and the school district satisfies the criteria stated in section 681- A(a).

(3) An order issued under this subsection denying the receivership shall state:

(i) The reasons the petition was denied.

(ii) Findings of fact to support the order.

(h) Compensation.--

(1) The receiver's compensation shall be set pursuant to a contract between the receiver and the department and paid by the department.

(2) The department shall reimburse the receiver for all actual and necessary expenses incurred in the performance of the individual's duties as receiver.

(i) Liability and immunity.--The receiver shall not be personally liable for any obligations of the school district. The receiver shall be entitled to sovereign and official immunity as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver) and shall remain immune from suit except as provided by and subject to the provisions of 42 Pa.C.S. Ch. 85 Subchs. A (relating to general provisions) and B (relating to actions against Commonwealth parties).

(671-A added July 12, 2012, P.L.1142, No.141)

Section 672-A. Powers and duties.

(a) Assumption of powers and duties.--

(1) When a receiver is appointed under section 671-A, the receiver shall assume all powers and duties of the chief recovery officer and the board of school directors, including all powers and duties of the board of school directors stated in the financial recovery plan.

(2) Paragraph (1) shall not apply to the power to levy and raise taxes. Such power shall remain solely with the board of school directors, provided that the board of school directors shall levy and raise taxes if directed to do so by the receiver.

(3) The chief recovery officer appointed for the financial recovery school district under section 631-A shall remain in place as an advisor to the receiver.

(4) If the chief recovery officer appointed under section 631-A is appointed as receiver by the court under section 671-A, the secretary may appoint an individual to replace the chief recovery officer, subject to section 631- A(b).

(b) Powers and duties of the receiver.--In addition to the powers assumed under subsection (a), a receiver appointed under section 671-A shall have the following powers and duties, notwithstanding any other provision of law to the contrary:

(1) Implement the financial recovery plan attached to the petition filed under section 671-A(a).

(2) Submit quarterly reports to the secretary, superintendent and board of school directors of the school district concerning the progress of the school district under the financial recovery plan. Where an advisory committee has been established under section 654-A, the reports shall also be submitted to the advisory committee. The reports shall be posted on the school district's publicly accessible Internet website.

(3) Direct employees and appointed officials of the school district to take actions that, in the judgment of the receiver, are necessary to implement the financial recovery plan and to refrain from taking actions that, in the judgment of the receiver, would impede the implementation of the plan.

(4) Direct the board of school directors to levy and raise taxes.

(5) Modify the financial recovery plan as necessary to restore the school district to financial stability by submitting a petition to the court of common pleas. Within seven days of the filing of the petition, the court of common pleas shall issue a decision approving or disapproving the petition. The court of common pleas shall approve the modification, unless the court finds by clear and convincing evidence that the modification is arbitrary, capricious or wholly inadequate to restore the school district to financial stability.

(6) Employ financial or legal experts the receiver deems necessary to implement or modify the financial recovery plan. Notwithstanding any law to the contrary, the employment of such experts shall not be subject to contractual competitive bidding procedures.

(7) Attend regular and executive sessions of the board of school directors of the school district.

(8) Petition the court of common pleas in the county in which the school district or the largest part in area of the school district is located to issue a writ of mandamus upon any employee or elected or appointed official of the school district to secure compliance with a directive of the receiver issued under paragraph (3) or (4). Within seven days of the filing of the petition, the court shall grant the relief requested if the court determines that the directive is consistent with the financial recovery plan.

(9) Meet at least monthly with the advisory committee, where an advisory committee has been established under section 654-A.

(c) Prohibited activity.--Nothing in this subarticle or the financial recovery plan shall be construed to authorize the receiver to do any of the following:

(1) Unilaterally levy or raise taxes.

(2) Unilaterally abrogate, alter or otherwise interfere with a lien, charge, covenant or relative priority that is:

(i) Held by a holder of a debt obligation of a school district.

(ii) Granted by the contract, law, rule or regulation governing the debt obligation.

(3) Unilaterally impair or modify existing bonds, notes, school district securities or other lawful contractual or legal obligations of the school district, except as otherwise ordered by a court of competent jurisdiction or as provided in section 642-A(a)(3).

(672-A added July 12, 2012, P.L.1142, No.141)

Section 673-A. Effect of appointment of receiver.

(a) General rule.--The appointment of a receiver under this subdivision shall have the effect of:

(1) Imposing on the employees and elected and appointed officials of the school district a duty to comply with directives of the receiver issued under section 672-A(b) (3) or (4).

(2) Suspending the authority of the elected and appointed officials of the school district to exercise power on behalf of the school district pursuant to law, charter, resolution, ordinance, rule or regulation, except as directed by the receiver under section 672-A(b) (3) or (4).

(b) Form of government.--Appointment of a receiver under this article shall not be construed to change the form of government of the school district.

(673-A added July 12, 2012, P.L.1142, No.141)

Section 674-A. Vacancy and revocation.

(a) General rule.--When a vacancy in the office of the receiver occurs, the secretary shall file a petition with the court of common pleas in the county in which the school district or the largest part in area of the school district is located requesting that the individual named in the petition be appointed as receiver.

(b) Revocation.--The secretary may, for any reason, file a petition with the court of common pleas in the county in which the school district or the largest part in area of the school district is located requesting that the appointment of the receiver be revoked and that the current receiver be replaced by the individual named in the petition.

(c) Requirements.--The requirements of section 671-A(c) shall apply to the individual named in a petition filed under subsection (a) or (b). Within seven days of the secretary's filing of a petition under subsection (a) or (b), the court shall grant the petition to appoint the named individual as receiver if the individual satisfies the requirements of section 671-A(c), provided that the court may reject the appointment for any reason. If the court rejects the appointment, the court may do either of the following:

(1) name a receiver subject to the requirements of section 671-A(c) and for good cause shown; or

(2) order the secretary to submit an alternative appointment.

(674-A added July 12, 2012, P.L.1142, No.141)

Section 675-A. Termination of receivership.

(a) Time.--Except as otherwise provided under subsection (b), a receivership granted under section 671-A shall expire three years after the initial appointment of the receiver under section 671-A.

(b) Extension.--

(1) The secretary may petition the court of common pleas in the county in which the school district or the largest part in area of the school district is located for one or more extensions of the receivership.

(2) The court shall grant each extension for another three years unless the court finds by clear and convincing evidence that the request for extension is arbitrary, capricious or wholly irrelevant to restoring the school district to financial stability.

(675-A added July 12, 2012, P.L.1142, No.141)

Section 676-A. Transition period.

(a) Board resumes control.--Subject to the provisions of subsections (b) and (c), after a receivership granted under

section 671-A expires according to the provisions of section 675-A, the following shall apply:

(1) The board of school directors shall resume full control over school district management.

(2) The chief recovery officer and the department shall oversee the board of school directors for five years to ensure financial stability is maintained.

(b) Declaration of financial recovery status.--If, during the transition period after the expiration of the receivership, the board of school directors fails to maintain the objectives stated in the financial recovery plan, the school district shall be subject to a declaration of financial recovery status under Subdivision (i).

(c) Oversight where municipalities financially distressed.--Notwithstanding the provisions of subsection (a), the chief recovery officer and the department shall oversee the board of school directors of any school district formerly in receivership under this subdivision for so long as any political subdivision located within the school district is a financially distressed municipality under the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, without regard to whether the school district continues to maintain the objectives stated in its financial recovery plan.

(676-A added July 12, 2012, P.L.1142, No.141)

(vii) Financial Recovery
Transitional Loan Program

(Subdiv. (vii) added July 12, 2012, P.L.1142, No.141)

Section 681-A. Program.

(a) Establishment.--The Financial Recovery Transitional Loan Program is established in the department under which the department shall provide loans to school districts that satisfy both of the following:

(1) The school district satisfies the criteria for a declaration of financial recovery status under section 621- A(a) (1) (i).

(2) The board of school directors has approved a financial recovery plan under section 652-A(c) or 663-A(c).

(b) Nature of loans.--All loans granted by the department shall be free from interest and shall be repayable according to a covenant that states a schedule for repayment in specified amounts and dates.

(c) Funding of loans.--All loans granted by the department under this subdivision may be made from moneys in the account established under subsection (d).

(d) Financial Recovery School District Transitional Loan Account.--

(1) The Financial Recovery School District Transitional Loan Account is established as a restricted account in the department.

(2) The account may be funded by any annual appropriation from the General Assembly for this program, principal repayments on all loans made under this subdivision, other funds not encumbered or committed from appropriations for grants and subsidies made to the department to assist school districts for the prior fiscal year which are authorized for use by the General Assembly on an annual basis and any interest earned on moneys in the account.

(3) The moneys in the account may be used to make loans under this subdivision.

(e) Eligibility and suspension of loan.--

(1) A school district that satisfies the criteria stated in subsection (a) shall receive a loan under this subdivision in the amount, and accessible over the term, stated in the financial recovery plan approved by the secretary under section 652-A(d)(2) or 663-A(d)(2) or ordered by the court under section 671-A(g)(2)(vi).

(2) (i) Any loan granted under this subdivision to a school district shall be suspended and immediately due and payable if, in the judgment of the secretary, the school district fails to take all actions necessary to implement a financial recovery plan under section 653-A(b) or 664-A(b) and is not progressing toward financial stability.

(ii) Where the secretary determines to suspend a loan under this paragraph, the secretary shall notify the chair and minority chair of the Appropriations Committee of the Senate, the chair and minority chair of the Appropriations Committee of the House of Representatives, the chair and minority chair of the Education Committee of the Senate and the chair and minority chair of the Education Committee of the House of Representatives.

(f) Voluntary agreement.--

(1) A school district that receives a loan under this subdivision may enter into a voluntary agreement with one or more charter schools in which students residing within the school district are enrolled, which agreement provides that the charter school may give the school district funds to assist the school district in repayment of the loan.

(2) Any amount provided by the charter school under this subsection shall be in an amount agreed upon by the charter school and the school district.

(681-A added July 12, 2012, P.L.1142, No.141)

Section 682-A. Loan procedure.

(a) General rule.--

(1) (i) The chief recovery officer of a school district that is eligible for a loan under section 681-A(a) may apply to the secretary for a loan on behalf of the school district. The submission of a financial recovery plan to the secretary under section 652-A(d) or 663-A(d) that recommends the application for a loan under section 641-A(4)(ii)(F) shall constitute an application to the secretary for a loan under this subdivision.

(ii) If a receiver has been appointed for the school district in accordance with section 671-A(a)(1)(iii), the receiver may apply to the secretary for a loan on behalf of the school district. The submission of a financial recovery plan to the court under section 671-A(b) that recommends the application for a loan pursuant to section 641-A(4)(ii)(F) shall constitute an application to the secretary for a loan under this subdivision. Through an order issued under section 671-A(g), the court shall order the department to approve a loan to the school district under this subdivision if the school district satisfies the criteria stated in section 681-A(a).

(2) If a school district satisfies the criteria stated in section 681-A(a), the secretary shall approve the

application and request the release of funds from the Secretary of the Budget.

(b) Immediate emergencies.--

(1) Notwithstanding the requirements of section 681- A(a), prior to a school district's approval of a financial recovery plan, the chief recovery officer may apply to the secretary for an expedited loan to immediately assist the school district if the chief recovery officer verifies the following upon reasonable belief:

(i) all steps have been taken to ensure only critical payments have been made to maintain and continue instruction of students enrolled in the school district; and

(ii) either of the following exists:

(A) the school district is in imminent danger of insolvency; or

(B) the school district may cease operations within 30 days.

(2) (i) Upon receipt of an application under this subsection, the secretary shall review all data immediately available and shall determine whether a loan is warranted.

(ii) If warranted, the secretary shall approve the application and request the release of the funds from the Secretary of the Budget. The secretary may impose such terms and conditions on a loan approved under this subsection as the secretary determines are necessary and appropriate.

(iii) The secretary's determination under this subsection is appealable under 2 Pa.C.S. (relating to administrative law and procedure).

(682-A added July 12, 2012, P.L.1142, No.141)

Section 683-A. Limitations.

(a) Use.--A loan to a school district under this subdivision shall be used solely to implement the components of the financial recovery plan, including the payment of current expenses of the school district as identified in the financial recovery plan.

(b) Local Government Unit Debt Act.--A loan to a school district under this subdivision shall not be subject to, and shall be subordinate to indebtedness incurred under, the provisions of 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).

(c) Amount.--The aggregate amount of loans awarded to school districts under this subdivision shall not at any time exceed the amount in the Financial Recovery School District Transitional Loan Account.

(d) Number of loans.--A school district eligible for a loan under this subdivision shall receive a maximum of one loan per fiscal year.

(e) Withholding not applicable.--A school district's failure to make timely payment of principal on a loan issued under this subdivision shall not subject the school district to withholding of unpaid amounts from State appropriations under section 633.

(683-A added July 12, 2012, P.L.1142, No.141)

(viii) Miscellaneous Provisions

(Subdiv. (viii) added July 12, 2012, P.L.1142, No.141)

Section 691-A. Applicability.

(a) General rule.--Except as otherwise provided in subsection (b), nothing in this article is intended to limit or otherwise abrogate the applicability of any other part of this act.

(b) Conflict.--If there is a conflict between a provision of this article and any other provision of this act or other State law, the provision of this article shall prevail.

(691-A added July 12, 2012, P.L.1142, No.141)

Section 692-A. Bankruptcy prohibited.

A school district may not file a municipal debt adjustment action under the Bankruptcy Code (11 U.S.C. § 101 et seq).

(692-A added July 12, 2012, P.L.1142, No.141)

Section 693-A. Termination of special board of control.

Where a school district is governed by a special board of control under section 692 as of the effective date of this section, the special board of control shall terminate immediately upon the appointment of a chief recovery officer for the school district as provided under section 631-A.

(693-A added July 12, 2012, P.L.1142, No.141)

Section 694-A. Additional criteria.

The secretary shall notify each school district that receives educational access program funding that is equal to or greater than \$2,000,000 in any one fiscal year that the school district has been identified for financial watch status. A school district identified for financial watch status under this subsection shall receive technical assistance as a financial watch district from the department as provided for in section 611-A(b) and shall develop a plan to improve the school district's finances based on the technical assistance provided by the department for approval by the secretary. The plan shall be submitted to the secretary no later than 180 days after the school district has been identified for financial watch status under this subsection. Each year after the initial submission of the plan, until the secretary determines otherwise, a school district subject to this subsection shall submit a report to the secretary outlining the status of the school district's plan, meet with the secretary or a designee of the secretary to review the report and the status of the school district's finances and hold an annual public hearing regarding the plan. A copy of the school district's approved plan and any subsequent annual reports to the secretary shall be posted on the publicly accessible Internet website of the school district and transmitted to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives.

(694-A added July 13, 2016, P.L.716, No.86)

ARTICLE VI-B

SCHOOL WATCH

(Art. added July 13, 2016, P.L.716, No.86)

Section 601-B. Scope of article.

This article relates to Public School Web Accountability and Transparency (SchoolWATCH).

(601-B added July 13, 2016, P.L.716, No.86)

Section 602-B. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Administrative staff." Employees of a public school entity that include, but are not limited to, superintendents, assistant superintendents, deputy superintendents, principals, assistant principals, supervisors, managers, directors and coordinators.

"Area vocational-technical school." As defined in section 1841.

"Average daily membership." As defined in section 2501.

"Charter school." As defined in section 1703-A.

"Charter school entity." A charter school, cyber charter school or regional charter school as defined in section 1703-A.

"Cyber charter school." As defined in section 1703-A.

"Department." The Department of Education of the Commonwealth.

"Expenditures." As defined in section 602-A.

"Facilities acquisition and construction expenditures."

Expenditures related to the purchase or improvement of land, buildings, service systems and built-in equipment.

"General fund balance." The balance in a public school entity's general fund, which shall not include nonspendable and restricted fund balances.

"Instructional expenditures." Expenditures related to all those activities dealing directly with the interaction between teachers and students and related costs, which can be directly attributed to a program of instruction.

"Market value/personal income aid ratio." A school district's combined market value and personal income wealth per pupil relative to the State average.

(1) For an area vocational-technical school, this amount shall be calculated based on the sum of market value and personal income wealth data for each of the area vocational-technical school's component school districts.

(2) For a charter school or regional charter school, this amount shall be calculated based on the sum of market value and personal income wealth data for each school district that granted a charter to the charter school or regional charter school under section 1717-A or 1718-A.

(3) For a cyber charter school, this amount shall be calculated based on the sum of market value and personal income wealth data for the school district in which the cyber charter school's administrative offices are located.

"Noninstructional expenditures." Expenditures related to activities concerned with providing noninstructional services to students, staff or the community.

"Other financing uses." Current debt service expenditures and other expenses such as the refunding of debt and transfers of money from one fund to another.

"Public school entity." Any of the following:

(1) An area vocational-technical school.

(2) A school district.

(3) A charter school entity.

"Regional charter school." As defined in section 1703-A.

"School district." As defined in section 102.

"School performance profile." A comprehensive overview of student academic performance in a public school entity compiled annually by the department.

"Support services expenditures." Expenditures related to those services that provide administrative support, technical support, including, but not limited to, guidance and health, and logistical support to facilitate and enhance instruction.

(602-B added July 13, 2016, P.L.716, No.86)
Section 603-B. Financial information to be posted.

(a) Information.--Within 90 days of the effective date of this section and by May 31 of each year thereafter, the department shall post all of the following for each public school entity on its publicly accessible Internet website, to the extent the information is available to the department:

(1) The following financial information for the public school entity for the most recent fiscal year for which the public school entity reported such information to the department:

(i) Total expenditures in the following categories:

- (A) Instructional.
- (B) Support services.
- (C) Noninstructional.
- (D) Facilities acquisition and construction.
- (E) Other financing uses.

(ii) The public school entity's per-student expenditures, on each of the following bases:

- (A) Based on the public school entity's instructional expenditures.
- (B) Based on the public school entity's total expenditures.

(iii) The public school entity's per-student charter school tuition rates in each of the following categories:

- (A) For regular education students.
- (B) For special education students.

(iv) The public school entity's average daily membership.

(v) The public school entity's market value/personal income aid ratio.

(vi) The average teacher salary in the public school entity.

(vii) Total revenues from the following sources:

- (A) Federal.
- (B) State.
- (C) Local.
- (D) Other.

(viii) The public school entity's general fund balance.

(2) A link to the most recent of each of the following reports filed by the public school entity with the department:

- (i) Summaries of financial report data.
- (ii) Nonadministrative staff compensation report.
- (iii) Administrative staff compensation report.

(3) A link to the public school entity's publicly accessible Internet website, where available.

(4) A statement instructing the public to contact the public school entity for access to any union contract.

(b) Posting.--In posting financial information as required under this section, the department shall:

(1) Post and compile annually all information as a "View Fiscal Information" icon located on a School Performance Profile for each public school entity.

(2) Post all information in a location and manner that is easily accessible to the public.

(3) Include all definitions and other explanatory references that may be necessary to assist Internet website users in understanding the posted information.

(4) Use existing databases and electronic reporting systems to the extent possible.

(5) Provide for an electronic feature that will allow the public to compare financial information for a minimum of four public school entities.

(6) Beginning with information pertaining to the 2012-2013 fiscal year, post the information required under subsection (a)(1) for at least the most recent three fiscal years for which such information is available to the department, including a trend graph displaying the change in the amount reported each year from the amount reported in the previous year.

(c) Limitation.--The department's posting of financial information under this section shall not be construed to:

(1) Require a public school entity to provide the department with any additional information, data or reports that the public school entity is not already required to provide to the department as of the effective date of this act.

(2) Require any public school entity to provide the department with additional information beyond the information required to be provided to the department by any other public school entity.

(603-B added July 13, 2016, P.L.716, No.86)

ARTICLE VII. GROUNDS AND BUILDINGS.

(a) Duty to Provide; Acquisition and Disposition of Property.

Section 701. Duty to Provide; Conditions.--The board of school directors of each district shall provide the necessary grounds and suitable school buildings to accommodate all the children between the ages of six and twenty-one years, in said district, who attend school. Such buildings shall be constructed, furnished, equipped, and maintained in a proper manner as herein provided. Suitable provisions shall be made for the heating (including the purchase of fuel), ventilating, adequate lighting and sanitary conditions thereof, and for a safe supply of water, so that every pupil in any such building may have proper and healthful accommodations.

(701 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 701.1. Referendum or Public Hearing Required Prior to Construction or Lease.--Except where the approval of the electors is obtained to incur indebtedness to finance the construction of a school project, the board of school directors of any school district of the second, third or fourth classes, shall not construct, enter into a contract to construct or enter into a contract to lease a new school building or substantial addition to an existing school building without the consent of the electors obtained by referendum or without holding a public hearing as hereinafter provided. In the event that a new school building or a substantial addition to an existing building is to be constructed or leased, the school board shall, by a majority vote of all its members, authorize a maximum project cost and a maximum building construction cost to be financed by the district or amortized by lease rentals to be paid by the district. Building construction cost shall consist of the cost of all building construction including general construction costs, plumbing, heating, electrical, ventilating and other structural costs, equipment and fixtures and architectural and engineering fees relating thereto, but not including costs for site acquisition and development, rough grading to receive the

building, sewage treatment facilities or equivalent capital contributions, and architectural and engineering fees relating thereto. In all cases, a public hearing shall be held not later than thirty (30) days before the school district submits the initial building construction cost estimates to the Department of Education for approval. Notice of the hearing shall be given not later than twenty (20) days before the date of the scheduled hearing. In the event that the maximum building construction cost authorization exceeds the aggregate building expenditure standard hereinafter specified, the aforesaid authorization of the school board shall be submitted to the electors of the school district for their approval within six (6) months prior to submission of the final building construction cost bids to the Department of Education for approval. Such referendum shall be held in the same manner as provided by law for the approval of the incurring of indebtedness by referendum. The question as submitted shall specify the maximum project cost, the maximum building construction cost and the annual sinking fund charge or lease rental to be incurred by the school district and the portion of such charge or rental expected to be reimbursed by the Commonwealth. If the final building construction cost bids to be submitted to the Department of Education for approval are less than the aggregate building expenditure standard hereafter specified but exceed by eight (8) per cent or more the initial building construction cost estimates submitted to the Department for approval, a second public hearing shall be held before the Department shall give its final approval.

The applicable aggregate building expenditure standard shall be a total amount calculated for each building or substantial addition by multiplying the rated pupil capacity under the approved room schedule by the following: two thousand eight hundred dollars (\$2,800) for each pupil of rated elementary capacity; four thousand two hundred dollars (\$4,200) for each pupil of rated secondary capacity in grades seven, eight and nine and five thousand two hundred dollars (\$5,200) for each pupil of rated secondary capacity in grades ten, eleven and twelve and five thousand two hundred dollars (\$5,200) for each pupil of rated vocational-technical capacity in grades ten, eleven and twelve to not include the cost of equipment and fixtures in such vocational-technical schools: Provided, however, That each of the preceding per pupil amounts shall be adjusted by the Department of Education on July 1, 1974; and annually thereafter through July 1, 2003, by multiplying said amounts by the ratio of the composite construction cost index compiled and published by the United States Department of Commerce for the preceding calendar year to such index for the next preceding calendar year; and Further Provided, however, That each of the preceding per pupil amounts shall be adjusted by the Department of Education on July 1, 2004; and annually thereafter by multiplying said amounts by the ratio of the Building Cost Index published by the McGraw-Hill Companies for the preceding calendar year to such index for the next preceding calendar year. Rated elementary pupil capacity or rated secondary pupil capacity for any school building shall be the rated pupil capacity determined on the basis of the method used by the Department for school building reimbursement purposes during the school year 1971-1972.

For purposes of this section:

(1) "Site acquisition" includes the cost of land and mineral rights, demolition and clearing, rights-of-way and related utility relocations, surveys and soils analysis, and the cost of all fees relating thereto.

(2) "Site development" includes excavation, grouting or shoring, special foundations for buildings, access roads to site, utilities on site, extension of utilities to site.

(3) "Equipment and fixtures" means property fixed or movable which is incidental and necessary to conduct the educational program, and includes, but is not limited to movable equipment such as desks, chairs, tables, portable physical education equipment, audio-visual equipment and science, homemaking, industrial art and business equipment and instructional materials and fixtures such as casework, laboratory equipment, kitchen equipment, auditorium seating and any other special fixtures or equipment required to conduct a particular educational program.

(4) "Substantial addition" means more than twenty (20) per centum of the area and replacement value of the structure to which the improvement is to be added.

(701.1 amended July 4, 2004, P.L.536, No.70)

Section 702. Location and Amount of Land; Playground.--The location and amount of any real estate required by any school district for school purposes shall be determined by the board of school directors of such district, by a vote of the majority of all the members of such board. No new school building shall be erected without a proper playground being provided therefor.

Section 703. Acquisition of Buildings, Sites for School Buildings and Playgrounds, and Disposing Thereof.--In order to comply with the provisions of this act, and subject to the conditions thereof, the board of school directors of each district is hereby vested with the necessary power and authority to acquire, in the name of the district, by purchase, lease, gift, devise, agreement, condemnation, or otherwise, any and all schools and real estate, either vacant or occupied, including lands theretofore occupied by streets and alleys which have been vacated by municipal authorities, and to acquire by purchase, lease, gift or devise, other buildings approved for school use by the Department of Education as the board of school directors may deem necessary to furnish school buildings or other suitable sites for proper school purposes for said district or to enlarge the grounds of any school property held by such district, and to sell, convey, transfer, dispose of, or abandon the same, or any part thereof, as the board of school directors may determine. Approval of the Department of Education shall not be required for school buildings and playgrounds on any school construction project for which State reimbursement is not requested.

(703 amended June 30, 2011, P.L.112, No.24)

Section 703.1. Lease of Buildings or Portions of Buildings Constructed or Altered for School Use.--The board of school directors of any district is hereby vested with the power and authority to lease for an extended period of five (5) years or more, with or without provisions for acquisition of same, buildings or portions of buildings constructed for school use and/or other buildings or portions of buildings altered for school use provided such buildings comply with standards and regulations established by the State Board of Education and the Department of Labor and Industry.

(703.1 added Dec. 6, 1972, P.L.1445, No.323)

Section 704. Acquisition and Disposition of Property in Other District; Freedom from Taxation.--The board of school directors of any district is hereby vested with the necessary power and authority to acquire, in the name of the district, by purchase, lease, gift, devise, agreement, condemnation, or otherwise, for proper school purposes, any school building or

other real estate situated in another school district and to erect thereon school buildings, and to sell, convey, transfer, or abandon the same, or any part thereof, subject to the provisions of this act. Any such buildings or other real estate used for proper school purposes acquired in any other district by any such district shall be exempt from taxation for any purpose whatever.

Section 705. Residences for Teachers and Janitors.--The board of directors of any school district of the fourth class, when they consider it necessary, may purchase or build a residence or residences for the use of the principal or teacher or janitor, or any of them, as shall be deemed advisable, in the same manner and upon the same procedure as other school buildings are purchased or erected. Such school districts, with the approval of the Department of Public Instruction, are authorized to expend the funds of the school district and to borrow money for the purchase or erection of such residences in the same manner as for other school buildings. Any such district may fix and charge a rental for the use of such building, which rental shall be paid into the school treasury. All property acquired under this section shall be held by the school district the same as other school property.

(705 amended Oct. 21, 1965, P.L.601, No.312)

Section 706. Parks; Playgrounds; etc.--Any school district shall have the power to join with any city, borough, incorporated town, township, or county, or any combination thereof, in equipping, operating, and maintaining parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers, and may appropriate money therefor. For such purpose, the school district may levy an annual tax not to exceed two mills on the dollar of the assessed valuation of taxable property in the school district.

Section 707. Sale of Unused and Unnecessary Lands and Buildings.--The board of school directors of any district is hereby vested with the necessary power and authority to sell unused and unnecessary lands and buildings, by any of the following methods and subject to the following provisions:

(1) By public auction, either on the premises to be sold or at places selected by the school board, after due notice by publication in one or more newspapers of general circulation published within the county or the school district and in the legal newspaper in said county, if any, once a week for three successive weeks before the date fixed for said sales, and by hand bills, one or more of which must be posted on the property proposed to be sold, and at least five of which must be posted at conspicuous places within the vicinity of said real estate. Terms and conditions of sale shall be fixed by the board in the motion or resolution authorizing the sale. ((1) amended Sept. 27, 1955, P.L.650, No.173)

(2) Upon sealed bids requested by the school board, notice of the request for sealed bids to be given as provided in clause (1) of this section. Terms and conditions of sale shall be fixed by the board in the motion or resolution authorizing the request for sealed bids.

(3) At private sale, subject to the approval of the court of common pleas of the county in which the school district is located. Approval of the court shall be on petition of the board of school directors, which petition shall be executed by the proper officers of the board, and shall contain a full and complete description of the land proposed to be sold, a brief description and character of the building or buildings erected thereon, if any, the name of the prospective purchaser, the

amount offered for the property, and shall have attached thereto an affidavit of at least two persons who are familiar with the values of real estate in the locality in which the land and buildings proposed to be sold are located, to the effect that they have examined the property, that the price offered therefor is a fair and reasonable one and in their opinion a better price than could be obtained at public sale, and that they are not interested, either directly or indirectly, in the purchase or sale thereof. Before the court may act upon any such petition it shall fix a time for a hearing thereon and shall direct that public notice thereof be given as provided in clause (1) of this section. A return of sale shall be made to the court after the sale has been consummated and the deed executed and delivered.

(4) In the case of land, or any interest therein, acquired by a school district of the first class at any sale on a tax or municipal claim, or on a bid submitted at any judicial sale, where the school district has an interest arising out of unpaid taxes against the premises being sold, or by voluntary conveyance in payment of taxes, the land so acquired may be sold by the school district of the first class, at public or private sale, pursuant to a resolution of the board of public education of such school district, without advertisement, and without further proceedings or confirmation by the court.

(5) The board of school directors may, at their discretion, when selling real estate, sell and convey such real estate to the purchasers for the accepted consideration, payable partly in cash and partly in the form of a purchase money mortgage (and bond) to be paid in not more than five (5) years from the date thereof and bearing interest at the rate of not less than five (5) per centum, said mortgage and bond to contain the customary provisions requiring fire insurance and the payment of taxes, water rents, and assessments by the mortgagor and obligor.

(6) The board of school directors, when selling property at private sale, may engage the services of licensed real estate brokers to secure prospective purchasers, and pay them the customary real estate agents' commission charged within the school district, but only in the event the sale is actually consummated by the brokers.

(7) The moneys derived from sales of real estate enumerated in clause (4) of this section shall be paid into the general fund, along with moneys derived from taxes, and may be used for current expenses of the school district. The moneys derived from sales of other real estate shall be used for debt service or for capital expenditures.

(7.1) Notwithstanding the foregoing provisions of this section, the board of school directors may, upon approval of two-thirds (2/3) of its members, sell and convey real estate to a charitable organization holding exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) for the accepted consideration which may include, but not be limited to, payment partly in cash and partly in the form of a purchase money mortgage and bond to be paid in a period in excess of five (5) years from the date of the mortgage. The mortgage and bond shall contain the customary provisions requiring fire insurance and the payment of taxes, water rents, and assessments by the mortgagor and obligor. ((7.1) added Dec. 19, 1997, P.L.602, No.59)

(8) Notwithstanding the foregoing provisions of this section, any school district of the second, third or fourth class, upon approval of two-thirds (2/3) of the members of the

board of school directors of such district, may convey any unused and unnecessary lands and buildings of the district to the city, borough, town, township or municipal authority, the boundaries of which are coterminous with or within those of the district or a volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the district, without consideration, or for such consideration and on such terms of exchange or otherwise as may be agreed upon, without first complying with the requirements of the foregoing provisions of this section.

All such conveyances to a city, borough, town, township or municipal authority shall contain a clause whereby the lands and buildings will revert to the school district if they are no longer being used for municipal or authority purposes, with the following exception. If the lands and buildings acquired from a former school district are conveyed to a city, borough, town, township or municipal authority, the boundaries of which are coterminous with or within those of the former school district, the conveyance need not contain a reverter clause. However, all conveyances to a volunteer fire company, volunteer ambulance service or volunteer rescue squad shall contain a clause whereby the lands and buildings will revert to the school district if they are no longer being used for fire, ambulance or rescue services.

((8) amended July 9, 2014, P.L.1039, No.122)

(9) Notwithstanding the foregoing provisions of this section, any school district may lease, grant, assign or convey to the State Public School Building Authority, a municipality authority or any profit or nonprofit corporation, partnership, association or person, with or without consideration, in connection with any lease for a school building or project, any lands, easements or rights in lands, together with any improvements, buildings or structures therein or thereon, now owned by the school district or hereafter acquired by it, deemed necessary to carry out the project, as well as furnishings and equipment used or useful in connection therewith. ((9) added July 11, 1957, P.L.775, No.373)

(10) Notwithstanding the foregoing provisions of this section, any school district may convey any unused and unnecessary lands and buildings which are of historical significance and importance to any legally constituted historical society for historical purposes without consideration or for such consideration and on such terms or exchange or otherwise as may be agreed upon without complying with the other provisions of this section. ((10) amended Dec. 20, 1983, P.L.267, No.73)

(11) Notwithstanding the foregoing provisions of this section, and subject to the limitations herein set forth, any school district, upon approval of two-thirds (2/3) of the members of the board of school directors of said district, may convey, with or without consideration, any unused or unnecessary lands and buildings of the district to: (i) a community college organized and existing under the provisions of the "Community College Act of 1963,"; or (ii) the State Public School Building Authority or a municipality authority with which the community college has entered into or is about to enter into a lease rental agreement for the use of the subject lands and buildings.

The conveying school district shall: (i) be a sponsor of the community college to which the conveyance is to be made, or with which the State Public School Building Authority or the municipality authority to which the conveyance is to be made has entered into or is about to enter into a lease rental

agreement for the use of the subject lands and buildings; or (ii) be coterminous with or included within the boundaries of a municipality or county board of school directors sponsoring the community college to which the conveyance is to be made or with which the State Public School Building Authority or the municipality authority to which the conveyance is to be made has entered into or is about to enter into a lease rental agreement for the use of the subject lands and buildings.

((11) added July 31, 1968, P.L.796, No.242)

Section 708. Abandonment of Property.--No property that has heretofore been acquired by, or conveyed or granted to, any school district for school purposes, or which may hereafter be acquired by any school district for school purposes, shall be considered as abandoned until the board of school directors of such district shall pass, by vote of the majority of members of the board, a resolution declaring it to be the intention of such district to vacate and abandon the same, whereupon all right, title, and interest of such district in such premises shall be fully terminated.

Section 709. Lease of Unused and Unnecessary Lands and Buildings.--The board of school directors of any district may lease for any lawful purpose, other than educational use, unused and unnecessary lands and buildings of the district pending the sale thereof or until such time as the board shall decide again to make use thereof for school purposes. Terms and conditions of lease shall be fixed by the board in the motion or resolution authorizing the lease. All rents collected shall be paid into the general fund of the district.

(709 added Aug. 26, 1953, P.L.1451, No.420)

(b) Eminent Domain.

Section 721. Condemnation of Land.--Whenever the board of school directors of any district cannot agree on the terms of its purchase with the owner or owners of any real estate that the board has selected for school purposes, such board of school directors, after having decided upon the amount and location thereof, may enter upon, take possession of, and occupy such land as it may have selected for school purposes, whether vacant or occupied, and designate and mark the boundary lines thereof, and thereafter may use the same for school purposes according to the provisions of this act: Provided, That no board of school directors shall take by condemnation any burial ground, or any land belonging to any incorporated institution of learning, incorporated hospital association, or unincorporated church, incorporated or unincorporated religious association, which land is actually used or held for the purpose for which such burial ground, institution of learning, hospital association, church, or religious association was established.

Section 722. Security for Damages; Fee Simple Title.--The school funds which may be raised by taxation in any school district shall be pledged, and hereby are made security, to the owner or owners of any property taken for school purposes, for all damages they may sustain on account of taking of such property by the district for school purposes.

The title to all real estate acquired by any school district by condemnation proceedings shall be vested in such school district in fee simple.

Section 723. Appointment of Viewers; Notice.--When the board of school directors of any district shall enter upon and occupy lands for school purposes, as herein provided, it or the owners of such premises, or any one of them in behalf of all of them,

may present a petition to the court of common pleas of the county in which such land is situated, setting forth the facts, giving a description of the premises taken by metes and bounds, and the names of all the owners thereof; whereupon the court shall appoint a jury of viewers, from the county board of viewers, and shall fix a time for a hearing when they shall view the premises. Said time shall not be less than ten (10) or more than thirty (30) days after their appointment. Five (5) days' notice of the time and place for the first meeting shall be given by the petitioners to said viewers and other parties interested. If on account of non-residence, or of any other reason, personal notice cannot be given, notice shall be given of such view by registered letter, or by advertisement, or otherwise, as the court may direct.

Section 724. Duties of Viewers; Report; Notice.--At the time and place fixed for the view, the viewers, having first been duly sworn or affirmed to perform their duties with fidelity and according to law, shall view and examine the premises so taken by the school district, and, after hearing such parties as may desire to be heard, shall decide and make a true report to the court concerning the matters set forth in such petition and submitted to them, and, taking into consideration the quality and location of and the improvements upon the land taken and occupied for school purposes, and taking into consideration the damages sustained and the benefits accruing, shall estimate and determine what amount of damages, if any, have been sustained by the owner of such premises by reason of the taking of said land by the school district, and to whom payable, if they can ascertain the legal owners thereof. Such hearing may be adjourned from time to time as such viewers may direct. The school district and the parties interested shall have at least five (5) days' notice of the filing of the viewers' report. If the actual owner of the premises, or any part thereof, by reason of non-residence or otherwise, cannot be notified, notice of the filing of the report shall be given as directed by the court.

Section 725. Confirmation of Report.--If no exceptions are filed to, or appeal taken from, the report of the viewers by any party interested within thirty (30) days after the filing thereof, the same shall be confirmed absolutely by the court, and the amount awarded therein to any person shall be a valid debt and obligation of the school district, collectible as herein provided.

Section 726. Payment of Damages into Court.--If on account of any liens existing against such premises, or if the actual owners thereof cannot be found, or if the owners or any of them refuse the amount awarded by such report, or if, for any other reason, the school district cannot pay the sum awarded for such damages to the person legally entitled thereto, it may pay the same into court, and thereafter the owners of such premises or its lien creditors shall look to said fund for all damages accruing to them on account of the taking of said property.

Section 727. Exceptions and Appeals.--If exceptions to the report of the viewers are filed by any interested party, or if an appeal is taken, the exceptions or appeal shall be disposed of according to the rules of the court.

Section 728. Costs.--All costs and witness fees in any such case shall be paid by the school district: Provided, That in cases where an appeal is taken by any property owners from the award made by any board of viewers, and the appellant does not recover a verdict for a greater amount than the viewers awarded, the appellant shall pay all costs of such appeal and trial.

(c) Specific Requirements.

Section 731. Approval by Department of Plans, etc., of Buildings; Exceptions.--The Department of Education, with respect to construction or reconstruction of public school buildings, shall have the power and its duties shall be:

(1) To review all projects, plans and specifications for school building construction or reconstruction, and to make recommendations thereon to the General Assembly and the Governor: Provided, however, That approval of the Department of Education shall not be required for projects, plans and specifications for school construction projects for which reimbursement from the Commonwealth is not requested; ((1) amended June 30, 2011, P.L.112, No.24)

(2) To assist school districts in preplanning construction and reconstruction projects, and offer such architectural, engineering and financial advice as will enable the project to comply with the standards prescribed by the State Board of Education;

(3) To hold hearings on any or all projects and subpoena witnesses, administer oaths, take testimony and compel the production of documents relevant to any investigation;

(4) To act as liaison between the public, local school officials, the General Assembly, and the Governor on school building construction and reconstruction projects;

(5) To receive and investigate complaints from the public or other source concerning any school building construction or reconstruction project;

(6) To conduct investigations on any phase of school building construction or reconstruction projects.

The Department of Education shall employ engineers, architects, financial advisors, and such other staff personnel as may be necessary for the proper performance of the duties of the Department with respect to construction or reconstruction of public school buildings.

No public school building shall be contracted for, constructed, or reconstructed, in any school district of the second, third, or fourth class until the plans and specifications therefor have been approved by the Department of Education.

When ordinary repairs are proposed, such as plastering, painting, replacement of floors, improvement of school grounds, repairing or providing walks, roadways or retaining walls, the cost of which in districts of the second class or in districts of the third and fourth class will not exceed fifteen thousand dollars (\$15,000) per building, no approval shall be required. Where any structural change is involved, such as moving or adding doors, windows, partitions, making additions or any excavations, or any work which may affect the safety or health of the pupils, or any work which comes under the jurisdiction of another department of the Commonwealth, approval of the Department of Education shall be required regardless of the cost of such structural change.

No school building shall be purchased by any school district until such purchase shall have been approved by the Department of Education. Such approval shall not be given unless the school building to be purchased and any approved structural changes or renovations meet the standards required to operate public school buildings of a similar age currently in use in the Commonwealth.

(731 amended June 27, 1973, P.L.75, No.34)

Section 731.1. Approval of Lease Agreements.--No building facilities for school use authorized under the provisions of section 703.1, shall be leased by any school district until such lease agreement has been approved by the Department of Education. Such approval shall not be given unless the building facilities to be leased meet the standards required to operate public school buildings in use in the Commonwealth: Provided, however, That Department of Education approval of any lease agreement shall not be required for any lease agreement for which Commonwealth reimbursement is not requested.

(731.1 amended June 30, 2011, P.L.112, No.24)

Section 732. Plans, etc., Furnished by State Council of Education.--(732 repealed July 27, 1953, P.L.629, No.184)

Section 732.1. Limitation on New Applications for Department of Education Approval of Public School Building Projects.--(a)

For the 2012-2013 fiscal year and the 2013-2014 fiscal year, the Department of Education shall not accept or approve new school building construction or reconstruction project applications. Completed school building construction or reconstruction project applications received by the Department of Education by October 1, 2012, are not subject to this provision.

(b) The Department of Education shall, in consultation with school district officials and the General Assembly, conduct a review of the Department of Education's current process through which public school building projects are reviewed and approved for Commonwealth reimbursement. The review shall incorporate an analysis of impacting local factors, including, but not limited to, tax effort and building requirements, and shall make recommendations to the chair and minority chair of the Appropriations Committee of the Senate, the chair and minority chair of the Education Committee of the Senate, the chair and minority chair of the Appropriations Committee of the House of Representatives and the chair and minority chair of the Education Committee of the House of Representatives by May 1, 2013. The Department of Education shall also conduct a Statewide analysis of school facilities and future capital needs and shall submit a preliminary report on that analysis by May 1, 2014.

(732.1 amended July 9, 2013, P.L.408, No.59)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Section 733. Standards of State Board of Education.--(a) All public school buildings hereafter built or rebuilt shall conform to standards established by the State Board of Education as to heating and ventilating systems, light area, floor space, cubical contents, substantiated need and cost standards for construction throughout the Commonwealth: Provided, That the board of school directors shall in each case have the power to determine the type of heating and ventilating systems to be used. Cost standards shall take into account the percentage of total space which may be reimbursable, the percentage of total district budget represented by capital outlay required for the project, the financial capability of the applicant to sustain and maintain the obligation of indebtedness to be created by the proposed project, and such other factors as the board may consider necessary to establish reasonable cost standards. The board shall each year review, update, and if necessary revise such cost standards. The board shall, at least once during each period of three years, completely review and revise such standards in the light of

improved facilities, equipment and methods, and in the light of changing philosophies of classroom efficiency, and with a view to utilizing natural advantages wherever available. Such standards shall permit of opportunity for individuality in design and equipment to meet the requirements and possibilities of each public school building to be built or rebuilt.

(b) Any school district may petition the State Board of Education to grant an exception to specific standards as provided in this section where unnecessary hardships or educational inadequacy would otherwise result. The State Board of Education shall hold a hearing on such petitions for exceptions upon request of the school district or may authorize the Department of Education to conduct such hearings.

(c) The Secretary of Education shall have the power to deny approval to any school building construction or reconstruction project which fails to meet standards prescribed by the State Board of Education.

(733 amended June 27, 1973, P.L.75, No.34)

Section 734. Heating and Ventilating Standards.--(734 repealed June 27, 1973, P.L.75, No.34)

Section 735. Advisory Committee on Standards.--For the purpose of advising the State Board of Education in making revisions of standards as required by section 733 of this act, the Governor shall immediately before the time for making any revision, appoint an advisory committee consisting of fifteen members, three of whom shall be registered architects experienced in designing school buildings, one of whom shall be a registered engineer experienced in the application of environmental controls for school buildings, one of whom shall be a registered engineer experienced in the design or evaluation of maintenance techniques, facilities or equipment, two of whom shall be school administrators, two of whom shall be classroom teachers, one of whom shall be a physician, one of whom shall be representative of the construction industry experienced in school construction, two of whom shall be school board members who are not teachers or administrators and two of whom shall be residents of the Commonwealth not professionally engaged in any of the aforementioned occupations. The members of such committees shall serve without compensation, but shall be reimbursed for their necessary expenses actually incurred in the performance of their duties.

The advisory committee shall attach a statement to its recommended changes and revisions in the standards setting forth the reasons for such changes or revisions with reference to the specific educational or health benefits expected to accrue from such changes or revisions and the associated expected change in construction or maintenance costs.

(735 amended June 27, 1973, P.L.75, No.34)

Section 736. Heating Stoves to be Shielded.--No board of school directors in this Commonwealth shall use a common heating stove for the purpose of heating any school room, unless such stove is in part enclosed within a shield or jacket made of galvanized iron, or other suitable material, and of sufficient height, and so placed, as to protect all pupils while seated at their desks from direct rays of heat.

Section 737. Ventilation; Thermometer.--No school room or recitation room shall be used in any public school which is not provided with ample means of ventilation, and whose windows, when they are the only means of ventilation, shall not admit of ready adjustment both at the top and bottom, and which does not have some device to protect pupils from currents of cold

air. Every school room or recitation room shall be furnished with a thermometer.

Section 738. Fireproof Construction.--All school buildings, two or more stories high, hereafter erected or leased in any school district of the first class in this Commonwealth shall be of fireproof construction; and in any school district of the second, third, or fourth class, every building more than two stories high, hereafter built or leased for school purposes, shall be of fireproof construction.

Section 739. Doors to Open Outward; Fire Escapes; etc.--All doors of entrance into any building used for public school purposes shall open outward.

In all school buildings erected after the first day of May, one thousand nine hundred twenty-five, or buildings leased or used for school purposes, all entrance and exit doors, as well as all doors leading to or from all regular, special, or general rooms, shall open outward.

Every school building shall be provided with necessary fire-escapes and safety-appliances as required by law.

On and after January 1, 1973, each new school building and every addition to an existing school building equipped with windows and with no emergency fire rescue door to the outside, shall be equipped with escape windows of such type and at such locations as may be approved by the Department of Labor and Industry.

(739 amended Mar. 23, 1972, P.L.118, No.43)

Section 740. Water-closets or Out-houses.--The board of school directors in every district shall, with every building used for school purposes, provide and maintain in a proper manner, a suitable number of water-closets or out-houses, not less than two for each building, where both sexes are in attendance. Such water-closets or out-houses shall be suitably constructed for, and used separately by, the sexes. When any water-closets or out-houses are outside and detached from the school building, the entrances thereto shall be properly screened, and they shall, unless constructed at a remote distance from each other, have separate means of access thereto, and, if possible, for not less than twenty-five (25) feet from such water-closets or out-houses, such means of access or walks leading thereto shall be separated by a closed partition, wall, or fence, not less than seven (7) feet high.

The board of school directors shall keep all water-closets or out-houses, used in connection with any school building, in a clean and sanitary condition, and shall, not less than ten (10) days prior to the opening of any term of school, and oftener if necessary, have them properly cleaned and disinfected by the use of fresh-dry-slacked lime, or other proper disinfecting materials.

Section 741. Substrata Evaluation.--Any school district or authority planning to construct or reconstruct a school building located in an area certified by the Department of Environmental Resources to be subject to mine subsidence, shall, before beginning design, obtain an evaluation of the substrata of the land upon which it will be situate from the Department of Environmental Resources.

(741 added Feb. 9, 1972, P.L.59, No.17)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

(d) Contracts.

Section 751. Work to be Done Under Contract Let on Bids;
Exception.--(a) ((a) deleted by amendment June 30, 2012,
P.L.684, No.82)

(a.1) ((a.1) deleted by amendment June 30, 2012, P.L.684,
No.82)

(a.2) All construction, reconstruction, repairs, maintenance or work of any nature, including the introduction of plumbing, heating and ventilating, or lighting systems, upon any school building or upon any school property, or upon any building or portion of a building leased under the provisions of section 703.1, made by any school district where the entire cost, value or amount of such construction, reconstruction, repairs, maintenance or work, including labor and material, shall exceed a base amount of eighteen thousand five hundred dollars (\$18,500), subject to adjustment under section 120, shall be done under separate contracts to be entered into by such school district with the lowest responsible bidder, upon proper terms, after due public notice has been given asking for competitive bids. Whenever a board of school directors shall approve the use of a prefabricated unit, complete in itself, for a school building or other proper structure to be erected upon school property, the board of school directors may have prepared appropriate specifications detailing the size and material desired in a particular prefabricated unit, including all utilities such as plumbing, heating and ventilating, and electrical work, and may advertise for a single bid on all the work and award the contract therefor to the lowest responsible bidder: Provided, That, if due to an emergency a school plant or any part thereof becomes unusable, competitive bids for repairs or replacement may be solicited from at least three responsible bidders, and, upon the approval of any of these bids by the board of school directors, the school district may proceed at once to make the necessary repairs or replacements in accordance with the terms of said approved bid or bids; and Provided further, That the school district shall notify the Secretary of Education in a form and manner determined by the Secretary of Education that an emergency has occurred and a bid has been selected under the emergency process provided for in this section. ((a.2) added June 30, 2012, P.L.684, No.82)

(a.3) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested by the board of school directors for all contracts that exceed a base amount of ten thousand dollars (\$10,000), subject to adjustment under section 120, but are less than the amount requiring advertisement and competitive bidding, or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years. ((a.3) added June 30, 2012, P.L.684, No.82)

(b) ((b) deleted by amendment June 30, 2012, P.L.684, No.82)

(b.1) The board of school directors in any school district may perform any construction, reconstruction, repairs, or work

of any nature where the entire cost or value, including labor and material, is less than a base amount of ten thousand dollars (\$10,000), subject to adjustment under section 120, by its own maintenance personnel. The board of school directors in any school district may authorize the secretary of the board or other executive to award contracts for construction, reconstruction, repairs, or work of any nature, where the entire cost or value, including labor and material, subject to adjustment under section 120, is a base amount of eighteen thousand five hundred dollars (\$18,500) or less, without soliciting competitive bids, subject, however, to the provisions of subsection (a.3). ((b.1) added June 30, 2012, P.L.684, No.82)

(c) Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

(d) The board of school directors of any school district may, in addition to the power granted in subsection (b), utilize also its own maintenance or other personnel to perform maintenance work irrespective of the entire cost or value of such work.

(e) No person, consultant, firm or corporation contracting with a school district for purposes of rendering personal or professional services to the school district shall share with any school district officer or employee, and no school district officer or employee shall accept, any portion of the compensation or fees paid by the school district for the contracted services provided to the school district except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the board of school directors.

(2) The board of school directors must approve the sharing of any fee or compensation for personal or professional services prior to the performance of said services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of that commensurate for similar personal or professional services.

((e) added Oct. 10, 1980, P.L.924, No.159)

(f) ((f) deleted by amendment June 30, 2012, P.L.684, No.82)

(g) No board of school directors shall evade the provisions of this section as to advertising for bids or purchasing materials or contracting for services piecemeal for the purpose of obtaining prices under a base amount of eighteen thousand five hundred dollars (\$18,500), subject to adjustment under section 120, upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than a base amount of eighteen thousand five hundred dollars (\$18,500), subject to adjustment under section 120. This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts each for less than the advertising requirement price, or by making several simultaneous purchases or contracts each below said price, when in either case the transaction involved should have been made as one transaction for one price. ((g) added June 30, 2012, P.L.684, No.82)

(751 amended July 13, 1979, P.L.94, No.41)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Compiler's Note: Section 5 of Act 97 of 2011, which amended subsecs. (a), (a.1), (b) and (f), provided that Act 97 shall apply to contracts and purchases advertised on or after January 1 of the year following the effective date of section 5.

Section 751.1. Architects and Engineers Employed Prohibited From Bidding on Public Works; Penalty.--It shall be unlawful for any architect or engineer, in the employ of any school district, and engaged in the preparation of plans, specifications or estimates, to bid or negotiate on any public work at any letting of such work by the school district, except that any such architect or engineer who shall have prepared preliminary plans only shall not be prohibited from bidding or negotiating on the final contract for such work.

It shall be unlawful for the officers of school districts charged with the duty of letting any public work, to award a contract to any such architect or engineer, in the employ of the school district who is in any way interested in any contract for public work for the school district or for any such architect or engineer to receive any remuneration or gratuity from any person interested in such contract except under the terms and conditions as provided in section 751 (e).

Any person violating any of the provisions of this section shall forfeit his office, and shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment for not more than six months, or both.

(751.1 added Oct. 10, 1980, P.L.924, No.159)

Section 752. Contracts to Require Competent Workmen.--All contracts, hereafter awarded and entered into by any school district, shall contain a clause or stipulation requiring that no person shall be employed to do work under such contract except competent and first-class workmen and mechanics. No workmen shall be regarded as competent and first-class, within the meaning of this act, except those who are duly skilled in their respective branches of labor, and who shall be paid not less than such rates of wages and for such hours' work as shall be the established and current rates of wages paid for such hours by employers of organized labor in doing of similar work in the district where work is being done.

Section 753. Stipulations for Minimum Wages.--(a) The specifications upon which contracts are entered into by any school district for the construction, alteration, or repairs of any public work or improvement may, at the option of the school district, contain the minimum wage or wages which may be paid by the contractor or his sub-contractors for the work performed by laborers and mechanics employed on such public work or improvement, and such laborers and mechanics shall in such cases be paid not less than such minimum wage or wages.

(b) Every contract for the construction, alteration, or repair of any public work or improvement, founded on specifications containing any such stipulation for minimum wage or wages, shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications.

(c) Every officer or person designated as an inspector of, or having supervision over, the work to be performed under any

such contract, in order to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, report to the board of school directors which let the contract, all violations of minimum wage stipulations, together with the name of each laborer or mechanic who has been paid a wage less than that prescribed by the specification, and the day or days of such violation.

(d) All such penalties shall be withheld and deducted, for the use of the school district, from any moneys due the contractor by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor, whether the violation of the minimum wage stipulation of the specifications was by the contractor or by any of his sub-contractors: Provided, That if any such contractor or sub-contractor subsequently pays to all laborers and mechanics the balance of the amounts stipulated in such contract, the school district shall pay to the contractor the amount so withheld as penalties.

Section 754. Contracts to Provide for Resident Workmen; Penalty.--(754 repealed May 15, 1998, P.L.358, No.57)

Section 755. Contracts to Prohibit Discrimination Against Race, Creed or Color; Penalty.--(755 repealed May 15, 1998, P.L.358, No.57)

Section 756. Additional Bond for Payment of Labor, Materials, etc.--It shall be the duty of every school district to require any person, co-partnership, association, or corporation, entering into a contract with such district for the construction, erection, installation, completion, alteration, repair of or addition to any public work or improvement of any kind whatsoever, where the amount of such contract is in excess of five hundred dollars (\$500), before commencing work under such contract, to execute and deliver to such school district, in addition to any other bond which may now or hereafter be required by law to be given in connection with such contract, an additional bond for the use of any and every person, co-partnership, association, or corporation interested, in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price, as such school district may prescribe, having as surety thereon one or more surety companies legally authorized to do business in this Commonwealth, conditioned for the prompt payment of all material furnished and labor supplied or performed and all machinery used in the prosecution of the work whether or not the material or labor or use of machinery enter into and become component parts of the work or improvement contemplated. Such additional bond shall be deposited with and held by the school district for the use of any party interested therein. Every such additional bond shall provide that every person, co-partnership, association, or corporation, who, whether a sub-contractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work as above provided, and who has not been paid therefor may sue in assumpsit on said additional bond in the name of the school district for his, their, or its use, and prosecute the same to final judgment for such sum or sums as may be justly due him, them, or it, and have execution thereon. The school district shall not be liable for the payment of any costs or expenses of any suit.

Compiler's Note: Section 10(11) of Act 385 of 1967 provided that section 756 is repealed insofar as it is inconsistent with Act 385.

Section 757. Actions by Sub-Contractors, etc., on Performance Bonds.--(a) In all cases where a surety bond shall be given to any school district to secure performance by a contractor of any public contract for the construction, reconstruction, alteration, or repair of any building, or other structure, or for the completion of any project, or performance of any other work whatsoever, or the supplying of any materials, and such bond shall include a condition for the payment of material furnished and labor supplied or performed in connection with such public work or improvement, or similar provisions, irrespective of whether such bond or any provision therein shall have been required by statute or any other authority, and where no separate or additional bond conditioned for the payment of material furnished and labor supplied or performed in connection with such public contract has been taken, then, and in such event, every person, co-partnership, association, or corporation, who, whether as sub-contractor or otherwise, has furnished material or supplied or performed labor in connection with such public work or improvement and who has not been paid therefor, shall have the right to intervene and be made a party to any action instituted on such bond by the school district named as obligee therein, and have his, their, or its rights and claims adjudicated in such action and judgment rendered thereon for any amount due him, them, or it, for such labor or materials; subject, however, to the priority of the claim and judgment of the school district obligee, if any.

(b) If the amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the school district obligee, the remainder shall be distributed pro rata among said interveners.

(c) If no suit is brought by the school district obligee within six months from the completion of said contract and final settlement therefor, then the person or persons who have supplied the contractor with labor and materials shall, upon application therefor, and furnishing affidavit to the school district that labor and materials for the prosecution of such work have been supplied by him, them, or it, and that payment for the same has not been made, be furnished with a certified copy of said contract and bond upon which he, they, or it shall have a right of action, and shall be authorized to bring suit in the name of the school district obligee for his, their, or its use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution. Where suit is instituted by any of such creditors on the bond of the contractor, it shall not be commenced until after the complete performance of said contract and final settlement thereof with the school district, and shall be commenced within one year after the performance and final settlement of the contract, and not later.

(d) Where suit is so instituted by a creditor or creditors, no other action shall be brought by any other creditor, but any other creditor may file his claim in the action first brought and be made party thereto within one year from the completion of the work under said contract, but not later. If two or more actions are brought on the same day, the action in which the largest claim is demanded shall be regarded as the first action. Any creditor who has brought an action within one year but after suit brought by another creditor or on the same day, may intervene in the suit first brought within the year, notwithstanding the fact that the intervention in such case is after the expiration of the year, provided such intervention

is made within thirty days after the expiration of the year. If the recovery on the bond is inadequate to pay the amounts found due to all creditors, judgment shall be given to each creditor pro rata, of the amount of the recovery.

(e) The surety on said bond may pay into court for distribution among said claimants and creditors the full amount of the surety's liability, to wit, the penalty named in the bond, less any amount which said surety may have had to pay to the school district obligee by reason of the execution of said bond. Upon so doing, the surety shall be relieved from further liability.

(f) In all suits instituted under the provisions of this act, such personal notice of the pendency of such suits, informing them of their right to intervene, as the court may order, shall be given to all known creditors, and in addition thereto, notice shall be given by publication in a newspaper of general circulation published in the county or town where the contract was performed, once a week for at least three successive weeks. When such suit has been begun within three weeks of the end of the year within which suit may be brought, said notice by publication shall be only for the period intervening between the time of instituting such suit and the end of the year.

(g) Where the principal contractor shall, for any reason, have failed to complete performance of his contract, and completion of the project is undertaken by the school district or the surety, either by themselves or by letting of new contracts, the six-month period before which suit may be brought and the one year period within which such action must be commenced by sub-contractors, material-men and laborers, as above provided, shall date from the completion and acceptance of the project covered by the original contract and bond. For the purposes of such suits, the date of such completion shall be fixed by the officers of the school district. Written notice of the date of such completion shall be given to all persons who shall theretofore request such notice.

Compiler's Note: Section 10(11) of Act 385 of 1967 provided that section 757 is repealed insofar as it is inconsistent with Act 385.

Section 758. Appropriations to Nonprofit Corporations for Constructing School Buildings.--Whenever any school building or buildings have been rendered totally unfit for use by reason of fire, acts of God, obsolescence, overcrowding, inadequacy, or lack of facilities, or other unforeseen cause, the board of school directors of any school district shall have power to appropriate money out of the general fund of the school district to any nonprofit corporation established for the purpose of constructing school buildings for the use of the school district. Before any such money is paid over the corporation shall enter into a lease with the school district for the buildings proposed to be erected, whereby the school district shall have the right to renew such lease at stated periods at a stipulated rental and at any time during the continuance of the lease to purchase the buildings from the corporation at a stipulated price. None of the powers granted by this act shall be used by the board of school directors of any school district without the specific and written approval of the Department of Public Instruction.

Section 759. Appropriations to Nonprofit Corporations for Athletic Stadia, etc.--The board of school directors of any school district shall have power to enter into a contract of

lease and release with any nonprofit corporation established for the purpose of erecting athletic stadia, including adequate equipment for the athletic field connected therewith, as well as fence enclosures and lighting systems therefor, for the use of the school district, under which contract the school district shall lease land owned by it to the nonprofit corporation for the purpose of erecting thereon an athletic stadium, including adequate equipment for the athletic field connected therewith, as well as fence enclosures and lighting systems therefor, for the use of the school district. The school district shall lease the same from the nonprofit corporation at a stated rental, payable only out of the proceeds of the gate receipts and rentals for the use of such facilities, with the right in the school district to renew such lease at stated periods at a stipulated rental, and, at any time during the continuance of the lease, to purchase the improvements from the nonprofit corporation at a stipulated price. No such contract of lease and release shall be entered into until the entire project has been submitted to and approved by the Department of Public Instruction in writing. Such approval shall include specifically, (1) approval of purpose for which improvement is intended, (2) total cost of improvement, (3) amount of rental, (4) period of time for amortization, and (5) a stipulation that no money of the school district, other than that received from gate receipts and rentals for the use of the improvements, shall be used in making any payment of rental or purchase price. Upon completion of the improvements the school district shall take over and operate the same and shall collect all gate receipts and entrance fees, and all rentals for the use of the improvements, and shall keep the same in a separate fund apart from all other moneys of the school district. Such fund, until title to the improvements has been obtained by the school district, shall be used only for the maintenance and operation of the stadium and other improvements, and for the payment of rentals and purchase price of such improvements.

Section 760. Completion of Abandoned WPA Projects, Districts Third and Fourth Class.--Whenever any school district of the third or fourth class, pursuant to contract with the Works Projects Administration or any other agency of the United States Government, shall have expended money for the erection of a school building to be erected by such agency, and after the erection of such building has been begun, but before the completion thereof the project is abandoned by the Works Projects Administration or other agency of the United States Government, the board of directors of such school district may, with the approval of the Superintendent of Public Instruction, enter into a contract for the immediate continuation of the work of erecting such school building to an extent necessary to protect the work already completed from loss or damage by the elements. Such contract may be let on competitive bids solicited from at least three responsible bidders and approved by the Superintendent of Public Instruction.

(e) General Provisions.

Section 771. Display of United States Flag; Development of Patriotism.--(a) The board of school directors in each district shall, when they are not otherwise provided, purchase a United States flag, flagstaff, and the necessary appliances therefor, and shall display said flag upon or near each public school building in clement weather, during school hours, and at such other times as the board may determine.

(b) All boards of school directors, all proprietors or principals of private schools, and all authorities in control of parochial schools or other educational institutions, shall display the United States national flag, not less than three feet in length, within all school buildings under their control during each day such schools are in session. In all public schools, the board of school directors shall make all rules and necessary regulations for the care and keeping of such flags. The expense thereof shall be paid by the school district.

(c) (1) All supervising officers and teachers in charge of public, private or parochial schools shall cause the Flag of the United States of America to be displayed in every classroom during the hours of each school day and shall provide for the recitation of the Pledge of Allegiance or the national anthem at the beginning of each school day. Students may decline to recite the Pledge of Allegiance and may refrain from saluting the flag on the basis of religious conviction or personal belief. The supervising officer of a school subject to the requirements of this subsection shall provide written notification to the parents or guardian of any student who declines to recite the Pledge of Allegiance or who refrains from saluting the flag.

(2) This subsection shall not apply to any private or parochial school for which the display of the flag, the recitation of the Pledge of Allegiance or the salute of the flag violates the religious conviction on which the school is based.

(d) The supervising officers and teachers in charge of public, private or parochial schools may offer at least one full period per week, for the purpose of affirming and developing allegiance to and respect for the Flag of the United States of America, and for the promoting of a clear understanding of our American way of life, with all of the unparalleled individual opportunities, and our republican form of government, with its responsiveness to majority decisions and demands. Such elements shall be included in this program as instruction in the fundamental principles of our form of government, an understanding of the provisions of the Constitution of the Commonwealth of Pennsylvania and the Constitution of the United States of America, the values to be found in the freedom of speech, of religion and of the press, the values to be found in obedience to the laws of the land and the Commonwealth, the importance of exercising the right of franchise, the obligation of every citizen to stand ready to defend our country at all times from infiltration or aggression by those whose acts and ideologies are contrary to our American philosophy of life.

(771 amended Dec. 9, 2002, P.L.1334, No.157)

Section 772. Condition of Grounds; Shade Trees.--The board of school directors in each school district shall put the grounds about every school building in a neat, proper and sanitary condition and so maintain the same and shall provide and maintain a proper number of shade trees.

Section 772.1. Integrated Pest Management Programs.--(a) Each school shall, by January 1, 2003, adopt an integrated pest management plan in accordance with the integrated pest management policies established by the department on the effective date of this section until regulations are promulgated by the department.

(b) The department shall do all of the following:

(1) Maintain a Hypersensitivity Registry to assist in the notification of students and employees who are especially sensitive to pesticides.

(2) Designate an integrated pest management coordinator within the department to assist schools in the adoption and administration of integrated pest management plans.

(3) Prepare a standard structural integrated pest management agreement and distribute the standard agreement to schools.

(4) Provide other materials and assistance to schools to aid them in developing integrated pest management plans.

(5) Promulgate regulations, consistent with its policies in effect on the date of this section, to assist schools in implementing their responsibilities under this section.

(c) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Agriculture of the Commonwealth.

"Integrated pest management plan." A plan which establishes a sustainable approach to managing pests by combining biological, cultural, physical and chemical tools in a way which minimizes economic, health and environmental risks.

"Pest." An insect, rodent, nematode, fungus, weed or other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacteria or other microorganisms on or in living man or other living animals, declared to be a pest under section 25(c)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, 7 U.S.C. § 136w).

"Pesticide." A substance or mixture of substances intended for preventing, destroying, repelling or mitigating a pest and a substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

"School." A school district, an intermediate unit, an area vocational-technical school or any of these entities acting jointly.

(772.1 added Apr. 18, 2002, P.L.262, No.35)

Section 772.2. Notification of Pesticide Treatments at Schools.--(a) The following apply to pesticide applicators:

(1) For a pesticide treatment at a school building, the certified applicator or pesticide application technician shall supply the pest control information sheet and a pest control sign, which must be at least eight and one-half by eleven (8 1/2 by 11) inches in size, to the chief administrator or building manager.

(2) For a pesticide treatment on school grounds, including athletic fields and playgrounds, the certified applicator or pesticide application technician shall supply the pest control information sheet and a pest control sign, which must be at least eight and one-half by eleven (8 1/2 by 11) inches in size, to the chief administrator or grounds manager.

(b) Responsibilities of schools are as follows:

(1) Except as provided in clause (3), notification of pesticide treatments shall be as follows:

(i) For a pesticide treatment at a school building, the school shall be responsible for all of the following:

(A) Posting the pest control sign received under subsection (a)(1) in an area of common access where individuals are likely to view the sign on a regular basis at least seventy-two (72) hours before and for at least two (2) days following each planned treatment.

(B) Providing the pest control information sheet received under subsection (a)(1) to every individual working in the school building at least seventy-two (72) hours before each planned treatment.

(C) Providing notice, including the name, address and telephone number of the applicator providing the treatment, day of treatment and pesticide to be utilized, to the parents or guardians of students enrolled in the school at least seventy-two (72) hours before each planned treatment as follows:

(I) notice to all parents or guardians utilizing normal school communications procedures; or

(II) notice to a list of interested parents or guardians who at the beginning of each school year or upon the child's enrollment requested notification of individual application of pesticides. The school shall provide procedures or materials for such requests to parents and guardians of students.

Notification of each pesticide application shall be provided using first class mail or other means deemed appropriate by the school to each parent or guardian requesting notification.

(ii) For a pesticide treatment on school grounds, the school shall be responsible for all of the following:

(A) Posting the pest control sign received under subsection (a)(2) at the place to be treated at least seventy-two (72) hours before and for two (2) days after the planned treatment.

(B) Providing the pest control information sheet received under subsection (a)(2) to every individual working in the school building at least seventy-two (72) hours before each planned treatment.

(C) Providing notice, including the name, address and telephone number of the applicator providing the treatment, day of treatment and pesticide to be utilized, to the parents or guardians of students enrolled in the school at least seventy-two (72) hours before each planned treatment as follows:

(I) notice to all parents or guardians utilizing normal school communications procedures; or

(II) notice to a list of interested parents or guardians who at the beginning of each school year or upon the child's enrollment requested notification of individual application of pesticides. The school shall provide procedures or materials for such requests to parents and guardians of students.

Notification of each pesticide application shall be provided using first class mail or other means deemed appropriate by the school to each parent or guardian requesting notification.

(iii) Notwithstanding any other provision of this section, where pests pose an immediate threat to the health and safety of students or employees, the school may authorize an emergency pesticide application. In the case of an emergency pesticide application, the school shall notify by telephone any parent or guardian who has requested such notification. School officials shall annually advise parents or guardians of their right to request notification of emergency pesticide use and shall explain procedures for requesting such notification.

(2) Except as provided in clause (3), each school shall maintain detailed records of all chemical pest control treatments for a period of at least three (3) years.

(3) The notice and recordkeeping requirements in clauses (1) and (2) and subsection (c) do not apply to the application of:

(i) disinfectant and antimicrobial products;

(ii) self-containerized baits placed in areas not accessible to students and gel-type baits placed in cracks, crevices or voids; or

(iii) swimming pool maintenance chemicals in the care and maintenance of a swimming pool.

(c) The following prohibitions shall apply:

(1) Except as provided in clause (2):

(i) pesticides may not be applied within a school building where students are expected to be present for normal academic instruction or organized extracurricular activities within seven (7) hours following the application or on school grounds where students will be in the immediate vicinity for normal academic instruction or organized extracurricular activities within seven (7) hours following the application; or

(ii) the applicator shall comply with reentry time restrictions contained on the pesticide label; whichever time period is longer.

(2) Students may not be present in an untreated portion of the school building unless the area being treated has a separate ventilation system and is separated from the untreated portion by smoke or fire doors or is a separate building.

(d) The department shall promulgate such rules and regulations as necessary to administer this section.

(e) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Applicator." A certified applicator, commercial applicator or public applicator.

"Certified applicator." An individual who is certified under section 16.1, 17 or 17.1 of the act of March 1, 1974 (P.L.90, No.24), known as the "Pennsylvania Pesticide Control Act of 1973," as competent to use or supervise the use or application of any pesticide.

"Commercial applicator." A certified applicator, whether or not he is a private applicator with respect to some uses, who uses or supervises the use of any pesticide on the property or premises of another or on easements granted under State law, or any applicator who uses or supervises the use of any restricted-use pesticide on property owned or rented by him or his employer, when not for purposes of producing an agricultural product. The secretary may by regulation deem certain types of applicators using any pesticide on their own property or that of their employer as commercial applicators.

"Department." The Department of Agriculture of the Commonwealth.

"Insect." Any of the numerous small invertebrate animals generally having a more or less obviously segmented body, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees and flies, and to other allied classes of arthropods whose members are wingless and usually have more than six (6) legs, as, for example, spiders, mites, ticks, centipedes and wood lice.

"Nematode." An invertebrate animal of the phylum Nemathelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform or saclike bodies covered with cuticle and inhabiting soil, water, plants or plant parts. The term includes nemas and eelworms.

"Person." An individual, partnership, association, corporation or any organized group of persons, whether incorporated or not.

"Pest." An insect, rodent, nematode, fungus, weed or other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism, except viruses, bacteria or other microorganisms on or in living man or other living

animals, declared to be a pest under section 25(c)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, 7 U.S.C. § 136w).

"Pest control information sheet." A document which contains the date of treatment, the name, address and telephone number of the applicator, the pesticide utilized and any other information that is required by the Secretary of Agriculture.

"Pesticide." A substance or mixture of substances intended for preventing, destroying, repelling or mitigating a pest and a substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

"Pesticide application technician." An individual employed by a commercial applicator or governmental agency who, having met the competency requirements as set forth in the act of March 1, 1974 (P.L.90, No.24), known as the "Pennsylvania Pesticide Control Act of 1973," is registered by the Secretary of Agriculture to apply pesticides under the direct supervision of a certified applicator.

"Public applicator." A certified applicator who applies pesticides as an employe of the Commonwealth or its instrumentalities or a local agency.

"School." A school district, an intermediate unit or an area vocational-technical school or any of these entities acting jointly.

(772.2 added Apr. 18, 2002, P.L.264, No.36)

Section 773. Contracts for Light, Heat or Water; Acquiring Water Supply; Condemnation; Tapping District Water Lines.--(a) The board of school directors in any school district may, in the manner herein provided, enter into any contract with any person, firm, association, or corporation, for the furnishing of light, heat, or water to such school district, for any term not exceeding five years. The amount to become due and payable thereon, under such contract, may be distributed equally during the years over which the same extends, and only so much thereof as becomes due and payable in any one year need be provided for in the annual estimate of school expenses for any school year, and be certified to by any school controller.

(b) In any case where any school building to be supplied with water is not sufficiently near to the pipe lines of any water company to enable the school district to avail itself of such supply and another source of supply is available nearer to such school building, the board of school directors may acquire such supply, or any part thereof deemed necessary, and may lay and construct a pipe line to convey water from such source of supply to such school building, and, for such purpose, may enter upon, occupy and use any highway or public or private property which it deems necessary. In the event that compensation therefor cannot be agreed upon with any owner of private property so acquired, occupied and used, the amount thereof shall be determined in the manner provided in sections seven hundred twenty-one to seven hundred twenty-eight, both inclusive, of this article.

(c) In any case where a school district has constructed a water pipe line for the supply of water to any school building and such supply is more than adequate for such purpose, the board of school directors may, subject to such terms as may be agreed on, permit the tapping of such pipe line by any adjacent community having no other available public water supply.

(773 amended May 11, 1949, P.L.1115, No.329)

Section 774. Insurance on Buildings; Public Liability Insurance for Employes; Purchase of Insurance From Employes, etc.--(a) The board of school directors in every school

district shall have full power and authority to make and enter into any contract or contracts it may deem proper with any person, firm or corporation, including any mutual fire insurance company authorized to transact business in this Commonwealth, for the purpose of insuring against loss or damage by fire, or otherwise, any or all of the school buildings or other property owned or leased by the school district.

(b) The board of school directors in every school district shall have full power and authority to make and enter into any contract or contracts it may deem proper with any person, firm or corporation, including any mutual insurance company authorized to transact business in this Commonwealth, for the purpose of insuring every employe and school director of the school district against liability for damages sustained by pupils or others as a result of the employes' or directors' negligence in the performance of his or her duties during the course of his or her employment or the performance of his or her duties. ((b) amended Dec. 6, 1972, P.L.1409, No.303)

(c) No contract or contracts of insurance authorized by this section shall be purchased from or through any person employed by the school district in a teaching or administrative capacity.

(774 amended June 8, 1961, P.L.280, No.164)

Compiler's Note: Section 802(b) of Act 330 of 1978 provided that Act 774 is repealed insofar as it is inconsistent with Act 330.

Section 775. Use of School Buildings for Other Purposes; Arrangements with City, Borough or Township.--The board of school directors of any district may permit the use of its school grounds and buildings for social, recreation, and other proper purposes, under such rules and regulations as the board may adopt. The board shall make such arrangements with any city, borough, or township authorities for the improvement, care, protection, and maintenance of school buildings and grounds for school, park, play, or other recreation purposes, as it may see proper. Any board of school directors may make such arrangements as it may see proper with any officials or individuals for the temporary use of school property for schools, playgrounds, social, recreation, or other proper educational purposes, primaries and elections, and may permit the use of any school building for holding official meetings of the governing authorities of corporate or politic, governmental or quasi-governmental bodies, created by authority of any act of Assembly. The use thereof shall not interfere with school programs and shall be subject to reasonable rules and regulations adopted by the board of school directors.

Funds raised by individuals, groups, associations, or corporations, through the permissive use of school grounds or buildings, now or hereafter authorized by law, shall be the property of the individuals, groups, associations, or corporations, and not the property of the school district, subject, however, to such arrangements as the board may, at its discretion, lawfully make.

The board of school directors of any school district shall have power and authority to lease any part of their respective school building, equipment and premises, or any vacant building, for any educational purpose. Such leases shall be subject to the terms and regulations which may be adopted by the board of school directors, and except in districts of the first class, shall be further subject to the approval of the Department of

Public Instruction. (Par. amended Oct. 21, 1965, P.L.601, No.312)

The board of public education or the board of school directors of any school district shall have power and authority to lease any of their respective school buildings or athletic fields to any reputable organization or group of persons for charitable purposes, subject to such charges as the board shall consider proper to reimburse it for any costs resulting from the leasing of such school buildings or athletic fields. At the time of such leasing, any such board may require a bond, in an amount that it may deem proper, with responsible sureties or securities, and a statement of the charitable purposes for which such lease is requested.

(775 amended Oct. 7, 1955, P.L.676, No.187)

Section 776. School Property Exempt from Taxation and Municipal Assessments; Exception.--All school property owned by any school district, real and personal, that is occupied and used by any school district for public school, recreation, or any other purposes provided for by this act, shall be, and hereby is, made exempt from every kind of State, county, city, borough, township, or other tax, as well as from all costs or expenses for paving, curbing, sidewalks, sewers, or other municipal improvements: Provided, That any school district may make any municipal improvement, in any street on which its school property abuts, or may contribute any sum toward the cost thereof.

Compiler's Note: Section 2 of Act 312 of 1986 provided that section 776 is repealed insofar as it is inconsistent with Act 321.

Compiler's Note: Section 2 of Act 86 of 1968 provided that section 776 is repealed insofar as it is inconsistent with Act 86.

Section 776.1. Child Day-Care Centers in School Buildings.--For purposes of the issuance or renewal of any license, or for inspections, under section 1007 of the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," child day-care centers operated for school-age children in public and private school buildings, buildings utilized by intermediate units or area vocational-technical school buildings which meet the physical site requirements provided for by the department shall be deemed to comply with any Department of Public Welfare child day-care service requirements or regulation concerning physical site requirements.

(776.1 added Dec. 19, 1990, P.L.1362, No.211)

Compiler's Note: The short title of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, referred to in this section, was amended by the act of December 28, 2015 (P.L.500, No.92). The amended short title is now the Human Services Code.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 777. Defacing, Injuring or Destroying Property Used for School Purposes; Penalty.--(a) If any person shall willfully or maliciously break into, enter, deface, or write, mark, or place any obscene or improper matter upon, any public school building, or other building used for school purposes, or other purposes provided for in this act, or any out-house used in connection therewith; or shall deface, injure, damage, or destroy any school furniture, books, paper, maps, charts,

apparatus, or other property contained in any public school building, or other building used and occupied for school purposes, or other purposes provided for in this act; or shall injure, damage, or destroy any shade-trees, shrubbery, fences, or any other property of any kind, upon any public school grounds, or upon any public school playground, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars (\$50) and not more than one thousand dollars (\$1,000), or undergo an imprisonment in the county jail for a period not exceeding six months, either or both, at the discretion of the court. In addition to any other penalty prescribed by this subsection, the court, upon conviction of a defendant for a violation of this subsection, may order the defendant to compensate the school district for any damages it sustained as a result of the defendant's unlawful conduct.

(b) The board of school directors of a school district is authorized to adopt regulations and procedures providing for rewards of up to one thousand dollars (\$1,000) to any person who provides information which aids in the conviction of any person for violating the provisions of subsection (a) and rewards of up to five thousand dollars (\$5,000) to any person who provides information which aids in the conviction of any person for violating any provision of Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, if the violation occurs on school property or property utilized for school purposes.

(777 amended June 30, 1980, P.L.279, No.80)

Section 778. School Police Officers.--(a) Any school entity or nonpublic school may apply to any judge of the court of common pleas of the county within which the school entity or nonpublic school is situated to appoint such person or persons as the board of directors of the school entity or administration of the nonpublic school may designate to act as school police officer for said school entity or nonpublic school. The judge, upon such application, may appoint such person, or so many of them as he may deem proper, to be such school police officer and shall note the fact of such appointment to be entered upon the records of the court. The judge may, at the request of the school entity or nonpublic school, grant the school police officer the power to arrest as provided in subsection (c)(2), the authority to issue citations for summary offenses or the authority to detain students until the arrival of local law enforcement, or any combination thereof.

(a.1) Any school entity or nonpublic school which employs a school police officer under this section shall report annually to the Department of Education, Office of Safe Schools, the following information regarding school police officers receiving training as required under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training):

(1) The identity of the school entity or nonpublic school and the number of school police officers it employs.

(2) The municipalities comprising the school entity or in which the nonpublic school is located.

(3) The date and type of training provided to each school police officer.

(b) Every school police officer so appointed shall, before entering upon the duties of his office, take and subscribe to the oath required by the seventh article of the Constitution, before an alderman or justice of the peace or prothonotary. Such oath shall be filed by the justice of the peace, alderman,

or prothonotary among his papers, and a note made upon his docket of the fact of the oath having been taken.

(b.1) Every school police officer who has been granted powers under subsection (c)(2) or (3) or has been authorized to carry a firearm must, before entering upon the duties of his office, successfully complete training as set forth in 53 Pa.C.S. Ch. 21 Subch. D or have graduated from the Pennsylvania State Police Academy and have been employed as a State trooper with the Pennsylvania State Police.

(c) Such school police officer so appointed shall severally possess and exercise all the following powers and duties:

(1) To enforce good order in school buildings, on school buses and on school grounds in their respective school entities or nonpublic schools. For purposes of this clause, the term "school bus" shall include vehicles leased by the school entity or nonpublic school to transport students and vehicles of mass transit used by students to go to and from school when the school police officer is responding to a report of an incident involving a breach of good order or violation of law.

(2) If authorized by the court, to exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the municipality wherein the school property is located.

(3) If authorized by the court, to issue summary citations or to detain individuals until local law enforcement is notified.

(d) Such school police officer shall, when on duty, severally wear a metallic shield or badge with the words "School Police," and the name of the school entity or nonpublic school for which appointed. Such shield shall always be worn in plain view when on duty except when employed as detective.

(e) The compensation of such school police officers shall be paid by the school entity or nonpublic school for which the school police officers are respectively appointed, as may be agreed upon between the board of school directors or administration of the nonpublic school and the school police officer.

(f) School entities or nonpublic schools and municipalities may enter into cooperative police service agreements pursuant to 42 Pa.C.S. § 8953(e) (relating to Statewide municipal police jurisdiction) and 53 Pa.C.S. § 2303 (relating to intergovernmental cooperation authorized) to authorize the exercise of concurrent jurisdiction with local law enforcement within the municipality where the school or school entity or nonpublic school is located or within the municipality in which a school event or activity will take place.

(f.1) (1) If a school is located within a municipality where no municipal police department exists, the school entity or nonpublic school may enter into a cooperative police service agreement pursuant to 42 Pa.C.S. § 8953(e) and 53 Pa.C.S. § 2303 with a municipality providing full-time police coverage that is located adjacent to the school. At least thirty (30) days prior to executing a cooperative police service agreement under this subsection, the school entity or nonpublic school shall provide written notice of its intent to enter into the agreement to the municipality where the school is located. A copy of the executed agreement shall be provided to the commanding officer of the Pennsylvania State Police installation that provides primary police services to the municipality where the school is located.

(2) A cooperative police service agreement entered into under this subsection shall only pertain to actions taken on

school property pursuant to the agreement and shall not affect the jurisdiction of the Pennsylvania State Police.

(g) When acting within the scope of this section, school police officers shall, at all times, be employees of the school entity or nonpublic school and shall be entitled to all of the rights and benefits accruing therefrom.

(h) Nothing in this section shall be construed to preclude a school entity or nonpublic school from employing other security personnel as the school entity or nonpublic school deems necessary.

(i) As used in this section, "school entity" shall have the same meaning given to it under section 222(c).

(778 amended July 9, 2014, P.L.1039, No.122)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Compiler's Note: Section 33(1) of Act 70 of 2004, which added subsections (a.1) and (b.1), provided that the addition of subsections (a.1) and (b.1) shall take effect in one year.

Section 779. Vehicle Rules and Regulations and Penalties for Violations.--(a) The board of school directors of any school district may make rules and regulations not inconsistent with the provisions of the Vehicle Code or any local ordinance for the admission, control and movement of vehicles and the parking thereof on school property.

(b) Any person violating any rule or regulation promulgated under the authority of this section shall, upon summary conviction thereof, be sentenced to pay a fine of not less than two dollars (\$2) nor more than ten dollars (\$10) and costs of prosecution, and in default of payment thereof, shall undergo imprisonment for not more than ten (10) days.

(779 added June 9, 1972, P.L.384, No.110)

Section 780. Public Hearing Prior to Closing School.--In the event of a permanent closing of a public school or substantially all of a school's facilities, the board of school directors shall hold a public hearing on the question not less than three (3) months prior to the decision of the board relating to the closing of the school. Notice of the hearing shall be given in a newspaper of general circulation in the school district at least fifteen (15) days prior to the date of such hearings.

(780 added Apr. 4, 1984, P.L.190, No.38)

(f) State Public School Building Authority.

((f) added May 9, 1949, P.L.1017, No.296)

Section 781. Grants to State Public School Building Authority.--Any school district shall have power and authority, with the approval of the Department of Public Instruction, to grant, assign and convey to the State Public School Building Authority, with or without consideration, any lands, easements or rights in lands, together with any improvements, buildings or structures therein or thereon, now owned by such school district or hereafter acquired by it, needed or convenient to carry out the purposes of these amendments, as well as furnishings and equipment for school buildings.

(781 added May 9, 1949, P.L.1017, No.296)

Section 782. Acquisition of Lands; Bond Issues.--Any school district shall have power and authority, with the approval of

the Department of Public Instruction and in the manner hereinbefore provided, to acquire title in the name of the school district to any additional lands or interests in lands which may be required to carry out the purposes of these amendments and to finance such acquisition by the issuance and sale of its general obligation bonds, in the manner provided by law.

(782 added May 9, 1949, P.L.1017, No.296)

Section 783. Appropriations; Use of Proceeds of Bond Issues.--Any school district shall have power and authority, with approval of the Department of Education, to appropriate to the State Public School Building Authority any funds available for building purposes or for purposes set forth in sections 784.1 and 784.2 of this act. Any such funds which represent the proceeds of any general obligation bonds issued by the school district shall be used by the State Public School Building Authority for or toward the purpose or purposes for which such bonds were issued, and in the event that any such bonds were issued pursuant to a vote of the electors, any appropriation of such proceeds, as above set forth, shall not be deemed such a change of purpose from that for which such bonds were authorized as shall require the question to be again submitted to a vote of the electors under any existing law.

(783 amended Mar. 28, 1994, P.L.117, No.12)

Section 784. Contracts to Lease and Leases; Operation and Maintenance.--Any school district shall have power and authority, with the approval of the Department of Public Instruction, to enter into contracts with the State Public School Building Authority to lease as lessee from the Authority any school building or any improvement thereto, and the furnishings and equipment thereof, constructed by the Authority, for a term not exceeding forty (40) years, at such rental or rentals as may be determined by the Authority, and upon the execution of a contract or contracts for the construction of, or during the period of construction of, or upon the completion of such school buildings or improvements and the furnishings and equipment thereof, the school district shall have power and authority to lease the same as lessee, for a term not exceeding forty (40) years, at such rental or rentals as may be determined by the Authority. There shall be included in the annual budget of all school districts an appropriation to meet the amount of such rental or rentals.

Any school district shall have the power and authority to pay for operation and maintenance of any school building or any improvement thereto, and furnishings and equipment thereof, leased as lessee by it from the Authority under the provisions of the first paragraph of this section.

(784 amended June 28, 1951, P.L.920, No.172)

Section 784.1. Financing for School Building Property.--(a) Any school district shall have the power and authority, with the approval of the Department of Education, to enter into loan agreements or other financing contracts with the State Public School Building Authority for the financing of the construction, operation, maintenance and improvements of school buildings and the furnishing and equipment of school buildings for a term not exceeding forty (40) years, at such debt service payments as may be determined by the Authority. There shall be included in the annual budget of the school districts an appropriation to meet the amount of such loan payment.

(b) Any school district shall have the power and authority to pay for operation and maintenance of any school building,

or any improvement or furnishings or equipment of a school building, purchased by the school district through financing provided by the Authority under the provisions of the first paragraph of this section.

(784.1 added Mar. 28, 1994, P.L.117, No.12)

Section 784.2. Contracts for Lease or Purchase of Educational Telecommunications and Distance Learning Equipment and Facilities and for Installation, Operation and Maintenance.--(a) The General Assembly finds and declares as follows:

(1) Due to a small population base, rural schools and businesses are often unable to provide the specialized courses or training needed for tomorrow's economy.

(2) Telecommunications offer a largely untapped potential to cross-geographic boundaries to connect specialized teachers and instructors to remote or distant rural settings.

(3) Current telecommunications development efforts, which are the key to the economies of the future, have not been coordinated. This has resulted in duplication of efforts in some areas of this Commonwealth and the exclusion of many rural areas in telecommunications development.

(b) Any school district shall have the power and authority, with the approval of the Department of Education, to enter into contracts or other agreements with the State Public School Building Authority for the financing of a lease or purchase of and the installation, operation and maintenance of any equipment or technology for the purpose of establishing or enhancing educational telecommunications or distance learning applications for a term not exceeding the estimated useful life of the equipment as certified by a professional from the telecommunications/distance learning field, at such rentals or for such purchase price as may be determined by the Authority. There shall be included in the annual budget of the school district an appropriation to meet the amount of such rentals or purchase price.

(c) Any school district shall have the power to sublease or lease equipment and related facilities leased or purchased under this section to governmental or nonprofit organizations subject to reasonable rules and regulations adopted by the board of school directors and further subject to charges as the school board shall consider proper. All proceeds derived from the sublease or lease of the equipment or facility are to be used to defray Authority rental or loan payments or for the purchase of additional telecommunications or distance learning equipment. At the time of the sublease or lease, the school board should request a statement of the governmental or nonprofit purposes for which the sublease or lease is requested and obtain from the sublessee or lessee proper insurance against damage or liability.

(d) Any school district shall have the power and authority to pay for operation and maintenance of any equipment or technology for the purpose of establishing or enhancing educational telecommunications or distance learning applications leased as lessee by it from the authority under the provisions of the first paragraph of this section.

(784.2 added Mar. 28, 1994, P.L.117, No.12)

Section 784.3. Center.--(a) The center shall provide Statewide coordination and training necessary for teachers, school administrators and businesspeople to participate effectively in distance learning. This subsection includes distance learning concepts, transport systems, scheduling needs and opportunities and pilot programs.

(b) The center may continue to provide grants to training centers, postsecondary institutions, intermediate units or other appropriate organizations in order to provide local technical support and training coordination for the program on a regional basis.

(c) The center shall provide coordination, training and advice to the Department of Education and the State Public School Building Authority concerning distance learning opportunities.

(d) For the purposes of this section, "center" means the Center for Rural Pennsylvania.

(784.3 added Mar. 28, 1994, P.L.117, No.12)

Section 785. Failure to Pay Rent or Make Payments; Withholding Appropriation.--(a) In all cases where the board of directors of any school district fails to pay or to provide for the payment of any rental, payment or rentals or payments due the State Public School Building Authority for any period in accordance with the terms of any lease, loan agreement or other lending instrument or contract, entered into under the terms of subdivision (f) of this article, upon written notice thereof from the Authority, the Secretary of Education shall notify such board of school directors of its obligation and shall withhold out of any State appropriation due such school district an amount equal to the amount of the rental, payment or rentals or payments owing by such school district to the State Public School Building Authority and shall pay over the amount so withheld to the Authority in payment of the rental or payment.

(b) In order to provide additional security for the prompt payment in full of any rentals or loan contract payments by school districts to the State Public School Building Authority, the school district for whom the State Public School Building Authority has issued its bonds, notes or other obligations is authorized to enter into an agreement with the State Treasurer which provides for the withholding of any State appropriation due such school district and the payment directly to the State Public School Building Authority in full satisfaction of such rentals or loan contract payments due from the school district during the fiscal year.

(785 amended Dec. 21, 1998, P.L.1194, No.154)

Section 786. Joint Action of Districts.--With the approval of the Department of Public Instruction any two or more school districts may (1) jointly enter into contracts and leases with the State Public School Building Authority for the construction or improvement of a school building and the furnishings and equipment thereof for the joint use of school districts, and may (2) either jointly or individually convey or lease, as hereinbefore provided, to the Authority, any lands and improvements now owned or hereafter acquired by any one or more of such school districts, and may (3) jointly acquire title to additional lands or interests in land, as hereinbefore provided. (Par. amended Jan. 14, 1970, 1969 P.L.468, No.192)

The sharing of the cost of such land and improvements and of the rental or rentals payable to the Authority and the maintenance, government and control of the school shall be agreed upon by the boards of directors of such districts so joining, in such manner and in such proportions as they may agree upon. All schools established under the provisions of this section shall be maintained, governed and controlled as other public schools under the laws of this Commonwealth.

(786 added May 9, 1949, P.L.1017, No.296)

(g) Municipality Authorities.
((g) added Jan. 21, 1952, 1951 P.L.2195, No.627)

Section 790. Grants, Conveyances, Appropriations to, Contracts with, and Leases from, Municipality Authorities.--Whenever the board of any municipality authority shall have undertaken a school project or projects for use by a school district individually or for use by two or more school districts jointly, such school district or school districts shall have the power, upon written approval of the Department of Public Instruction:

(1) To sell, lease, lend, grant or convey to such municipality authority, individually or jointly, with or without consideration, any lands, easements or rights in lands which may be deemed necessary for the project, together with any buildings, structures or improvements thereon erected, as well as furnishings and equipment used or useful in connection therewith.

(2) To purchase or otherwise acquire additional lands or interests in lands which may be deemed necessary for the project, and to finance such acquisition by the issuance and sale of general obligation bonds according to law.

(3) To transfer, assign and set over to such municipality authority any contract which may have been awarded for such project or projects.

(4) To make appropriations to such municipality authority out of its or their general funds or out of any other available funds, including proceeds of insurance on school property, the proceeds of bonds of the school district or districts issued for building purposes and not so used, and moneys set aside or otherwise available for building purposes. Any such funds which represent the proceeds of any general obligation bonds heretofore or hereafter issued by the school district shall be used by such municipality authority for or towards the purpose or purposes for which such bonds were issued and, in the event that any such bonds were issued pursuant to a vote of the electors, any appropriation of such proceeds, as above set forth, shall not be deemed such a change of purpose from that for which such bonds were authorized as shall require the question to be again submitted to a vote of the electors under any existing law.

(5) To lease, individually or jointly, from such municipality authority such school project or projects for a term not exceeding forty (40) years, at such rental or rentals, payable out of current revenues, and upon such terms and conditions as may be authorized by the board of such municipality authority and the board or boards of school directors of such school district or school districts, and, in case of joint leases, to agree upon the manner of sharing, as between the school districts, the rental or rentals and any other sums payable to the municipality authority and the costs and expenses of insuring, operating, maintaining and repairing the school property leased.

(6) To make all other contracts or agreements with such municipality authority or with other school districts as may be deemed necessary or convenient in connection with the project.

(7) In all cases where the board of directors of any school district fails to pay or to provide for the payment of any rental or rentals due any municipality authority or nonprofit corporation for any period in accordance with the terms of any lease entered into under the provisions of this section, the

State Superintendent of Public Instruction shall notify such board of school directors of its obligation, and shall withhold out of any State appropriation due such school district an amount equal to the amount of rental or rentals owing by such school to the municipality authority or nonprofit corporation, and shall pay over the amount so withheld to the municipality authority or nonprofit corporation in payment of the rental.

((7) added Feb. 14, 1956, 1955 P.L.1043, No.333)

(790 added Jan. 21, 1952, 1951 P.L.2195, No.627 and repealed in part Mar. 22, 1956, 1955 P.L.1315, No.417)

(h) Other Means of Financing.

((h) added July 11, 1957, P.L.775, No.373)

Section 791. Grants, Conveyances, Appropriations to, Contracts with, and Leases from, Profit or Nonprofit Corporations, Partnerships, Associations, or Persons.--(a) The board of school directors of any school district or the boards of school directors of any two or more school districts jointly may, if project conforms to plans for the orderly development of administrative units and attendance areas upon the written approval of the Department of Public Instruction. (Par. amended Jan. 14, 1970, 1969 P.L.468, No.192)

(1) Enter into a lease or leases with a profit or nonprofit corporation, partnership, association or persons, for the rental of necessary grounds and buildings for school purposes or buildings to be erected for school purposes whereby the school district or districts shall have the right to renew the lease or leases not to exceed forty years at a stipulated rental to be paid by the school district or districts out of current revenues and at any time during the continuance of the lease or leases purchase the grounds and buildings at a stipulated price.

(2) In connection with the execution of the lease, sell lease, land grant or convey, individually or jointly, to the corporation, partnership, association or person, with or without consideration, any lands, easements, or rights in lands, which are deemed necessary for the project together with any buildings, structures or improvements thereon erected as well as furnishings and equipment used or useful in connection therewith.

(3) Purchase or otherwise acquire additional lands or interests in lands which are deemed necessary for the project and finance the acquisition by the issuance and sale of general obligation bonds.

(4) Transfer, assign and set over to the corporation, partnership, association or person any contract which has been awarded for the project or projects.

(5) Make payments to the corporation, partnership, association or person out of its or their general funds or out of any other available funds including proceeds of insurance on school property, the proceeds of bonds of the school district or districts issued for building purposes and not so used and moneys set aside or otherwise available for building purposes. The proceeds of any general obligation bonds heretofore or hereafter issued by a school district shall be used by the corporation, partnership, association or person for the purpose or purposes for which the bonds were issued and if the bonds were issued pursuant to a vote of the electors the appropriation of the proceeds shall not be deemed such a change of purpose from that for which the bonds were authorized as require the

question to be again submitted to a vote of the electors under any existing law.

(6) In case of joint leases, agree, subject to the approval of the Department of Public Instruction, on the manner of sharing between the school districts the rental or rentals and any other sums payable to the corporation, partnership, association or person and the costs and expenses of insuring, operating, maintaining and repairing the school property leased.

(7) Make all other contracts or agreements with the corporation, partnership, association or person or with other school districts deemed necessary or convenient in connection with the project.

(b) In all cases where the board of directors of any school district fails to pay or to provide for the payment of any rental or rentals due any corporation, partnership, association or person for any period in accordance with the terms of any lease entered into under the provisions of this section, the Superintendent of Public Instruction shall notify the board of its obligation and shall withhold out of any State appropriation due the school district an amount equal to the amount of rental or rentals owing by the school district to the corporation, partnership, association or person and shall pay over the amount withheld to the corporation, partnership, association or person in payment of the rental.

(791 added July 11, 1957, P.L.775, No.373)

ARTICLE VIII. BOOKS, FURNITURE AND SUPPLIES.

Section 801. Purchases; Use in Schools; Rules and Regulations.--The board of school directors of each school district shall purchase all necessary furniture, equipment, textbooks, school supplies, and other appliances for the use of the public schools, or any department thereof, in their respective districts, and furnish the same free of cost for use in the schools of the district, subject to such rules and regulations regarding the use and safe-keeping thereof as the board of school directors may adopt. All furniture, equipment, books, school supplies, and other appliances purchased by the board of school directors of any school district, for the use of the public schools therein, shall be purchased in the manner provided in this act.

Section 802. Period of Use of Textbooks.--(802 repealed Sept. 11, 1959, P.L.869, No.346)

Section 803. Time and Manner of Adopting and Furnishing Textbooks and Supplementary Books.--All school textbooks, in school districts of the second, third and fourth class, shall be adopted by the board of school directors at any regular meeting between the first day of April and the first day of August following. Such books, so adopted, shall be provided for the use of the schools at the beginning of the school terms next following. If in said school districts there shall be a district superintendent, such district superintendent shall report in which subjects new textbooks are needed, and after consultation with the teachers under his supervision, what textbooks should be adopted or changed. No adoption or change of textbooks shall be made without his recommendation, except by a two-thirds vote of the board. Books, supplementary to textbooks regularly adopted, may be adopted and purchased for use in the schools at any time. Such supplementary books shall be adopted in the same manner as textbooks are herein required to be adopted.

(803 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 804. Use of School Books During Vacations.--The board of school directors in any district may allow any pupil in such district the use of school books during vacations, under such rules and regulations as it may adopt.

Section 805. Classes of School Supplies; Purchasing Agent.--(805 repealed July 31, 1968, P.L.796, No.242)

Section 806. Purchase of Supplies of the First Class, Costing \$100 or More.--(806 repealed July 31, 1968, P.L.796, No.242)

Section 807. Purchase of Supplies of the Second Class, Costing \$300 or More.--(807 repealed July 31, 1968, P.L.796, No.242)

Section 807.1. Purchase of Supplies.--(a) ((a) deleted by amendment)

(a.1) ((a.1) deleted by amendment June 30, 2012, P.L.684, No.82)

(a.2) All furniture, equipment, textbooks, school supplies and other appliances for the use of the public schools costing, subject to adjustment under section 120, a base amount of eighteen thousand five hundred dollars (\$18,500) or more shall be purchased by the board of school directors only after due advertisement as hereinafter provided. Supplies costing, subject to adjustment under section 120, a base amount of eighteen thousand five hundred dollars (\$18,500) or more shall be purchased by the board of school directors only after public notice has been given by advertisement once a week for three (3) weeks in not less than two (2) newspapers of general circulation. In any district where no newspaper is published, said notice may, in lieu of such publication, be posted in at least five (5) public places.

(a.3) Written or telephonic price quotations from at least three (3) qualified and responsible vendors shall be requested by the board of school directors for all purchases of supplies that exceed a base amount of ten thousand dollars (\$10,000), subject to adjustment under section 120, but are less than the amount requiring advertisement and competitive bidding, or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three (3) qualified vendors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the vendor and the vendor's representative, the supplies which were the subject of the quotation and the price of the supplies. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

(b) ((b) deleted by amendment)

(b.1) The board of school directors shall accept the bid of the lowest responsible bidder, kind, quality, and material being equal, but shall have the right to reject any and all bids or select a single item from any bid. The board of school directors in any district may authorize or appoint the secretary of the board or other executive as purchasing agent for the district, with authority to purchase supplies that cost a base amount of less than eighteen thousand five hundred dollars (\$18,500), subject to adjustment under section 120.

(c) The following shall be exempt from the above provisions: maps, music, globes, charts, educational films, filmstrips, prepared transparencies and slides, pre-recorded magnetic tapes and disc recordings, textbooks, games, toys, prepared kits,

flannel board materials, flash cards, models, projectuals and teacher demonstration devices necessary for school use.

(d) ((d) deleted by amendment)

(e) No board of school directors shall evade the provisions of this section as to advertising for bids or purchasing materials piecemeal for the purpose of obtaining prices under the base amount of eighteen thousand five hundred dollars (\$18,500), subject to adjustment under section 120, upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than a base amount of eighteen thousand five hundred dollars (\$18,500), subject to adjustment under section 120. This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts each for less than the advertising requirement price, or by making several simultaneous purchases or contracts each below said price, when in either case the transaction involved should have been made as one transaction for one price.

(807.1 amended June 30, 2012, P.L.684, No.82)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Compiler's Note: Section 5 of Act 97 of 2011, which amended section 807.1, provided that Act 97 shall apply to contracts and purchases advertised on or after January 1 of the year following the effective date of section 5.

Section 808. Employe of District as Agent.--No person shall act as agent for school books or school supplies, in any district in which he is engaged or employed as a superintendent, teacher, or employe of the school district in any capacity, or in which he was thus employed during the preceding school year.

Section 809. Giving or Offering Bribes; Penalty.--Every person, firm, association, or corporation that shall directly or indirectly, individually or through an agent or representative, give or promise to give to any school director, officer of any school board, superintendent, teacher, or any other person, any sum of money or other valuable thing, or shall make any promise of any appointment or position, in order to secure, procure, or influence the recommendation, adoption, rejection, or purchase of any books, school furniture, or supplies, by any superintendent, teacher, or school district in this Commonwealth, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than five dollars (\$5) or more than five hundred dollars (\$500), or be sentenced to imprisonment in the county jail for not less than thirty (30) days or more than one (1) year, either or both, at the discretion of the court.

Section 810. Seeking or Receiving Bribes; Penalty.--Any school director, officer, superintendent, supervising principal, or teacher, who shall ask for or accept money or other valuable thing for his vote, recommendation, or influence, in order to secure the recommendation, adoption, rejection, or purchase of any school books, school furniture, or other school supplies, from any person, firm, association, or corporation, or any agent or representative thereof, either directly or indirectly, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than five dollars (\$5) or more than five hundred dollars (\$500), or to be sentenced to imprisonment in the county jail for not less than thirty (30)

days or more than one (1) year, either or both, at the discretion of the court.

ARTICLE IX.
SCHOOL DIRECTORS' ASSOCIATIONS AND
COUNTY BOARDS OF SCHOOL DIRECTORS.

(a) School Directors' Associations.

Section 901. Conventions and Special Meetings.--(901 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 902. Notice and Place of Convention.--(902 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 903. Expenses at Annual Conventions and Special Meetings.--(903 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 904. Officers.--(904 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 905. Executive Committee.--(905 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 906. Auditors.--(906 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 907. Ex-officio Members of Executive Committee.--(907 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 908. Payment of Expenses by County.--(908 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

(b) County Boards of School Directors.

Section 921. Election; Vacancies; Qualifications; Removals.--(921 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 922. Election of Officers.--(922 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 923. Meetings; Filling of Vacancies.--(923 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 924. Expenses of Members; Telephone, etc., Services.--(924 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 925. Powers and Duties.--(925 (a) to (e) repealed Jan. 14, 1970, 1969 P.L.468, No.192)

(f) (1) Any county board of school directors may make contracts of insurance with any insurance company, or nonprofit hospitalization corporation, or nonprofit medical service corporation, authorized to transact business within the Commonwealth, insuring its employes, their spouses and dependents and retired employes under a policy or policies of group insurance covering life, health, hospitalization medical service, or accident insurance, and for such purposes may agree to pay part or all of the premiums or charges for carrying such contracts, and may include the cost of such charges in its estimate of the cost of operating and administering classes or schools for handicapped and institutionalized children to be operated by the county board during the ensuing school year. No contract or contracts of insurance authorized by this section shall be purchased from or through any person employed by the county board in a teaching or administrative capacity.

(2) The county board of school directors is hereby authorized to deduct from the employe's pay, salary, or compensation, such part of the premium as is payable by the employe and as may be so authorized by the employe in writing.

(3) All contracts procured hereunder shall conform and be subject to all the provisions of any existing or future laws concerning group insurance contracts.

((f) added July 24, 1970, P.L.613, No.205)

Section 926. Chief Executive Officer; Powers and Duties.--(926 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 927. Audits.--(927 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 928. Bond of Treasurer.--(928 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 929. Compensation of the Secretary and Treasurer.--(929 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 930. Professional and Temporary Professional Employes.--(930 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

ARTICLE IX-A.

INTERMEDIATE UNITS.

(Art. added May 4, 1970, P.L.311, No.102)

Section 901-A. Establishment of Intermediate Units.--Each school district of the Commonwealth shall be assigned to an intermediate unit, and shall be entitled to the services of an intermediate unit in accordance with a program of services adopted by the intermediate unit board of directors. The arrangement of the school districts of the Commonwealth into intermediate units shall reflect consideration of (i) the number of public school children enrolled in kindergarten through grade twelve, (ii) ease of travel within each intermediate unit, and (iii) the opportunity to provide adequate basic services. Intermediate units shall be part of the public school system of this Commonwealth, and shall become operative on July 1, 1971.

(901-A added May 4, 1970, P.L.311, No.102)

Section 902-A. Arrangement of School Districts Into Intermediate Units.--The school districts are arranged in intermediate units as follows:

Intermediate Unit No. 1: Albert Gallatin Area, Frazier, Brownsville Area, Connellsville Area, Laurel Highlands, Uniontown Area, West Greene, Central Greene, Jefferson Morgan, Carmichaels Area, Southeastern Greene, Fort Cherry, Burgettstown Area, Avella Area, McGuffey, Canon McMillan, Chartiers Houston, Peters Township, Trinity Area, Washington, Ringgold, Charleroi Area, Bethlehem Center, California Area and Bentworth.

Intermediate Unit No. 2: Pittsburgh City.

Intermediate Unit No. 3: North Allegheny, Quaker Valley, Avalon Borough, North Hills, Avonworth, Bellevue Borough, Babcock, Hampton Township, Braddock Borough, Allegheny Valley, Braddock Hills Borough, Highlands Merged, Plum Borough, Gateway, Churchill Area, Wilkinsburg Borough, East Allegheny, Coraopolis Borough, McKeesport Area, West Mifflin Area Union, South Allegheny, East Deer Frazer Union, Elizabeth Forward, East Pittsburgh Borough, Clairton City, Edgewood Borough, West Jefferson Hills Union, Baldwin Whitehall, Mt. Lebanon Township, Etna Borough, Upper St. Clair Township, Bethel Park, Chartiers Valley, Keystone Oaks, Fox Chapel Union, Montour, Carlynton, Sto Rox, West Allegheny, Homestead Borough, Duquesne City, Brentwood Borough, South Park, South Fayette Township, Millvale Borough, Moon Union, Munhall Borough, Neville Township, North Braddock Borough, Oakmont Borough, Penn Hills Township, Rankin Borough, Reserve Township, Shaler Township, Sharpsburg Borough, Swissvale Borough, Turtle Creek Borough, Verona Borough, West Deer Township and West Homestead Borough.

Intermediate Unit No. 4: Slippery Rock Area, Butler Area, Southwest Butler County, Mars Area, Bruin Borough, South Butler County, Chicora Borough, Clay Township, Donegal Township, Fairview Township, Karns City Borough, Moniteau Merged, Parker

Township, Perry Township, Petrolia Borough, West Sunbury Borough, Ellwood City Area, Laurel, Mohawk Area, Neshannock Township, New Castle Area, Shenango Area, Union Area, Wilmington Area, Jamestown Area, Commodore Perry, Mercer Area, Greenville Area, West Middlesex Area, Grove City Area, Lakeview, Sharon City, Hickory Township, Reynolds, Sharpsville Area and Farrell Area.

Intermediate Unit No. 5: Blooming Valley Borough, Cambridge Springs Borough, Cambridge Township, Cochrannton Borough, Conneaut Lake Borough, Conneaut Valley Merged, Cussewago Township, East Fairfield Township, East Fallowfield Township, Fairfield Township, French Creek Township, Greenwood Township, Hayfield Township, Linesville Conneaut Merged, Meadville Area Union, North Shenango Township, Randolph East Mead Merged, Richmond Township, Rockdale Township, Sadsbury Township, Saegerwood Merged, Sparta Merged, Steuben Township, Summit Township, Townville Area Merged, Venango Borough, Venango Township, Wayne Township, West Fallowfield Township, Woodcock Borough, Erie City, Mill Creek Township, Amity Township, Bloomfield Township, Columbus Township, Concord Township, Corry City, Edinboro Area Union, Elgin Borough, Fairview Union, Fort Leboeuf Merged, Girard Union, Greene Township, Greenfield Township, Harbor Creek Township, Iroquois Area Merged, McKean Union, North East Borough, North East Township, Northwestern Union, Spring Creek Township, Union City Borough, Union Township, Venango Township, Wattsburg Borough, Wayne Township, and Warren County.

Intermediate Unit No. 6: Allegheny Clarion Valley, Clarion Area, Clarion Limestone Area, Keystone, North Clarion County, Redbank Valley, Union, Dubois Area, Forest Area, Brockway Area, Brookville Area, Punxsutawney Area, Oil City Area, Franklin Area, Cranberry Area, Valley Grove, Allegheny Township, Oilcreek Township, Pleasantville Borough and Titusville Area.

Intermediate Unit No. 7: Burrell, Kiski Area, Franklin Regional, Derry Area, Greater Latrobe, Mount Pleasant Area, Ligonier Valley, Hempfield Area, Greensburg Salem, Yough, Monessen City, Belle Vernon Area, Jeannette City, Norwin, Penn Trafford, Southmoreland and New Kensington Arnold.

Intermediate Unit No. 8: Bedford Area, Chestnut Ridge, Everett Area, Northern Bedford County, Tussey Mountain, Tyrone Area, Bellwood Antis, Altoona Area, Williamsburg Community, Hollidaysburg Area, Clayburg Kimmel, Spring Cove, Northern Cambria, Cambria Heights, Penn Cambria, Portage Area, Forest Hills, Blacklick Valley, Conemaugh Valley Area, Richland, Ferndale Area, Westmont Hilltop, Central Cambria, Greater Johnstown, Berlin Area Merged, Boswell Borough, Brothersvalley Township, Conemaugh Township Union, Elk Lick Township, Fairhope Township, Greenville Township, Hooversville Borough, Jennerstown Area Merged, Meyersdale Area Union, Quemahoning Township, Rockwood Area Merged, Salisbury Borough, Shade Central City Union, Shanksville Borough, Somerset Area Merged, Stonycreek Township, Stoystown Borough, Turkeyfoot Valley Area Union and Windber Area Merged.

Intermediate Unit No. 9: Cameron County, Johnsonburg Area, Ridgway Area, St. Marys Area, Bradford Area, Otto Eldred, Port Allegany Smethport Area, Kane Area, Oswayo Valley, Northern Potter, Coudersport Area, Galetton Area and Austin Area.

Intermediate Unit No. 10: Bald Eagle Area, Bellefonte Area, State College Area, Penns Valley Area, West Branch Area, Moshannon Valley, Harmony, Curwensville Area, Clearfield Area, Philipsburg Osceola Area, Glendale Allison Township, Bald Eagle Township, Beech Creek Borough, Beech Creek Township, Castanea

Township, Chapman Township, Colebrook Township, Curtin Township, Dunnstable Township, East Keating Township, Flemington Borough, Gallagher Township, Greene Township, Grugan Township, Lamar Township, Leidy Township, Liberty Township, Lock Haven City, Logan Township, Loganton Borough, Mill Hall Borough, Noyes Township, Pine Creek Township, Porter Township, Renovo Borough, Stewardson Township, South Renovo Borough, Wayne Township and Woodward Township.

Intermediate Unit No. 11: Southern Fulton, Central Fulton, Forbes Road, Juniata Valley, Huntingdon Area, Mount Union Area, Southern Huntingdon County, Juniata County and Mifflin County.

Intermediate Unit No. 12: Bermudian Springs Merged, Conewago Township, Cumberland Township, East Berlin Borough, Fairfield Area Merged, Franklin Township, Germany Township, Gettysburg Area Merged, Latimore Township, Littlestown Borough, McSherrystown Borough, Mount Joy Independent, Mount Pleasant Township, New Oxford Area Merged, Union Township, Upper Adams Merged, Central York Dallastown Area, Dover Area, Eastern York, Northeastern, Red Lion Area, South Eastern, Southern York County, South Western, Spring Grove Area, West York Area, York City, York Suburban, Hanover Borough, Chambersburg Area, Waynesboro Area, Tuscarora, Greencastle Antrim and Fannett Metal.

Intermediate Unit No. 13: Cocalico, Conestoga Valley, Donegal, Eastern Lancaster County, Elizabethtown Area, Ephrata Area, Lampeter Strasburg, Columbia Borough, Manheim Central, Manheim Township, Penn Manor, Pequea Valley, Solanco, Warwick, Hempfield Union, Lancaster City, Lancaster Township, Palmyra Area, Annville Cleona, Cornwall Lebanon, Eastern Lebanon County, Northern Lebanon and Lebanon.

Intermediate Unit No. 14: Boyertown Area, Brandywine Heights Area, Conrad Weiser Area, Daniel Boone Area, Exeter Township, Fleetwood Area, Governor Mifflin, Hamburg Area, Kutztown Area, Antietam, Muhlenberg Township, Oley Valley, Reading City, Schuylkill Valley, Tulpehocken Area, Twin Valley, West Reading Borough, Wilson and Wyomissing Area.

Intermediate Unit No. 15: Big Spring, Camp Hill, Carlisle Area, Cumberland Valley, East Pennsboro Area, Mechanicsburg Area, Shippensburg Area, South Middleton, West Shore, Upper Dauphin Area, Millersburg Area, Middletown Area, Central Dauphin, Lower Dauphin, Steelton Highspire, Halifax Area, Susquehanna Township, Derry Township, Harrisburg City, West Perry, Susquenita, Newport, Greenwood and Northern York County.

Intermediate Unit No. 16: Benton Area, Berwick Area, Bloomsburg Area, Central Columbia, Millville Area, Southern Columbia Area, Danville Area, Warrior Run, Milton Area, Shikellamy, Line Mountain, Shamokin Area, Mount Carmel Area, Adams Township, Beavertown Borough, Center Township, Chapman Township, Franklin Township, Freeburg Borough, Jackson Township, Middleburg Borough, Middlecreek Township, Monroe Township, Penn Township, Perry Township, Selinsgrove Borough, Shamokin Dam Borough, Spring Township, Union Township, Washington Township, West Beaver Township, West Perry Township, Lewisburg Area and Mifflinburg Area.

Intermediate Unit No. 17: Towanda Area, Northeast Bradford, Wyalusing Area, Canton, Troy Area, Athens Area, Sayre Area, East Lycoming, Muncy, Montgomery Area, Montoursville Area, South Williamsport Area, Williamsport Area, Jersey Shore Area, Loyalsock Township, Sullivan County, Northern Tioga, Southern Tioga and Wellsboro Area.

Intermediate Unit No. 18: Ashley Borough, Northwest Area, Lake Lehman, Bear Creek Township, Dallas, Wyoming Area, Buck

Township, Pittston Area, Wyoming Valley West, Greater Nanticoke Area, Hazleton Area, Dennison Township, Dorrance Township, Fairview Township, Hanover Township, Laflin Borough, Laurel Run Borough, Nuangola Borough, Plains Township, Rice Township, Slocum Township, Sugar Notch Borough, Warrior Run Borough, White Haven Borough, Wilkes Barre City, Wilkes Barre Township, Wright Township and Tunkhannock Area.

Intermediate Unit No. 19: Scranton City, Abington Heights, Dunmore Borough, Archbald Borough, Riverside, North Pocono, Blakely Borough, Old Forge Borough, Carbondale City, Carbondale Township, Dickson City Borough, Fell Township, Greenfield Township, Jermyrn Borough, Jessup Borough, Mayfield Borough, Olyphant Borough, Scott Township, Throop Borough, Blue Ridge, Elk Lake, Forest City Regional, Montrose Area, Mountain View, Susquehanna Community, Blooming Grove Township, Buckingham Township, Canaan Township, Clinton Township, Damascus Township, Dreher Township, Greene Township, Hawley Borough, Honesdale Union, Lackawaxen Township, Lake Township, Manchester Township, Palmyra Township, Palmyra Township Pike, Paupack Township, Preston Township, South Canaan Township, Salem Township, Scott Township, Sterling Township, Waymart Borough, White Mills Independent and Lackawanna Trail.

Intermediate Unit No. 20: Pleasant Valley, Pocono Mountain, East Stroudsburg Area, Stroudsburg Area, Bangor Area, Pen Argyl Area, Nazareth Area, Northampton Area, Saucon Valley, Bethlehem Area, Easton City, Forks Township, Lower Mt. Bethel Independent, Palmer Township, Riegelsville Borough, Williams Township, Wilson Borough Union and Delaware Valley.

Intermediate Unit No. 21: Palmerton Area, Lehigh Area, Jim Thorpe Area, Panther Valley, Weatherly Area, Allentown City, Catasauqua, East Penn, Northern Lehigh, Northwestern Lehigh, Parkland, Salisbury Township, Southern Lehigh and Whitehall Coplay.

Intermediate Unit No. 22: Palisades, Quakertown Community, Pennridge, Central Bucks, Council Rock, Centennial, Neshaminy, Pennsbury, Morrisville Borough, Bristol Township, Bristol Borough, Bensalem Township and New Hope Solebury.

Intermediate Unit No. 23: Upper Moreland Township, Abington, Jenkintown, Bryn Athyn Borough, Cheltenham Township, Springfield Township, Collegeville Borough, Lower Merion, Colonial Wissahickon, Upper Dublin, Hatboro Horsham, North Penn, Norristown Area, Upper Merion Area, Spring Ford Area, Souderton Area, Upper Perkiomen, Pottstown, Pottsgrove, Lower Moreland Township, Lower Providence Township, Schwenksville Union, Skippack Township, Trappe Borough and Worcester Township.

Intermediate Unit No. 24: Owen J. Roberts, Oxford Area, Phoenixville Area, Downingtown Area, Coatesville Area, Octorara Area, Charlestown Township, West Chester Area, Unionville Chadds Ford, Kennett Consolidated, Avon Grove, East Whiteland Township, Easttown Township, Malvern Borough, Tredyffrin Township and Willistown Township.

Intermediate Unit No. 25: Radnor Township, Aldan Borough, Haverford Township, Bethel Township, Ridley, Marple Newtown, Rose Tree Media, Chester Heights Borough, Chester City, Chichester, Chester Township, Clifton Heights Borough, Collingdale Borough, Colwyn Borough, Concord Township, Darby Borough, Darby Township, East Lansdowne Borough, Folcroft Borough, Glenolden Borough, Lansdowne Borough, Millbourne Borough, Morton Borough, Nether Providence Township, Norwood Borough, Penn Delco Union, Prospect Park Borough, Sharon Hill Borough, Springfield Township, Swarthmore Rutledge Union,

Tinicum Township, Upland Borough, Upper Darby Township and Yeadon Borough.

Intermediate Unit No. 26: Philadelphia City.

Intermediate Unit No. 27: Ambridge Area Merged, Baden Economy Union, Beaver Area, Western Beaver County Area, Midland Borough, Beaver Falls Area, Aliquippa Borough, Big Beaver Borough, Center Township, Freedom Area, Chippewa Township, Rochester Area, New Brighton Area, Northeastern Beaver County, Darlington Borough, Darlington Township, Enon Valley Borough, Frankfort Springs Borough, Georgetown Borough, Greene Township, Hanover Township, Harmony Township, Homewood Borough, Hookstown Borough, Hopewell Township, Independence Township, Koppel Borough, Monaca Borough, New Galilee Borough, Patterson Heights Borough, Patterson Township, Potter Township, Raccoon Township, Shippingport Borough, South Beaver Township, West Mayfield Borough.

Intermediate Unit No. 28: Armstrong, Apollo Borough, Buffalo Township, Freeport Borough, Kiskiminetas Township, Leechburg Union, North Apollo Borough, South Buffalo Township, United, Blairsville, Saltsburg, Homer Center, Penns Manor Area, Indiana Area, Purchase Line, Marion Center Area, Jacksonville Borough, West Lebanon Independent, and Young Township.

Intermediate Unit No. 29: Pine Grove Area, Williams Valley, Tri Valley, Blue Mountain, Schuylkill Haven Area, Minersville Area, Pottsville Area, Saint Clair Area, North Schuylkill, Mahanoy Area, Tamaqua Area, Shenandoah Valley.

(902-A added May 4, 1970, P.L.311, No.102)

Section 903-A. Transfer of Membership.--Any school district may apply for transfer from one intermediate unit to another intermediate unit with which its boundaries are contiguous by submitting a written request for such transfer to the State Board of Education, along with reasons for requesting such transfer and with the written approval or disapproval of all school districts within the intermediate unit of which the school district is a member and all school districts within the intermediate unit to which it wishes to transfer. If the State Board of Education approves the transfer, it shall be effective the following July 1. In no event shall a transfer be made without the approval of all the school districts within all intermediate units involved in said transfer.

(903-A added May 4, 1970, P.L.311, No.102)

Section 904-A. Merger of Intermediate Units.--Two or more intermediate units may, with the approval of a majority of the members of each intermediate unit board of directors and all school districts within each intermediate unit, submit a written request to the State Board of Education for consolidation. If the State Board of Education approves such consolidation, it shall be effective the following July 1.

(904-A added May 4, 1970, P.L.311, No.102)

Section 905-A. Regulations.--The State Board of Education shall adopt such regulations as it deems necessary to guide the organization and operation of intermediate units and to provide procedures for amendment of the State plan of intermediate units.

(905-A added May 4, 1970, P.L.311, No.102)

Section 906-A. Program of Services.--From July 1, 1971 to June 30, 1972, intermediate units shall provide essential services formerly provided by county boards of school directors, collect and analyze informational data and adopt the program of services to be provided by the intermediate unit. On or before May 1, 1971, and annually thereafter, each intermediate unit shall submit a program of services for the next school year to the Superintendent of Public Instruction for budgetary

approval. Such program of services shall be developed and submitted in accordance with law, as hereinafter provided.

(906-A added May 4, 1970, P.L.311, No.102)

Section 907-A. Subsidies for Services.--(a) Intermediate units shall receive subsidies from the Commonwealth as herein provided only for services performed pursuant to and authorized by law, as hereinafter provided. Nothing contained herein shall prohibit intermediate units from receiving funds from school districts and other sources including nonpublic nonprofit schools and expending such funds to provide additional services not included in the approved program of services.

(b) No later than February 1, 2012, and by February 1 of each year thereafter, an intermediate unit shall submit to the Department of Education a report on subsidies and funds received in accordance with this section.

(1) The report shall include, but not be limited to, the following information:

(i) A listing of all contracts, interagency agreements, intergovernmental agreements, purchase orders, memoranda of understanding, agreements and other arrangements between a Commonwealth agency and an intermediate unit or between intermediate units in an amount greater than \$50,000.

(ii) With respect to each item listed under subparagraph (i), the following:

(A) The total amount and duration of the item, including the annual amount if the item covers multiple years.

(B) The sources and amounts of funds needed to cover the entire cost of the item.

(C) A description of programs or services, or both, being provided, including performance measures by which the intermediate unit will be assessed and penalties for nonperformance.

(D) A description of the selection process used in entering into the item.

(E) A listing of all employees, contractors and agents covered under the item, the duties of each individual and the remuneration provided to each individual.

(2) The Department of Education shall develop the format to be used by the intermediate units preparing the report required under paragraph (1).

(3) The Department of Education shall post the reports on its publicly accessible Internet website by March 1 of each year. ((3) amended July 12, 2012, P.L.1142, No.141)

(4) The first report shall cover fiscal years 2009-2010 and 2010-2011. Each future report shall cover the previous fiscal year.

(907-A amended June 30, 2011, P.L.112, No.24)

Section 908-A. Special Pupil Services.--All powers and duties of county boards of school directors with respect to special pupil services are hereby transferred to intermediate unit boards of directors, effective July 1, 1971, and all Commonwealth payments theretofore paid to county boards of school directors on account of special pupil services shall thereafter be paid to intermediate unit boards of directors.

(908-A added May 4, 1970, P.L.311, No.102)

Section 909-A. Vocational-Technical Education.--All powers and duties of county boards of school directors with respect to vocational-technical education are hereby transferred to intermediate unit boards of directors, effective July 1, 1971;

and all Commonwealth payments theretofore paid to county boards of school directors on account of vocational-technical education shall thereafter be paid to intermediate unit boards of directors.

(909-A added May 4, 1970, P.L.311, No.102)

Section 910-A. Intermediate Unit Board of Directors.--(a)

The intermediate unit board of directors shall be composed of thirteen members except as otherwise provided for in this subsection, chosen for terms of three years from among members of the boards of school directors of school districts comprising the intermediate unit. An intermediate unit director may succeed himself without limitation as to the number of terms. Where there are fewer than thirteen school districts within an intermediate unit, there shall be one school director from each school district elected to the intermediate unit board of directors, but any such intermediate unit board of directors may elect one additional at-large member. When there are more than thirteen districts in an intermediate unit each district, as far as practicable, may have one member on the unit board, up to a maximum of twenty-two members. The election of intermediate unit boards of directors shall be by proportionate ballot, and each school director of each school district within an intermediate unit shall be entitled to cast votes determined by dividing the weighted average daily membership of the school district by the total weighted average daily membership within the intermediate unit, multiplying the quotient so obtained by one thousand, dividing the product so obtained by the number of directors as provided for above, and rounding such dividend to the nearest whole number: Provided, however, That each school director shall have at least one vote. The Secretary of Education shall annually, not later than the first day of February, certify the weighted average daily membership for the previous school year for each school district and for each intermediate unit, and shall compute the number of votes to which each school director of each school district within an intermediate unit shall be entitled. ((a) amended June 29, 2002, P.L.524, No.88)

(b) Except for the initial election, directors shall be elected annually between February 1 and June 30 by convention or by mail ballot of the school directors of the school districts comprising an intermediate unit as follows: five every third year, four each other year. An intermediate unit board choosing to elect members by mail ballot shall notify the secretary of the board of directors of each school district comprising the intermediate unit annually prior to January 1. The act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law shall not apply to the election of members by mail ballot. Each intermediate unit board of directors may organize annually in June provided the annual election of directors has taken place; in all other cases such boards shall organize in July. ((b) amended Oct 4, 1984, P.L.725, No.156)

(c) The initial election of directors shall be held between the effective date of this act and January 15, 1971; and thirteen directors shall be elected for terms to begin on January 15, 1971, to expire for four directors on June 30, 1972, for four directors on June 30, 1973 and for five directors on June 30, 1974. From the date of election to July 1, 1971 the directors elected initially shall serve as intermediate unit planning committees to plan for the operations of intermediate units commencing July 1, 1971.

(d) Vacancies on an intermediate unit board of directors shall be filled by appointment by majority vote of the remaining intermediate unit directors. A director so appointed shall serve until the annual election, at which time a director shall be elected to serve the unexpired portion of the term. An intermediate unit director elected to fill a vacancy may succeed himself without limitations as to the number of terms. Vacancies shall occur upon the death, resignation, or removal of an intermediate unit director, or when he no longer holds office as a school director. In the event vacancies exist or occur in the membership of all of the members of an intermediate unit board of directors, a special convention, called by the Secretary of Education, shall be held of school directors of the school districts comprising the intermediate unit for the purpose of electing directors to fill the vacancies.

(e) Any member of an intermediate unit board of directors may be removed in the same manner and for the same cause as provided by law for removal of members of boards of school directors.

(f) Elections of intermediate unit directors and the organization of intermediate unit boards of directors shall be conducted in accordance with regulations adopted by the State Board of Education.

(g) In the case of an intermediate unit comprised of a single school district, the board of education of the school district shall be the intermediate unit board of directors.

(h) To stand for election to an intermediate unit board of directors, in accordance with this section and section 911-A, or to stand for appointment to fill a vacancy on an intermediate unit board of directors, in accordance with this section, a director from a member district shall first be nominated by a majority vote of the board of directors of that member district and a record of such vote shall become part of the minutes of said district which record of the vote shall be transmitted to the intermediate unit prior to such election or appointment. A person properly elected or appointed, in accordance with this section and section 911-A, shall be seated as a member of the intermediate unit board of directors. ((h) amended Dec. 17, 1982, P.L.1378, No.316)

(910-A amended Apr. 6, 1980, P.L.86, No.30)

Section 911-A. Conventions.--The intermediate unit board of directors may direct the executive director to call a convention to be held between February 1 and June 30 for the purpose of electing members to the intermediate unit board of directors, for consideration and discussion of matters pertaining to the improvement of education in the schools within the intermediate unit, and for such other business as may properly come before the convention. In addition, the intermediate unit board of directors may call into special convention the school directors of all school districts comprising an intermediate unit at any time for the consideration of business which may properly come before a special convention. On petition of a majority of the school districts comprising the intermediate unit for a special convention for a stated purpose relating to proper business of the intermediate unit, including the election of members to the intermediate unit board of directors, the intermediate unit board of directors shall direct the executive director to call into special convention the school directors of all school districts comprising the intermediate unit for consideration of such stated purpose or election: Provided, That petitions for a convention to elect members of the intermediate unit board

of directors must be received by the secretary of the intermediate unit board of directors no later than February 1. Notice to each such district director shall be given at least five days prior to such special convention.

(911-A amended Apr. 6, 1980, P.L.86, No.30)

Section 912-A. Election of Officers.--(a) During the month of July, 1971, each intermediate unit board of directors shall elect a president and a vice president from among its members, a secretary and a treasurer, who need not be members. The treasurer may be any corporation duly qualified and legally authorized to transact a fiduciary business in the Commonwealth.

(b) Before entering upon his duties, the treasurer shall furnish a bond in an amount and with surety or sureties as the intermediate unit board of directors shall approve, conditioned upon the faithful performance of his duties. The cost of the bond shall be paid out of the funds of the intermediate unit. No bond shall be required where a bank or trust company serves as treasurer.

(c) Not later than January 15, 1971, each intermediate unit planning committee shall elect officers in the manner provided herein, to serve until the election of officers in July, 1971.

(912-A added May 4, 1970, P.L.311, No.102)

Section 913-A. Staff.--(a) The staff of an intermediate unit shall consist of an executive director and such assistant executive directors, program specialists, and other personnel as the intermediate unit board of directors deems necessary to employ. In the case of an intermediate unit comprised of a single school district, the district superintendent shall serve as executive director of the intermediate unit. His salary shall not be charged to the intermediate unit budget; and, the salary of his assistants shall be charged to the intermediate unit budget only to the extent that such assistants are engaged in providing approved intermediate unit services as determined by the executive director.

(b) An executive director shall be appointed by each intermediate unit board of directors for a term of four years: Provided, That the initial term shall commence July 1, 1971 and terminate June 30, 1974: And, provided further, however, That each intermediate unit planning committee may employ an executive director-elect to serve prior to July 1, 1971. An executive director shall hold a commission issued by the Superintendent of Public Instruction, in accordance with regulations adopted by the State Board of Education.

(c) Assistant executive directors may be appointed by each intermediate unit board of directors upon recommendation of the executive director for a term of four years: Provided, That the initial term shall commence July 1, 1971, and terminate June 30, 1974: And provided further, however, That each intermediate unit planning committee may employ assistant executive directors-elect upon recommendation of the executive director-elect to serve prior to July 1, 1971. An assistant executive director shall hold a commission issued by the Superintendent of Public Instruction, in accordance with regulations adopted by the State Board of Education.

(d) All persons holding a commission for the office of county superintendent or assistant county superintendent valid for the term of office beginning July 1966, shall be eligible for election to the office of executive director or assistant executive director in 1971, and, if elected to either office, shall remain eligible for election or reelection to either office thereafter.

(e) All professional and temporary professional employees of an intermediate unit shall have the same rights of tenure, minimum salaries and increments, leaves of absence because of illness, professional study or physical disability, sabbatical leaves, military leaves and exchange teacher leaves as professional and temporary professional employees of school districts.

(f) Program specialists shall satisfy minimum qualifications adopted by the State Board of Education.

(g) All employees of an intermediate unit shall be eligible for and become members of the Public School Employees' Retirement System of Pennsylvania, except that members of the State Employees' Retirement System may elect to remain members of such retirement system.

(h) All persons employed by an intermediate unit prior to July 1, 1971, other than the executive director and assistant executive directors, shall be selected, as the need arises, and to the extent such persons are available, from among those persons who, on the effective date of this act, are employed by or assigned to the offices of the county boards of school directors replaced by the intermediate unit. Position placement and salaries shall be determined by an intermediate unit board of directors upon recommendation of the executive director, who shall be guided by the program of services to be offered by the intermediate unit.

(913-A added May 4, 1970, P.L.311, No.102)

Section 914-A. Powers and Duties of the Intermediate Unit Board of Directors.--An intermediate unit board of directors shall have the power and its duty shall be:

(1) To appoint an executive director and determine his salary.

(2) To appoint assistant executive directors upon recommendation of the executive director and determine their salaries.

(3) To approve professional staff appointments made by the executive director.

(4) To adopt employment policies for nonprofessional staff.

(5) To adopt a program of services. Each intermediate unit may provide, but shall, except as hereinafter provided, be limited to, the following services: (i) curriculum development and instructional improvement services; (ii) educational planning services; (iii) instructional materials services; (iv) continuing professional education services; (v) pupil personnel services; (vi) State and Federal agency liaison services; and (vii) management services. Each additional service to be provided shall be first approved by a majority of all the boards of school directors comprising the intermediate unit at a meeting called by the intermediate unit board of directors for the express purpose of approving or disapproving any such additional service. Each intermediate unit may provide for the furnishing of any of the services mentioned in this clause or elsewhere in this act to nonpublic, nonprofit schools which schools are hereby authorized to contract for and purchase services from intermediate units so as to participate in the intermediate program.

(6) To adopt and advertise the intermediate unit budget. The budget shall be approved by (i) at least a majority of the school districts comprising the intermediate unit; and (ii) at least a majority of the proportionate votes of all school directors and shall be filed annually with the Secretary of Education and advertised or notice thereof given to the public in each of its component school districts as required of local

school district budgets by section 687 of this act on or before the first day of May. Budgeted expenditures shall be those expenditures classified as current expenses, capital outlays, debt redemptions and outgoing transfers according to the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems and amendments and supplements thereto published by the Department of Education. ((6) amended Apr. 6, 1980, P.L.86, No.30)

(7) To provide for and conduct programs of services authorized by the State Board of Education, including services performed under contract with component school districts. Except as otherwise provided by law, all powers and duties of county boards of school directors in regard to classes and schools for exceptional children, educational broadcasting, audio-visual libraries, instructional materials centers, area technical schools and area vocational-technical schools are hereby transferred to and conferred upon intermediate unit boards of directors. An intermediate unit may contract with school districts to provide services on behalf of the intermediate unit.

(8) To contract for specialized services.

(9) To receive Federal, State, school district and other moneys and expend the same to conduct programs of services.

(10) To designate one or more banks or bank and trust companies as a depository or depositories for its funds. Each such depository shall furnish a bond or collateral in lieu thereof as is provided in the case of depositories of school funds.

(11) To lease land and buildings and to own office space and warehouse facilities. ((11) amended July 10, 1986, P.L.1270, No.117)

(12) To employ a solicitor for such purposes as may be required and fix his compensation.

(13) To select a name for the intermediate unit, which shall be filed with and approved by the Superintendent of Public Instruction.

(14) To consolidate and let combined bids for bulk purchases.

(15) To perform such other duties as may be required by regulation of the State Board of Education.

(16) To prepare and submit to the State Board for Vocational Education proposals for arranging school districts of the intermediate unit into area vocational-technical attendance areas or any revisions thereof. A school district in an adjacent intermediate unit may be included in such proposed attendance area with the concurring approval of the board of school directors of the school district and the intermediate unit to which it belongs. ((16) added Dec. 6, 1972, P.L.1417, No.308)

(17) To purchase or lease equipment and motor vehicles to be used for educational programs and services. ((17) added Apr. 6, 1980, P.L.86, No.30)

(914-A added May 4, 1970, P.L.311, No.102)

Section 914.1-A. Contracts with Private Residential Rehabilitative Institutions; Certain Criteria in Department Audits.--(Hdg. amended Nov. 23, 1999, P.L.529, No.48) (a)

Intermediate units and local school districts shall have the power to contract with private residential rehabilitative institutions for educational services to be provided to children as part of any rehabilitative program required in conjunction with the placement of a child in any such institution or in a day treatment program of that institution pursuant to a

proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters). ((a) amended Dec. 17, 1982, P.L.1378, No.316)

(b) The cost of the educational services as provided in subsection (c) shall be determined under section 2561(6) of this act. If the school district of residence of the child cannot be determined, the costs shall be borne by the Department of Education. The department shall promulgate audit standards which shall be used by the contracting parties in determining the actual costs which are subject to reimbursement to the private residential rehabilitative institution. The audit standards, promulgated by the department, shall specify as reasonable costs associated with the operation of the educational program offered. The department shall effectuate necessary procedures for the transfer of funds from the school district of residence to the school district or intermediate unit in which the private residential rehabilitative institution is located. In effectuating the transfer of funds, the department may deduct the appropriate amount from the basic instructional subsidy of any school district which had resident students that were provided educational services by a private residential rehabilitative institution. ((b) amended July 11, 1996, P.L.633, No.107)

(c) For the purpose of this section, a "private residential rehabilitative institution" means a facility, other than one operated by a public agency, which as of December 31, 1977 provided to juveniles legally committed thereto or legally committed to a day treatment program of that institution pursuant to a proceeding under the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act," educational services as part of a total rehabilitative package, funded, at least in part, through contractual agreements with the county of which each child is a resident, whereby the institution received from the county an amount per diem for each child legally committed thereto or legally committed to a day treatment program thereof. For the purpose of this section, educational services shall be defined as direct expenditures for instruction and the administration of the instructional program. Any expenditures not pertaining directly to instruction and the administration of the instructional program of the students shall be considered a cost of child welfare services as provided for in sections 704.1 and 704.2, act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," and as a social service as defined in the regulations promulgated pursuant to that act. Under no circumstances shall a school district or the Department of Education be required to provide funding for programs operated in excess of one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction at the elementary level or nine hundred ninety (990) hours of instruction at the secondary level during any one school year. However, nothing in this section shall be construed to alter or limit the educational rights of exceptional children. ((c) amended June 29, 1984, P.L.438, No.93)

(d) A private residential rehabilitative institution shall be exempt from administrative control by the intermediate unit contracting therewith other than those controls necessary to assure the proper expenditure of funds for the maintenance of the minimum education program provided for in the contract. Such contracts shall not require compliance with this act to any extent greater than such compliance existed on the effective date of this amendatory act.

(e) ((e) deleted by amendment July 11, 1996, P.L.633, No.107)

(f) The educational program cost criteria of a private residential rehabilitative institution that are deemed allowable by the department for the private residential rehabilitative institution's 1998-1999 school year shall be acceptable for all future audits conducted by the department. ((f) added Nov. 23, 1999, P.L.529, No.48)

(914.1-A added Apr. 6, 1980, P.L.86, No.30)

Compiler's Note: The short title of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, referred to in this section, was amended by the act of December 28, 2015 (P.L.500, No.92). The amended short title is now the Human Services Code.

Section 915-A. Powers and Duties of Executive Director.--The executive director of an intermediate unit shall have the power and his duty shall be:

- (1) To administer the intermediate unit program of services.
- (2) To appoint professional staff subject to the approval of the intermediate unit board of directors.
- (3) To employ nonprofessional staff in accordance with employment policies of the intermediate unit board of directors.
- (4) To prepare the budget for adoption by the intermediate unit board of directors.
- (5) To direct expenditures of funds within the budget or other authorizations of the intermediate unit board of directors.
- (6) To appoint such advisory groups as will assist the staff in providing programs of services for school districts.
- (7) To provide the Superintendent of Public Instruction with information, reports and services.
- (8) To perform such other duties as may be required by the intermediate unit board of directors and the regulations of the State Board of Education.

(915-A added May 4, 1970, P.L.311, No.102)

Section 916-A. Intermediate Unit Council.--Each intermediate unit shall have an Intermediate Unit Council composed of all chief school administrators within the intermediate unit, to be advisory to the executive director.

The executive director of the intermediate unit shall serve as chairman of the Intermediate Unit Council.

The Intermediate Unit Council shall meet at least five times each year and may meet at any other time upon the call of the executive director.

(916-A added May 4, 1970, P.L.311, No.102)

Section 917-A. Allocations.--(917-A repealed Aug. 24, 1977, P.L.199, No.59)

Section 917.1-A. Commonwealth Payments.--(a) For the school year 1977-1978 through the school year 1985-1986, the Commonwealth shall pay to intermediate units an amount equal to the product of the Statewide median actual instruction expense per weighted average daily membership (WADM) by the product of forty-five one-hundredths of one percent (0.45%) and the average daily membership of all school districts in the Commonwealth, as determined by the Secretary of Education according to the latest available actual data. For the school year 1986-1987 and each school year thereafter, the Commonwealth shall pay to intermediate units an amount equal to the product of the Statewide median actual instruction expense per weighted average daily membership (WADM) by the product of forty one-hundredths of one percent (0.40%) and the average daily membership of all school districts in the Commonwealth, as

determined by the Secretary of Education according to the latest available data.

(b) For the school year 1977-1978 and each school year thereafter, each intermediate unit shall be paid the amount it received from the Commonwealth for the 1976-1977 school year.

(c) In addition to the amount paid to each intermediate unit under subsection (b), each intermediate unit shall be paid for the 1977-1978 school year through the 1985-1986 school year an amount determined by subtracting the total payments under subsection (b) from the total allocation under subsection (a) divided by the average daily membership (ADM) of all school districts in the Commonwealth multiplied by the average daily membership (ADM) of all component school districts in the intermediate unit, as determined by the Secretary of Education according to the latest actual data available. In addition to the amount paid to each intermediate unit under subsection (b), each intermediate unit shall be paid for the 1986-1987 school year through the 1995-1996 school year an amount determined by subtracting the total payments under subsection (b) from the total allocation under subsection (a). One-half of that amount shall be divided by twenty-nine and the amount derived paid to each intermediate unit. The remaining one-half shall be divided by the average daily membership (ADM) of all school districts in the Commonwealth and multiplied by the average daily membership (ADM) of all component school districts in the intermediate unit, as determined by the Secretary of Education according to the latest actual available data, and the amount derived paid to each intermediate unit.

(f) For the 1996-1997 school year, each intermediate unit shall receive fifty percent (50%) of its amount received under this section for the 1995-1996 school year.

(g) For the 1997-1998 school year, each intermediate unit shall receive the amount of its payment received under this section during the 1996-1997 school year. ((g) added June 25, 1997, P.L.297, No.30)

(h) For the 1998-1999 school year, each intermediate unit shall receive a proportionate share of the amount available under subsection (a) minus the payments made under section 919.1-A(e) based on the amount received by the intermediate unit under subsection (g) for the 1997-1998 school year. During the 1998-1999 school year, however, no intermediate unit shall receive less payment under this subsection than the amount of the payments the intermediate unit received under subsection (g) during the 1997-1998 school year. ((h) added Apr. 27, 1998, P.L.270, No.46)

(917.1-A amended July 11, 1996, P.L.633, No.107)

Section 918-A. General Operating Subsidy.--(a) On or before the first day of May 1971, and annually thereafter, each intermediate unit shall submit to the Superintendent of Public Instruction for prior review and approval, a budget estimating the cost of operating and administering the intermediate unit program of services for the ensuing school year.

(b) In May 1971, and annually thereafter in May, the Superintendent of Public Instruction shall estimate the amount to be paid by the Commonwealth to each intermediate unit based upon approved budgets. In July 1971, and annually thereafter in July, the Commonwealth shall pay to each intermediate unit an advance payment equal to one-half of such estimated amount. In December 1971, the Commonwealth shall pay to each intermediate unit the balance of such estimated amount. In December 1972, and annually thereafter in December, the Commonwealth shall pay to each intermediate unit the balance

of the State's share of the budget approved for such school year, less any State funds paid in the previous school year which were unexpended or unencumbered at the end of the previous school year.

(c) In computing approved budget expenditures, the Superintendent of Public Instruction shall not consider Federal payments and payments by the Commonwealth on behalf of the Federal Government.

(918-A added May 4, 1970, P.L.311, No.102)

Section 919-A. Capital Subsidy.--(919-A repealed Aug. 24, 1977, P.L.199, No.59)

Section 919.1-A. Capital Subsidy.--(a) All lease agreements, security agreements or any other contracts, instruments or agreements for office space, classrooms, warehouse space and similar facilities shall be pre-approved by the Secretary of Education. Loan agreements and mortgages for office and warehouse facilities shall be pre-approved by the Secretary of Education. For the 1977-1978 school year and each school year thereafter, in addition to any payments required under section 917.1-A, the Commonwealth shall allocate to the intermediate units, on account of approved lease agreements, loan agreements, mortgages, security agreements or any other contracts, instruments or agreements, an amount to be determined as follows: by obtaining the product of the number of students in average daily membership (ADM) multiplied by the median actual instruction expense per weighted average daily membership of all the school districts, to be further multiplied by three one-hundredths of one percent (0.03%), based on the latest actual data available to the Secretary of Education.

(b) The distribution to each intermediate unit shall be computed by applying the intermediate unit aid ratio to each approved payment under any such lease agreement, loan agreement, mortgage, security agreement or other contract, instrument or agreement. The aid ratio computed initially shall apply as a minimum for the duration of the lease agreement, loan agreement, mortgage, security agreement or other contract, instrument or agreement: Provided, however, That no intermediate unit shall receive less, on account of approved lease agreements, loan agreements, mortgages, security agreements or any other contracts, instruments or agreements, than it received for the 1976-1977 school year.

(c) Where the allocations under this section do not satisfy reimbursement requirements under any lease agreements, mortgages, security agreements or any other contracts, instruments or agreements, each intermediate unit shall receive a pro rata share of the amount determined by the above formula.

(d) Notwithstanding any provision of this act to the contrary, for the 1997-1998 school year, each intermediate unit shall receive the actual payment for capital subsidy which it received under this section and section 2502.6(b) during the 1996-1997 school year. ((d) added June 25, 1997, P.L.297, No.30)

(e) Notwithstanding any provision of this act to the contrary, for the 1998-1999 school year and each school year thereafter, each intermediate unit shall receive the actual payment for capital subsidy which it received under this section and section 2502.6 during the 1997-1998 school year. ((e) amended June 26, 1999, P.L.394, No.36)

(919.1-A amended July 10, 1986, P.L.1270, No.117)

Section 920-A. School District Payments.--(a) Where the approved budget exceeds the allocation to the intermediate unit, each school district within the intermediate unit shall contribute to the intermediate unit a share of the amount by

which the budget exceeds the allocation, computed in the following manner: (1) Determine a weight factor for each school district by multiplying the school district's weighted average daily membership by the difference between 1.0000 and the school district's aid ratio; (2) determine a value per weight factor for the intermediate unit by dividing the amount by which the budget exceeds the allocation by the total weight factors of all school districts comprising the intermediate unit; and (3) determine each school district's share by multiplying the value per weight factor by the weight factor of the school district.

(b) Less than a majority of the school districts comprising an intermediate unit may contract with the intermediate unit for services to be provided for the contracting school districts by the intermediate unit, with the cost of such services to be paid by the contracting school districts in such manner as they may agree upon.

(c) If a school district desires to independently provide a service that is included in the approved program of services to be offered by an intermediate unit, and the service is to be financed solely by the school district, and if the intermediate unit board of directors determines that the quality of such service is adequate and that such independent action will not adversely affect the service to be offered to the remaining districts by the intermediate unit, the intermediate unit board of directors may relieve the school district of payment for such service.

(d) Payments due from school districts to an intermediate unit shall be withheld by the Commonwealth from subsidies payable to school districts during November and paid to the intermediate unit not later than January 1 each year.

(920-A added May 4, 1970, P.L.311, No.102)

Section 921-A. Financial Reports.--(a) An annual financial report shall be submitted to the Secretary of Education by each intermediate unit not later than the 31st day of October, together with an auditor's report prepared by an independent auditor who shall be a certified public accountant or other competent public accountant. The financial information submitted in the annual financial report shall be materially consistent with the audited financial statements. All financial accounting and reporting by intermediate units to the Department of Education shall be in accordance with generally accepted accounting and reporting standards, except that management discussion and analysis and related notes and the following financial statements shall not be required components of the annual financial report: entity-wide financial statements, including the statement of activities and the statement of net assets; the reconciliation of the balance sheet - governmental funds to statement of net assets; and the reconciliation of the statement of revenues, expenditures and changes in fund balances - governmental funds to statement of activities. The Department of Education shall establish a reporting standard for the annual financial report.

(a.1) By March 1 of each year, the Department of Education shall post on its publicly accessible Internet website information included in the intermediate units' annual financial reports. In posting the information, the Department of Education shall use a format consistent with the format the Department of Education uses when posting the annual financial report information of other local education agencies. ((a.1) amended July 12, 2012, P.L.1142, No.141)

(b) The Department of Education shall order the forfeiture penalties provided for under section 2552.1(a.1) against an

intermediate unit for failure to timely submit an annual financial report.

(921-A amended Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which amended section 921-A, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 922-A. Auxiliary Services; Nonpublic School Children.--(922-A repealed Aug. 1, 1975, P.L.180, No.89)

Section 922.1-A. Auxiliary Services.--(a) Legislative Finding; Declaration of Policy. The welfare of the Commonwealth requires that the present and future generation of school age children be assured ample opportunity to develop to the fullest, their intellectual capacities. It is the intent of the General Assembly by this enactment to ensure that the intermediate units in the Commonwealth shall furnish on an equal basis auxiliary services to all pupils in the Commonwealth in both public and nonprofit nonpublic schools.

(b) Definitions. The following terms, whenever used or referred to in this section, shall have the following meanings, except in those circumstances where the context clearly indicates otherwise:

"Auxiliary services" means guidance, counseling and testing services; psychological services; visual services as defined in section 923.2-A; services for exceptional children; remedial services; speech and hearing services; services for the improvement of the educationally disadvantaged (such as, but not limited to, the teaching of English as a second language), and such other secular, neutral, nonideological services as are of benefit to all school children and are presently or hereafter provided for public school children of the Commonwealth. (Def. amended Oct. 10, 1980, P.L.924, No.159)

"Nonpublic school" means nonprofit school, other than a public school within the Commonwealth of Pennsylvania, wherein a resident of the Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meet the requirements of Title VI of the Civil Rights Act of 1964 (Pub.L.88-352; 42 U.S.C. Section 2000 et seq).

(c) Program of Auxiliary Services. Students attending nonpublic schools shall be furnished a program of auxiliary services which are provided to public school students in the school district in which their nonpublic school is located. The program of auxiliary services shall be provided by the intermediate unit in which the nonpublic school is located, in accordance with standards of the Secretary of Education. Before an intermediate unit makes any decision that affects the opportunities for children attending nonpublic schools to participate in the auxiliary services provided under this section, the intermediate unit shall consult with such nonpublic schools to determine at a minimum: which general categories of children shall receive services; what services shall be provided; how and where the services shall be provided; and how the services shall be evaluated. Such services shall be provided directly to the nonpublic school students by the intermediate unit in the schools which the students attend, in mobile instructional units located on the grounds of such schools or in any alternative setting mutually agreed upon by the school and the intermediate unit, to the extent permitted by the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania.

Such auxiliary services shall be provided directly by the intermediate units and no auxiliary services presently provided to public school students by the intermediate units and/or school districts by means of State or local revenues, during the school year 1974-1975, shall be eliminated. No school districts shall be required, pursuant to any section of this act, to offer auxiliary services provided by any other school districts within such intermediate units.

((c) amended May 10, 2000, P.L.44, No.16)

(d) Allocations. In July of 1977 and annually thereafter in July, the Secretary of Education shall allocate to each intermediate unit an amount equal to the number of nonpublic school students as of October 1 of the preceding school year who are enrolled in nonpublic schools within the intermediate unit times seventy-two dollars (\$72). The Secretary of Education shall increase this figure on a proportionate basis whenever there is an increase in the median actual instruction expense per WADM as defined in clause (12.1) of section 2501 of this act. The Commonwealth shall pay to each intermediate unit fifteen per centum (15%) of its allocation on August 1, seventy-five per centum (75%) on October 1, and the remaining ten per centum (10%) on the first day of February. ((d) amended Aug. 24, 1977, P.L.199, No.59)

(e) Limitations. The intermediate unit shall not use more than six per centum (6%) of the funds it receives for administration or eighteen per centum (18%) for rental of facilities. The Department of Education shall not use more than one per centum (1%) of the funds it allocates under this section for administrative expenses. If all funds allocated by the intermediate units to administration, or rental facilities are not expended for those purposes, such funds may be used for the program costs.

(f) Interest. There shall be no adjustment in the allocation as provided in subsection (d) because of interest earned on the allocations by the intermediate units. Interest so earned shall be used for the purpose of this section but shall not be subject to the limitations of subsection (e).

(g) Preliminary Budget. Annually, each intermediate unit shall submit to the secretary a preliminary budget on or before January 31 and a final budget on or before June 15, for the succeeding year; and shall file a final financial report on or before October 31 for the preceding year.

(922.1-A added Aug. 1, 1975, P.L.180, No.89)

Compiler's Note: Section 25 of Act 46 of 1998, which amended subsection (c), provided that the amendment of section 922.1-A shall apply to services provided in the school year 1998-1999 and each school year thereafter.

Section 923-A. Loan of Textbooks, Instructional Materials and Instructional Equipment, Nonpublic School Children.--(Hdg. amended June 22, 2001, P.L.530, No.35) (a) Legislative Findings; Declaration of Policy. The welfare of the Commonwealth requires that the present and future generations of school age children be assured ample opportunity to develop to the fullest their intellectual capacities. To further this objective, the Commonwealth provides, through tax funds of the Commonwealth, textbooks and instructional materials free of charge to children attending public schools within the Commonwealth. Approximately one quarter of all children in the Commonwealth, in compliance with the compulsory attendance provisions of this act, attend nonpublic schools. Although their parents are taxpayers of the Commonwealth, these children do not receive textbooks or

instructional materials from the Commonwealth. It is the intent of the General Assembly by this enactment to assure such a distribution of such educational aids that every school child in the Commonwealth will equitably share in the benefits thereof.

(b) Definitions. The following terms, whenever used or referred to in this section, shall have the following meanings, except in those circumstances where the context clearly indicates otherwise:

"Instructional equipment" means instructional equipment, other than fixtures annexed to and forming part of the real estate, which is suitable for and to be used by children and/or teachers. The term includes but is not limited to projection equipment, recording equipment, laboratory equipment, and any other educational secular, neutral, non-ideological equipment as may be of benefit to the instruction of nonpublic school children and are presently or hereafter provided for public school children of the Commonwealth.

"Instructional materials" means books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including but not limited to those on discs and tapes, processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and published materials of a similar nature made by any method now developed or hereafter to be developed. The term includes such other secular, neutral, non-ideological materials as are of benefit to the instruction of nonpublic school children and are presently or hereafter provided for public school children of the Commonwealth.

"Instructional materials" means pre-prepared learning materials which are secular, neutral and nonideological in character and are of benefit to the instruction of school children on an individual basis and are presently or hereafter provided for public school children of the Commonwealth. (Def. added Aug. 1, 1975, P.L.183, No.90)

"Nonpublic school" means any school, other than a public school within the Commonwealth of Pennsylvania, wherein a resident of the Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meet the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

"Textbooks" means books, workbooks, including reusable and non-reusable workbooks, and manuals, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each pupil in such class or group. Such textbooks shall be textbooks which are acceptable for use in any public, elementary, or secondary school of the Commonwealth. (Def. amended July 18, 1974, P.L.475, No.169)

(c) Loan of Textbooks, Instructional Materials and Instructional Equipment. The Secretary of Education directly, or through the intermediate units, shall have the power and duty to purchase textbooks, instructional materials and instructional equipment and, upon individual request, to loan them to all children residing in the Commonwealth who are enrolled in grades kindergarten through twelve of a nonpublic school. Such textbooks, instructional materials and instructional equipment shall be loaned free to such children subject to such rules and regulations as may be prescribed by the Secretary of Education, due regard being had to the

feasibility of making loans of particular instructional materials and instructional equipment on an individual basis.

((c) amended June 22, 2001, P.L.530, No.35)

(d) Purchase of Textbooks, Instructional Materials and Instructional Equipment. The secretary shall not be required to purchase or otherwise acquire textbooks, pursuant to this section, the total cost of which, in any school year, shall exceed an amount equal to twelve dollars (\$12) for the school year 1973-1974, fifteen dollars (\$15) for the school year beginning July 1, 1974 and twenty dollars (\$20) for each school year thereafter or instructional materials and instructional equipment, the total cost of which, in any school year, shall exceed an amount equal to ten dollars (\$10), multiplied by the number of children residing in the Commonwealth who on the first day of October of the school year immediately preceding are enrolled in grades kindergarten through twelve of a nonpublic school. ((d) amended June 22, 2001, P.L.530, No.35)

(e) Purchase of Instructional Materials and Equipment.--((e) deleted by amendment Aug. 1, 1975, P.L.183, No.90)

(923-A added July 12, 1972, P.L.863, No.195)

Compiler's Note: Act Nos. 88 and 90 of 1975 amended subsec.

(d). The amendment by Act 90 overlooked the amendment by Act 88 but the amendments do not conflict in substance and both have been given effect in setting forth the text the section.

Section 923.1-A. Psychological Services.--(a) Legislative Finding; Declaration of Policy. It is today recognized that diagnostic and evaluative psychological services to children are closely related to their physical, mental and emotional health. Such services can best be rendered upon the premises of the school which the child regularly attends, and forcing children to go to other premises in order to have such needed services is found by the General Assembly to be both inadequate and harmful. The General Assembly expressly finds and declares diagnostic and evaluative psychological services for children to be health services, and it is the intention of the General Assembly now to make these available, on a general and even-handed basis, to all school children in the Commonwealth.

(b) Definitions.--The following terms, whenever used or referred to in this section, shall have the following meanings, except in those circumstances where the context clearly indicates otherwise:

"Nonpublic school" means any nonprofit school, other than a public school within the Commonwealth of Pennsylvania, wherein a resident of the Commonwealth may legally fulfill the compulsory school attendance requirements and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

"Psychological services" means diagnostic and evaluative psychological services for children.

(c) Provision of Services.--The Secretary of Education directly, or through the intermediate units out of their allocation under section 922.1-A of this act shall have the power and duty to furnish free to nonpublic school students, upon the premises of the nonpublic schools which they regularly attend, psychological services provided that such services are also afforded to public school students by the public school district in which such nonpublic school is located.

(923.1-A added Sept. 26, 1978, P.L.771, No.147)

Section 923.2-A. Visual Services.--(a) Legislative Finding; Declaration of Policy. Defects in vision are health-related.

It is today recognized that the diagnosis and evaluation of those defects and the rendering of instruction in skills appropriate for the education, safety and independence of children afflicted by visual impairments are closely related to their physical, mental and emotional health. Such services can best be rendered upon the premises of the school which the child regularly attends and forcing children to go to other premises in order to have such needed services is found by the General Assembly to be both inadequate and harmful. The General Assembly expressly finds and declares diagnostic, evaluative and instructional services for such children to be health services and it is the intention of the General Assembly now to make these available, on a general and even-handed basis to all school children in the Commonwealth.

(b) Definitions. As used in this section:

"Nonpublic school" means any nonprofit school, other than a public school within the Commonwealth of Pennsylvania, wherein a resident of the Commonwealth may legally fulfill the compulsory school attendance requirements and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

"Visual services" means diagnostic, evaluative and instructional visual services for children.

(c) Provision of Services. The Secretary of Education, directly or through the intermediate units out of their allocation under section 922.1-A shall have the power and duty to furnish free to nonpublic school students, upon the premises of the nonpublic schools which they regularly attend, services adequate for the diagnosis and evaluation of visual defects and instruction and training in skills advisable for the education, independence and safety of such children, including but not limited to mobility training, provided that such services are also afforded to public school students by the public school district in which such nonpublic school is located.

(923.2-A added Oct. 10, 1980, P.L.924, No.159)

Section 924-A. Annual Reports.--(a) On or before January 1, 1975, and annually thereafter by the first of January, the Secretary of Education shall submit to the members of the General Assembly of the Commonwealth of Pennsylvania a report on the operation of the intermediate units for the purpose of enabling said members to evaluate the system inaugurated on July 1, 1971 in accordance with their constitutional obligation to maintain and support a thorough and efficient system of public education.

(b) In addition to written text, this report may include such graphic or statistical data as the Secretary of Education considers of use for a legislative evaluation of the report.

(c) In order that this report will provide an effective comparison with the prior system of county superintendents, the initial report shall contain the following information:

(1) A brief description of the specific services provided by each unit.

(2) A brief description of the services formerly supplied through the county superintendents of the districts which now comprise the intermediate unit.

(3) A comparison of the number and types of persons employed, full-time and part-time, by each intermediate unit with those formerly employed through the county superintendents of the districts which now comprise the intermediate unit.

(4) A comparison of the total costs and the per pupil costs of (i) capital outlay, (ii) equipment, (iii) overhead, and (iv) salaries for each intermediate unit with those formerly borne

through the county superintendents of the districts which now comprise the intermediate unit.

(5) An analysis of the sources of revenue maintaining each intermediate unit, i.e., the amount derived from (i) local taxes, (ii) State reimbursement, (iii) private contracts for services, and (iv) Federal funds.

(d) The same information shall be provided in subsequent annual reports except that comparisons shall be drawn with the preceding report of intermediate unit activity rather than with the system of county superintendents. The obligation to submit this report shall cease after June 30, 1980, unless specifically reenacted by the General Assembly.

(924-A added Apr. 4, 1974, P.L.243, No.57)

ARTICLE X.

DISTRICT SUPERINTENDENTS AND ASSISTANT DISTRICT SUPERINTENDENTS.

(Art. hdg. amended June 30, 2011, P.L.112, No.24)

(a) Provisions of General Application.

Section 1001. Purpose.--For the superintendence and supervision of the public schools of this Commonwealth, there shall be elected or appointed, in the manner herein provided, district superintendents, and assistant district superintendents.

(1001 amended June 30, 2011, P.L.112, No.24)

Section 1002. Good Moral Character.--Every person elected or appointed as district or assistant district superintendent must be a person of good moral character.

(1002 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1003. Eligibility.--(a) Except as otherwise provided in subsections (b) and (b.1), no person shall receive a letter of eligibility or be elected or appointed as a district superintendent or assistant district superintendent, unless--

(1) He holds a diploma from a college or other institution approved by the Department of Education;

(2) He has had six (6) years' successful teaching experience, not less than three of which shall have been in a supervisory or administrative capacity;

(3) He has completed in a college or university a graduate program in education approved by the Department of Education that includes the Pennsylvania school leadership standards under section 1217. Completion of the program shall not be subject to waiver under section 1714-B unless the candidate provides to the Secretary of Education evidence that the candidate has successfully completed an equivalent leadership development program that addresses the school leadership standards under section 1217.

(4) Provided that in school districts of the first class, five (5) years of administrative experience at the level of assistant, associate or deputy superintendent, may be substituted for prescribed graduate administrative courses, and which shall be the responsibility of the Secretary of Education to review these equivalences to conform with State board regulations.

(b) Notwithstanding the requirements of subsection (a), a person shall be eligible for election or appointment as a district superintendent or assistant district superintendent if he holds a graduate degree from an accredited higher education institution in business, finance or management and

has at least four (4) years of relevant experience in business, finance or management.

(b.1) Notwithstanding the requirements of subsection (a), a person shall be eligible for election or appointment as a district superintendent or assistant district superintendent if he holds a juris doctorate degree from an accredited law school and has at least four (4) years of relevant experience in law. This subsection shall expire three (3) years from the effective date of this subsection. A person who is issued a commission by the department based on satisfaction of the requirements of this subsection may retain his commission after the expiration of this subsection.

(b.2) The department shall, upon request in a form and manner as prescribed by the department and made available on the department's publicly accessible Internet website, confirm that an individual satisfies the requirements of subsection (b) or (b.1) and that the individual is eligible for election or appointment as a district superintendent or assistant district superintendent. Upon a school district's hiring of an individual who satisfies the requirements of subsection (b) or (b.1), the department shall issue the individual a commission.

(c) Notwithstanding the provisions of sections 1205.1(f), 1205.2(n.1) and 1205.5(h), a person elected or appointed as a district superintendent or assistant district superintendent for the first time in this Commonwealth under subsection (b) or (b.1) shall successfully complete a leadership development program that meets the Pennsylvania school leadership standards under section 1217.

(1003 amended June 30, 2012, P.L.684, No.82)

Section 1004. Oath of Office.--Every person elected or appointed as executive director of the intermediate unit, district superintendent, assistant executive director of the intermediate unit, or district superintendent shall, before entering upon the duties of his office, subscribe to and take, before the Superintendent of Public Instruction, or before any judge of a court of common pleas in this Commonwealth, the same oath or affirmation as has herein been prescribed to be taken by persons elected to the office of school director. Such oath or affirmation, being attested by the Superintendent of Public Instruction or judge, shall be filed in the office of the Superintendent of Public Instruction.

(1004 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1005. Enforcement of Branches of Study; Withholding State Appropriations.--It shall be the duty of each district superintendent to see that in every district there shall be taught the several branches required by this act, as well as such other branches as the board of school directors may require.

In case the board of school directors of any school district shall fail to provide competent teachers to teach the several branches required in this act, it shall be the duty of the district superintendent to notify the board of school directors, in writing, of its neglect. In case provision is not made forthwith for teaching of branches aforesaid, he shall report such fact to the Superintendent of Public Instruction, whose duty it shall be to withhold any order for such district's share of the State appropriation until the district superintendent shall notify him that competent teachers of such branches have been employed. In case of neglect or refusal by the board of school directors to employ competent teachers, for one month after receiving notice from the district superintendent that such teachers have not been provided, such district shall

forfeit absolutely its whole share of the State appropriation for that year.

(1005 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1006. Reports.--Every district superintendent shall annually, on or before the first Monday of August, forward to the Superintendent of Public Instruction the reports of the several school districts under his supervision, and shall accompany the same with such extended report of the public schools under his supervision as he may think proper, suggesting such improvements or changes in the public school system as he may see fit to suggest. He shall further furnish to the Superintendent of Public Instruction, whenever required so to do, such additional reports and information as the Superintendent of Public Instruction may request.

(1006 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1007. Not to Engage in Teaching; Exceptions.--No executive director of the intermediate unit, district, or assistant district superintendent or assistant executive director of an intermediate unit in this Commonwealth shall engage in the business or profession of teaching in this Commonwealth, unless it is done without any other compensation than that paid to him as such superintendent: Provided, That he may receive compensation for services in a summer school, maintained in a State college or university, or other college or university, devoted to the training of teachers, or for services rendered evenings or Saturdays during the school term, to any such college or university, if he is released for such service by the board of school directors of the district in which he is employed.

(1007 amended Nov. 9, 1973, P.L.334, No.111)

Section 1008. Additional Compensation and Interest in Sale or Adoption of Books or Supplies Prohibited.--No executive director of the intermediate unit, district, or assistant district superintendent or assistant executive director of an intermediate unit shall receive any compensation for services rendered in connection with the public schools under his jurisdiction except the compensation herein provided. No executive director of the intermediate unit, district, or assistant district superintendent or assistant executive director of an intermediate unit who is engaged as such, or any person who is an applicant for such position, shall be an agent for, nor shall he be in any way financially interested in, the sale or adoption of any book or books or supplies in the county or district in which he is engaged, or in which he is an applicant for such position.

(1008 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1009. Influencing Elections; Penalty.--Any person who shall, either directly or indirectly, pay or give to a school director any sum of money, or other thing of value, for his vote or support in the election of an executive director or assistant executive director of an intermediate unit, or district or assistant district superintendent, or pay or give to a school director any or all of his expenses incurred in and about the convention for the election of an executive director or assistant executive director of an intermediate unit, or district or assistant district superintendent, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than five dollars (\$5) or more than five hundred dollars (\$500), or to undergo imprisonment for not less than thirty (30) days, or more than one (1) year, either or both, at the discretion of the court. In addition thereto, he shall forever thereafter be disqualified from holding the

office of executive director or assistant executive director of an intermediate unit, district superintendent, assistant district superintendent, school director, or any other office in the public school system of this Commonwealth.

(1009 amended Jan. 14, 1970, 1969 P.L.468, No.192)

(b) County Superintendents.

Section 1021. Election.--(1021 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1022. Time and by Whom Elected; Term of Office.--(1022 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1023. Notice of Convention to Elect County Superintendents.--(1023 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1024. Compensation and Mileage.--(1024 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1025. Officers of Convention.--(1025 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1026. Candidates' Proof of Eligibility.--(1026 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1027. List of Directors Entitled to Vote; Method of Voting.--(1027 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1028. Election Papers Filed with Prothonotary.--(1028 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1029. Certification of Results of Election.--(1029 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1030. Commission from Superintendent of Public Instruction.--(1030 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1031. Objections to Election; Hearing.--(1031 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1032. Costs of Hearing.--(1032 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1033. Appointment if Objections Sustained.--(1033 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1034. Removal for Cause.--(1034 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1035. Vacancies; Substitutes.--(1035 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1036. New Counties.--(1036 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1037. Duties.--(1037 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1038. Inspection of School Grounds and Buildings.--(1038 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1039. County to Furnish Office Rooms, etc.--(1039 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1040. Telephone, Typewriter and Stenographer Furnished by County.--(1040 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1041. Telephone, Typewriter and Stenographic Services in Counties Second Class.--(1041 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

(c) Assistant County Superintendents and Supervisors of Special Education.

Section 1051. Number of Assistant County Superintendents.--(1051 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1052. Number of Supervisors of Special Education.--(1052 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1053. Appointment of Assistant Superintendents.--(1053 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1054. Supervisors of Special Education; Qualifications; Appointment.--(1054 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1055. Certification of Appointments; Commissions; Appointments by Superintendent of Public Instruction.--(1055 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1056. Vacancies; Substitutes.--(1056 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1057. Removal for Cause.--(1057 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1058. Duties of Assistant County Superintendents.--(1058 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1059. Duties of Supervisors of Special Education.--(1059 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1060. Further Duties of Assistant County Superintendents and Supervisors of Special Education.--(1060 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

(c.1) Technical Personnel.

((c.1) added Aug. 10, 1951, P.L.1150, No.254)

Section 1061. Number of Technical Personnel; Qualifications; Appointment.--(1061 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1062. Salaries; Duties.--(1062 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1063. Vacancies; Substitutes.--(1063 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

(d) Salaries and Expenses of County Superintendents, Assistant County Superintendents, and Supervisors of Special Education.

Section 1066. Minimum Salaries; Payment.--(1066 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1067. Additional Salaries; Payment.--(1067 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1068. Expenses.--(1068 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

(e) District Superintendents and Assistant District Superintendents.

Section 1071. Election.--(a) The board of school directors in every school district shall, by a majority vote of all the members thereof, elect a properly qualified person as district superintendent, together with such properly qualified assistant superintendents as it deems wise. If a district superintendent has jurisdiction over a joint school system including grades 1 to 12, he shall be elected by a majority vote of all the school directors in the districts operating the joint school system.

(b) Any person in the employ of a school district as a supervising principal during the school year 1969-1970 shall be issued a commission by the Superintendent of Public Instruction if elected as district superintendent for a term

beginning July 1, 1970, and shall serve as district superintendent in the employing school district for a term ending June 30, 1974, and thereafter shall be eligible for election as district superintendent in any school district in the Commonwealth.

(1071 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1072. Creating Office in Districts Third Class.--(1072 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1072.1. Discontinuance of Office in Districts Third Class.--(1072.1 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1072.2. (1072.2 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1073. Manner of Election or Approval.--(a) The board of school directors of each school district shall meet at its regular place of meeting, during the last year of the term of the district superintendent or at any other time when a vacancy shall occur in the office of district superintendent, at an hour previously fixed by the board. The secretary of each board of school directors shall mail to each member thereof at least five days beforehand, a notice of the time, place and purpose of such meeting. At such meeting the board shall elect or approve a properly qualified district superintendent to enter into a contract to serve a term of three to five years from the first day of July next following his election or from a time mutually agreed upon by the duly elected district superintendent and the board of school directors. The contract shall be subject to the act of February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

(b) At a regular meeting of the board of school directors occurring at least one hundred fifty (150) days prior to the expiration date of the term of office of the district superintendent, the agenda shall include an item requiring affirmative action by five or more members of the board of school directors to notify the district superintendent that the board intends to retain him for a further term of three (3) to five (5) years or that another or other candidates will be considered for the office. In the event that the board fails to take such action at a regular meeting of the board of school directors occurring at least one hundred fifty (150) days prior to the expiration date of the term of office of the district superintendent, he shall continue in office for a further term of similar length to that which he is serving.

(c) ((c) repealed Jan. 14, 1970, 1969 P.L.468, No.192)

(d) The term of office or commission of a district superintendent or assistant district superintendent shall not be shortened by reason of the fact that the district in which he serves shall become part of a joint school, or by reason of the fact that the district in which he serves shall become a part of a new school district established as the result of reorganization of school districts pursuant to Article II., subdivision (i) or section 224 of this act. Any district superintendent, assistant district superintendent or supervising principal not selected as the district superintendent of the joint school or newly established school district in which the district he serves becomes a part shall be assigned to a position or office for which he is eligible: Provided, however, That in a new school district reorganized under Article II., subdivision (i) or section 224 of this act, he shall be assigned to a position or office which is administrative or supervisory in nature only, but there shall be no reduction in salary until the expiration of his commission. Thereafter, unless elected to an office requiring a commission he shall have the status

of a professional employee: Provided, That the board of school directors may adjust the salary according to the classification of the position to which he may be assigned, and that the period of service as a commissioned district superintendent, assistant district superintendent or associate superintendent shall be counted as time served as a professional employee in determining his seniority rights.

(e) The following shall apply:

(1) Notwithstanding any other provision of law, no individual shall be employed as a district superintendent or assistant district superintendent by a school district except pursuant to a written contract of employment expressly stating the terms and conditions of employment.

(2) A contract for the employment of a district superintendent or assistant district superintendent shall do all of the following:

(i) Contain the mutual and complete agreement between the district superintendent or assistant district superintendent and the board of school directors with respect to the terms and conditions of employment.

(ii) Consistent with State Board of Education certification requirements, specify the duties, responsibilities, job description and performance expectations, including performance standards and assessments provided for under section 1073.1.

(iii) Incorporate all provisions relating to compensation and benefits to be paid to or on behalf of the district superintendent or assistant district superintendent.

(iv) Specify the term of employment and state that the contract shall terminate immediately, except as otherwise provided under this section, upon the expiration of the term unless the contract is allowed to renew automatically under subsection (b).

(v) Specify the termination, buyout and severance provisions, including all postemployment compensation and the period of time in which the compensation shall be provided. Termination, buyout and severance provisions may not be modified during the course of the contract or in the event a contract is terminated prematurely.

(vi) Contain provisions relating to outside work that may be performed, if any.

(vii) State that any modification to the contract must be in writing.

(viii) State that the contract shall be governed by the laws of this Commonwealth.

(ix) Limit compensation for unused sick leave in new employment contracts entered into after the effective date of this subsection for district superintendents or assistant district superintendents who have no prior experience as a district superintendent or assistant district superintendent to the maximum compensation for unused sick leave under the school district's administrator compensation plan under section 1164 in effect at the time of the contract.

(x) Limit transferred sick leave from previous employment to not more than thirty (30) days in new employment contracts after the effective date of this subsection for district superintendents or assistant district superintendents who have no prior experience as a district superintendent or assistant district superintendent.

(xi) Specify postretirement benefits and the period of time in which the benefits shall be provided.

(3) No agreement between the board of school directors and a district superintendent or assistant district superintendent

for a negotiated severance of employment prior to the end of the specified contract term shall provide for severance compensation to the district superintendent or assistant district superintendent, including the reasonable value of any noncash severance benefits or postemployment benefits not otherwise accruing under the contract or pursuant to law, that:

(i) If the agreement takes effect two (2) years or more prior to the end of the specified contract term, exceeds the equivalent of one (1) year's compensation and benefits otherwise due under the contract.

(ii) If the agreement takes effect less than two (2) years prior to the end of the specified contract term, exceeds the equivalent of one-half of the total compensation and benefits due under the contract for the remainder of the term.

(1073 amended June 30, 2012, P.L.684, No.82 and July 12, 2012, P.L.1142, No.141)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Section 20 of Act 141 of 2012, which amended section 1073, provided that the amendment of section 1073 shall apply to contracts of district superintendents or assistant district superintendents entered into or renewed on or after the effective date of section 20.

Section 1073.1. Performance Review.--(a) In addition to any other requirements provided for under this act, the employment contract for a district superintendent or assistant district superintendent shall include objective performance standards mutually agreed to in writing by the board of school directors and the district superintendent or assistant district superintendent. The objective performance standards may be based upon the following:

(1) achievement of annual measurable objectives established by the school district;

(2) achievement on Pennsylvania System of School Assessment (PSSA) tests;

(3) achievement on Keystone Exams;

(4) student growth as measured by the Pennsylvania Value-Added Assessment System;

(5) attrition rates or graduation rates;

(6) financial management standards;

(7) standards of operational excellence; or

(8) any additional criteria deemed relevant and mutually agreed to by the board of school directors and the district superintendent or assistant district superintendent.

(b) The board of school directors shall conduct a formal written performance assessment of the district superintendent and assistant district superintendent annually. A time frame for the assessment shall be included in the contract.

(b.1) The board of school directors shall post the mutually agreed to objective performance standards contained in the contract on the school district's publicly accessible Internet website. Upon completion of the annual performance assessment, the board of school directors shall post the date of the assessment and whether or not the district superintendent and assistant district superintendent have met the agreed-to objective performance standards on the school district's publicly accessible Internet website.

(c) The State Board of Education may promulgate regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known

as the "Regulatory Review Act," in order to implement this section.

(1073.1 added June 30, 2012, P.L.684, No.82 and July 12, 2012, P.L.1142, No.141)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Section 20 of Act 141 of 2012, which added section 1073.1, provided that section 1073.1 shall apply to contracts of district superintendents or assistant district superintendents entered into or renewed on or after the effective date of section 20.

Section 1074. Districts Having no Superintendent.--(1074 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1075. Salary.--The board of school directors at any convention electing a district superintendent or an assistant district superintendent shall determine the amount of salary to be paid such district superintendent or assistant district superintendent which compensation shall be paid out of the funds of the district. If a district superintendent or an assistant district superintendent is employed in a joint school system including kindergarten or grades 1 to 12, his salary shall be fixed by a majority vote of all the school directors in the districts operating the joint school systems, and shall be paid by the districts in the same proportions as they contribute to the support of the joint school.

District superintendents and assistant district superintendents shall be entitled to the following minimum annual salaries:

(1) Assistant district superintendents having less than one hundred (100) teachers under their supervision, nine thousand dollars (\$9,000).

(2) Assistant district superintendents having one hundred (100) teachers or more but less than three hundred (300) teachers under their supervision, ten thousand dollars (\$10,000).

(3) Assistant district superintendents having three hundred (300) or more teachers under their supervision, eleven thousand dollars (\$11,000).

(4) District superintendents having less than one hundred (100) teachers under their supervision, thirteen thousand dollars (\$13,000).

(5) District superintendents having one hundred (100) teachers or more but less than three (300) teachers under their supervision, fourteen thousand dollars (\$14,000).

(6) District superintendents having three hundred (300) or more teachers under their supervision, fifteen thousand dollars (\$15,000).

(1075 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1076. Election of Assistant District Superintendents.-- Assistant district superintendents shall be chosen by a majority vote of all the members of the board of school directors of the district, for a term of three to five years upon the nomination by the district superintendent.

(1076 amended June 30, 2012, P.L.684, No.82 and July 12, 2012, P.L.1142, No.141)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Section 20 of Act 141 of 2012, which amended section 1076, provided that the amendment of section 1076 shall apply to contracts of district superintendents or assistant district superintendents entered into or renewed on or after the effective date of section 20.

Section 1077. Term and Salary of Assistants.--(a) Assistant district superintendents may serve through the term of the district superintendent, or enter a contract for a term of three to five years at salaries paid by the district, and fixed by a majority vote of the whole board of school directors prior to their election. The contract shall be subject to the act of February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

(b) At a regular meeting of the board of school directors occurring at least one hundred fifty (150) days prior to the expiration date of the term of office of the assistant district superintendent, the agenda shall include an item requiring affirmative action by five (5) or more members of the board of school directors to notify the assistant district superintendent that the board intends to retain him for a further term of three (3) to five (5) years or that another or other candidates will be considered for the office. In the event that the board fails to take such action at a regular meeting of the board of school directors occurring at least one hundred fifty (150) days prior to the expiration date of the term of office of the assistant district superintendent, he shall continue in office for a further term of similar length to that which he is serving.

(1077 amended June 30, 2012, P.L.684, No.82 and July 12, 2012, P.L.1142, No.141)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Section 20 of Act 141 of 2012, which amended section 1077, provided that the amendment of section 1077 shall apply to contracts of district superintendents or assistant district superintendents entered into or renewed on or after the effective date of section 20.

Section 1078. Commissions.--District superintendents and assistant district superintendents shall be commissioned by the Secretary of Education.

(1078 amended June 30, 2012, P.L.684, No.82 and July 12, 2012, P.L.1142, No.141)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Section 20 of Act 141 of 2012, which amended section 1078, provided that the amendment of section 1078 shall apply to contracts of district superintendents or assistant district superintendents entered into or renewed on or after the effective date of section 20.

Section 1079. Vacancies; Acting and Substitute Superintendents and Assistants.-- Whenever a board of school directors finds it impossible or impracticable to fill immediately any vacancy occurring in the position of district superintendent or assistant district superintendent, the board may appoint an acting district superintendent or an acting assistant district superintendent to serve not longer than one year from the time of his appointment.

When a leave of absence has been granted to any district superintendent or assistant district superintendent, and it is

deemed necessary or desirable, the board of school directors may appoint a substitute district superintendent or assistant district superintendent to serve for such period of time as the regular district superintendent or assistant district superintendent is absent on leave.

(1079 amended Jan. 16, 1974, P.L.1, No.1)

Section 1080. Removal.--(a) District superintendents and assistant district superintendents may be removed from office and have their contracts terminated, after hearing, by a majority vote of the board of school directors of the district, for neglect of duty, incompetency, intemperance, or immorality, of which hearing notice of at least one week has been sent by mail to the accused, as well as to each member of the board of school directors.

(b) The board of school directors shall publicly disclose at the next regularly scheduled monthly meeting the removal of a district superintendent or assistant district superintendent from office under subsection (a).

(c) Proceedings under this section shall be held under 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies).

(1080 amended June 30, 2012, P.L.684, No.82 and July 12, 2012, P.L.1142, No.141)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Section 20 of Act 141 of 2012, which amended section 1080, provided that the amendment of section 1080 shall apply to contracts of district superintendents or assistant district superintendents entered into or renewed on or after the effective date of section 20.

Section 1081. Duties of Superintendents.--The duties of district superintendents shall be to visit personally as often as practicable the several schools under his supervision, to note the courses and methods of instruction and branches taught, to give such directions in the art and methods of teaching in each school as he deems expedient and necessary, and to report to the board of school directors any insufficiency found, so that each school shall be equal to the grade for which it was established and that there may be, as far as practicable, uniformity in the courses of study in the schools of the several grades, and such other duties as may be required by the board of school directors. The district superintendent shall have a seat on the board of school directors of the district, and the right to speak on all matters before the board, but not to vote.

(1081 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1082. Duties of Assistants.--Assistant district superintendents shall perform such duties as may be assigned them by the boards of school directors or by the district superintendents.

Section 1083. Annexation and Consolidation of Districts.--When any school district, having a district superintendent, is annexed to and becomes a part of another school district, the district superintendent therein shall become an assistant district superintendent in the district to which such school district is annexed, for the remainder of his term. When two school districts are consolidated as a result of the consolidation of two boroughs, then the district superintendent of the district having the larger public school enrollment shall become the district superintendent of the consolidated district. The superintendent representing the

smaller school enrollment shall become assistant superintendent in the consolidated district.

Section 1083.1. Reorganization of Districts.--(a) When two or more school districts, each having a district superintendent, form a joint school or union or merged school district, the board of school directors of the joint school or union or merged district shall select a district superintendent from one of the component districts regardless of seniority or rating as supervising principal or district superintendent of the joint school or union or merged district. Remaining district superintendent or superintendents shall be assigned, without reduction in pay, to positions or offices within the school system until the expiration of his commission.

(b) When two or more school districts in which one or more employ a district superintendent and one or more employ a supervising principal, form a joint school or union or merged district, the board of school directors of the joint school or union or merged district shall select a district superintendent from one of the component districts, regardless of seniority or rating as supervising principal or district superintendent of the joint school or union or merged district. The board of school directors shall assign district superintendents and supervising principals not selected as district superintendent of the joint school district to positions of administration or supervision or to offices for which they are certificated.

(c) The interim operating committee of each school district established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, shall appoint a district superintendent for the newly established school district. If the person selected is chosen from among incumbent district superintendents or supervising principals of the component school districts forming the newly established school district, the selection may be made without regard to seniority or rating as district superintendent or supervising principal. Incumbent district superintendents of the component school districts forming the newly established school district shall be assigned to positions or offices which are administrative or supervisory in nature only without reduction in pay until the expiration of their commissions. Incumbent supervising principals shall be assigned to positions or offices for which they are certificated, and their salaries may be adjusted according to the classification of the positions or offices to which they are assigned.

(1083.1 amended Jan. 14, 1970, 1969 P.L.468, No.192)

(f) Supervisors.

Section 1084. Number of Supervisors.--(1084 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1085. Supervisors' Qualifications; Appointment.--(1085 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1086. Salaries.--(1086 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1087. Duties of Supervisors.--(1087 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1088. Vacancies; Substitutes.--(1088 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1089. Business Administrator.--(a) A governing board of a school entity may employ or continue to employ a person serving in the function of business administrator of the school entity who shall perform such duties as the governing

board may determine, including, but not limited to, the business responsibilities specified in section 433 of this act.

(b) The governing board may enter into a written employment agreement with a person hired after the effective date of this section to serve as a business administrator or into an amended or renewed agreement with a person serving in that function as of such effective date. The agreement may define the period of employment, salary, benefits, other related matters of employment and provisions of renewal and termination of the agreement.

(c) Unless otherwise specified in an employment agreement, the governing board shall, after due notice, giving the reasons therefor, and after hearing if demanded, have the right at any time to remove a business administrator for incompetency, intemperance, neglect of duty, violation of any of the school laws of this Commonwealth or other improper conduct.

(d) A person serving as business administrator shall not be a member of the governing board of the school entity.

(e) A person serving as business administrator may serve as secretary or treasurer of the governing board.

(f) For purposes of this section, the term "school entity" shall mean a school district, intermediate unit or an area vocational-technical school. The term "governing board" shall mean the board of directors or joint board of such entity.

(1089 added July 8, 1989, P.L.253, No.43)

(g) Special Districts.

((g) repealed Jan. 14, 1970, 1969
P.L.468, No.192)

Section 1091. Services Provided Through Office of County Superintendent.--(1091 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

ARTICLE XI. PROFESSIONAL EMPLOYEES.

(a) Definitions.

Section 1101. Definitions.--As used in this article,

(1) The term "professional employe" shall include those who are certificated as teachers, supervisors, supervising principals, principals, assistant principals, vice-principals, directors of vocational education, dental hygienists, visiting teachers, home and school visitors, school counselors, child nutrition program specialists, school librarians, school secretaries the selection of whom is on the basis of merit as determined by eligibility lists and school nurses.

(2) The term "substitute" shall mean any individual who has been employed to perform the duties of a regular professional employe during such period of time as the regular professional employe is absent on sabbatical leave or for other legal cause authorized and approved by the board of school directors or to perform the duties of a temporary professional employe who is absent.

(3) The term "temporary professional employe" shall mean any individual who has been employed to perform, for a limited time, the duties of a newly created position or of a regular professional employe whose services have been terminated by death, resignation, suspension or removal.

(1101 amended Nov. 30, 1971, P.L.546, No.144)

((b) Employment.

Section 1106. Duty to Employ.--The board of school directors in every school district shall employ the necessary qualified professional employes, substitutes and temporary professional employes to keep the public schools open in their respective districts in compliance with the provisions of this act. Except for school districts of the first class and first class A which may require residency requirements for other than professional employes, substitutes and temporary professional employes, no other school district shall require an employe to reside within the school district as a condition for appointment or continued employment.

(1106 amended June 22, 2001, P.L.530, No.35)

Compiler's Note: Section 3 of Act 36 of 1981, which amended section 1106, provided that a residency requirement authorized for school districts of the first class or first class A, pursuant to section 1106, shall not apply to any person who is an employe of such school district on the date of enactment of Act 36.

Section 1107. Special Teachers.--The board of school directors in every school district may employ such special teachers, including special teachers who speak the idiomatic or colloquial language of immigrants residing in the school district, for the purpose of easing the transition period of such immigrants, qualified as herein provided, as they may deem necessary for any of the public schools or departments thereof in the district.

(1107 amended Mar. 19, 1970, P.L.189, No.73)

Section 1108. Temporary Professional Employes.--(a) It shall be the duty of the district superintendent to notify each temporary professional employe, at least twice each year during the period of his or her employment, of the professional quality, professional progress, and rating of his or her services. No temporary professional employe shall be dismissed unless rated unsatisfactory, and notification, in writing, of such unsatisfactory rating shall have been furnished the employe within ten (10) days following the date of such rating. The rating of a temporary professional employe shall be done as provided in section one thousand one hundred twenty-three of this act.

(b) (1) A temporary professional employe initially employed by a school district prior to June 30, 1996, whose work has been certified by the district superintendent to the secretary of the school district, during the last four (4) months of the second year of such service, as being satisfactory shall thereafter be a "professional employe" within the meaning of this article.

(2) A temporary professional employe initially employed by a school district, on or after June 30, 1996, whose work has been certified by the district superintendent to the secretary of the school district, during the last four (4) months of the third year of such service, as being satisfactory shall thereafter be a "professional employe" within the meaning of this article.

(3) The attainment of the status under paragraph (1) or (2) shall be recorded in the records of the board and written notification thereof shall be sent also to the employe. The employe shall then be tendered forthwith a regular contract of employment as provided for professional employes. No professional employe who has attained tenure status in any

school district of this Commonwealth shall thereafter be required to serve as a temporary professional employe before being tendered such a contract when employed by any other part of the public school system of the Commonwealth.

(c) (1) Any temporary professional employe employed by a school district prior to June 30, 1996, who is not tendered a regular contract of employment at the end of two years of service, rendered as herein provided, shall be given a written statement signed by the president and secretary of the board of school directors and setting forth explicitly the reason for such refusal.

(2) Any temporary professional employe employed by a school district after June 30, 1996, who is not tendered a regular contract of employment at the end of three years of service, rendered as herein provided, shall be given a written statement signed by the president and secretary of the board of school directors and setting forth explicitly the reason for such refusal.

(d) Temporary professional employes shall for all purposes, except tenure status, be viewed in law as full-time employes, and shall enjoy all the rights and privileges of regular full-time employes.

(1108 amended Mar. 29, 1996, P.L.47, No.16)

Compiler's Note: Section 5 of Act 16 of 1996, which amended section 1108, provided that nothing contained in the amendment shall supersede or preempt any provisions of an existing collective bargaining agreement between a school entity and an employee organization that is in effect on the effective date of section 5. For the purpose of this subsection, a "school entity" shall mean a school district, joint school district, intermediate unit or area vocational-technical school.

Section 1109. Qualifications.--(a) Every teacher employed to teach in the public schools of this Commonwealth must be a person of good moral character, must be at least eighteen years of age, and must be a citizen of the United States: Provided, That citizenship may be waived in the case of exchange teachers not permanently employed, and teachers employed for the purpose of teaching foreign languages, including special teachers who speak the idiomatic or colloquial language of immigrants residing in the school district, and employed for the purpose of easing the transition period of such immigrants.

(b) Every principal appointed after August thirty-first, one thousand nine hundred fifty-three, employed in the public schools of this Commonwealth, who devotes one-half or more of his time to supervision and administration, shall be properly certificated by the Department of Public Instruction in accordance with such standards as the State Board of Education may establish.

(c) An individual who is granted an administrative certificate by the Department of Education prior to January 1, 2008, and who is employed for the first time in a position of principal, vice principal or assistant principal in a public school in this Commonwealth on or after January 1, 2008, shall complete the induction program provided for in subsection (f) within five years of appointment as a principal, vice principal or assistant principal.

(d) (1) An individual who applies on or after January 1, 2008, for a certificate to become eligible to serve as a principal, vice principal or assistant principal in a public school in this Commonwealth and who otherwise meets the

requirements for such certificate shall be issued an Administrative I certificate.

(2) No individual may serve as a principal, vice principal or assistant principal on an Administrative I certificate for more than five school years.

(e) The holder of an Administrative I certificate shall be issued an Administrative II certificate upon application to the Department of Education verifying three years of satisfactory service on an Administrative I certificate and successful completion of the induction program provided for in subsection (f).

(f) (1) The Department of Education shall design and offer an induction program at no cost to those principals, vice principals and assistant principals who participate and at no cost to their employer school entities and shall approve other providers to offer induction programs. An induction program shall be designed to aid in development in the core school leadership standards identified in section 1217(a)(1).

(2) A participant in an induction program shall not be required to attend more than thirty-six (36) hours of induction during any one school year or a total of one hundred eight (108) hours over the course of the induction program.

(3) Hours of participation in an induction program shall be applied toward meeting the certificate holder's continuing professional education requirements under section 1205.2.

(1109 amended July 20, 2007, P.L.278, No.45)

Section 1109.1. Emergency Certification in Certain Instances.--When the superintendent and board of education of a school district of the first class find that the supply of certified teachers is inadequate to the educational needs of the district's language minority student population or that the loss of teachers due to early retirement would cause the interruption of suitable and essential programs of instruction for such students, the district may hire otherwise qualified persons without current teaching certificates, provided that individuals so employed shall enroll in a teacher certification program and meet Pennsylvania certification requirements within a period not to exceed three (3) years.

(1109.1 added June 7, 1993, P.L.49, No.16)

Section 1109.2. Conditional Employment.--(a) A board of school directors may enter into an agreement to employ an individual as a temporary professional employee who, within six months of the date of expected graduation from an approved Pennsylvania college or university, presents a letter verifying that the individual is enrolled in an approved teacher preparation program in that institution and will complete all requirements for the conferring of a bachelor's degree on a date certain as specified.

(b) The validity of this agreement shall be contingent upon all of the following conditions being met prior to the actual commencement of the individual's employment as a temporary professional employee:

(1) The conferring of a bachelor's degree.

(2) The individual having obtained a teaching certificate from the Commonwealth of Pennsylvania in the area of assignment or certification specified in the agreement.

(1109.2 added June 29, 2002, P.L.524, No.88)

Section 1110. Disqualification for Refusal to Teach.--(1110 repealed May 9, 1949, P.L.939, No.263)

Section 1111. Employment of Relatives of School Directors.--No teacher shall be employed, by any board of school directors, who is related to any member of the board; as,

father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, uncle, or aunt, unless such teacher receives the affirmative votes of a majority of all members of the board other than the member related to the applicant who shall not vote.

(1111 amended Dec. 28, 1955, P.L.910, No.279)

Section 1112. Religious Garb, Insignia, etc., Prohibited; Penalty.--(a) That no teacher in any public school shall wear in said school or while engaged in the performance of his duty as such teacher any dress, mark, emblem or insignia indicating the fact that such teacher is a member or adherent of any religious order, sect or denomination.

(b) Any teacher employed in any of the public schools of this Commonwealth, who violates the provisions of this section, shall be suspended from employment in such school for the term of one year, and in case of a second offense by the same teacher he shall be permanently disqualified from teaching in said school. Any public school director who after notice of any such violation fails to comply with the provisions of this section shall be guilty of a misdemeanor, and upon conviction of the first offense, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100), and on conviction of a second offense, the offending school director shall be sentenced to pay a fine not exceeding one hundred dollars (\$100) and shall be deprived of his office as a public school director. A person thus twice convicted shall not be eligible to appointment or election as a director of any public school in this Commonwealth within a period of five (5) years from the date of his second conviction.

Section 1113. Transferred Programs and Classes.--(a) When a program or class is transferred as a unit from one or more school entities to another school entity or entities, professional employees who were assigned to the class or program immediately prior to the transfer and are classified as teachers as defined in section 1141(1) and are suspended as a result of the transfer and who are properly certificated shall be offered employment in the program or class by the receiving entity or entities when services of a professional employee are needed to sustain the program or class transferred, as long as there is no suspended professional employee in the receiving entity who is properly certificated to fill the position in the transferred class or program.

(b) Transferred professional employees shall be credited by the receiving entity only for their sick leave accumulated in the sending entity and also for their years of service in the sending entity, the latter for purposes of sabbatical leave eligibility and placement in the salary schedule: Provided, however, That such employees shall not utilize the sabbatical leave until they have taught in the receiving entity for a period of three (3) years. Such employees shall transfer their accrued seniority in the area of certification required for the transferred program or class only.

(b.1) Professional employees who are classified as teachers and who are not transferred with the classes to which they are assigned or who have received a formal notice of suspension shall form a pool of employees within the school entity. No new professional employee who is classified as a teacher shall be employed by a school entity assuming program responsibility for transferred students while there is:

(1) a properly certificated professional employee who is classified as a teacher suspended in the receiving entity; or

(2) if no person is qualified under clause (1), a properly certificated member of the school entity pool who is willing to accept employment with the school entity assuming program responsibility for transferred students. Members of the pool shall have the right to refuse employment offers from such school entity and remain in the pool. For purposes of sections 401 and 402 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law," an employer policy is hereby established under which members of the pool are not required to accept employment offers from the school entity assuming program responsibility for transferred students.

((b.1) amended June 22, 2001, P.L.530, No.35)

(b.2) (1) The following shall apply to professional and temporary professional employees of a distressed school district in which pupils have been reassigned to another school district pursuant to section 1607.1:

(i) The distressed school district shall create a pool comprised of the professional and temporary professional employees who have received formal notice of suspension from the distressed school district as a result of the curtailment of the high school program.

(ii) Employees in the pool created under subclause (i) shall be offered employment by any school district with a border that is no more than three miles from a border of a distressed school district, as set forth in section 1607.1(a)(1), whenever that school district has a vacancy for a position that an employee in the pool is certified to fill, provided that no employee of the school district in which the vacancy exists, including a suspended or demoted employee, has a right to such vacancy under this act or the collective bargaining agreement of that school district.

(iii) No new employee shall be hired by any school district with a border that is three miles or less from a border of a distressed school district until the position has been offered, in order of seniority, to all properly certified members of the pool created under subclause (i).

(2) Employees hired from the pool as provided under this subsection shall be credited by the hiring school district for all sick leave accumulated in the distressed school district and shall be credited for years of service in the distressed school district for purposes of salary schedule placement. Temporary professional and professional employees shall further be credited for their years of service in the distressed school district for purposes of sabbatical leave eligibility, suspension and realignment rights and eligibility for any retirement incentives or severance payments in a hiring school district.

((b.2) added July 20, 2007, P.L.278, No.45)

(c) Nothing contained in subsections (a) and (b.1) shall be construed to supersede or preempt any provision of a collective bargaining agreement in effect on February 4, 1982, and negotiated by a school entity and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act." ((c) amended July 20, 2007, P.L.278, No.45)

(d) (1) As used in this section, the term "school entity" or "school entities" shall mean an intermediate unit and its participating school districts or an area vocational-technical school and its sending school districts.

(2) As used in this section, the term "unit" shall mean a program or class whose membership falls within the minimum and

maximum class size as defined in Department of Education standards.

(1113 amended Aug. 5, 1991, P.L.219, No.25)

(c) Tenure.

Section 1121. Contracts; Execution; Form.--(a) In all school districts, all contracts with professional employes shall be in writing, in duplicate, and shall be executed on behalf of the board of school directors by the president and secretary and signed by the professional employee.

(b) (1) Each board of school directors in all school districts shall hereafter enter into contracts, in writing, with each professional employee initially employed by a school district prior to June 30, 1996, who has satisfactorily completed two (2) years of service in any school district of this Commonwealth.

(2) Each board of school directors in all school districts shall hereafter enter into contracts, in writing, with each professional employee initially employed by a school district, on or after June 30, 1996, who has satisfactorily completed three (3) years of service in any school district of this Commonwealth.

(c) Contracts under subsection (b) shall contain only the following:

"IT IS AGREED by and between Professional Employee, and the Board of Directors (or Board of Public Education) of the school district of, Pennsylvania, that said professional employee shall, under the authority of the said board and its successors, and subject to the supervision and authority of the properly authorized superintendent of schools or supervising principal, serve as a professional employee in the said school district for a term ofmonths, for an annual compensation of \$....., payable monthly or semi-monthly during the school term or year, less the contribution required by law to be paid to the Public School Employees' Retirement Fund, and less other proper deductions for loss of time.

"This contract is subject to the provisions of the 'Public School Code of 1949' and the amendments thereto.

"AND IT IS FURTHER AGREED by the parties hereto that none of the provisions of this act may be waived either orally or in writing, and that this contract shall continue in force year after year, with the right of the board of school directors (or board of public education) to increase the compensation over the compensation herein stated, from time to time, as may be provided under the provisions and proper operation of the established salary schedule, if any, for the school district, subject to the provisions of law, without invalidating any other provision of this contract, unless terminated by the professional employee by written resignation presented sixty (60) days before resignation becomes effective, or by the board of school directors (or board of public education) by official written notice presented to the professional employee: Provided, That the said notice shall designate the cause for the termination and shall state that an opportunity to be heard shall be granted if the said professional employee, within ten (10) days after receipt of the termination notice, presents a written request for such hearing."

(1121 amended Mar. 29, 1996, P.L.47, No.16)

Section 1122. Causes for Termination of Contract.--(a) The only valid causes for termination of a contract heretofore or

hereafter entered into with a professional employee shall be immorality; incompetency; unsatisfactory teaching performance based on two (2) consecutive ratings of the employee's teaching performance that are to include classroom observations, not less than four (4) months apart, in which the employee's teaching performance is rated as unsatisfactory; intemperance; cruelty; persistent negligence in the performance of duties; wilful neglect of duties; physical or mental disability as documented by competent medical evidence, which after reasonable accommodation of such disability as required by law substantially interferes with the employee's ability to perform the essential functions of his employment; advocacy of or participating in un-American or subversive doctrines; conviction of a felony or acceptance of a guilty plea or nolo contendere therefor; persistent and wilful violation of or failure to comply with school laws of this Commonwealth, including official directives and established policy of the board of directors; on the part of the professional employee: Provided, That boards of school directors may terminate the service of any professional employee who has attained to the age of sixty-two except a professional employee who is a member of the old age and survivors insurance system pursuant to the provisions of the act, approved the first day of June, one thousand nine hundred fifty-six (Pamphlet Laws 1973). In such case the board may terminate the service of any such professional employee at the age of sixty-five or at the age at which the employee becomes eligible to receive full benefits under the Federal Social Security Act.

(b) Nothing within the foregoing enumeration of causes in subsection (a), shall be interpreted to conflict with the retirement of professional employees upon proper evidence of disability, or the election by professional employees to retire during the period of voluntary retirement, or the authority of the board of school directors to require professional employees to retire during said period of voluntary retirement, or the compulsion on the part of professional employees to retire at the attainment of age seventy.

(1122 amended Mar. 29, 1996, P.L.47, No.16)

Compiler's Note: Section 5 of Act 16 of 1996, which amended section 1122, provided that nothing contained in the amendment shall supersede or preempt any provisions of an existing collective bargaining agreement between a school entity and an employee organization that is in effect on the effective date of section 5. For the purpose of this subsection, a "school entity" shall mean a school district, joint school district, intermediate unit or area vocational-technical school.

Section 1123. Rating System.--(a) In determining whether a professional employee shall be dismissed for incompetency or unsatisfactory teaching performance as provided for in section 1122(a) of this act, and in rating professional employees and temporary professional employees, all professional employees and temporary professional employees shall be rated through the use of an approved rating tool developed by the Secretary of Education in consultation with education experts, parents of school-age children enrolled in a public school, teachers and administrators, including research and collaboration conducted by the department.

(b) For professional employees and temporary professional employees who serve as classroom teachers, the following shall apply:

(1) Beginning in the 2013-2014 school year, the evaluation of the effectiveness of professional employees and temporary professional employees serving as classroom teachers shall give due consideration to the following:

(i) Classroom observation and practice models that are related to student achievement in each of the following areas:

- (A) Planning and preparation.
- (B) Classroom environment.
- (C) Instruction.
- (D) Professional responsibilities.

(ii) Student performance, which shall comprise fifty per centum (50%) of the overall rating of the professional employee or temporary professional employee serving as a classroom teacher and shall be based upon multiple measures of student achievement. The fifty per centum (50%) shall be comprised of the following:

(A) Fifteen per centum (15%) building-level data, including, but not limited to, all of the following:

- (I) Student performance on assessments.
- (II) Value-added assessment system data made available by the department under section 221.
- (III) Graduation rate as reported to the department under section 222.
- (IV) Promotion rate.
- (V) Attendance rate as reported to the department under section 2512.

(VI) Advanced placement course participation.

(VII) Scholastic aptitude test and preliminary scholastic aptitude test data.

(B) Fifteen per centum (15%) teacher-specific data, including, but not limited to, student achievement attributable to a specific teacher as measured by all of the following:

- (I) Student performance on assessments.
- (II) Value-added assessment system data made available by the department under section 221.

(III) Progress in meeting the goals of student individualized education plans required under the Individuals With Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(IV) Locally developed school district rubrics.

(C) Twenty per centum (20%) elective data, including measures of student achievement that are locally developed and selected by the school district from a list approved by the department and published in the Pennsylvania Bulletin by June 30 of each year, including, but not limited to, the following:

- (I) District-designed measures and examinations.
- (II) Nationally recognized standardized tests.
- (III) Industry certification examinations.
- (IV) Student projects pursuant to local requirements.
- (V) Student portfolios pursuant to local requirements.

(2) (i) No later than June 30, 2013, the department shall develop, issue and publish in the Pennsylvania Bulletin a rating tool for professional employees and temporary professional employees serving as classroom teachers that is consistent with this subsection and includes the weights given to the multiple measures of student performance contained in clause (1)(ii).

(ii) Following publication, the rating tool developed under this subsection shall be used in the rating of all professional employees and temporary professional employees serving as classroom teachers.

(iii) After June 30, 2013, any changes to the rating tool developed under this subsection shall be made by the State Board

of Education through regulations promulgated under the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act."

(c) For professional employees and temporary professional employees serving as principals, the following shall apply:

(1) Beginning in the 2014-2015 school year, principal effectiveness shall be measured using a rating tool designed specifically for professional employees and temporary professional employees serving as principals which shall give due consideration to the following:

- (i) Planning and preparation.
- (ii) School environment.
- (iii) Delivery of service.
- (iv) Professional development.
- (v) Student performance, pursuant to clause (2).

(2) Student performance shall be measured as provided in subsection (b)(1)(ii) for professional employees and temporary professional employees supervised by the principal and shall comprise fifty per centum (50%) of the principal's overall rating. The fifty per centum (50%) shall be comprised of the following:

(A) Fifteen per centum (15%) building-level data, including, but not limited to, all of the following:

- (I) Student performance on assessments.
- (II) Value-added assessment system data made available by the department under section 221.
- (III) Graduation rate as reported to the department under section 222.

(IV) Promotion rate.

(V) Attendance rate as reported to the department under section 2512.

(VI) Advanced placement course participation.

(VII) Scholastic aptitude test and preliminary scholastic aptitude test data.

(B) Fifteen per centum (15%) correlation data based on teacher-level measures.

(C) Twenty per centum (20%) elective data, including measures of student achievement that are locally developed and selected by the school district from a list approved by the department and published in the Pennsylvania Bulletin by June 30 each year, which shall include, but not be limited to, the following:

- (I) District-designed measures and examinations.
- (II) Nationally recognized standardized tests.
- (III) Industry certification examinations.
- (IV) Student projects pursuant to local requirements.
- (V) Student portfolios pursuant to local requirements.

(3) (i) No later than June 30, 2014, the department shall develop, issue and publish in the Pennsylvania Bulletin a rating tool for professional employees and temporary professional employees serving as principals that is consistent with this subsection and includes the weights given to the multiple measures of student performance contained in clause (2).

(ii) Following publication, the rating tool developed under this subsection shall be used in the rating of all principals superseding all other rating cards and forms used previously.

(iii) After June 30, 2014, any changes to the rating tool developed under this subsection shall be made by the State Board of Education through regulations promulgated under the "Regulatory Review Act."

(d) For nonteaching professional employees, the following shall apply:

(1) Beginning in the 2014-2015 school year, nonteaching professional employees shall be evaluated using a rating tool designed specifically for nonteaching professional employees which shall give due consideration to the following:

- (i) Planning and preparation.
- (ii) Educational environment.
- (iii) Delivery of service.
- (iv) Professional development.
- (v) Student performance of all students in the school building in which the nonteaching professional employee is employed which shall comprise twenty per centum (20%) of the overall rating of nonteaching professional employees and temporary professional employees.

(2) (i) No later than June 30, 2014, the department shall develop, issue and publish in the Pennsylvania Bulletin a rating tool for nonteaching professional employees that is consistent with this subsection and includes the weights given to the multiple measures of student performance contained in clause (1) (v).

(ii) Following publication, the rating tool developed under this subsection shall be used in the rating of all nonteaching professional employees.

(iii) After June 30, 2014, any subsequent changes to the rating tool developed under this paragraph shall be made by the State Board of Education through regulations promulgated under the "Regulatory Review Act."

(e) Notwithstanding subsections (b), (c) and (d), professional employees and temporary professional employees serving as classroom teachers, principals and nonteaching professional employees may be evaluated through the use of a rating tool developed by an individual school district, intermediate unit or area vocational-technical school that the department has approved as meeting or exceeding the measures of effectiveness established under this section.

(f) (1) Each rating tool developed or approved under this section shall identify the overall performance rating of the professional employees and temporary professional employees serving as classroom teachers, principals and nonteaching professional employees as one of the following:

- (i) Distinguished.
- (ii) Proficient.
- (iii) Needs improvement.
- (iv) Failing.

(2) An overall performance rating of either "distinguished" or "proficient" shall be considered satisfactory.

(3) An overall performance rating of "needs improvement" shall be considered satisfactory, except that any subsequent overall rating of "needs improvement" issued by the same employer within ten (10) years of the first overall performance rating of "needs improvement" where the employee is in the same certification shall be considered unsatisfactory.

(4) An overall performance rating of "failing" shall be considered unsatisfactory.

(5) An overall performance rating of "needs improvement" or "failing" shall require the employee to participate in a performance improvement plan. No employee shall be rated "needs improvement" or "failing" based solely upon student test scores.

(6) The department shall develop a rating scale to reflect student performance measures and employee observation results and establish overall score ranges for each of the four rating categories contained in clause (1).

(g) Upon publication in the Pennsylvania Bulletin of a rating tool developed under this section, the rating cards set forth in 22 Pa. Code § 351.21 (relating to rating form) and any alternative rating forms approved pursuant to 22 Pa. Code Ch. 351 (relating to teacher tenure hearings) prior to the implementation of this section shall be discontinued for use in the evaluation of professional and temporary professional employees.

(h) The following shall apply to the ratings of all professional employees and temporary professional employees:

(1) All ratings shall be completed using the rating tools developed or approved under this section.

(2) Professional employees shall be rated at least annually and temporary professional employees shall be rated at least twice annually.

(3) Ratings shall be performed by or under the supervision of the chief school administrator or, if so directed by the chief school administrator, by an assistant administrator, a supervisor or a principal who has supervision over the work of the professional employee or temporary professional employee being rated, provided that no unsatisfactory rating shall be valid unless approved by the chief school administrator.

(4) No employee shall be dismissed under section 1122 unless the employee has been provided a completed rating tool provided for under this section, which includes a description based upon classroom observations of deficiencies in practice supported by detailed anecdotal records that justify the unsatisfactory rating.

(i) All school districts, intermediate units and area vocational-technical schools shall provide to the department the aggregate results of all professional employee and temporary professional employee, principal and nonteaching professional employee evaluations.

(j) (1) Any rating tool developed by the Department of Education under this section shall be exempt from:

(i) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the "Commonwealth Documents Law."

(ii) Section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys Act."

(iii) The "Regulatory Review Act."

(2) This subsection shall not apply to any changes made to a rating tool or new rating tool developed by the State Board of Education pursuant to subsections (b)(2)(iii), (c)(3)(iii) and (d)(2)(iii).

(k) The State Board of Education may develop standards or regulations consistent with this section.

(l) (1) The department's duty to develop a rating tool under subsection (b)(2) shall expire on June 30, 2013.

(2) The department's duty to develop rating tools under subsections (c)(3) and (d)(2) shall expire on June 30, 2014.

(m) No collective bargaining agreement negotiated by a school district and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," after the effective date of this subsection shall provide for a rating system other than as provided for in this section. A provision in any agreement or contract in effect on the effective date of this subsection that provides for a rating system in conflict with this section shall be discontinued in any new or renewed agreement or contract or during the period of status quo following an expired contract.

(n) The requirements of this section shall apply to all school districts, intermediate units and area vocational-technical schools.

(o) For purposes of this section:

(1) The term "assessment" shall mean the Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or another test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) or its successor statute or required to achieve other standards established by the department for the school or school district under 22 Pa. Code § 403.3 (relating to single accountability system).

(2) The term "chief school administrator" shall include individuals who are employed as a school district superintendent, an executive director of an intermediate unit or a chief school administrator of an area vocational-technical school.

(3) The term "classroom teacher" shall mean a professional employe or temporary professional employe who provides direct instruction to students related to a specific subject or grade level.

(4) The term "department" shall mean the Department of Education of the Commonwealth.

(5) The term "education specialist" shall have the meaning given to it under the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act."

(6) The term "nonteaching professional employe" shall mean an education specialist or a professional employe or temporary professional employe who provides services other than classroom instruction.

(7) The term "performance improvement plan" shall mean a plan, designed by a district with input of the employe, that may include mentoring, coaching, recommendations for professional development and intensive supervision based on the contents of the rating tool provided for under this section.

(8) The term "principal" shall include a building principal, an assistant principal, a vice principal or a director of vocational education.

(p) An employe's individual rating form shall not be subject to disclosure under the act of February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

(1123 amended June 30, 2012, P.L.684, No.82)

Compiler's Note: Section 5 of Act 16 of 1996, which amended section 1123, provided that nothing contained in the amendment shall supersede or preempt any provisions of an existing collective bargaining agreement between a school entity and an employee organization that is in effect on the effective date of section 5. For the purpose of this subsection, a "school entity" shall mean a school district, joint school district, intermediate unit or area vocational-technical school.

Compiler's Note: Section 16 of Act 463 of 1951 provided that section 1123 is repealed insofar as it authorizes termination of the contract of a professional employe for advocating or participating in un-American or subversive activities.

Section 1124. Causes for Suspension.--(a) Any board of school directors may suspend the necessary number of

professional employees, for any of the causes hereinafter enumerated:

(1) substantial decrease in pupil enrollment in the school district;

(2) curtailment or alteration of the educational program on recommendation of the superintendent and on concurrence by the board of school directors, as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Department of Public Instruction;

(3) consolidation of schools, whether within a single district, through a merger of districts, or as a result of joint board agreements, when such consolidation makes it unnecessary to retain the full staff of professional employees; or

(4) when new school districts are established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, and when such reorganization makes it unnecessary to retain the full staff of professional employees.

(b) Notwithstanding an existing or future provision in a collective bargaining agreement or other similar employment contract to the contrary, suspension of a professional employee due to the curtailment or alteration of the educational program as set forth in subsection (a)(2) may be effectuated without the approval of the curtailment or alteration of the educational program by the Department of Education, provided that, where an educational program is altered or curtailed as set forth in subsection (a)(2), the school district shall notify the Department of Education of the actions taken pursuant to subsection (a)(2). The Department of Education shall post all notifications received from a school district pursuant to this subsection on the Department of Education's publicly accessible Internet website.

(1124 amended June 30, 2012, P.L.684, No.82)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Section 1125. Suspensions and Reinstatements; How Made.--(1125 repealed Nov. 20, 1979, P.L.465, No.97)

Section 1125.1. Persons to be Suspended.--(a) Professional employees shall be suspended under section 1124 (relating to causes for suspension) in inverse order of seniority within the school entity of current employment. Approved leaves of absence shall not constitute a break in service for purposes of computing seniority for suspension purposes. Seniority shall continue to accrue during suspension and all approved leaves of absence.

(b) Where there is or has been a consolidation of schools, departments or programs, all professional employees shall retain the seniority rights they had prior to the reorganization or consolidation.

(c) A school entity shall realign its professional staff so as to insure that more senior employees are provided with the opportunity to fill positions for which they are certificated and which are being filled by less senior employees.

(d) (1) No suspended employee shall be prevented from engaging in another occupation during the period of suspension.

(2) Suspended professional employees or professional employees demoted for the reasons set forth in section 1124 shall be reinstated on the basis of their seniority within the school entity. No new appointment shall be made while there is such a

suspended or demoted professional employee available who is properly certificated to fill such vacancy. For the purpose of this subsection, positions from which professional employees are on approved leaves of absence shall also be considered temporary vacancies.

(3) To be considered available a suspended professional employee must annually report to the governing board in writing his current address and his intent to accept the same or similar position when offered.

(4) A suspended employee enrolled in a college program during a period of suspension and who is recalled shall be given the option of delaying his return to service until the end of the current semester.

((d) amended July 10, 1986, P.L.1270, No.117)

(e) Nothing contained in section 1125.1(a) through (d) shall be construed to supersede or preempt any provisions of a collective bargaining agreement negotiated by a school entity and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act"; however, no agreement shall prohibit the right of a professional employee who is not a member of a bargaining unit from retaining seniority rights under the provisions of this act.

(f) A decision to suspend in accordance with this section shall be considered an adjudication within the meaning of the "Local Agency Law."

(1125.1 added Nov. 20, 1979, P.L.465, No.97)

Section 1126. Public Hearings; Exceptions.--All hearings, under the provisions of this article or any other provision of the school laws pertaining to the dismissal or the termination of contracts of professional employees, shall be public, unless otherwise requested by the party against whom the complaint is made.

Section 1127. Procedure on Dismissals; Charges; Notice; Hearing.--Before any professional employee having attained a status of permanent tenure is dismissed by the board of school directors, such board of school directors shall furnish such professional employee with a detailed written statement of the charges upon which his or her proposed dismissal is based and shall conduct a hearing. A written notice signed by the president and attested by the secretary of the board of school directors shall be forwarded by registered mail to the professional employee setting forth the time and place when and where such professional employee will be given an opportunity to be heard either in person or by counsel, or both, before the board of school directors and setting forth a detailed statement of the charges. Such hearing shall not be sooner than ten (10) days nor later than fifteen (15) days after such written notice. At such hearing all testimony offered, including that of complainants and their witnesses, as well as that of the accused professional employee and his or her witnesses, shall be recorded by a competent disinterested public stenographer whose services shall be furnished by the school district at its expense. Any such hearing may be postponed, continued or adjourned.

Section 1128. Subpoenas; Testimony.--The board shall have power to issue subpoenas requiring the attendance of witnesses at any hearing and shall do so at the request of the party against whom a complaint is made. If any person shall refuse to appear and testify in answer to any subpoena issued by the board, any party interested may petition the court of common pleas of the county setting forth the facts, which court shall thereupon issue its subpoena commanding such person to appear

before it, there to testify as to the matters being inquired into. Any person refusing to testify before the court shall be held for contempt. All testimony at any hearing shall be taken under oath, and any member of the board of school directors shall have power to administer oaths to such witnesses.

Section 1129. Vote Required for Dismissals.--After fully hearing the charges or complaints and hearing all witnesses produced by the board and the person against whom the charges are pending, and after full, impartial and unbiased consideration thereof, the board of school directors shall by a two-thirds vote of all the members thereof, to be recorded by roll call, determine whether such charges or complaints have been sustained and whether the evidence substantiates such charges and complaints, and if so determined shall discharge such professional employe. If less than two-thirds of all of the members of the board vote in favor of discharge, the professional employe shall be retained and the complaint shall be dismissed.

No member of any board of school directors shall vote on any roll call if he is related as father, mother, brother, sister, husband, wife, son, daughter, stepson, step-daughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, uncle or aunt to the professional employe involved or to any of the parties instituting the complaint.

Section 1130. Notice of Discharge; Procedure on Decision Favorable to Employe.--A written notice of any decision of the board of school directors discharging a professional employe, shall be sent by registered mail to such professional employe at his or her last known address within ten (10) days after such hearing is actually concluded.

In all cases where the final decision is in favor of the professional employe, the charges made shall be physically expunged from the records of the board of school directors, but a complete official transcript of the records of the hearing shall be delivered to the one against whom the charges were made. In all such cases there shall be no abatement of salary or compensation.

Section 1131. Appeals to Superintendent of Public Instruction.--In case the professional employe concerned considers himself or herself aggrieved by the action of the board of school directors, an appeal by petition, setting forth the grounds for such appeal, may be taken to the Superintendent of Public Instruction at Harrisburg. Such appeal shall be filed within thirty (30) days after receipt by registered mail of the written notice of the decision of the board. A copy of such appeal shall be served by registered mail on the secretary of the school board.

The Superintendent of Public Instruction shall fix a day and time for hearing, which shall be not sooner than ten (10) days nor more than thirty (30) days after presentation of such petition, and shall give written notice to all parties interested.

The Superintendent of Public Instruction shall review the official transcript of the record of the hearing before the board, and may hear and consider such additional testimony as he may deem advisable to enable him to make a proper order. At said hearing the litigants shall have the right to be heard in person or by counsel or both.

After hearing and argument and reviewing all the testimony filed or taken before him, the Superintendent of Public Instruction shall enter such order, either affirming or

reversing the action of the board of school directors, as to him appears just and proper.

Section 1132. Appeals to Court.--The ruling or decision of the Secretary of Education shall be final, unless, an appeal is taken in accordance with the provisions of the act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law."

(1132 amended Dec. 21, 1973, P.L.429, No.150)

Section 1133. Collective Bargaining for Public Employees.--Nothing contained in sections 1121 through 1132 shall be construed to supersede or preempt a provision of a collective bargaining agreement in effect on July 23, 1970, or on any date subsequent thereto, negotiated by a school entity and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," which agreement provides for the right of the exclusive representative to grieve and arbitrate the validity of a professional employee's termination for just cause or for the causes set forth in section 1122 of this act; however, no agreement shall prohibit the right of a professional employee from exercising his or her rights under the provisions of this act except as herein provided. However, if within ten (10) days after the receipt of the detailed written statement and notice as required by section 1127, the professional employee chooses to exercise his or her right to a hearing, any provision of the collective bargaining agreement relative to the right of the exclusive representative to grieve or arbitrate the termination of such professional employee shall be void. Professional employees shall have the right to file a grievance under the collective bargaining agreement or request a hearing pursuant to sections 1121 through 1132, but not both.

(1133 added June 29, 1984, P.L.438, No.93)

Section 1134. Professional and Temporary Professional Employees of Schools Formerly Operated by the Commonwealth.--(1134 expired June 30, 2012. See Act 24 of 2011.)

(d) Compensation.

Section 1141. Definitions.--For the purposes of this subdivision.--

(1) "Teacher" shall include all professional employees and temporary professional employees, who devote fifty per centum (50%) of their time, or more, to teaching or other direct educational activities, such as classroom teachers, demonstration teachers, museum teachers, counsellors, librarians, school nurses, dental hygienists, home and school visitors, and other similar professional employees and temporary professional employees, certificated in accordance with the qualifications established by the State Board of Education.
(1) amended Oct. 21, 1965, P.L.601, No.312)

(2) "Service increments" shall mean increases in annual salary granted to all professional employees by reason of their years of service in the school district or vocational school district.

(3) "Standard certificate" shall mean any one of the following certificates: permanent State certificate, State Normal School certificate, State Normal School diploma, temporary standard certificate, permanent standard certificate, State standard limited certificate, temporary extension standard certificate, permanent extension standard certificate.

(4) "College certificate" shall mean a college provisional certificate, a college permanent certificate, or its equivalent.

(5) "Master's Degree" shall mean a degree secured at a college or university approved by the Department of Public Instruction. ((5) amended Oct. 21, 1965, P.L.601, No.312)

The State Board of Education shall establish equivalents for both college certificates and master's degrees. In determining the equivalents, in the case of teachers of applied arts and vocational subjects, the State Board of Education shall give due consideration to practical experience in the field taught. (Par. amended Oct. 21, 1965, P.L.601, No.312)

Section 1142. Minimum Salaries and Increments.--(a) Except as hereinafter otherwise provided, all school districts and vocational school districts shall pay all regular and temporary teachers, supervisors, directors and coordinators of vocational education, psychologists, teachers of classes for exceptional children, supervising principals, vocational teachers, and principals in the public schools of the district the minimum salaries and increments for the school year 1968-1969 and each school year thereafter, as provided in the following tabulation in accordance with the column in which the professional employe is grouped and the step which the professional employe has attained by years of experience within the school district each step after step 1 constituting one year of service. When a school district, by agreement, places a professional employe on a step in the salary scale, each step thereafter shall constitute one year of service. When a district adopts a salary scale in excess of the mandated scale, it shall not be deemed to have altered or increased the step which the employe has gained through years of service.

(b) Professional employes shall be grouped in the following columns:

Class A. Teachers holding a standard certificate valid for the subject or grades in which the teacher is giving instruction.

Class B. Teachers holding a college certificate valid for the subjects or grades in which the teacher is giving instruction.

Class C. Teachers of classes approved by the Department of Public Instruction for exceptional children holding a standard certificate valid for the subjects or grades in which the teacher is giving instruction.

Class D. Teachers of classes approved by the Department of Public Instruction for exceptional children holding a college certificate valid for the subjects or grades in which the teacher is giving instruction.

Class E. Supervisors, directors and coordinators of vocational education, who devote one-half or more of their time to supervision of instruction, and psychologists, holding a standard or college certificate.

Class F. Principals, who devote one-half or more of their time to supervision and administration and having less than twenty (20) teachers under their supervision, who hold a standard certificate, or college certificate.

Class G. Such principals, having twenty (20) or more teachers under their supervision, but less than forty (40), and who hold a standard certificate, or college certificate.

Class H. Such principals, having forty (40) or more teachers under their supervision, but less than sixty (60), and who hold a standard certificate, or college certificate.

Class I. Such principals, having sixty (60) or more but less than eighty (80) teachers under their supervision, and who hold a standard certificate, or college certificate.

Class J. Such principals, having eighty (80) or more teachers under their supervision, and who hold a standard certificate, or college certificate.

Class K. Supervising principals, having less than forty (40) teachers under their supervision, and who hold a standard certificate, or college certificate.

Class L. Supervising principals, having forty (40) or more teachers under their supervision, but less than sixty (60), who hold a standard certificate, or college certificate.

Class M. Supervising principals, having sixty (60) or more but less than eighty (80) teachers under their supervision, and who hold a standard certificate, or college certificate.

Class N. Supervising principals, having eighty (80) or more but less than one hundred (100) teachers under their supervision, and who hold a standard certificate, or college certificate.

Class O. Supervising principals, having one hundred (100) or more teachers under their supervision, and who hold a standard certificate or college certificate.

Class P. Vocational teachers, holding a standard or college certificate valid for the subjects or grades in which the teacher is giving instruction, and who is employed for the entire calendar year because of seasonal activities.

(c) Minimum Salary Schedule for the 1968-1969 school year:

	A	B	C	D	E	F	G	H
10		8100		8300				
9	7800	7800	8000	8000	9050			
8	7500	7500	7700	7700	8750	9450	9950	10450
7	7200	7200	7400	7400	8450	9150	9650	10150
6	6900	6900	7100	7100	8150	8850	9350	9850
5	6600	6600	6800	6800	7850	8550	9050	9550
4	6300	6300	6500	6500	7550	8150	8650	9150
3	6000	6000	6200	6200	7250	7750	8250	8750
2	5700	5700	5900	5900	6950	7350	7850	8350
1	5400	5400	5600	5600	6650	6950	7450	7950

	I	J	K	L	M	N	O	P
10								9350
9								9050
8	10950	11450	11650	12150	12650	13150	13650	8750
7	10650	11150	11350	11850	12350	12850	13350	8450
6	10350	10850	11050	11550	12050	12550	13050	8150
5	10050	10550	10750	11250	11750	12250	12750	7850
4	9650	10150	10250	10750	11250	11750	12250	7550
3	9250	9750	9750	10250	10750	11250	11750	7250
2	8850	9350	9250	9750	10250	10750	11250	6950
1	8450	8950	8750	9250	9750	10250	10750	6650

(d) Subsequent Minimum Salary Schedule

	A	B	C	D	E	F	G	H
13		9600		9800				
12	9300	9300	9500	9500	10550			
11	9000	9000	9200	9200	10250	11550	12050	12550
10	8700	8700	8900	8900	9950	11250	11750	12250
9	8400	8400	8600	8600	9650	10950	11450	11950
8	8100	8100	8300	8300	9350	10550	11050	11550
7	7800	7800	8000	8000	9050	10150	10650	11150
6	7500	7500	7700	7700	8750	9750	10250	10750
5	7200	7200	7400	7400	8450	9350	9850	10350
4	6900	6900	7100	7100	8150	8950	9450	9950

3	6600	6600	6800	6800	7850	8550	9050	9550
2	6300	6300	6500	6500	7550	8150	8650	9150
1	6000	6000	6200	6200	7250	7750	8250	8750
	I	J	K	L	M	N	O	P
13								10850
12								10550
11	13050	13550	14350	14850	15350	15850	16350	10250
10	12750	13250	14050	14550	15050	15550	16050	9950
9	12450	12950	13750	14250	14750	15250	15750	9650
8	12050	12550	13250	13750	14250	14750	15250	9350
7	11650	12150	12750	13250	13750	14250	14750	9050
6	11250	11750	12250	12750	13250	13750	14250	8750
5	10850	11350	11750	12250	12750	13250	13750	8450
4	10450	10950	11250	11750	12250	12750	13250	8150
3	10050	10550	10750	11250	11750	12250	12750	7850
2	9650	10150	10250	10750	11250	11750	12250	7550
1	9250	9750	9750	10250	10750	11250	11750	7250

(e) In the case of any professional employe or temporary professional employe who holds a Master's Degree or its equivalent, two (2) additional steps of three hundred dollars (\$300) each shall be added to his class.

(f) The mandated salaries provided in this section shall be applicable to all professional and temporary professional employes within their respective class. The annual salaries payable under this section for the school year 1968-1969 and each school year thereafter, shall include an annual service increment for service in the school district during the previous school year by advancing the salary of the professional or temporary professional employe at least one full step on the minimum salary schedule or to the step on which he is entitled to be placed by virtue of years of experience within the school district, whichever is higher.

(g) Any professional employe or temporary professional employe who holds a Master's Degree or its equivalent shall be placed on a step which shall be at least three hundred dollars (\$300) in addition to the minimum salary of an employe who holds a college certificate and who does not hold a Master's Degree and who has the same number of years of service in the district.

(h) The salaries and increments provided by this section may be reduced by written agreement between the school district and the employe for the purpose of the school district purchasing a tax-sheltered annuity contract, a retirement income endowment policy, or other similar annuity contract. The reduction shall not exceed the premium for the annuity. ((h) added Dec. 6, 1972, P.L.1338, No.289)

(1142 amended June 12, 1968, P.L.192, No.96)

Section 1142.1. Minimum Salaries for Teachers.--(a) Notwithstanding the provisions of section 1142, the minimum salary paid to full-time teachers for the school term 1988-1989 and each school term thereafter, shall be eighteen thousand five hundred dollars (\$18,500) as provided in this section.

(b) This section shall not require, and shall not be construed to require, the modification, renegotiation or reopening of any contract or agreement in effect on the effective date of this section between a public employer and a public employe or employe organization pursuant to the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," nor shall the salary or any other terms of any such contract or agreement be superseded or modified by this

section: Provided, that the board of school directors of a school district may at any time during the term of such contract or agreement implement the minimum salary provisions of this section for the entire school term in the manner provided in section 1151. Whenever a board of school directors of a school district exercises the power granted by this subsection to implement the minimum salary provisions of this section, it shall implement them by making a supplemental salary payment to each full-time teacher who qualifies for such payment in an amount equal to the difference between eighteen thousand five hundred dollars (\$18,500) and the salary to which such teacher is entitled under the terms of the applicable contract or agreement and shall be entitled to receive the special payment provided by section 2594.

(c) The board of school directors of a school district shall pay to full-time teachers a salary which equals at least eighteen thousand five hundred dollars (\$18,500) for the school term beginning after the expiration of the term of any contract or agreement in effect on the effective date of this section between a public employer and a public employe or employee organization pursuant to the "Public Employee Relations Act," and for each school term thereafter.

(d) For purposes of this section, the following terms shall have the following meanings:

"Board of school directors" shall mean board of school directors, intermediate unit board of directors and area vocational-technical board.

"School district" shall mean school district, intermediate unit and area vocational-technical school.

"Teacher" shall mean classroom teachers and all others included within the definition of "teacher" in section 1141, including speech correctionists and instructional department chairmen employed by a school district.

(1142.1 added Oct. 20, 1988, P.L.827, No.110)

Section 1143. Minimum Salaries and Increments; Districts Second, Third and Fourth Class and Vocational School Districts.--(1143 repealed Dec. 27, 1951, P.L.1776, No.471)

Section 1144. Additional Increments for College Certificate or Master's Degree.--Any professional employe or temporary professional employe, who, during the term of his employment, shall receive a college certificate or shall earn a Master's Degree, shall, commencing with the next succeeding school term, be entitled to the compensation prescribed for his new status, which shall be at least three hundred dollars (\$300) in excess of the annual service increment earned by him during the previous year.

Any temporary professional employe who holds a Master's Degree at the time of his initial employment in the public schools of this Commonwealth shall receive, commencing with the second year of service, compensation of at least three hundred dollars (\$300) in excess of that to which such employe would otherwise be entitled.

(1144 amended June 12, 1968, P.L.192, No.96)

Section 1144.1. Teachers of Applied Arts and Vocational Subjects.--Teachers of applied arts and vocational subjects who hold a standard certificate shall be entitled to the same minimum salary and increments as teachers who hold a college certificate.

Teachers of applied arts and vocational subjects who hold a standard certificate and have earned an additional thirty (30) semester hours of credit in professional education in the teaching field in which said teacher is engaged or related

thereto shall be entitled to the same minimum salary and increments as teachers holding a Master's Degree.

(1144.1 added May 11, 1949, P.L.1088, No.319)

Section 1145. Minimum Salaries for Teachers With Emergency Certificates.--In all school districts and vocational school districts, the minimum annual salary of teachers, who hold only emergency certificates for any grade or subject which they teach, shall be one thousand six hundred dollars (\$1600).

Section 1146. Part-time Teachers, etc.--The minimum salary of all part-time teachers, supervisors and principals shall be as follows:

(1) Special Education. Teachers having a certificate valid for the subjects in which the teacher is giving instruction, employed to teach children of exceptional physical or mental condition who are unable to attend a regular public school, four dollars (\$4.00) per hour. ((1) amended Sept. 17, 1965, P.L.523, No.265)

(2) General Extension Education.

(a) Teachers, supervisors and directors of extension schools and classes holding a certificate valid for the subjects in which the teacher is giving instruction, four dollars (\$4.00) per hour.

(b) Teachers, leaders, supervisors and directors of extension recreation activities holding a certificate valid for the subjects in which he is giving instruction, two dollars and fifty cents (\$2.50) per hour.

(c) Whenever better qualified recreation teachers and leaders are not available, persons possessing evidence of graduation from an approved four year high school and actual experience in a given field of recreation may be issued an emergency certificate for service in that field, the required minimum salary for whom shall be one dollar and fifty cents (\$1.50) per hour.

(3) Teacher load.

(a) Ten (10) clock hours of service per week shall constitute the maximum teacher load for general extension teachers who are also concurrently engaged in full-time day-school teaching or other full-time employment.

(b) Thirty (30) clock hours of service per week shall constitute the maximum teacher load for such teachers not otherwise concurrently employed.

(4) Vocational Extension Education.

(a) Teachers and supervisors in approved programs of vocational adult extension education, four dollars (\$4.00) per hour.

(b) All part-time teachers and supervisors in approved vocational extension education shall be limited to a maximum of ten (10) hours per week at the rate of four dollars (\$4.00) per hour. When hours in excess of ten (10) hours per week are assigned the hourly rate shall be adjusted by the district to conform with the established schedule but shall be not less than one dollar and seventy-five cents (\$1.75) per hour.

(5) Director load.

(a) Forty-eight (48) clock hours of service per week for fifty (50) weeks shall constitute the maximum load for full-time directors of extension education or recreation programs.

(b) Fifteen (15) clock hours of service per week shall constitute the maximum load for part-time directors of extension education or recreation programs who are concurrently engaged in full-time day-school teaching or other full-time employment the program shall maintain a minimum of twelve (12) classes or activities operating simultaneously.

(c) Forty-eight (48) clock hours of service per week shall constitute the maximum load for part-time directors not otherwise concurrently employed the program shall maintain a minimum of twelve (12) classes or activities operating simultaneously.

(1146 amended Sept. 12, 1961, P.L.1263, No.554)

Section 1147. Increase or Decrease of Usual Number of Periods per Day.--Teachers who are required, because of additional work, to devote more than the usual number of periods per day to their duties, shall be entitled to a fair increase in compensation to be determined by the board of public education or the board of school directors. Teachers, who may be employed in giving instruction for only part of a day, shall render such other service for such period of time per day as the board of school directors may direct, but if such service cannot be assigned to such teacher by the board of school directors, the salary paid to such teacher shall be proportioned to the number of hours of service rendered.

Section 1148. Substitute Teachers.--Substitutes shall be paid not less than the minimum salary provided for by section 1142, or in the event they are employed for less than a full school year, the proportionate part of such minimum salary equal to the proportionate part of the school year during which they were employed, arrived at by dividing the number of days during which a substitute was employed by the total number of days the schools of the district were in session during the school year.

(1148 amended Oct. 20, 1988, P.L.827, No.110)

Section 1149. Increments When Employed by Another District.--The increments herein provided for are applicable only where the beneficiaries thereof remain in the service of the same school district. Where such teachers enter a new district they shall enter at a point in the schedule to be agreed upon between said teachers and the employing districts, which agreements shall be made a part of the contract between them.

Section 1150. Schedules for Teachers, etc. not Provided For.--The board of school directors of each school district shall establish a salary schedule with increments for all members of the teaching and supervisory staff not included in any of the foregoing schedules.

Section 1151. Salary Increases; Demotions.--The salary of any district superintendent, assistant district superintendent or other professional employe in any school district may be increased at any time during the term for which such person is employed, whenever the board of school directors of the district deems it necessary or advisable to do so, but there shall be no demotion of any professional employe either in salary or in type of position, except as otherwise provided in this act, without the consent of the employe, or, if such consent is not received, then such demotion shall be subject to the right to a hearing before the board of school directors and an appeal in the same manner as hereinbefore provided in the case of the dismissal of a professional employe.

(1151 amended Aug. 8, 1963, P.L.564, No.299)

Section 1152. Compensation in Excess of Schedule; Temporary or Emergency Increases.--The foregoing schedules prescribe a minimum salary in each instance, and where an increment is prescribed, it is also a minimum. It is within the power of the boards of school directors to increase for any person or group of persons, included in any schedule, the initial salary or the amount of an increment or the number of increments.

Nothing contained in this act shall be construed to interfere with or discontinue any salary schedule rights, tenure rights, or other privileges or terms of employment now or heretofore in force in any school district, provided such shall meet the requirements of this act, nor to prevent the adoption of any salary schedule in conformity with the provisions of this act.

In addition to the salaries provided for by this act, the board of directors of each school district is hereby authorized to grant temporary or emergency increases in salaries to members of its teaching or supervisory staff for any period, and to discontinue such increases at the end of the period for which the same were granted, any law to the contrary notwithstanding. In order to pay the amount of salary hereby provided for, the board of school directors of any school district may revise its budget by increasing its appropriation or appropriations for salaries of members of the teaching and supervisory staffs of the school district for any year. The funds therefor shall be provided from unexpended balances in existing appropriations, from unappropriated revenue, if any, or from temporary loans. Any temporary or emergency increases heretofore or hereafter granted by any school district, and the discontinuance thereof at the end of the period for which granted, and any contracts, rights, tenure rights, or other privileges or terms of employment heretofore in effect in any school district, provided the same shall meet the requirements of this act, are hereby ratified, confirmed and made valid, notwithstanding the terms or provisions of any other act or that the same may have been done without previous authority of law.

No school district shall be required to pay any increments provided for hereby to any teacher who is rated unsatisfactory for any part of the probationary period of such teacher.

(1152 reenacted and amended Dec. 20, 1968, P.L.1256, No.398)

Section 1153. Payment of Salaries of Teachers when Prevented from Rendering Services.--When a board of school directors is compelled to close any school or schools on account of contagious disease, the destruction or damage of the school building by fire or other causes, the school district shall be liable for the salaries of the teachers of said school or schools for the terms for which they were engaged. Whenever a teacher is prevented from following his or her occupation as a teacher, during any period of the school term, for any of the reasons in this section specified, the school district shall be liable for the salary of such teacher for such period, at the rate of compensation stipulated in the contract between the district and the teacher, in addition to the time actually occupied in teaching by such teacher.

Whenever a teacher is prevented by sickness or some other unavoidable circumstance from following his or her occupation, the school district may, at the discretion of the directors, make such payments of compensation during the period of absence from duty as the exigencies of the case may seem to warrant. In the case of sickness, no payments shall be made unless the teacher shall have furnished to the board of school directors a certificate from a physician stating the nature of the sickness and certifying that he or she was unable to perform duties as a teacher.

Section 1154. Payment of Salaries in Cases of Sickness, Injury or Death.--(a) In any school year whenever a professional or temporary professional employe is prevented by illness or accidental injury from following his or her occupation, the school district shall pay to said employe for each day of absence the full salary to which the employe may

be entitled as if said employee were actually engaged in the performance of duty for a period of ten days. Any such unused leave shall be cumulative from year to year in the school district of current employment or its predecessors without limitation. All or any part of such accumulated unused leave may be taken with full pay in any one or more school years. No employee's salary shall be paid if the accidental injury is incurred while the employee is engaged in remunerative work unrelated to school duties.

Whenever the boards of school directors of two or more school districts may establish any joint elementary public school, high school or department, or whenever two or more school districts shall merge or form a union school district or administrative unit in accordance with the provisions of sections 291, 292, 293, 294, 295, 296 and 297 of this act, the professional or temporary professional employees employed by the several boards of school directors establishing such joint school or department or merged or union school district or administrative unit shall be entitled to the sick leave accumulated in the individual school districts subsequently establishing such joint school or department or merged or union school district or administrative unit.

Professional and temporary professional employees who sever their employment with one school district and enter into employment with another school district shall be entitled to all accumulated leave not exceeding a maximum of twenty-five (25) working days acquired during their employment in the school districts of the Commonwealth.

The board of school directors may require the employee to furnish a certificate from a physician or other practitioner certifying that said employee was unable to perform his or her duties during the period of absence for which compensation is required to be paid under this section.

The board of school directors of each school district shall maintain and supply annually to each professional and temporary professional employee a copy of a cumulative record of sick leave credited to and used by such professional or temporary professional employee. In any case involving a dispute over the amount of accumulated sick leave, a professional or temporary professional employee shall have a right of appeal to the Secretary of Education pursuant to such rules and regulations as he may establish.

((a) amended Aug. 18, 1971, P.L.339, No.88)

(b) Whenever a professional or temporary professional employee shall be absent from duty because of a death in the immediate family of said employee, there shall be no deduction in salary of said employee for an absence not in excess of three school days. The board of school directors may extend the period of absence with pay in its discretion as the exigencies of the case may warrant. Members of the immediate family shall be defined as father, mother, brother, sister, son, daughter, husband, wife, parent-in-law or near relative who resides in the same household, or any person with whom the employee has made his home.

(c) Whenever a professional or temporary professional employee is absent because of the death of a near relative, there shall be no deduction in the salary of said employee for absence on the day of the funeral. The board of school directors may extend the period of absence with pay in its discretion as the exigencies of the case may warrant. A near relative shall be defined as a first cousin, grandfather, grandmother, grandchild, aunt, uncle, niece, nephew, son-in-law, daughter-in-law,

brother-in-law or sister-in-law. ((c) amended July 13, 2016, P.L.716, No.86)

(d) All compensation required to be paid under the provisions of this act shall be paid to the employee in the same manner and at the same time said employee would have received his salary if actually engaged in the performance of his duties.

(e) Any board of school directors may adopt rules or regulations pertaining to the payment of salaries of employees when absent from duty, extending the period of leave with or without pay in excess of that herein provided, or authorizing leaves with pay for other purposes. This act is not intended to repeal any rule or regulation of any board of school directors now in effect which does provide for such additional compensation or additional period of leave with pay. ((e) amended Dec. 22, 1965, P.L.1180, No.467)

(1154 amended May 24, 1951, P.L.368, No.84)

Section 1154.1. Alternative Payment Plan.--(a) In any school year whenever a professional, temporary professional or nonprofessional employee is prevented by illness or accidental injury from following his or her occupation, the school district or other school entity by written agreement with the employee may, as an alternative to the payments provided in section 1154(a), establish a plan excluding from wages payments made as provided in section 209(b) of the Social Security Act (49 Statute 629).

(b) The State Treasurer is authorized to recover, on behalf of the Commonwealth and school districts and all other school entities enumerated in this act and on behalf of all officers and employees thereof, Social Security overpayments made to the United States Treasury.

(c) The expenses incurred by the State Treasurer in recovering such overpayments may be paid out of any recoveries of overpayments on behalf of the Commonwealth and school entities.

(d) The State Treasurer may take such actions as he deems reasonable in the recovery of such overpayments.

(e) The full amount of any recoveries of overpayments for employees shall be refunded to such employees. The amount of any recoveries on behalf of school entities, after deducting the expenses of collection, shall be transferred or credited to the school entities. Any expenses previously paid by the State Treasurer shall be refunded from such recoveries. Any unpaid expenses shall be paid from such recoveries.

(1154.1 reenacted and amended Apr. 4, 1984, P.L.190, No.38)

Section 1155. Preferred Claims; Short Term Loans.--The payroll obligations of each school district shall be preferential claims. It shall be the duty of the board of school directors of each district to provide for the payment of payroll obligations before authorizing the payment of any other current expense except for fuel, water, electric service, or such supplies as are actually essential for keeping the schools in session. In order to meet payroll requirements the board shall, if necessary, negotiate such short term loans as are necessary and possible in accordance with the law governing the borrowing powers of the district.

In the event the payment of salaries of employees of any school district is not made when due, the school district shall be liable for the payment of same, together with interest at six per centum (6%) per annum from the due date: Provided, That no school district shall be required to pay interest on unpaid salaries, if the failure to pay salaries is occasioned by the failure of the Commonwealth to make payment of semi-annual

allotment of appropriation at the time that such payment is due.

(1155 amended June 30, 1959, P.L.493, No.118)

(e) Supervising Principals.

Section 1161. Employment in Districts Third and Fourth Class.--(1161 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1162. Joint Employment Including Supervisors or Teachers of Special Subjects.--Two or more school districts may, upon the nomination or joint nomination of the county superintendent, district superintendent or supervising principal under whose supervision such districts may be, join in the employment of a supervisor or teacher of drawing, music, or other special subject, for part or all of the schools of such districts and may jointly prescribe his duties and fix and pay his compensation, under and subject to the provisions of this article governing the employment and tenure of professional employes. Such employment of teachers of special subjects shall include, for the purpose of easing the transition period of immigrants residing in such school districts, the employment of special teachers who speak the idiomatic or colloquial language of immigrants residing in such school districts.

(1162 amended Mar. 19, 1970, P.L.189, No.73)

Section 1163. Supervising Principals of Joint Boards or Union or Merged Districts.--(1163 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1164. Compensation Plans for School Administrators.--(a) As used in this section, the following words will have the following meanings:

"Administrative compensation" shall mean administrator salaries and fringe benefits and shall include any board decision that directly affects administrator compensation such as administrative evaluation and early retirement programs.

"School administrator" shall mean any employe of the school entity below the rank of district superintendent, executive director, director of vocational-technical school, assistant district superintendent or assistant executive director, but including the rank of first level supervisor, who by virtue of assigned duties is not in a bargaining unit of public employes as created under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act." However, this definition shall not apply to anyone who has the duties and responsibilities of the position of business manager or personnel director, but not to include principals.

"School employer" shall mean a board of school directors, the area vocational-technical school board of directors or the intermediate unit board of school directors as defined in this act.

(b) The purpose of this section is to provide a means by which compensation matters affecting school administrators can be resolved within the framework of a management team philosophy.

(c) School employers, upon the written request of a majority of the school administrators in the district, shall be required to meet and discuss in good faith with the school administrators on administrator compensation prior to adoption of the compensation plan.

(d) School employers shall be required to adopt written administrator compensation plans which shall apply to all eligible school administrators, as provided in this section, and which shall continue in effect until a time specified in

the compensation plan, but in no event for less than one school year.

(e) An administrator compensation plan adopted pursuant to this section shall include, but not be limited to, the following items:

(1) A description of the program determining administrative salaries.

(2) Salary amounts or a salary schedule.

(3) A listing of fringe benefits.

(f) School employers and school administrators shall continue to be subject to the act of June 30, 1947 (P.L.1183, No.492), referred to as the Public Employe Anti-Strike Law.

(1164 added June 29, 1984, P.L.438, No.93)

(f) Sabbatical Leaves of Absence.

Compiler's Note: Section 7 of Act 66 of 1996, which amended sections 1166, 1168 and 1171, provided that nothing in Act 66 shall supersede or preempt any provisions of a collective bargaining agreement negotiated by a school entity and its employee organization, that is in effect on the effective date of section 7 and that Act 7 shall not apply to sabbatical leaves approved by a board of school directors prior to July 1, 1996.

Section 1166. Persons Entitled.--(a) Any person employed in the public school system of this Commonwealth who has completed ten (10) years of satisfactory service as a professional employe or member of the supervisory, instructional or administrative staff, or as a commissioned officer, of any board of school directors, county board of school directors, or any other part of the public school system of the Commonwealth, shall be entitled to a leave of absence for professional development or a sabbatical leave for restoration of health or, at the discretion of the board of school directors, for other purposes. At least five consecutive years of such service shall have been in the school district from which leave of absence for professional development or sabbatical leave for restoration of health is sought, unless the board of school directors shall in its discretion allow a shorter time: Provided, however, That in the case of professional employes of area vocational-technical schools or technical institutes prior service in the participating school districts shall be credited toward such service requirement. A leave of absence for professional development or sabbatical leave for restoration of health shall be for a half or full school term or for two half school terms during a period of two years, at the option of such person: Provided, however, if a sabbatical leave is requested because of the illness of an employe, a leave shall be granted for a period equivalent to a half or full school term or equivalent to two half school terms during a period of two years: Provided further, That if a sabbatical leave for restoration of health or a leave of absence for professional development for one half school term or its equivalent has been granted and the employe is unable to return to school service because of illness or physical disability, the employe, upon written request prior to the expiration of the original leave, shall be entitled to a further leave for one half school term or its equivalent: Provided further, That if a leave for a full school term or its equivalent has been granted and the employe is unable to return to school service because of illness or physical disability, the board of school

directors may extend such leave for such periods as it may determine but not to exceed one full school term or its equivalent. Thereafter, one leave of absence for professional development or a sabbatical leave for restoration of health shall be allowed after each seven years of service.

(b) A sabbatical leave for restoration of health or a leave of absence for professional development granted to a regular employe shall also operate as a leave of absence without pay from all other school activities.

(1166 amended June 28, 1996, P.L.430, No.66)

Section 1166.1. Leaves of Absence for Professional Development.--(a) A leave of absence for professional development shall be directly related to the professional responsibilities as determined by the board of school directors and shall be restricted to activities required by regulations of the State Board of Education and by the laws of this Commonwealth for a professional certificate or commission or to improve professional competency. All requests for a leave of absence for professional development shall be subject to review and authorization by the board of school directors, which shall have sole authority to adopt and enforce policy establishing the conditions for approval of such leaves. At a minimum for a half school term, a leave of absence for professional development shall consist of any of the following or a combination thereof: nine (9) graduate credits, twelve (12) undergraduate credits, one hundred eighty (180) hours of professional development activities. At a minimum for a full school term, a leave of absence for professional development shall consist of any of the following or a combination thereof: eighteen (18) graduate credits, twenty-four (24) undergraduate credits, three hundred sixty (360) hours of professional development activities.

(b) The employe requesting a leave of absence for professional development shall submit to the board of school directors a detailed plan describing the professional development activities to be undertaken. The board shall be authorized to approve or reject the plan, consistent with its written policy. Upon completion of the leave, the employe shall provide to the board of school directors satisfactory evidence that the employe's approved plan for professional development was fully complied with during the leave of absence. If the employe fails to do so, unless prevented by illness or physical disability, the employe shall forfeit all benefits to which said employe would have been entitled under the provisions of this act for the period of the absence for professional development.

(1166.1 added June 28, 1996, P.L.430, No.66)

Section 1167. Preferences; Limitations.--Applications for leaves of absence shall be given preference, according to the years of service since the previous sabbatical leave of the applicant, and in accordance with regulations adopted by the board of school directors.

No school district shall limit the number of leaves of absence granted in any school year to less than ten per centum (10%) of the number of persons eligible for such leave of absence regularly employed in such district. Schools which have a staff of seven (7) or less teachers shall be permitted at least one leave of absence each term.

(1167 amended July 27, 1953, P.L.629, No.184)

Section 1168. Return to Employment.--(a) No leave of absence shall be granted unless such person shall agree to return to his or her employment with the school district for a

period of not less than one school term immediately following such leave of absence.

(b) No such leave of absence shall be considered a termination or breach of the contract of employment, and the person on leave of absence shall be returned to the same position in the same school or schools he or she occupied prior thereto.

(c) If the employe fails to return to employment unless prevented by illness or physical disability, the employe shall forfeit all benefits to which said employe would have been entitled under the provisions of this act for the period of the leave.

(d) If such employe resigns or fails to return to his employment, the amount contributed by the school district under section 1170 of this act to the Public School Employees' Retirement Fund shall be deducted from the refund payable to such employe under existing law and the amount so deducted shall be refunded to the school district by which it was paid.

(1168 amended June 28, 1996, P.L.430, No.66)

Section 1169. Salary While on Leave.--The person on leave of absence shall receive at least one-half of his or her regular salary during the period he or she is on sabbatical leave.

(1169 amended July 10, 1986, P.L.1270, No.117)

Section 1170. Rights Retained.--Every employe, while on sabbatical leave of absence, shall be considered to be in regular full-time daily attendance in the position from which the sabbatical leave was taken, during the period of said leave, for the purpose of determining the employe's length of service and the right to receive increments, as provided by law.

Every person on leave of absence shall continue his or her membership in the School Employees' Retirement Association. The school district shall pay into the School Employees' Retirement Fund on behalf of each such employe on leave, in addition to the contributions required by law to be made by it, the full amount of the contribution required by law to be paid by the employe, as though said employe were actually in regular full-time daily attendance in the position from which the sabbatical leave was taken, so that such employe's retirement rights shall be in no way affected by such leave of absence. The amount of the contribution required to be paid by the employe shall be deducted from any compensation payable to the employe while on leave.

Nothing in this subdivision of this article shall be construed to prevent any person on leave of absence from receiving a grant for further study from any institution of learning.

(1170 amended July 29, 1953, P.L.1004, No.253)

Section 1171. Regulations.--The board of school directors shall have the right to make such regulations as they may deem necessary to make sure that employes on leave shall utilize such leave properly for the purpose for which it was granted, requiring reports from the employe or employes on leave in such manner as they may deem necessary.

(1171 carried without amendment June 28, 1996, P.L.430, No.66)

(g) Military Service in Time
of War or National Emergency.

Compiler's Note: Section 30 of Act 23 of 1991 provided that Act 14 is repealed insofar as the provisions contained

therein relating to credit for military leave are inconsistent with the provisions of Act 23.

Section 1176. Leave of Absence.--

(a) Any employe of any school district, who shall have been regularly employed by any school district or vocational school district for any period, and who shall volunteer for military service in the armed forces of the United States of America in time of war or during a state of national emergency or who shall be inducted for military service in the Armed Forces of the United States of America at any time, shall, within thirty (30) days after the receipt of notice to report for duty, send a copy of such notice to the secretary of the school board by which he is employed. ((a) amended Mar. 20, 1956, 1955 P.L.1309, No.413)

(b) The secretary of the school board shall verify the information contained in the notice from any employe concerning selection or induction into military or naval service, and, upon verification of such facts, shall record the same in the records of the school board and send notice thereof to said employe.

(c) Without further action by the board of school directors, the employe inducted into military or naval service shall forthwith be considered to be upon leave of absence for the entire duration of such service. All rights and privileges shall be reserved to such employe as if he continued in the service of said school board: Provided, That no such leave of absence shall be granted unless said employe shall in writing agree upon termination of the said leave to return to employment in said school district for a period of not less than one year.

Section 1177. Reinstatement in Former School Position.--Upon termination of the military service of such an employe, the school board shall immediately return said employe to the same position in the same school or schools, from which said employe was granted leave of absence, or if this is impracticable in the opinion of the board, then to a similar position.

(1177 amended Mar. 20, 1956, 1955 P.L.1309, No.413)

Section 1178. Rights Preserved During Leave of Absence.--(a) Wherever a contract is required by law and wherever a contract actually exists between the school board and the employe, the same shall be considered to continue in full force and effect during said leave of absence.

(b) Increments shall not be abated during said leave of absence, but shall continue to accrue to such employes.

(c) The school district shall pay into the School Employees' Retirement Fund on behalf of each such employe, in addition to the contributions required by law to be made by it, the full amount of the contribution required by law to be paid by the employe, so that such employe's retirement rights shall in no way be affected by such leave of absence. If any such employe resigns, or fails to return to his employment as provided in this act, the amount contributed by the school district under this subsection shall be deducted from the refund payable to such employe under existing law, and the amount so deducted shall be refunded to the school district by which it was paid. If any such employe shall return within one year from the date of his discharge from military service to school service in any other school district within this Commonwealth, or as an employe of any institution or board, the employes of which are entitled to membership in the School Employees' Retirement Association in accordance with the provisions of the act, approved the eighteenth day of July, one thousand nine hundred seventeen

(Pamphlet Laws 1043), as amended, he shall be entitled to have full credit for each year he spent in military or naval service upon his restoring to the School Employees' Retirement Fund, to the credit of the annuity savings account, his total accumulated deductions in the amount they should have been at the time he resigned from, or failed to return to, the school district from which he entered the military or naval service. Such back payments may either be paid in a lump sum or by such monthly payroll deductions as may be approved by the school employees' retirement board.

(d) The period of said leave of absence shall be considered as service to the school board in the matter of seniority rights. ((d) amended June 28, 1996, P.L.430, No.66)

(e) Notwithstanding this section, for military service for leaves granted on or after July 1, 2013, an employee who is an active or inactive member of the Public School Employees' Retirement System at the time he is granted a military leave shall be entitled to receive credit in the Public School Employees' Retirement System for the leave as provided in 24 Pa.C.S. Pt. IV (relating to retirement for school employees). ((e) added July 1, 2013, P.L.194, No.33)

Compiler's Note: See sections 2 and 3 of Act 33 of 2013 in the appendix to this act for special provisions relating to applicability and construction of law.

Section 1179. Continuation of State Appropriations.--During the period of said leave of absence, if a qualified substitute is employed, the Commonwealth shall pay the school board the full amount of State contribution or grant as if the employee were performing his regular school duties for the school board.

Section 1180. Rights of Persons on Eligibility Lists.--(a) No person who shall have acquired a place upon the eligibility list for any position in any school district shall suffer the loss of such listing and the position thereon as the result of such inducting into military or naval service. It shall be the duty of the school board to provide a fair and equitable method of preserving rights of such persons.

(b) Any person who shall have entered the military or naval services as aforesaid and whose name shall be reached upon said eligibility lists for any position in any school district shall be appointed to said position as if such person were in fact available for actual service in said position, and such person shall be so notified by the secretary of the school board of said district, and thereafter all of the provisions of this subdivision of this article shall apply.

Section 1181. Applicability and Intent.--The provisions of this subdivision of this article shall apply to all employees of all school districts who volunteer or are inducted into the military or naval service under the laws of the United States of America.

It is the intention that such employees so effected shall retain all of the rights and privileges they shall have acquired prior to assignment to service under Federal statutes or any such rights and privileges they would have acquired or received if they had not been assigned to such service. It is intended that such employees assigned to such service shall be considered in all respects to be continuing in the service of the school board for which they were last working prior to such assignment to military or naval service.

Section 1182. Leave for Elective Public Office.--Any full-time employee of a school entity who has been an employee for at least five (5) years and who has been elected to public

office as a county official in any county of this Commonwealth, shall be entitled to a leave of absence for the first four (4) years of the elected period of service: Provided, however, That such leave of absence shall be without pay. Any employee qualifying for and desiring leave for elective public office shall file a written statement declaring the employee's intent to take a leave of absence together with a copy of the employee's official certification of election with the secretary of the school entity. Certification of election shall be recorded in the school board minutes at the next regular meeting of the board of directors. No employee on such leave of absence shall be eligible for retirement credit or for purchase of retirement credit at any future date for time spent on leave of absence. Should the employee decide to return to full-time employment with the school entity at the conclusion of the leave of absence, the employee shall be entitled to a position similar to that which the employee held prior to the leave of absence. Nothing in this section shall prohibit a board of school directors from granting a leave of absence, at its discretion, to any employee who has been elected to any public office other than as a county official.

(1182 added Feb. 8, 1980, P.L.3, No.2)

(h) Meetings of Teachers.

(h) repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1186. County Superintendents to Call Meetings.--(1186 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1187. Attendance Records and Reports; Expenses of Meeting.--(1187 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1188. Compensation of Teachers Attending.--(1188 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1189. Penalty on Teachers Failing to Attend.--(1189 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1190. Auditors.--(1190 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1191. Statement of Receipts and Disbursements.--(1191 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1192. Expenses Paid by County; Limitation.--(1192 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1193. Reports to Department of Public Instruction.--(1193 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1194. Districts Having District Superintendent.--(1194 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1195. Distinguished Educators Program.--(a) The Department of Education shall establish a Distinguished Educators Program for organizing individuals into a State corps of educators for the purpose of making them available throughout this Commonwealth to help eligible school districts and schools improve the quality of education.

(b) The department shall develop guidelines, standards and criteria for the selection of participants. At a minimum, candidates must hold administrative or instructional certificates and have satisfactory experience as a teacher or school administrator for a minimum of five (5) years prior to the date of application. Candidates selected for participation shall have knowledge and skills relating to school leadership, management, curriculum and instruction.

(c) Applications shall be submitted to the department in a form and manner prescribed by the department. The application form and information relating to applying for the program, along with criteria to be used to review applications, shall be published in the Pennsylvania Bulletin and may be placed on the department's Internet website.

(d) The following applies for school year 2007-2008 and each school year thereafter:

(1) The department shall appoint a selection committee to annually select from the applications received those individuals who will participate in the program.

(2) At least ninety per centum (90%) of the individuals selected for participation in any year must possess an instructional or administrative certificate issued by the Commonwealth.

(3) An individual selected must not be an employee of the department or a professional organization representing school boards of directors, school administrators, school principals or teachers.

(e) By participating in the program, all individuals recognized as Distinguished Educators by the department agree to provide assistance to eligible school districts and schools at the request of the department.

(f) The department shall establish an intensive and comprehensive training program for Distinguished Educators in order to participate in the program. Individuals must attend and complete the training program before being named a Distinguished Educator. The department shall require additional training from time to time to ensure the continued competencies of Distinguished Educators and the integrity of the program. Training shall be provided at no cost to participants. The training program shall include instruction relating to school district and school management, methods of personnel evaluation, school district and school organization, curriculum and assessment techniques and methodologies. Participants in the program will be compensated by the department during training pursuant to subsection (j).

(g) The following apply:

(1) Upon request of the department, a Distinguished Educator may be assigned to provide assistance to an eligible school district or to one or more schools within that school district as part of a team of Distinguished Educators.

(2) No Distinguished Educator may be assigned as a consultant to the department.

(3) The following apply:

(i) A Distinguished Educator may be assigned to provide assistance to one or more eligible school districts for a period of at least one (1) school semester, which may be extended upon mutual agreement of the Distinguished Educator and the department. A Distinguished Educator shall not be assigned to a school district from which leave was granted for the Distinguished Educator pursuant to subsection (h).

(ii) While on assignment, a Distinguished Educator shall do all of the following:

(A) Cooperate with the superintendent and leadership team in the school districts where they are serving schools.

(B) Work cooperatively with other members of the Distinguished Educators Program and the department.

(C) Recommend curriculum and assessment techniques and methodologies.

(h) Any school district, intermediate unit or area vocational-technical school may grant leave to a Distinguished

Educator to serve under and in accordance with the provisions of this article.

(i) If leave is granted under subsection (h), Distinguished Educators shall maintain the rights and obligations established in sections 1168 and 1170, but the leave shall not be subject to section 1166, 1166.1, 1167 or 1169.

(j) The department shall compensate an individual serving as a Distinguished Educator based on a formula developed by the department and published annually in the Pennsylvania Bulletin by August 1 of each year. The department shall make payment only to the extent that funds are appropriated for this purpose. The department shall not pay any costs incurred by a school district to fill a vacancy resulting from the absence of a Distinguished Educator during the leave granted pursuant to subsection (h).

(k) Notwithstanding the provisions of 24 Pa.C.S. § 8346 (relating to termination of annuities), an individual who is an annuitant may serve as a Distinguished Educator without the loss of his annuity. While serving as a Distinguished Educator, the annuitant shall not be entitled to earn any credited service, and no contributions shall be made by the annuitant or the department on account of such service as a Distinguished Educator.

(l) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

The term "eligible school district" shall mean a school district which meets at least one of the following criteria:

(1) Has one or more schools in corrective action.

(2) Has one or more schools which have not met their academic adequate yearly progress targets in math and reading for the school overall.

(3) Has one or more schools which have not met their academic adequate yearly progress targets in math and reading for a particular subgroup for two consecutive years.

(4) Has one or more schools which have met their academic adequate yearly progress targets in math and reading only by the department's application of section 1111(b)(2)(I)(i) of the No Child Left Behind Act of 2001 (115 Stat. 1445, 20 U.S.C. § 6311(b)(2)(A)(i)), the Pennsylvania Performance Index or confidence intervals.

"Selection Committee." A committee formed by the department which, at a minimum, includes one of each of the following:

(1) A Pennsylvania educator who has been recognized by a national, State or independent organization for excellence in education.

(2) A Pennsylvania education practitioner.

(3) A national education practitioner.

(4) A Pennsylvania education researcher.

(5) A department representative.

With the exception of the department representative, a member of the selection committee under clause (1), (2), (3) or (4) must not be an employe of the department or a school entity administering the program.

(1195 added July 11, 2006, P.L.1092, No.114)

(i) Programs.

(Subdiv. added Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which added Subarticle (i), provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1195.1. (Reserved).

(1195.1 added Nov. 17, 2010, P.L.996, No.104)

ARTICLE XI-A.

COLLECTIVE BARGAINING.

(Art. added July 9, 1992, P.L.403, No.88)

Compiler's Note: Section 6 of Act 88 of 1992, which added Article XI-A, provided that the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act, is to be read in pari materia with the addition of Article XI-A, but is repealed insofar as it is inconsistent with the addition of Article XI-A.

(a) General Provisions.

((a) added July 9, 1992, P.L.403, No.88)

Section 1101-A. Definitions.--When used in this article, the following words and phrases shall have the following meanings:

"Board" shall mean the Pennsylvania Labor Relations Board.

"Employee" shall mean a public school employee who bargains collectively with a public school entity, but shall not include employees covered or presently subject to coverage under the act of June 1, 1937 (P.L.1168, No.294), known as the "Pennsylvania Labor Relations Act," or the National Labor Relations Act (61 Stat. 152, 29 U.S.C. Ch. 7 Subch. 11). The term does not include any management-level employee of any other school district.

"Employee organization" shall mean a public school employee organization of any kind, or any agency or employee representation committee or plan in which membership is limited to public school employees, and which exists for the purpose, in whole or in part, of dealing with public school employers concerning grievances, public school employee-public school employer disputes, wages, rates of pay, hours of employment or conditions of work, but shall not include any organization which practices discrimination in membership because of race, color, creed, national origin or political affiliation.

"Employer" shall mean a public school entity, but shall not include employers covered or presently subject to coverage under the act of June 1, 1937 (P.L.1168, No.294), known as the "Pennsylvania Labor Relations Act," or the National Labor Relations Act (61 Stat. 152, 29 U.S.C. Ch. 7 Subch. 11).

"Impasse" shall mean the failure of an employer and an employee organization to reach an agreement in the course of negotiations.

"Lockout" shall mean the cessation of furnishing of work to employees or withholding work from employees for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment.

"Representative" shall mean an individual acting for employers or employees and shall include employee organizations.

"School entity" shall mean a public school district, intermediate unit or area vocational-technical school.

"Strike" shall mean concerted action in failing to report for duty, the wilful absence from one's position, the stoppage of work, slowdown or the abstinence, in whole or in part, from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights,

privileges or obligations of employment. The employe organization having called a strike once and unilaterally returned to work may only call a lawful strike once more during the school year. A written notice of the intent to strike shall be delivered by the employe organization to the superintendent, executive director or the director no later than forty-eight (48) hours prior to the commencement of any strike, and no strike may occur sooner than forty-eight (48) hours following the last notification of intent to strike. Upon receipt of the notification of intent to strike, the superintendent, executive director or the director may cancel school for the effective date of the strike. A decision to cancel school may, however, be withdrawn by the superintendent, executive director or the director. Any subsequent change of intents to strike shall not affect the decision to cancel school on the day of the intended strike. For the purposes of this article, the decision to cancel school on the day of the intended strike shall not be considered a lockout.

(1101-A added July 9, 1992, P.L.403, No.88)

(b) Scope of Bargaining.

((b) added July 9, 1992, P.L.403, No.88)

Section 1111-A. Mutual Obligation.--Collective bargaining is the performance of the mutual obligation of the employer or his representative and the representative of the employes to meet at reasonable times and confer in good faith with respect to wages, hours and other terms and conditions of employment or the negotiation of an agreement or any question arising thereunder and the execution of a written contract incorporating any agreement reached, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

(1111-A added July 9, 1992, P.L.403, No.88)

Section 1112-A. Matters of Inherent Managerial Policy.--Employers shall not be required to bargain over matters of inherent managerial policy. Those matters shall include, but shall not be limited to, such areas of discretion or policy as the functions and programs of the employer, standards of services, its overall budget, utilization of technology, the organizational structure and selection and direction of personnel. Employers, however, shall be required to meet and discuss on policy matters affecting wages, hours and terms and conditions of employment as well as the impact thereon upon request by employe representatives.

(1112-A added July 9, 1992, P.L.403, No.88)

(c) Collective Bargaining Impasse.

((c) added July 9, 1992, P.L.403, No.88)

Section 1121-A. Submission to Mediation.--(a) If, after a reasonable period of negotiation, a dispute or impasse exists between the representatives of the employer and the employe organization, the parties may voluntarily submit to mediation, but, if no agreement is reached between the parties within forty-five (45) days after negotiations have commenced, but in no event later than one hundred twenty-six (126) days prior to June 30 or December 31, whichever is the end of the school entity's fiscal year, and mediation has not been utilized by the parties, both parties shall immediately in writing call on the service of the Pennsylvania Bureau of Mediation.

(b) The Pennsylvania Bureau of Mediation shall employ a complement of not less than twenty-five (25) mediators which shall be available to mediate according to the provisions of subsection (a).

(1121-A added July 9, 1992, P.L.403, No.88)

Section 1122-A. Fact-finding Panels.--(a) (1) Once mediation has commenced, it shall continue for so long as the parties have not reached an agreement. If, however, an agreement has not been reached within forty-five (45) days after mediation has commenced or in no event later than eighty-one (81) days prior to June 30 or December 31, whichever is the end of the school entity's fiscal year, the Bureau of Mediation shall notify the board of the parties' failure to reach an agreement and of whether either party has requested the appointment of a fact-finding panel.

(2) No later than eighty-one (81) days prior to June 30 or December 31, whichever is the end of the school entity's fiscal year, either party may request the board to appoint a fact-finding panel. Upon receiving such request, the board shall appoint a fact-finding panel which may consist of either one (1) or three (3) members. The panel so designated or selected shall hold hearings and take oral or written testimony and shall have subpoena power. If, during this time, the parties have not reached an independent agreement, the panel shall make findings of fact and recommendations. The panel shall not find or recommend that the parties accept or adopt an impasse procedure.

(3) The parties may mutually agree to fact-finding, and the board shall appoint a fact-finding panel as provided for in clause (2) at any time except that the parties may not mutually agree to fact-finding during mandated final best-offer arbitration.

(4) The board may implement fact-finding and appoint a panel as provided for in clause (2) at a time other than that mandated in this section, except that fact-finding may not be implemented between the period of notice to strike and the conclusion of a strike or during final best-offer arbitration. If the board chooses not to implement fact-finding prior to a strike, the board shall issue a report to the parties listing the reasons for not implementing fact-finding if either party requests one.

(b) The findings of fact and recommendations shall be sent by registered mail to the board and to both parties not more than forty (40) days after the Bureau of Mediation has notified the board as provided in subsection (a).

(c) Not more than ten (10) days after the findings and recommendations shall have been sent, the parties shall notify the board and each other whether or not they accept the recommendations of the fact-finding panel, and, if they do not, the panel shall publicize its findings of fact and recommendations.

(d) Not less than five (5) days nor more than ten (10) days after the publication of the findings of fact and recommendations, the parties shall again inform the board and each other whether or not they will accept the recommendations of the fact-finding panel.

(e) The board shall establish, after consulting representatives of employee organizations and of employers, panels of qualified persons broadly representative of the public to serve as members of fact-finding panels. The board shall, within sixty (60) days of the effective date of this act, increase the number of available panels of qualified persons to serve as members of fact-finding panels to meet the expanded role of fact-finding as provided for in this act.

(f) The Commonwealth shall pay one-half of the cost of the fact-finding panel; the remaining one-half of the cost shall be divided equally between the parties. The board shall establish rules and regulations under which panels shall operate, including, but not limited to, compensation for panel members.

(1122-A added July 9, 1992, P.L.403, No.88)

Section 1123-A. Negotiated Final Best-Offer Arbitration.--(a) The parties to a collective bargaining agreement involving public school employees shall be required to bargain upon the issue of acceptance and adoption of one of the following approved impasse procedures, with the proviso that such an obligation does not compel either party to agree to a proposal or require making a concession:

(1) Arbitration under which the award is confined to a choice among one of the following single packages:

(i) the last offer of the representative of the employer;

(ii) the last offer of the representative of the employees;
or

(iii) the fact-finder's recommendations, should there be a fact-finder's report.

(2) Arbitration under which the award is confined to a choice among one of the following on an issue-by-issue basis:

(i) the last offer of the representative of the employer;

(ii) the last offer of the representative of the employees;
or

(iii) the fact-finder's recommendations, should there be a fact-finder's report.

(3) Arbitration under which the award is confined to a choice among one of the following on the basis of economic and noneconomic issues as separate units:

(i) the last offer of the representative of the employer;

(ii) the last offer of the representative of the employees;
or

(iii) the fact-finder's recommendations, should there be a fact-finder's report.

(b) As used in this section, "economic issues" shall mean wages, hours, salary, fringe benefits or any form of monetary compensation for services rendered.

(1123-A added July 9, 1992, P.L.403, No.88)

Section 1124-A. Method of Selection of Arbitrators.--The board of arbitration shall be composed of three (3) members. Arbitrators as referred to in this article shall be selected in the following manner:

(1) Each party shall select one (1) member of the panel within five (5) days of the parties' submission to final best-offer arbitration. Each arbitrator shall be knowledgeable in the school-related fields of budget, finance, educational programs and taxation.

(2) The third arbitrator shall be selected from a list of seven (7) arbitrators furnished by the American Arbitration Association within five (5) days of the publication of the list. Each of the seven (7) arbitrators shall be a resident of this Commonwealth and knowledgeable in the areas necessary to effectively make a determination. Each party shall alternately strike one name until one shall remain. The employer shall strike the first name. The person so remaining shall be the third member and chairman.

(3) Payment of arbitrators shall be as follows:

(i) For voluntary arbitration, each party shall pay the cost of the arbitrator selected by it under clause (1) of this

section. The cost of the third arbitrator shall be divided equally between the parties.

(ii) For mandatory arbitration, the Commonwealth shall pay one-half of the cost of the arbitrators; the remaining one-half of the cost shall be divided equally between the parties.

(1124-A added July 9, 1992, P.L.403, No.88)

Section 1125-A. Final Best-Offer Arbitration.--(a) At any time prior to mandated final best-offer arbitration, either the employer or the employe organization may request final best-offer arbitration unless fact-finding has been initiated as provided in section 1122-A. If fact-finding has been initiated, the parties shall complete fact-finding before requesting final best-offer arbitration. If either party requests final best-offer arbitration, the requesting party shall notify the Bureau of Mediation, the board and the opposing party in writing. The opposing party shall, within ten (10) days of the notification by the requesting party, notify the requesting party in writing of its agreement or refusal to submit to final best-offer arbitration. No strikes or lockouts shall occur during this ten (10) day period or until the requesting party is notified by the opposing party that they refuse to submit to final best-offer arbitration. Arbitration provided for in this subsection shall only occur if both parties agree to submit to final best-offer arbitration.

(b) If a strike by employees or a lockout by an employer will prevent the school entity from providing the period of instruction required by section 1501 by the later of:

(1) June 15; or

(2) the last day of the school entity's scheduled school year;

the parties shall submit to mandated final best-offer arbitration consistent with the arbitration option negotiated. A return to work for the purpose of submitting to final best-offer arbitration shall not be considered a unilateral return to work.

(c) If the parties are unable to agree on the adoption of one of the approved impasse procedures under section 1123-A, the mediator appointed pursuant to section 1121-A shall select the procedure.

(d) Within ten (10) days of submission to final best-offer arbitration, the parties shall submit to the arbitrators their final best contract offer with certification that the offer was delivered to the opposing party, together with documentation supporting the reasonableness of their offer. This documentation shall include, but not be limited to, the following:

(1) The public interest.

(2) The interest and welfare of the employe organization.

(3) The financial capability of the school entity.

(4) The results of negotiations between the parties prior to submission of last best contract offers.

(5) Changes in the cost of living.

(6) The existing terms and conditions of employment of the employe organization members and those of similar groups.

(7) Such other documentation as the arbitration panel shall deem relevant.

(e) Arbitration shall be limited to unresolved issues. Unresolved issues shall mean those issues not agreed to in writing prior to the start of arbitration.

(f) The parties may mutually agree to submit to final best-offer arbitration at any time except during fact-finding or during mandated final best-offer arbitration.

(g) Upon submission to the arbitrator of both parties' final best offers under subsection (a) or (b), the employer shall post, within the time limits described in subsection (d), the final best contract offers in the school entity's main office for the purpose of soliciting public comments thereon. Copies of both parties' final best offers shall be available from the school entity's main office. The cost of copies shall be established by the school entity and shall be paid by the requestor.

(h) The public comment period shall close within ten (10) days of the first day of posting. All public comments shall be directed to the arbitrators for consideration who shall provide them on request to the employer and to the employees' organization.

(i) Within ten (10) days of the selection of the third arbitrator of the arbitration panel, the arbitrators shall begin hearings at which they will hear arguments from representatives of the employer and of the employees in support of their respective last best contract offers under subsection (a) or (b). At least five (5) days prior to the hearing, a written notice of the date, time and place of such hearing shall be sent to the representatives of both the employer and employees which are parties to the dispute. This written notice shall also be sent to the fiscal authority having budgetary responsibility or charged with making appropriations for the employer, and a representative designated by such body shall be heard at the hearing upon request of such body or of the employer as part of the presentation of the employer.

(j) Not later than twenty (20) days after the hearing pursuant to subsection (i), the arbitrators shall:

- (1) examine each item of dispute;
- (2) make a determination in writing consistent with the arbitration option agreed to by the parties; and
- (3) forward a copy of the written determination to both parties involved in the dispute and to the board.

(k) The determination of the majority of the arbitrators reached as provided under either subsection (a) or (b) shall be final and binding upon the employer, employees and employee organization involved and constitutes a mandate to the school entity to take whatever action necessary to carry out the determination, provided that within ten (10) days of the receipt of the determination the employee organization or the employer does not consider and reject the determination at a properly convened special or regular meeting. This determination includes, but is not limited to, a determination which requires a legislative enactment by the employer prior to or as a condition for its implementation, including, without limitation, the levy and imposition of taxes.

(l) No appeal challenging the determination reached as provided under subsection (a) or (b) shall be allowed to any court unless the award resulted from fraud, corruption or wilful misconduct of the arbitrators. If a court determines that this has occurred, it shall declare the award null and void. An appeal of the award shall be made to the court of common pleas of the judicial district encompassing the respective school district.

(m) If the employer or the employee organization rejects the determination of the majority of the arbitrators:

- (1) The employee organization may initiate a legal strike or resume a legal strike initiated prior to submission to final best-offer arbitration.

(2) The employer may hire substitutes as provided under subsection (b) of section 1172-A.

(3) The employer may initiate a legal lockout or resume a legal lockout initiated prior to submission to final best-offer arbitration.

(1125-A added July 9, 1992, P.L.403, No.88)

Section 1126-A. Time Frame.--The time periods set forth in this article are mandatory and shall not be construed to be directory.

(1126-A added July 9, 1992, P.L.403, No.88)

Section 1127-A. Exception.--Any school district of the first class with an appointed school board and the public employees of that school district as defined in the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," shall comply with and be subject to the binding arbitration provisions of the "Public Employee Relations Act" and shall not be subject to the provisions of section 1123-A, 1124-A or 1125-A.

(1127-A added July 9, 1992, P.L.403, No.88)

(d) Strikes and Lockouts.

((d) added July 9, 1992, P.L.403, No.88)

Section 1131-A. Strikes Prohibited in Certain Circumstances.--(a) One year after a contract impasse, the Secretary of Education may request a public hearing in the school district of impasse. The public hearing process shall follow the following requirements:

(1) The hearing shall include testimony from the school board of the district, school district administration, the employee organization and any additional party requested by the Secretary of Education.

(2) The public shall have thirty (30) days to submit written testimony. Testimony may be received from experts commenting on the social, emotional and educational well-being of the students in the school district.

(3) Within ninety (90) days following the public hearing, the Secretary of Education shall issue a report on recommendations regarding the impasse.

(b) A strike must cease where the parties request fact-finding for the duration of the fact-finding. A strike must end where the parties agree to arbitration. Strikes are prohibited:

(1) During the period of up to ten (10) days provided for under section 1125-A(a).

(2) During final best-offer arbitration, including the period of up to ten (10) days after receipt of the determination of the arbitrators during which the governing body of the school entity may consider the determination.

(3) When the arbitrators' determination becomes final and binding.

(1131-A amended July 5, 2012, P.L.965, No.105)

Section 1132-A. Lockouts Prohibited in Certain Circumstances.--A lockout must cease where the parties request fact-finding for the duration of the fact-finding. A lockout must end where the parties agree to arbitration. Lockouts are prohibited:

(1) During the period of up to ten (10) days provided for under section 1125-A(a).

(2) During final best-offer arbitration, including the period of up to ten (10) days after receipt of the determination

of the arbitrators during which the employer may consider the determination.

(3) When the arbitrators' determination becomes final and binding.

(1132-A added July 9, 1992, P.L.403, No.88)

(e) Collective Bargaining Agreement.

((e) added July 9, 1992, P.L.403, No.88)

Section 1151-A. Agreement and Enforcement.--Any determination of the arbitrators to be implemented under this article shall be memorialized as a written agreement by and between the school entity and the employe organization to be signed and sealed by their duly appointed officers and agents as provided by law. The executed agreement shall be enforceable by each party in the manner as provided by law, including without limitation and in derogation to the mandatory arbitration of disputes or grievances under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act." In the event that a school entity or an employe organization refuses to execute a written agreement under this section, the employe organization or the school entity may institute a cause of action in the court of common pleas to compel compliance with the provision of this section requiring a written agreement and, in the appropriate case, specific performance of the determination.

(1151-A added July 9, 1992, P.L.403, No.88)

Section 1152-A. Existing Agreements; Provisions Inconsistent with Article.--Any provisions of any collective bargaining agreement in existence on the effective date of this article which are inconsistent with any provision of this article, but not otherwise illegal, shall continue valid until the expiration of such contract. The procedure for entering into any new collective bargaining agreement, however, shall be governed by this article, where applicable, upon the effective date of this article.

(1152-A added July 9, 1992, P.L.403, No.88)

(f) Secretary of Education.

((f) added July 9, 1992, P.L.403, No.88)

Section 1161-A. Injunctive Relief.--When an employe organization is on strike for an extended period that would not permit the school entity to provide the period of instruction required by section 1501 by June 30, the Secretary of Education may initiate, in the appropriate county court of common pleas, appropriate injunctive proceedings providing for the required period of instruction.

(1161-A added July 9, 1992, P.L.403, No.88)

(g) Prohibitions.

((g) added July 9, 1992, P.L.403, No.88)

Section 1171-A. Selective Strikes.--The work stoppage practice known as "selective strikes" shall be considered an illegal strike. Any strike which does not comply with the definition of "strike" contained in this article shall be considered a selective strike.

(1171-A added July 9, 1992, P.L.403, No.88)

Section 1172-A. Utilization of Strike Breakers.--(a) Except as provided in subsection (b), during a legal strike, as defined by this article, the school entity, as defined by this article,

shall not utilize persons other than those employees who have been actively employed by the school entity at any time during the previous twelve (12) months.

(b) A school entity may utilize persons other than those employees who have been actively employed by the school entity at any time during the previous twelve (12) months:

(1) when the employee organization or employer rejects the determination of the majority of the arbitrators; and

(2) when a legal strike will prevent the completion of the period of instruction required by section 1501 by the later of:

(i) June 15; or

(ii) the last day of the school district's scheduled school year.

(1172-A added July 9, 1992, P.L.403, No.88)

ARTICLE XI-B

CERTIFICATION OF TEACHERS BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS

(Art. added Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which added Article XI-B, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1101-B. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Eligible teacher." A teacher who:

(1) Is a current Pennsylvania resident.

(2) Currently holds a valid Pennsylvania teaching certification in good standing.

(3) Has completed three full years of teaching or school counseling in a Pennsylvania public school.

(4) Holds a current, full-time teaching or school counseling position in a Pennsylvania public school.

(5) Has not previously received Commonwealth funds for participating in the NBPTS certification process.

(6) Has not repaid any Commonwealth funds previously received for the NBPTS certification process.

(7) Has not received a waiver of repayment from the Department of Education.

"National Board for Professional Teaching Standards" or "NBPTS." The independent, nonprofit organization established in 1987 to establish high standards for teachers' knowledge and performance and for the development and operation of a national voluntary system to assess and certify teachers who meet those standards.

"Public school." A school operated by a school district, intermediate unit, charter school, cyber charter school or an area vocational-technical school.

(1101-B added Nov. 17, 2010, P.L.996, No.104)

Section 1102-B. Payment of fees.

To the extent funds are available, the Commonwealth shall do all of the following:

(1) Pay all or a portion of the cost of NBPTS assessment fees on behalf of an eligible teacher to become NBPTS certified or recertified.

(2) Reimburse school districts for all or a portion of substitute fees for each day the eligible teacher participates in preparation for NBPTS certification, up to three days.

(1102-B added Nov. 17, 2010, P.L.996, No.104)

Section 1103-B. Priority.

(a) Schools in school improvement or corrective action.--Eligible teachers who teach in schools identified by the department as in school improvement or corrective action shall receive first priority for payment of assessment fees under this article. The eligible teachers' districts shall also receive first priority for substitute fees reimbursement.

(b) Other priority.--Eligible teachers who teach early childhood education, who teach mathematics or science at the middle or secondary level or who teach special education or foreign languages shall receive second priority for payment of assessment fees under this article. The eligible teachers' districts shall also receive second priority for substitute fees reimbursement.

(1103-B added Nov. 17, 2010, P.L.996, No.104)

Section 1104-B. Duties of eligible teachers.

(a) Completion of process.--An eligible teacher on whose behalf the assessment fee is paid shall agree to complete the certification process or be subject to repayment as set forth in section 1105-B(a).

(b) Three-year commitment.--An eligible teacher on whose behalf the assessment fee is paid and who receives NBPTS certification shall, in addition to the requirement under subsection (a), agree to serve as a teacher or administrator in a Pennsylvania public school for a period of at least three years or be subject to repayment as set forth in section 1105-B(b). Eligible teachers who receive priority under section 1103-B and who receive NBPTS certification shall teach in that priority class for the three-year commitment period. If an eligible teacher receives priority under section 1103-B(a) and the school is removed from improvement or corrective action during the three-year commitment period, service in the same school or in another school identified by the department as in school improvement or corrective action shall continue to fulfill the requirements of this subsection.

(1104-B added Nov. 17, 2010, P.L.996, No.104)

Section 1105-B. Repayment.

(a) Failure to complete the certification process.--When an eligible teacher for whom the Commonwealth has paid the assessment fee fails to complete the certification process, the teacher shall reimburse the Commonwealth for the amount of the assessment fee. A candidate who completes the certification process but is denied NBPTS certification shall not be subject to repayment pursuant to this subsection.

(b) Failure to continue teaching.--When an eligible teacher for whom the Commonwealth has paid the assessment fee fails to meet the requirements of section 1104-B(b), the teacher shall reimburse the Commonwealth for the amount of the assessment fee. The teacher shall certify to the department each year that the teacher is in compliance with section 1104-B(b).

(c) Waiver of repayment.--Upon the application of the eligible teacher, the department:

(1) Shall waive the repayment requirement if the department finds that the teacher was unable to complete the process or meet the requirements of section 1104-B(b) due to:

(i) administrative action on the part of the school district or area vocational-technical school for other than causes enumerated in section 1122;

(ii) illness of the teacher;

(iii) the death or catastrophic illness of a member of the teacher's immediate family; or

(iv) parental leave to care for a newborn or newly adopted child.

(2) May waive the repayment requirement if the department finds other extraordinary circumstances.

(1105-B added Nov. 17, 2010, P.L.996, No.104)

Section 1106-B. Duties of department.

(a) Guidelines.--The department shall develop guidelines necessary for the implementation of this article.

(b) Technical assistance.--To the extent funds are available, the department shall provide technical assistance to NBPTS applicants. The department may contract with one or more institutions of higher education or intermediate units in order to provide technical assistance.

(1106-B added Nov. 17, 2010, P.L.996, No.104)

ARTICLE XII. CERTIFICATION OF TEACHERS.

Section 1201. Certificates Qualifying Persons to Teach.--Only those persons holding one of the following certificates shall be qualified to teach in the public schools of this Commonwealth--(1) Permanent college certificate, (2) provisional college certificate, (3) normal school diploma, (4) normal school certificate, (5) special permanent certificate, (6) special temporary certificate, (7) permanent State certificate, (8) residency certificate, (9) intern certificate, (10) certificates which are permanent licenses to teach by virtue of the provisions of section one thousand three hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309), as amended, which is repealed hereby, or (11) such other kinds of certificates as are issued under the standards prescribed by the State Board of Education. The State Board of Education shall also provide for issuance of certificates by district superintendents to meet such emergencies or shortage of teachers as may occur.

(1201 amended June 30, 2011, P.L.112, No.24)

Section 1201.1. Substitute Teaching Permit for Prospective Teachers.--(a) An individual who does not hold a certificate under section 1201 shall be eligible to teach as a substitute in a school district, an area vocational-technical school or an intermediate unit provided that:

(1) The uncertified individual shall meet all of the following requirements:

(i) Is currently enrolled in a teacher preparation program in a college or university located in this Commonwealth and accredited by a regional accrediting agency recognized by the United States Department of Education.

(ii) Has completed at least sixty (60) semester hours or the equivalent of courses at a college or university located in this Commonwealth and accredited by a regional accrediting agency.

(iii) Has met the requirements set forth in sections 111, 111.1 and 1109(a) and 23 Pa.C.S. Ch. 63 Subch. C (relating to powers and duties of department).

(2) The chief school administrator of a school district, an area vocational-technical school or an intermediate unit may issue a Substitute Teaching Permit for Prospective Teachers to an uncertified individual meeting the requirements of clause (1) who provides verification of the individual's enrollment status under paragraph (1)(i) and completed hours under paragraph (1)(ii).

(3) An individual receiving a Substitute Teaching Permit for Prospective Teachers may serve as a substitute teacher for no more than ten (10) days per school year for a single professional employee or temporary professional employee, provided that the individual may serve as a substitute for multiple professional employees or temporary professional employees for no more than twenty (20) days per school year.

(4) A Substitute Teaching Permit for Prospective Teachers shall be valid for one (1) year and may be renewed for one (1) additional year by the chief school administrator, provided that the uncertified individual:

(i) provides documentation of the completion of an additional fifteen (15) credit hours or equivalent from a college or university located in this Commonwealth and accredited by a regional accrediting agency; and

(ii) remains enrolled in a college or university located in this Commonwealth and accredited by a regional accrediting agency.

(5) The individual shall receive a salary fixed by the governing body of the school district, area vocational-technical school or intermediate unit.

(6) The individual shall not have the right to elect membership in the Public School Employees' Retirement System, nor shall service as a substitute under this section be eligible for credit in the Public School Employees' Retirement System.

(7) The Department of Education shall provide an annual report on the use of the permits under this section to the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives. To complete the report, the department shall annually survey school districts, vocational-technical schools and intermediate units.

(b) This section shall expire on June 30, 2021.

(1201.1 added July 13, 2016, P.L.716, No.86)

Section 1202. State Certificates.--State certificates shall be issued as herein provided. Each such certificate shall set forth the branches which its holder is entitled to teach. No teacher shall teach, in any public school, any branch which he has not been properly certificated to teach.

A certificate to teach shall not be granted or issued to any person not a citizen of the United States, except in the case of exchange teachers not permanently employed and teachers employed for the purpose of teaching foreign languages.

In the case of a resident foreign national holding an immigrant visa who has declared, in writing, to the Department of Public Instruction the intention of becoming a citizen of the United States, such person shall be eligible for a provisional college certificate.

(1202 amended Dec. 21, 1967, P.L.874, No.387)

Section 1203. Kinds of State Certificates.--(a) State certificates hereafter granted shall include the following:

Provisional College Certificates,

Permanent College Certificates,

Certificates issued by other states and validated by the Superintendent of Public Instruction,

Special Temporary Certificates,
Special Permanent Certificates,
Residency Certificates,
Intern Certificates.

(b) All persons receiving any of such certificates shall have qualifications not less than graduation from a State Teachers' College of this Commonwealth, or equivalent training. Postbaccalaureate certification programs, including residency, intern and administrative certification programs completed under section 1207.1 are equivalent training for purposes of this act.

(c) Every college certificate shall set forth the names of the college or university from which its holder was graduated. State certificates shall entitle their holders to teach in every part of this Commonwealth for the terms herein specified.

(1203 amended June 30, 2011, P.L.112, No.24)

Section 1204. Granting Provisional College Certificates.--The Secretary of Education may grant a provisional college certificate to every person who presents to the Department of Education satisfactory evidence of good moral character, and of being a graduate of an approved college or university, who has completed such work in education as may be required by the standards of the State Board of Education, and to every person who presents to the Department of Education satisfactory evidence of good moral character, and of being a graduate of music, with the degree of bachelor of music of an approved college or university, who has during such musical course completed the prescribed number of hours of professional studies, which certificate shall entitle the individual to teach for three annual school terms, and may be renewed for one additional three-year period in accordance with standards to be established by the State Board of Education.

(1204 amended July 13, 2016, P.L.716, No.86)

Section 1204.1. Standard Employment Application.--(a) The Secretary of Education, in consultation with organizations representing school administrators, including personnel administrators, teachers and school boards, shall develop a standard employment application form for use by individuals eligible for or in possession of instructional, vocational instructional, intern or vocational intern teaching certificates in making application for employment with school districts within this Commonwealth.

(b) School districts shall use these standard employment application forms for applicants for teaching positions; however, in no case shall the provisions of this section preclude a school district from establishing and implementing other application requirements.

(c) The form shall be made available to approved colleges and universities of teacher education. The form may be duplicated by these institutions and distributed to graduates of the institution seeking employment in school districts of this Commonwealth.

(1204.1 added July 11, 1996, P.L.633, No.107)

Section 1204.2. Provisional Vocational Education Certificate.--The Secretary of Education may grant a provisional vocational education certificate to every person who presents to the Department of Education satisfactory evidence of good moral character and who has completed such work in vocational education as may be required by the standards of the State Board of Education, which certificate shall entitle the individual to teach for eight annual school terms.

(1204.2 added July 13, 2016, P.L.716, No.86)

Section 1205. Issuing Permanent College Certificates.--The Secretary of Education shall issue a permanent college certificate to every graduate of an approved college or university, and of such departments therein as are approved by him, when such graduate furnishes satisfactory evidence of good moral character and successful experience of three years' teaching on a provisional college certificate in approved elementary or secondary schools, in private institutions from which the Department of Education purchases services on a tuition basis, and in state-aided and state-owned secondary schools, and has completed such work in education as may be required by the standards of the State Board of Education. Such work in education shall not exceed that required as of the time of graduation of such graduates from colleges or universities approved by the State Board of Education. Such certificate shall entitle its holder to teach without further examination. The Department of Education shall process an application for permanent college certification submitted by an individual who is a member of the United States Armed Forces, including a reserve component or National Guard, or a veteran, or the spouse of the member of the United States Armed Forces or the spouse of the veteran, within fourteen (14) days of the date the department received the completed application. For the purposes of this section, the term "veteran" shall mean an individual who has served in the United States Armed Forces, including a reserve component or National Guard, and who was discharged or released from such service under conditions other than dishonorable.

(1205 amended Nov. 3, 2016, P.L.1097, No.143)

Section 1205.1. Continuing Professional Development.--(a) Upon the expiration of an existing professional development plan, each school entity shall submit to the secretary for approval a three-year professional education plan.

(b) The professional education plan provided for in subsection (a) shall be prepared by a committee consisting of teacher representatives divided equally among elementary, middle and high school teachers chosen by the teachers, educational specialist representatives chosen by educational specialists and administrative representatives chosen by the administrators of the school entity. The committee shall include parents of children attending a school in the district, local business representatives and other individuals representing the community appointed by the board of directors. The plan shall be approved by the board of directors prior to submission to the department for approval. Amendments to the plan may be recommended by the continuing professional education committee, approved by the board of directors of the school entity and submitted to the department for approval. The secretary may specify the time at which and the form in which such plans are to be submitted. The State Board of Education shall promulgate regulations, subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," establishing the minimal content of such plans. The provisions of section 2552 shall apply to any school entity failing to comply with the provisions of this section.

(c) The professional education plan of each school entity shall be designed to meet the educational needs of that school entity and its professional employees. A school entity shall annually review its plan to determine whether or not it continues to reflect the needs of the school entity and the needs of its professional employees, students and the community. The plan shall be amended as necessary to ensure that the plan

meets the requirements of this subsection. The plan shall specify the continuing professional educational courses, programs, activities and other learning experiences approved to meet continuing professional development requirements under section 1205.2(c), including efforts designed to improve teacher knowledge in subject areas covering the academic standards listed in 22 Pa. Code Ch. 4 (relating to academic standards and assessment). ((c) amended June 30, 2012, P.L.684, No.82)

(c.1) The continuing professional education plan shall specify the professional education needs that will be met by completion of each continuing professional education option and how it relates to areas of assignment and certification or potential administrative certification. The options may include, but shall not be limited to:

(1) Collegiate studies.

(2) Continuing professional education courses taken for credit.

(3) Other programs, activities or learning experiences taken for credit or hourly, to include:

(i) curriculum development and other program design and delivery activities at the school entity or grade level as determined by the school entity and approved by the board of directors;

(ii) participation in professional conferences and workshops;

(iii) education in the workplace, where the work relates to the professional educator's area of assignment and is approved by the board of directors;

(iv) review, redesign and restructuring of school programs, organizations and functions as determined by the school entity and approved by the board of directors;

(v) in-service programs that comply with guidelines established by the department;

(vi) early childhood and child development activities for professional educators whose area of assignment includes kindergarten through third grade;

(vii) special education activities for professional educators whose area of assignment includes students with special needs;

(viii) successful completion of department training for service as a Distinguished Educator if the professional educator participates in and completes at least one assignment in the Distinguished Educators Program;

(ix) other continuing professional education courses, programs, activities or learning experiences sponsored by the department; or

(x) visits by educators to a manufacturing workplace for orientation and demonstrations to give the professional educator a greater understanding of job opportunities in manufacturing for students.

((c.1) amended Oct. 22, 2014, P.L.2624, No.168)

(c.2) A professional education plan may include joint or cooperative professional education activities with another school entity or an institution of higher education.

(c.3) A professional education plan shall describe how the plan meets the educational and staff development needs of the school entity, its professional educators, students and the community. The professional education plan shall identify the individuals who developed the plan and the method used to select those individuals.

(c.4) A professional education plan shall identify any provider approved by the professional education committee to

provide the continuing professional education options listed in the plan. Such providers shall be required to provide the school entity with official notice of the credits or hours of continuing professional education options successfully completed by the school entity's professional educators.

(d) All professional educators of a school entity shall meet the professional education requirements of this section and section 1205.2 in order for the professional educator to maintain active certification.

(e) The requirements of this section and section 1205.2 do not apply to a professional educator not employed by a school entity who serves as an evaluator of a home education program authorized under section 1327.1(e)(2) or who provides private tutoring services as part of a home education program under section 1327.1. ((e) amended June 22, 2001, P.L.530, No.35)

(f) (1) Beginning on the effective date of this subsection, the requirements under subsections (a), (b), (c), (c.1), (c.2), (c.3), (c.4), (d) and (e) shall be suspended until June 30, 2013. ((1) amended July 5, 2012, P.L.965, No.105)

(2) Notwithstanding this subsection, the provisions of sections 1003(a)(3) and (c) and 1207.1(d)(1)(iv) requiring that candidates for appointment as a district superintendent or assistant district superintendent and candidates for administrative and vocational director certificates complete a leadership development program that meets the Pennsylvania school leadership standards under section 1217 shall not be suspended.

((f) added June 30, 2011, P.L.112, No.24)

(g) Beginning on the effective date of this subsection and notwithstanding any other provision of this section, each school entity shall have one additional year to submit to the secretary for approval a three-year professional education plan as required under subsection (a). During the additional year, the school entity's current professional education plan may remain in effect. This subsection shall expire one year from its effective date. ((g) added Nov. 2, 2016, P.L.971, No.118)

(1205.1 amended Nov. 23, 1999, P.L.529, No.48)

Compiler's Note: See section 42 of Act 24 of 2011 in the appendix to this act for special provisions relating to construction of law.

Section 1205.2. Program of Continuing Professional Education.--(a) A continuing professional education program is hereby established for professional educators, the satisfactory completion of which is required to maintain active certification. Except as provided in subsections (n.1) and (n.2), the continuing professional education program shall require the satisfactory completion of continuing professional education every five (5) years, which shall include:

(1) six (6) credits of collegiate study;

(2) six (6) credits of continuing professional education courses;

(3) one hundred eighty (180) hours of continuing professional education programs, activities or learning experiences; or

(4) any combination of collegiate studies, continuing professional education courses, or other programs, activities or learning experiences equivalent to one hundred eighty (180) hours.

((a) amended July 13, 2016, P.L.716, No.86)

(b) For the purposes of calculating hours and credits of continuing professional education, one (1) credit of collegiate

studies or continuing professional education courses shall be equivalent to thirty (30) hours of continuing professional education programs, activities or learning experiences. In the initial year of the implementation of the continuing professional education requirements under this subsection, the department may evaluate and approve credits or continuing professional education courses which were completed on or after January 1, 2000, for application to the continuing professional educational requirement.

(c) The requirements of subsection (a) may be satisfied by a professional educator, whether or not presently employed by a school entity, by the successful completion of credits or hours to include any of the following:

(1) Credits of collegiate studies related to an area of the professional educator's assignment or certification at an institution of higher education approved by the department.

(2) Credits of continuing professional education courses related to an area of the professional educator's assignment or certification conducted by providers approved by the department.

(3) Hours of other continuing professional education programs, activities or learning experiences related to an area of the professional educator's assignment or certification conducted by providers approved by the department.

(4) Credits or hours completed in any collegiate studies, continuing professional education courses or continuing professional education programs, activities or learning experiences included in the professional education plan of the professional educator's school entity and conducted by:

(i) the department;

(ii) providers approved by the department;

(iii) the professional educator's school entity; or

(iv) providers approved as part of the professional education plan of the professional educator's school entity.

(5) Credits or hours not included in clauses (1) through (4) approved by the board of directors of the school entity.

(6) Credits or hours required to obtain administrator certification.

(7) Credits or hours in an area other than the area of the professional educator's assignment or certification if the professional educator may be transferred by the board of directors to another assignment. The credits or hours must be approved for the professional educator by the board of directors.

(8) Successful completion of department training for service as a Distinguished Educator if the professional educator participates in and completes at least one assignment in the Distinguished Educators Program.

((c) amended July 11, 2006, P.L.1092, No.114)

(d) In order to ensure that credits and hours of continuing professional education are of high quality and designed to significantly advance the goals of improving and updating the educational skills of professional educators in this Commonwealth, the department shall develop and implement guidelines to approve certain providers of continuing professional education programs. The guidelines shall include a process to approve:

(1) providers of collegiate studies;

(2) providers of professional education courses;

(3) providers of continuing professional education programs, activities or learning experiences, provided, the department, a professional educator's school entity or a provider approved

as part of the school entity's professional education plan need not be approved by the department; and

(4) providers included as part of the professional education plan of a school entity for use by a school entity's professional education committee.

(e) If the school entity is assuming all costs of credits or hours, the board of directors may disapprove any course, program, activity or learning experience that is inconsistent with the goals of the professional educational plan.

(f) Except as provided in subsection (n.1), the department shall annually provide a minimum of forty (40) hours of continuing professional education courses, programs, activities or learning experiences at no charge to professional educators. In providing these courses, the department shall seek to use the most efficient and cost-effective means possible, including the use of advanced technology such as CD-ROM, the Internet and distance communication. ((f) amended July 5, 2012, P.L.965, No.105)

(g) The department shall adopt guidelines to establish a system for maintaining records of credits and hours of continuing professional education successfully completed by professional educators. Those guidelines shall include requirements that:

(1) A school entity shall notify the department and the professional educator employed by the school entity of the successful completion of credits or hours of programs, activities or learning experiences conducted by the school entity and shall forward to the department any official notice given by a provider identified in the school entity's professional education plan that a professional educator has successfully completed credits or hours of collegiate studies, continuing professional education courses or programs, activities or learning experiences conducted by the provider.

(2) An approved provider shall notify the department, the school entity that employs the professional educator and the professional educator of the successful completion of credits or hours of collegiate studies, continuing professional education courses or programs, activities or learning experiences conducted by the approved provider.

(3) The department shall notify the school entity that employs the professional educator and the professional educator of the successful completion of credits or hours of continuing professional education courses or programs, activities or learning experiences conducted by the department.

(h) The department shall provide the following information to professional educators and school entities:

(1) Notice of the number of credits or hours needed for a professional educator to comply with this section, as of the date on which such notice is given. Such notice shall be provided no later twelve (12) months prior to the end of a professional educator's five-year compliance period. For professional educators who have not completed sufficient credits or hours to comply with this section, such notice shall be provided in writing and mailed to the most recent address on record with the department. For professional educators who have completed sufficient credits or hours to comply with this section, such notice shall be provided by electronic means, which shall include a notation on the electronic system maintained by the department pursuant to subsection (g) affirming that the professional educator has completed sufficient credits or hours to comply with this section.

(2) Reasonable access to reports and records relating to a professional educator's continuing professional education.

(3) Notice of inactive certification requested by a professional educator.

(4) Notice of inactive certification due to failure of the professional educator to meet the requirements of this section, whether or not the individual is employed by a school entity. The notice shall be provided no later than thirty-one (31) days prior to the date on which a professional educator's certificate is placed in inactive status, provided that the department may only place a professional educator's certificate in inactive status between June 30 and July 31.

(5) Notice of reinstatement.

((h) amended July 20, 2007, P.L.278, No.45)

(h.1) Whenever a professional educator moves from the address named in the application for State certification or from the professional educator's current address, such professional educator shall notify the department and provide the department with the most current address. Notification shall be made in a form and manner determined by the department.

((h.1) added July 13, 2005, P.L.226, No.46)

(i) The Secretary of Education shall provide an educator with the opportunity to appeal any determination that the educator's certification is inactive pursuant to 2 Pa.C.S. Chs. 5 (relating to practice and procedure) and 7 (relating to judicial review). If the secretary determines that an educator's certificate is inactive under this subsection, the effective date of the determination shall be between June 30 and July 31.

((i) amended July 20, 2007, P.L.278, No.45)

(j) The department shall establish a procedure to grant extensions to professional educators to fulfill the requirements of this section based upon extenuating circumstances.

(j.1) ((j.1) expired May 1, 2006. See Act 46 of 2005.)

(j.2) ((j.2) expired May 1, 2006. See Act 46 of 2005.)

(k) A professional educator who is not employed by a school entity as a professional or temporary professional employe may apply to the department for inactive certification. Inactive certification shall:

(1) Suspend the requirements of this section until inactive certification is removed by the department. Upon the removal of inactive certification, a professional educator shall have the same number of hours of continuing professional education and the same amount of time in which to complete those hours as existed for the professional educator at the time inactive certification was granted.

(2) Except as provided under paragraph (2.1), be removed by the department upon the application of the professional educator and evidence of the completion of thirty (30) hours of continuing professional education within the immediate preceding twelve (12) months. The department shall establish guidelines to approve courses that will authorize the removal of inactive certification.

(2.1) Be removed by the department upon the application of a professional educator who satisfies all of the following:

(i) holds a valid professional certificate issued by another state;

(ii) provides evidence of current compliance with the continuing education requirements of the other state; and

(iii) was employed on the certificate in the other state within the previous two calendar years prior to the application. Upon the removal of inactive certification under this paragraph, a professional educator with voluntary inactive certification

shall have the same number of hours of continuing professional education and the same amount of time in which to complete those hours as existed for the professional educator at the time inactive certification was granted. In the case of a professional educator whose certificate was placed on inactive status by the department due to the expiration of the professional educator's compliance period, the professional educator shall begin a new five-year compliance period to satisfy the requirements of subsection (a).

(3) Disqualify an individual from being employed by a school entity as a professional or temporary employee. An individual with inactive certification may be employed as a substitute teacher, principal, superintendent or assistant superintendent in accordance with the endorsement on the individual's certificate or letter of eligibility for no more than ninety (90) days during a school year.

((k) amended Nov. 3, 2016, P.L.1097, No.143)

(k.1) (1) Notwithstanding the provisions of subsections (a) and (k), the certificate of a professional educator who is an annuitant as defined in 24 Pa.C.S. § 8102 (relating to definitions) or 71 Pa.C.S. § 5102 (relating to definitions) shall be considered active for so long as the professional educator is an annuitant, except as otherwise provided in this subsection.

(2) For a professional educator annuitant who terminates the annuity or whose annuity ceases under the provisions of 24 Pa.C.S. § 8346(a) (relating to termination of annuities) or returns to school service under the provisions of 24 Pa.C.S. § 8346(b), the requirements of subsection (a) shall not apply for the first 180 days for which the professional educator annuitant returns to school service.

(3) A professional educator annuitant who has returned to school service and who continues in school service for more than one hundred eighty (180) days shall fulfill the requirements of subsection (a) beginning with the one hundred eighty-first day for which the professional educator has returned to school service. Such professional educator shall have the same number of hours of continuing professional education and the same amount of time to complete those hours as existed for the professional educator at the time the professional educator became an annuitant: Provided, That any collegiate studies, continuing professional education courses, or other programs, activities or learning experiences completed by a professional educator annuitant during the one hundred eighty (180) days for which the requirements of subsection (a) are not applicable under paragraph (2) shall be added to the number of hours of continuing professional education the professional educator had at the time the professional educator became an annuitant.

(4) The department shall promulgate a standard pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," requiring school entities to report to the department the employment of professional educator annuitants subject to 24 Pa.C.S. § 8346(b) and this subsection.

((k.1) added Feb. 2, 2006, P.L.19, No.5)

(1) The department shall submit an annual report to the chairman and minority chairman of the Appropriations Committee and the Education Committee of the Senate and the chairman and minority chairman of the Appropriations Committee and the Education Committee of the House of Representatives regarding the program of continuing professional education. The report shall include information about programs offered by the

department, including costs, the number of professional educators who have met continuing professional education requirements during each compliance period and the number of professional educators who have not met the requirements.

(m) The State Board of Education may promulgate any final-omitted regulations necessary to implement this section.

(n) Nothing contained in this act shall supersede or preempt any provisions of a collective bargaining agreement between a school entity and an employe organization in effect on the effective date of this act.

(n.1) (1) Beginning on the effective date of this subsection, the requirements under subsections (a) and (f) shall be suspended until June 30, 2013. During that time, the Legislative Budget and Finance Committee shall conduct a study of the costs and benefits of the continuing professional education program. An interim report shall be due on November 30, 2012, and the final report shall be due on March 1, 2013. On July 1, 2013, each professional educator shall have the same number of hours of continuing professional education and the same amount of time in which to complete those hours as existed for the professional educator on the effective date of this subsection: Provided, however, That any continuing professional education credits or hours completed by a professional educator during the period of suspension under this subsection shall be credited to the professional educator's continuing professional education record.

(2) Notwithstanding this subsection, the provisions of sections 1003(a)(3) and (c) and 1207.1(d)(1)(iv) requiring that candidates for appointment as a district superintendent or assistant district superintendent and candidates for administrative and vocational director certificates complete a leadership development program that meets the Pennsylvania school leadership standards under section 1217 shall not be suspended.

((n.1) amended July 5, 2012, P.L.965, No.105)

(n.2) If, during a professional educator's five-year compliance period under this section, a professional educator satisfactorily completes continuing professional education credits or hours in excess of the number of credits or hours required under subsection (a), any excess continuing professional education credits or hours satisfying the requirements of this section that are completed during the final two years of a professional educator's five-year compliance period up to a maximum of fifty (50) hours of continuing professional education programs, activities or learning experiences, or any combination of collegiate studies, continuing professional education courses or other programs, activities or learning experiences equivalent to a maximum of fifty (50) hours, shall be credited to the professional educator's continuing professional education record for the next succeeding compliance period. ((n.2) added July 13, 2016, P.L.716, No.86)

(n.3) Beginning on the effective date of this subsection and notwithstanding any other provision of this section, each professional educator's current continuing professional education compliance period under subsection (a) shall be extended by one year. This subsection shall expire one year from its effective date. ((n.3) added Nov. 2, 2016, P.L.971, No.118)

(o) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Approved provider" is an institution of higher education, school entity, individual, corporation, partnership, limited liability company or association approved by the department to provide continuing professional education credits or hours under this section. Provided, a school entity may approve a provider of continuing professional education credits or hours in accordance with department guidelines.

"Area of a professional educator's assignment or certification" shall mean any component of the education profession as it relates to the current job title or description of the professional educator or to any area of certification listed on the professional employee's Pennsylvania certification or to the type of certificate or endorsement held by the professional educator.

"Collegiate studies" shall mean a formal program or course of study at an institution of higher education leading to the award of academic credit.

"Compliance period" shall mean the period of time in which a professional educator must satisfactorily complete continuing professional education as required under subsection (a) and which concludes every five years beginning:

(1) July 1, 2000, for those professional educators who were issued a State certificate prior to July 1, 2000; or

(2) on the date on which the professional educator is issued a State certificate for those professional educators who were certified after July 1, 2000.

"Continuing professional education courses" shall mean courses for credit, other than collegiate studies, conducted by providers approved by the department.

"Professional educator" shall mean an individual who holds a Pennsylvania teacher, educational specialist or administrative certification or letter of eligibility.

"School entity" shall mean a school district, an intermediate unit, a joint school district, an area vocational-technical school, a charter school, the Scotland School for Veterans' Children and the Scranton School for the Deaf or any of these acting jointly.

((o) amended July 13, 2005, P.L.226, No.46)

(1205.2 added Nov. 23, 1999, P.L.529, No.48)

Compiler's Note: See section 42 of Act 24 of 2011 in the appendix to this act for special provisions relating to construction of law.

Section 30(1) of Act 46 of 2005, which amended subsections (a), (h), (j.1), (j.2) and (o), provided that the amendment shall be retroactive to April 15, 2005.

Section 1205.3. Charter Schools.--(a) Subject to subsection (b), an uncertified teacher or administrator who is employed full time by a charter school shall comply with the continuing professional education requirements of sections 1205.1 and 1205.2(a) through (c) to maintain employment in a charter school. The charter school shall maintain the records of an uncertified teacher or administrator who is employed full time by a charter school.

(b) Beginning on the effective date of this subsection and notwithstanding any other provision of this section, the current continuing professional education compliance period of each uncertified teacher or administrator who is employed full time by a charter school shall be extended by one year. This subsection shall expire one year from its effective date.

(1205.3 amended Nov. 2, 2016, P.L.971, No.118)

Section 1205.4. CPR Instruction.--(a) School entities shall be required to offer a cardiopulmonary resuscitation training (CPR) class on school premises at least once every three years. The course shall be offered as an option to all employees of the school entity.

(b) Completion of training, including testing of skills and knowledge, shall be documented by the signature and title of a representative of the training entity and shall include the date training was completed. Documentation shall be retained in the facility in that employee's file. Training shall be conducted by:

- (1) the American Red Cross;
- (2) the American Heart Association;
- (3) an individual certified to conduct CPR training by the American Red Cross, American Heart Association or other certifying agency approved by the Department of Health; or
- (4) other certifying agency approved by the Department of Health.

(c) School districts may include this training in the continuing education plan submitted by the district to the Department of Education under section 1205.1.

(d) For purposes of this section, a school entity shall be defined as a local school district, intermediate unit or area vocational-technical school.

(1205.4 added Nov. 22, 2000, P.L.672, No.91)

Section 1205.5. Continuing Professional Education for School or System Leaders.--(a) (1) Beginning January 1, 2008, every school or system leader shall meet the continuing professional education requirements of section 1205.2 through participation in programs approved in accordance with this section.

(2) For any school or system leader who serves in both administrative and nonadministrative positions during a compliance period as defined in section 1205.2, the school or system leader's continuing professional education requirements shall be earned in programs approved in accordance with this section in no less than the same proportion as the proportion of the compliance period during which the school or system leader served on an administrative certificate or letter of eligibility.

(b) For the compliance period in effect on January 1, 2008, this section shall only apply to any credits or hours needed to satisfy the unmet requirements of the current compliance period.

(c) (1) The Department of Education shall design and offer continuing professional education programs at no cost to school or system leaders who are required by this section to participate and at no cost to their employer school entities.

(2) In the event that school or system leaders are unable to access these programs because all available slots are filled, the school or system leader may request and shall be granted upon review by the department an extension of the compliance period.

(d) The Department of Education shall approve other providers to offer induction and continuing professional education programs for school or system leaders and shall annually publish a list of approved providers.

(e) All programs offered or approved by the Department of Education under this section shall address the Pennsylvania school leadership standards pursuant to section 1217.

(f) The Secretary of Education may adopt standards as necessary to implement this section.

(g) For the purpose of this section, the term "school or system leader" shall mean an individual who serves on a certificate as a principal, vice principal, assistant principal, superintendent, assistant superintendent, intermediate unit executive director, assistant intermediate unit executive director or director of an area vocational-technical school.

(h) (1) Beginning on the effective date of this subsection, the requirements of subsections (a), (c) and (d) shall be suspended until June 30, 2013.

(2) Notwithstanding this subsection, the provisions of sections 1003(a)(3) and (c) and 1207.1(d)(1)(iv) requiring that candidates for appointment as a district superintendent or assistant district superintendent and candidates for administrative and vocational director certificates complete a leadership development program that meets the Pennsylvania school leadership standards under section 1217 shall not be suspended.

((h) added June 30, 2011, P.L.112, No.24)

(1205.5 added July 20, 2007, P.L.278, No.45)

Section 1205.6. Child Abuse Recognition and Reporting Training.--(a) School entities and independent contractors of school entities shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting. The following apply:

(1) Training shall address, but shall not be limited to, the following topics:

(i) Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct in this Commonwealth.

(ii) Provisions of the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," including mandatory reporting requirements.

(iii) The school entity's policies related to reporting of suspected abuse and sexual misconduct.

(iv) Maintenance of professional and appropriate relationships with students.

(2) School entities and independent contractors may provide training through the Internet or other distance communications systems.

(3) Employees shall complete a minimum of three (3) hours of training every five (5) years.

(4) Employees required to undergo continuing professional education under section 1205.2 shall receive credit toward their continuing professional education requirements if the training program has been approved by the Department of Education in consultation with the Department of Public Welfare.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Abuse." Conduct that falls under the purview and reporting requirements of 23 Pa.C.S. Ch. 63 (relating to child protective services) and is directed toward or against a child or student, regardless of the age of the child or student.

"Direct contact with children." The possibility of care, supervision, guidance or control of children or routine interaction with children.

"School entity." A public school, charter school, cyber charter school, private school, nonpublic school, intermediate unit or area vocational-technical school.

"Sexual misconduct." Any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student

that is designed to establish a romantic or sexual relationship with the child or student. Such acts include, but are not limited to:

- (1) Sexual or romantic invitation.
- (2) Dating or soliciting dates.
- (3) Engaging in sexualized or romantic dialog.
- (4) Making sexually suggestive comments.
- (5) Self-disclosure or physical exposure of a sexual, romantic or erotic nature.
- (6) Any sexual, indecent, romantic or erotic contact with the child or student.

(1205.6 added July 5, 2012, P.L.1084, No.126)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1206. Certificates Issued by Other States.--(a) Candidates holding a valid instructional certificate issued by another state may be eligible for comparable Pennsylvania certification provided that the candidate meets the following requirements:

- (1) Holds a bachelor's degree from an accredited college or university.
- (2) Has at least two (2) years of successful classroom experience.
- (3) Demonstrates subject matter competency in the applicable area of Pennsylvania certification.
- (4) Satisfies the requirements of section 1209.

(b) The Secretary of Education shall adopt standards and guidelines as necessary to implement this section.

(c) Nothing in this section shall be construed to prohibit the Secretary of Education from certifying out-of-State applicants in accordance with regulations of the Department of Education or the State Board of Education.

(1206 amended June 30, 2011, P.L.112, No.24)

Section 1207. Special Temporary or Permanent Certificates.--The Superintendent of Public Instruction shall provide for special examinations, and for temporary or permanent certificates, for teachers of kindergartens, drawing, vocal music, manual training, physical training and other special branches.

The Superintendent of Public Instruction may issue temporary or permanent certificates for the teaching of such special subjects to graduates of approved special schools of such subjects, under such conditions as he may make.

Section 1207.1. Postbaccalaureate Certification.--(a) Notwithstanding any other provision of law to the contrary, the Secretary of Education shall have all of the following powers and duties with regard to postbaccalaureate certification programs:

(1) Evaluate and approve, in accordance with this section, all postbaccalaureate certification programs, including accelerated programs, leading to the certification of professional personnel including intern certification programs, residency certification programs and administrative certification programs.

(2) Evaluate and approve qualified providers of postbaccalaureate certification programs, which may include providers other than institutions of higher education, and ensure that the approval process designed for program providers which are not institutions of higher education enables

high-quality, nontraditional program providers to seek and gain approval.

(3) Develop guidelines for the approval of flexible postbaccalaureate instructional certification programs. Such program guidelines shall address:

- (i) Instruction and training in the following:
 - (A) Educational strategies for the designated subject area.
 - (B) Child development specifically related to the level of the certificate sought.
 - (C) Professional ethics and responsibilities.
 - (D) Pennsylvania academic standards.
 - (E) Assessment knowledge and skills.
 - (F) Accommodations and adaptations for students with disabilities in an inclusive setting.
 - (G) Strategies for meeting instructional needs of English language learners.
- (ii) Requirements for candidate oversight and mentoring that may include field placement, student teaching, classroom observations and ongoing support for novice educators in partnership with local education agencies during their induction period, including observation, consultation and assessment that includes close supervision by a professional employee.

(4) Issue certificates in accordance with this section to qualified candidates.

(5) Adopt standards and guidelines as necessary to implement this section.

(b) (1) The Secretary of Education may make a one-time issuance of a residency certificate for service in a specific shortage area of instruction in public schools of this Commonwealth to an applicant who meets all of the following:

- (i) Satisfies the requirements specified under section 1209.
- (ii) Meets one of the following:
 - (A) Holds a doctoral degree or master's degree from an accredited college or university in the subject area of shortage.
 - (B) Holds a bachelor's degree from an accredited college or university in the subject area of shortage and has at least three (3) years of work experience in the subject area or related field.
- (iii) Is continuously enrolled in an approved residency program.

(iv) Presents evidence of satisfactory achievement on the appropriate subject area content test.

(2) A residency certificate shall be valid for three (3) years of teaching in the public schools of this Commonwealth in the area for which it applies.

(3) The Secretary of Education shall have all of the following powers and duties related to the issuance of residency certificates:

- (i) Identify areas of certification in which there is a Statewide or regional shortage of qualified teachers.
- (ii) Develop guidelines for the residency program in accordance with subsection (a).
- (iii) Issue residency certificates to qualified applicants.
- (iv) Report annually to the State Board of Education on the number of residency certificates issued under this section.

(4) A residency certificate may be converted to an Instructional I Certificate upon the completion of all residency program requirements under Department of Education guidelines and the completion of three (3) years of satisfactory teaching in the public schools of this Commonwealth.

(c) (1) Postbaccalaureate instructional intern certification programs shall provide flexible and accelerated pedagogical training to teachers who have demonstrated subject matter competency in a subject area related to their certification.

(2) The Secretary of Education may make a one-time issuance of a postbaccalaureate instructional intern certificate for service in a specific area of instruction to candidates who, in addition to meeting the requirements of section 1209, present evidence of satisfactory achievement on the department-prescribed subject matter assessments related to the area of certification and hold a bachelor's degree from an accredited college or university. This certificate shall require continuing enrollment in an approved postbaccalaureate instructional intern certification program.

(3) A postbaccalaureate instructional intern certificate shall be valid for three (3) years of teaching in the public schools of this Commonwealth and may not be renewed.

(4) A candidate shall be issued an Instructional I Certificate upon successful completion of the approved postbaccalaureate instructional intern program provided that the candidate has satisfied the requirements of section 1209.

(d) (1) Notwithstanding any other provision of law, no person shall be granted an administrative certificate or a vocational director certificate by the Department of Education unless:

(i) The candidate holds a bachelor's degree from an accredited college or university.

(ii) The candidate has had three (3) years of relevant professional experience.

(iii) The candidate satisfies the requirements of section 1209.

(iv) Notwithstanding the provisions of sections 1205.1(f), 1205.2(n.1) and 1205.5(h), the candidate has completed in a college or university a graduate program in education approved by the Department of Education or has provided to the Secretary of Education, within two (2) years of employment in the school or system leadership position for which the candidate was certified, satisfactory evidence that the candidate has successfully completed a leadership development program that meets the Pennsylvania school leadership standards under section 1217 and has demonstrated knowledge of basic school laws and regulations.

(2) The Secretary of Education may adopt standards and guidelines as necessary to implement this section.

(e) Notwithstanding any other provision of law, no candidate for certification or admission into a certification preparation program who holds a bachelor's degree from a regionally accredited college or university shall be required to complete the academic preparation requirements of 22 Pa. Code Ch. 354 (relating to preparation of professional educators).

(f) Nothing in this section shall be construed to prohibit the State Board of Education from authorizing certification programs in accordance with State law, nor shall this section be construed to impact any programs that have been authorized by the State Board of Education prior to the effective date of this section.

(1207.1 added June 30, 2011, P.L.112, No.24)

Section 1207.2. Military Science Certificates.--(a)

Notwithstanding any other provision of law to the contrary, the Secretary of Education may issue a Pennsylvania military science teaching certificate to a person who:

(1) possesses a valid military science certificate or endorsement issued by a branch of the United States Armed Forces authorizing the person to teach military science and the Junior Reserve Officer Training Corps; and

(2) is not disqualified under section 1209.

(b) A Pennsylvania military science certificate may be issued to a person possessing the qualifications listed under subsection (a)(1) and (2) without meeting additional education and assessment requirements for issuance.

(c) A Pennsylvania military science certificate issued under this section shall qualify a person to teach military science or Junior Reserve Officer Training Corps in the public schools of this Commonwealth.

(d) Except for a military science teaching certificate, nothing under this section shall be construed to modify the requirements for the issuance of a Pennsylvania instructional certificate endorsed in another subject area.

(1207.2 added Feb. 4, 2014, P.L.23, No.10)

Section 1207.3. Baccalaureate Certification Basic Skills Assessment.--(a) Notwithstanding any other provision of law, an assessment of basic skills required under 22 Pa. Code § 49.18 (relating to assessment) shall be completed and a satisfactory achievement level shall be obtained prior to entry into a Pennsylvania baccalaureate teacher preparation program.

(b) An assessment of basic skills shall not be required for entry into a Pennsylvania postbaccalaureate teacher preparation program or for any applicant for certification who completes a postbaccalaureate certification program or holds a postbaccalaureate degree.

(c) No baccalaureate certification program shall admit a student who has not met the requirements of this section by August 1, 2015.

(1207.3 added Oct. 22, 2014, P.L.2624, No.168)

Section 1208. Summer Schools, etc.--The State Board of Education shall provide for summer schools in State colleges, colleges, universities and other educational institutions, and for extension courses and correspondence courses for all teachers employed in the public school system of the Commonwealth who wish to acquire the minimum qualifications prescribed herein, or such further qualifications as may be desirable.

(1208 amended Oct. 21, 1965, P.L.601, No.312)

Section 1209. Disqualifications.--No teacher's certificate shall be granted to any person who:

(1) ((1) deleted by amendment July 9, 2013, P.L.408, No.59)

(2) Does not have a good moral character.

(3) Engages in the illegal use of controlled substances or alcoholic beverages. An applicant for certification may overcome the disqualification under this paragraph and receive a teaching certificate if the applicant is reviewed by the Department of Education pursuant to the requirement of paragraph (2) and determined to be of good moral character.

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Compiler's Note: Section 24 of Act 104 of 2010, which amended section 1209, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Compiler's Note: Section 4 of Act 123 of 2010, which amended section 1209, provided that any regulations that are

inconsistent with Act 123 are hereby abrogated to the extent of the inconsistency.

Section 1210. Existing Certificates.--All teachers' certificates in force in this Commonwealth at the time this act goes into effect shall continue in full force and effect, subject to all the terms and conditions under which they were issued, until they expire by virtue of their own limitations, unless they are sooner annulled for the reason and in the manner herein provided.

State Normal School certificates heretofore issued by the State Normal Schools of this Commonwealth shall entitle their holders to teach for two annual school terms.

Diplomas heretofore issued by the State Normal Schools of this Commonwealth shall entitle their holders to teach without further examination.

Section 1211. Annulment of Certificates.--(1211 repealed Dec. 14, 1989, P.L.612, No.71).

Section 1212. Registration and Record of Certificates.--Before entering upon the work of teaching, every holder of a permanent, special or State certificate, of any kind, shall present it, for registration, to the proper superintendent, who shall record its kind, number, and date of issue, together with the branches which it covers. Whenever new branches are added to any certificate, these shall be added to the record upon presentation of said certificate to the superintendent.

Every district superintendent shall keep an accurate record of all valid certificates held by the teachers of the schools within his jurisdiction.

(1212 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1213. Standard Limited Certificates.--All standard limited certificates in force in this Commonwealth at the time this section takes effect shall become permanent and no additional requirements shall be added hereafter to keep them in full force and effect or otherwise to validate such certificates provided the holders of such certificates have satisfactorily taught at least ten (10) years in the public or nonpublic schools, or both, of the Commonwealth and have earned at least ninety (90) semester credit hours of undergraduate or graduate study.

(1213 added Aug. 13, 1971, P.L.338, No.87)

Section 1214. Department Waiver of Certification Requirements.--(a) The department may grant a waiver of certification requirements for a period not to exceed one year for a certificated professional employe currently employed by or on suspension from a school entity when the school entity submits a written waiver request containing the following:

- (i) the reason for the waiver;
- (ii) a program of study being followed by the employe to secure certification in the new position;
- (iii) the period of time necessary for the employe to secure certification in the new position;
- (iv) a statement showing the employe's application for placement in the new position; and
- (v) a statement that the employe has completed twelve (12) semester credit hours in the area for which the waiver is requested.

(b) The employe for whom the waiver is granted shall pursue certification as outlined in the school entity's waiver request. Failure to do so shall result in a revocation of the waiver.

(c) A professional employee for whom a waiver is granted shall not be permitted to fill a position vacated by a suspended employee.

(1214 added Nov. 20, 1979, P.L.465, No.97)

Section 1215. Locally Issued Temporary Certification for Substitute Teachers.--A temporary substitute teacher certificate may be issued by a public school entity to an individual who presents a letter from a college or university verifying that the individual has completed an approved teacher preparation program, has successfully completed the certification testing requirements and has completed all requirements for the awarding of a bachelor's degree on a date certain. The temporary substitute teacher certificate shall only be used for day-to-day assignments and shall expire upon the termination of any summer school conducted in the summer which follows the date of issuance or upon the receipt of Instructional I certification by the individual.

(1215 added June 26, 1999, P.L.394, No.36)

Section 1216. Evaluation of Applications for Certification.--(a) All applications for certification shall be evaluated in their entirety. The Department of Education shall notify the applicant if the application is incomplete and include a listing of all materials or information needed to complete the application. The applicant's pending application shall remain open for one year following the date of such notification. No letter of denial of certification shall be issued unless all deficiencies in the application are stated in the letter of denial.

(b) The grade point average used by the department in evaluating the grade point average requirements for certification pursuant to 22 Pa. Code § 354.24 (relating to academic performance) shall be as follows:

(1) For applicants whose initial preparation culminated in a bachelor's degree or higher prior to October 7, 2000, the grade point average in effect on the date of application for certification.

(2) For applicants whose initial preparation culminates in a bachelor's degree or higher on or after October 7, 2000, the grade point average in effect on the date of graduation.

(1216 added July 13, 2005, P.L.226, No.46)

Section 1216.1. Professional Educator Discipline Fee.--(a) Except as provided under subsection (d), in addition to any application fee established by the Department of Education, an applicant for certification from the department shall pay a professional educator discipline fee of twenty-five dollars (\$25).

(b) The following shall apply:

(1) There is created in the General Fund a restricted receipts account to be known as the Professional Educator Discipline Account.

(2) The Professional Educator Discipline Account shall be funded by money received under this section and any interest derived from funds in the Professional Educator Discipline Account.

(3) The funds in the Professional Educator Discipline Account shall be appropriated to the department for administration, enforcement and adjudication by the department and the Professional Standards and Practices Commission under the act of December 12, 1973 (P.L.397, No.141), known as the "Educator Discipline Act."

(c) Notwithstanding any other provision of law, the department may increase the fee established under subsection

(a) if the department determines that the cost of enforcement exceeds the revenue generated by the fee and by all other fees, fines and civil penalties provided for under the "Educator Discipline Act."

(d) Notwithstanding any other provision of law or regulation, an individual who is a member of the United States Armed Forces, including a reserve component or National Guard, or a veteran, or the spouse of the member of the United States Armed Forces or the spouse of the veteran, shall be required to pay only the following fees to the department with respect to the individual's certification:

(1) A certification fee not to exceed ten dollars (\$10).

(2) A professional educator discipline fee not to exceed twenty-five dollars (\$25).

(e) For the purposes of this section, the term "veteran" shall mean an individual who has served in the United States Armed Forces, including a reserve component or National Guard, and who was discharged or released from such service under conditions other than dishonorable.

(1216.1 amended Nov. 3, 2016, P.L.1097, No.143)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Section 1217. Pennsylvania School Leadership Standards.--(a) Programs provided under section 1205.5(c) and (d) to prepare school or system leaders and for purposes of issuing administrator certificates or letters of eligibility and approved programs for the induction and continuing professional education of school or system leaders shall address:

(1) The following core standards:

(i) The knowledge and skills to think and plan strategically to create an organizational vision around personalized student success.

(ii) An understanding of standards-based systems theory and design and the ability to transfer that knowledge to the school or system leader's job as the architect of standards-based reform in the school.

(iii) The ability to access and use appropriate data to inform decision-making at all levels of the system.

(2) The following corollary standards:

(i) Creating a culture of teaching and learning with an emphasis on learning, including teaching and learning in manufacturing and vocational fields.

(ii) Managing resources for effective results.

(iii) Collaborating, communicating, engaging and empowering others inside and outside of the organization to pursue excellence in learning.

(iv) Operating in a fair and equitable manner with personal and professional integrity.

(v) Advocating for children and public education in the larger political, social, economic, legal and cultural context.

(vi) Supporting professional growth of self and others through practice and inquiry.

((a) amended Oct. 22, 2014, P.L.2624, No.168)

(b) The State Board of Education may promulgate regulations to carry out the provisions of this section.

(c) For the purpose of this section, the term "school or system leader" shall mean an individual who serves on a certificate as a principal, vice principal, assistant principal, superintendent, assistant superintendent, intermediate unit

executive director, assistant intermediate unit executive director or director of an area vocational-technical school.

(1217 added July 20, 2007, P.L.278, No.45)

ARTICLE XII-A.

PROFESSIONAL TEACHER ASSESSMENT.

(Art. repealed Dec. 23, 2003, P.L.304, No.48)

Section 1201-A. Short title of article. (1201-A repealed Dec. 23, 2003, P.L.304, No.48)

Section 1202-A. Definitions. (1202-A repealed Dec. 23, 2003, P.L.304, No.48)

Section 1203-A. Professional teacher assessment program. (1203-A repealed Dec. 23, 2003, P.L.304, No.48)

Section 1204-A. Scoring process. (1204-A repealed Dec. 23, 2003, P.L.304, No.48)

Section 1205-A. Furthering continuing professional development. (1205-A repealed Dec. 23, 2003, P.L.304, No.48)

Section 1206-A. Compliance. (1206-A repealed Dec. 23, 2003, P.L.305, No.48)

Section 1207-A. Professional development assistance. (1207-A repealed Dec. 23, 2003, P.L.304, No.48)

Section 1208-A. Collective bargaining agreements. (1208-A repealed Dec. 23, 2003, P.L.304, No.48)

Section 1209-A. Confidentiality. (1209-A repealed Dec. 23, 2003, P.L.304, No.48)

Section 1210-A. Annual report. (1210-A repealed Dec. 23, 2003, P.L.304, No.48)

ARTICLE XIII.

PUPILS AND ATTENDANCE.

(a) Attendance.

Section 1301. Age Limits; Temporary Residence.--Every child, being a resident of any school district, between the ages of six (6) and twenty-one (21) years, may attend the public schools in his district, subject to the provisions of this act.

Notwithstanding any other provision of law to the contrary, a child who attains the age of twenty-one (21) years during the school term and who has not graduated from high school may continue to attend the public schools in his district free of charge until the end of the school term. The board of school directors of any school district may admit to the schools of the district, with or without the payment of tuition, any non-resident child temporarily residing in the district, and may require the attendance of such non-resident child in the same manner and on the same conditions as it requires the attendance of a resident child.

(1301 amended June 29, 2002, P.L.524, No.88)

Section 1302. Residence and Right to Free School Privileges.--(a) A child shall be considered a resident of the school district in which his parents or the guardian of his person resides. Federal installations are considered a part of the school district or districts in which they are situate and the children residing on such installations shall be counted as resident pupils of the school district. When a resident of any school district keeps in his home a child of school age, not his own, supporting the child gratis as if it were his own, such child shall be entitled to all free school privileges accorded to resident school children of the district, including the right to attend the public high school maintained in such district or in other districts in the same manner as though

such child were in fact a resident school child of the district, and shall be subject to all the requirements placed upon resident school children of the district. Before such child may be accepted as a pupil, such resident shall file with the secretary of the board:

(1) appropriate legal documentation to show dependency or guardianship; or

(2) a sworn statement that he is a resident of the district, that he is supporting the child gratis, that he will assume all personal obligations for the child relative to school requirements, and that he intends to so keep and support the child continuously and not merely through the school term. The school board, pursuant to guidelines issued by the Department of Education, may require other reasonable information to be submitted by the resident to substantiate the sworn statement. The form containing the sworn statement shall include notice in large print of the penalty for providing false information in the sworn statement.

(b) If it is found that information contained in the sworn statement is false, the child must be removed from the school after notice of an opportunity to appeal the removal pursuant to the appropriate grievance policy of the school district.

(c) Notwithstanding any other provision of law to the contrary, a person who knowingly provides false information in the sworn statement for the purpose of enrolling a child in a school district for which the child is not eligible commits a summary offense and shall, upon conviction for such violation, be sentenced to pay a fine of no more than three hundred dollars (\$300) for the benefit of the school district in which the person resides or to perform up to two hundred forty (240) hours of community service, or both. In addition, the person shall pay all court costs and shall be liable to the school district for an amount equal to the cost of tuition calculated in accordance with section 2561 during the period of enrollment.

(d) Notwithstanding the provisions of subsection (a), when a child lives outside of Pennsylvania as a result of one or both parents being called or ordered to active military duty, other than active duty training, the child shall continue to be considered a resident of the school district that was the child's resident school district immediately prior to the parent being stationed outside of Pennsylvania, provided that the parent maintains the residence. ((d) added Nov. 17, 2010, P.L.996, No.104)

(1302 amended Dec. 23, 2003, P.L.304, No.48)

Compiler's Note: Section 24 of Act 104 of 2010, which amended section 1302, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1303. Immunization Required; Penalty.--(a) It shall be the duty of all school directors, superintendents, principals, or other persons in charge of any public, private, parochial, or other school including kindergarten, to ascertain that every child, prior to admission to school for the first time has been immunized, as the Secretary of Health may direct, against such diseases as shall appear on a list to be made and from time to time reviewed by the Advisory Health Board. All certificates of immunization shall be issued in accordance with the rules and regulations promulgated by the Secretary of Health with the sanction and advice of the Advisory Health Board.

(b) Any person who shall fail, neglect, or refuse to comply with, or who shall violate, any of the provisions or

requirements of this section, except as hereinafter provided, shall, for every such offense, upon summary conviction thereof, be sentenced to pay a fine of not less than five dollars (\$5) nor more than one hundred dollars (\$100), and in default thereof, to undergo an imprisonment in the jail of the proper county for a period not exceeding sixty (60) days. All such fines shall be paid into the treasury of the school district.

(c) The provisions of this section shall not apply in the case of any child deemed to have a medical contraindication which may contraindicate immunization and so certified by a physician. Such certificates may be accepted in lieu of a certificate of immunization.

(d) The provisions of this section shall not apply in the case of any child whose parent or guardian objects in writing to such immunization on religious grounds.

(1303 added Apr. 11, 1974, P.L.258, No.67)

Section 1304. Admission of Beginners.--(a) School districts shall admit beginners to the public schools during at least the first two weeks of the annual school term in districts operating on an annual promotion basis and during the first two weeks of either the first or the second semester of the school term in districts operating on a semi-annual promotion basis; thereafter, the admission of beginners shall be at the discretion of each school district.

(b) Admission shall be limited to beginners who have attained the age of five years and seven months before the first day of September if they are to be admitted in the fall, and to those who have attained the age of five years and seven months before the first day of February if they are to be admitted at the beginning of the second semester. The board of school directors of any school district may admit beginners who are less than five years and seven months of age, in accordance with standards prescribed by the State Board of Education. The board of school directors may refuse to accept or retain beginners who have not attained a mental age of five years, as determined by the supervisor of special education or a properly certificated public school psychologist in accordance with standards prescribed by the State Board of Education.

(c) The term "beginners," as used in this section, shall mean any child that should enter the lowest grade of the primary school or the lowest primary class above the kindergarten level.

(1304 amended June 30, 2011, P.L.112, No.24)

Section 1305. Non-resident Child Placed in Home of Resident.--(a) When a non-resident child is placed in the home of a resident of any school district by order of court or by arrangement with an association, agency, or institution having the care of neglected and dependent children, such resident being compensated for keeping the child, any child of school age so placed shall be entitled to all free school privileges accorded to resident school children of the district, including the right to attend the public high school maintained in such district or in other districts in the same manner as though such child were in fact a resident school child of the district. ((a) amended Feb. 17, 1956, 1955 P.L.1065, No.342)

(b) Any resident of any school district, before accepting custody of a non-resident child of school age for compensation by order of court or by arrangement with an association, agency, or institution having the care of dependent or neglected children, must secure, from the superintendent of schools or school board in that district, a statement in writing that the child can be accommodated in the schools of the district or that the child can not be accommodated and the reasons therefor.

If such statements are not furnished within two weeks after a request in writing has been made to the board's secretary, the superintendent of schools, the board's assent shall be assumed, and the child shall be admitted to the schools of the district as a pupil. If such statement sets forth conditions such as to exempt the district under this section from accepting the child as a pupil, and if such exemption is not disapproved on appeal by the Superintendent of Public Instruction, and if other arrangement for the child's schooling satisfactory to the district superintendent is not made, the child may not be placed in the district.

Appeal from the claim of any school district for exemption, as provided in this section, may be taken to the Superintendent of Public Instruction, and his decision thereon after investigation shall be final.

((b) amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1306. Non-resident Inmates of Children's Institutions.--(a) The board of school directors of any school district in which there is located any orphan asylum, home for the friendless, children's home, or other institution for the care or training of orphans or other children, shall permit any children who are inmates of such homes, but not legal residents in such district, to attend the public schools in said district, either with or without charge for tuition, text books, or school supplies, as the directors of the district in which such institution is located may determine. When any home or institution having for its purpose the care and training of children and having non-resident children under its care, is located in more than one school district, educational facilities may be provided by either district as though the institution were located wholly in that district. If the district or districts in which the institution is located does not have facilities to accommodate the children in its schools or in a joint school of which it is a member, the board of directors shall so notify the Superintendent of Public Instruction not later than July one. If the Superintendent of Public Instruction, after investigation, finds that neither the school district nor the joint school board, if any, can accommodate the non-resident inmates of the institution during the ensuing school term, he shall direct the district and the joint school board, if any, to enter into an agreement with another school district or joint school board to accept them on a tuition basis.

(b) Whenever non-resident children attend the public schools in such district, they shall be furnished proper transportation provided for resident children, and the district furnishing or providing the transportation shall be reimbursed in the same manner as provided for resident children.

(c) Except as provided in subsection (d), whenever a student described in this section is a suspected or identified eligible student as defined in 22 Pa. Code Chs. 14 (relating to special education services and programs) and 342 (relating to special education services and programs), the school district in which the institution is located is responsible for:

(1) providing the student with an appropriate program of special education and training consistent with this act and 22 Pa. Code Chs. 14 and 342; and

(2) maintaining contact with the school district of residence of the student for the purpose of keeping the school district of residence informed of its plans for educating the student and seeking the advice of that district with respect to the student.

((c) added June 7, 1993, P.L.49, No.16)

(d) The student's school district of residence and the school district in which the institution is located may agree to an arrangement of educational and procedural responsibilities other than as contained in subsection (c), provided that the agreement is in writing and is approved by the Department of Education after notice to and an opportunity to comment by the parents of the student. ((d) added June 7, 1993, P.L.49, No.16)

(e) Nothing in this section is intended to supersede section 914.1-A of this act or any other provision of law applicable to a particular type of placement. ((e) added June 7, 1993, P.L.49, No.16)

(1306 amended Sept. 7, 1955, P.L.583, No.151 and Feb. 17, 1956, 1955 P.L.1067, No.344)

Section 1306.1. Optional Commitment Location.--Any adjudicated delinquent committed to a youth development center or other juvenile correctional facility may serve the time of any such commitment at a facility within the county of residence if an appropriate facility exists within that county.

(1306.1 added June 7, 1993, P.L.49, No.16)

Section 1306.2. Juveniles Incarcerated in Adult Facilities.--(a) A person under twenty-one (21) years of age who is confined to an adult local correctional institution following conviction for a criminal offense who is otherwise eligible for educational services as provided under this act shall be eligible to receive educational services from the board of school directors in the same manner and to the same extent as a student who has been expelled pursuant to section 1318.

(b) A person under twenty-one (21) years of age who is confined to an adult local correctional institution following a charge for a criminal offense who is otherwise eligible for educational services as provided under this act shall be eligible to receive services from the board of school directors in the same manner and to the same extent as a student who has been placed in an alternative education program for disruptive students.

(c) The department shall effectuate necessary procedures for the transfer of funds from the school district of residence to the school district in which the local correctional institution is located. In effectuating the transfer of funds, the department may deduct the appropriate amount from the Basic Education Funding allocation of any school district which had resident students who were provided educational services in the local correctional facility.

(d) For purposes of this section, the term "convicted" means a finding of guilty by a judge or a jury or the entry of a plea of guilty or nolo contendere for an offense under 18 Pa.C.S. (relating to crimes and offenses) whether or not judgment of sentence has been imposed.

(e) For purposes of this section, a "local correctional institution" shall include any jail, prison or detention facility operated by a county or jointly by more than one county or by a municipality. The term does not include any facility used for the detention or confinement of juveniles.

(1306.2 added June 25, 1997, P.L.297, No.30)

Section 1307. Counties, Other Than Second Class, Responsible for Payment of Tuition.--In any county, other than a county of the second class, whenever any child is an inmate of an orphan asylum or home or a children's home or a home for the friendless or a private home or other institution for the care or training of orphans or other children, and the maintenance of such children is provided at the cost of the county or the county

institution district wherein it is located, and such child attends the public schools of the school district wherein such home or institution is located, although not a legal resident of such district, the county shall in all such cases pay to such school district the tuition charge provided for by this act in the case of pupils attending public schools of another district. Such costs shall be paid annually by the county and shall thereafter be collected by the county from the school district in which such child is a legal resident.

Section 1308. Liability for Tuition and Enforcement of Payment.--(a) In all cases not covered by the preceding section if a charge is made by any school district for tuition for the inmates of any such institution, the officers of the institution shall submit to the board of school directors a sworn statement, setting forth the names, ages, and school districts liable for tuition of all children who are inmates thereof, and desire to attend public school in the district. The district in which the institution is located shall obtain a blank acknowledging or disclaiming residence, signed by the secretary of the school district in which the institution declares the legal residence of the child to be. If said district shall fail to file said blank within fifteen (15) days from the date it is sent to the district by registered mail, the district in which the institution is located shall again notify the district of its failure to comply with the provisions of this act. If the district shall fail to comply within fifteen (15) days following the second notice, said failures to return the blank shall be construed as an acknowledgement of said child's residence. The tuition of such inmates as are included in the sworn statement to the board of school directors shall be paid by the district of residence of the inmates upon receipt of a bill from the district in which the institution is located setting forth the names, ages and tuition charges of the inmates. The district so charged with tuition may file an appeal with the Secretary of Education, in which it shall be the complainant and the district in which the institution is located the respondent. The decision of the Secretary of Education, as to which of said parties is responsible for tuition, shall be final.

(b) In the event that the district in which the institution is located contracts with a third party to provide educational services to children who are inmates of the institution, the third party may seek payment of tuition directly from the district of residence. The third party shall notify the district in which the institution is located of its payment request to the district of residence, and, if the district of residence makes payment to the third party, the third party shall notify the district in which the institution is located. Such payment to the third party shall satisfy and extinguish the contractual payment obligation of the district in which the institution is located. The district so charged with tuition by the third party may file an appeal with the secretary as set forth in subsection (a).

(c) If any inmates have been received from outside of Pennsylvania, or if the institution cannot certify as to their residence, their tuition shall be paid by the institution having the care or custody of said children, except in the case of medically indigent children hospitalized in exclusively charitable children's hospitals exempt under section 501(c)(3) of the Internal Revenue Code which make no charges to any of its patients nor accepts any third-party payments for services provided to any of its patients. In such cases their tuition shall be paid by the Commonwealth out of moneys appropriated

by the General Assembly for the purposes of this act. Enrollment of any out-of-state student in a school district or intermediate unit program shall be conditioned upon a guarantee, or actual advance receipt, of tuition and transportation payment from the institution, from the student's home state or out-of-state school district, or from the out-of-state party or agency which placed the student in the institution, except in the case of medically indigent children hospitalized in exclusively charitable children's hospitals exempt under section 501(c)(3) of the Internal Revenue Code which make no charges to any of its patients nor accepts any third-party payments for services provided to any of its patients where the Commonwealth is paying the tuition as otherwise provided for in this paragraph. If the Secretary of Education decides that the legal residence of any of said inmates is in Pennsylvania, but cannot be fixed in a particular district, the Commonwealth shall pay the tuition of such inmate out of moneys appropriated to the Department of Education by the General Assembly for the maintenance and support of the public schools of the Commonwealth.

(1308 amended June 30, 2012, P.L.684, No.82)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Section 1309. Cost of Tuition; How Fixed.--(a) The cost of tuition in such cases shall be fixed as is now provided by law for tuition costs in other cases, except in the following circumstances:

(1) Where, for the accommodation of such children, it shall be necessary to provide a separate school or to erect additional school buildings, the charge for tuition for such children may include a proportionate cost of the operating expenses, rental, and interest on any investment required to be made in erecting such new school buildings.

(2) When a child who is an inmate of an institution is a child with exceptionalities, the district in which the institution is located may charge the district of residence, and the district of residence shall pay a special education charge in addition to the applicable tuition charge. Such special education charge when combined with the applicable tuition charge shall not exceed the total net cost of the special education program provided. In the case of a child with exceptionalities who is an inmate of an institution and who is served under section 2509.1(b), the district in which the institution is located may charge the district of residence an amount that does not exceed the total cost of the special education program provided minus the amount received per child from the Commonwealth under section 2509.1(b).

(b) For students who the Secretary of Education has determined are legal residents of Pennsylvania without fixed districts of residence, the tuition herein provided for shall be paid annually by the Secretary of Education. For all other students, the tuition herein provided shall be paid by the district of residence or the institution as the case may be, within thirty (30) days of its receipt of an invoice from the district in which the institution is located. ((b) amended July 13, 2005, P.L.226, No.46)

(1309 amended June 30, 1995, P.L.220, No.26)

Section 1310. Assignment of Pupils to Schools.--(a) The board of school directors of every school district or joint school shall, for the purpose of designating the schools to be attended by the several pupils in the district or area served

by the joint board, subdivide the district or joint school in such manner that all the pupils in the district shall be assigned to, and reasonably accommodated in, one of the public schools in the district or joint school. The board of school directors may, upon cause shown, permit any pupil or pupils in any school district to attend such other school in the district as the board may deem proper, or may classify and assign the pupils in the district to any school or schools therein as it may deem best, in order to properly educate them. Whenever any child or children of compulsory school age have their residence more than two (2) miles by the nearest public highway from the school within the district to which they have been assigned, and free transportation for such child or children to a school within the district is not provided, and there is a school in session in some other district in the Commonwealth within two (2) miles by the nearest public highway of the residence of such child or children, the board of school directors shall, with the consent of the board of school directors of such other district, reassign such child or children to such school in the other district, and shall pay to said district the tuition charge provided for by this act. This provision shall include in like manner assignment to high schools in the case of pupils of compulsory school age who are qualified to be enrolled in such high schools. It shall be unlawful for any school directors, superintendent, or teacher to make any distinction whatever, on account of, or by reason of, the race or color of any pupil or scholar who may be in attendance upon, or seeking admission to, any public school maintained wholly or in part under the school laws of the Commonwealth.

(b) Notwithstanding anything to the contrary stated within this law, the board of school directors of any school district, in which a day treatment program operated under approval from the Department of Public Welfare by a private children and youth agency is located, may in its discretion purchase educational services for children referred, pursuant to a proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), to such an agency. Before the board of school directors purchases educational services from the agency for a specific child, it must document that the child cannot receive appropriate educational services in a regular classroom setting because of behavioral or psychological reasons: Provided, however, That nothing contained in this section shall be construed to alter or limit the educational rights of exceptional children.

(c) The actual cost, not to exceed the tuition charges of the school district in which such day treatment program is located, shall be borne by the school district of the child's residence. If the school district of residence of the child cannot be determined, the costs shall be borne by the Department of Education. The department shall effectuate necessary procedures for the transfer of funds from the school district of residence to the school district in which the day treatment program is located. In effectuating the transfer of funds, the department may deduct the appropriate amount from the basic instructional subsidy of any school district which had resident students who were provided educational services by an approved children and youth agency.

(d) For the purpose of this section, educational services shall be defined as direct expenditures for instruction and the administration of the instructional program. Any expenditure not pertaining directly to instruction and the administration of the instructional program of the students shall be considered a cost of child welfare services as provided for in sections

704.1 and 704.2, act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," and as a social service as defined in the regulations promulgated pursuant to that act. Under no circumstances shall a school district or the Department of Education be required to provide funding for programs operated in excess of one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction at the elementary level or nine hundred ninety (990) hours of instruction at the secondary level during any one school year. ((d) amended June 29, 1984, P.L.438, No. 93)

(1310 amended Dec. 17, 1982, P.L.1378, No.316)

Compiler's Note: The short title of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, referred to in this section, was amended by the act of December 28, 2015 (P.L.500, No.92). The amended short title is now the Human Services Code.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1310.1. Classroom Placement of Twins or Higher Order Multiples; Parental Discretion.--(a) For the 2008-2009 school year and each school year thereafter, a parent or guardian of twins or higher order multiples in the same grade level at the same school may request that their children be placed in the same classroom or in separate classrooms. The school may recommend classroom placement to the parents and provide professional education advice to the parents to assist them in making the best decision for their children's education. Except as provided in subsections (b) and (c), a school shall provide the classroom placement of twins or higher order multiples requested by the children's parent or guardian, unless, after consultation with the school district superintendent or the superintendent's designee, the principal determines that alternative placement is necessary. The parent or guardian must request the classroom placement no later than ten (10) days after the first day of each school year or ten (10) days after the first day of attendance of the children during a school year if the children are enrolled in the school after the school year commences.

(b) If the principal of the school, in consultation with the teacher of each classroom in which the twins or higher order multiples are placed, determines that the requested classroom placement is disruptive to the classroom, the principal may determine the appropriate classroom placement for the siblings.

(c) A school district is not required to place twins or higher order multiples in separate classrooms if the request would require the school district to add an additional class to the grade level of the siblings.

(d) A parent may appeal the principal's classroom placement of twins or higher order multiples in the manner provided by school district policy.

(e) For purposes of this section, "higher order multiples" means triplets, quadruplets, quintuplets or larger groups of siblings resulting from the same delivery.

(1310.1 added July 9, 2008, P.L.846, No.61)

Compiler's Note: Section 34 of Act 61 of 2008, which added section 1310.1, provided that Act 61 shall apply retroactively to July 1 2008.

Section 1311. Closing Schools.--(a) The board of school directors of any school district may, on account of the small

number of pupils in attendance, or the condition of the then existing school building, or for the purpose of better gradation and classification, or other reasons, close any one or more of the public schools in its district. Upon such school or schools being closed, the pupils who belong to the same shall be assigned to other schools, or upon cause shown, be permitted to attend schools in other districts.

(b) Whenever the average term attendance of pupils regularly enrolled at any one-room school in any school district of the fourth class or in any district of the third class, which is located wholly within the boundary lines of a township, is ten (10), or less than ten (10), the board of school directors shall close such school. If the board of school directors does not deem it feasible to close such school, it may present its petition to the Department of Public Instruction, showing the reasons why such school should not be closed. Thereupon the department shall consider such petition, and shall make such order as may seem just in the premises. If any school has been closed because the average term attendance of pupils enrolled was ten (10), or less than ten (10), and has been reopened upon order of the department, and the average term attendance is twelve (12), or more, after such reopening, such school shall be considered re-established. ((b) amended Oct. 21, 1965, P.L.601, No.312)

Section 1312. Free Transportation Where Schools Closed in Certain Districts.--In any district of the fourth class or any district of the third class, which is located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, elementary school pupils who reside within that part of the school district last served by any elementary school closed since the first Monday of July, one thousand nine hundred seven, or within a district all of whose schools have been closed, or who are assigned to a training school of a State teachers' college, and reside one and one-half miles or more from the school to which they are assigned, shall be furnished proper transportation, at the expense of the district, to and from the elementary school to which they are assigned.

(1312 amended May 11, 1949, P.L.1195, No.361)

Section 1313. Attendance in Other Districts.--Where any pupil in any school district resides one and one-half miles, or more, by the public road, from the nearest public elementary school in the district, such pupil, unless proper free transportation is furnished to a suitable school in the district, may attend any public elementary school in another school district more convenient of access, on obtaining the consent of the board of school directors of such other school district, and without the consent of the board of school directors of the district where such pupil resides. The district where such pupil resides shall promptly pay, to the district where such pupil attends, the tuition charge provided for by this act. The board of school directors of any district may, on account of convenience of access, or other reasons, permit any pupils to attend the schools of another district.

Section 1313.1. Assignment of Students to School Districts of the First Class A.--(a) A school district of the first class A may enter into an agreement with an adjacent school district for the assignment of elementary and secondary students to the school district of the first class A from the adjacent school district under the following circumstances:

(1) The adjacent school district has experienced a decline in enrollment which makes the provision of such education impractical and would result in educational programming which does not meet the standards necessary to increase student achievement.

(2) The adjacent school district has experienced a decline in revenue due to a substantial decline in the assessed valuation of taxable real estate within the adjacent school district.

(b) Except for purposes of Article XXV, students who are assigned to a school district of the first class A under this section shall be considered for all other purposes students residing in the school district of the first class A, including, but not limited to:

- (1) enforcement of compulsory school attendance;
- (2) the provision of the program for exceptional students;
- (3) disruptive student programs under Article XIX-C;
- (4) utilization of private alternative education institutions for disruptive students under Article XIX-E; and
- (5) career and technical education.

(c) If an adjacent school district fails to make payments to a school district of the first class A providing educational services to students assigned under this section, the Secretary of Education shall deduct and pay the amounts due as documented by the school district of the first class A from any and all State payments made to the adjacent school district after receipt of documentation from the school district of the first class A.

(1313.1 added July 13, 2016, P.L.716, No.86)

Section 1314. Attendance in District to Which Territory of Residence Formerly Attached.--(a) All pupils residing in any territory belonging to any school district established by the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309), which territory at the time of the approval of said act was attached to another school district for school purposes, may, if they so desire, attend during the entire school term of each year the public schools in the district to which the territory in which they reside was formerly attached. The district in which they reside shall pay to the district in which they attend the tuition charge provided for by this act: Provided, That if the school districts in which such pupils now reside has or shall hereafter, by the establishment of new schools or otherwise, provide within reasonable distance proper school facilities of like grades to those in the district to which they were formerly attached, then in any such case, such pupils shall attend the schools in the district in which they reside. In case of dispute, the decision of the Superintendent of Public Instruction as to sufficiency and reasonableness of the school facilities provided by the school district in which such pupils reside shall be final.

(b) Pupils and their younger siblings under the age of twenty-one (21) years, born or yet unborn of a family that resides in the territory, that is located in a county of the second class, that has been transferred from a township of the first class which has adopted a home rule charter under the former act of April 13, 1972 (P.L.184, No.62), known as the "Home Rule Charter and Optional Plans Law," or under 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government) located in a school district of the second class, to a township of the first class located in a school district of the second class, for school purposes may, if they so desire,

continue to attend the public schools in the district to which the territory in which they reside was formerly attached for the duration of their attendance in public schools. The district in which they reside shall pay to the district in which they attend the lesser of the State subsidy of the district of residence or the district of attendance in accordance with provisions regarding basic education funding.

(1314 amended Nov. 22, 2000, P.L.672, No.91)

Section 1315. Assignment to School in Another State; Receiving Pupils from Other States.--Where any child of school age in any school district resides one and one-half miles or more by the nearest traveled road from the nearest public elementary school or three miles or more from the nearest high school in the district, such child unless proper free transportation is furnished to a suitable school in this Commonwealth may on request of his parents or legal guardian be assigned by the board of school directors to a more convenient school in another state: Provided, That the consent of the proper school officials in charge of such school in another state to such an arrangement is permitted by the laws of such state and is agreed to by such officials. The tuition of any such pupil attending a school in another state may be paid by the board of school directors of the district in which he is a resident, as in the case of a pupil attending a public school in this Commonwealth in a district in which he is not a resident.

The board of school directors in any school district situate adjacent to another state may admit to the public schools in such district pupils resident in such other state and may receive tuition for such pupils, as in the case of pupils admitted from other districts in this Commonwealth.

Section 1316. Permitting Attendance of Non-resident Pupils.--The board of school directors of any school district may permit any non-resident pupils to attend the public schools in its district upon such terms as it may determine, subject to the provisions of this act.

Section 1316.1. Attendance at Schools for the Performing Arts.--The board of school directors of school districts of the first class A may permit any non-resident pupil to attend a high school for the performing arts in its district provided there are enrollment vacancies at the school and no other qualified district residents have applied for enrollment and upon such additional terms as it may determine, subject to the provisions of this act. Upon approval of the board of school directors pursuant to section 1608, payments due from a sending district to a receiving district shall be governed by sections 2561 and 2562, except that a sending district's liability for payment shall be limited to the tuition charge of the receiving district or its own tuition charge, whichever is less.

(1316.1 added July 4, 2004, P.L.536, No.70)

Section 1317. Authority of Teachers, Vice Principals and Principals over Pupils.--Every teacher, vice principal and principal in the public schools shall have the right to exercise the same authority as to conduct and behavior over the pupils attending his school, during the time they are in attendance, including the time required in going to and from their homes, as the parents, guardians or persons in parental relation to such pupils may exercise over them.

(1317 amended July 25, 1963, P.L.315, No.169)

Section 1317.1. Possession of Telephone Pagers Prohibited.--(a) The possession by students of telephone paging devices, commonly referred to as beepers, shall be prohibited

on school grounds, at school sponsored activities and on buses or other vehicles provided by the school district.

(b) The prohibition contained in subsection (a) shall not apply in the following cases, provided that the school authorities approve of the presence of the beeper in each case:

(1) A student who is a member of a volunteer fire company, ambulance or rescue squad.

(2) A student who has a need for a beeper due to the medical condition of an immediate family member.

(1317.1 added Dec. 22, 1989, P.L.749, No.103)

Section 1317.2. Possession of Weapons

Prohibited.--(a) Except as otherwise provided in this section, a school district or area vocational-technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.

(b) Every school district and area vocational-technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.

(c) The superintendent of a school district or an administrative director of an area vocational-technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(d) The provisions of this section shall not apply to the following:

(1) a weapon being used as part of a program approved by a school by an individual who is participating in the program; or

(2) a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.

(e) Nothing in this section shall be construed as limiting the authority or duty of a school or area vocational-technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.

(e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

(f) All school districts and area vocational-technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:

(1) The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.

(2) The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing

transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303-A.

(g) As used in this section, the term "weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

(1317.2 amended June 25, 1997, P.L.297, No.30)

Section 1317.3. Uniforms.--The board of directors in any school entity may impose limitations on dress and may require pupils to wear standard dress or uniforms. Dress policies may be applicable throughout the school entity or may be applicable to one or more school buildings within the school entity.

(1317.3 added Apr. 27, 1998, P.L.270, No.46)

Section 1318. Suspension and Expulsion of Pupils.--Every principal or teacher in charge of a public school may temporarily suspend any pupil on account of disobedience or misconduct, and any principal or teacher suspending any pupil shall promptly notify the district superintendent or secretary of the board of school directors. The board may, after a proper hearing, suspend such child for such time as it may determine, or may permanently expel him. Such hearings, suspension, or expulsion may be delegated to a duly authorized committee of the board, or to a duly qualified hearing examiner, who need not be a member of the board, but whose adjudication must be approved by the board.

(1318 amended Feb. 8, 1980, P.L.3, No.2)

Section 1319. Confidentiality of Student Communications.--(1319 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1325. Purpose.--The purpose of this subdivision is to improve school attendance and deter truancy through a comprehensive approach to consistently identify and address attendance issues as early as possible with credible intervention techniques in order to:

(1) Preserve the unity of the family whenever possible as the underlying issues of truancy are addressed.

(2) Avoid the loss of housing, the possible entry of a child to foster care and other unintended consequences of disruption of an intact family unit.

(3) Confine a person in parental relation to a child who is habitually truant only as a last resort and for a minimum amount of time.

(1325 added Nov. 3, 2016, P.L.1061, No.138)

Compiler's Note: Section 10 of Act 138 of 2016, which added section 1325, provided that Act 138 shall apply to the 2017-2018 school year and each school year thereafter.

(b) Enforcing Attendance.

Section 1326. Definitions.--When used in this article, the following words and phrases shall have the following meanings:

"Citation" shall mean a nontraffic citation or private criminal complaint.

"Compulsory school age" shall mean the period of a child's life from the time the child's parents elect to have the child enter school and which shall be no later than eight (8) years of age until the child reaches seventeen (17) years of age. The term does not include a child who holds a certificate of graduation from a regularly accredited, licensed, registered or approved high school.

"Conviction" shall mean a conviction under section 1333.2 for violation of the requirement for compulsory school attendance.

"Court" shall mean a magisterial district court, the Philadelphia Municipal Court or a court of common pleas.

"Department" shall mean the Department of Education of the Commonwealth.

"Educational entity" shall mean a public school district, nonpublic school or area vocational-technical school.

"Excused absence" shall mean an absence from school which is permitted under section 1329.

"Governing body" shall mean the board of school directors of a school district or any other governing entity of a school.

"Habitually truant" shall mean six (6) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance under this article.

"Judge" shall mean a magisterial district judge, a municipal court judge or a judge of a court of common pleas.

"Juvenile act" shall mean the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

"Migratory child" shall mean a child domiciled temporarily in a school district for the purpose of seasonal employment, but not acquiring residence therein, and a child accompanying his or her person in parental relation who is so domiciled.

"Offense" shall mean each citation filed under section 1333.1 for a violation of the requirement for compulsory school attendance under this article regardless of the number of unexcused absences alleged in the citation.

"Person in parental relation" shall mean a:

- (1) Custodial biological or adoptive parent.
- (2) Noncustodial biological or adoptive parent.
- (3) Guardian of the person of a child.

(4) Person with whom a child lives and who is acting in a parental role of a child.

This definition shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child defined under 42 Pa.C.S. § 6302 (relating to definitions). This definition shall not expand the right of a child under any other section of this act.

"School" shall mean the educational entity in which the child is enrolled.

"School attendance improvement conference" shall mean a conference where the child's absences and reasons for the absences are examined in an effort to improve attendance, with or without additional services. The following individuals shall be invited to the conference:

- (1) The child.
- (2) The child's person in parental relation.
- (3) Other individuals identified by the person in parental relation who may be a resource.
- (4) Appropriate school personnel.
- (5) Recommended service providers.

"School day" shall mean the length of time that a child subject to compulsory school attendance is expected to be receiving instruction during a calendar day, as determined by the governing body.

"School year" shall have the same meaning as "school term" as defined in section 102, as applicable to a school district, and as further defined in section 1327(b) for a day school which is operated by a bona fide church or other religious body, section 1327.1(c) for a day school or boarding school accredited by an accrediting association which is approved by the State

Board of Education, section 1327.1(d) for a home education program, sections 1501 and 1504 for a public school or a school district, section 1715-A(9) for a charter school, section 1749-A(a)(1) for a cyber charter school and section 1718-A(c) for a regional charter school.

"School-based or community-based attendance improvement program" shall mean a program designed to improve school attendance by seeking to identify and address the underlying reasons for a child's absences. The term may include an educational assignment in an alternative education program, provided the program does not include a program for disruptive youth established pursuant to Article XIX-C.

"Truant" shall mean having incurred three (3) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance under this article.

"Unexcused absence" shall mean an absence from school which is not permitted by the provisions of section 1329 and for which an approved explanation has not been submitted within the time period and in the manner prescribed by the governing body. An out-of-school suspension may not be considered an unexcused absence.

(1326 amended Nov. 3, 2016, P.L.1061, No.138)

Compiler's Note: Section 10 of Act 138 of 2016, which amended section 1326, provided that Act 138 shall apply to the 2017-2018 school year and each school year thereafter.

Section 1327. Compulsory School Attendance.--(a) Except as hereinafter provided, every child of compulsory school age having a legal residence in this Commonwealth, as provided in this article, and every migratory child of compulsory school age, is required to attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. In lieu of such school attendance, any child fifteen years of age with the approval of the district superintendent and the approval of the Secretary of Education, and any child sixteen years of age with the approval of the district superintendent of schools, may enroll as a day student in a private trade school or in a private business school licensed by the Department of Education, or in a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board for Vocational Education. Except as hereinafter provided, every parent, guardian, or other person having control or charge of any child or children of compulsory school age is required to send such child or children to a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. Such parent, guardian, or other person having control or charge of any child or children, fifteen or sixteen years of age, in accordance with the provisions of this act, may send such child or children to a private trade school or private business school licensed by the Department of Education, or to a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board for Vocational Education. Such child or children shall attend such school continuously through the entire term, during which the public schools in their

respective districts shall be in session, or in cases of children of migrant laborers during the time the schools are in session in the districts in which such children are temporarily domiciled. The financial responsibility for the education of such children of migrant laborers shall remain with the school district in which such children of migrant laborers are temporarily domiciled; except in the case of special schools or classes conducted by an intermediate unit and approved by the Department of Education or conducted by the Department of Education. The certificate of any principal or teacher of a private school, or of any institution for the education of children, in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language, setting forth that the work of said school is in compliance with the provisions of this act, shall be sufficient and satisfactory evidence thereof. Regular daily instruction in the English language, for the time herein required, by a properly qualified private tutor, shall be considered as complying with the provisions of this section. For the purposes of this section, "properly qualified private tutor" shall mean a person who is certified by the Commonwealth of Pennsylvania to teach in the public schools of Pennsylvania; who is teaching one or more children who are members of a single family; who provides the majority of the instruction to such child or children; and who is receiving a fee or other consideration for such instructional services. No person who would be disqualified from school employment by the provisions of subsection (e) of section 111 may be a private tutor, as provided for in this section. The private tutor must file a copy of his Pennsylvania certification and the required criminal history record with the student's district of residence superintendent. ((a) amended Dec. 21, 1988, P.L.1321, No.169)

(b) A child enrolled in a day school which is operated by a bona fide church or other religious body, and the parent, guardian or other person having control or charge of any such child or children of compulsory school age shall be deemed to have met the requirements of this section if that school provides a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction per year at the elementary level or nine hundred ninety (990) hours per year of instruction at the secondary level and:

(1) At the elementary school level, the following courses are taught: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art.

(2) At the secondary school level, the following courses are offered: English, to include language, literature, speech and composition; science, to include biology and chemistry; geography; social studies, to include civics, economics, world history, history of the United States and Pennsylvania; a foreign language; mathematics, to include general mathematics and statistics, algebra and geometry; art; music; physical education; health and physiology; and safety education, including regular and continuous instruction in the dangers and prevention of fires.

The requirements contained in sections 1511 and 1605 of this act shall not apply to such schools. The notarized affidavit of the principal of any such school, filed with the Department of Education and setting forth that such subjects are offered

in the English language in such school, whether it is a nonprofit organization, and that such school is otherwise in compliance with the provisions of this act, shall be satisfactory and sufficient evidence thereof. It is the policy of the Commonwealth to preserve the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the education and training for such child. Nothing contained in this act shall empower the Commonwealth, any of its officers, agencies or subdivisions to approve the course content, faculty, staff or disciplinary requirements of any religious school referred to in this section without the consent of said school.

(c) A child enrolled in a day or boarding school accredited by an accrediting association which is approved by the State Board of Education, and the parent, guardian or other person having designated control or charge of any child or children of compulsory school age shall be deemed to have met the requirements of subsection (a).

(d) Instruction to children of compulsory school age provided in a home education program, as provided for in section 1327.1 of this act, shall be considered as complying with the provisions of this section, except that any student who has been identified pursuant to the provisions of the Education of the Handicapped Act (Public Law 91-230, 20 U.S.C. § 1401 et seq.) as needing special education services, excluding those students identified as gifted and/or talented, shall be in compliance with the requirements of compulsory attendance by participating in a home education program, as defined in section 1327.1, when the program addresses the specific needs of the exceptional student and is approved by a teacher with a valid certificate from the Commonwealth to teach special education or a licensed clinical or certified school psychologist, and written notification of such approval is submitted with the notarized affidavit required under section 1327.1(b). The supervisor of a home education program may request that the school district or intermediate unit of residence provide services that address the specific needs of the exceptional student in the home education program. When the provision of services is agreed to by both the supervisor and the school district or intermediate unit, all services shall be provided in the public schools or in a private school licensed to provide such programs and services. ((d) added Dec. 21, 1988, P.L.1321, No.169)

(1327 amended Dec. 15, 1986, P.L.1602, No.178)

Section 1327.1. Home Education Program.--(a) The following words and phrases when used in this section shall have the meanings given to them in this subsection:

"Appropriate education" shall mean a program consisting of instruction in the required subjects for the time required in this act and in which the student demonstrates sustained progress in the overall program.

"Department" shall mean the Department of Education of the Commonwealth.

"Hearing examiner" shall not be an officer, employe or agent of the Department of Education or of the school district or intermediate unit of residence of the child in the home education program.

"Home education program" shall mean a program conducted, in compliance with this section, by the parent or guardian or such person having legal custody of the child or children.

"Supervisor" shall mean the parent or guardian or such person having legal custody of the child or children who shall be

responsible for the provision of instruction, provided that such person has a high school diploma or its equivalent.

((a) amended Oct. 31, 2014, P.L.2967, No.196)

(b) The requirements contained in sections 1511 and 1511.1, except as provided for in this section, and section 1605 shall not apply to home education programs. A home education program shall not be considered a nonpublic school under the provisions of this act.

(1) A notarized affidavit of the parent or guardian or other person having legal custody of the child or children, filed prior to the commencement of the home education program and annually thereafter on August 1 with the superintendent of the school district of residence and which sets forth: the name of the supervisor of the home education program who shall be responsible for the provision of instruction; the name and age of each child who shall participate in the home education program; the address and telephone number of the home education program site; that such subjects as required by law are offered in the English language, including an outline of proposed education objectives by subject area; evidence that the child has been immunized in accordance with the provisions of section 1303(a) and has received the health and medical services required for students of the child's age or grade level in Article XIV; and that the home education program shall comply with the provisions of this section and that the notarized affidavit shall be satisfactory evidence thereof. The required outline of proposed education objectives shall not be utilized by the superintendent in determining if the home education program is out of compliance with this section and section 1327. The affidavit shall contain a certification to be signed by the supervisor that the supervisor, all adults living in the home and persons having legal custody of a child or children in a home education program have not been convicted of the criminal offenses enumerated in subsection (e) of section 111 within five years immediately preceding the date of the affidavit.

(2) In the event the home education program site is relocating to another school district within this Commonwealth during the course of the public school term or prior to the opening of the public school term in the fall, the supervisor of the home education program must apply, by registered mail, thirty (30) days prior to the relocation, to the superintendent of the district in which he or she currently resides, requesting a letter of transfer for the home education program to the district to which the home education program is relocating. The current superintendent of residence must issue the letter of transfer thirty (30) days after receipt of the registered mail request of the home education program supervisor.

(i) If the home education program is not in compliance with the provisions of this section, the superintendent of the current district of residence must inform the home education supervisor and the superintendent of the district to which the home education program is relocating the status of the home education program and the reason for the denial of the letter of transfer.

(ii) If the home education program is in hearing procedures, as contained in this section, the superintendent of the current district of residence must inform the home education supervisor, the assigned hearing examiner and the superintendent of the district to which the home education program is relocating the status of the home education program and the reason for the denial of the letter of transfer.

(3) The letter of transfer, required by clause (2), must be filed by the supervisor of the home education program with the superintendent of the new district of residence. In the case of pending proceedings, the new district of residence superintendent shall continue the home education program until the appeal process is finalized.

(c) A child who is enrolled in a home education program and whose education is therefore under the direct supervision of his parent, guardian or other person having legal custody shall be deemed to have met the requirements of section 1327 if that home education program provides a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction per year at the elementary level, or nine hundred ninety (990) hours per year at the secondary level:

(1) At the elementary school level, the following courses shall be taught: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art.

(2) At the secondary school level, the following courses shall be taught: English, to include language, literature, speech and composition; science; geography; social studies, to include civics, world history, history of the United States and Pennsylvania; mathematics, to include general mathematics, algebra and geometry; art; music; physical education; health; and safety education, including regular and continuous instruction in the dangers and prevention of fires. Such courses of study may include, at the discretion of the supervisor of the home education program, economics; biology; chemistry; foreign languages; trigonometry; or other age-appropriate courses as contained in Chapter 5 (Curriculum Requirements) of the State Board of Education.

(d) The following minimum courses in grades nine through twelve are established as a requirement for graduation in a home education program:

- (1) Four years of English.
- (2) Three years of mathematics.
- (3) Three years of science.
- (4) Three years of social studies.
- (5) Two years of arts and humanities.

(d.1) (1) Notwithstanding any provision of this act or any other law or regulation to the contrary, a high school diploma awarded by a supervisor or an approved diploma-granting organization shall be considered as having all the rights and privileges afforded by the Commonwealth, a Commonwealth agency, including, but not limited to, the Pennsylvania Higher Education Assistance Agency, a political subdivision, a local agency and an authority or instrumentality of the Commonwealth or a political subdivision to a high school diploma awarded under this act, subject to subparagraphs (i) and (ii):

(i) In the case of a diploma awarded by a supervisor the following shall apply:

(A) The student receiving the diploma shall have completed all the requirements in subsection (d) while enrolled in a home education program that is in compliance with this section.

(B) The diploma shall be awarded to the student on a standardized form to be developed by the department and which shall be made available on the department's publicly accessible Internet website.

(C) The diploma shall be signed by the student's twelfth grade evaluator in confirmation of the student's suitability for graduation.

(ii) In the case of a diploma awarded by an approved diploma-granting organization the following shall apply:

(A) The student receiving the diploma shall have completed all the requirements in subsection (d) while enrolled in a home education program that is in compliance with this section.

(B) The diploma shall be awarded to the student on a standardized form to be developed by the organization.

(2) The department shall establish eligibility criteria and an application process for approving diploma-granting organizations to award high school diplomas to students enrolled in home education programs. The department shall maintain a list of approved diploma-granting organizations and post the list on the department's publicly accessible Internet website.

((d.1) added Oct. 31, 2014, P.L.2967, No.196)

(e) In order to demonstrate that appropriate education is occurring, the supervisor of the home education program shall provide and maintain on file the following documentation for each student enrolled in the home education program:

(1) A portfolio of records and materials. The portfolio shall consist of a log, made contemporaneously with the instruction, which designates by title the reading materials used, samples of any writings, worksheets, workbooks or creative materials used or developed by the student and in grades three, five and eight results of nationally normed standardized achievement tests in reading/language arts and mathematics or the results of Statewide tests administered in these grade levels. The department shall establish a list, with a minimum of five tests, of nationally normed standardized tests from which the supervisor of the home education program shall select a test to be administered if the supervisor does not choose the Statewide tests. At the discretion of the supervisor, the portfolio may include the results of nationally normed standardized achievement tests for other subject areas or grade levels. The supervisor shall ensure that the nationally normed standardized tests or the Statewide tests shall not be administered by the child's parent or guardian.

(i) A teacher or administrator who evaluates a portfolio at the elementary level (grades kindergarten through six) shall have at least two years of experience in grading any of the following subjects: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; and civics.

(ii) A teacher or administrator who evaluates a portfolio at the secondary level (grades seven through twelve) shall have at least two years of experience in grading any of the following subjects: English, to include language, literature, speech, reading and composition; science, to include biology, chemistry and physics; geography; social studies, to include economics, civics, world history, history of the United States and Pennsylvania; foreign language; and mathematics, to include general mathematics, algebra, trigonometry, calculus and geometry.

(iii) As used in this clause, the term "grading" shall mean evaluation of classwork, homework, quizzes, classwork-based tests and prepared tests related to classwork subject matter.

(2) An annual written evaluation of the student's educational progress as determined by a licensed clinical or school psychologist or a teacher certified by the Commonwealth or by a nonpublic school teacher or administrator. Any such

nonpublic teacher or administrator shall have at least two years of teaching experience in a Pennsylvania public or nonpublic school within the last ten years. Such nonpublic teacher or administrator shall have the required experience at the elementary level to evaluate elementary students or at the secondary level to evaluate secondary students. The certified teacher shall have experience at the elementary level to evaluate elementary students or at the secondary level to evaluate secondary students. The evaluation shall also be based on an interview of the child and a review of the portfolio required in clause (1) and shall certify whether or not an appropriate education is occurring. At the request of the supervisor, persons with other qualifications may conduct the evaluation with the prior consent of the district of residence superintendent. In no event shall the evaluator be the supervisor or their spouse.

(f) The school district of residence shall, at the request of the supervisor, lend to the home education program copies of the school district's planned courses, textbooks and other curriculum materials appropriate to the student's age and grade level.

(f.1) (1) Beginning January 1, 2006, the school district of residence shall permit a child who is enrolled in a home education program to participate in any activity that is subject to the provisions of section 511, including, but not limited to, clubs, musical ensembles, athletics and theatrical productions, provided that the child:

(i) Meets the eligibility criteria or their equivalent for participation in the activity that apply to students enrolled in the school district;

(ii) Meets the tryout criteria or their equivalent for participation in the activity that apply to students enrolled in the school district; and

(iii) Complies with all policies, rules and regulations or their equivalent of the governing organization of the activity.

(2) For the purposes of this subsection, the school district of residence's program of interscholastic athletics, including varsity sports, shall be considered an activity and shall include all activities related to competitive sports contests, games, events or exhibitions involving individual students or teams of students whenever such activities occur between schools within the school district or between schools outside of the school district.

(3) Where the activity requires completion of a physical examination or medical test as a condition of participation and the school district of residence offers such physical examination or medical test to students enrolled in the school district, the school district shall permit a child who is enrolled in a home education program to access such physical examination or medical test. The school district shall publish the dates and times of such physical examination or medical test in a publication of general circulation in the school district and on its publicly accessible Internet website.

(4) A board of school directors may adopt a policy to implement the requirements of this subsection. Such policy shall only apply to participation in activities and shall not conflict with any provisions of this section.

((f.1) added Nov. 10, 2005, P.L.374, No.67)

(g) When documentation is required by this section to be submitted to the hearing examiner, the hearing examiner shall return, upon completion of his review, all such documentation to the supervisor of the home education program. The hearing

examiner may photocopy all or portions of the documentation for his files.

((g) amended Oct. 31, 2014, P.L.2967, No.196)

((h) deleted by amendment Oct. 31, 2014, P.L.2967, No.196)

((h.1) An evaluator's certification stating that an appropriate education is occurring for the school year under review shall be provided by the supervisor to the superintendent of the public school district of residence by June 30 of each year. If the supervisor fails to submit the certification due on June 30 to the superintendent, the superintendent shall send a letter by certified mail, return receipt requested, to the supervisor of the home education program, stating that the certification is past due and notifying the supervisor to submit the certification within ten (10) days of receipt of the certified letter. If the certification is not submitted within that time, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

((h.1) added Oct. 31, 2014, P.L.2967, No.196)

((i) deleted by amendment Oct. 31, 2014, P.L.2967, No.196)

((i.1) If the superintendent has a reasonable belief, at any time during the school year, that appropriate education may not be occurring in the home education program, he may submit a letter to the supervisor, by certified mail, return receipt requested, requiring that an evaluation be conducted in accordance with subsection (e)(2) and that an evaluator's certification stating that an appropriate education is occurring for the school year under review, be submitted to the district by the supervisor within thirty (30) days of the receipt of the certified letter. The certified letter shall include the basis for the superintendent's reasonable belief. If the tests, as required in subsection (e)(1), have not been administered at the time of the receipt of the certified letter by the supervisor, the supervisor shall submit the other required documentation to the evaluator and shall submit the test results to the evaluator with the completed documentation at the conclusion of the school year. If the certification is not submitted to the superintendent within thirty (30) days of receipt of the certified letter, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

((i.1) added Oct. 31, 2014, P.L.2967, No.196)

((j) deleted by amendment Oct. 31, 2014, P.L.2967, No.196)

((j.1) If the superintendent has a reasonable belief that the home education program is out of compliance with any other provisions of this section, the superintendent shall submit a letter to the supervisor by certified mail, return receipt requested, requiring a certification to be submitted within thirty (30) days indicating that the program is in compliance. The certified letter shall include the basis for the superintendent's reasonable belief. If the certification is not submitted within thirty (30) days of receipt of the certified letter, the board of school directors shall provide for a proper hearing in accordance with subsection (k).

((j.1) added Oct. 31, 2014, P.L.2967, No.196)

((k) If a hearing is required by the provisions of subsection (h.1), (i.1) or (j.1), the board of school directors shall provide for a proper hearing by a duly qualified and impartial hearing examiner within thirty (30) days. The examiner shall render a decision within fifteen (15) days of the hearing except

that he may require the establishment of a remedial education plan mutually agreed to by the superintendent and supervisor of the home education program which shall continue the home education program. The decision of the examiner may be appealed by either the supervisor of the home education program or the superintendent to the Secretary of Education, Commonwealth Court or court of common pleas.

((k) amended Oct. 31, 2014, P.L.2967, No.196)

(l) If the hearing examiner finds that the evidence does not indicate that appropriate education is taking place in the home education program, the home education program for the child shall be out of compliance with the requirements of this section and section 1327, and the student shall be promptly enrolled in the public school district of residence or a nonpublic school or a licensed private academic school. The home education program may continue during the time of any appeal.

((l) amended Oct. 31, 2014, P.L.2967, No.196)

(m) At such time as the child's home education program has been determined to be out of compliance with the provisions of this section and section 1327, the supervisor or spouse of the supervisor of the home education program shall not be eligible to supervise a home education program for that child, as provided for in subsection (b)(1) of this section, for a period of twelve (12) months from the date of such determination.

(n) Nothing in this section shall be construed to affect Federal or State law relating to special education for students with disabilities in home education programs.

((n) added Oct. 31, 2014, P.L.2967, No.196)

(1327.1 added Dec. 21, 1988, P.L.1321, No.169)

Section 1327.2. Attendance Policy at Charter, Regional Charter and Cyber Charter Schools.--(a) Each charter, regional charter and cyber charter school shall establish an attendance policy designed to accurately determine when a child who is enrolled in a charter, regional charter or cyber charter school has an unexcused absence, which may differ from the policy of the school district in which the child resides. The policy must conform to the provisions of this act relating to compulsory attendance.

(b) Notwithstanding section 1333.2(a), in the case of a child enrolled in a cyber charter school the venue for the filing of a citation under section 1333.1 shall be based upon the residence of the child. A cyber charter school may participate in a proceeding under sections 1333.1, 1333.2 and 1333.3 in person, by telephone conferencing, by video conferencing or by any other electronic means.

(c) Charter, regional charter and cyber charter schools shall report unexcused absences directly to the department annually through the Pennsylvania Information Management System (PIMS).

(1327.2 added Nov. 3, 2016, P.L.1061, No.138)

Compiler's Note: Section 10 of Act 138 of 2016, which added section 1327.2, provided that Act 138 shall apply to the 2017-2018 school year and each school year thereafter.

Section 1328. Compulsory Education of Physical Defectives.--Every parent, guardian, or other person, having control or charge of any child of compulsory school age who is deaf or blind, or is so crippled, or whose hearing or vision is so defective as to make it impracticable to have such child educated in the public schools of the district in which he is a resident, shall allow such child to be sent to some school where proper provision is made for the education of the deaf,

or of the blind, or of crippled children, or shall provide for the tuition of such child by a legally certified private tutor.

Section 1329. Excuses from Attending School.--(a) The board of school directors of any school district may, upon certification by any licensed practitioner of the healing arts or upon any other satisfactory evidence being furnished to it, showing that any child or children are prevented from attending school, or from application to study, on account of any mental, physical, or other urgent reasons, excuse such child or children from attending school as required by the provisions of this act, but the term "urgent reasons" shall be strictly construed and shall not permit of irregular attendance. In every such case, such action by the board of school directors shall not be final until the approval of the Department of Education has been obtained. Every principal or teacher in any public, private, or other school may, for reasons enumerated above, excuse any child for non-attendance during temporary periods.

(a.1) A school district may excuse a student from school attendance to participate in an educational tour or trip not sponsored by the school district consistent with State Board of Education regulations.

(b) Pursuant to the requirements of 22 Pa. Code § 11.41 (relating to school district policies and rules), the board of school directors shall formally adopt, as part of its written rules governing pupil absences and excusals, a policy permitting a student to be excused for participation in a project sponsored by an organization that is eligible to apply for a grant under section 5(3) of the act of July 8, 1986 (P.L.437, No.92), known as the "Pennsylvania Agricultural Fair Act."

(c) If a student is dismissed from school during school hours for health-related reasons by a certified school nurse, registered nurse, licensed practical nurse or a school administrator or designee employed by the school district, the student's absence from school shall be deemed excused. ((c) added Nov. 3, 2016, P.L.1061, No.138)

(d) Notwithstanding any provision of law to the contrary, a student shall be excused during school hours for the purpose of obtaining professional health care or therapy service rendered by a licensed practitioner of the healing arts in any state, commonwealth or territory. ((d) added Nov. 3, 2016, P.L.1061, No.138)

(e) The Department of Education shall provide guidance, resources and strategies for families, schools and students related to students with chronic health conditions which shall be posted on the department's publicly accessible Internet website. ((e) added Nov. 3, 2016, P.L.1061, No.138)

(1329 amended Apr. 18, 2014, P.L.634, No.40)

Compiler's Note: Section 10 of Act 138 of 2016, which added subsections (c), (d) and (e), provided that Act 138 shall apply to the 2017-2018 school year and each school year thereafter.

Section 1330. Exceptions to Compulsory Attendance.--The provisions of this act requiring regular attendance shall not apply to any child who--

(1) Has attained the age of sixteen (16) years, and who is regularly engaged in any useful and lawful employment or service during the time the public schools are in session, and who holds an employment certificate issued according to law;

(2) Has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner, and has been found to be unable to

profit from further public school attendance, and who has been reported to the board of school directors and excused, in accordance with regulations prescribed by the State Board of Education. ((2) amended Oct. 21, 1965, P.L.601, No.312)

(3) Has attained the age of fifteen (15) years and is engaged in farm work or domestic service in a private home on a permit issued by the school board or the designated school official of the school district of the child's residence, in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe;

(4) Has attained the age of fourteen (14) years and is engaged in farm work or domestic service in a private home on a permit issued as provided in clause (3) of this section, and who has satisfactorily completed, either in public or private schools, the equivalent of the highest grade of the elementary school organization prevailing in the public schools of the district in which he resides, if the issuance of such a permit has first been recommended by the district superintendent of schools having supervision of the schools of the district where such child resides, or by the principal of the private school where such child is enrolled, and the reason therefor has been approved by the Superintendent of Public Instruction; ((4) amended Jan. 14, 1970, 1969 P.L.468, No.192)

(5) Except in districts of the fourth class and those of the third class located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, resides two miles or more by the nearest public highways from any public school in session and no proper free transportation is furnished to such child to and from school. ((5) amended May 11, 1949, P.L.1195, No.361)

Section 1331. Free Transportation or Board and Lodging.--In case there is no public school with the proper grades in session within two miles by the shortest public highway of the residence of any child in a school district of the fourth class, or in a township which is a school district of the third class, or in a borough which has a population of less than five hundred (500) inhabitants to the square mile and which is a school district of the third class, such child shall be furnished proper transportation at the expense of the school district to and from a school with the proper grades. When it is not feasible to provide such transportation, the board of school directors may, in lieu thereof, with the approval of the Department of Public Instruction, pay for suitable board and lodging for any such child.

(1331 amended May 11, 1949, P.L.1195, No.361)

Section 1332. Reports of Enrollments; Attendance and Withdrawals; Public and Private Schools.--Every principal or teacher in every public school, and every principal, teacher or tutor in every school other than a public school, and in every institution for children, and every private teacher in every school district, shall, immediately after their admission to such school or institution, or at the beginning of such private teaching, furnish to the district superintendents, attendance officers, home and school visitors, or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside, lists of the names and residences of all children between six (6) and eighteen (18) years of age enrolled in such school or institution, or taught by such private teachers; and shall further report at once to such district superintendent, or secretary of the board of school directors, the name and date of withdrawal of any

such pupil withdrawing from any such school or institution, or from such private instruction, if such withdrawal occurs during the period of compulsory attendance in said district. Every principal or teacher in a school other than a public school, and every private teacher, shall also report at once to the superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the district, any such child who has been absent three (3) days, or their equivalent, during the term of compulsory attendance, without lawful excuse.

(1332 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1333. Procedure When Child is Truant.--(a) When a child is truant, the school shall notify in writing the person in parental relation with the child who resides in the same household as the child of the child's violation of compulsory school attendance within ten (10) school days of the child's third unexcused absence. The notice:

(1) shall include a description of the consequences that will follow if the child becomes habitually truant;

(2) shall be in the mode and language of communication preferred by the person in parental relation;

(3) may include the offer of a school attendance improvement conference; or

(4) when transmitted to a person who is not the biological or adoptive parent, shall also be provided to the child's biological or adoptive parent if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.

(b) If the child continues to incur unexcused absences after the school has issued the notice under subsection (a), the school shall then offer by advance written notice a school attendance improvement conference to the child and the person in parental relation, unless a conference was previously held following the notice provided under subsection (a). The following shall apply:

(1) This subsection does not place a legal requirement upon the child or person in parental relation to attend the conference. The conference shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference after advance written notice and attempts to communicate via telephone.

(2) The outcome of the conference shall be documented in a written school attendance improvement plan. The department shall develop a form to be used for this purpose, and each school shall use a form substantially similar to the form developed by the department.

(3) Further legal action may not be taken by the school to address unexcused absences by the child until after the date for the scheduled school attendance improvement conference has passed.

(c) Schools shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.

(d) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

(1333 amended Nov. 3, 2016, P.L.1061, No.138)

Compiler's Note: Section 10 of Act 138 of 2016, which amended section 1333, provided that Act 138 shall apply

to the 2017-2018 school year and each school year thereafter.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 1333.1. Procedure by School When Child Habitually Truant.--(a) When a child is habitually truant and under fifteen (15) years of age at the time of referral, the school:

(1) Shall refer the child to either of the following:

(i) A school-based or community-based attendance improvement program.

(ii) The county children and youth agency for services or for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

(2) May file a citation in the office of the appropriate judge against the person in parental relation who resides in the same household as the child.

(b) When a child is habitually truant and fifteen (15) years of age or older at the time of referral, the school shall either:

(1) Refer the child to a school-based or community-based attendance improvement program or service.

(2) File a citation in the office of the appropriate judge against the child or the person in parental relation who resides in the same household as the child.

(c) If a child who is fifteen (15) years of age or older continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program or refuses to participate in a school-based or community-based attendance improvement program as recommended through the school attendance improvement conference, the school may refer the child to the county children and youth agency for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63.

(d) When referring a habitually truant child to the county children and youth agency or filing a citation with the court because a child has been habitually truant, the school shall provide verification that a school attendance improvement conference was held.

(e) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

(1333.1 added Nov. 3, 2016, P.L.1061, No.138)

Compiler's Note: Section 10 of Act 138 of 2016, which added section 1333.1, provided that Act 138 shall apply to the 2017-2018 school year and each school year thereafter.

Section 1333.2. Procedure Upon Filing of Citation.--(a)

The venue for the filing of a citation under section 1333.1 shall be based on the location of the school in which the child is enrolled or shall be enrolled except where section 1327.2(b) applies.

(b) When a citation is filed against a child or a person in parental relation who resides in the same household as the child under the provisions of section 1333.1, the judge shall provide the following notices:

(1) Written notice of the hearing with respect to the citation to the school, the person in parental relation, the child and the county children and youth agency.

(2) Notice to the child or person in parental relation who resides in the same household as the child of the availability of a preconviction diversionary program authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program).

(c) At the hearing with respect to the citation, the burden is on the school to prove beyond a reasonable doubt that, while subject to compulsory school attendance, the child was habitually and without justification truant from school.

(d) It shall be an affirmative defense to a citation filed under this subdivision of this article against a person in parental relation to the child who resides in the same household as the child if the person in parental relation to the child who resides in the same household as the child took every reasonable step to ensure attendance of the child at school.

(e) An affirmative defense under subsection (d) must be proven by a preponderance of the evidence.

(f) The court shall determine whether the evidence has established that a child or person in parental relation has violated the compulsory school attendance requirements of this article and shall enter that verdict on the record.

(g) The school shall, to the extent possible, inform the court of any prior conviction of the child or person in parental relation who resides in the same household as the child for a violation of the compulsory school attendance requirement of this article.

(h) Before entering a sentence the judge shall permit the school, person in parental relation or child to present relevant information that will assist the judge in making an informed decision regarding the appropriate sentence. The child's school attendance after the citation has been filed and while the proceeding is pending may be considered for the purpose of imposing a sentence.

(1333.2 added Nov. 3, 2016, P.L.1061, No.138)

Compiler's Note: Section 10 of Act 138 of 2016, which added section 1333.2, provided that Act 138 shall apply to the 2017-2018 school year and each school year thereafter.

Section 1333.3. Penalties for Violating Compulsory School Attendance Requirements.--(a) A person convicted of an offense under this article may be:

(1) sentenced to pay a fine for the benefit of the school that is responsible for the truancy proceedings in an amount not exceeding three hundred dollars (\$300) together with court costs except that, in the case of a second offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding five hundred dollars (\$500) together with court costs and, in the case of a third or subsequent offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding seven hundred and fifty dollars (\$750) together with court costs;

(2) sentenced to perform community service; or

(3) required to complete an appropriate course or program designed to improve school attendance which has been approved by the president judge of the judicial district.

(b) The court may suspend the sentence of a person convicted of an offense and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.

(c) A person convicted of an offense under this article shall have a right to appeal de novo to a court of common pleas of the proper county within thirty (30) days of the conviction. After thirty (30) days, the appeal shall proceed similar to other appeals of summary convictions.

(d) No citation may be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of compulsory school attendance if any of the following circumstances apply:

(1) A proceeding is already pending under sections 1333.1 and 1333.2 against the child or a person in parental relation with the child who resides in the same household as the child and judgment in the first proceeding has not yet been entered, unless a warrant has been issued for failure of the child or person in parental relation to appear before the court and the warrant has not yet been served.

(2) A referral for services has been made to the county children and youth agency under this subdivision and the agency has not closed the case.

(3) A petition has been filed alleging the child is dependent due to being habitually truant under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and the case remains under the jurisdiction of the juvenile court.

(e) Upon a second or subsequent conviction of a child or a person in parental relation with the child who resides in the same household as the child for a violation of the requirements of compulsory school attendance in a court within this Commonwealth within a three-year period, the court shall refer the child for services or possible disposition as a dependent child under 42 Pa.C.S. Ch. 63.

(f) Upon failure of a person to satisfy the penalty imposed by the court under subsection (a), the person in parental relation may be found in contempt of court and, upon conviction, may be sentenced to the county jail for a period not to exceed three (3) days in any one case. The court shall make such a determination based on specific finding that the person in parental relation had reasonable ability to comply with the penalty imposed and that noncompliance was willful. The following shall apply:

(1) In the case of a child, the failure to satisfy a fine or costs imposed under this section shall not be considered a delinquent act.

(2) The president judge of a judicial district may adopt a local policy under 42 Pa.C.S. § 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation officer may receive allegations that the child who fails to satisfy a fine or costs imposed under this section is dependent for the purpose of considering the commencement of proceedings under 42 Pa.C.S. Ch. 63.

(g) (1) If a child is convicted of a violation of the compulsory school attendance requirements of this article, the court may send the Department of Transportation a certified record of the conviction on a form prescribed by the department only if the child fails to comply with a lawful sentence entered for the violation and is not subject to an exception to compulsory attendance under section 1330.

(2) The Department of Transportation shall suspend for ninety (90) days the operating privilege of a child upon receiving a certified record that the child was convicted of a summary offense under the compulsory school attendance requirements of this article. If the Department of

Transportation receives a certified record of a second or subsequent conviction of a child pursuant to this section, the department shall suspend the child's operating privilege for six (6) months.

(3) A child whose record is received by the Department of Transportation under this section and who does not have a driver's license shall be ineligible to apply for a driver's license under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time period specified in paragraph (2). If the child is under sixteen (16) years of age when convicted, suspension of operating privileges shall commence in accordance with 75 Pa.C.S. § 1541 (relating to period of disqualification, revocation or suspension of operating privilege) for the time specified in paragraph (2).

(4) A child whose driving privileges have been suspended or whose eligibility for a permit or license is delayed under this section may have that license or eligibility restored by providing the Department of Transportation with a form developed by the Department of Transportation containing the following information in the form of a certified record from the child's school that the child:

(i) has attended school for a period of at least two (2) months after the first conviction or four (4) months after the second conviction without an unexcused absence or unexcused tardy;

(ii) is subject to an exception to compulsory attendance under section 1330; or

(iii) graduates, withdraws from school pursuant to compulsory attendance requirements under section 1327, receives a general education diploma or enlists in the military.

(5) An insurer may not increase premiums, impose a surcharge or rate penalty, make a driver record point assignment for automobile insurance or cancel or refuse to renew an automobile insurance policy on account of a suspension under this section.

(6) Nothing in this section shall prohibit a child who is convicted of a violation of the compulsory school attendance requirements of this article from being eligible for an occupational limited license under 75 Pa.C.S. § 1553 (relating to occupational limited license).

(h) (1) Upon application from a child who has a conviction of a summary offense under section 1333.2, the court shall grant an expungement of the conviction from the child's record if all of the following apply:

(i) The child has earned a high school diploma, a Commonwealth secondary school diploma or another Department of Education-approved equivalent or is subject to an exception to compulsory attendance under section 1330.

(ii) The child has satisfied any sentence imposed by the court with respect to the conviction, including payment of fines and costs.

(2) If the court grants an expungement under paragraph (1), the court shall order the Department of Transportation to expunge all administrative records related to the convictions.

(i) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

(ii) (Reserved)

(1333.3 added Nov. 3, 2016, P.L.1061, No.138)

Compiler's Note: Section 10 of Act 138 of 2016, which added section 1333.3, provided that Act 138 shall apply to the 2017-2018 school year and each school year thereafter.

Section 1333.4. Study of Truancy Procedure.--(a) Five (5) years after commencement of the first school year to which section 1333 applies, the Joint State Government Commission shall undertake a study of the procedures for how a school handles children who are truant and habitually truant and evaluate the effectiveness of the procedures in improving school attendance and whether the procedures should be revised, including to require court involvement sooner in certain truancy cases.

(b) The Joint State Government Commission shall establish an advisory committee that may include representatives of the Department of Education, educational entities and organizations, the judiciary, district attorneys, law enforcement, public organizations involved in truancy issues, representatives of county children and youth agencies and juvenile justice agencies and other organizations selected by the Joint State Government Commission to consult with the Joint State Government Commission in conducting the study.

(c) The Joint State Government Commission shall hold informational meetings to receive testimony from professionals or organizations with expertise in truancy and truancy prevention.

(d) The Joint State Government Commission shall issue a report of its findings and recommendations to the Education Committee of the Senate and the Education Committee of the House of Representatives not later than twelve (12) months after undertaking the study.

(1333.4 added Nov. 3, 2016, P.L.1061, No.138)

Section 1334. Children Lacking Clothing or Food.--Whenever the board of school directors, or the attendance officer, home and school visitor, superintendent, or secretary of any board of school directors, ascertains that any child of compulsory school age, who is by the provisions of this act required to attend the public schools in the district over which such board of school directors has control, is unable to do so, on account of lack of necessary clothing or food, such case shall be promptly reported to any suitable relief agency operating in the school district, or, if there is no such suitable relief agency to which the case can be referred, it shall be reported to the proper county board of assistance for investigation and relief.

(1334 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1335. Furnishing Food, Including Milk, to School Children.--The directors in all school districts are hereby authorized and empowered to furnish food, including milk, to the under-nourished and poor school children attending the schools within their districts at the expense of the school district. The provisions of this section shall not be limited or affected by the acceptance and distribution by school directors of surplus commodities made available by the Federal Government.

Section 1336. Furnishing Vitamin Products to Pupils.--(1336 repealed May 9, 1949, P.L.939, No.263)

Section 1337. Nonprofit School Food Program.--(a) Definitions. For the purpose of this section--"school food program" means a program under which food is served by any school on a nonprofit basis to children in attendance, including any such program under which a school receives assistance out of funds appropriated by the Congress of the United States.

(b) Expenditure of Federal Funds. The Department of Education is hereby authorized to accept and direct the disbursement of funds appropriated by any act of Congress, and apportioned to the State, for use in connection with school food programs. The Department of Education shall deposit all such funds received from the Federal Government in a special account with the Treasurer of the State who shall make disbursements therefrom upon the direction of the Department of Education.

(c) Administration of Program. The Department of Education may enter into such agreements with any agency of the Federal Government, with any board of school directors, or with any other agency or person prescribe such regulations, employ such personnel, and take such other action as it may deem necessary to provide for the establishment, maintenance, operation and expansion of any school food program, and to direct the disbursement of Federal and State funds in accordance with any applicable provisions of Federal or State law. The Department of Education may give technical advice and assistance to any board of school directors in connection with the establishment and operation of any school food program, and may assist in training personnel engaged in the operation of such program. The Department of Education, and any board of school directors, may accept any gift for use in connection with any school food program.

(d) Boards of School Directors. Pursuant to any power of boards of school directors to operate or provide for the operation of school food programs in schools under their jurisdiction, boards of school directors may use therefore funds disbursed to them under the provisions of this section, gifts and other funds, received from sale of school food under such programs.

(e) Accounts, Records, Reports and Operations. The Department of Education shall prescribe regulations for the keeping of accounts and records, and the making of reports by, or under the supervision of boards of school directors. Such accounts and records shall at all times be available for inspection and audit by authorized officials, and shall be preserved for such period of time, not in excess of five years, as the Department of Education may lawfully prescribe. The Department of Education shall conduct or cause to be conducted such audits, inspections, and administrative reviews of accounts, records, and operations with respect to school food programs, as may be necessary to determine whether its agreements with boards of school directors, and regulations made pursuant to this section, are being complied with, and to insure that school food programs are effectively administered.

(f) Studies, Appraisals and Reports to Governor. The Department of Education is hereby authorized, to the extent that funds are available for that purpose and in cooperation with other appropriate agencies and organizations, to conduct studies of methods of improving and expanding school food programs and promoting nutritional education in the schools, to conduct appraisals of the nutritive benefits of school food programs and to report its findings and recommendations, from time to time, to the Governor.

(1337 amended Dec. 6, 1972, P.L.1430, No.314)

Section 1337.1. School Lunch and Breakfast Reimbursement.--(a) Schools that participate in the school lunch program shall be reimbursed in the following manner:

(1) Subject to future adjustments under clause (2), each school which offers the school lunch program shall receive a

reimbursement of no less than ten cents (10¢) per lunch served, exclusive of any reimbursements under subsection (c).

(2) For the 2000-2001 school year and each school year thereafter, reimbursements for the school lunch program shall be fixed by regulation of the Department of Education: Provided, That such reimbursements shall be no less than the amounts per lunch served established by clause (1).

(b) Schools that participate in the school breakfast program shall be reimbursed in the following manner:

(1) Subject to future adjustments under clause (2), each school which offers the school breakfast program shall receive a reimbursement of no less than ten cents (10¢) per breakfast served.

(2) For the 2000-2001 school year and each school year thereafter, reimbursements for the school breakfast program shall be fixed by regulation of the Department of Education: Provided, That such reimbursements shall be no less than the amounts per breakfast served established by clause (1).

(c) Schools that participate in both the school lunch program and the school breakfast program shall be provided with the following incentive reimbursements:

(1) Subject to future adjustments under clause (3), each school which offers both a school lunch program under subsection (a) and a school breakfast program under subsection (b) which serves less than or equal to twenty per centum (20%) of its student enrollment shall receive an additional reimbursement of two cents (2¢) per lunch served.

(2) Subject to future adjustments under clause (3), each school which offers a school lunch program under subsection (a) and a school breakfast program under subsection (b) which serves more than twenty per centum (20%) of its student enrollment shall receive an additional reimbursement of four cents (4¢) per lunch served.

(3) For the 2000-2001 school year and each school year thereafter, reimbursements for the school breakfast incentive program shall be fixed by regulation of the Department of Education: Provided, That such reimbursement shall be no less than the amounts per lunch served established by clauses (1) and (2).

(c.1) ((c.1) deleted by amendment)

(d) For the purposes of this section, the following terms shall have the following meanings:

"School" shall have the same meaning as given to that term in 7 CFR 210.2 (relating to definitions).

"School lunch program" shall have the same meaning as given to the term "National School Lunch Program" in 7 CFR 210.2 (relating to definitions).

"School breakfast program" shall have the same meaning as given to that term in 7 CFR Pt. 220 (relating to School Breakfast Program).

(1337.1 amended June 30, 2012, P.L.684, No.82)

Section 1338. Dependent Children.--In case any child of compulsory school age cannot be kept in school in compliance with the provisions of this act, on account of incorrigibility, truancy, insubordination, or other bad conduct, or if the presence of any child attending school is detrimental to the welfare of such school, on account of incorrigibility, truancy, insubordination, or other bad conduct, the board of school directors may, by its superintendent, secretary, attendance officer or State, municipal, port authority, transit authority or housing authority police officer, under such rules and regulations as the board may adopt, proceed against said child

before the juvenile court, or otherwise, as is now or may hereafter be provided by law for incorrigible, truant, insubordinate, or dependent children.

(1338 amended Nov. 17, 1995, 1st Sp.Sess, P.L.1110, No.29)

Section 1338.1. Suspension of Operating Privilege.--(1338.1 repealed Nov. 3, 2016, P.L.1061, No.138)

Compiler's Note: Section 10 of Act 138 of 2016, which repealed section 1338.1, provided that Act 138 shall apply to the 2017-2018 school year and each school year thereafter.

Section 1338.2. Antitruancy Programs.--The Department of Education shall formulate recommendations for the General Assembly concerning the establishment and funding of effective community-based antitruancy pilot programs. In formulating these recommendations, the Department of Education shall seek advice and counsel from educators, parents, students, district attorneys, law enforcement representatives, attendance officers, social service agencies experienced in providing services to truant children, counselors, judges, probation officers and representatives from the Pennsylvania Commission on Crime and Delinquency and the Juvenile Court Judges' Commission.

(1338.2 added Nov. 17, 1995, 1st Sp.Sess., P.L.1110, No.29)

Section 1339. Reports to Superintendent of Public Instruction.--Every school district shall report to the Superintendent of Public Instruction upon the enforcement of the provisions for compulsory attendance and the cost thereof, in such detail as said Superintendent of Public Instruction shall request.

(c) Attendance Officers and Home and School Visitors.

((c) amended May 9, 1949, P.L.939, No.263)

Section 1341. Duty to Employ; Power of Arrest; Certification.--(a) The board of school directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Education, upon meeting such standards as shall be prescribed by the State Board of Education.

(b) Any two or more school districts may join in the appointment of an attendance officer on such terms as they may mutually agree upon.

(c) State, municipal, port authority, transit authority, housing authority and school police officers shall have the same arrest powers as attendance officers or home and school visitors.

(1341 amended Nov. 17, 1995, 1st Sp.Sess., P.L.1110, No.29)

Section 1342. Term of Employment; Compensation.--Attendance officers or home and school visitors may be employed for the full calendar year, and shall be paid such amounts and in such

manner as the board of school directors appointing them may decide. They shall at all times perform the duties of their appointment under the direction of the board of school directors appointing them.

In districts of the first class the minimum salaries of attendance officers and home and school visitors in elementary schools shall be: Minimum annual salary, one thousand two hundred dollars (\$1200); minimum annual increment, one hundred dollars (\$100); minimum number of increments, ten (10). No school district of the first class shall, reduce the compensation of any attendance officer below that paid on the second day of July, one thousand nine hundred thirty-seven.

Section 1343. Arrest of Children Failing to Attend School.--When an attendance officer or a State, municipal, port authority, transit authority, housing authority or school police officer arrests or apprehends any child who fails to attend school as required by the provisions of this act, he shall promptly notify the parents, guardian, or person in parental relation to such child, if such person can be found in the district, and unless requested by such parent, guardian, or person in parental relation to place said child in a school other than public school, he shall place said child in the public school in which the child is, or should be, enrolled.

(1343 amended Nov. 17, 1995, 1st Sp.Sess., P.L.1110, No.29)

Section 1344. Inspecting Places Where Children are Employed.--Attendance officers shall have full power and authority to enter, during business hours, any place where any children are employed, to ascertain whether or not any child is engaged therein that should attend school as herein provided, and such attendance officer shall have the right to demand and inspect the employment certificate of any child engaged therein.

Section 1345. Penalty for Interfering with Inspections.--Any officer, director, superintendent, manager, employe, or other person, at any place where any child of compulsory school age is engaged, who refuses to permit, or in any way interferes with, the entrance therein of the attendance officer, any member of the board of school directors, the secretary thereof, or the district superintendent of any school district, as provided for in this act, shall, on summary conviction thereof, be sentenced to pay a fine of not less than five dollars (\$5) or more than twenty-five dollars (\$25), and in default thereof he may be sentenced to imprisonment not exceeding thirty (30) days. Any person sentenced to pay any such fine may, upon giving proper surety in double the amount of penalty and costs, at any time within five (5) days thereafter, appeal to the court of quarter sessions of the proper county.

(1345 amended Jan. 14, 1970, 1969 P.L.468, No.192)

(d) Enumeration of School Children.

Section 1351. Duty to Make; Penalty for Interfering.--The board of school directors of each school district shall maintain a continuing school census or in lieu thereof shall, between March first and September first of each year, cause to be made by the attendance officers, teachers, or other persons employed for this purpose, a careful, correct, and accurate enumeration of all the children from birth to eighteen (18) years of age within their district, giving the full name, date of birth, age, sex, nationality, place of residence in such school district, name and address of parent or persons in parental relation, the name and location of the school where the child is enrolled or belongs, and the name and address of the employer

of any child under eighteen (18) years of age who is engaged in any regular employment or service. In school districts of the first class, where the bureau of vital statistics of the city comprising the school district can supply the district with the number of live births during each year, the school district may limit its enumeration to children between the ages of five (5) and eighteen (18) years of age. Such enumeration shall be made by careful inquiry at the residence of each family in the district, or by such other reliable means as will accomplish a complete and correct collection of information as specified herein concerning each child. The person making such enumeration, upon completion thereof, shall make a proper oath or affirmation as to its correctness. Such enumeration shall also include the names and addresses of all persons, firms, or corporations, employing or accepting service from children under eighteen (18) years of age. The board of school directors in any school district shall have authority to cause to be made an enumeration of all minors residing within the district, and the Secretary of Education may, at his discretion, require such enumeration.

If any person shall hinder or prevent, or attempt to hinder or prevent, any attendance officer or teacher, or other person, from performing any duty provided for in this section, he shall, on summary conviction thereof, be sentenced to pay a fine not exceeding five dollars (\$5), or to undergo an imprisonment not exceeding five (5) days.

(1351 amended July 22, 1970, P.L.557, No.192)

Section 1352. List of Names for Schools; Statistics for Superintendent of Public Instruction.--The secretary of each board of school directors, or such other person as is directed by the board, shall, at or before the opening of the school term, furnish to the principal or teacher of each school a correct list of the names and residences of all children, assigned to such school, who are subject to the provisions of this act. The secretary or other person shall also forward, on or before the first day of October of each year, to the county or district superintendent, to be by him forwarded, on or before the first day of November of each year, to the Superintendent of Public Instruction, a summary of such statistics regarding the children in each district, as is required by the Superintendent of Public Instruction, on blanks provided by him for that purpose.

Section 1353. Cost of Enumeration; Additional Names and Information.--The cost and expense of making a proper enumeration of the children of each school district, as herein provided, shall be paid per diem, or by the name, or in such other manner as the board of school directors may deem proper, out of the funds of the district. The attendance officer, the district superintendent, or the secretary of the board of school directors, shall have the power to add to this enumeration the names of any children whose names do not appear thereon, together with other information required by this act.

(1353 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1354. Report of Children not Enrolling, or Withdrawing, or Being Illegally Absent.--It shall be the duty of every principal or teacher of a public school to report immediately to the attendance officer, district superintendent, or secretary of the board of school directors, the names of all children in the list furnished to him who have not appeared for enrollment, and he shall also properly report, from time to time, to the attendance officer, district superintendent, or secretary of the board of school directors, the names of all

children who having enrolled have subsequently withdrawn from school, or who have been absent three (3) days, or their equivalent, without lawful excuse. Such person shall thereupon serve upon the parent, guardian, or other person in parental relation to such children unlawfully absent from school, the written notice hereinbefore provided, and if it shall appear that, within three (3) days thereafter, any child, parent, guardian, or other person in parental relation shall have failed to comply with the provisions of this act, the superintendent, attendance officer, or secretary of the board of school directors, in the name of the school district, shall proceed against the person so offending, in accordance with the provisions of this act.

(1354 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1355. Penalty for Failure to Comply.--Any district superintendent, secretary of the board of school directors, attendance officer, or teacher of any public or private school, or any private teacher, or any principal or teacher in any institution for children, who wilfully refuses or neglects to comply with the provisions of this act, shall be liable for and pay a penalty, for the use of the school district, not exceeding twenty-five dollars (\$25) and costs, and, in default of payment thereof, may be committed to the county jail for a period not exceeding thirty (30) days. Such penalty may be recovered by, and in the name of, any school district, as like penalties are now collected by law. Any such superintendent, secretary, attendance officer, or teacher, upon whom a fine is imposed, may, at any time within five (5) days thereafter, appeal to the court of quarter sessions in the proper county, on furnishing proper bail, with one (1) surety, in double the amount of such penalty and costs.

(1355 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1356. Costs of Proceeding for Noncompliance.--If, at any time after proceedings have been instituted against any person under the provisions of this act, sufficient cause is shown by such offending person for noncompliance with its requirements, or, if the cost of such proceedings cannot be collected from such offending person, such costs may be paid out of the district funds, upon proper voucher approved by the board of school directors.

Section 1357. Withholding State Appropriation.--The Superintendent of Public Instruction upon due hearing, after two (2) weeks' written notice to the board of school directors affected, may withhold and declare forfeited any part, or all, of the State appropriation of any school district which refuses or neglects to comply with and to enforce the provisions of this article in the manner satisfactory to him.

(e) Transportation of Pupils.

Section 1361. When Provided.--(1) The board of school directors in any school district may, out of the funds of the district, provide for the free transportation of any resident pupil to and from the kindergarten, elementary school, or secondary school in which he is lawfully enrolled, provided that such school is not operated for profit and is located within the district boundaries or outside the district boundaries at a distance not exceeding ten miles by the nearest public highway, except that such ten-mile limit shall not apply to area vocational technical schools which regularly serve eligible district pupils or to special schools and classes approved by the Department of Education, and to and from any

points within or without the Commonwealth in order to provide field trips for any purpose connected with the educational pursuits of the pupils. When provision is made by a board of school directors for the transportation of public school pupils to and from such schools or to and from any points within or without the Commonwealth in order to provide field trips as herein provided, the board of school directors shall also make identical provision for the free transportation of pupils who regularly attend nonpublic kindergarten, elementary and high schools not operated for profit to and from such schools or to and from any points within or without the Commonwealth in order to provide field trips as herein provided. Such transportation of pupils attending nonpublic schools shall be provided during regular school hours on such dates and periods that the nonpublic school not operated for profit is in regular session, according to the school calendar officially adopted by the directors of the same in accordance with provisions of law. The board of school directors shall provide such transportation whenever so required by any of the provisions of this act or of any other act of Assembly.

(2) The board of school directors in any school district may, if the board deems it to the best interest of the school district, for the purposes of transporting pupils as required or authorized by any of the provisions of this act or of any other act of the Assembly, appropriate funds for urban common carrier mass transportation purposes from current revenues to urban common carrier mass transportation authorities to assist the authorities to meet costs of operation, maintenance, capital improvements, and debt service. Said contributions shall not be subject to reimbursement by the Commonwealth of Pennsylvania.

(3) The State Board of Education shall adopt regulations, including qualifications of school bus drivers, to govern the transportation of school pupils.

(1361 amended May 11, 1979, P.L.26, No.7)

Section 1362. Kinds of Transportation; Liability Insurance.--The free transportation of pupils, as required or authorized by this act, or any other act, may be furnished by using either school conveyances, private conveyances, or electric railways, or other common carriers, when the total distance which any pupil must travel by the public highway to or from school, in addition to such transportation, does not exceed one and one-half (1 1/2) miles, and when stations or other proper shelters are provided for the use of such pupils where needed, and when the highway, road, or traffic conditions are not such that walking constitutes a hazard to the safety of the child, as so certified by the Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils. All private motor vehicles employed in transporting pupils for hire shall be adequately covered by public liability insurance in such amount as the board of school directors shall require.

(1362 amended Nov. 20, 1979, P.L.465, No.97)

Section 1363. Standards for Vehicles.--(1363 repealed Dec. 9, 1969, P.L.343, No.149 and Dec. 18, 1969, P.L.388, No.170)

Section 1364. Transportation in Districts Under Direction of County Superintendent.--(1364 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1365. Extra Compensation for Transporting Pupils Unlawful; School Bus Driver Employment Applications.--(a) It shall be unlawful for any driver or owner of a vehicle transporting pupils under a contract with a school district, or for any member of or board of school directors, to demand, request, or accept any compensation for transporting pupils, other than the compensation stipulated in the contract filed with and approved by the Department of Public Instruction.

(b) Every application for the position of school bus driver shall be made on a standard form to be prescribed and furnished by the Bureau of Traffic Safety in the Department of Revenue and filed with such bureau. Such application form shall include questions concerning the applicant's conviction for the commission of crimes. No position of school bus driver shall be filled unless and until such application is made and filed with such bureau.

(1365 amended Dec. 18, 1969, P.L.388, No.170)

Section 1366. Computation of Distances.--Where, by the terms of this act, or any other act, any distance is specified between the residence of any pupil and any public school to be attended by him, or any transportation is provided for within or beyond any particular distance, in computing such distance no allowance shall be made for the distance that the dwelling house of the pupil is situated off the public highway. All such distances shall be computed by the public highway from the nearest point where a private way or private road connects the dwelling house of the pupil with the highway to the nearest point where said highway touches the school grounds of the school to which the pupil has been assigned.

Section 1367. Board and Lodging in Lieu of Transportation.--Whenever the board of school directors in any fourth class district or any district of the third class which is in a township agrees to or is required to provide transportation for any pupils, such board of school directors may, upon petition of the parent, guardian, or person in parental relation to any of said pupils, in lieu of providing such transportation, pay for suitable board and lodging for such pupils, if such board and lodging is secured in the home of a near relative of the pupil or in a proper school or home approved by the person making the petition.

(f) Exceptional Children.

((f) amended Sept. 12, 1961, P.L.1245, No.546)

Section 1371. Definition of Children with Exceptionalities; Reports; Examination.--(1) The term "children with exceptionalities" shall mean children of school age who have a disability or who are gifted and who, by reason thereof, need specially designed instruction.

(2) It shall be the duty of the district superintendent, in every school district in accordance with rules of procedure prescribed by the Secretary of Education, to secure information and report to the Department of Education, on or before the fifteenth day of October of each year, and thereafter as cases arise, every child with exceptionalities within said district. A report shall be made to the Department of Education of all children determined to need special education services or programs consistent with chapter 14 of State Board of Education Regulations, as well as chapter 342 of Department Standards.

(1371 amended June 30, 1995, P.L.220, No.26)

Section 1372. Exceptional Children; Education and Training.--(1) Standards for Proper Education and Training of

Exceptional Children. The State Board of Education shall adopt and prescribe standards and regulations for the proper education and training of all exceptional children by school districts or counties singly or jointly. The Department of Public Instruction shall have power, and it shall be its duty, to determine the counties which shall be joined for the purpose of providing proper education and training of exceptional children. Standards and regulations shall recognize such factors as number of exceptional children, types of handicaps, facility of transportation, adequacy of existing provisions for exceptional children, and availability of school plant facilities.

(1.1) Revision of Standards for Education and Training of Exceptional Children. During the school year 1989-1990 the following provisions shall apply to the State Board of Education:

(i) Not later than March 1, 1990, the State Board of Education shall adopt revised Chapter 13 Special Education regulations and approve revised 22 Pa. Code Ch. 341 department standards for the education and training of exceptional children, and such revised regulations and standards shall be effective beginning with the school year and fiscal year 1990-1991. Such revised regulations and standards shall, at a minimum, provide measures as may be necessary to assure fiscal accountability, prudent management, appropriate education support services and special classes to meet the needs of pupils, and assurance of continued service to children receiving special education instruction and services on the effective date of such revised regulations and standards, including a requirement that no changes in such instruction or service be made unless through changes in the child's Individualized Education Program.

(ii) Due to the urgent need for an expedited but public regulatory process, the State Board of Education, in adopting such revised regulations and approving such revised department standards, shall follow the procedures set forth in this subsection.

(A) The State Board of Education shall conduct such public hearings and receive such testimony as it deems appropriate, provided, however, that the State Board of Education conduct at least three public hearings prior to the final adoption of such revised regulations and approval of such revised department standards. Not later than November 10, 1989, at the time the State Board of Education announces its intention to adopt such revised regulations and to approve such revised department standards, it shall announce its intention pursuant to the provisions of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, and shall transmit copies of such proposed regulations and standards to the chairmen of the standing Committees on Education of the Senate and House of Representatives to permit those committees thirty (30) days to review and comment upon such proposed regulations and standards. At the time the State Board finally adopts such final form regulations and approves such revised department standards, it shall transmit copies of such regulations and standards to the chairmen of the standing Committees on Education of the Senate and House of Representatives and the Independent Regulatory Review Commission. The final form regulations and revised department standards shall be subject to review in accordance with the procedures set forth in the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," for proposed

final regulations. Other than as herein provided, regulations adopted pursuant to this paragraph shall not be subject to review under the "Regulatory Review Act."

(B) The State Board of Education may transmit to the Governor and the Secretary of Education recommendations, if any, for changes in statutes.

(iii) The Department of Education shall require the submission of appropriate program and fiscal data from the school districts and intermediate units in order to assist in the development of regulations and proposed program standards. Each school district and intermediate unit shall provide such data at such time and in such form as the department may require.

((1.1) added July 8, 1989, P.L.253, No.43)

(2) Plans for Education and Training Exceptional Children. Each intermediate unit, cooperatively with other intermediate units and with school districts shall prepare and submit to the Superintendent of Public Instruction, on or before the first day of August, one thousand nine hundred seventy for his approval or disapproval, plans for the proper education and training of all exceptional children in accordance with the standards and regulations adopted by the State Board of Education. Plans as provided for in this section shall be subject to revision from time to time as conditions warrant, subject to the approval of the Superintendent of Public Instruction.

(3) Special Classes or Schools Established and Maintained by School Districts. Except as herein otherwise provided, it shall be the duty of the board of school directors of every school district to provide and maintain, or to jointly provide and maintain with neighboring districts, special classes or schools in accordance with the approved plan. The Secretary of Education shall superintend the organization of such special classes and such other arrangements for special education and shall enforce the provisions of this act relating thereto. If the approved plan indicates that it is not feasible to form a special class in any district or to provide such education for any such child in the public schools of the district, the board of school directors of the district shall secure such proper education and training outside the public schools of the district or in special institutions, or by providing for teaching the child in his home, in accordance with rules and regulations prescribed by the Department of Education, on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children. However, the institution of special classes and programs at the secondary level for exceptional children who are gifted and talented students may be deferred until September 1978 at the discretion of the board of the school directors of any school district.

In addition to the above and in accordance with rules and regulations prescribed by the Department of Education, homebound instruction shall be provided for children confined in detention homes as provided in section 7, act of June 2, 1933 (P.L.1433, No.311), as amended, for the period of their confinement, if their confinement exceeds or is expected to exceed ten days, even though such children are not exceptional.

((3) amended Aug. 24, 1977, P.L.199, No.59)

(4) Classes for Exceptional Children. The intermediate unit shall have power, and it shall be its duty, to provide, maintain, administer, supervise and operate such additional classes or schools as are necessary or to otherwise provide for

the proper education and training for all exceptional children who are not enrolled in classes or schools maintained and operated by school districts or who are not otherwise provided for.

(5) Day-Care Training Centers, Classes and Schools for the Proper Education and Training of Exceptional Children. Where in the judgment of the Superintendent of Public Instruction, the provisions of this act relating to the proper education and training of exceptional children have not been complied with or the needs of exceptional children are not being adequately served, the Department of Public Instruction is hereby authorized to provide, including the payment of rental when necessary, maintain, administer, supervise and operate classes and schools for the proper education and training of exceptional children. Pupil eligibility for enrollment in classes for exceptional children shall be determined according to standards and regulations promulgated by the State Board of Education. For each child enrolled in any special class or school for exceptional children operated by the Department of Public Instruction, the school district in which the child is resident shall pay to the Commonwealth, a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil" as determined for the schools operated by the district or by a joint board of which the district is a member, based upon the costs of the preceding school term as provided for in section two thousand five hundred sixty-one of the act to which this is an amendment plus a sum equal to ten (10) per centum of such tuition charges. In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Superintendent of Public Instruction shall fix a reasonable charge for such district for the year in question. In order to facilitate such payments by the several school districts, the Superintendent of Public Instruction shall withhold from any moneys due to such district out of any State appropriation, except from reimbursement due on account of rentals as provided in section two thousand five hundred eleven point one of the act to which this is an amendment, the amounts due by such school districts to the Commonwealth. All amounts so withheld are hereby specifically appropriated to the Department of Public Instruction for the maintenance and administration of centers and classes for exceptional children.

(6) Pupils Credited to District of Residence. The average daily membership of pupils enrolled in classes and schools for exceptional children, operated by an intermediate unit or by the Department of Public Instruction, shall be credited to the school district of residence for the purpose of determining the district's "teaching units" to be used in calculating the district's reimbursement fractions or weighted average daily membership to be used in calculating a district's aid ratio and in determining payments to the district on account of instruction as provided in section two thousand five hundred two of the act to which this is an amendment.

(7) ((7) deleted by amendment May 10, 2000, P.L.44, No.16)

(8) Reporting of Expenditures Relating to Exceptional Students.

(i) By December 31, 2000, and each year thereafter, each school district shall compile information listing the number of students with disabilities for which expenditures are between twenty-five thousand dollars (\$25,000) and fifty thousand dollars (\$50,000), which shall be known as Category 2; between fifty thousand dollars (\$50,000) and seventy-five thousand

dollars (\$75,000), which shall be known as Category 3A; and over seventy-five thousand dollars (\$75,000), which shall be known as Category 3B, for the prior school year. The information shall be submitted to the department in a form prescribed by the department. By February 1, 2001, and each year thereafter, the department shall submit to the chairman and minority chairman of the Education and Appropriations Committees of the Senate and the chairman and minority chairman of the Education and Appropriations Committees of the House of Representatives a report listing this information by school district.

(ii) By December 31, 2016, and each year thereafter, each school district shall compile information listing the number of students with disabilities for which expenditures are under twenty-five thousand dollars (\$25,000), which shall be known as Category 1. The information shall be submitted to the department in a form prescribed by the department.

(iii) Beginning with the 2016-2017 school year, the department shall annually adjust the dollar ranges for which the information is collected under this section by the percent change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area reported by the Bureau of Labor Statistics for the twelve (12) month period ending in December of the school year for which the data is being collected.

((8) amended July 13, 2016, P.L.716, No.86)

(1372 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1372.1. Speech and Hearing Rehabilitation Centers.--(1372.1 added Jan. 14, 1952, 1951 P.L.1867, No.506 and repealed Sept. 1, 1959, P.L.795, No.293)

Section 1372.1. Day Care Training Centers for the Proper Training of Mentally Handicapped Children.--(1372.1 added Apr. 14, 1952, 1951 P.L.1925, No.531 and repealed Mar. 29, 1955, P.L.1356, No.429)

Section 1373. State Reimbursement; Reports.--School districts maintaining special classes in the public schools or special public schools or providing special education, as specified in this subdivision of this article, shall receive reimbursement, as provided by this act, so long as such classes, such schools, and such special education are approved by the Department of Public Instruction as to location, constitution and size of classes, conditions of admission and discharge of pupils, equipment, courses of study, methods of instruction and qualification of teachers.

On or before the first day of November of each year, the secretary of the board of school directors in each district in which special education for exceptional children is provided shall make such reports as may be required by the Department of Public Instruction, in regard to such special education being maintained for the current school year for which approval is desired.

(1373 amended Oct. 21, 1965, P.L.601, No.312)

Section 1373.1. Readers; Helpers; Guides; Aids; Appliances; Etc.; Reimbursement.--(1373.1 repealed Aug. 5, 1991, P.L.219, No.25)

Section 1374. Free Transportation or Board and Lodging.--Any exceptional child, who is regularly enrolled in a special class that is approved by the Department of Education, or who is enrolled in a regular class in which approved educational provisions are made for him, may be furnished with free transportation by the school district. When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any

such child. If free transportation or board and lodging is not furnished for any exceptional child or any eligible young child as defined in the act of December 19, 1990 (P.L.1372, No.212), known as the "Early Intervention Services System Act," who, by reason thereof, is unable to attend the class or center for which he is qualified, the intermediate unit shall provide the transportation necessary.

(1374 amended June 7, 1993, P.L.49, No.16)

Section 1375. Uneducable Children Provided for by Department of Public Welfare.--The State Board of Education shall establish standards for temporary or permanent exclusion from the public school of children who are found to be uneducable and untrainable in the public schools. Any child who is reported by a person who is certified as a public school psychologist as being uneducable and untrainable in the public schools, may be reported by the board of school directors to the Superintendent of Public Instruction and when approved by him, in accordance with the standards of the State Board of Education, shall be certified to the Department of Public Welfare as a child who is uneducable and untrainable in the public schools. When a child is thus certified, the public schools shall be relieved of the obligation of providing education or training for such child. The Department of Public Welfare shall thereupon arrange for the care, training and supervision of such child in a manner not inconsistent with the laws governing mentally defective individuals.

(1375 amended Oct. 21, 1965, P.L.601, No.312)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1376. Cost of Tuition and Maintenance of Certain Exceptional Children in Approved Institutions.--(a) When any child between school entry age and twenty-one (21) years of age and resident in this Commonwealth, who is blind or deaf, or has cerebral palsy and/or neurological impairment and/or muscular dystrophy and/or is mentally retarded and/or has a serious emotional disturbance and/or has autism/pervasive developmental disorder and is enrolled, with the approval of the Department of Education, as a pupil in an approved private school approved by the Department of Education, in accordance with standards and regulations promulgated by the State Board of Education, the school district in which such child is resident or, for students placed by a charter school, the charter school in which the student was enrolled shall pay the greater of either twenty per centum (20%) of the actual audited cost of tuition and maintenance of such child in such school, as determined by the Department of Education, or its "tuition charge per elementary pupil" or its "tuition charge per high school pupil," as calculated pursuant to section 2561, and the Commonwealth shall pay, out of funds appropriated to the department for special education, the balance due for the costs of such child's tuition and maintenance, as determined by the department. For the school years 1989-1990, 1990-1991 and 1991-1992, the school district payment shall be no greater than forty percent (40%) of the actual audited costs of tuition and maintenance of such child in such school. For the 1992-1993 school year through the 2003-2004 school year, the school district or charter school payment shall be the greater of forty percent (40%) of the actual audited costs of tuition and maintenance of such child in such school, as determined by the Department of Education, or its "tuition charge per elementary pupil" or its "tuition

charge per high school pupil," as calculated pursuant to section 2561, and the Commonwealth shall pay, out of funds appropriated to the department for approved private schools, the balance due for the costs of such child's tuition and maintenance, as determined by the department. For the 2004-2005 school year and each school year thereafter, the school district or charter school payment shall be the greater of forty percent (40%) of the approved tuition rate as established pursuant to subsection (c.3) or (c.5) or the school district or charter school's "tuition charges per elementary pupil" or "tuition charges per secondary pupil" as calculated under section 2561, and the Commonwealth shall pay out of funds appropriated to the department for approved private schools the balance of the approved tuition rate due for the cost of such child's tuition and maintenance. The department will credit the district of residence with average daily membership for such child consistent with the rules of procedure developed in accordance with section 2501. If the residence of such child in a particular school district cannot be determined, the Commonwealth shall pay the whole cost of tuition and maintenance of such child as established under subsection (c.3) or (c.5).

(a.1) For the 2004-2005 school year, the following shall apply:

(1) The Department of Education shall determine the payment amount for each approved private school for all students enrolled in an approved private school for the 2003-2004 school year based on the average of:

(i) The preliminary budget submitted to the Department of Education by the approved private school for the 2004-2005 school year.

(ii) The midyear budget submitted to the Department of Education by the approved private school for the 2003-2004 school year.

(iii) The audit issued by the Governor's Office of the Budget for the 2002-2003 school year, excluding questioned costs.

(2) Where the 2002-2003 audit is not available, the Department of Education shall use the claim form submitted to it by the approved private school for the 2002-2003 school year. In the event that an approved private school has not submitted a claim form for the 2002-2003 school year, the Department of Education shall use the audit or, where the audit is not available, the claim form for the 2001-2002 school year.

(3) For the purposes of determining the payment under paragraph (1) for an approved private school that was not in operation for the 2002-2003 school year, the Department of Education shall utilize the approved private school's preliminary budget for the 2004-2005 school year instead of the audit identified under paragraph (1)(iii).

(4) No later than August 10, 2004, the Department of Education shall notify each school district of residence or charter school of a child enrolled in an approved private school of its payment amount under subsection (a).

(5) The Department of Education shall pay each approved private school the total amount calculated pursuant to this subsection divided into twelve (12) monthly payments. The Department of Education shall withhold the school district or charter school payment amount calculated under subsection (a) from the amount of any and all State payments made to the school district or charter school. In no event shall the sum of the Commonwealth's share of payments to approved private schools

under this subsection exceed the appropriation for approved private schools.

(a.2) For the 2005-2006 school year and each school year thereafter, the Department of Education shall determine the payment amount for each approved private school for all students enrolled in an approved private school for the prior school year as follows:

(1) (i) Multiply the payment determined for the immediate preceding school year by one hundred and twenty-five percent (125%) of the percentage increase in the appropriation for special education for the fiscal year prior to the fiscal year in which payments under this subsection are made.

(ii) Add the product from subparagraph (i) to the payment determined for the immediate preceding school year.

(2) No later than May 10, 2005, and no later than May 10 of each year thereafter, the Department of Education shall notify each school district of residence or charter school of a child enrolled in an approved private school of its payment amount under subsection (a).

(3) The Department of Education shall pay each approved private school the total amount calculated pursuant to this subsection divided into twelve (12) monthly payments. The Department of Education shall withhold the school district or charter school payment amount calculated under subsection (a) from the amount of any and all State payments made to the school district or charter school. In no event shall the sum of the Commonwealth's share of payments to approved private schools under this subsection exceed the appropriation for approved private schools.

(b) When any person less than school entry age or more than twenty-one (21) years of age and resident in this Commonwealth, who is blind or deaf, or has cerebral palsy and/or has neurological impairment and/or has muscular dystrophy, or has autism/pervasive developmental delay, and is enrolled, with the approval of the Department of Education, as a pupil in an approved private school approved by the Department of Education, the Commonwealth shall pay to such school the approved tuition rate for such child's tuition and maintenance, and in addition, in the case of any child less than school entry age, who is blind, the cost, as determined by the Department of Education of instructing the parent of such blind child in caring for such child.

(b.1) ((b.1) deleted by amendment)

(c.1) ((c.1) deleted by amendment June 30, 2011, P.L.112, No.24)

(c.2) (intro. par. deleted by amendment)

(1) ((1) deleted by amendment)

(2) ((2) deleted by amendment)

(3) ((3) deleted by amendment)

(4) Beginning with the 2004-2005 school year and each school year thereafter, each approved private school shall maintain an accounting and bookkeeping system and be subject to audit as provided in standards promulgated by the Department of Education. Such standards shall require that each approved private school submit an audit to the Department of Education by November 1 of each year. Such audit shall be conducted in accordance with generally accepted accounting standards by an independent certified public accountant. Such standards shall include a definition of administrative costs, which costs shall not exceed ten percent (10%) of each approved private school's total costs.

(5) (i) Where the amount of an approved private school's reportable costs in the 2004-2005 fiscal year is less than the amount of revenues received by the approved private school for the 2004-2005 fiscal year from the Commonwealth for the provision of educational services to children who have been approved by the Department of Education, the difference may be retained by the approved private school for use in the 2005-2006 fiscal year.

(ii) Beginning in the 2005-2006 fiscal year, where the amount of reportable costs in a fiscal year is less than the amount of revenues received in that fiscal year by the approved private school from the Commonwealth for the provision of educational services to children who have been approved by the Department of Education, the approved private school shall remit the difference to the Commonwealth. Any such funds shall be deposited in the Audit Resolution Fund for the resolution of previous audits.

(6) Audits of cost reports submitted for school years prior to the 2004-2005 school year shall be completed in a manner consistent with prior audit practices. An approved private school may submit an audit for the 2003-2004 school year prepared by an independent certified public accountant provided the following have occurred:

(i) The Department of Education has failed to process and settle the cost reports within twelve (12) months from submission by the approved private school.

(ii) The Department of Education has failed to settle any appeals or postsettlement resolution within fifteen (15) months from submission by the approved private school.

(iii) The approved private school has responded to reasonable requests for information and documents by the Department of Education.

Upon receipt of the independent audit for the 2003-2004 school year, the Department of Education shall have three (3) months to review the audit and settle any outstanding payments due to or from the approved private school.

((c.2) amended July 13, 2005, P.L.226, No.46)

(c.3) For payments made during the 2004-2005 school year, the Department of Education shall establish an approved tuition rate for each approved private school by dividing the amount calculated under subsection (a.1) by the full-time equivalent enrollment for the approved private school for the 2003-2004 school year. This calculation shall be adjusted for residential and non-residential students. The approved tuition rate multiplied by the full-time equivalent enrollment shall not exceed the amount calculated under subsection (a.1).

(c.4) Beginning August 15, 2004, and no later than August 15 of each year thereafter, each approved private school shall submit budget information for the current school year on forms and in a manner determined by the Department of Education. The budget information shall include a proposed tuition rate or rates and projected full-time equivalent enrollment for the current year. An approved private school may submit separate proposed tuition rates for up to three levels of services and for day and residential students, pursuant to the guidelines established under subsection (c.7).

(c.5) For payments made during the 2005-2006 school year and each school year thereafter, beginning January 15, 2005, and no later than January 15 of each year thereafter, the Department of Education shall establish an approved tuition rate or rates and full-time equivalent enrollment for each approved private school for the current school year. Where an

approved private school has submitted one tuition rate, the approved tuition rate shall be determined by dividing the amount calculated under subsection (a.2) by the full-time equivalent enrollment for the approved private school for the prior school year. Where an approved private school has submitted more than one tuition rate, the sum of the products of each approved tuition rate and corresponding full-time equivalent enrollment for the approved private school for the prior school year shall equal the amount calculated under subsection (a.2). An approved private school may enroll students in excess of the approved full-time equivalent enrollment. Where an approved private school enrolls students in excess of the approved full-time equivalent enrollment, it must show a corresponding decrease in its approved tuition rate.

(c.6) No later than May 1, 2005, and May 1 of each school year thereafter, the department shall annually publish a report on the department's publicly accessible World Wide Web site that shall include, but not be limited to:

(1) The approved tuition rate or rates for each approved private school for the current school year.

(2) A description of the exceptionalities each approved private school is approved to serve.

(3) A description of all programs and services offered by each approved private school.

(c.7) No later than November 1, 2004, the Department of Education shall issue guidelines establishing the levels of services to assist each approved private school in determining its proposed tuition rate or rates. The guidelines shall allow an approved private school to establish approved tuition rates for up to three levels of services and for day and residential students.

(c.8) Within sixty (60) days of the effective date of this subsection, the Department of Education shall promulgate interim standards necessary to implement subsection (c.2) which shall be published in the Pennsylvania Bulletin. The interim standards shall not be subject to review pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," and shall not be subject to sections 201 through 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law. The interim standards shall apply to audits conducted after July 1, 2005. Within one year of publication of the interim standards in the Pennsylvania Bulletin, the Department of Education shall deposit proposed standards. The interim standards shall remain in effect until the effective date of the final standards. ((c.8) added July 13, 2005, P.L.226, No.46)

(c.9) Beginning with audited data for the 2016-2017 school year, the total of the amounts remitted to the Commonwealth under subsection (c.2)(5)(ii) shall be distributed to each approved private school with reportable costs that exceed the amount of revenue received as follows:

(1) Subtract the amount of revenue received under subsection (a.2) from the reportable costs in the audit submitted to the Department of Education under subsection (c.2)(4).

(2) Multiply the amount in paragraph (1) by the lesser of the total of the amounts remitted to the Commonwealth under subsection (c.2)(5)(ii) or the total of the amounts in paragraph (1).

(3) Divide the amount in paragraph (2) by the total of the amounts in paragraph (1).

(4) Funds distributed under this subsection shall be paid in May of the following school year.

(5) Funds distributed under this subsection shall not be included in determining the payment amount under subsection (a.2).

((c.9) added July 13, 2016, P.L.716, No.86)

(d) No private institution receiving payment in accordance with this section shall impose any charge on the student and/or parents who are Pennsylvania approved reimbursable residents for a program of individualized instruction and maintenance appropriate to the child's needs; except that charges for services not part of such program may be made if agreed to by the parents.

(e) The following words and phrases as used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Approved full-time equivalent enrollment" means the full-time equivalent enrollment set by the Department of Education pursuant to the provisions of subsection (c.3) or (c.5).

"Approved tuition rate" means the final tuition rate set by the Department of Education pursuant to the provisions of subsection (c.3) or (c.5).

"Audit," for the purpose of subsection (a.1), means the fiscal audit issued by the Governor's Office of the Budget, excluding questioned costs.

"Claim form," for the purpose of subsection (a.1), means the form that each approved private school submitted following the end of the fiscal year showing the final costs claimed for the fiscal year.

"Current school year" means the year in which payment is being made.

"Full-time equivalent enrollment" means the number of students enrolled in an approved private school pursuant to subsection (a) or (b).

"Independent certified public accountant" means a member of the American Institute of Certified Public Accountants that has a minimum of five (5) years' verifiable experience in performing audits of government funds for nonprofit organizations with a comparable or larger annual budget.

"Midyear budget," for the purpose of subsection (a.1), means the adjusted budget for the 2003-2004 school year submitted by each approved private school in January 2004.

"Preliminary budget," for the purpose of subsection (a.1), means the budget for the 2004-2005 school year submitted by each approved private school in June 2004.

"Prior school year" means the year for which payment is made during the current year.

"Proposed tuition rate" means the amount submitted by each approved private school to the Department of Education to be used in establishing the cost that the approved private school incurred to provide instructional and residential services for each full-time equivalent student. An approved private school may submit information to establish costs for up to three (3) levels of services and for day and residential students.

(1376 amended July 4, 2004, P.L.536, No.70)

Section 1376.1. Actual Cost of Tuition and Maintenance of Certain Exceptional Children in the Four Chartered Schools for Education of the Deaf and the Blind.--(a) The following term, whenever used or referred to in this section, shall have the following meaning. "Chartered school" shall mean any of the four (4) chartered schools for the education of the deaf or the blind: the Pennsylvania School for the Deaf; the Overbrook

School for the Blind; the Western Pennsylvania School for Blind Children; and the Western Pennsylvania School for the Deaf.

(b) When any child of school age resident in this Commonwealth, who is blind or deaf, is enrolled with the approval of the Department of Education as a pupil in any of the four (4) chartered schools in accordance with standards and regulations promulgated by the State Board of Education, the school district in which such child is resident shall pay the greater of either twenty percent (20%) of the actual cost of tuition and maintenance of such child in such institution, as determined by the department; or its "tuition charge per elementary pupil" or its "tuition charge per high school pupil," and the Commonwealth shall pay, out of funds appropriated to the department for special education, the balance due for the costs of such child's tuition and maintenance, as determined by the department. For the school years 1989-90, 1990-91 and 1991-92, the school district payment shall be no greater than forty percent (40%) of the actual audited costs of tuition and maintenance of such child in such school. For the 1992-1993 school year through the 2003-2004 school year, the school district payment shall be the greater of forty percent (40%) of the actual audited costs of tuition and maintenance of such child in such school, as determined by the department, or its "tuition charge per elementary pupil" or its "tuition charge per high school pupil," and the Commonwealth shall pay out of funds appropriated to the department for chartered schools the balance due for the costs of such child's tuition and maintenance, as determined by the department. For the 2004-2005 school year and each school year thereafter, the school district or charter school payment shall be the greater of forty percent (40%) of the approved tuition rate established in subsection (f.1) or (f.3) or the school district's or charter school's "tuition charges per elementary pupil" or "tuition charges per secondary pupil" as calculated under section 2561, and the Commonwealth shall pay out of funds appropriated to the department for chartered schools the balance of the approved tuition rate due for such child's tuition and maintenance. The department will credit the district of residence with average daily membership for such child consistent with the rules of procedure developed in accordance with section 2501. If the residence of such child in a particular school district cannot be determined, the Commonwealth shall pay the whole cost of tuition and maintenance of such child as established under subsection (f.1) or (f.3).

(b.1) For the 2004-2005 school year, the following apply:

(1) The department shall determine the payment amount for each chartered school for all students enrolled in a chartered school for the 2003-2004 school year based on the average of:

(i) The preliminary budget submitted to the department by the chartered school for the 2004-2005 school year.

(ii) The midyear budget submitted to the department by the chartered school for the 2003-2004 school year.

(iii) The audit issued by the Governor's Office of the Budget for the 2002-2003 school year, excluding questioned costs. If the 2002-2003 audit is not available, the department shall use the claim form submitted by the chartered school for the 2002-2003 school year.

(2) No later than August 10, 2004, the department shall notify each school district of residence or charter school of a child enrolled in a chartered school of its payment amount under subsection (b).

(3) The department shall pay each chartered school the total amount calculated pursuant to this subsection divided into twelve (12) monthly payments. The department shall withhold the school district or charter school payment amount calculated under subsection (b) from the amount of State payments made to the school district or charter school. In no event shall the sum of the Commonwealth's share of payments to chartered schools under this subsection exceed the appropriation for chartered schools.

(b.2) Payments are as follows:

(1) For the 2005-2006 school year and each school year thereafter, the department shall determine the payment amount for each chartered school for all students enrolled in a chartered school for the prior school year as follows:

(i) Multiply the payment determined for the immediate preceding school year by one hundred and twenty-five percent (125%) of the percentage increase in the appropriation for special education for the fiscal year prior to the fiscal year in which payments under this subsection are made.

(ii) Add the product under subparagraph (i) to the payment determined for the immediately preceding school year.

(2) No later than May 10, 2005, and no later than May 10 of each school year thereafter, the department shall notify each school district of residence or charter school of a child enrolled in a chartered school of its payment amount under subsection (b).

(3) The department shall pay each chartered school the total amount calculated pursuant to this subsection divided into twelve (12) monthly payments. The department shall withhold the school district or charter school payment amount calculated under subsection (b) from the amount of any and all State payments made to the school district or charter school. In no event shall the sum of the Commonwealth's share of payments to chartered schools under this subsection exceed the appropriation for chartered schools.

(c) When any person less than school age resident in this Commonwealth who is blind or deaf is enrolled, with the approval of the department, as a residential pupil in any of the four (4) chartered schools, the Commonwealth shall pay to the school the approved tuition rate for such child's tuition and maintenance, and in addition, in the case of any child less than school age, who is blind, the cost, as determined by the department of instructing the parent of such blind child in caring for such child.

(d) None of the chartered schools receiving payment in accordance with this section shall impose any charge on the student and/or parents who are approved reimbursable residents for a program of instruction and maintenance appropriate to the child's needs; except that charges for programs not part of the normal school year may be made.

(e) ((e) deleted by amendment)

(f) (intro. par. deleted by amendment)

(1) ((1) deleted by amendment)

(2) ((2) deleted by amendment)

(3) ((3) deleted by amendment)

(4) Beginning with the 2004-2005 school year and each school year thereafter, each chartered school shall maintain an accounting and bookkeeping system and be subject to audit as provided in standards promulgated by the Department of Education. Such standards shall require that each chartered school submit an audit to the department by November 1 of each year. Such audit shall be conducted in accordance with generally

accepted accounting standards by an independent certified public accountant. Such standards shall include a definition of administrative costs, which costs shall not exceed ten percent (10%) of each approved chartered school's total costs.

(5) (i) Where the amount of a chartered school's reportable costs in the 2004-2005 fiscal year is less than the amount of revenues received by the chartered school for the 2004-2005 fiscal year from the Commonwealth for the provision of educational services to children who have been approved by the Department of Education, the difference may be retained by the chartered school for use in the 2005-2006 fiscal year.

(ii) Beginning in the 2005-2006 fiscal year, where the amount of reportable costs in a fiscal year is less than the amount of revenues received in that fiscal year by the chartered school from the Commonwealth for the provision of educational services to children who have been approved by the Department of Education, the chartered school shall remit the difference to the Commonwealth. Any such funds shall be deposited in the Audit Resolution Fund for the resolution of previous audits.

(6) Audits of cost reports submitted for school years prior to the 2004-2005 school year shall be completed in a manner consistent with prior audit practices. A chartered school may submit an audit for the 2003-2004 school year prepared by an independent certified public accountant provided the following have occurred:

(i) The Department of Education has failed to process and settle the cost reports within twelve (12) months from submission by the chartered school.

(ii) The Department of Education has failed to settle any appeals or postsettlement resolution within fifteen (15) months from submission by the chartered school.

(iii) The chartered school has responded to reasonable requests for information and documents by the Department of Education.

Upon receipt of the independent audit for the 2003-2004 school year, the Department of Education shall have three (3) months to review the audit and settle any outstanding payments due to or from the chartered school.

((f) amended July 13, 2005, P.L.226, No.46)

(f.1) For payments made during the 2004-2005 school year, the department shall establish an approved tuition rate for each chartered school by dividing the amount calculated under subsection (b.1) by the full-time equivalent enrollment for the chartered school for the 2003-2004 school year. This calculation shall be adjusted for residential and non-residential students. The approved tuition rate multiplied by the full-time equivalent enrollment shall not exceed the amount calculated under subsection (b.1).

(f.2) Beginning August 15, 2004, and no later than August 15 of each year thereafter, each chartered school shall submit budget information for the current school year on forms and in a manner determined by the department. The budget information shall include a proposed tuition rate and projected full-time equivalent enrollment for the current year.

(f.3) For payments made during the 2005-2006 school year and each school year thereafter, beginning January 15, 2005, and no later than January 15 of each year thereafter, the department shall establish an approved tuition rate and full-time equivalent enrollment for each chartered school for the current school year. The approved tuition rate shall be determined by dividing the amount calculated under subsection (b.2) by the full-time equivalent enrollment for the chartered

school for the prior school year. This calculation shall be adjusted for residential and non-residential students. A chartered school may enroll students in excess of the approved full-time equivalent enrollment. Where a chartered school enrolls students in excess of the approved full-time equivalent enrollment, it must show a corresponding decrease in its approved tuition rate.

(f.4) No later than May 1, 2005, and May 1 of each school year thereafter, the department shall annually issue a report for publication on the department's publicly accessible World Wide Web site that shall include, but not be limited to:

(1) The approved tuition rate for each chartered school for the current school year.

(2) A description of the exceptionalities each chartered school is approved to serve.

(3) A description of all programs and services offered by each chartered school.

(f.5) Within sixty (60) days of the effective date of this subsection, the Department of Education shall promulgate interim standards necessary to implement subsection (f) which shall be published in the Pennsylvania Bulletin. The interim standards shall not be subject to review pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," and shall not be subject to sections 201 through 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law. The interim standards shall apply to audits conducted after July 1, 2005. Within one year of publication of the interim standards in the Pennsylvania Bulletin, the Department of Education shall deposit proposed standards. The interim standards shall remain in effect until the effective date of the final standards. ((f.5) added July 13, 2005, P.L.226, No.46)

(g) The following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Approved full-time equivalent enrollment" means the full-time equivalent enrollment set by the Department of Education pursuant to the provisions of subsection (f.3)

"Approved tuition rate" means the final tuition rate set by the Department of Education pursuant to the provisions of subsections (f.1) and (f.3).

"Audit," for the purposes of subsection (b.1), means the fiscal audit issued by the Governor's Office of the Budget, excluding questioned costs.

"Claim form," for the purposes of subsection (b.1), means the form that each chartered school submitted following the end of the fiscal year showing the final costs claimed for the fiscal year.

"Current school year" means the year in which payment is being made.

"Full-time equivalent enrollment" means the number of students enrolled in a chartered school pursuant to subsection (b) or (c).

"Independent certified public accountant" means a member of the American Institute of Certified Public Accountants that has a minimum of five (5) years' verifiable experience in performing audits of government funds for nonprofit organizations with a comparable or larger annual budget.

"Midyear budget," for the purposes of subsection (b.1), means the adjusted budget for the 2003-2004 school year submitted by each chartered school in January 2004.

"Preliminary budget," for the purposes of subsection (b.1), means the budget for the 2004-2005 school year submitted by each chartered school in June 2004.

"Prior school year" means the year for which payment is made during the current year.

"Proposed tuition rate" means the amount submitted by each chartered school to the Department of Education to be used in establishing the cost that the chartered school incurred to provide instructional and residential services for each full-time equivalent student.

(1376.1 amended July 4, 2004, P.L.536, No.70)

Section 1377. Payment of Cost of Tuition and Maintenance of Certain Exceptional Children.--(a) To facilitate payments by the several school districts to the schools or institutions in which deaf or blind, or cerebral palsied and/or brain damaged and/or muscular dystrophied, or socially and emotionally disturbed or mentally retarded children are enrolled, of amounts due by such districts for their proportion of the cost of tuition and maintenance of such children, the Secretary of Education shall withhold from any moneys due to such districts out of any State appropriation for the assistance as reimbursement of school districts, the amounts due by such districts to such schools or institutions for the blind or the deaf, or the cerebral palsied and/or brain damaged and/or muscular dystrophied or the socially and emotionally disturbed and/or mentally retarded. Amounts so withheld shall be specifically appropriated to the Department of Education. ((a) amended July 8, 1989, P.L.253, No.43)

(b) Payments of the Commonwealth's proportion of the cost of tuition and maintenance of blind or deaf, or cerebral palsied and/or brain damaged and/or muscular dystrophied, or socially and emotionally disturbed and/or mentally retarded pupils enrolled in schools or institutions for the blind or for the deaf, or for the cerebral palsied and/or brain damaged and/or muscular dystrophied, or for the socially and emotionally disturbed and of the cost of instruction of parents of blind pupils less than school entry age, as hereinbefore provided, shall be made quarterly, out of moneys appropriated to the Department of Education for special education. Except for the provisions of section 1376.1 providing for the actual cost of tuition and maintenance of certain exceptional children in the four chartered schools for education of the deaf and of the blind, in no event shall the total payment for the cost of tuition and maintenance of any such child exceed the rates per year allowed under section 1376. The maximum amount payable for the cost of tuition and maintenance of such children shall be subject to review at least once every two years for the purpose of recommending an adjustment thereof. ((b) amended July 8, 1989, P.L.253, No.43)

(c) For the purpose of enabling the Department of Education to determine from time to time what amounts are due to schools for the blind or for the deaf or for the cerebral palsied and/or brain damaged and/or muscular dystrophied or for the socially and emotionally disturbed and/or mentally retarded hereunder, such schools shall forward to the department, at such times and in such form as the department shall prescribe, sworn statements setting forth the names, ages, and residences of all pupils enrolled hereunder, specifying the school districts liable for a part of the cost of tuition and maintenance of any such pupils, the per capita cost of and maintenance of pupils, and such other information as the department shall require.

For the purpose of providing adequate administration of the program and to carry out the preaudit functions authorized in section 1376(a), one-half of one percent (.50%) of the total appropriations for approved private schools from all funds shall be allocated to the Department of Education.

(d) When, during the course of the 1982-1983 school year, programs for exceptional children are caused to be transferred from schools or institutions for the blind or deaf, or cerebral palsied or brain damaged or muscular dystrophied or mentally retarded, or socially and emotionally disturbed, as provided for in sections 1376 and 1376.1, to school districts or intermediate units, as provided for in sections 2509 and 2509.1, under unanticipated or emergency circumstances, and when such transfers necessitate the transfer of funds from the appropriation to the Department of Education for special education for approved private schools to the appropriation to the Department of Education for payments on account of special education of exceptional children in public schools, the Secretary of Education shall be empowered so to transfer such funds, upon approval of the Secretary of the Budget and written notification to the State Treasurer and the chairmen of the House and Senate Appropriations and Education Committees. ((d) added Dec. 17, 1982, P.L.1378, No.316)

(1377 amended May 31, 1979, P.L.33, No.11)

Compiler's Note: Section 3 of Act 144 of 1975, which amended section 1377, provided that Act 144 shall take effect immediately, and shall apply to the school year 1975-1976 and each year thereafter except that the provisions relating to socially and emotionally disturbed residential students shall take effect July 1, 1976 and shall apply to the school year 1976-1977 and each year thereafter.

Section 1377.1. Transfer of Funds for Transferral Programs.--When, during the course of a school year or after the end of a school year, programs for exceptional children are caused to be transferred from schools or institutions for the blind or deaf, or cerebral palsied or brain damaged or muscular dystrophied or mentally retarded, or socially and emotionally disturbed, as provided for in sections 1376 and 1376.1, to school districts or intermediate units, as provided for in sections 2509 and 2509.1, and when such transfers necessitate the transfer of funds from the appropriation to the Department of Education for special education for approved private schools to the appropriation to the Department of Education for payments on account of special education of exceptional children in public schools, the Secretary of Education shall be empowered to transfer such funds, upon approval of the Secretary of the Budget and written notification to the State Treasurer and the chairmen of the House and Senate Appropriations and Education Committees.

(1377.1 added Dec. 20, 1983, P.L.267, No.73)

Section 1377.2. Emergency Permits at Approved Private Schools and Chartered Schools for the Deaf and Blind.--Approved private schools and chartered schools for the deaf and blind shall have the authority to apply for emergency permits through the Department of Education pursuant to the criteria for eligibility established under 22 Pa. Code § 49.31 (relating to criteria for eligibility) as if the teachers were employed by a public school entity, provided that all other conditions for obtaining an emergency permit are met.

(1377.2 added Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which added section 1377.2, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1378. Medical Care for Children Under Six with Defective Hearing.--Whenever the county medical director of the Department of Health reports to the medical examiner of any school district a case of a minor under six (6) years of age, who is totally deaf or whose hearing is impaired, who is not receiving adequate care and treatment, and whose parent or guardian is financially unable to provide the same, such medical examiner shall provide such care and treatment at the expense of the school district or of the Commonwealth, as the case may be, charged by law with the providing of medical examinations for the schools of the school district. Such care and treatment may be administered by the medical examiner or by some doctor of medicine selected by him.

Section 1379. Children Under Six with Defective Hearing; Parent or Guardian Advised of Schools, etc.--Whenever notified by the Department of Health of the case of a minor under six (6) years of age, who is totally deaf or whose hearing is impaired, the Superintendent of Public Instruction, when in his judgment the same is deemed desirable, shall communicate to the parent or guardian the location of any special schools, and also the nearest public school having special classes for the instruction of the hard of hearing, with the information concerning the advantages offered by such school or classes, the benefits to accrue to the child from attending such school or classes, and the manner in which the expenses of such instruction will be provided for.

Section 1380. Education of Blind Children Under Eight Years.--The Department of Public Instruction is authorized to educate blind children, residing in this Commonwealth, under the age of eight (8) years, whenever, from any cause, the parent or parents thereof may be unable properly to educate them. With the written consent of the parents, parent, or nearest relative, if there be no parents, or the local authorities of the proper institution district, if there be neither parents nor relatives, the Department of Public Instruction may contract with any nonsectarian institution in this State, or elsewhere, established for the education of the blind, whereby any such child may, at a cost not exceeding three dollars (\$3) per day, to be paid by the Commonwealth, out of funds appropriated to the Department of Public Instruction for the education of blind children, be educated until it shall reach the age of eight (8) years. Such education may be continued beyond the age of eight (8) years, when, for physical, mental or other proper reasons, such child or children need special care for a longer period. The contract may be canceled and the child or children removed at any time by the Department of Public Instruction. The provisions of this section shall not repeal or modify any existing acts relative to the education of the blind.

(1380 amended Oct. 21, 1965, P.L.601, No.312)

Section 1381. Higher Education for Blind or Deaf Students.--The Department of Public Instruction is authorized to make provision for defraying the necessary expense of any students who are blind or deaf and are regularly enrolled students pursuing any course of study, profession, art, or science in any university, college, conservatory of music, normal, professional, or vocational school approved by the Department of Public Instruction, and who are residents of the

Commonwealth. Before any contract is entered into, the Department of Public Instruction shall make a careful investigation of all circumstances surrounding the case. If, after such investigation, it appears that any blind or deaf student who desires to attend any such school or institution, or who is attending such school or institution, seems to be fitted for special work, the Department of Public Instruction is authorized to expend the necessary amount, out of the general sum appropriated for this purpose, not to exceed five hundred dollars (\$500) per year for each such blind or deaf student.

Section 1382. Period of Instruction.--The time for which pupils of this Commonwealth may be taught in institutions or schools for the instruction of the blind or for the deaf, in whole or in part, at the expense of the Commonwealth, shall extend to such number of years from the time of entering said institutions or schools as may be approved by the Department of Public Instruction.

(g) Employment of Children.

Section 1391. Employment of Children Under Eighteen Unlawful Without Employment Certificate or Permit.--No person, either for himself or for any firm, association, or corporation, shall, during the hours the public schools are in session, accept service from, engage, or employ any child under eighteen (18) years of age, unless such employer shall have on file an employment certificate, or farm or domestic service permit, issued according to law.

If the child leaves such employment, or is absent from such employment five (5) days, the employer shall immediately, in writing, notify accordingly the school official who issued the certificate.

(1391 amended July 27, 1953, P.L.629, No.184)

Section 1392. Reports by Employers of Children.--Every person, firm, association, or corporation accepting service from, or employing, a child or children, between the ages of fourteen (14) and eighteen (18) years, shall, semi-annually, on the first day of January and on the first day of July in each year, furnish to the district superintendent, or secretary of the board of school directors of the district in which such child or children reside, the name, age, place of residence, and name of parent or guardian, of every such child in his or its employ or service. Such report shall be made upon blanks to be furnished by the Superintendent of Public Instruction at the expense of the Commonwealth.

(1392 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1393. Posting of Information by Employers of Children.--Every person, firm, association, or corporation accepting service from, or employing, a child or children, between the ages of fourteen (14) and eighteen (18) years, during the hours when the public schools are in session, and during the period of compulsory attendance in any school district, shall make a true and correct list of all such children, giving their names, ages, places of residence, names of parents or guardians, the dates of and names of the persons issuing the employment certificates, and the time of beginning and ending of service with him or it, which list shall be clearly written or printed and kept publicly posted at the place of employment of such child, where the same may be inspected by any member of the board of school directors or the secretary thereof, by the district superintendent, or the attendance

officer of any school district, at any time during business hours.

(1393 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1394. Penalties for Violation of Child Labor Requirements.--Any person or persons accepting service from, or engaging or employing, any child between eight (8) and eighteen (18) years of age while the public schools are in session, without having on file for such child an employment certificate, or farm or domestic service permit, or failing to furnish to the district superintendent, attendance officer, or secretary of the board of school directors, the information required by this act concerning the children employed by him or them, or failing to post for inspection, at the place of employment of such children, the list of children engaged by him or them, as required by the provisions of this act, or failing to notify the proper school official when a child leaves such employment or is absent therefrom for five (5) days, shall be guilty of a misdemeanor, and, upon conviction, shall for a first offense be sentenced to pay a fine of not less than ten dollars (\$10) or more than twenty-five dollars (\$25), or to undergo imprisonment in the county jail for ten (10) days, or both, at the discretion of the court, and for a subsequent offense shall be sentenced to pay a fine of not less than twenty dollars (\$20) or more than fifty dollars (\$50), or to undergo imprisonment in the county jail for ninety (90) days, or both, at the discretion of the court.

(1394 amended Jan. 14, 1970, 1969 P.L.468, No.192)

ARTICLE XIII-A.

SAFE SCHOOLS.

(Art. added June 30, 1995, P.L.220, No.26)

Section 1301-A. Definitions.--As used in this article, "Chief school administrator" shall mean the superintendent of a public school district, superintendent of an area vocational-technical school, executive director of an intermediate unit or chief executive officer of a charter school.

"Office" shall mean the Office for Safe Schools within the Department of Education.

"School entity" shall mean any public school district, intermediate unit, area vocational-technical school or charter school.

"School-based diversion programs" shall mean programs that, in partnership with other stakeholders, divert youth out of the juvenile justice system. These programs include, but are not limited to, youth aid panels in which a panel of community members decide an appropriate resolution to hold the student accountable for the student's actions by, among other options, requiring the student to complete educational activities, community service, restitution and any other related program or service.

"School property" shall mean any public school grounds, any school-sponsored activity or any conveyance providing transportation to a school entity or school-sponsored activity.

"School-wide positive behavior support" means a school-wide, evidence-based and data-driven approach to improving school behavior that seeks to reduce unnecessary student disciplinary actions and promote a climate of greater productivity, safety and learning.

"Student with a disability" shall mean a student who meets the definition of "child with a disability" under the

Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or who meets the definition of a "handicapped person" under section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and its implementing regulations (34 C.F.R. § 104.3(j)). The term includes a student for whom an evaluation is pending under either the Individuals with Disabilities Education Act or Rehabilitation Act.

"Weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

(1301-A amended Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which amended section 1301-A, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1302-A. Office for Safe Schools.--(a) There is hereby established in the Department of Education an Office for Safe Schools.

(b) The office shall have the power and duty to implement the following:

(1) To coordinate antiviolenence efforts between school, professional, parental, governmental, law enforcement and community organizations and associations.

(2) To collect, develop and disseminate information, policies, strategies and other information to assist in the development of programs to impact school violence.

(2.1) To direct all school entities to submit annual school violence statistics and reports to the office no later than July 31 of each year.

(3) To provide direct training to school employes, parents, law enforcement officials and communities on effective measures to prevent and combat school violence.

(4) To advise school entities and nonpublic schools on the development of policies to be used regarding possession of weapons by any person, acts of violence and protocols for coordination with and reporting to law enforcement officials and the Department of Education.

(4.1) To verify the existence of corrective action plans to reduce incidents of violence as required in the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).

(5) To develop forms to be used by school entities and police departments for reporting incidents involving acts of violence and possession of weapons on school property. The forms shall be reviewed on a biennial basis and revised when necessary.

(6) To verify that each school entity has a biennially updated and reexecuted memorandum of understanding with local law enforcement and has filed such memorandum with the office on a biennial basis.

(7) To publish and post on the Department of Education's Internet website a School Safety Annual Report no later than November 1 of each calendar year outlining all incidents required to be reported under section 1303-A and any school district that failed to submit a report under section 1303-A.

(8) To establish criteria, in consultation with the Pennsylvania State Police, for certifying approved vendors to provide school police officers to nonpublic schools for the purposes of awarding grants under subsection (c.1)(3). ((8) added July 9, 2014, P.L.1039, No.122)

(9) To publish and post on the Department of Education's publicly accessible Internet website a listing of all approved vendors under paragraph (8). ((9) added July 9, 2014, P.L.1039, No.122)

(b.1) The office shall process and tabulate the data on an annual basis to assist school administrators and law enforcement officials in their duties under this article.

(c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities to fund programs which address school violence, including:

(1) Conflict resolution or dispute management, including restorative justice strategies.

(1.1) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.

(1.2) School-based diversion programs.

(2) Peer helpers programs.

(3) Risk assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies.

(4) Classroom management.

(5) Student codes of conduct.

(6) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.

(7) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying.

(8) Comprehensive, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders. ((8) amended July 18, 2013, P.L.571, No.70)

(9) Security planning, purchase of security-related technology which may include metal detectors, protective lighting, surveillance equipment, special emergency communications equipment, electronic locksets, deadbolts and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity's board of directors.

(10) Institution of student, staff and visitor identification systems, including criminal background check software.

(11) ((11) deleted by amendment July 18, 2013, P.L.571, No.70)

(12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.

(13) Alternative education programs provided for in Article XIX-C.

(14) Counseling services for students enrolled in alternative education programs.

(15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.

(16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

(c.1) (1) In addition to the powers and duties set forth under subsections (b) and (c), the office is authorized to make targeted grants to school entities, municipalities, local law enforcement agencies and approved vendors to fund programs which address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school resource officers and school police officers. Municipalities or local law enforcement agencies that receive grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or nonpublic school.

(2) Municipalities or local law enforcement agencies may not receive grant funds under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers pursuant to this subsection, municipalities shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.

(3) Nonpublic schools are authorized to apply to the office for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of a school police officer from a list of approved vendors certified by the office. Grant awards for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. Nonpublic schools may not apply for grant funding under this section for any purpose other than obtaining the services of a school police officer under this paragraph.

((c.1) amended July 9, 2014, P.L.1039, No.122)

(d) The office shall have the following duties as to targeted grants:

(1) Targeted grants shall be allocated through a competitive grant review process established by the office. School entities must satisfy the requirements of this section and section 1303-A to be eligible for grants. The application for a targeted grant shall include:

(i) the purpose for which the targeted grant shall be utilized;

(ii) information indicating need for the targeted grant, including, but not limited to, school violence statistics;

(iii) an estimated budget;

(iv) methods for measuring outcomes; and

(v) any other criteria as the office may require.

(2) The office shall:

(i) Give priority in grant funding under subsection (c) to a school entity designated as a persistently dangerous school as defined in 22 Pa. Code § 403.2 (relating to definitions).

(ii) Give priority in grant funding under subsection (c) to school entities with the greatest need to establish safety and order.

(iii) To the greatest extent possible, ensure that grant funding is geographically dispersed to school entities and municipalities throughout this Commonwealth.

(iv) For school entities, municipalities, local law enforcement agencies and nonpublic schools that apply for funding for the training and compensation of school resource officers and school police officers under subsection (c.1),

give priority to school entities, municipalities, local law enforcement agencies and nonpublic schools that utilize school resource officers or school police officers who have completed additional training recommended by the Department of Education relating to interaction with all children and adolescents within a school setting.

(v) For school entities or nonpublic schools that apply for funding for school police officers under subsection (c.1), give priority to school entities and nonpublic schools that utilize school police officers who satisfy all of the following:

(A) Are retired Federal agents or retired State, municipal or military police officers.

(B) Are independent contractors of the school entity or nonpublic school.

(C) Are compensated on an hourly basis and receive no other compensation or fringe benefits from the school entity or nonpublic school.

(D) Have completed such annual training as shall be required by the Municipal Police Officers' Education and Training Commission pursuant to 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(E) Are in satisfaction of the requirements of section 111.

(F) In the case of a school entity, have been indemnified by the school entity pursuant to 42 Pa.C.S. § 8548 (relating to indemnity).

(G) Are utilized by a school entity or nonpublic school that has not employed a school police officer within the three years immediately preceding the effective date of this clause. Nothing in this clause shall be construed to impact on grant decisions for school entities, municipalities or local law enforcement agencies that apply for funding for hiring of school resource officers pursuant to subsection (c.1).

(3) The office shall provide all targeted grant agreements to the Department of Education's comptroller for review and approval prior to awarding the grant. The school entity, municipality, local law enforcement agency or approved vendor shall provide the office with full and complete access to all records relating to the performance of the grant, and shall submit, at such time and in such form as may be prescribed, truthful and accurate information that the office may require. The office shall conduct a thorough annual evaluation of each program for which a grant under this section is made. The office shall seek repayment of funds if it determines that funds were not utilized for the original stated purpose.

((d) amended July 9, 2014, P.L.1039, No.122)

(e) The sum appropriated annually to the Department of Education for the purpose of making targeted grants under this section shall be allocated as follows:

(1) Forty percent of the sum shall be allocated for grants under subsection (c).

(2) Sixty percent of the sum shall be allocated for grants under subsection (c.1).

((e) added July 18, 2013, P.L.571, No.70)

(f) As used in this section, "school entity" shall have the same meaning given to it under section 222(c). ((f) added July 9, 2014, P.L.1039, No.122)

(1302-A amended Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which amended section 1302-A, provided that any regulations

that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1302.1-A. Regulations.--(a) Within one year of the effective date of this section, the State Board of Education shall promulgate final-omitted regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this article. The regulations shall include the following:

(1) A model memorandum of understanding between school entities and local police departments. The model memorandum of understanding shall be reviewed on a biennial basis and revised where necessary. The State Board of Education may revise the model memorandum of understanding by publishing a notice in the Pennsylvania Bulletin that contains the complete revised model memorandum of understanding. The revised model memorandum of understanding shall be incorporated into the Pennsylvania Code in place of the existing model memorandum of understanding.

(2) Protocol for the notification of the police department when an offense listed under section 1303-A(b) (4.1) occurs on school property, which shall include a requirement that the local police department be notified immediately when such an offense occurs.

(3) Protocol for the notification of the police department at the discretion of the chief school administrator regarding an offense listed under section 1303-A(b) (4.2) or any other offense that occurs on school property.

(4) Protocol for emergency and nonemergency response by the police department, which shall include a requirement that the school district shall supply the police department with a copy of the comprehensive disaster response and emergency preparedness plan as required by 35 Pa.C.S. § 7701(g) (relating to duties concerning disaster prevention).

(5) Procedures and protocols for the response and handling of students with a disability, including procedures related to student behavior as required by 22 Pa. Code §§ 14.104 (relating to special education plans) and 14.133 (relating to positive behavior support).

((a) amended June 30, 2012, P.L.684, No.82)

(b) (1) In promulgating the regulations required under subsection (a), the State Board of Education shall convene and consult with a Statewide advisory committee which shall include a police chief, juvenile public defender, school superintendent, school principal, district attorney, solicitor of a school district, special education supervisor, special education advocate and in-school probation officer and one designee from the Department of Education, the Pennsylvania Commission on Crime and Delinquency, the Municipal Police Officers' Education and Training Commission, the Juvenile Court Judges' Commission and the Pennsylvania State Police.

(2) Members of the committee shall be selected to be representative of the rural, suburban and urban school entities of this Commonwealth.

(3) The advisory committee shall be convened no later than sixty (60) days after the effective date of this section and shall meet regularly to fulfill the requirements of this section.

(1302.1-A added Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which added section 1302.1-A, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1303-A. Reporting.--(a) The office shall conduct a one-time survey of all school entities to determine the number of incidents involving acts of violence on school property and all cases involving possession of a weapon by any person on school property which occurred within the last five (5) years. The survey shall be based on the best available information provided by school entities.

(b) Each chief school administrator shall report to the office by July 31 of each year all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property. The incidents to be reported to the office shall include all incidents involving conduct that constitutes a criminal offense listed under paragraphs (4.1) and (4.2). Reports on a form to be developed and provided by the office shall include:

(1) Age or grade of student.

(2) Name and address of school.

(3) Circumstances surrounding the incident, including, but not limited to, type of weapon, controlled substance, alcohol or tobacco, the date, time and location of the incident, if a person other than a student is involved in the incident and any relationship to the school entity.

(3.1) Race of student.

(3.2) Whether the student has an Individualized Education Plan under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so, the type of disability.

(4) Sanction imposed by the school.

(4.1) A list of criminal offenses which shall, at a minimum, include:

(i) The following offenses under 18 Pa.C.S. (relating to crimes and offenses):

Section 908 (relating to prohibited offensive weapons).

Section 912 (relating to possession of weapon on school property).

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709.1 (relating to stalking).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3124.2 (relating to institutional sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3301 (relating to arson and related offenses).

Section 3307 (relating to institutional vandalism) when the penalty is a felony of the third degree.

Section 3502 (relating to burglary).

Section 3503(a) and (b)(1)(v) (relating to criminal trespass).

Section 5501 (relating to riot).

Section 6110.1 (relating to possession of firearm by minor).

(ii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in "The Controlled Substance, Drug, Device and Cosmetic Act."

(iii) Attempts, solicitation or conspiracy to commit any of the offenses listed in subclauses (i) and (ii).

(iv) An offense for which registration is required under 42 Pa.C.S. § 9795.1 (relating to registration).

(4.2) The following offenses under 18 Pa.C.S., and any attempt, solicitation or conspiracy to commit any of these offenses:

Section 2701 (relating to simple assault).

Section 2705 (relating to recklessly endangering another person).

Section 2706 (relating to terroristic threats).

Section 2709 (relating to harassment).

Section 3127 (relating to indecent exposure).

Section 3307 (relating to institutional vandalism) when the penalty is a misdemeanor of the second degree.

Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2) (relating to criminal trespass).

Chapter 39 (relating to theft and related offenses).

Section 5502 (relating to failure of disorderly persons to disperse upon official order).

Section 5503 (relating to disorderly conduct).

Section 6305 (relating to sale of tobacco).

Section 6306.1 (relating to use of tobacco in schools prohibited).

Section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

(5) Notification of law enforcement.

(6) Remedial programs involved.

(7) Parental involvement required.

(8) Arrests, convictions and adjudications, if known.

(b.1) Prior to submitting the report required under subsection (b), each chief school administrator and each police department having jurisdiction over school property of the school entity shall do all of the following:

(1) No later than thirty (30) days prior to the deadline for submitting the report to the office required under subsection (b), the chief school administrator shall submit the report to the police department with jurisdiction over the relevant school property. The police department shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects police incident data.

(2) No later than fifteen (15) days prior to the deadline for the chief school administrator to submit the report required under subsection (b), the police department shall notify the chief school administrator, in writing, whether the report accurately reflects police incident data. Where the police department determines that the report accurately reflects police incident data, the chief of police shall sign the report. Where the police department determines that the report does not accurately reflect police incident data, the police department shall indicate any discrepancies between the report and police incident data.

(3) Prior to submitting the report required under subsection (b), the chief school administrator and the police department shall attempt to resolve discrepancies between the report and police incident data. Where a discrepancy remains unresolved, the police department shall notify the chief school administrator and the office in writing.

(4) Where a police department fails to take action as required under paragraph (2) or (3), the chief school administrator shall submit the report required under subsection

(b) and indicate that the police department failed to take action as required under paragraph (2) or (3).

(c) Each chief school administrator shall form an advisory committee composed of relevant school staff, including, but not limited to, principals, security personnel, school resource officers, guidance counselors and special education administrators, to assist in the development of a memorandum of understanding pursuant to this section. In consultation with the advisory committee, each chief school administrator shall enter into a memorandum of understanding with police departments having jurisdiction over school property of the school entity. Each chief school administrator shall submit a copy of the memorandum of understanding to the office by June 30, 2011, and biennially update and re-execute a memorandum of understanding with local law enforcement and file such memorandum with the office on a biennial basis. The memorandum of understanding shall be signed by the chief school administrator, the chief of police of the police department with jurisdiction over the relevant school property and principals of each school building of the school entity. The memorandum of understanding shall comply with the regulations promulgated by the State Board of Education under section 1302.1-A and shall also include:

(1) The procedure for police department review of the annual report required under subsection (b) prior to the chief school administrator filing the report required under subsection (b) with the office. ((1) amended June 30, 2011, P.L.112, No.24)

(2) A procedure for the resolution of school violence data discrepancies in the report prior to filing the report required under subsection (b) with the office.

(3) Additional matters pertaining to crime prevention agreed to between the chief school administrator and the police department.

(d) Pursuant to section 615 of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1415(k)(6)), nothing in section 1302.1-A or this section shall be construed to prohibit a school entity from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(e) (1) Notwithstanding any provision of law to the contrary, the Department of Education may initiate disciplinary action before the Professional Standards and Practices Commission pursuant to the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," against a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense listed under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section.

(2) In addition to any other disciplinary actions set forth in the "Professional Educator Discipline Act," a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police

department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense cited under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section shall be subject to prosecution for violation of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The following civil penalties may be imposed by the Professional Standards and Practices Commission for violations of this article:

- (i) for a first violation, \$2,500;
- (ii) for a second violation, \$3,500; or
- (iii) for a third or subsequent violation, \$5,000.

Any penalty imposed under this paragraph shall be paid to the Department of Education and used for the support of the office.

(1303-A amended Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which amended section 1303-A, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1303.1-A. Policy Relating to Bullying.--(a) No later than January 1, 2009, each school entity shall adopt a policy or amend its existing policy relating to bullying and incorporate the policy into the school entity's code of student conduct required under 22 Pa. Code § 12.3(c) (relating to school rules). The policy shall delineate disciplinary consequences for bullying and may provide for prevention, intervention and education programs, provided that no school entity shall be required to establish a new policy under this section if one currently exists and reasonably fulfills the requirements of this section. The policy shall identify the appropriate school staff person to receive reports of incidents of alleged bullying.

(b) Each school entity shall make the policy available on its publicly accessible Internet website, if available, and in every classroom. Each school entity shall post the policy at a prominent location within each school building where such notices are usually posted. Each school entity shall ensure that the policy and procedures for reporting bullying incidents are reviewed with students within ninety (90) days after their adoption and thereafter at least once each school year.

(c) Each school entity shall review its policy every three (3) years and annually provide the office with a copy of its policy relating to bullying, including information related to the development and implementation of any bullying prevention, intervention and education programs. The information required under this subsection shall be attached to or made part of the annual report required under section 1303-A(b).

(d) In its policy relating to bullying adopted or maintained under subsection (a), a school entity shall not be prohibited from defining bullying in such a way as to encompass acts that occur outside a school setting if those acts meet the requirements contained in subsection (e)(1), (3) and (4). If a school entity reports acts of bullying to the office in accordance with section 1303-A(b), it shall report all incidents that qualify as bullying under the entity's adopted definition of that term.

(e) For purposes of this article, "bullying" shall mean an intentional electronic, written, verbal or physical act, or a series of acts:

- (1) directed at another student or students;
- (2) which occurs in a school setting;
- (3) that is severe, persistent or pervasive; and
- (4) that has the effect of doing any of the following:
 - (i) substantially interfering with a student's education;
 - (ii) creating a threatening environment; or
 - (iii) substantially disrupting the orderly operation of the school; and

"school setting" shall mean in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.

(1303.1-A added July 9, 2008, P.L.846, No.61)

Section 1304-A. Sworn Statement.--(a) Prior to admission to any school entity, the parent, guardian or other person having control or charge of a student shall, upon registration, provide a sworn statement or affirmation stating whether the pupil was previously or is presently suspended or expelled from any public or private school of this Commonwealth or any other state for an act or offense involving weapons, alcohol or drugs or for the wilful infliction of injury to another person or for any act of violence committed on school property. The registration shall include the name of the school from which the student was expelled or suspended for the above-listed reasons with the dates of expulsion or suspension and shall be maintained as part of the student's disciplinary record.

(b) Any wilful false statement made under this section shall be a misdemeanor of the third degree.

(1304-A amended June 25, 1997, P.L.297, No.30)

Section 1305-A. Transfer of Records.--Whenever a pupil transfers to another school entity or nonpublic school, a certified copy of the student's disciplinary record shall be transmitted to the school entity or nonpublic school to which the pupil has transferred. The school entity or nonpublic school to which the student has transferred should request the record. The sending school entity or nonpublic school shall have ten (10) days from receipt of the request to supply a certified copy of the student's disciplinary record. The requirements of this section apply as well to transfers between schools within the same school entity.

(1305-A amended July 9, 2008, P.L.846, No.61)

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 1305-A, provided that Act 61 shall apply retroactively to July 1 2008.

Section 1306-A. Availability of Records.--A student's disciplinary record, as well as records maintained under section 1307-A, shall be available for inspection to the student and his parent, guardian or other person having control or charge of the student, to school officials and to State and local law enforcement officials as provided by law. Permission of the parent, guardian or other person having control or charge of the student shall not be required for transfer of the individual's student record to another school entity within this Commonwealth or in another state in which the student seeks enrollment or is enrolled.

(1306-A added June 30, 1995, P.L.220, No.26)

Section 1307-A. Maintenance of Records.--All school entities and private schools within this Commonwealth shall maintain updated records of all incidents of violence, incidents involving possession of a weapon and convictions or adjudications of delinquency for acts committed on school property by students enrolled therein on both a district-wide

and school-by-school basis. Records maintained under this section shall be contained in a format developed by the Pennsylvania State Police in cooperation with the office within ninety (90) days of the effective date of this section. A statistical summary of these records shall be made accessible to the public for examination by the public during regular business hours.

((1307-A added June 30, 1995, P.L.220, No.26)

Section 1308-A. Report.--The Secretary of Education shall survey all school districts and nonpublic schools to determine the extent to which additional costs have been incurred in implementing administrative and reporting requirements established for public and nonpublic schools in section 1317.2 and in sections 1304-A through 1307-A. The Secretary of Education shall issue a report to the chairman and the minority chairman of the Appropriations Committee and the Education Committee of the Senate and the Appropriations Committee and Education Committee of the House of Representatives by April 1, 1996, concerning the extent to which additional costs have been incurred by school districts and nonpublic schools.

(1308-A added June 30, 1995, P.L.220, No.26)

Section 1309-A. Technical Assistance.--The Department of Education shall provide guidelines and technical assistance to assist school districts and nonpublic schools in implementing the provisions of this act.

(1309-A added June 30, 1995, P.L.220, No.26)

Section 1310-A. Safe Schools Advocate in School Districts of the First Class.--(a) The Executive Director of the Pennsylvania Commission on Crime and Delinquency shall establish, within the commission, a safe schools advocate for each school district of the first class. The advocate shall not be subject to the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act." The advocate shall establish and maintain an office within the school district. ((a) amended June 30, 2011, P.L.112, No.24)

(b) The safe schools advocate shall have the power and its duties shall be:

(1) To monitor the school district's compliance with this article, including:

(i) the school district's reporting to the office of incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property;

(ii) obtaining copies of the school district's reports to the office and reviewing and analyzing them;

(iii) the school district's compliance with the procedures set forth in the memorandum of understanding with the appropriate police department regarding incidents involving acts of violence and possession of weapons; and

(iv) obtaining documentation, on a weekly basis during those times when school is in session, of all written or verbal contacts by school district personnel with the appropriate police department consistent with the requirements of the memorandum of understanding.

(2) To monitor the school district's compliance with the mandatory expulsion requirements of section 1317.2.

(3) To receive inquiries from school staff and parents or guardians of students who are victims of acts of violence on school property.

(4) To establish a protocol, in consultation with the Juvenile Court Judges' Commission, to assure timely receipt by the school district of information regarding students who have been adjudicated delinquent pursuant to 42 Pa.C.S. § 6341(b.1) (relating to adjudication) and to monitor the school district's use of that information to ensure that victims of acts of violence by a student are protected.

(5) To establish a program to assure extensive and continuing public awareness of information regarding the role of the advocate on behalf of victims of acts of violence on school property, which may include the mailing of information to the parents or guardians of students in the school district or other forms of communication.

(6) To review and analyze Federal and State statutes which may be an impediment to school safety and the imposition of discipline for the commission of acts of violence on school property and to prepare, by April 30, 2001, and as necessary from time to time thereafter, reports making recommendations for changes to the statutes which would promote school safety and facilitate effective and expedient disciplinary action. The reports shall be submitted to the secretary and the Executive Director of the Pennsylvania Commission on Crime and Delinquency. ((6) amended June 30, 2011, P.L.112, No.24)

(7) To review and analyze court decisions applicable to the school district's disciplinary process and procedures, to make recommendations to the school district regarding any negative impact these decisions have upon the effective maintenance of school safety and to make recommendations relating to the existing provisions of consent decrees.

(8) To prepare an annual report regarding the activities of the advocate during the prior fiscal year and any recommendations for remedial legislation, regulations or school district administrative reforms, which shall be submitted to the school district superintendent, the secretary, the Executive Director of the Pennsylvania Commission on Crime and Delinquency, the chairperson of the Education Committee of the Senate and the chairperson of the Education Committee of the House of Representatives by August 15 of each year. ((8) amended June 30, 2011, P.L.112, No.24)

(9) To monitor infractions of the school district's code of conduct to identify students whose conduct would constitute an offense under 18 Pa.C.S. § 2701 (relating to simple assault).

(c) The safe schools advocate shall, on behalf of victims of acts of violence on school property, victims of conduct that would constitute an act of violence and victims of students who have committed two or more infractions as set forth in subsection (b) (9):

(1) provide assistance and advice, including information on support services provided by victim assistance offices of the appropriate district attorney and through local community-based victim service agencies;

(2) provide information to the parent or guardian of the student victim regarding the disciplinary process and any action ultimately taken against the student accused of committing the act of violence;

(3) in cases involving the possession or use of a weapon, advise the parent or guardian of the victim whether the school district properly exercised its duty under section 1317.2;

(4) in cases where the advocate has received a request by the parent or guardian of the victim, to attend formal disciplinary proceedings;

(5) with the consent of the parent or guardian of the victim, present information in the disciplinary proceeding, which may include oral or written presentations, including testimony by the victim or the parent or guardian of the victim, regarding the impact on the victim and the victim's family and the appropriate disciplinary action and which may include direct or cross-examination of witnesses;

(6) where the perpetrator of an act of violence is returning to school after placement under a consent decree, adjudication of delinquency or conviction of a criminal offense, assist the parent or guardian of the victim in providing input to the school district and the appropriate juvenile or criminal justice authority to ensure the victim's safety on school property;

(7) in cases where the district has failed to report the act of violence to the appropriate police department as required by the memorandum of understanding, to report such act of violence directly; and

(8) provide information and make recommendations to the office of the district attorney regarding the impact of the act of violence on the victim and the victim's family.

(d) Upon discovery of the commission of an act of violence upon a student, the school district of the first class shall immediately notify the victim's parent or guardian of the safe schools advocate. The form of this notice shall be developed by the advocate and provided to the school district. This form shall include the address and telephone number of the advocate and a brief description of the purposes and functions of the safe schools advocate. The principal of each school within the school district shall post a notice not less than 8 1/2 by 11 inches entitled "Safe Schools Advocate" at a prominent location within each school building, where such notices are usually posted. The form of this notice shall also be developed by the advocate and provided to the school district.

(e) It shall be the duty of each school administrator in a school district of the first class to cooperate with the safe schools advocate to implement this section and to provide the advocate, upon request, with all available information authorized by State law. In regard to individual cases of acts of violence, only information permitted to be shared under subsection (f) shall be disclosed.

(f) The advocate and all employees and agents of the safe schools advocate shall be subject to and bound by section 444 of the General Education Provisions Act (Public Law 90-247, 20 U.S.C. § 1232g) and 34 CFR Pt. 99 (relating to family educational rights and privacy).

(g) This section shall not apply to the extent that it would conflict with the requirements of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or other applicable Federal statute or regulation.

(h) As used in this section:

"Act of violence" shall mean the possession of a weapon on school property or an offense, including the attempt, solicitation or conspiracy to commit the offense, under any of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

(1) Section 2501 (relating to criminal homicide).

(2) Section 2702 (relating to aggravated assault).

(3) Section 3121 (relating to rape).

(4) Section 3122.1 (relating to statutory sexual assault).

(5) Section 3123 (relating to involuntary deviate sexual intercourse).

(6) Section 3124.1 (relating to sexual assault).

- (7) Section 3125 (relating to aggravated indecent assault).
- (8) Section 3126 (relating to indecent assault).
- (9) Section 3301 (relating to arson and related offenses).
- (10) Section 3701 (relating to robbery).
- (11) Section 3702 (relating to robbery of motor vehicle).

"School district" shall mean school district of the first class.

(i) At least eighty per centum (80%) of all appropriations for the Office of Safe Schools Advocate in fiscal year 2006-2007 shall be expended by June 30, 2007, and the remaining balance of the appropriation shall be committed or encumbered by June 30, 2007. ((i) added July 11, 2006, P.L.1092, No.114)

(1310-A added Nov. 22, 2000, P.L.672, No.91)

Section 1311-A. Standing.--(a) If a student in a school district of the first class is a victim of an act of violence involving a weapon on school property and the student who possessed the weapon was not expelled under section 1317.2, the parent or guardian of the victim shall have standing to institute a legal proceeding to obtain expulsion of the student.

(b) The Office of General Counsel shall have standing to bring an action on behalf of a victim or the parent or guardian of a victim of an act of violence in a school in a school district of the first class to modify, clarify or eliminate a consent decree that is related to discipline in the district if, in consultation with the advocate, the Office of General Counsel believes that the action is in the best interests of the students of the school district.

(c) (1) The Executive Director of the Pennsylvania Commission on Crime and Delinquency in consultation with the General Counsel may designate a portion of the funds provided for the safe schools advocate:

(i) For contracts for legal services to assist low-income parents or guardians of victims to obtain legal services for proceedings under subsection (a).

(ii) To challenge a consent decree under subsection (b) or to bring an action under sections 1310-A(c)(5) and 1312-A(a).

(2) The designation of attorneys to receive funds under this subsection shall be within the discretion of the Office of General Counsel after consultation with the safe schools advocate.

(3) Designated funds which are not expended under this subsection shall lapse to the General Fund.

(d) Legal proceedings under this section shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

(e) ((e) deleted by amendment)

(f) As used in this section, "low-income parent or guardian" shall mean a parent whose family income is no greater than two hundred fifty per centum (250%) of the Federal poverty level.

(1311-A amended June 30, 2011, P.L.112, No.24)

Section 1312-A. Enforcement.--(a) (1) If the school district of the first class fails to comply with requirements to provide information to the safe schools advocate under section 1310-A, the advocate shall provide documentation of the failure to the Secretary of Education and the Pennsylvania Commission on Crime and Delinquency.

(2) If the secretary determines that there is noncompliance, the secretary shall notify the advocate and the Office of General Counsel. The Office of General Counsel, in consultation with the safe schools advocate, shall designate

an attorney to bring an action in a court of competent jurisdiction to enforce section 1310-A.

(3) If the secretary determines that the school district of the first class has complied with the requirements to provide information to the safe schools advocate under section 1310-A, the secretary shall convene a public hearing at which the safe schools advocate shall be permitted to testify regarding the alleged noncompliance.

(b) Legal proceedings under subsection (a) shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

(1312-A amended June 30, 2011, P.L.112, No.24)

Section 1313-A. Construction of Article and Other Laws.--Nothing in this article or any other provision of law shall be construed as granting a right of status for or participation by the safe schools advocate in a grievance or arbitration proceeding arising out of a collective bargaining agreement.

(1313-A added Nov. 22, 2000, P.L.672, No.91)

ARTICLE XIV.

SCHOOL HEALTH SERVICES.

(Art. repealed and added July 15, 1957, P.L.937, No.404)

Section 1401. Definitions.--As used in this article--

(1) "Children of school age" or "child of school age" means every child attending or who should attend an elementary grade or high school, either public or private, within the Commonwealth and children who are attending a kindergarten which is an integral part of a local school district.

(2) "Teachers" means professional employees, temporary professional employees and substitutes and instructors in public or private schools within the Commonwealth.

(3) "Other employees" means janitors, bus drivers, cooks and other cafeteria help and all others employed at schools.

(4) "School physician" means a physician legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth, who has been appointed or approved by the Secretary of Health.

(5) "School dentist" means a doctor of dental surgery or dental medicine legally qualified to practice dentistry in the Commonwealth, who has been appointed or approved by the Secretary of Health.

(6) "Family physician" means either a doctor of medicine legally qualified to practice medicine and surgery in the Commonwealth, or an osteopath or osteopathic surgeon legally qualified to practice osteopathy or osteopathic surgery in the Commonwealth, who has been designated by the parent or guardian as the personal physician of the child.

(7) "Family dentist" means a doctor of dental surgery or dental medicine legally qualified to practice dentistry in the Commonwealth, who has been designated by the parent or guardian as the personal dentist of the child.

(8) "School nurse" means a licensed registered nurse properly certificated by the Superintendent of Public Instruction as a school nurse who is employed by a school district or joint school board as a school nurse, or is employed in providing school nurse services to children of school age by a county health unit or a department or board of health of any municipality with which a school district or joint school

board has contracted for school health services pursuant to the provisions of section 1411 of this act. The employment of any nurse employed by a school district or joint school board as a school nurse prior to the effective date of this act shall not be affected by a contract for school health services that may be entered into by any school district or joint school board under the provisions of this act. ((8) amended Aug. 9, 1963, P.L.641, No.339)

(9) "Dental hygienist" means a dental hygienist licensed by the State Dental Council and Examining Board, who is assigned to a school district or joint school board, or a dental hygienist licensed by the State Dental Council and Examining Board and certificated as a school dental hygienist by the Superintendent of Public Instruction, who is employed by a school district or joint school board as a dental hygienist. The employment of any dental hygienist employed by a school district or joint school board as a dental hygienist prior to the effective date of this act shall not be affected by a contract for school health services that may be entered into by any school district or joint school board under the provisions of this act.

(10) "Medical technician" means a person skilled in the operation of X-ray or other diagnostic equipment having such training and experience as required by the Secretary of Health.

(11) "Sanitarian" means a person having such training and experience as required by the Secretary of Health and qualified to conduct sanitary inspections of school buildings and grounds in connection with water supply, sewage and refuse disposal, food service, heating, lighting, ventilation and safety.

(12) "Asthma inhaler" means a prescribed device used for self-administration of short-acting, metered doses of prescribed medication to treat an acute asthma attack. ((12) added Nov. 30, 2004, P.L.1471, No.187)

(13) "Diabetes medical management plan" means a document describing the medical orders or diabetes regimen developed and signed by the student's health care practitioner and parent or guardian. ((13) added July 13, 2016, P.L.716, No.86)

(14) "Service agreement" means a student's section 504 service agreement pursuant to section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and 22 Pa. Code Ch. 15 (relating to protected handicapped students). ((14) added July 13, 2016, P.L.716, No.86)

(15) "Health care practitioner" means the term as defined under section 103 of the act of July 19, 1979 (P.L.130, No.48), known as the "Health Care Facilities Act." ((15) added July 13, 2016, P.L.716, No.86)

(16) "IEP" means a written statement for each child with a disability that is developed, reviewed or revised in a meeting in accordance with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) and 22 Pa. Code Ch. 14 (relating to special education services and programs). ((16) added July 13, 2016, P.L.716, No.86)

(1401 repealed and added July 15, 1957, P.L.937, No.404)

Section 1402. Health Services.--(a) Each child of school age shall be given by methods established by the Advisory Health Board, (1) a vision test by a school nurse, medical technician or teacher, (2) a hearing test by a school nurse or medical technician, (3) a measurement of height and weight by a school nurse or teacher, who shall use the measurement to compute a child's weight-for-height ratio, (4) tests for tuberculosis under medical supervision, and (5) such other tests as the Advisory Health Board may deem advisable to protect the health

of the child. Vision tests shall be given at least annually and other tests at intervals established by the Advisory Health Board. ((a) amended July 11, 2006, P.L.1092, No.114)

(a.1) Every child of school age shall be provided with school nurse services: Provided, however, That the number of pupils under the care of each school nurse shall not exceed one thousand five hundred (1,500). ((a.1) amended Dec. 7, 1965, P.L.1041, No.390)

(b) For each child of school age, a comprehensive health record shall be maintained by the school district or joint school board, which shall include the results of the tests, measurements and regularly scheduled examinations and special examinations herein specified.

(c) Medical questionnaires, suitable for diagnostic purposes, furnished by the Secretary of Health and completed by the child or by the child's parent or guardian, at such times as the Secretary of Health may direct, shall become a part of the child's health record.

(d) All teachers shall report to the school nurse or school physician any unusual behavior, changes in physical appearance, changes in attendance habits and changes in scholastic achievement, which may indicate impairment of a child's health. The nurse or school physician or school dentist may, upon referral by the teacher or on his own initiative, advise a child's parent or guardian of the apparent need for a special medical or dental examination. If a parent or guardian fails to report the results to the nurse or school physician, the nurse or school physician shall arrange a special medical examination for the child.

(e) The school physicians of each district or joint board shall make a medical examination and a comprehensive appraisal of the health of every child of school age, (1) upon original entry into school in the Commonwealth, (2) while in sixth grade, (3) while in eleventh grade, and (4) prior to the issuance of a farm or domestic service permit unless the child has been given a scheduled or special medical examination within the preceding four months. The health record of the child shall be made available to the school physician at the time of the regularly scheduled health appraisals.

(f) The Secretary of Health, upon petition of the school board or joint school board or on his own initiative with the concurrence of the school board or joint school board, may modify for individual school districts the school health services program specified in this section. The program as modified shall conform to approved medical or dental practices and shall permit valid statistical appraisals of the various components of the program.

(1402 repealed and added July 15, 1957, P.L.937, No.404)

Section 1403. Dental Examinations and Dental Hygiene Services.--(a) All children of school age in the Commonwealth, (i) upon original entry into the school, (ii) while in the third grade, and (iii) while in the seventh grade, shall be given a dental examination by a school dentist: Provided, however, That this requirement shall not apply to those school districts or joint school boards which have instituted a program of dental hygiene services as provided in subsection (b) of this section.

(b) Any school district or joint school board may institute a program of dental hygiene services for children of school age, which program shall be approved by the Secretary of Health, and for that purpose may employ dental hygienists.

(1403 amended Aug. 27, 1963, P.L.1380, No.535)

Section 1404. Place of Examination; Use of Hospital Facilities.--The school physician and school dentist shall conduct medical, dental and other examinations in rooms set aside for this special purpose and equipped with adequate facilities and with such other accessories as may be required by the Secretary of Health for the thorough examination of children. The school physicians shall require the removal of sufficient clothing to insure complete examination. If facilities in schools are inadequate for conducting medical, dental and other examinations, the school districts or joint school boards and private schools may, subject to the approval of the Secretary of Health, make arrangements for the use of laboratories and facilities of hospitals or clinics for examinations herein provided for.

(1404 repealed and added July 15, 1957, P.L.937, No.404)

Section 1405. Assistance; Presence of Parents.--Every school physician shall be assisted by a school nurse and every school dentist by a dental hygienist, if available, or trained assistant, who shall be present during each examination. Parents or guardians of children of school age shall be advised in advance of the date of examination and urged to be present. Medical examinations shall be made in the presence of the parent or guardian of the child when so requested by the parent or guardian.

(1405 repealed and added July 15, 1957, P.L.937, No.404)

Section 1406. Recommendations.--(a) Recommendations as to medical, surgical or dental care shall be sent to each parent or guardian and to the family physician or family dentist on forms prepared or approved by the Secretary of Health with instructions to the parent or guardian to consult the family physician or family dentist and to notify the school authorities of the action taken with respect to the recommendations.

(b) School physicians or school nurses shall inform teachers of the health conditions of pupils which may affect behavior, appearance or scholastic performance.

(c) Notice of the existence of and eligibility for the program under Article XXIII of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921," shall be prepared by, paid for and provided to each school district in Pennsylvania by the Insurance Department annually, not later than the fifteenth day of August, in sufficient quantities to provide the parent or legal guardian of every school student enrolled in the district with such notice. The school district shall provide such notice to the parent or guardian of each student enrolled in the district during the school year. The Insurance Department shall provide sufficient copies of the notice to nonpublic schools upon request.

(1406 amended Dec. 9, 2002, P.L.1317, No.153)

Section 1407. Examinations by Examiners of Own Choice.--In lieu of the medical or dental examinations prescribed by this article, any child of school age may furnish the local school officials with a medical or dental report of examination made at his own expense by his family physician or family dentist on a form approved by the Secretary of Health for this purpose. The in lieu examinations shall be made and the report shall be furnished prior to the date fixed for the regularly scheduled examination but no earlier than four months prior to the opening of the school term during which the regular examination is scheduled.

(1407 repealed and added July 15, 1957, P.L.937, No.404)

Section 1408. Reports.--Every school district of the Commonwealth or school districts jointly, school physicians,

school dentists and school nurses, shall file with the Secretary of Health and/or the Superintendent of Public Instruction such reports as required by the regulations of the two departments.

(1408 repealed and added July 15, 1957, P.L.937, No.404)

Section 1409. Confidentiality, Transference and Removal of Health Records.--All health records established and maintained pursuant to this act shall be confidential, and their contents shall be divulged only when necessary for the health of the child or at the request of the parent or guardian to a physician legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth.

In the case of any child of school age who enrolls in any school, public or private, in any district and who previously attended school in another district in Pennsylvania, the district or school wherein the child is newly enrolled shall request and the district or school where the child previously attended shall surrender the health record of the child. School districts, joint school boards or private schools, shall not destroy a child's health record for a period of at least two years after the child ceases to be enrolled, but may surrender such child's health record or portion thereof to his parent or guardian if the child does not re-enroll in an elementary or secondary school in Pennsylvania.

(1409 repealed and added July 15, 1957, P.L.937, No.404)

Section 1410. Employment of School Health Personnel.--(a)

Except as otherwise provided in this article, all school districts alone or jointly with other districts or joint school boards shall employ school physicians and school dentists but only with the approval of the Secretary of Health, and shall compensate them on a basis agreed upon by the school physician or school dentist and the employing district or joint school board, and shall employ one or more school nurses. Health officers of municipalities may be appointed as school physicians by school districts or joint school boards. For special examinations recommended by school physicians, school districts or joint school boards may engage the services of ophthalmologists or other licensed medical specialists or of optometrists. Any school district alone or jointly with other districts or joint school boards may employ dental hygienists and such other technical and clerical personnel as are necessary to carry out the provisions of this article.

(b) A school nurse who is not CPR-certified by a Department of Health-approved certifying agency by July 1, 2014, shall complete CPR training within one (1) year. A person hired for a position as a school nurse after July 1, 2014, shall be CPR-certified or complete CPR certification through a Department of Health-approved certifying agency within one (1) year of the hire date. A school nurse shall complete CPR recertification within the time frame established by the approved certifying agency.

(1410 amended July 2, 2014, P.L.985, No.107)

Section 1411. Cooperation with Political Subdivisions.--Any school district or joint school board may, in any health work in which it is authorized to engage, cooperate with any county, city, borough, town or township engaged in health work. Any school district of the first class A may, with the approval of the Secretary of Health and the Superintendent of Public Instruction, contract with county health units or the department or board of health of any municipality for school health services.

(1411 amended Dec. 7, 1965, P.L.1041, No.390)

Section 1412. Municipal Civil Service Status Protected.--In any school district of the first class or first class A, any physician or nurse who is an employe with civil service status under any municipal corporation within the territorial limits of the school district and who performs any duty or duties under this act shall continue to be an employe of the municipal corporation and shall retain all of his or her civil service rights and rights under the pension system of the said municipal corporation.

(1412 repealed and added July 15, 1957, P.L.937, No.404)

Section 1413. Supplemental Duties of School Physicians.--Duties of school physicians shall include the vaccination of children of indigent parents, official re-vaccination of children having temporary vaccination certificates, physical examination of children incident to the issuance of employment certificates as required by the provisions of the Child Labor Act, approval of the return of pupils who have been absent due to a contagious disease or suspected contagious disease, and such other duties as may be required by the board of school directors not inconsistent with the rules and regulations of the Secretary of Health.

(1413 repealed and added July 15, 1957, P.L.937, No.404)

Section 1414. Care and Treatment of Pupils.--Any school district or joint school board may provide for the care and treatment of defective eyes, ears and teeth of all children of school age within the district.

(1414 added July 15, 1957, P.L.937, No.404)

Section 1414.1. Possession and Use of Asthma Inhalers and Epinephrine Auto-Injectors.--(a) Each school entity shall develop a written policy to allow for the possession and self-administration by children of school age of asthma inhalers and epinephrine auto-injectors, and the prescribed medication to be administered thereby, in a school setting. The policy shall comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and 22 Pa. Code Ch. 15 (relating to protected handicapped students). The policy shall be distributed with the code of student conduct required under 22 Pa. Code § 12.3(c) (relating to school rules) and made available on the school entity's publicly accessible Internet website, if any.

(b) The policy under this section shall require a child of school age that desires to possess and self-administer an asthma inhaler or epinephrine auto-injector in a school setting to demonstrate the capability for self-administration and for responsible behavior in the use thereof and to notify the school nurse immediately following each use of an asthma inhaler or epinephrine auto-injector. The school entity shall develop a system whereby the child may demonstrate competency to the school nurse that the child is capable of self-administration and has permission for carrying and taking the medication through the use of the asthma inhaler or epinephrine auto-injector. Determination of competency for self-administration shall be based on age, cognitive function, maturity and demonstration of responsible behavior. The school entity shall also restrict the availability of the asthma inhaler, the epinephrine auto-injector and the prescribed medication contained therein from other children of school age. The policy shall specify conditions under which a student may lose the privilege to self-carry the asthma inhaler, the epinephrine auto-injector and the medication if the school policies are abused or ignored. A school entity that prevents a student from self-carrying an asthma inhaler or epinephrine

auto-injector and the prescribed medication shall ensure that they are appropriately stored at locations in close proximity to the student prohibited from self-carrying and notify the student's classroom teachers of the places where the asthma inhaler or epinephrine auto-injector and medication are to be stored and the means to access them.

(c) The policy under this section may include the following:

(1) The requirement of a written statement from the physician, certified registered nurse practitioner or physician assistant that provides the name of the drug, the dose, the times when the medication is to be taken and the diagnosis or reason the medicine is needed unless the reason should remain confidential. The physician, certified registered nurse practitioner or physician assistant shall indicate the potential of any serious reaction that may occur to the medication, as well as any necessary emergency response. The physician, certified registered nurse practitioner or physician assistant shall state whether the child is qualified and able to self-administer the medication.

(2) The requirement of a written request from the parent or guardian that the school entity comply with the order of the physician, certified registered nurse practitioner or physician assistant. The parent's note shall include a statement relieving the school entity or any school employee of any responsibility for the benefits or consequences of the prescribed medication when it is parent-authorized and acknowledging that the school entity bears no responsibility for ensuring that the medication is taken.

(3) The ability of the school entity to reserve the right to require a statement from the physician, certified registered nurse practitioner or physician assistant for the continued use of any medication beyond a specified time period. The school entity shall also require updated prescriptions and parental approvals on an annual basis from the pupil.

(d) As used in this section, "school entity" means a school district, intermediate unit, charter school or area vocational-technical school.

(e) Nothing in this section shall be construed to create, establish or expand any civil liability on the part of any school entity or school employee.

(f) Within one hundred twenty (120) days of the effective date of this subsection, the Department of Health in coordination with the Department of Education shall provide technical assistance and resources and publish information on the Department of Health's publicly accessible Internet website regarding the administration of medication for allergies by persons employed by a school entity, including the following:

(1) Proper use of epinephrine devices.

(2) The importance of following the school entity's student services plan required under 22 Pa. Code § 12.41 (relating to student services) and its responsibilities to comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and 22 Pa. Code Ch. 15.

(3) Recognition of the symptoms of a severe allergic reaction.

(4) Requirements for proper access, storage and security of student medications.

(5) Notification of appropriate persons following administration of medications.

(6) Recordkeeping.

(1414.1 amended Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which amended section 1414.1, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1414.2. School Access to Emergency Epinephrine.--(a) Subject to subsection (g), a school entity or nonpublic school may authorize a trained school employee to:

(1) provide an epinephrine auto-injector that meets the prescription on file for either the individual student or the school entity or nonpublic school to a student who is authorized to self-administer an epinephrine auto-injector;

(2) administer to a student an epinephrine auto-injector that meets the prescription on file for either the individual student or the school entity or nonpublic school; and

(3) administer an epinephrine auto-injector that meets the prescription on file for the school entity or nonpublic school to a student that the employee in good faith believes to be having an anaphylactic reaction.

(b) Notwithstanding section 11 of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," a physician or certified registered nurse practitioner may prescribe epinephrine auto-injectors in the name of the school entity or nonpublic school to be maintained for use pursuant to subsection (a).

(c) A school entity or nonpublic school may maintain at a school in a safe, secure location a supply of epinephrine auto-injectors.

(d) A school entity or nonpublic school that authorizes the provision of epinephrine auto-injectors under this section shall designate one or more individuals at each school who shall be responsible for the storage and use of the epinephrine auto-injectors.

(e) Individuals who are responsible for the storage and use of epinephrine auto-injectors must successfully complete a training program that shall be developed and implemented by the Department of Health within ninety (90) days of the effective date of this section.

(f) (1) An epinephrine auto-injector from the school entity's or nonpublic school's supply of epinephrine auto-injectors that meets the prescription on file for the school entity or nonpublic school may be provided to and utilized by a student authorized to self-administer or may be administered by a trained school employee authorized to administer an epinephrine auto-injector to a student pursuant to subsection (a).

(2) When a student does not have an epinephrine auto-injector or a prescription for an epinephrine auto-injector on file, a trained school employee may utilize the school entity's or nonpublic school's supply of epinephrine auto-injectors to respond to anaphylactic reaction under a standing protocol from a physician or certified registered nurse practitioner and as provided in this section.

(f.1) In the event a student is believed to be having an anaphylactic reaction, the school nurse or an individual in the school who is responsible for the storage and use of epinephrine auto-injectors shall contact 911 as soon as possible.

(g) At the request of a parent or legal guardian, a student shall be exempt from subsections (a), (f) and (h). The principal of the school in which the student is enrolled shall notify all parents or legal guardians of their ability to exempt their children from subsections (a), (f) and (h) by returning a signed opt-out form.

(h) The provisions of 42 Pa.C.S. §§ 8332 (relating to emergency response provider and bystander good Samaritan civil immunity) and 8337.1 (relating to civil immunity of school officers or employees relating to emergency care, first aid and rescue) shall apply to a person who administers an epinephrine auto-injector pursuant to this section.

(i) Administration of an epinephrine auto-injector under this section shall comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and 22 Pa. Code Ch. 15 (relating to protected handicapped students).

(j) As used in this section, "school entity" means a school district, intermediate unit, charter school, cyber charter school, regional charter school or area vocational-technical school.

(1414.2 added Oct. 31, 2014, P.L.2965, No.195)

Section 1414.3. Education of School Employees in Diabetes Care and Management.--(a) Within one hundred twenty (120) days of the effective date of this section, the Department of Health, in coordination with the Department of Education, shall establish educational modules and guidelines for the instruction of school employees in diabetes care and treatment and make the modules and guidelines available on its publicly accessible Internet website. The educational modules shall include instruction in a school entity's obligations under 22 Pa. Code § 12.41 (relating to student services) and its responsibilities to comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794), 22 Pa. Code Chs. 14 (relating to special education services and programs) and 15 (relating to protected handicapped students) and the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.). At a minimum, the educational modules shall include review of the responsibilities and instruction in:

(1) An overview of all types of diabetes.

(2) Means of monitoring blood glucose.

(3) The symptoms and treatment for blood glucose levels outside of target ranges as well as symptoms and treatment for hypoglycemia, hyperglycemia and other potential emergencies.

(4) Techniques on administering glucagon and insulin.

(b) The school nurse, in consultation with the chief school administrator or a designee, may identify at least one school employee who is not the school nurse and who does not need to be a licensed health care practitioner in each school building attended by a student with diabetes. If the school building attended by a student with diabetes does not have a full-time school nurse, the chief school administrator may, but is not required to, consult with the school nurse assigned to that school building to identify at least one school employee in the school building. An identified employee shall complete the annual educational modules outlined in subsection (a) or annual education offered by a licensed health care practitioner with expertise in the care and treatment of diabetes that includes substantially the same information as outlined in subsection (a). An employee responsible for a child with diabetes in the absence of the school nurse shall have the right to decline the responsibility and related directives.

(c) A school employee who is not a licensed health care practitioner and who has successfully completed the education modules under subsection (a) or annual education offered by a licensed health care practitioner with expertise in the care and treatment of diabetes that includes substantially the same information as outlined in subsection (a) may be designated in a student's service agreement or IEP to administer diabetes

medications, use monitoring equipment and provide other diabetes care. A school entity may require the designated employee who has not declined the assignment to complete the annual educational modules or annual education from a licensed health care practitioner, or both, in the administration of diabetes medications, use of monitoring equipment and provision of other diabetes care. Education provided to school employees shall be coordinated by the chief school administrator or a designee. School entities may include the education in the professional education plan submitted by the school entity to the Department of Education under section 1205.1.

(d) Notwithstanding any other statute or regulation restricting the functions that may be performed by persons other than licensed health care practitioners, school employees who have completed the education requirements under this section may perform diabetes care and treatment for students. School employees who are not licensed health care practitioners shall only be authorized to administer diabetes medications via injection or infusion following annual education by a licensed health care practitioner with expertise in the care and treatment of diabetes and following the school entity's receipt of written authorization from both the student's health care practitioner and parent or guardian that an educated school employee, who is not a licensed health care practitioner, may administer specified medications.

(e) For purposes of this section, "school entity" means a school district, intermediate unit, area vocational-technical school, charter school or cyber charter school.

(1414.3 added July 13, 2016, P.L.716, No.86)

Section 1414.4. Diabetes Care in Schools.--(a) A parent or guardian of a student with diabetes who desires that the student receive diabetes-related care and treatment in a school setting shall provide the school entity with written authorization for the care and instructions from the student's health care practitioner, consistent with the school entity's policies regarding the provision of school health services. The required authorizations may be submitted as part of a diabetes medical management plan.

(b) All diabetes-related care provided to students shall be consistent with the school health program established by the governing body of the school entity and any accommodations outlined in a student's service agreement.

(c) A student's service agreement may require a school entity to provide the driver of a school bus or school vehicle, who provides transportation to a student with diabetes, with an information sheet that:

(1) Identifies the student with diabetes.

(2) Identifies potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies.

(3) Provides the telephone number of a contact person in case of an emergency involving the student with diabetes.

(d) For purposes of this section:

"School bus" means a school bus as defined in 75 Pa.C.S. § 102 (relating to definitions).

"School entity" means a school district, intermediate unit, area vocational-technical school, charter school or cyber charter school.

"School vehicle" means a school vehicle as defined in 75 Pa.C.S. § 102.

(1414.4 added July 13, 2016, P.L.716, No.86)

Section 1414.5. Possession and Use of Diabetes Medication and Monitoring Equipment.--(a) A school entity shall require the parent or guardian of a student with diabetes who requests that the student possess and self-administer diabetes medication and operate monitoring equipment in a school setting to provide the following:

(1) A written statement from the student's health care practitioner that provides the name of the drug, the dose, the times when the medication is to be taken or the monitoring equipment to be used, the specified time period for which the medication or monitoring equipment is authorized to be used and the diagnosis or reason the medicine or monitoring equipment is needed. The student's health care practitioner shall indicate the potential of any serious reaction to the medication that may occur, as well as any necessary emergency response. The student's health care practitioner shall state whether the student is competent to self-administer the medication or monitoring equipment and whether the student is able to practice proper safety precautions for the handling and disposal of the medication and monitoring equipment.

(2) A written request from the parent or guardian that the school entity comply with the instructions of the student's health care practitioner. The parent's request shall include a statement relieving the school entity or any school employee of any responsibility for the prescribed medication or monitoring equipment and acknowledging that the school entity bears no responsibility for ensuring that the medication is taken by the student and the monitoring equipment is used.

(3) A written acknowledgment by the school nurse that the student has demonstrated that the student is capable of self-administration of the medication and use of the monitoring equipment.

(4) A written acknowledgment by the student that the student has received instruction from the student's health care practitioner on proper safety precautions for the handling and disposal of the medications and monitoring equipment. The written acknowledgment shall also contain a provision stating that the student will not allow other students to have access to the medication and monitoring equipment and that the student understands appropriate safeguards.

(b) A school entity may revoke or restrict a student's privileges to possess and self-administer diabetes medication and operate monitoring equipment due to noncompliance with school rules and provisions of a student's service agreement, IEP or due to demonstrated unwillingness or inability of the student to safeguard the medication and monitoring equipment from access by other students.

(c) A school entity that prohibits a student from possessing and self-administering diabetes medication and operating monitoring equipment under subsection (b) shall ensure that the diabetes medication or monitoring equipment is appropriately stored in a readily accessible place in the school building attended by the student. The school entity shall notify the school nurse and other identified school employees regarding the location of the diabetes medication and monitoring equipment and means to access them.

(d) For purposes of this section, the following terms shall have the following meanings:

"School entity" means a school district, intermediate unit, area vocational-technical school, charter school or cyber charter school.

"Diabetes medication" means glucagon and insulin.

(1414.5 added July 13, 2016, P.L.716, No.86)

Section 1414.6. Liability.--Nothing in section 1414.3, 1414.4 or 1414.5 shall be construed to create, establish or expand any civil liability on the part of any school entity or school employe.

(1414.6 added July 13, 2016, P.L.716, No.86)

Section 1414.7. Coordinating, Supervising or Educating Not Considered Delegation.--(a) Notwithstanding any other law to the contrary, coordinating or supervising the provision of diabetes care by school employes authorized in sections 1414.3 and 1414.4 and providing education in accordance with section 1414.3 shall not be construed as a delegation by a licensed health care practitioner.

(b) A licensed health care practitioner who, acting in compliance with sections 1414.3 and 1414.4, coordinates or supervises care for a student or provides education to a school employe shall not be subject to any criminal or civil liability or any professional disciplinary action for the same.

(c) Notwithstanding any other provision of law, a school employe who is designated to provide diabetes medications to a student shall not be considered to be engaging in health-related activities which are reserved exclusively for licensed professionals.

(1414.7 added July 13, 2016, P.L.716, No.86)

Section 1414.8. Diabetes Care in Nonpublic Schools.--(a)

A nonpublic school may comply with the education of school employes and provision of diabetes-related care to a student with diabetes required under sections 1414.3, 1414.4 and 1414.5. A written education plan that outlines the aids and related services required to meet the academic needs of the student with diabetes may take the place of a service agreement for a student with diabetes attending a nonpublic school unless a service agreement is otherwise required under law or regulation.

(b) Nothing in section 1414.3, 1414.4, 1414.5, 1414.6 or this section shall be construed to do any of the following:

(1) Create, establish or expand any obligations on the part of any nonpublic school to comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794).

(2) Create, establish, result in or expand any contractual obligations on the part of any nonpublic school.

(c) No nonpublic school employe or nonpublic school shall be liable for civil damages as a result of the activities authorized by sections 1414.3, 1414.4 and 1414.5, except that an employe may be liable for willful misconduct.

(1414.8 added July 13, 2016, P.L.716, No.86)

Section 1414.9. Administration of Epinephrine Auto-injectors by School Bus Drivers and School Crossing Guards.--The provisions of 42 Pa.C.S. §§ 8332 (relating to emergency response provider and bystander good Samaritan civil immunity) and 8337.1 (relating to civil immunity of school officers or employees relating to emergency care, first aid and rescue) shall apply to a school bus driver and a school crossing guard when all of the following apply:

(1) The school bus driver or school crossing guard administers an epinephrine auto-injector to a student in a manner consistent with the policies established by all of the following:

(i) the independent contractor that employs the school bus driver or school crossing guard, if the school bus driver or school crossing guard is employed by an independent contractor;

(ii) the school entity that has contracted with the independent contractor, if the school bus driver or school crossing guard is employed by an independent contractor; and

(iii) the school entity that employs the school bus driver or school crossing guard, if the school bus driver or school crossing guard is employed by a school entity.

(2) The school bus driver or school crossing guard has successfully completed a training program that shall be developed and implemented by the Department of Health. The Department of Health shall have ninety (90) days from the effective date of this section to develop and implement such a training program.

(1414.9 added May 16, 2017, P.L.5, No.2)

Section 1415. Public Assistance for Medical, Dental or Surgical Care.--If the medical record of any child at any time discloses a condition which requires medical, dental or surgical treatment and the parent or guardian states to the school authorities that he is financially unable to have a physician or dentist of his choice render such care, he shall be advised that the cost of such care may be provided if application is made to the appropriate county board of public assistance. Upon application, the county board of assistance shall authorize payment for necessary medical, dental or surgical care as assistance as defined in the standards, rules and regulations established by the Secretary of Public Welfare in consultation with the Secretary of Health. If it appears that the parent or guardian was financially able to pay for the medical, dental or surgical care for which payment was made on the authorization of a county board of assistance, the Department of Public Welfare shall recover the amounts thus expended from the parent or guardian liable for the support of such child as provided in the support law.

(1415 amended Dec. 21, 1959, P.L.1956, No.712)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: The Secretary of Public Welfare, referred to in this section, was redesignated as the Secretary of Human Services by Act 132 of 2014.

Section 1416. Precautions Against Spread of Tuberculosis.--No person having any form of tuberculosis in a transmissible stage shall be a pupil, teacher, janitor or any other employe in any school except in a special school carried on under the regulations made for such schools by the Secretary of Health. The board of directors of any school district or joint school board may appropriate the necessary funds to pay for X-ray or other medical examinations to determine the presence or absence of tuberculosis in any teacher, janitor or other employe of the district.

(1416 added July 15, 1957, P.L.937, No.404)

Section 1417. Pupils Relieved from Compulsory Attendance.--Any pupil prevented from attending school on account of the health or sanitation laws of this Commonwealth, or by the sanitary regulations of the local board of health or the board of school directors, is relieved from complying with the provisions of the act amended hereby concerning compulsory attendance during the time he is prevented from attending school.

(1417 added July 15, 1957, P.L.937, No.404)

Section 1418. Medical Examinations of Teachers and Other Persons.--(a) All teachers, janitors, cooks and other cafeteria

help and all others employed at schools shall be required to take a pre-employment medical examination, the results of which shall be recorded on forms prescribed by the Secretary of Health and shall be made available to the employing authorities.

(b) Each teacher, any other school employe and any person providing services for school children under contract shall be given tests for tuberculosis in accordance with rules and regulations adopted by the Advisory Health Board. Each student teacher and volunteer participating in student activities shall be given the same tests for tuberculosis, but no person shall be required to submit to a particular test if he shall furnish a statement setting forth adequate reasons for being excused from taking the test. In such case, an alternative method of testing shall be administered.

(c) School boards may require a special medical examination for any school employe at any time.

(d) Medical examinations shall be made by the school physician of the district if provision therefor is made by the district or joint school board or by a physician, certified registered nurse practitioner or physician assistant of the employe's own choice licensed or certified in this Commonwealth.

((d) amended Nov. 17, 2010, P.L.996, No.104 and Nov. 23, 2010, P.L.1350, No.123)

(1418 amended July 14, 1971, P.L.229, No.47)

Compiler's Note: Section 24 of Act 104 of 2010, which amended subsec. (d), provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Compiler's Note: Section 4 of Act 123 of 2010, which amended subsec. (d), provided that any regulations that are inconsistent with Act 123 are hereby abrogated to the extent of the inconsistency.

Section 1419. Objections to Examinations or Treatment on Religious Grounds.--This article shall not be construed to compel any person to submit to any medical or dental examination or treatment under the authority of this act when the person or the parent or guardian of the person, if a minor, objects to the examination or treatment on religious grounds or to permit any discrimination against any person on account of such objections: Provided, That exemption from medical or dental examinations shall not be granted if the Secretary of Health finds that facts exist under which the exemption constitutes a present substantial menace to the health of other persons exposed to contact with the unexamined person.

(1419 added July 15, 1957, P.L.937, No.404)

Section 1420. Examinations of School Buildings and Grounds.--The Secretary of Health shall employ sanitarians or request local health authorities to assign a sanitarian to make a careful examination of all privies, water-closets, urinals, cellars, the water-supply and drinking-vessels and utensils and sewage and refuse disposal systems, lighting, heating and ventilating systems, and such additional examinations of the sanitary conditions of the school buildings and grounds as the regulations of the Secretary of Health may require.

(1420 added July 15, 1957, P.L.937, No.404)

Section 1421. Powers and Duties of the Secretary of Health and of the Superintendent of Public Instruction; Rules and Regulations.--(a) The technical content of the medical, dental, nursing and sanitary portions of the school health program shall be prescribed by and under the general direction of the Secretary of Health who shall--

1. Approve all appointments of school physicians and school dentists and prescribe their duties and formulate and prescribe standards for medical technicians and sanitary officers for employment in the school health program.

2. Suggest or recommend to the State Board of Education standards of qualification for school nurses and dental hygienists for employment by a school district or joint school board in the school health services program and advise school administrators on matters connected with carrying out the school health program. (2 amended Oct. 21, 1965, P.L.601, No.312)

(b) The administration and supervision of the educational and teaching aspects of the program shall be the responsibility of the Superintendent of Public Instruction who shall--

1. Approve certification of school nurses and dental hygienists for employment by a school district or joint school board and administer and direct their services and program: Provided, That the services of school nurses and dental hygienists shall be utilized exclusively in connection with medical and dental examinations and associated health activities.

2. Advise the Secretary of Health and school physicians and school dentists on matters pertaining to the educational impact of the school health services program.

(c) The Secretary of Health and the Superintendent of Public Instruction, after consultation, shall--

1. Adopt such records and report forms as will facilitate the efficient operation, administration and comprehensive evaluation of the school health program.

2. Adopt and enforce rules and regulations for the school health program not inconsistent with the provisions of this act.

(1421 repealed and added July 15, 1957, P.L.937, No.404)

Section 1422. Advisory Health Councils.--District superintendents may set up advisory health councils to study health needs, assist in organizing follow-up programs and provide recommendations on the development of the local wellness policy required under section 1422.1. To every extent possible, an advisory health council shall be composed of district representatives, including a school administrator, a student and a school food service professional, and representatives of the medical and dental associations, social organizations, parent-teacher associations, service clubs, physical education, health education, school counseling, school psychological and social services, health and wellness professionals, including a certified school nurse and a licensed dietitian, and other family and community organizations in the area served. Those making the medical and dental examinations shall make to this advisory council an annual report, and later a report on the remedial work which has been accomplished during the school year.

(1422 amended July 11, 2006, P.L.1092, No.114)

Section 1422.1. Local Wellness Policy.--(a) Not later than the first day of the school year beginning after June 30, 2006, each local education agency shall, pursuant to section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265, 118 Stat. 729), establish a local wellness policy for schools within the local education agency.

(b) ((b) deleted by amendment)

(c) A local education agency may submit its local wellness policy or information on other initiatives regarding child health, nutrition, food allergy reaction management and physical

education to the Department of Education for inclusion in the clearinghouse established under section 1422.3(3).

(1422.1 amended June 30, 2012, P.L.684, No.82)

Section 1422.2. Interagency Coordinating Council for Child Health, Nutrition and Physical Education.--(a) The Secretary of Education, the Secretary of Health and the Secretary of Agriculture shall establish an interagency coordinating council which shall annually review, revise and publish a Pennsylvania Child Wellness Plan to promote child health, nutrition and physical education. The council shall be composed of employees of the Department of Education, the Department of Health and the Department of Agriculture. The Secretary of Education shall appoint the chairman of the council.

(b) The Secretary of Education shall establish an advisory committee to offer recommendations to the council. The secretary shall appoint no fewer than eight members to the advisory committee, who may include experts from the fields of health, education, research, community development and business. The advisory committee shall meet at least twice annually.

(c) In the initial publication of the Pennsylvania Child Wellness Plan to promote child health, nutrition and physical education, the council shall integrate the contents of the Pennsylvania Nutrition and Activity Plan to Prevent Obesity and Related Chronic Diseases and shall include additional recommendations regarding:

(1) Nutritional guidelines for food and beverages sold in schools.

(2) Local wellness policies.

(3) Physical education curriculum.

(4) Teaching about nutrition and obesity.

(5) The utilization of any Federal funds identified by the council that may be available to local education agencies to enhance initiatives regarding child health, nutrition, physical education, local wellness policies and advisory health councils.

(6) A process through which the Secretary of Education may monitor and evaluate any outcomes that may result from the implementation of initiatives regarding child health, nutrition, physical education, local wellness policies and advisory health councils.

(d) The council shall submit the plan to the Secretary of Education, the Secretary of Health and the Secretary of Agriculture no later than May 1, 2007, and May 1 of each year thereafter. The Secretary of Education shall submit the final plan to the Governor, the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives by June 1, 2007, and June 1 of each year thereafter. The final plan shall be included on the Department of Education's, Department of Health's and Department of Agriculture's Internet websites.

(1422.2 added July 11, 2006, P.L.1092, No.114)

Section 1422.3. Duties of Department of Education.--The Department of Education shall, in order to promote initiatives regarding child health, nutrition, food allergy management and physical education:

(1) To every extent possible, include programs related to child health, nutrition, food allergy management and physical education as part of the continuing professional education courses, programs, activities or learning experiences required under section 1205.2(f).

(2) Collaborate with the Department of Health to apply for Federal funds related to coordinated school health funding to

enhance initiatives regarding child health, nutrition, food allergy management, physical education, local wellness policies and advisory health councils.

(2.1) Identify, notify and assist school districts with applying for Federal and State funds related to child health, nutrition and food allergy reaction management. The information can be provided through the department's e-grant system.

(3) Establish a clearinghouse of wellness policies and information regarding child health, nutrition and physical education submitted to the department by local education agencies pursuant to section 1422.1(c). Such information shall be made available on the department's Internet website.

(4) To every extent possible, maintain information related to teaching about nutrition, food allergy management and obesity, which information shall include concepts of healthy eating, including nutrient density and portion control, and the physical, psychological and nutritional causes of obesity. Such information shall be made available on the department's Internet website.

(5) Publish recommended nutritional guidelines for food and beverages sold in schools on the department's Internet website on or after the effective date of this clause.

(6) In collaboration with the advisory health councils created in section 1422, the department shall develop guidelines for managing life-threatening food allergies in schools which shall be published on the department's Internet website. The guidelines shall be published on the department's Internet website no later than January 31, 2011. The guidelines shall assist school districts in addressing the following:

(i) The scope of the problem of childhood allergies and its impact on school student health.

(ii) Types of detailed policies and protocols to help prevent allergic reaction emergencies and deaths from anaphylaxis in schools.

(iii) The systematic planning and multidisciplinary team approach needed prior to school entry by the student with life-threatening food allergies.

(iv) The school district staff's role and necessary training in preventing exposure to specific allergens.

(v) Responsibilities of the parent or guardian, school staff and the student's primary care provider for notice, consent and documentation of administration of medication to a school student with a food allergy.

(vi) Emergency response protocols should a life-threatening allergic event occur.

(vii) The roles of specific staff members in the care of the student with a life-threatening allergic condition.

(1422.3 amended Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which amended section 1422.3, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1423. Automatic External Defibrillators.--(a) The department shall establish an automatic external defibrillator program to assist school entities and nonpublic schools in making automatic external defibrillators available in school buildings.

(b) On a biennial basis, the department, in consultation with the Department of General Services and the Department of Health, shall issue an invitation to bid for the cost of automatic external defibrillators and other equipment and

supplies necessary for the proper operation of the device. The department shall accept the bid of the lowest responsible bidder and permit any school entity or nonpublic school to purchase the devices at the contract bid price. The department may purchase automatic external defibrillators from any funds appropriated pursuant to subsection (k) for distribution to school entities and nonpublic schools.

(c) To be eligible to obtain or purchase automatic external defibrillators under the program a school entity or nonpublic school must:

(1) Assure that two (2) or more persons assigned to the location where the automatic external defibrillator will be primarily housed are trained as required in subsection (d).

(2) Ensure that the device will be secured in a safe and readily accessible location and agree to properly maintain and test the device according to the manufacturer's operational guidelines.

(3) Submit a valid prescription for the device from a licensed medical practitioner in this Commonwealth.

(4) Agree to provide the training required by subsection (d).

(d) School personnel who are expected to use the automatic external defibrillator shall complete training in cardiopulmonary resuscitation and in the use of an automatic external defibrillator provided by the American Heart Association, the American Red Cross or through an equivalent course of instruction approved by the Department of Health.

(e) A school entity may include the training required by subsection (d) in its continuing professional education plan submitted to the department under section 1205.1.

(f) The provisions of 42 Pa.C.S. § 8331.2 (relating to good Samaritan civil immunity for use of automated external defibrillator) shall apply to school employees who render care with an automatic external defibrillator.

(g) From funds appropriated for this purpose, the department may assist school entities and nonpublic schools that are not equipped with automatic external defibrillators by providing a discount from the contract bid price obtained under subsection (b) or by providing automatic external defibrillators obtained under subsection (b).

(g.1) The purchase of an automatic external defibrillator shall be considered an allowable use of Pennsylvania Accountability Grants under section 2599.2(b).

(g.2) The purchase of automatic external defibrillators shall be considered an innovative educational program under Article XVII-F of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

(h) (Reserved).

(i) Not later than June 30, 2014, and each year thereafter, each school entity shall make a report to the department detailing the number, condition, age and placement of automatic external defibrillators in each school building. After the initial report is made, a school entity may report this information as part of the annual report required by the Commonwealth under section 2505.1 to receive State reimbursement for health services.

(i.1) A nonpublic school that participates in the automatic external defibrillator program under subsection (b) or (g) shall be subject to the reporting required under subsection (i).

(i.2) The department shall annually publish a report on its publicly accessible Internet website no later than December 31,

2014, and each year thereafter. The report shall contain the following information:

(1) The total number of automatic external defibrillators by school entity and nonpublic school.

(2) The number of school buildings by school entity and nonpublic school that are equipped with automatic external defibrillators.

(3) The number of school buildings by school entity and nonpublic school that are not equipped with automatic external defibrillators.

(j) The department may adopt guidelines as necessary to administer this section.

(k) The General Assembly may appropriate funds to carry out the provisions of this section.

(l) As used in this section--

"Automatic external defibrillator" means a portable device that uses electric shock to restore a stable heart rhythm to an individual in cardiac arrest.

"Department" means the Department of Education of the Commonwealth.

"Nonpublic school" means a nonprofit school, other than a public school within this Commonwealth, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the applicable requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"School building" means a building owned by or under the control of a school entity or nonpublic school where classes are taught or extracurricular activities are conducted on a regular basis.

"School entity" means an area vocational-technical school, a charter school, a cyber charter school, an intermediate unit or a school district.

"Secretary" means the Secretary of Education of the Commonwealth.

(1423 amended Apr. 18, 2014, P.L.427, No.35)

Section 1424. Cardiopulmonary Resuscitation.--(a) A school entity shall have at each school, or in the case of a cyber charter school at each location, under its jurisdiction, except in extenuating circumstances, one person certified in the use of cardiopulmonary resuscitation during regular school hours when school is in session and students are present.

(b) The provisions of 42 Pa.C.S. §§ 8332 (relating to nonmedical good Samaritan civil immunity) and 8337.1 (relating to civil immunity of school officers or employees relating to emergency care, first aid and rescue) shall apply to a person who renders cardiopulmonary resuscitation.

(c) As used in this section, "school entity" means an area vocational-technical school, a charter school, a cyber charter school, an intermediate unit, a nonpublic school or a school district.

(1424 added June 30, 2012, P.L.684, No.82)

ARTICLE XIV-A
DRUG AND ALCOHOL RECOVERY
HIGH SCHOOL PILOT PROGRAM
(Art. added July 13, 2016, P.L.716, No.86)

Section 1401-A. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Individualized educational program" or "IEP." An individualized education program established under 22 Pa. Code Ch. 14 (relating to special education services and programs).

"Private academic school." A private academic school as defined in section 2 of the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act, which is licensed under the requirements of the Private Academic Schools Act.

"Program." The Drug and Alcohol Recovery High School Pilot Program established under section 1402-A.

"Recovery high school." The school designated to serve as the drug and alcohol recovery high school for purposes of the program under section 1402-A(b).

"Resident school district." The school district in which the parent of a student enrolled in the recovery high school under the program resides.

(1401-A added July 13, 2016, P.L.716, No.86)
Section 1402-A. Establishment of Drug and Alcohol Recovery High School Pilot Program.

(a) Pilot program established.--The Drug and Alcohol Recovery High School Pilot Program is established to provide a program of instruction in grades 9 through 12 meeting State academic standards for students who are in recovery from drug or alcohol abuse or addiction.

(b) Designation.--Within 60 days of the effective date of this section, the Secretary of Education, in consultation with the Department of Drug and Alcohol Programs, shall:

(1) Designate, through a request for proposal process, a facility that satisfies all of the following to serve as the recovery high school for purposes of the program:

(i) Is licensed as a private academic school under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.

(ii) Is located in a school district of the first class.

(iii) Has experience providing drug and alcohol recovery services.

(iv) Has adopted and follows accreditation standards and best practices set forth by the Association of Recovery Schools.

(2) Post notice of the designation on the department's publicly accessible Internet website.

(1402-A added July 13, 2016, P.L.716, No.86)
Section 1403-A. Scope of program and selection of students.

(a) Maximum participation.--Beginning in the 2016-2017 school year, a maximum of 20 students in grades 9 through 12 may be enrolled in the recovery high school under the program at any one time.

(b) Vacancies.--If a student enrolled in the recovery high school under the program withdraws or graduates from the recovery high school, the vacancy may be filled by another student.

(c) Student requirements.--A student may enroll in the recovery high school under the program if the following apply:

(1) (i) Subject to subparagraph (ii), the student resides in a school district of the first class, which has approved the student's enrollment in the recovery high school under the program and, with the written consent of the student's parent or guardian, has applied

for enrollment in the recovery high school on the student's behalf.

(ii) If fewer than 20 students residing in a school district of the first class enroll in the recovery high school under the program at any time under subparagraph (i), a student who resides in a school district other than a school district of the first class may enroll in the recovery high school under the program if the student's resident school district has approved the student's enrollment in the recovery high school under the program and, with the written consent of the student's parent or guardian, has applied for enrollment in the recovery high school on the student's behalf.

(2) The student has at least 30 days of sobriety at the time of application for enrollment.

(3) The student commits to participate in a recovery plan, including, but not limited to, school-based drug testing, as designed by the recovery high school and approved by the Department of Drug and Alcohol Programs.

(4) The recovery high school approves the student's enrollment in the recovery high school. A determination by the recovery high school not to approve a student's enrollment in the recovery high school may not be appealed to the department.

(d) Approval or disapproval by resident school district.--Within 30 days after a student's parent or guardian submits a written request to the resident school district seeking the student's enrollment in the recovery high school under the program, the resident school district shall issue written notice to the parent or guardian approving or disapproving the request.

(e) Hearing.--If a parent or guardian disagrees with a resident school district's disapproval of the student's enrollment in the recovery high school under the program, the following shall apply:

(1) For a student with an IEP, the due process hearing requirements of 22 Pa. Code Ch. 14 (relating to special education services and programs) shall apply.

(2) For a student without an IEP, the resident school district shall follow a notice and hearing process that the department shall develop and post on its publicly accessible Internet website.

(3) If a student's enrollment in the recovery high school under the program is not approved by the student's resident school district or if the student's parent or guardian chooses not to participate in the program established under section 1402-A, the student's parent or guardian may pay the student's tuition to enroll in the recovery high school, provided that the recovery high school has approved the student's enrollment in the recovery high school.

(1403-A added July 13, 2016, P.L.716, No.86)

Section 1404-A. Academic programs.

(a) Assessments.--The recovery high school shall administer to all students enrolled in the recovery high school under the program any assessments that are required under 22 Pa. Code Ch. 4 (relating to academic standards and assessment). Student scores on any required assessments shall be attributed to the student's resident school district for purposes of compliance with the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802).

(b) Certification.--At least 75% of the professional staff members of the recovery high school shall hold appropriate State certification, provided that all professional staff members of the recovery high school who are responsible for providing special education services to students enrolled in the recovery high school under the program shall hold appropriate State certification in special education.

(c) Licensure.--If a student enrolled in the recovery high school is subject to an IEP, the recovery high school must be licensed to provide any services required to be provided under the student's IEP.

(1404-A added July 13, 2016, P.L.716, No.86)

Section 1405-A. Establishment and payment of tuition.

(a) Tuition rate.--No later than June 30 of each year, the department shall establish a per-student regular education tuition rate for each student enrolled in the recovery high school under the program, provided that the recovery high school may not set a per-student regular education tuition rate for students enrolled in the recovery high school who are not participants in the program that is lower than the per-student regular education tuition rate established for students enrolled in the recovery high school under the program. The per-student regular education tuition rate for students enrolled in the recovery high school under the program shall be determined as follows:

(1) For the 2016-2017 school year, the per-student regular education tuition rate for each student enrolled in the recovery high school under the program shall be \$20,000.

(2) Beginning in the 2017-2018 school year, and in each school year thereafter, annual adjustments to the amount set forth in paragraph (1) shall be made as follows:

(i) The Department of Labor and Industry shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12-month period ending September 30, 2016, and for each successive 12-month period thereafter.

(ii) If the Department of Labor and Industry determines that there is no positive percentage change, then no adjustment to the amount set forth in paragraph (1) shall occur for the relevant time period.

(iii) (A) If the Department of Labor and Industry determines that there is a positive percentage change in the first year that the determination is made under subparagraph (i), the positive percentage change shall be multiplied by the amount set forth in paragraph (1), and the product shall be added to the amount set forth in paragraph (1), and the sum shall be the preliminary adjusted per-student tuition rate.

(B) The preliminary adjusted per-student tuition rate shall be rounded to the nearest \$100 to determine the final adjusted per-student tuition rate.

(iv) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary per-student tuition rate, and the product shall be added to the preliminary adjusted per-student tuition rate of the prior year to calculate the preliminary adjusted

per-student tuition rate for the current year. The sum thereof shall be rounded to the nearest \$100 to determine the new final adjusted per-student tuition rate.

(v) The determinations and adjustments required under this subparagraph shall be made in the period between April 1, 2017, and April 30, 2017, and annually between April 1 and April 30 of each year thereafter.

(vi) The final adjusted per-student tuition rates obtained under subparagraphs (iii) and (iv) shall become effective July 1 for the school year following the year in which the determination required under this paragraph is made.

(vii) The department shall publish notice in the Pennsylvania Bulletin prior to July 1 of each year of the annual percentage change determined under subparagraph (i) and the unadjusted or final adjusted per-student tuition rate determined under subparagraphs (iii) and (iv) for the school year following the year in which the per-student tuition rate is determined. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted per-student tuition rate under this section for the ensuing calendar year.

(viii) The annual increase in the preliminary adjusted per-student tuition rate determined under subparagraphs (iii) and (iv) shall not exceed 3%.

(b) Payment of regular education tuition rate.--

(1) The department shall pay 60% of the per-student regular education tuition rate established under subsection (a) for each student enrolled in the recovery high school under the program.

(2) The resident school district of each student enrolled in the recovery high school under the program shall pay the amount of the per-student tuition rate established under subsection (a) that remains following payment by the department under paragraph (1).

(c) Special education.--For each student enrolled in the recovery high school under the program who is subject to an IEP, the student's resident school district shall, in addition to the regular education tuition payment made on behalf of the student:

(1) provide the student with special education services required under the student's IEP, at the resident school district's cost; or

(2) make payment to the recovery high school for special education services provided to the student by the recovery high school.

(d) Treatment of school district subsidies.--A student enrolled in a recovery high school under the program shall be included in the average daily membership of the student's district of residence for the purpose of providing basic education funding payments and special education funding under Article XXV.

(1405-A added July 13, 2016, P.L.716, No.86)
Section 1406-A. Term of Drug and Alcohol Recovery High School Pilot Program.

(a) Enrollment of new students.--Unless the program is permanently established by action of the General Assembly, the recovery high school shall not enroll new students under the program after June 30, 2020.

(b) Continued enrollment.--If the program is not permanently established by action of the General Assembly on or before June 30, 2020, a student enrolled in the recovery high school under the program as of June 30, 2020, may remain enrolled in the recovery high school under the program until the earlier of the following:

(1) The student's graduation from the recovery high school.

(2) The student's withdrawal from the recovery high school.

(3) The student's completion of four years of enrollment in the recovery high school under the program.

(1406-A added July 13, 2016, P.L.716, No.86)

Section 1407-A. Reporting.

(a) Report by recovery high school.--By August 31, 2018, and by August 31 of each year thereafter, the recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report concerning the program. The report shall include, but not be limited to, all of the following, subject to the requirements of the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and to the extent such reporting does not reveal identifying information concerning any individual student:

(1) The number of students who:

(i) Enrolled in the recovery high school under the program for the preceding reporting period.

(ii) Requested enrollment in the recovery high school under the program but were denied participation in the program for the preceding reporting period.

(iii) Enrolled in the recovery high school but who were not participants in the program for the preceding reporting period.

(2) The number and percentage of students enrolled in the recovery high school during the previous reporting period to whom each of the following apply, reported separately based on whether or not the students were participants in the program:

(i) Earned a high school diploma from the recovery high school.

(ii) Withdrew from the recovery high school and requested transfer of educational records to another school.

(iii) Withdrew from the recovery high school without requesting transfer of educational records to another school.

(iv) Maintained enrollment in the recovery high school in good standing.

(3) A narrative description of the academic outcomes for students enrolled in the recovery high school, including aggregate assessment results, reported separately based on whether or not the students were participants in the program.

(4) A narrative description of student success in managing issues concerning drug or alcohol abuse or addiction, reported separately based on whether or not the students were participants in the program.

(5) Recommendations for improvements to the program.

(6) Any information regarding the program that the recovery high school determines would be useful to the General Assembly, the Department of Education and the Department of Drug and Alcohol Programs in determining whether changes to the program are necessary and whether the program should be continued.

(b) Report by Department of Education and Department of Drug and Alcohol Programs.--By December 31, 2019, the Department of Education and the Department of Drug and Alcohol Programs, jointly, shall submit to the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report assessing the success of the program and making recommendations regarding the possible extension and expansion of the program, including a proposed timeline for any potential expansion.

(1407-A added July 13, 2016, P.L.716, No.86)
Section 1408-A. Audit required.

The recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a complete certified audit of the recovery high school's participation in the program. The audit shall be conducted by a qualified independent certified public accountant under generally accepted audit standards of the Governmental Accounting Standards Board.

(1408-A added July 13, 2016, P.L.716, No.86)

ARTICLE XV. TERMS AND COURSES OF STUDY.

(a) School Terms.

Section 1501. Minimum Number of Days; School Month.--All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred eighty (180) days of instruction for pupils. No days on which the schools are closed shall be counted as days taught, and no time shall be counted as a pupil session for any activity to which admission is charged. No school district shall be required to change its graduation schedule or require graduating students to return to school after graduation to make up class days lost due to severe weather conditions or, in the school year 1979-1980 for situations beyond the control of the school district as a result of major construction and renovation to the school building. No district which makes a bona fide effort as determined by the Secretary of Education to provide one hundred eighty (180) days of instruction for graduating students shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year because of the provisions of this section. Unless otherwise provided by this act, the board of school directors in any

district or joint board may keep such other schools or departments as it may establish open during such time as it may direct.

Twenty days of actual teaching shall constitute a school month.

(1501 amended June 30, 1980, P.L.279, No.80)

Compiler's Note: Section 16.1 of Act 16 of 2000 provided that a school district of the first class shall commence the 2000-2001 school year and each school year thereafter no later than the first Wednesday after Labor Day and shall provide school students with a minimum instructional year as required by section 1501 to be completed no later than June 30.

Compiler's Note: See section 26 of Act 46 of 1998 in the appendix to this act for special provisions relating to school districts of the first class.

Section 1501.1. Weather Emergency of 1977.--(Eff. June 1, 1977, P.L.4, No.4, expired June 30, 1977)

Section 1501.2. Weather Emergency of 1978.--(Eff. Apr. 28, 1978, P.L.121, No.50, expired June 30, 1978)

Section 1501.3. Weather Emergency.--No school district shall be required to change its graduation schedule or require graduating students to return to school after graduation to make up class days lost due to severe weather conditions. No district which makes a bona fide effort as determined by the Secretary of Education to provide one hundred eighty (180) days of instruction for graduating students shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year because of the provisions of this act.

(1501.3 added May 11, 1979, P.L.26, No.7)

Section 1501.4. Nuclear Emergency of 1979.--(a) For the school year 1978-79 all public and approved private kindergartens, elementary and secondary schools, vocational-technical schools and intermediate unit programs of instruction, located within five (5) miles of the Three Mile Island Nuclear Plant, shall make every effort to keep open for at least one hundred seventy-four (174) days of instruction for pupils and for those located more than five (5) miles, one hundred seventy-eight (178) days, and in the alternative, the Secretary of Education shall authorize, without need of application, each school district to have the option of computing the instructional time on an hourly basis, rather than a daily basis, of nine hundred (900) hours for elementary and nine hundred ninety (990) hours for secondary schools. No public or approved private kindergarten, elementary or secondary school, vocational-technical school, or intermediate unit program of instruction which was closed because of the Nuclear Emergency and which makes a good faith effort as determined by the Secretary of Education to keep open for at least one hundred seventy-four (174) days and one hundred seventy-eight (178) days as provided above or the optional hourly basis of instruction for pupils shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year 1978-79. No employee of any school closed by reason of the Nuclear Emergency of 1979 shall receive more or less compensation than that to which the employee would otherwise have been entitled to from the school district, intermediate unit or vocational-technical school, had the Nuclear Emergency of 1979 not occurred.

(b) An employee shall not receive additional salary for services rendered on days or for hours rescheduled as a result of the Nuclear Emergency of 1979, unless the number of days rescheduled extends the number of days provided for in the original school calendar; in which case, an employee shall receive a pro rata increase for such additional days.

(c) A school district shall not be required to change its high school graduation schedule or require graduating students to return to school after graduation to demonstrate good faith for the purposes of subsection (a).

(1501.4 added May 11, 1979, P.L.26, No.7)

Section 1501.5. Weather Emergency of 1985.--(1501.5 repealed May 6, 1996, P.L.150, No.28)

Section 1501.6. Weather Emergency of 1994.--(1501.6 repealed May 6, 1996, P.L.150, No.28)

Section 1501.7. Weather Emergency of 1996.--(a) This section applies only to the school year 1995-1996 as a result of the weather emergency of 1996.

(b) All school entities shall keep open for at least one hundred eighty (180) days of instruction for students by using all available days through June 30, 1996, and by using the provisions of this section and section 1502(c).

(c) As an alternative to providing one hundred eighty (180) days of instruction, the Secretary of Education shall authorize, without need of application, each school entity to have the option of computing instructional time on an hourly basis, rather than a daily basis, of nine hundred (900) hours for elementary and nine hundred ninety (990) hours for secondary schools. Each school entity which elects to compute instructional time on an hourly basis shall submit documentation to the Secretary of Education verifying the completion of the required hours of instruction.

(d) For purposes of computing instructional time pursuant to this section, the Secretary of Education shall calculate instructional days or time related to the weather emergency of 1996 prior to calculating any other lost instructional time.

(e) The chief commissioned officer of a school district, intermediate unit or area vocational-technical school shall upon the written request of a parent or guardian excuse any student from school attendance if such student has the opportunity to receive a program of advanced instruction, to participate in academic or skills competition or to engage in leadership development activities. The request shall identify and describe the instruction, competition or leadership development activities and the dates and hours for which the absence is requested. The parent or guardian shall following each such absence furnish in writing to the chief commissioned officer a statement attesting to the student's participation, including the dates and hours of such participation.

(f) The chief commissioned officer of a school district, intermediate unit or area vocational-technical school shall excuse a student to observe or participate in a religious activity or function upon the written notification of such observance or participation by the student's parent or guardian. A student's absence from school pursuant to this subsection shall be considered an instructional day and shall not be recorded as an absence on the student's attendance record or on the record of any group or class of which the student is a member. There shall be no penalty attached for any such absences pursuant to this subsection.

(g) No temporary professional or professional employee of any school closed by reason of the weather emergency of 1996

shall receive more or less compensation than that to which the employe would otherwise have been entitled to receive from the school entity had the weather emergency of 1996 not occurred.

(h) No school entity which was closed because of the weather emergency of 1996 and which makes a good faith effort, as determined by the Secretary of Education, to meet the requirements of this section shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive for the school year 1995-1996 had the weather emergency of 1996 not occurred.

(i) As used in this section, a school entity shall be any school district, intermediate unit, joint school or area vocational-technical school a child attends in order to fulfill the compulsory attendance requirements of this act.

(j) If a school entity which has entered into an out-of-State tuition agreement with an out-of-State school district conforms with the provisions of the instructional time authorized by the other state, the requirements of this section shall be deemed to be complied with as it applies to the students who are covered by the out-of-State tuition agreement.

(1501.7 added May 6, 1996, P.L.150, No.28)

Section 1502. Days Schools not to be Kept Open.--(a) Except as provided in subsection (c), no school shall be kept open on any Saturday for the purpose of ordinary instruction, except when Monday is fixed by the board of school directors as the weekly holiday, or on Sunday, Memorial Day, Fourth of July, Christmas, Thanksgiving, the First of January and up to five additional days designated as local holidays in the adopted school calendar by the board of school directors as official local school district holidays, nor shall any school be kept open in any district during the time of holding the teachers' institute for such district. The board of school directors may cancel any day designated as a local holiday in the event of a weather emergency or natural disaster.

((a) amended June 25, 1997, P.L.297, No.30)

(b) ((b) deleted by amendment)

(c) For the school year 1995-1996 only, the board of school directors shall have the option of rescheduling instructional days on Saturday, but for not more than one Saturday per month, to make up instructional days lost from the adopted school calendar because school was closed as a result of the weather emergency of 1996. In those cases where a board of directors chooses to reschedule instructional days on Saturdays in accordance with the provisions of this section, schools within such board's jurisdiction shall not schedule tests or examinations on these Saturdays. Notwithstanding the provisions of subsection (a), if the board of school directors reschedules an instructional day on Saturday, the schools may be open the following Monday.

(1502 amended May 6, 1996, P.L.150, No.28)

Compiler's Note: Section 3 of Act 1 of 1997 provided that section 1502 is repealed insofar as it is inconsistent with Act 1.

Section 1503. Additional Holidays; Vacations.--The board of school directors in any district shall, by a majority vote, decide which other holidays may be observed by special exercises, and on which holidays, if any, the schools shall be closed during the whole or part of the day. The board of school directors of each district shall require that each school within such district observes Veterans' Day by special exercises. The board of school directors may provide for such vacations in its

district as it deems wise. No days on which the schools are closed shall be counted as days taught.

(1503 amended July 10, 1969, P.L.157, No.63)

Section 1504. Dates and Times of School Terms and Sessions; Commencement.--(a) The board of school directors of each school district shall fix the date of the beginning of the school term. Unless otherwise determined by the board, the daily session of school shall open at nine ante-meridian and close at four post-meridian, with an intermission of one hour at noon, and an intermission of fifteen minutes in the forenoon and in the afternoon. Upon request of a board of school directors for an exception to the aforesaid daily schedule, the Secretary of Education may, when in his opinion a meritorious educational program warrants, approve a school week containing a minimum of twenty seven and one-half hours of instruction as the equivalent of five (5) school days, or a school year containing a minimum of nine hundred ninety hours of instruction at the secondary level or nine hundred (900) hours of instruction at the elementary level as the equivalent of one hundred eighty (180) school days. Professional and temporary professional employees shall be allowed a lunch period free of supervisory or other duties of at least thirty minutes. The provisions of this subsection shall not be construed to repeal any rule or regulation of any board of school directors now in effect which provides for a lunch period longer than the minimum prescribed herein or to repeal any action of any board of school directors taken in compliance with section 7 of the act of July 25, 1913 (P.L.1024, No.466), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," as amended. ((a) amended July 1, 1978, P.L.575, No.105)

(b) If a school in any district due to crowded conditions is unable to provide for the full time attendance of all pupils during the school day, the board of school directors, with the approval of the Department of Public Instruction first obtained, may provide for two half-day sessions. The approval of the Department of Public Instruction shall not exceed a period of one year. Annual extensions may be granted by the Department upon review of the circumstances of each case. Each half-day session shall be four (4) hours in duration: Provided, That the Superintendent of Public Instruction may reduce the half-day session in the first and second grades, at the request of a school district, for cogent reasons relating to the health, safety or welfare of the children, if, in his opinion, the school program submitted by the district shows that the local program is adequate for these grades. Half-day sessions shall be regarded as two regular sessions. Teachers employed for one half-day session shall not be employed for the other on the same day for the entire half-session, but may be required by the school district to serve every school day for the same number of hours prescribed by the board of school directors for regular full-time teachers who teach full day sessions in the same grades in the school district. Upon any violation or failure to comply with the provisions of this subsection, the

Superintendent of Public Instruction, on hearing, after two (2) weeks' written notice to the board of school directors, shall withhold and declare forfeited the State appropriation for reimbursement on account of the instruction of the pupils in average daily membership in the sessions in which the requirements are not met.

(c) The board of school directors may fix the date of the school commencement and shall pay such expenses in connection therewith as it may determine.

(1504 amended July 27, 1953, P.L.629, No.184)

Section 1505. Secretary Declaration of Emergencies.--(a) Beginning in the 2015-2016 school year and in each school year thereafter, the Secretary of Education may issue a weather-related, safety-related or health-related emergency declaration on a school entity, charter school entity, county or Statewide basis under which:

(1) A school entity may satisfy the one hundred eighty (180) instructional day per school year requirement in section 1501 by one or more of the following options:

(i) Approving, by majority vote of the governing board of the school entity, a school year with a minimum of nine hundred (900) hours of instruction at the elementary level and nine hundred ninety (990) hours of instruction at the secondary level in lieu of one hundred eighty (180) instructional days.

(ii) Approving, by majority vote of the governing board of the school entity, the scheduling of additional instructional days on Saturdays to complete one hundred eighty (180) instructional days or nine hundred (900) hours of instruction at the elementary level and nine hundred ninety (990) hours of instruction at the secondary level: Provided, however, that a school entity shall not schedule more than one Saturday per month as an instructional day and shall not schedule tests or other examinations on a Saturday. Where a school entity chooses to schedule an instructional day on Saturday under the provisions of this subparagraph, the following shall apply:

(A) The school entity may schedule a regular instructional day on the following Monday.

(B) The school entity shall, upon the written request of a parent or guardian, excuse a student from school attendance if the student has the opportunity to receive a program of advanced instruction, to participate in academic or skills competition or to engage in leadership development activities. The request shall identify and describe the instruction, competition or leadership development activities and the dates and hours for which the absence is requested. The parent or guardian shall, following each such absence, furnish in writing to the school entity a statement attesting to the student's participation, including the dates and hours of such participation.

(C) The school entity shall, upon the written notification of a parent or guardian, excuse a student from school attendance to observe or participate in a religious activity or function. A student's absence from school pursuant to this clause shall be considered an instructional day and shall not be recorded as an absence on the student's attendance record or on the record of any group or class of which the student is a member. There shall be no penalty attached for any such absences pursuant to this clause.

(2) A charter school entity may satisfy the one hundred eighty (180) instructional day per school year requirement or nine hundred (900) hours of instruction at the elementary level or nine hundred ninety (990) hours of instruction at the secondary level per school year requirement in section 1715-A

through compliance with paragraph (1)(ii); Provided, That for purposes of this paragraph, the term "school entity" as used in paragraph (1)(ii) shall include a charter school entity.

(b) A school entity or charter school entity shall notify the department, on a form to be developed by the department, of any decision to use the options provided for under subsection (a).

(c) No school entity or charter school entity shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive by the decision to use the options provided under subsection (a).

(d) Nothing in this section shall be construed to supersede or preempt any provisions of a collective bargaining agreement negotiated by a school entity or charter school entity and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act."

(e) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Charter school entity" shall mean a charter school, regional charter school or cyber charter school.

"Department" shall mean the Department of Education of the Commonwealth.

"School entity" shall mean a school district, area vocational-technical school or intermediate unit.

(1505 added Feb. 16, 2016, P.L.6, No.4)

(b) Prescribed Courses and Instruction.

Section 1511. Subjects of Instruction; Flag Code.--In every elementary public and private school, established and maintained in this Commonwealth, the following subjects shall be taught, in the English language and from English texts: English, including spelling, reading and writing, arithmetic, geography, the history of the United States and of Pennsylvania, civics, including loyalty to the State and National Government, safety education, and the humane treatment of birds and animals, health, including physical education, and physiology, music and art. Other subjects shall be taught in the public elementary schools and also in the public high schools as may be prescribed by the standards of the State Board of Education. All such subjects, except foreign languages, shall be taught in the English language and from English texts: Provided, however, That, at the discretion of the Superintendent of Public Instruction, the teaching of subjects in a language other than English may be permitted as part of a sequence in foreign language study or as part of a bilingual education program if the teaching personnel are properly certified in the subject fields. Each school district shall provide and distribute to each pupil, enrolled in the eighth grade of the public schools, one illustrated copy of the National Flag Code, and shall, from time to time, make available such copies as are necessary for replacements from year to year. It shall be the duty of each teacher in the public schools to make such use of the code as may, from time to time, seem proper.

(1511 amended July 31, 1968, P.L.1020, No.301)

Section 1511.1. Remedial Programs.--(a) Approved programs in reading and in mathematics shall be established by each school district for its public school students and by each intermediate unit for nonpublic school students to serve those students identified as requiring assistance as a result of

falling below an acceptable level of performance on tests developed and administered pursuant to regulations adopted by the State Board of Education. Annually, each school district and intermediate unit shall submit an application to the department for approval of a program of remediation services to be funded through funds distributed pursuant to subsection (b). Upon approval of the program, each school district and intermediate unit shall be eligible for State funds made available for such programs, as provided in subsection (b).

(b) Funds appropriated for remediation services and not distributed through sections 2501(19), 2502(d) and 2502.5 shall be distributed by the Department of Education to school districts based on the number of public school students identified for remediation and to intermediate units on behalf of nonpublic school students for remediation. Funds distributed to intermediate units shall be for services that are in addition to any services provided in accordance with the provisions of section 922.1-A and such funds shall be in addition to those distributed in accordance with the provisions of section 922.1-A(d).

(c) It is the intent of the General Assembly that school districts utilize revenue for similar programs from the Federal Government to supplement State funds provided for in this act. Further, the General Assembly directs the department to guarantee, in its distribution of funds authorized by this act, that the combined resources of State and Federal programs exceed the resources which would be available from State sources if Federal revenues for similar purposes were not available.

(1511.1 added June 29, 1984, P.L.438, No.93)

Section 1512. Courses of Study Adapted to Age, etc. of Pupils.--The board of school directors in every school district, with the advice, assistance and approval of the proper superintendent of schools, shall arrange a course or courses of study adapted to the age, development, and needs of the pupils. These courses of study shall conform to any general course of study arranged by the Superintendent of Public Instruction, so far as the local conditions in the respective districts permit.

Section 1512.1. Physical Education.--The board of school directors in every school district shall establish a curriculum aligned with Pennsylvania academic standards on health, safety and physical education that pursuant to 22 Pa. Code § 4.27 (relating to physical education and athletics), requires pupils enrolled in the district to participate in physical education.

(1512.1 added July 11, 2006, P.L.1092, No.114)

Section 1513. Physiology and Hygiene.--Physiology and hygiene, which shall in each division of the subject so pursued include special reference to the effect of alcoholic drinks, stimulants, and narcotics upon the human system, and which shall also include special reference to tuberculosis and its prevention as well as nutrition and obesity, shall be introduced and studied as a regular branch by all pupils in all departments of the public schools, and in all educational institutions supported wholly or in part by appropriations from this Commonwealth.

(1513 amended July 11, 2006, P.L.1092, No.114)

Section 1514. Humane Education.--Instruction in humane education shall be given to all pupils up to and including the fourth grade, and need not exceed half an hour each week during the whole school term. No cruel experiment on any living creature shall be permitted in any public school of this Commonwealth.

Section 1515. Religious Literature.--(a) Courses in the literature of the Bible and other religious writings may be introduced and studied as regular courses in the literature branch of education by all pupils in the secondary public schools. Such courses shall be elective only and not required of any student.

(b) Such courses shall be prepared and adopted according to age levels by the Department of Public Instruction with the advice and counsel of the Council of Basic Education and the approval of the State Board of Education.

(1515 added Dec. 22, 1965, P.L.1144, No.442)

Section 1516. Bible Reading in Public Schools.--At least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian.

(1516 amended Dec. 17, 1959, P.L.1928, No.700)

Section 1516.1. Meditation and Prayer Periods.--(a) In each public school classroom, the teacher in charge may, or if so authorized or directed by the board of school directors by which he is employed, shall, at the opening of school upon every school day, conduct a brief period of silent prayer or meditation with the participation of all the pupils therein assembled.

(b) The silent prayer or meditation authorized by subsection (a) of this section is not intended to be, and shall not be conducted as, a religious service or exercise, but shall be considered as an opportunity for silent prayer or meditation on a religious theme by those who are so disposed, or a moment of silent reflection on the anticipated activities of the day.

(1516.1 added Dec. 6, 1972, P.L.1412, No.305)

Section 1517. Fire and Emergency Evacuation Drills.--(a) In all public schools where fire-escapes, appliances for the extinguishment of fires, or proper and sufficient exits in case of fire or panic, either or all, are required by law to be maintained, fire drills shall be periodically conducted, not less than one a month, by the teacher or teachers in charge, under rules and regulations to be promulgated by the district superintendent under whose supervision such schools are. In such fire drills the pupils and teachers shall be instructed in, and made thoroughly familiar with, the use of the fire-escapes, appliances and exits. The drill shall include the actual use thereof, and the complete removal of the pupils and teachers, in an expeditious and orderly manner, by means of fire-escapes and exits, from the building to a place of safety on the ground outside.

(b) District superintendents are hereby required to see that the provisions of this section are faithfully carried out in the schools over which they have charge.

(c) Any person who violates or fails to comply with the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or to undergo imprisonment in the county jail for not less than (10) days or more than sixty (60) days, or both.

(d) All schools using or contracting for school buses for the transportation of school children shall conduct on school grounds two emergency evacuation drills on buses during each school year, the first to be conducted during the first week of the first school term and the second during the month of

March, and at such other times as the chief school administrator may require. Each such drill shall include the practice and instruction concerning the location, use and operation of emergency exit doors and fire extinguishers and the proper evacuation of buses in the event of fires or accidents.

Bus operators shall be provided with proper training and instructions to enable them to carry out the provisions of this subsection and may be required to attend classes and drills in connection therewith.

On or before the tenth day of April of each year, each district superintendent shall certify to the Department of Public Instruction that the emergency evacuation drills herein required have been held.

(1517 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1518. Text Books and Instruction on Fire Dangers and Prevention Drills.--(a) It shall be the duty of the Superintendent of Public Instruction, in consultation with the Pennsylvania State Police, to prepare books of instruction for use of teachers of students of all grades, in the public and private schools, with regard to the dangers of fire and the prevention of fire waste. Such books of instruction shall be published at the expense of the State, under the direction of the Superintendent of Public Instruction, and shall be distributed in sufficient quantities for the use of the teachers in schools as herein provided. The curriculum of all schools shall include some regular and continuous study of such subjects during the entire school year. ((a) amended Sept. 28, 1951, P.L.1551, No.395)

(b) It shall be the duty of the Superintendent of Public Instruction, and of the principals or other persons in charge of the various schools, to provide for the instruction and training of pupils of such schools by means of drills, so that they may in sudden emergencies be able to leave the school buildings in the shortest possible time without confusion or panic. Such drills shall be held at least once a month when the schools are in session.

Section 1519. Teaching of Safe Driving of Motor Vehicles.--

(a) Any school district may provide for the teaching of safe driving of motor vehicles in the elementary and secondary schools of the district or in the secondary schools only, in accordance with the standardized program established by the Department of Public Instruction. In the case of pupils under the age of sixteen (16) years, such instruction shall be limited to class room instruction by those who shall possess the qualifications prescribed by the State Board of Education. In the case of pupils of the age of sixteen (16) years and over, the instruction may include practical instruction in the operation of motor vehicles on the public highways, or other places, selected by the board of school directors or by the principal of the school where the instruction is given.

(b) The board of school directors may employ and fix the compensation of qualified persons to teach the practical operation of motor vehicles on the highways, or elsewhere, who shall possess the qualifications prescribed by the State Board of Education. Teacher aides may be used in the practice driving phase of the standardized program in the public schools of the Commonwealth. The Superintendent of Public Instruction shall, upon the request of the local chief school administrator for employment of a teacher aide, provide for an oral examination, a written theoretical examination and a practical examination. In addition, the applicant shall possess the following qualifications: (1) satisfactory completion of the examination

provided by the Superintendent of Public Instruction, (2) possess a high school diploma, (3) have a motor vehicle operator's record free of violation of "The Vehicle Code" and other traffic laws and free of accidents, (4) completed a three-credit course in driver education, (5) shall complete an additional nine hours of credit in General and Traffic Safety Education within a three year period of employment, and (6) shall be eligible according to the provisions in section 1209 of the "Public School Code of 1949." The board of school directors may purchase, rent or hire motor vehicles for such instruction and shall procure or require automobile liability insurance in such amounts as the board of school directors shall prescribe covering vehicles owned or operated pursuant to this section. Such insurance shall be for the public liability of the owner of the vehicle, when the owner is some one other than the school district, the employe of the school district, the employe of the owner and the pupil operating the vehicle, against claims for damages, for injuries to person or property. No liability shall attach to any individual, school director, superintendent, teacher or other school authority by reason of teaching safe driving, except that which is protected by the automobile liability insurance policies which are procured by reason of the authority granted herein. ((b) amended Jan. 26, 1966, 1965 P.L.1620, No.574)

(b.1) Notwithstanding any other provision of this section or any other law, except for subsection (b)(6) and section 111, a person who possesses the qualifications of a teacher or a director under section 4(2) of the act of January 18, 1952 (1951 P.L.2128, No.605), referred to as the Private Driver Education or Training School Act, shall not be required to meet the certification requirements under Article XII in order to be permitted to provide classroom instruction under this section, provided that the employing school district has posted the vacant position for a minimum of ten (10) days on the school entity's publicly available Internet website and no qualified candidate certified by the Department of Education to teach driver and safety education is available to fill the position. ((b.1) added Apr. 12, 2012, P.L.239, No.31)

(c) The board of school directors may appropriate and expend money of the school district for the purpose of paying the compensation of the instructors and to purchase, rent or hire motor vehicles, automobile liability insurance and to maintain and repair the same and to purchase fuel, lubricants, parts and accessories therefor.

(1519 amended Oct. 21, 1965, P.L.601, No.312)

Compiler's Note: See the preamble to Act 31 of 2012 in the appendix to this act for special provisions relating to legislative findings.

Section 1519.1. Standardized Driver-Education Program.--

(a) The Department of Public Instruction shall establish, for operation in the public school system of the Commonwealth, a standardized driver-education program in the safe operation of motor vehicles available to all public high school pupils and all high school pupils attending nonpublic high schools.

(b) The Department of Public Instruction shall assist school districts throughout the Commonwealth in the functioning of such program by--

(1) Preparation, publication and free distribution of driver-education instructional material to insure a more complete understanding of the duties of motor vehicle operators;

(2) Making such rules and regulations as may be necessary to carry out such program.

(c) Annual expenditures of the Department of Public Instruction from the Motor License Fund for (1) salaries and expenses of employees of the Department of Public Instruction essential to the program; (2) purchase of visual training aids and psychophysical testing equipment; and (3) costs of preparation, publication and distribution of driver-education instructional material, for assistance to their driver-education programs, shall not exceed three (3) per centum of the annual total amount paid by the Commonwealth to all school districts, or joint school organizations, on account of standardized driver-education programs.

(1519.1 amended Jan. 24, 1966, 1965 P.L.1506, No.528)

Section 1520. American Form of Government to Be Taught.--(1520 repealed May 9, 1949, P.L.939, No.263)

Section 1521. Limitation of Refusal to Enroll Student.--No public or private school shall refuse to enroll any students because of race or color.

(1521 added Dec. 15, 1986, P.L.1602, No.178)

Section 1522. Foreign Language Academies.--(a) The Department of Education shall establish a summer foreign language academy grant program utilizing Federal education funds and matching grants for students in this Commonwealth. To the greatest extent possible, the department shall establish guidelines for the programs which involve the universities and colleges, local school districts and intermediate units. Those students who are to participate in the program shall be selected by the local school districts.

(b) At least one summer foreign language academy shall be in operation by the summer of 1993.

(c) The department shall prepare an annual report of the summer foreign language academies program which shall be submitted to the Governor, the Education Committee of the Senate and the Education Committee of the House of Representatives.

(1522 added Aug. 5, 1991, P.L.219, No.25)

Section 1523. Pupil's Right of Refusal; Animal Dissection.--(a) Public or nonpublic school pupils from kindergarten through grade twelve may refuse to dissect, vivisection, incubate, capture or otherwise harm or destroy animals or any parts thereof as part of their course of instruction.

(b) Schools shall notify incoming pupils and their parents or guardians of the right to decline to participate in an education project involving harmful or destructive use of animals and authorize parents or guardians to assert the right of their children to refuse to participate in those projects. Notice shall be given not less than three (3) weeks prior to the scheduled course exercise which involves the use of animals.

(c) A pupil who chooses to refrain from participation in or observation of a portion of a course of instruction in accordance with this section shall be offered an alternative education project for the purpose of providing the pupil an avenue for obtaining the factual knowledge, information or experience required by the course of study. If tests require harmful or destructive use of animals, pupils shall be offered alternative tests. A pupil shall not be discriminated against based upon his or her decision to exercise the right afforded that pupil by this section, and lowering a grade because a pupil has chosen an alternative education project or test is strictly prohibited.

(d) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

(1) "Alternative education project" shall include, but is not limited to, the use of video tapes, models, films, books and computers which would provide an alternate avenue for obtaining the knowledge, information or experience required by the course of study in question. The term also includes "alternative test." A pupil has the right to refuse any alternative education project or test which may involve or necessitate any harmful use of an animal or animal parts.

(2) "Animal" shall mean any living organism of the kingdom animalia in the phylum chordata, organisms which have a notochord. The term also includes an animal's cadaver or severed parts of any animal's cadaver.

(3) "Pupil" shall mean a person twenty-one (21) years of age or under who is matriculated in a course of instruction in an educational institution from kindergarten through grade twelve. For the purpose of asserting the pupil's rights and receiving any notice or response pursuant to this section, the term also includes the parents or guardian of the matriculated minor.

(1523 added July 9, 1992, P.L.403, No.88)

Section 1524. Recognition of American Sign Language Courses.--(a) A student shall receive credit for completion of a course in American Sign Language at the high school level toward the satisfaction of the foreign language requirements included in requirements for graduation established pursuant to 22 Pa. Code Ch. 4 (relating to academic standards and assessment). ((a) amended June 30, 2012, P.L.684, No.82)

(b) The teaching of American Sign Language as a language alternative in the public schools of this Commonwealth shall be provided by a properly certificated person as required by Article XII.

(c) A properly certificated person shall hold a certificate to teach according to section 1201 and provide proof of the successful completion of a Department of Education-approved program in American Sign Language.

(d) For purposes of this section, "American Sign Language" means the complete and autonomous human language with its own unique grammar frequently used as a form of communication by the hearing-impaired communities.

(1524 added Dec. 9, 2002, P.L.1472, No.187)

Section 1525. Agreements with Institutions of Higher Education.--Notwithstanding any other provision of law to the contrary, a school district may enter into an agreement with one or more institutions of higher education approved to operate in this Commonwealth in order to allow resident students to attend such institutions of higher education while the resident students are enrolled in the school district. The agreement may be structured so that high school students may receive credits toward completion of courses at the school district and at institutions of higher education approved to operate in this Commonwealth.

(1525 added July 4, 2004, P.L.536, No.70)

Section 1526. Youth Suicide Awareness and Prevention.--(a) Beginning with the 2015-2016 school year, each school entity shall:

(1) Adopt an age-appropriate youth suicide awareness and prevention policy consistent with subsection (c), inform each school entity employee and the parent or legal guardian of each student enrolled in the school entity of such policy and post such policy on the school entity's publicly accessible Internet website. The policy adopted by a school entity under this

paragraph may be based upon the model policy developed by the department under subsection (b)(1).

(2) Include in the professional development plan submitted by the school entity to the secretary for approval pursuant to section 1205.1 four (4) hours of training in youth suicide awareness and prevention every five (5) years for professional educators in school buildings serving students in grades six through twelve. Training under this paragraph may be used to satisfy a professional educator's continuing professional education requirement under section 1205.2. A school entity may use the materials made available by the department under subsection (b)(2) to conduct such training.

(b) The department shall:

(1) In consultation with a youth suicide prevention organization operating in this Commonwealth, develop a model youth suicide awareness and prevention policy which shall be consistent with subsection (c).

(2) Compile, develop and post on its publicly accessible Internet website the following, which may include materials already publicly available:

(i) Recommended guidelines and educational materials for the training required under subsection (a)(2).

(ii) Recommended resources and age-appropriate educational materials on youth suicide awareness and prevention.

(3) Develop a model youth suicide awareness and prevention curriculum and make such curriculum available to all school entities and, upon request, to nonpublic schools. A school entity may incorporate such curriculum into its existing instructional program pursuant to the school entity's youth suicide awareness and prevention policy.

(c) The model policy developed by the department under subsection (b)(1) and any policy adopted by a school entity under subsection (a)(1) shall include the following:

(1) A statement on youth suicide awareness and prevention.

(2) Protocols for administering youth suicide awareness and prevention education to staff and students.

(3) Methods of prevention, including procedures for early identification and referral of students at risk of suicide.

(4) Methods of intervention, including procedures that address an emotional or mental health safety plan for students identified as being at increased risk of suicide.

(5) Methods of responding to a student or staff suicide or suicide attempt.

(6) Reporting procedures.

(7) Recommended resources on youth suicide awareness and prevention programs, including current contact information for such programs.

(d) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Nonpublic school." A nonprofit school, other than a school entity, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"Professional educator." As defined in section 1205.2(o).

"School entity." A school district, joint school district, charter school, regional charter school, cyber charter school, intermediate unit or area vocational-technical school.

"Secretary." The Secretary of Education of the Commonwealth.

(1526 added June 26, 2014, P.L.779, No.71)

Section 1527. Child Exploitation Awareness Education.--(a) Beginning with the 2015-2016 school year, each school entity may:

(1) Develop an age-appropriate child exploitation awareness education program and incorporate such program into the school entity's existing curriculum for students in kindergarten through grade eight. In developing the program, the school entity may use the model curriculum developed by the department under subsection (b)(2).

(2) Include training in child exploitation awareness in the professional development plan submitted by the school entity to the secretary for approval pursuant to section 1205.1; provided that a school entity shall provide four (4) hours of such training every five (5) years for professional educators assigned to teach courses into which child exploitation awareness education has been incorporated under paragraph (1). Training under this paragraph may be used to satisfy a professional educator's continuing professional education requirement under section 1205.2. A school entity may use the materials made available by the department under subsection (b)(1) to conduct such training.

(b) The department, in consultation with at least one organization addressing child exploitation, shall:

(1) Develop a model child exploitation awareness curriculum, which may include materials already publicly available, and make such curriculum available to all school entities and, upon request, to nonpublic schools.

(2) Compile, develop and post on its publicly accessible Internet website recommended guidelines and educational materials for the training provided for under subsection (a)(2), which may include materials already publicly available.

(c) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Nonpublic school." A nonprofit school, other than a school entity, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"Professional educator." As defined in section 1205.2(o).

"School entity." A school district, joint school district, charter school, regional charter school, cyber charter school, intermediate unit or area vocational-technical school.

"Secretary." The Secretary of Education of the Commonwealth.

(1527 added June 26, 2014, P.L.779, No.71)

(c) Records and Reports.

Section 1531. Grading, Classification and Promotion of Pupils.--Teachers in the public schools shall, under the direction of the proper superintendents of schools, grade and classify the pupils in their schools so that they may pursue the courses of study herein provided for, and all pupils found proficient may be promoted twice each year.

(1531 amended May 9, 1949, P.L.977, No.279)

Section 1532. Records and Reports of Pupils; Districts Second, Third and Fourth Class.--In school districts of the second, third and fourth class, every teacher in the public elementary or high schools shall make and keep a proper record

of the work and progress of each pupil, and at the end of each term shall include, in the last monthly report required from such teacher by the provisions of this act, the grade of proficiency of each pupil and his standing in the several branches pursued by him in said school, as well as the conduct of such pupil, together with such recommendations for his promotion or retention for additional preparation as such teacher deems just and proper. Until his record and report as herein required shall have been examined and approved by the district superintendent, or the secretary of the board of school directors, no teacher shall be paid any salary for the last month of his term.

(1532 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1533. Record of Pupils at Beginning of Term.--The district superintendent, or secretary of the board of school directors, in every school district, shall on or before the opening day of school in each term furnish to each teacher or principal in every school a true copy of the standing of each pupil in such school, together with the recommendation made thereon by the principal or teacher of said school at the close of the preceding term.

(1533 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1534. Monthly Reports to School Directors; Districts Second, Third and Fourth Class.--In school districts of the second, third and fourth class every teacher employed in the public schools shall, at the end of each school month, or within five days thereafter, make a report for the past month to the board of school directors. Such reports shall state correctly the number of days the schools were kept open, and, if closed on any days, the reason therefor, the number, age, and sex of all pupils, and the number of days attended by each. Such reports shall be made on blank forms to be furnished the teachers by the board of school directors. No teacher shall be paid more than one-half of his salary for the current month until such report is made. Such reports shall be filed with the secretary of the board, and shall at all times be open to inspection by the public. Any school principal may make such report for the entire school.

(d) Special Instruction and Observances.

Section 1541. Study of Birds, Trees and Conservation of Resources.--Each day designated and proclaimed by the Governor as Arbor Day shall be known also as Bird Day, and it shall be the duty of every teacher in the public schools, to devote, together with their pupils, at least two hours of such school day to the study of birds, trees and general conservation of resources; and it shall be the duty of all district superintendents to see to it that the requirements of this act are complied with.

(1541 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1542. Frances Willard Day.--September twenty-eighth, or the school day nearest such day, in each year, shall be designated as Frances Willard Day, and in each school district and in each school a part of such day may be set apart for instruction in the life of, and the principles advocated by, Frances Willard.

Section 1543. William Penn Day.--In pursuance to proclamation of the Governor, designating and calling for the observance of the birthday of William Penn, appropriate exercises with respect to the life of William Penn, the Founder and Proprietor and Governor of Pennsylvania, and the principles

advocated by him in founding Pennsylvania, shall be held in the public schools and other educational institutions under the Commonwealth.

Section 1544. Free School Day.--The Governor shall annually issue his proclamation, designating and calling upon the public schools of this Commonwealth to observe Free School Day in commemoration of the founding and development of free public schools within this Commonwealth. Free School Day shall be designated and observed each year between the dates of April first and April eleventh, both days inclusive. In pursuance to said proclamation of the Governor, appropriate exercises with respect to, and special study concerning, the founding and development of free public schools within this Commonwealth, and the recognition of the efforts and achievements of Honorable George Wolf, former Governor of this Commonwealth, Honorable Samuel Breck, former State Senator, Honorable Thaddeus Stevens, a member of the Legislature, relative thereto, shall be held in the public schools and other educational institutions within this Commonwealth.

Section 1545. Bill of Rights Week.--The Department of Public Instruction shall designate a week during each year and prescribe a uniform course of exercises to be carried out during that week in the public schools to instill into the minds of the pupils thereof the purpose, meaning and importance of that portion of the Constitutions of the United States and of this Commonwealth known as the "Bill of Rights." Such exercises shall be in addition to the prescribed courses of study in such schools.

Section 1546. Release of Pupils for Religious Instruction.--

The superintendent of the school district shall, upon the written request of a parent or other person in loco parentis, excuse any student who is the child of that parent or person in loco parentis from school attendance for a total of not more than thirty-six (36) hours per school year in order to attend classes for religious instruction: Provided, however, That the request shall identify and describe the instruction, and the dates and hours for which the absence is requested and that the parent or person in loco parentis shall, following each such absence, furnish in writing to the superintendent of the school district a statement attesting that the child did in fact attend the instruction and the dates and hours upon which such attendance took place.

(1546 amended June 24, 1982, P.L.623, No.175)

Section 1547. Alcohol, Chemical and Tobacco Abuse Program.--(a) Beginning with school year 1991-1992 and each year thereafter, each public school student shall receive mandatory instruction in alcohol, chemical and tobacco abuse in every year in every grade from kindergarten through grade twelve. The instruction shall be integrated within the health course of study required in accordance with the State Board of Education regulations. In grades where health is offered, instruction may also be integrated into other appropriate courses of study. In grades where health is not offered, instruction shall be integrated into an appropriate curriculum requirement as listed in 22 Pa. Code § 5.4(b).

(1) This instruction:

(i) Shall be age appropriate.

(ii) Shall be sequential in method of study.

(iii) Shall discourage the use of alcohol, tobacco and controlled substances.

(iv) Shall communicate that the use of illicit drugs and the improper use of legally obtained drugs is wrong.

(2) School districts may utilize any appropriate public or private materials, personnel and other resources in developing and implementing this program of instruction. The Department of Health, Office of Drug and Alcohol Programs, shall make available information about appropriate curriculum materials upon request of a school district. In developing its alcohol, chemical and tobacco abuse instructional program, each school district shall consult with the single county authority designated by the Department of Health to provide drug and alcohol services in the school district's area.

(b) Each school district is hereby authorized to develop and offer programs relating to alcohol, chemical and tobacco abuse for parents of students enrolled in the public schools. If a school district does develop such programs, they shall be developed in consultation with the single county authority designated by the Department of Health to provide drug and alcohol services in the school district's area. Such programs shall be offered at no cost to parents.

(c) The Secretary of Education, in consultation with the Secretary of Health, shall develop curriculum guidelines for instruction on alcohol, chemical and tobacco abuse and the laws governing their use and misuse. These guidelines shall encourage the inclusion of the following elements where appropriate in the instruction:

(1) Detailed factual information regarding the physiological, psychological, sociological and legal aspects of substance abuse.

(2) Detailed information regarding the availability of help and assistance for students and their families with alcohol, chemical and tobacco dependency problems.

(3) The goals of quality education as set forth in 22 Pa. Code § 5.13(f).

(4) Skills needed to evaluate advertisements for and media portrayals of alcohol, chemical and tobacco products.

(5) Detailed instruction on the need for and the role of lawful authority and law-abiding behavior, including interaction with members of the legal and justice community.

(d) Beginning with the 1991-1992 school year and each year thereafter, the Secretary of Education, in consultation with the Secretary of Health, shall make available, to all school districts and intermediate units, in-service training programs based upon the instruction requirements established in subsection (a) and the curriculum guidelines established in subsection (c). The programs shall provide preparation for the teaching of mandated instruction in alcohol, chemical and tobacco abuse. The in-service programs may utilize the single county authorities designated by the Department of Health or such other institutions, agencies or persons as the Secretary of Education deems appropriate.

(e) Beginning with the 1991-1992 school year, each school district shall provide, as part of its in-service training, programs on alcohol, drugs, tobacco and dangerous controlled substances for all instructors whose teaching responsibilities include courses of study in which mandated instruction concerning alcohol, chemical and tobacco abuse is integrated. To comply with this requirement, a school district may utilize the programs made available by the Department of Education or use other alternative programs.

(f) The governing board of each intermediate unit in which a nonpublic school is located shall have the authority and the duty to loan to all students attending nonpublic schools within the intermediate unit all educational materials developed by

either the Department of Education or the Department of Health, pursuant to this act for the instruction of public school students on the nature and effects of drugs, alcohol, tobacco and dangerous controlled substances. Local school boards need not expend funds which are not provided by either the Federal or State Government for drug education programs for the use or loan of these materials. A nonpublic school may utilize the in-service training programs made available by the Department of Education through the intermediate unit.

(g) On or before June 1, 1991, the Secretary of Education shall recommend to the General Assembly a plan to require and assist each school district to establish and maintain a program to provide appropriate counseling and support services to students who experience problems related to the use of drugs, alcohol and dangerous controlled substances.

(h) On or before June 1, 1992, the Secretary of Education shall report to the General Assembly concerning the 1991-1992 school year activities of the Department of Education pertaining to the provisions of this section and concerning proposed 1992-1993 school year activities of the Department of Education pertaining to this section.

(i) The State Board of Education shall adopt rules and regulations necessary for the implementation of this section.

(1547 amended Dec. 19, 1990, P.L.1362, No.211)

Section 1548. Instructional Support.--All provisions in 22 Pa. Code Chs. 14 (relating to special education services and programs) and 342 (relating to special education services and programs) pertaining to instructional support are optional for school districts.

(1548 amended Apr. 27, 1998, P.L.270, No.46)

Section 1549. Agricultural Education.--(a) The General Assembly declares it is the purpose of this section to:

(1) Require the department to develop and disseminate agricultural education materials for school entities or private or nonpublic kindergartens, elementary or secondary schools in this Commonwealth. The materials shall incorporate agricultural concepts into the basic school curricula and shall be designed to educate the general student population about the importance of the agriculture industry and the role of agriculture in the students' lives.

(2) Encourage the agricultural education efforts of other agencies where appropriate, including, but not limited to, those of the county conservation districts, the Cooperative Extension Service of The Pennsylvania State University, the University of Pennsylvania Veterinary School, the Department of Agriculture, the Department of Environmental Resources, the Department of Community Affairs, the State System of Higher Education and the Department of Transportation.

(b) The department shall have the power and its duty shall be to:

(1) Provide, in conjunction with the Department of Agriculture, resource information to educators and public and private schools and organizations on agricultural education.

(2) Provide, in conjunction with the Department of Agriculture, for the development and distribution to school entities or private or nonpublic kindergartens, elementary or secondary schools in this Commonwealth materials on agricultural education. Such materials may include instruction on issues related to agriculture, including, but not limited to, food safety, pesticides, farmland preservation, waste management, wetlands, nutrient management, food production and food

processing, animal health and statutory and regulatory protections of the right to farm.

(3) Identify, recognize and establish, in conjunction with the Department of Agriculture, awards for exemplary agricultural education curricula developed in Commonwealth schools.

(4) Use local school district occupational advisory committees, as well as the facilities and equipment of the Department of Agriculture, to serve as the conduit to bring youth and adult education programs into communities and schools, focusing on agricultural industry issues of importance to this Commonwealth.

(5) Maintain, in conjunction with the Department of Agriculture, an inventory of agricultural education materials, programs and resources available in Commonwealth agencies.

((b) amended Nov. 22, 2000, P.L.672, No.91)

(c) The secretary shall prepare and submit, in conjunction with the Department of Agriculture, an annual report to the Governor and the General Assembly on the status of agricultural education in this Commonwealth. The report shall outline agricultural education programs and achievements, highlight new initiatives and recommend future program needs. ((c) amended Nov. 22, 2000, P.L.672, No.91)

(d) (1) The Secretary of Education shall consult, at least annually, with the Secretary of Agriculture and a cross section of the agriculture and education communities to:

(i) Assess the trends and needs in agricultural education.

(ii) Consider the manner in which any funds are used to support agricultural education activities.

(iii) Make recommendations to the Governor and the General Assembly regarding legislative or regulatory changes to improve agricultural education, pursuant to the preparation and submittal of the report required by subsection (c).

(2) When consulting with a cross section of the agriculture and education communities, the secretary shall consider seeking comments from individuals named in lists submitted by the State Council on Farm Organizations, the Agricultural Awareness Foundation and the Pennsylvania Vocational-Agricultural Teachers Association. Such lists may include, but not be limited to:

(i) Farmers.

(ii) Representatives of the agricultural processing and agricultural marketing industries.

(iii) Faculty members of the College of Agricultural Sciences of the Commonwealth's land-grant university.

(iv) Faculty members from a State System of Higher Education institution, each of whom shall have background in or knowledge of agricultural education.

(v) A teacher of vocational agriculture.

(vi) A teacher involved in agricultural education other than vocational agriculture.

(vii) An administrator of a school entity which conducts an agricultural education program.

(viii) A member of a local school district occupational advisory committee.

(ix) Members of the public who are knowledgeable about agricultural education.

(e) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Farmer." Any person who engages in the accepted activities, practices and procedures year after year to produce and prepare

for market poultry, livestock and their products or in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and whose operation is conducted on not less than ten contiguous acres in area or, if less than ten contiguous acres in area, has an anticipated yearly gross income of at least ten thousand dollars (\$10,000).

"School entity." A public school district, intermediate unit or area vocational-technical school.

"Secretary." The Secretary of Education of the Commonwealth. (1549 added June 30, 1995, P.L.220, No.26)

Compiler's Note: The Department of Community Affairs, referred to in subsec. (a), was abolished by Act 58 of 1996 and its functions were transferred to the Department of Community and Economic Development.

Compiler's Note: The Department of Environmental Resources, referred to in subsec. (a), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1550. Firefighter and Emergency Service Training.--(a) Beginning with the 2003-2004 school year and each school year thereafter, a school district may offer firefighter and emergency service training as credit-earning courses to students of the age of sixteen (16) years or older. Such courses may include:

(1) Training as a Firefighter I from the National Board on Fire Service Professional Qualifications.

(2) Training as an emergency medical technician pursuant to the act of July 3, 1985 (P.L.164, No.45), known as the "Emergency Medical Services Act."

(b) A school district that offers firefighter and emergency service training as credit-earning courses shall provide transportation to and supervision during any firefighter and emergency service training program that takes place off school grounds. Supervision of training shall be conducted as a cooperative education program in accordance with the provisions of 22 Pa. Code § 11.28 (relating to out-of-school programs).

(1550 amended July 4, 2004, P.L.536, No.70)

Section 1551. Economic Education and Personal Financial Literacy Programs.--(a) The department shall have the power and its duty shall be to:

(1) Provide resource information on economics, economic education and personal financial literacy to educators and public and private schools and organizations.

(2) Provide for the distribution, including through the department's Internet website, to school entities or private, nonpublic, elementary or secondary schools in this Commonwealth, teacher curriculum materials and other available resources, including economic education partnership programs, on economic education and personal financial literacy, including the basic principle involved with earning, spending, saving and investing money. The materials shall align with and complement existing State standards for Economics, Family and Consumer Science, and Career Education and Work as set forth in 22 Pa. Code Ch. 4 (relating to academic standards and assessment).

(3) Identify and recognize Commonwealth schools that implement exemplary economic and economic education and personal financial literacy curricula at each benchmark as set forth in existing State standards for Economics, Family and Consumer

Science, and Career Education and Work as set forth in 22 Pa. Code Ch. 4.

(4) Maintain an inventory of economic education and personal financial literacy materials, programs and resources available in Commonwealth agencies.

(b) In distributing materials and resources for use in schools, the department shall consider those currently available through international, national, Statewide and local economic, banking trade and personal finance education organizations.

(c) (1) The department shall convene a task force on economic education and personal financial literacy education within ninety (90) days of the effective date of this section.

(2) The task force shall consist of nine (9) members appointed by the secretary, in consultation with the Secretary of Banking, representing school administrators, finance or economics teachers, school boards, students, business leaders, faculty from this Commonwealth's institutions of higher education having a background in or knowledge of personal financial literacy and other groups with expertise in financial literacy education. The task force shall elect one (1) of its members to serve as chairperson.

(3) The task force shall:

(i) Assess the trends and needs in economic education and personal financial literacy.

(ii) Consider the manner in which any funds are used to support economic education and personal financial literacy activities.

(iii) Make recommendations to the Governor and the General Assembly regarding legislative or regulatory changes to improve economic education and personal financial literacy, pursuant to the preparation and submittal of the report required by subsection (d).

(d) The secretary and the Secretary of Banking shall jointly prepare and submit, in conjunction with the task force, a biennial report to the Governor and the General Assembly on the status of economic education and personal financial literacy programs in this Commonwealth. In addition to the recommendations made in accordance with subsection (c)(3)(iii), the report shall outline economic education and personal financial literacy programs and achievements, highlight new initiatives and recommend future program needs.

(e) The department may apply for any Federal, State or other funding that may be available to carry out the provisions of this section and may also use such unencumbered funds for grants to school entities and other measures to encourage the implementation of economic education and personal financial literacy education programs.

(f) The following words and phrases when used in this section shall have the meanings given to them in this subsection:

"Department." The Department of Education of the Commonwealth.

"Personal financial literacy." The integration of various factors relating to personal financial management, including understanding financial institutions, using money, learning to manage personal assets and liabilities, creating budgets and any other factors that may assist an individual in this Commonwealth to be financially responsible.

"School entity." A public school district, charter school, cyber charter school, intermediate unit or area vocational-technical school.

"Secretary." The Secretary of Education of the Commonwealth.

(1551 added Nov. 17, 2010, P.L.996, No.104)

Section 1552. State Standards for Business, Computer and Information Technology Courses.--The Secretary of Education shall establish State standards for business, computer and information technology courses as provided in 22 Pa. Code § 4.32 (relating to standards and reports) no later than eighteen (18) months after the effective date of this section.

(1552 added Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which added section 1552, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1553. Dating Violence Education.--(a) The department, through its Office for Safe Schools, and in consultation with the State Board of Education, shall:

(1) Develop, within six (6) months of the effective date of this section, a model dating violence policy to assist school districts in developing policies for dating violence reporting and response.

(2) Consult with at least one (1) domestic violence center and at least one (1) rape crisis center in developing the model dating violence policy.

(b) (1) Each school district may establish a specific policy to address incidents of dating violence involving students at school.

(2) The policy may include, but need not be limited to: a statement that dating violence will not be tolerated; violence reporting procedures; discipline procedures for students that commit violence at school; and contact information for and resources available through domestic violence programs and rape crisis programs.

(3) A school district that establishes the policy shall:

(i) Publish the policy in any school district policy or handbook that specifies the comprehensive rules, procedures and standards of conduct for students at school.

(ii) Make the policy available on its publicly available Internet website.

(iii) Provide parents and guardians with a copy of the policy.

(4) The State Board of Education shall conduct a study of the benefits and detriments of mandatory dating violence education and shall submit a report of its recommendations to the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives within three (3) years of the effective date of this section.

(c) (1) A school district may provide dating violence training to guidance counselors, nurses and mental health staff at the high school level. Upon the recommendation of the district superintendent, other staff may be included or may attend the training on a voluntary basis. The school district may also provide dating violence training to parents.

(2) The dating violence training may include, but need not be limited to: basic principles of dating violence; warning signs of dating violence; the school district's dating violence policy; appropriate responses to incidents of dating violence at school; and services and resources available through domestic violence programs and rape crisis programs.

(d) (1) A school district may incorporate dating violence education that is age appropriate into the annual health curriculum framework for students in grades nine (9) through

twelve (12). In developing such a policy, the school district shall consult with at least one (1) domestic violence program or rape crisis program that serves the region where the school district is located.

(2) Dating violence education may include, but need not be limited to: defining dating violence and recognizing dating violence warning signs; characteristics of healthy relationships; information regarding peer support and the role friends and peers have in addressing dating violence; and contact information for and the services and resources available through domestic violence centers and rape crisis centers, including detailed information concerning safety planning, availability and enforcement of protection from abuse orders and the availability of other services and assistance for students and their families.

(3) The department, through its Office for Safe Schools, in consultation with at least one (1) domestic violence center and at least one (1) rape crisis center, shall provide school districts with grade-appropriate educational materials regarding dating violence and healthy relationships for the purpose of assisting school districts in preparing an instructional program on dating violence. The department may use educational materials that are already publicly available for this purpose.

(4) A parent or legal guardian of a student who is under eighteen (18) years of age, within a reasonable period of time after the request is made, shall be permitted to examine the dating violence education program instructional materials at the school in which the student is enrolled.

(5) At the request of a parent or guardian, a student shall be excused from all or parts of the dating violence education program. The principal shall notify all parents or guardians of their ability to withdraw their children from instruction in the program by returning a signed opt-out form.

(e) Nothing in this section shall be construed as preventing a person from seeking judicial relief from dating violence under any other law or as establishing or modifying any civil liability.

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"At school." The term shall have the meaning given to school property as defined in section 1301-A.

"Dating partner." A person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long term.

"Dating violence." Behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner.

"Department." The Department of Education of the Commonwealth.

"Domestic violence center." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Domestic violence program." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Rape crisis center." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Rape crisis program." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

Compiler's Note: See section 23 of Act 104 of 2010, which added section 1553, in the appendix to this act for special provisions relating to legislative findings and declarations.

Compiler's Note: Section 24 of Act 104 of 2010, which added section 1553, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1554. Holocaust, Genocide and Human Rights Violations Instruction.--(a) (1) Beginning with school year 2015-2016, each school entity may offer instruction in the Holocaust, genocide and human rights violations to students. The instruction shall be integrated within the social studies and language arts courses of study required in accordance with State Board of Education regulations. Instruction may also be integrated into other appropriate courses of study.

(2) The Holocaust, genocide and human rights violations instruction permitted pursuant to paragraph (1) shall:

- (i) Be age appropriate.
- (ii) Be sequential in method of study.
- (iii) Communicate the connection between national, ethnic, racial or religious intolerance and the subjects described in subsection (b).
- (iv) Communicate the impact of personal responsibility, civic engagement and societal response within the context of the subjects described in subsection (b).

(3) School entities may utilize any appropriate public or private materials, personnel and other resources in developing and implementing the program of instruction permitted pursuant to paragraph (1). The Department of Education shall distribute information about appropriate curriculum materials to each school entity. School entities may utilize any curriculum that complies with the requirements of this subsection.

(b) (1) The Department of Education shall establish curriculum guidelines no later than twelve (12) months after the effective date of this section. The guidelines shall encourage the inclusion of all of the following subjects where appropriate in the instruction:

(i) The breadth of the history of the Holocaust, including the Third Reich dictatorship, concentration camp system, persecution of Jews and non-Jews, Jewish and non-Jewish resistance and post-World War II trials.

(ii) The definition, history, response and actions taken in the face of genocide, including the Holocaust and any other genocide perpetrated against humanity, including the Rwandan genocide and other genocides committed in Africa, Asia and Europe.

(iii) Human rights violations.

(iv) Anti-Semitism, racism and the abridgment of civil rights.

(2) The Department of Education shall work in consultation with organizations and individuals that provide educational expertise and resources related to the Holocaust, genocide and human rights violations to develop the curriculum guidelines. The guidelines shall state the minimum amount of instruction necessary to adequately educate students on the Holocaust, genocide and human rights violations.

(c) Beginning with the 2015-2016 school year, the Department of Education shall make available, to all school entities, in-service training programs based upon the instruction provided

for under subsection (a) and the curriculum guidelines established pursuant to subsection (b).

(d) (1) Beginning with the 2015-2016 school year, each school entity providing instruction under subsection (a) shall provide, as part of its in-service training, programs on the Holocaust, genocide and human rights violations for all instructors whose teaching responsibilities include courses of study in which instruction concerning the Holocaust, genocide and human rights violations is integrated. A school entity may utilize the programs made available by the Department of Education or use other alternative programs that are consistent with the provisions of this section.

(2) Employees required to complete continuing professional education under section 1205.2 shall receive credit toward the continuing professional education requirements where the training program provided pursuant to paragraph (1) has been approved by the Department of Education.

(e) The Department of Education shall provide the guidelines, in-service training and any other materials developed in accordance with this section to any nonpublic school within this Commonwealth upon receiving a request from the nonpublic school.

(f) The State Board of Education shall:

(1) Conduct a study regarding the manner in which instruction in the Holocaust, genocide and human rights violations is offered by school entities in this Commonwealth. In conducting the study, the State Board of Education shall request that each school entity provide the State Board of Education with information concerning whether the school entity offers such instruction and the manner in which such instruction is offered. Each school entity shall provide information to the State Board of Education in response to a request under this paragraph. Following the 2016-2017 school year, but not later than November 30, 2017, the State Board of Education shall issue a report to the Governor, the Secretary of Education, the Chairman and Minority Chairman of the Education Committee of the Senate and the Chairman and Minority Chairman of the Education Committee of the House of Representatives addressing the following:

(i) The number of school entities offering instruction in the Holocaust, genocide and human rights violations.

(ii) The number of school entities using the curriculum guidelines established by the Department of Education under subsection (b).

(iii) The number of school entities using the in-service training programs made available by the Department of Education under subsection (c).

(iv) A description of the manner in which school entities are offering instruction in the Holocaust, genocide and human rights violations, including the number of hours of instruction offered, the grade levels at which such instruction is offered and the course within such instruction is integrated.

(v) The recommendations for improvements to the offering of instruction in the Holocaust, genocide and human rights violations, including recommended legislation.

(2) Adopt a regulation, pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," to require school entities to offer instruction in the Holocaust, genocide and human rights violations that is consistent with subsections (a) and (b), if the study conducted by the State Board of Education under paragraph (1) demonstrates that less than ninety percent of the school entities are

offering instruction in the Holocaust, genocide and human rights violations consistent with subsections (a) and (b).

(3) Adopt rules and regulations necessary for the implementation of this section pursuant to the "Regulatory Review Act."

(g) For purposes of this section, the term "school entity" shall mean a school district, charter school, regional charter school, cyber charter school, intermediate unit or area vocational-technical school.

(1554 added June 26, 2014, P.L.776, No.70)

Compiler's Note: See the preamble to Act 70 of 2014 in the appendix to this act for special provisions relating to legislative findings and declarations.

ARTICLE XV-A.

PROJECT LINK TO LEARN.

(Art. XV-A added July 11, 1996, P.L.633, No.107)

Section 1501-A. Legislative Findings.--The General Assembly finds as follows:

(1) Pennsylvania's ability to compete in an increasingly global economy depends upon its students being equipped with the skills needed for the twenty-first century which includes technology skills.

(2) Technologies such as computers, educational software, satellite dishes and access to telecommunications networks have the potential to significantly improve the education provided to students in this Commonwealth and to enhance their ability to participate in the increasingly technological and information-driven economy of the twenty-first century.

(3) A well-trained and well-educated work force is essential to the economic well-being of this Commonwealth.

(4) Many schools do not have sufficient financial resources to provide students with access to advanced technologies, and many school district teachers and staff do not have sufficient training to effectively utilize technology in schools.

(5) There is a need for a widely accessible Statewide telecommunications infrastructure in order to enable Pennsylvania schools to receive and benefit from existing and expected educational services and applications.

(1501-A added July 11, 1996, P.L.633, No.107)

Section 1502-A. Definitions.--As used in this article, "Community college" shall mean a public college or technical institute which is established and operated under Article XIX-A and all branch campuses of a community college or technical institute.

"Community education council" shall mean a nonprofit educational organization, governed by a community-based board of directors, which serves to provide access to post-secondary education and training resources for citizens in educationally underserved areas of this Commonwealth. (Def. amended Apr. 27, 1998, P.L.270, No.46)

"Department" shall mean the Department of Education of the Commonwealth.

"Independent institution of higher education" shall mean an institution of higher education which is operated not-for-profit, located in and incorporated or chartered by the Commonwealth, entitled to confer degrees as set forth in section 211 of the act of May 5, 1933 (P.L.289, No.105), known as the "Nonprofit Corporation Law," or under 24 Pa.C.S. Ch. 65 (relating to private colleges, universities and seminaries) and entitled to apply to itself the designation "college" or

"university" as provided for by standards and qualifications prescribed under 24 Pa.C.S. Ch. 65.

"The Pennsylvania Education Network" or "PEN" shall mean the Statewide telecommunications network which will be developed by building upon and integrating, where appropriate, existing telecommunications infrastructures and resources. Educational institutions will be able to connect to this network to be linked to other teachers, administrators, students, experts and other information resources.

"State-owned institution" shall mean an institution which is part of the State System of Higher Education under Article XX-A and all branches and campuses of a State-owned institution.

"State-related institution" shall mean The Pennsylvania State University, including the Pennsylvania College of Technology, the University of Pittsburgh, Temple University and Lincoln University and their branch campuses.

"Technology" shall mean any technical or scientific method of sending, receiving, storing, packaging or assimilating audio, video, graphics, data or any combination thereof by means of electromagnetic signal and any equipment, processes and facilities used for that purpose.

(1502-A added July 11, 1996, P.L.633, No.107)

Section 1503-A. Basic Education Grants.--(a) Grants shall be allocated to school districts and to area vocational-technical schools by the department from funds appropriated for this purpose. A nonpublic school, an intermediate unit or local library may participate in the grant process through a partnership with a school district.

(b) Grants shall be used to:

(1) Improve the quality and quantity of educational technology in accordance with minimum standards and specifications developed by the department and the Office of Administration.

(2) Equip schools and other entities with the appropriate networking and Internet technologies to build the Pennsylvania Education Network.

(3) Provide for the training of teachers and staff in ways to effectively integrate the technology with the curriculum.

(4) Begin implementing the regional action plans that were developed as part of the shared vision and action plan project activities.

(5) Improve the quality of technology services at the State Library of Pennsylvania.

(6) Acquire software systems to assess individual student learning needs, customize instruction for individual students, correlate Pennsylvania's academic standards to local school curriculum resources, automate teachers' administrative responsibilities and track individual student progress through assessments and reports to teachers and parents.

(c) (1) Grants shall be allocated through a competitive grant review process established by the Secretary of Education.

(2) School districts, charter schools, area vocational-technical schools and intermediate units are eligible to apply for grants as prescribed by the department. Maximum grant awards will be established by the department based on a formula that considers the market value/income aid ratio and average daily membership. The department may establish matching requirements for grant recipients.

(3) The application for a grant shall be made at such time and in such form as the Secretary of Education may require.

(4) An applicant may collaborate or form a partnership with one or more of the following: a political subdivision, a school

district, an area vocational-technical school, an intermediate unit, a nonpublic school, a local library, an independent institution of higher education, a State-owned institution, a State-related institution, a community education council or any other entity approved by the Department of Education.

(1503-A amended May 10, 2000, P.L.44, No.16)

Section 1504-A. Higher Education Funding.--(a) The department and the Office of Administration shall establish management teams to provide direction and oversight and to distribute funds appropriated for the researching, planning and development of the Pennsylvania Education Network which can include when appropriate, but not be limited to, the following focus areas:

(1) Documenting public and private technology resources, including, but not limited to, existing telecommunications networks, video conferencing capabilities and distance education courses and identifying technology transfer opportunities that can be leveraged for the Pennsylvania Education Network.

(2) Establishing technology grants to develop educational content and implement Pennsylvania Education Network strategies and connectivity by using competing technologies and methodologies.

(i) Funds for grants shall be distributed through an application at such time and in such form as the Secretary of Education may require.

(ii) Applicants may include public and private institutions of higher education, community education councils, not-for-profit organizations in Pennsylvania and any other entity approved by the Department of Education.

(iii) Priority shall be given to applications consisting of partnerships.

(3) Implementing a shared Statewide vision and strategic plan for building the Pennsylvania Education Network.

(4) Developing methods and resources to ensure educators are able to use the technology effectively with the curriculum.

(5) Implementing a web-based application that makes all articulation agreements among higher education institutions available on the Internet.

((a) amended May 10, 2000, P.L.44, No.16)

(b) The management teams shall be comprised of representatives from State-owned institutions, State-related institutions, community colleges and independent institutions of higher education in Pennsylvania, intermediate units, community education councils and representatives from other public and not-for-profit organizations in Pennsylvania.

(c) Project managers will be nominated by the institutions in subsection (b). Prospective project managers shall be reviewed and selected jointly by the department and the Office of Administration.

(d) Each management team shall be responsible for defining the scope of work, goals, objectives, task assignment and budget for its respective focus area. Funds for management teams shall be distributed through an application to the Office of Administration and the department, to be approved through a joint review process.

(e) Each team manager shall report to and shall be held accountable by the Secretary of Education and the Secretary of Administration or their designee, the form and manner to be determined by the Secretary of Education.

(1504-A amended June 25, 1997, P.L.297, No.30)

Section 1505-A. Technology Grants for Equipment and Services.--(a) The purposes of the technology grants to benefit students in nonpublic and private schools are to:

(1) Improve the education Pennsylvania's nonpublic and private school students receive.

(2) Increase nonpublic and private students' access to worldwide information, expertise and resources available through technology.

(3) Provide professional development opportunities to ensure nonpublic and private school teachers can use technology effectively with the curriculum.

(4) Complement Link-to-Learn's efforts and add value to the Pennsylvania Education Network by forging collaborative partnerships between educational institutions.

(5) Complement Federal technology initiatives.

(b) The Department of Education through intermediate units shall have the power and duty to purchase computer hardware, software, connectivity and related technology to loan them to all children residing in this Commonwealth who are enrolled in grades kindergarten through twelve of a nonpublic and private school and may provide professional development opportunities. The Secretary of Education shall establish a per capita formula based on the number of eligible students in nonpublic and private schools and each intermediate unit. Funds shall be allocated to intermediate units who shall purchase and loan the equipment to such children and may provide professional development opportunities. Equipment and services shall not be used for sectarian purposes.

(1505-A added Apr. 27, 1998, P.L.270, No.46)

Compiler's Note: The June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, referred to in subsec. (e), was repealed by the act of Feb. 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

ARTICLE XV-B.

READ TO SUCCEED PROGRAM.

(Art. added June 26, 1999, P.L.394, No.36)

Section 1501-B. Establishment of Program.--There is hereby established in the Department of Education the Read to Succeed Program. The program shall provide competitive grants to school districts and charter schools to build strong reading skills in Pennsylvania students. The program shall emphasize students with the greatest need for intensive reading instruction and school programs that will enable students to learn to read by the end of the third grade.

(1501-B added June 26, 1999, P.L.394, No.36)

Section 1502-B. Eligibility Requirements.--(a) The Department of Education shall establish eligibility criteria to be used to select schools and students in kindergarten through third grade to participate in the Read to Succeed Program.

(b) The secretary shall establish matching requirements for grant recipients.

(1502-B added June 26, 1999, P.L.394, No.36)

Section 1503-B. Program Requirements.--School districts and charter schools shall apply for grants as prescribed by the Department of Education. The application will contain the following:

(1) Identification of students with the greatest need.

(2) Methods of ongoing assessment.

(3) Reading instruction based on current reading research.

- (4) Integration with the reading instruction programs and activities of the school district.
- (5) Professional development plan.
- (6) Opportunities for extended learning time.
- (7) Coordination with community-based reading activities, including family literacy programs.
- (8) Staff and program facilities.
- (9) A multiyear plan that shows how the school district or charter school will assume full financial and programmatic responsibility for the Read to Succeed Program at the conclusion of the grant period.
- (10) The estimated budget for each specific program activity.

(1503-B added June 26, 1999, P.L.394, No.36)

Section 1504-B. Technical Assistance and Monitoring.--The Department of Education shall provide technical assistance and establish methods to ensure the quality of the program receiving a grant, including program monitoring and onsite visitation.

(1504-B added June 26, 1999, P.L.394, No.36)

Section 1505-B. Reports.--(a) A school district or charter school participating in the Read to Succeed Program shall provide program and fiscal reports as required by the Department of Education.

(b) Beginning in the year 2000, the department shall submit a report by December 31 of each year to the majority and minority chairman of the Education Committee of the Senate and the majority and minority chairman of the Education Committee of the House of Representatives.

(1505-B added June 26, 1999, P.L.394, No.36)

ARTICLE XV-C.

EDUCATION SUPPORT SERVICES AND EDUCATIONAL ASSISTANCE PROGRAMS.

(Hdg. amended Dec. 23, 2003, P.L.304, No.48)

Section 1501-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"2005 mathematics proficiency target." Forty-five percent of students in a school entity scoring at a level equal to or above proficient on the PSSA test in mathematics administered to students in a school with an eleventh grade in the 2003-2004 school year. (Def. added July 13, 2005, P.L.226, No.46)

"2005 reading proficiency target." Fifty-four percent of students in a school entity scoring at a level equal to or above proficient on the PSSA test in reading administered to students in a school with an eleventh grade in the 2003-2004 school year. (Def. added July 13, 2005, P.L.226, No.46)

"Department." The Department of Education of the Commonwealth.

"Eligible school entity." For the purposes of the Educational Assistance Program operated pursuant to sections 1502-C and 1512-C, a school entity with one or more schools identified by the Department of Education as having failed to meet one or more academic performance targets in the 2002-2003 school year. (Def. amended July 4, 2004, P.L.536, No.70)

"Eligible student." A resident of this Commonwealth who is enrolled full time in kindergarten through twelfth grade in a school entity and is deemed eligible pursuant to section 1502-C(b) or section 1512-C(b). (Def. amended July 13, 2005, P.L.226, No.46)

"Eligibility test." The Pennsylvania System of School Assessment or a commercially prepared, standardized achievement test approved by the Department of Education. A list of approved tests under this article shall be published annually in the Pennsylvania Bulletin.

"Grant." A grant awarded to a grant recipient under this article.

"Grant recipient." A resident of this Commonwealth who is a parent, guardian or person in parental relation to an eligible student.

"Program." (Def. deleted by amendment Dec. 23, 2003, P.L.304, No.48)

"Provider." A school entity, an institution of higher education, a nonprofit or for-profit organization or a certified teacher employed by a school entity, that is approved by the Department of Education to provide education support services or tutoring under the Educational Assistance Program.

"School entity." Shall mean:

(1) For purposes of the Educational Support Services Program, any of the following located in this Commonwealth: a school district, intermediate unit, joint school district, area vocational-technical school, charter school, independent school, licensed private academic school, accredited school, a school registered under section 1327(b), the Scotland School for Veterans' Children or the Scranton School for the Deaf.

(2) For purposes of the Educational Assistance Program established in section 1502-C, any of the following located in this Commonwealth: a school district, joint school district, area vocational-technical school or independent school.

(1501-C amended Dec. 23, 2003, P.L.304, No.48)

Section 1502-C. Establishment of programs.

(a) Establishment.--The Education Support Services Program and Educational Assistance Program are established within the department to provide individual or small group instruction in those subject areas assessed through a Pennsylvania System of School Assessment test and required under the No Child Left Behind Act of 2001 to strengthen the skills that an eligible student needs to achieve the standards in 22 Pa. Code Ch. 4 (relating to academic standards and assessment), which shall be provided at a time other than the regularly scheduled school hours.

(b) Eligibility.--The department shall utilize the Pennsylvania System of School Assessment test or other test results to identify eligible students under this article. Scores used to determine eligible students in each grade shall be published annually in the Pennsylvania Bulletin.

(c) Approval.--A provider must be approved by the department in order to provide education support services or tutoring under the Educational Assistance Program under this article.

(1502-C amended Dec. 23, 2003, P.L.304, No.48)

Section 1503-C. Education Support Services Grant application and approval.

(a) Application.--A prospective grant recipient shall apply annually to the department for a grant to purchase education support services for an eligible student from an approved provider in a time and manner prescribed by the department.

(b) Required information.--An application submitted under this section shall include verification of the eligibility test results and such other information as the department may require.

(1503-C amended Dec. 23, 2003, P.L.304, No.48)
Section 1504-C. Powers and duties of the department.

The department shall:

(1) Establish criteria to annually identify eligible students.

(2) Approve providers.

(3) Adopt standards, procedures and guidelines to be used to approve providers.

(4) Award grants to a grant recipient in an amount not to exceed \$500 per fiscal year for each eligible student.

(5) Establish minimum qualifications for individuals utilized by providers of education support services.

(6) Establish periods during which applications will be reviewed to accommodate the dates when results of approved eligibility tests become available.

(7) Assess providers on an annual basis to determine the academic progress of students who receive instruction under this article.

(8) Provide educational assistance funding to school entities pursuant to section 1512-C.

(1504-C amended Dec. 23, 2003, P.L.304, No.48)
Section 1505-C. Providers.

(a) Application.--A prospective provider shall submit an application to the department for approval to provide education support services or tutoring under the Educational Assistance Program under this article. The application shall include a description of the services to be provided, a description of the curriculum to be used, the cost of the services, the qualification of all individuals providing those services, including evidence of compliance with section 111 and with 23 Pa.C.S. § 6355 (relating to requirement), a description of an assessment mechanism to be used to determine the academic progress of students who receive tutoring services, and such other information as may be required by the department.

(b) Revocation of approval.--The department shall revoke the approval of any provider for which the annual assessments required under section 1504-C(7) demonstrate that 20% or more of the students for whom the provider has provided education support services under section 1507-C or tutoring services under section 1512-C failed to make academic progress for two consecutive years.

(1505-C amended Dec. 23, 2003, P.L.304, No.48)
Section 1506-C. Notification of program.

A school entity in this Commonwealth shall notify parents of the availability of education support services and tutoring under the educational assistance program at such time as the parents receive the results of any eligibility test or whenever the school entity recommends tutoring under the educational assistance program.

(1506-C amended July 13, 2005, P.L.226, No.46)
Section 1507-C. Payment of educational support services grants.
(Hdg. amended Dec. 23, 2003, P.L.304, No.48)

(a) Certificates.--A certificate for education support services under this article shall be issued by the department in an amount authorizing up to \$500 for each eligible student identified on the certificate. The certificate shall be issued to the grant recipient and shall be valid only for the fiscal year in which it is issued. After receiving the certificate from a grant recipient, the provider shall include the following information on the certificate: name of eligible student served, type of instruction, date and length of instruction and cost of instruction provided to the eligible student. When the amount

of the certificate has been utilized or when the eligible student is no longer receiving education support services from the provider, the provider shall return the completed certificate to the grant recipient for submission to the department for payment. The department shall make payment directly to the grant recipient for the amount due. Grant recipients must send all outstanding certificates to the department for payment no later than 90 days after receiving the completed certificate from the provider.

(b) Penalty for grant recipients.--A grant recipient who knowingly defrauds the Commonwealth by receiving reimbursement for education support services not rendered to the eligible student and grant recipient identified on the certificate commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 per violation and shall be disqualified from eligibility for an additional grant for a period of not less than five years.

(c) Penalty for providers.--A provider that knowingly violates section 1509-C or knowingly defrauds the Commonwealth by receiving reimbursement for education support services not rendered to the eligible student and grant recipient identified on the certificate commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 per violation and shall be barred from participation in the program for not less than five years.

(1507-C added May 17, 2001, P.L.4, No.4)

Section 1508-C. Limitations.

(a) Amount.--The amount of educational support services grants provided under this article in a fiscal year shall be limited to the funds appropriated for that purpose. No more than 10% of the total funds appropriated for this program in any fiscal year shall be awarded to grant recipients within a specific school district except that, if the department determines that all school entities in the Commonwealth have had an opportunity to participate in the program and that funds remain available, it may waive the 10% limitation under this subsection. ((a) amended Dec. 23, 2003, P.L.304, No.48)

(b) Availability of funds.--In the event that the funds appropriated in any fiscal year are insufficient to provide grants to all grant recipients, grants shall be awarded on a first-come, first-served basis. The department shall hold a portion of the funds in reserve to ensure that money is available for each application period established under section 1504-C(6).

(1508-C added May 17, 2001, P.L.4, No.4)

Section 1509-C. Confidentiality.

Nothing in this article shall authorize the department, a school entity or a provider to release or otherwise utilize student identifiable information or individual student test scores for purposes other than the administration of this article.

(1509-C added May 17, 2001, P.L.4, No.4)

Section 1510-C. Nontaxable income.

A grant received by a grant recipient shall not be considered to be taxable income for the purposes of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(1510-C added May 17, 2001, P.L.4, No.4)

Section 1511-C. Applicability.

Services provided under this article do not constitute tutoring or instruction under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.

(1511-C added May 17, 2001, P.L.4, No.4)
Section 1512-C. Educational Assistance Program.

(a) Purpose.--The Educational Assistance Program shall provide, for the support of tutoring services to eligible students, funds to eligible school entities in which one or more schools have failed to meet at least one academic performance target.

(b) Eligibility.--A student shall be eligible for tutoring services under this section where such student is enrolled full time in an eligible school entity and:

(1) scored below proficient on a Pennsylvania System of School Assessment test in a subject area required under the No Child Left Behind Act of 2001; or

(2) is enrolled in kindergarten through third grade and scored below the score approved by the department under section 1502-C(b) on any other eligibility test; or

(3) has been recommended for tutoring by the school entity.

((b) amended July 13, 2005, P.L.226, No.46)

(c) Approval of providers.--In order to provide tutoring services through the Educational Assistance Program, a provider must be approved by the department. Such providers may include:

(1) a provider approved under section 1505-C; or

(2) a school entity.

(d) Duties of eligible school entities.--An eligible school entity shall have the following duties:

(1) To annually notify the parents or guardian of any student eligible for tutoring services under subsection (b) about the availability of tutoring services under this section.

(2) To annually provide the parents or guardian of any student eligible for tutoring services under subsection (b) with a list of all approved providers operating within the boundaries of or around the eligible school entity.

(3) Upon request, to assist the parents or guardian of any student eligible for tutoring services under subsection (b) in selecting an approved provider.

(4) To enter into a contract or contracts with a provider approved under section 1505-C and operating within the boundaries of or around the eligible school entity or to offer tutoring services directly to any student eligible for tutoring services under subsection (b).

(e) Tutoring services.--Tutoring services provided under this section shall include intensive instruction in those subject areas assessed through a Pennsylvania System of School Assessment test and required under the No Child Left Behind Act of 2001. Such tutoring services may:

(1) Notwithstanding the provisions of section 1502, be provided outside of the normal school day and hours of the school entity, including mornings, evenings, weekends and during the summer months.

(2) Take place on an individual or small group basis, provided that tutoring services may be provided to no more than ten students in a given class at a given time during the school term and no more than 15 students during the summer months.

(3) Be provided during the normal school day and hours of the school entity, provided that the tutoring is in addition to and does not interfere with an eligible student's regularly scheduled classroom instruction times and does not supplant services required in a student's individualized education program.

((e) amended July 13, 2005, P.L.226, No.46)

(f) Duties of department.--The department shall have the following duties:

(1) To provide eligible school entities that provide tutoring services under this section with technical assistance upon request.

(2) To annually assess any provider or school entity that provides tutoring services under this section in order to determine the academic progress of students who receive tutoring services.

(g) Educational assistance funding.--

(1) During the 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008 and 2008-2009 school years, the department shall provide each eligible school entity with educational assistance funding calculated by:

(i) Dividing the number of Pennsylvania System of School Assessment tests administered in the eligible school entity on which students scored below proficient in reading or mathematics by the total number of Pennsylvania System of School Assessment tests administered in the eligible school entity in reading and mathematics during the 2002-2003 school year.

(ii) Multiplying the quotient from subparagraph (i) by the average daily membership of the eligible school entity during the 2002-2003 school year.

(iii) Multiplying the product from subparagraph (ii) by the dollar value of funds appropriated to the Department of Education for the Educational Assistance Program in the 2004-2005 fiscal year.

(iv) Dividing the product from subparagraph (iii) by the sum of the products of subparagraph (ii) for all eligible school entities that qualify for grant funds under this paragraph.

(1.1) During the 2005-2006, 2006-2007, 2007-2008 and 2008-2009 school years, the department shall provide each school entity with at least one school that has failed to achieve its 2005 mathematics proficiency target or its 2005 reading proficiency target with educational assistance funding for the support of tutoring services to eligible students enrolled in seventh through twelfth grades. Such funding shall be calculated as follows:

(i) Dividing the number of Pennsylvania System of School Assessment tests administered in the eligible school entity to eleventh grade students on which such students scored below the 2005 reading or mathematics proficiency target by the total number of Pennsylvania System of School Assessment tests administered in the eligible school entity to eleventh grade students in reading and mathematics during the 2003-2004 school year.

(ii) Multiplying the quotient from subparagraph (i) by the average daily membership of the eligible school entity during the 2004-2005 school year.

(iii) Multiplying the product from subparagraph (ii) by the difference between the dollar value of funds appropriated to the department for the educational assistance program in the 2004-2005 fiscal year and the dollar value of funds appropriated to the department for the educational assistance program in the 2007-2008 fiscal year.

(iv) Dividing the product from subparagraph (iii) by the sum of the products of subparagraph (ii) for all

eligible school entities that qualify for grant funds under this paragraph.

(2) The amount of educational assistance funding provided under this article shall be limited to funds appropriated for this purpose.

((g) amended July 9, 2008, P.L.846, No.61)

(h) Use of educational assistance funds.--An eligible school entity that receives educational assistance funding under subsection (g) may use such funds to:

(1) Enter into contracts with a provider approved under section 1505-C.

(2) Offer tutoring services directly to any student eligible for tutoring services under subsection (b).

(h.1) Redistribution of funds.--For the 2004-2005 school year and each school year thereafter, an eligible school entity that chooses not to receive educational assistance funding under subsection (g) shall forfeit the right to such funds. Such funds shall then be distributed on a pro rata basis among all other eligible school entities choosing to receive educational assistance funding under subsection (g). ((h.1) amended July 13, 2005, P.L.226, No.46)

(i) Construction.--Nothing in this section shall be construed to limit the eligibility of a grant recipient to receive a grant under section 1507-C.

(j) Pro rata distribution.--For the 2008-2009 fiscal year, if insufficient funds are appropriated to make Commonwealth payments pursuant to this section, such payments shall be made on a pro rata basis. ((j) added July 9, 2008, P.L.846, No.61)

(1512-C added Dec. 23, 2003, P.L.304, No.48)

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 1512-C(g) and added subsec. (j), provided that Act 61 shall apply retroactively to July 1 2008.

ARTICLE XV-D

EARLY LEARNING PROGRAMS

(Art. hdg. amended July 20, 2007, P.L.278, No.45)

(Art. added Dec. 23, 2003, P.L.304, No.48)

(a) Head Start Supplemental Assistance Program
(Subart. hdg. added July 20, 2007, P.L.278, No.45)

Section 1501-D. Definitions.

The following words and phrases when used in this subarticle shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Extended day services." Head Start and child-care services provided to children eligible for Head Start by a Head Start provider or through a collaborative agreement between a Head Start provider and a licensed child-care center, or a registered family or group day-care home for those hours and days beyond the hours funded through the Federal Head Start Program.

"Head Start." A program funded under the Federal Head Start Act established by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 357) and carried out by a Head Start agency or delegate agency that provides ongoing comprehensive child development services.

"Program." The Head Start Supplemental Assistance Program established in section 1502-D.

"School entity." A school district, joint school district, independent school or an intermediate unit.

(1501-D amended July 20, 2007, P.L.278, No.45)

Section 1502-D. Head Start Supplemental Assistance Program.

(a) Establishment.--The Head Start Supplemental Assistance Program is hereby established to provide Head Start services to additional eligible children and to provide extended day services through existing Head Start providers.

(b) Administration.--The department shall administer the program, consistent with Federal Head Start guidelines. The department shall provide supplemental financial assistance to existing providers of Federal Head Start services. ((b) amended July 13, 2005, P.L.226, No.46)

(c) Coordination.--The department, to every extent possible, shall coordinate the administration of the program with the Department of Public Welfare and the Department of Health. The purpose of this coordination shall be to:

(1) Identify educational, child-care or other services under the jurisdiction of the Department of Public Welfare and the Department of Health that can augment or improve the services available through Head Start providers.

(2) Provide technical assistance to Head Start providers establishing child-care services in order to offer extended day services.

(3) Provide technical assistance to Head Start providers, licensed child-care centers or registered family or group day-care homes entering into collaborative agreements in order to offer extended day services.

(d) Criteria for funding.--To implement the program, the department shall request proposals from existing Head Start providers and may award grants or enter into service contracts with existing Head Start providers that meet all of the following criteria:

(1) Demonstrate the need for additional Head Start services in the provider's service area, whether the need is determined by the percentage of eligible children who are not served in the provider's service area or by the demand for extended day services.

(2) Demonstrate the ability to expand staff, space or services to serve additional children or to provide extended day services:

(i) within the Head Start program;

(ii) in cooperation with licensed child-care centers or registered family or group day-care homes; or

(iii) in cooperation with school entities.

(3) Demonstrate the ability to comply with Federal and State requirements for child-care service providers if the Head Start provider intends to provide extended day services.

(4) Demonstrate the ability to enter into a collaborative agreement with a school entity, a licensed child-care center or a group day-care home or a registered family day-care home, if the head start provider intends to enter into a collaborative agreement.

((d) amended July 13, 2005, P.L.226, No.46)

(1502-D added Dec. 23, 2003, P.L.304, No.48)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1503-D. Priority in funding.

(a) General rule.--A Head Start provider that received a grant in the prior fiscal year shall be eligible to receive a

grant in an amount equal to the grant received in the immediately preceding fiscal year, less any start-up costs. If by March 1 the Head Start provider did not enroll at least 90% of the number of children it was approved to serve for that year, then the grant shall be reduced proportionally based on the number of children enrolled as of March 1.

(b) Priority for remaining funding.--For the remaining funds, the department shall give priority in funding to Head Start providers applying for grants to serve additional eligible children.

(1503-D amended July 13, 2005, P.L.226, No.46)

Section 1504-D. Annual report.

The department shall compile an annual report on the program for submission to the Governor, the chairmen of the Appropriations Committee and the Education Committee of the Senate and the chairmen of the Appropriations Committee and Education Committee of the House of Representatives. The report shall include:

(1) The number of eligible children served by Head Start as of December 23, 2003.

(2) The number of eligible children served by the program during the 2005-2006 school year and each school year thereafter.

(3) The number of extended day programs and the number of eligible children enrolled in extended day programs as of December 23, 2003.

(4) The number of extended day programs and the number of eligible children enrolled in extended day programs during the 2005-2006 school year and each school year thereafter.

(5) A summary of the types of activities funded under the program.

(1504-D amended July 20, 2007, P.L.278, No.45)

Section 1505-D. Head Start expansion.

(a) General rule.--The Department of Public Welfare shall promulgate regulations necessary to assure eligibility for the child care subsidy for children enrolled in Head Start whose parents need extended hours of Head Start services in order to work. During the time period of the child's enrollment in Head Start, the child shall remain eligible for the child care subsidy. Regulations promulgated under this section shall permit the use of child care subsidy funds to support full-day, full-year opportunities for Head Start participants.

(b) Final-omitted regulations.--The Department of Public Welfare, in adopting such revised regulations, shall follow the procedures set forth in the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, for the promulgation and review of final-omitted regulations.

(1505-D amended July 20, 2007, P.L.278, No.45)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1506-D. Standards.

The department may promulgate any standards necessary to administer and enforce this subarticle.

(1506-D amended July 20, 2007, P.L.278, No.45)

(b) Pennsylvania Pre-K Counts Program
(Subart. added July 20, 2007, P.L.278, No.45)

Section 1511-D. Definitions.

The following words and phrases when used in this subarticle shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Approved provider." An eligible provider that has been approved by the Department of Education to offer pre-kindergarten under this subarticle.

"At-risk child." A child who is at a risk of educational failure because of limited English proficiency, poverty, community factors, academic difficulties or economic disadvantage.

"Department." The Department of Education of the Commonwealth.

"Eligible provider." Any of the following entities if the entity complies with all quality program standards established by the Department of Education:

- (1) A school district.
- (2) A Head Start program.
- (3) A nursery school licensed under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.

(4) One of the following:

(i) Prior to July 1, 2009, a child day care center or a group day care home that has met or exceeded the standards of STAR 2 under the Keystone STARS quality rating system established by the Department of Public Welfare.

(ii) After June 30, 2009, a child day care center or a group day care home that has met or exceeded the standards of STAR 3 under the Keystone STARS quality rating system established by the Department of Public Welfare. Any approved provider under this subparagraph which has applied for a STAR 3 rating and which application has not been approved or rejected by the department as of June 30, 2009, shall remain eligible for the program until such application is rejected.

(Def. amended July 9, 2008, P.L.846, No.61)

"Eligible student." A child who is at least three years of age and is younger than the entry age of kindergarten in the school district of residence.

"Program." The Pre-K Counts Program established under section 1512-D.

(1511-D added July 20, 2007, P.L.278, No.45)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: Section 34 of Act 61 of 2008, which amended the def. of "eligible provider" in section 1511-D, provided that Act 61 shall apply retroactively to July 1 2008.

Section 1512-D. Establishment of program.

To the extent that funds are appropriated by the General Assembly, the department shall establish the Pennsylvania Pre-K Counts Program as a competitive grant program to expand pre-kindergarten opportunities for eligible students.

(1512-D added July 20, 2007, P.L.278, No.45)

Section 1513-D. Duties of department.

The department shall have the following powers and duties:

- (1) To promulgate regulations and establish guidelines and standards necessary to implement this subarticle. In promulgating the initial regulations, the department shall

follow the procedures provided in the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, for promulgation and review of final-omitted regulations. Subsequent regulations promulgated under this subarticle or amendments to the initial regulations shall not be in final-omitted form.

(2) To establish the process through which eligible providers may apply for grant funds, allowable and required grant uses and per-student funding levels and the criteria used to identify approved providers for grant funds.

(3) To identify one or more assessments to be used by approved providers, the cost of which shall be paid as part of an approved provider's grant award.

(4) To encourage the development and maintenance of community coordination and partnerships.

(5) To perform all other functions necessary to carry out the program, including the monitoring of approved providers.

(6) To enter into agreements with third-party entities, to include intermediate units, to carry out the provisions of this subarticle.

(7) To publish the process through which eligible providers may apply for grant funds, the criteria used to identify approved providers for grant funds and the per-student funding levels of approved providers, by county, on the department's Internet website and in the Pennsylvania Bulletin within 60 days of the effective date of this section.

(1513-D added July 20, 2007, P.L.278, No.45)

Section 1514-D. Grant awards.

The department shall award grants under this subarticle to the extent that funds are appropriated for the program by the General Assembly. The grants shall be awarded on a per-student basis for each eligible student served by an approved provider and shall not exceed the per-student cost of administering the approved provider's pre-kindergarten program. To the greatest extent possible, the department shall:

(1) Give priority in grant funding to approved providers serving the highest number or the highest percentage of at-risk eligible students.

(2) Give priority in grant funding to approved providers that received grant funds in the immediately preceding school year, have met the program standards and have demonstrated satisfactory implementation of the program.

(3) Ensure that grant funding is geographically dispersed to approved providers throughout this Commonwealth.

(1514-D added July 20, 2007, P.L.278, No.45)

Section 1515-D. Duties of approved providers.

(a) General rule.--An approved provider that receives grant funds under this subarticle shall have the following duties:

(1) Maintain separate accounts in its budget to facilitate monitoring and auditing of the use of the grant funds. If the approved provider is a school district, the school district shall not place grant funds in a reserve account. In no case shall the approved provider use grant funds for administrative costs as defined by the department.

(2) Plan to provide no fewer than 180 days of pre-kindergarten over the course of the school year. A half-day program shall provide no fewer than two and one-half hours of instructional activities per day. A full-day program

shall provide no fewer than five hours of instructional activities per day.

(3) Align the pre-kindergarten program's curriculum with early learning standards established by the department.

(4) Perform all other duties pursuant to applicable regulations and standards.

(b) Calculation of average daily membership.--An eligible student shall not be included in the average daily membership of an approved provider for the purpose of providing funding allocations pursuant to Article XXV.

(1515-D added July 20, 2007, P.L.278, No.45)

Section 1516-D. Reporting.

(a) General rule.--No later than October 1, 2008, and October 1 of each year thereafter in which funding is appropriated for the purpose of providing grants to approved providers under this subarticle, the department shall submit a report to the chairman and minority chairman of the Appropriations Committee of the Senate, the chairman and minority chairman of the Appropriations Committee of the House of Representatives, the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives summarizing the operation of the program for the immediately preceding fiscal year. The report shall include:

(1) A description of the operation of the program, including:

(i) The criteria used to determine the eligibility of a provider for funding under the program.

(ii) The criteria used to determine the amount of grant funds paid to approved providers.

(iii) A summary of the process used by eligible providers to apply for grant funds, including sample copies of all application forms, instructions, guidelines and deadlines.

(2) A summary of the total amount of grant funds paid to approved providers.

(3) A summary of the allowable uses of grant funds under the program.

(4) A description of the assessments used to measure the academic progress of eligible students served through the program.

(5) A listing by county of each eligible provider submitting a grant application and indicating whether the eligible provider received funding and the amount thereof.

(6) For each approved provider, a report by county indicating:

(i) Name.

(ii) Address.

(iii) The number of eligible students served through the program.

(iv) The use or uses of the grant funds.

(v) The assessment of academic progress of each eligible student served through the program.

(vi) Of the eligible students served through the program, the number who are three years of age and the number who are four years of age.

(vii) To the extent possible, the total number of students receiving pre-kindergarten services itemized to identify:

(A) The number of students receiving services as a result of tuition paid by the parent or guardian.

(B) The number of students receiving services through the program.

(C) The number of students receiving services through the State Head Start Supplemental Assistance and Federal Head Start programs.

(viii) To the extent possible, a financial summary indicating the total expenditures of each approved provider and indicating as components of those expenditures the total revenues received from the Commonwealth through early childhood programs administered by the Department of Public Welfare, the total revenues received from the Commonwealth under the program and the total revenues received from nonparticipating families with children enrolled in the program.

(ix) The enrollment goals as set forth in the grant application.

(x) To the extent possible, the number of eligible students served through the program who were funded through the subsidized day-care programs administered by the Department of Public Welfare and the number of eligible students served through the program who were funded through the Federal Head Start program or the State Head Start Supplemental Assistance program.

(b) Interim report.--No later than February 1, 2008, the department shall submit an interim report regarding the program to the chairman and minority chairman of the Appropriations Committee of the Senate, the chairman and minority chairman of the Appropriations Committee of the House of Representatives, the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives summarizing the operation of the program for the 2007-2008 fiscal year. The interim report shall include the items listed in subsection (a)(1), (2), (3), (4), (5) and (6)(i), (ii), (iii), (iv), (vi) and (ix).

(1516-D added July 20, 2007, P.L.278, No.45)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

ARTICLE XV-E

CHARACTER EDUCATION PROGRAM

(Art. added July 4, 2004, P.L.536, No.70)

Section 1501-E. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Character education." A course of instruction designed to educate and assist students in developing basic civic values and character traits, a service ethic and community outreach and thus to improve the school environment and student achievement and learning.

"Character education program" or "program." A program designed and implemented by a school district to provide a course of character education to students in that school district. This term includes, but is not limited to:

(1) Professional education for professional educators for the delivery of character education.

(2) Participation in professional education programs by members of the Character Education Advisory Group.

"Department." The Department of Education of the Commonwealth.

"Grant program." The Character Education Grant Program established by section 1504-E.

"Professional educator." An individual who holds a Pennsylvania teacher, educational specialist or administrative certification or letter of eligibility.

"Secretary." The Secretary of Education of the Commonwealth. (1501-E added July 4, 2004, P.L.536, No.70)
Section 1502-E. Character education program.

(a) Authorization.--The board of school directors of a school district may establish and implement a character education program in its schools.

(b) Curriculum contents.--The program may include and teach the following basic civil values and character traits:

(1) Trustworthiness, including honesty, integrity, reliability and loyalty.

(2) Respect, including regard for others, tolerance and courtesy.

(3) Responsibility, including hard work, economic self-reliance, accountability, diligence, perseverance and self-control.

(4) Fairness, including justice, consequences of bad behavior, principles of nondiscrimination and freedom from prejudice.

(5) Caring, including kindness, empathy, compassion, consideration, generosity and charity.

(6) Citizenship, including love of country, concern for the common good, respect for authority and the law and community mindedness.

(c) Additional elements.--The program may also include and teach the importance of a service ethic and community outreach.

(d) Character education advisory group.--

(1) If a board of school directors elects to establish the program, the board of school directors shall develop the program in consultation with a character education advisory group. The board of directors of a school district shall appoint the members of the character education advisory group.

(2) A character education advisory group shall consult with and advise the board of school directors in the development of the program. The members of the character education advisory group shall elect a chairperson of the group.

(3) The board of school directors shall appoint to the character education advisory group no less than two representatives from each of the following groups:

(i) Parents and legal guardians of students in the school district.

(ii) Teachers and administrators employed by the school district.

(iii) Other members of the community where the school district is located, including social, cultural, business and religious leaders.

(4) The board of school directors shall:

(i) Cooperate and consult with the character education advisory group.

(ii) Provide assistance and relevant materials to the character education advisory group.

(5) (i) The character education advisory group shall consult with and advise the board of school directors

until such time that the program is fully developed and deemed completed.

(ii) The board of school directors shall have the sole authority to determine the completion of the program and may elect to continue the duration of the character education advisory group for up to two additional years for the purpose of receiving consultation and advice from the character education advisory group regarding the school district's implementation of the program.

(e) Integration of concepts into total curriculum.--The program shall be integrated into the school procedures and environment and structured to instruct primarily through example. Classroom instruction may also be used to supplement the program.

(1502-E added July 4, 2004, P.L.536, No.70)

Section 1503-E. Department duties and powers.

The department shall:

(1) Establish criteria and guidelines for the establishment and implementation of programs that are consistent with this article. These guidelines shall also include methods of evaluating the programs and curricula.

(2) Provide resources and technical assistance to boards of directors of school districts regarding the establishment and implementation of successful programs, upon the request of the board of directors of the school district.

(3) Identify and analyze effective programs and practices and related professional development for professional educators and provide such information to a school district upon request of the board of directors of the school district.

(4) Collect and disseminate among school districts information regarding programs and practices and potential support sources, including character education programs that have been successfully established and implemented in other states.

(5) Provide resources and technical assistance to boards of school directors of school districts that support the professional development of professional educators in the establishment and implementation of the program.

(6) Collect and disseminate among school districts information regarding effective professional education for professional educators regarding the establishment and implementation of the program.

(7) Seek, apply for and accept grants or contributions of funds from any public or private source, including the acceptance of Federal funds appropriated by the General Assembly for the purposes of this article.

(8) To the extent that funds are available, establish and award grants under the grant program to assist school districts in establishing and implementing programs.

(9) Maintain a list of school districts that have established and implemented the program pursuant to this article.

(10) Prepare and submit an annual report to the Education Committee of the Senate and the Education Committee of the House of Representatives regarding the administration and operation of programs and grants awarded under the grant program. The report shall include:

(i) A summary of the guidelines and criteria established by the department and the establishment and operation of the grant program.

(ii) A listing of the sources of funding sought by the department for use in the grant program.

(iii) A listing of the number of school districts that established and implemented programs.

(iv) A description of each school district's program and the integration into the curriculum.

(v) A description of measures utilized by school districts to provide parent, professional educator and community involvement.

(1503-E added July 4, 2004, P.L.536, No.70)

Section 1504-E. Character Education Grant Program.

(a) Establishment.--There is hereby established in the department the Character Education Grant Program for the purpose of funding the establishment and implementation of a program by a school district.

(b) Eligibility.--A school district that establishes and implements the program in compliance with the requirements established under section 1502-E and with department criteria and guidelines established under section 1503-E may apply to the department for a grant. Grants shall be awarded to eligible school districts from funds appropriated and funds received by the department for this purpose.

(c) Permitted uses.--The grant shall be used by a school district to fund the establishment and implementation of the program.

(d) Adoption of application procedures.--The secretary shall adopt such procedures, rules and form as may be necessary to implement this grant program by regulation.

(e) Application forms.--Applications shall be made to the department in such form and at such time as the secretary may prescribe by regulation.

(f) Other funding sources.--Funds received under the grant program may be used in conjunction with funds received from any other public or private source.

(1504-E added July 4, 2004, P.L.536, No.70)

Section 1505-E. Prohibited instruction.

Nothing in this article shall be construed to authorize a board of school directors of a school district to establish and implement the program in such a manner that it instructs, proselytizes or indoctrinates students in a specific religious or political belief.

(1505-E added July 4, 2004, P.L.536, No.70)

Section 1506-E. Local control.

Nothing in this article shall be construed to require a board of school directors of a school district to establish and implement the program or to apply for any grant from the Commonwealth or any other source for the purposes of funding the establishment or implementation of the program.

(1506-E added July 4, 2004, P.L.536, No.70)

ARTICLE XV-F

SCIENCE TECHNOLOGY PARTNERSHIPS

(Art. added Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which added Article XV-F, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1501-F. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Higher education institution." Any public or private two-year or four-year or higher postsecondary institution in this Commonwealth that has been accredited at the college level by an accrediting agency recognized by the United States Secretary of Education.

"Nonpublic school." A nonpublic kindergarten, elementary school or secondary school at which a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of Article XIII and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"Program." The Science Technology Partnership Program established in section 1502-F.

"Public school." Any school owned or operated by a public school district established under this act, including any school established pursuant to Article XVII-A.

"School." A public school or nonpublic school.

"Science technology partnership" or "partnership." A science technology partnership established under section 1503-F.

"Scientific or technical equipment." Technical or electronic equipment used in teaching science courses, including laboratory equipment. The equipment may include equipment that is not routinely used in the teaching of science but that is commonly used in the workplace and the fields of health, environment, scientific research, biology, chemistry, geology or other earth sciences, physics or any other scientific field.

"Secretary." The Secretary of Education of the Commonwealth. (1501-F added Nov. 17, 2010, P.L.996, No.104)
Section 1502-F. Science Technology Partnership Program.

(a) Establishment.--The Science Technology Partnership Program is hereby established.

(b) Administration.--To the extent funds are appropriated for the purpose, the department shall administer a grant program that awards grants to higher education institutions that are members of the science technology partnerships.

(c) Criteria for funding.--To implement the program, the department shall request proposals from higher education institutions that are members of science technology partnerships. To receive a grant under subsection (d), a higher education institution must meet all of the following criteria:

(1) Have established a partnership consistent with the requirements of section 1503-F and provided a copy of the partnership agreement to the department.

(2) Demonstrate how the partnership will make science technology equipment available to students enrolled in schools that are partnership members.

(3) Demonstrate how the partnership will augment the science curriculum of schools that are partnership members.

(4) Demonstrate how the partnership will provide additional professional development opportunities to educators employed by schools or school districts that are partnership members.

(5) Have adopted a proposed budget describing the scientific and technical equipment that will be purchased or leased with grant funds.

(d) Grant awards.--To the extent funds are appropriated for the purpose, the department shall award grants to higher

education institutions that meet the criteria for funding under subsection (c). Grants shall be used for the purchase or lease of scientific or technical equipment and for the development of programs of instruction for members of a partnership.

(1502-F added Nov. 17, 2010, P.L.996, No.104)

Section 1503-F. Science technology partnerships.

(a) Establishment.--To be eligible to participate in the program, a higher education institution must form a partnership with schools or school districts and may subcontract with a nonprofit organization in order to implement the partnership agreement under subsection (b). A partnership must include a minimum of three public schools or school districts.

(b) Partnership agreement.--The higher education institution and the schools or school districts shall enter into a written agreement that includes all of the following:

(1) The responsibilities of the higher education institution in providing services to each partnership member.

(2) The responsibilities of the schools or school districts in coordinating with the higher education institution.

(3) A description of the scientific or technical equipment that will be provided to each partnership member.

(4) A description of the program of instruction that will be provided to each partnership member by the higher education institution.

(5) The courses of science instruction and grade levels that will be augmented by scientific or technical equipment through the partnership and how scientific or technical equipment will be used to augment such courses of instruction.

(6) The manner in which access to scientific or technical equipment will be provided to students and teachers.

(7) The professional development activities that will be provided to science teachers employed by partnership members.

(c) Forward to department.--To be eligible to participate in the program, a partnership must forward a certified copy of its partnership agreement to the department.

(1503-F added Nov. 17, 2010, P.L.996, No.104)

Section 1504-F. Powers and duties of department.

The department shall promulgate rules, regulations and procedures necessary to implement the program.

(1504-F added Nov. 17, 2010, P.L.996, No.104)

Section 1505-F. Biennial report.

The secretary shall on a biennial basis submit a report on the program to the Governor, the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives. The initial report shall be due on June 30, 2012, with reports due on June 30 of every even-numbered year thereafter. The report shall include all of the following information:

(1) A description of the types of the partnerships created.

(2) The number of higher education institutions, schools and school districts participating in the program as members of the partnerships.

(3) The number of students participating in the program.

(4) The dollar amount of grants awarded to each higher education institution and a summary of the institution's expenditures on services related to the partnership.

(5) An assessment of the impact of the program on the scientific knowledge of students participating in the program.

(1505-F added Nov. 17, 2010, P.L.996, No.104)

ARTICLE XV-G

OPEN CAMPUS INITIATIVES

(Art. added June 30, 2012, P.L.684, No.82)

Section 1501-G. Legislative intent.

It is the intent of the General Assembly to encourage collaborative partnerships between school districts for the purpose of providing expanded access to high-quality curricula to students in a cost-effective manner through the use of technology.

(1501-G added June 30, 2012, P.L.684, No.82)

Section 1502-G. Definitions.

The following words and phrases when used in this article shall have the meaning given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Nonparticipating school entity." A school district, which is not a party to a cooperative agreement between school districts, a charter school, cyber charter school, nonpublic school or home education program provided under section 1327.1.

"Open campus initiative." A program established under section 1503-G.

"Participating school district." A school district which is party to the cooperative agreement between school districts establishing the open campus initiative.

(1502-G added June 30, 2012, P.L.684, No.82)

Section 1503-G. Open campus initiatives.

(a) Establishment.--An open campus initiative may be established between school districts through a cooperative agreement.

(b) Courses.--Courses of an open campus initiative may be delivered outside of a school building in whole or in part using technology that may include the Internet, video conferencing or other electronic means.

(c) Grades, credit, promotion and graduation.--Course grades, credit, promotion and graduation policies for students participating in open campus initiative courses shall be determined by the school district, charter school, cyber charter school, nonpublic school or evaluator of a home education program in which the student is enrolled and the cooperative agreement between the participating school districts.

(d) Student eligibility requirements.--Eligibility requirements for student participation in open campus initiative courses shall be determined by the school district, charter school, cyber charter school, nonpublic school or supervisor of a home education program in which each student is enrolled and the cooperative agreement between the participating school districts.

(e) Nonparticipating school entities.--A cooperative agreement between participating school districts may provide for students attending a nonparticipating school entity to participate in an open campus initiative course.

(f) Compulsory attendance requirements.--The time during which a student participates in open campus initiative courses shall be considered to be compliant with the compulsory attendance requirements of section 1327.

(g) Student participation.--The school district, charter school, cyber charter school, nonpublic school or home education program in which the student is enrolled shall ensure that a student participating in open campus initiative courses is offered at least 990 hours of instruction at the secondary level and 900 hours of instruction at the elementary level.

(h) Technical assistance.--The department shall provide technical assistance as needed to school districts establishing and operating an open campus initiative.

(1503-G added June 30, 2012, P.L.684, No.82)

Section 1504-G. Cooperative agreements.

(a) Contents.--School districts desiring to establish and operate an open campus initiative shall develop and enter into a cooperative agreement that shall, at a minimum, include:

(1) A policy for grading, credit and promotion of students participating in open campus initiative courses.

(2) A policy for participation of students from participating school districts which shall include minimum academic and attendance criteria.

(3) A policy for participation of students from nonparticipating school entities, which includes a fee schedule for determining tuition charges for courses delivered to those students, if the participating school districts allow participation of students from nonparticipating school entities.

(4) A policy for discipline and removal of students from open campus initiative courses in compliance with State law related to student discipline.

(5) Information about the attribution of student data to the school district, charter school, cyber charter school, nonpublic school or home education program in which the student is enrolled, including student assessment data.

(6) Information about the sharing of costs between the participating school districts.

(7) Information about the use and distribution of tuition revenue.

(8) Processes for adding and removing open campus initiative courses.

(9) Processes for termination of the open campus initiative.

(b) Adoption by boards of school directors.--Each open campus initiative cooperative agreement shall be adopted by majority vote of the board of school directors of each of the participating school districts.

(1504-G added June 30, 2012, P.L.684, No.82)

Section 1505-G. Reimbursements by the Commonwealth.

For the purpose of making reimbursements under Article XXV, a student participating in an open campus initiative shall be considered to be enrolled in the school district, charter school, cyber charter school, nonpublic school or home education program which determines the student's eligibility for participation in the open campus initiative.

(1505-G added June 30, 2012, P.L.684, No.82)

Section 1506-G. Parental and public information.

All policies related to an open campus initiative shall be made accessible to parents and posted on the participating school districts' publicly accessible Internet websites.

(1506-G added June 30, 2012, P.L.684, No.82)

Section 1507-G. Students with disabilities.

Nothing in this article or in any policy or cooperative agreement developed under this article shall conflict with:

(1) Federal or State law regarding the protections provided to a student with a disability for receiving education in the least restrictive environment.

(2) The legal authority of an individualized education program team to make appropriate program and placement decisions for a student with a disability in accordance with the student's individualized education program.

(1507-G added June 30, 2012, P.L.684, No.82)

Section 1508-G. Collective bargaining.

Nothing contained in this article shall be construed to supersede or preempt the rights, remedies and procedures afforded to school employees or labor organizations under Federal or State law, including the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, or any provision of a collective bargaining agreement negotiated between a school entity and an exclusive representative of the employees in accordance with that act.

(1508-G added June 30, 2012, P.L.684, No.82)

ARTICLE XV-H
ADMINISTRATIVE PARTNERSHIPS
BETWEEN SCHOOL ENTITIES

(Art. added July 13, 2016, P.L.716, No.86)

SUBARTICLE A
PRELIMINARY PROVISIONS

(Subart. added July 13, 2016, P.L.716, No.86)

Section 1501-H. Legislative intent.

It is the intent of the General Assembly to help school entities save money and operate more efficiently by encouraging partnerships of routine administrative functions between school entities. It is also the intent of the General Assembly to provide for additional opportunities between school entities to cooperatively develop joint or shared educational programs for students and educators.

(1501-H added July 13, 2016, P.L.716, No.86)

Section 1502-H. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Grant program." The Administrative Partnership Grant Pilot Program established under this article.

"School entity." A school district or an intermediate unit.

"Secretary." The Secretary of Education of the Commonwealth.

(1502-H added July 13, 2016, P.L.716, No.86)

SUBARTICLE B
ADMINISTRATIVE PROVISIONS

(Subart. added July 13, 2016, P.L.716, No.86)

Section 1511-H. Authorization of administrative partnerships.

Consistent with the provisions of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation), two or more school entities may enter into an agreement to share the following between the school entities:

(1) A superintendent or assistant superintendent, duly elected in accordance with law, for the general supervision and direction of all operations of each district and to

perform for each district those duties imposed upon a superintendent or assistant superintendent under this act.

(2) Superintendent office personnel to perform for each district those duties imposed on superintendent office personnel under this act.

(3) A business administrator, business manager or other business office personnel who perform the business management responsibilities under section 433 and other duties as imposed by the board of school directors or the governing body of the intermediate unit, including, but not limited to, financial and budgeting services, receiving and disbursing funds, payroll services, financial accounting, internal auditing and property accounting services for each district.

(4) The management of school facilities, including directing and supervising of the operation and maintenance of school buildings and grounds.

(5) The management of purchasing services, including purchasing supplies, furniture, equipment and materials used in the operation of a school entity.

(6) The management and sharing of technology resources, including information technologies, networks, hardware or personnel.

(7) Other managerial functions as deemed appropriate by two or more school entities to share as approved by the secretary.

(1511-H added July 13, 2016, P.L.716, No.86)

SUBARTICLE C
ADMINISTRATIVE PARTNERSHIP
GRANT PILOT PROGRAM

(Subart. added July 13, 2016, P.L.716, No.86)

Section 1521-H. Establishment.

The Administrative Partnership Grant Pilot Program is established in the department to provide financial assistance to facilitate the sharing of administrative functions between school entities as authorized under Subarticle B.

(1521-H added July 13, 2016, P.L.716, No.86)

Section 1522-H. Application.

The department shall develop a procedure for awarding grants under the program. Two or more school entities may apply for a grant under the program as prescribed by the department. The application at a minimum shall contain the following:

(1) A detailed description of the administrative functions the school entities intend to share under Subarticle B.

(2) The amount of grant funding being requested.

(3) An estimate of the cost savings or other efficiencies that the partnership will achieve.

(4) Any additional benefits to students and educators.

(5) Adoption of a resolution by the governing bodies of the school entities approving the partnership described in paragraph (1).

(1522-H added July 13, 2016, P.L.716, No.86)

Section 1523-H. Grant awards.

(a) General rule.--The secretary shall make no more than four grant awards each fiscal year in an amount not to exceed \$250,000 per grant award.

(b) Grant prioritization.--The secretary shall give priority to an application for grant funding under this subarticle to

those school districts who have applied and demonstrated an existing partnership consistent with this article.

(c) Construction.--Nothing in this section shall be construed to prohibit the secretary from making a grant award to the same applicants in subsequent years, provided, however, that no school entity may be eligible to receive more than three grant awards.

(1523-H added July 13, 2016, P.L.716, No.86)

Section 1524-H. Funds.

The department may use the following to award grants under the program:

(1) Appropriations made by the General Assembly for the program.

(2) Funding appropriated to the department for general government operations.

(3) Up to \$250,000 annually of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the department to award grants. The funds shall be transferred by the Secretary of the Budget to a restricted account as necessary to award grants and, when transferred, are hereby appropriated to carry out the provisions of this subarticle.

(1524-H added July 13, 2016, P.L.716, No.86)

Section 1525-H. Technical assistance.

The department shall provide technical assistance to school entities applying to share administrative functions under this article.

(1525-H added July 13, 2016, P.L.716, No.86)

Section 1526-H. Reports by school entities.

School entities that are awarded a grant under this subarticle shall make a preliminary report to the department detailing the progress made toward achieving the shared services outlined in its grant application no later than 180 days following a grant award and make a final report no later than 60 days after the completion of the administrative partnership outlined in the grant application. The reports required under this section shall include, at a minimum, the following:

(1) Actual cost savings, either directly or through avoided costs, achieved by the sharing of services authorized under this article.

(2) A description of how operational efficiencies were improved as a result of the sharing of services authorized under this article.

(3) Information relating to any impediments the districts experienced in successfully implementing the sharing of services under this article.

(4) Information relating to any enhancements or additions to educational programming or improvements in student achievement as a result of the sharing of services authorized under this article.

(5) Any other information a school entity may deem necessary.

(1526-H added July 13, 2016, P.L.716, No.86)

Section 1527-H. Reports by department.

The department shall compile the reports it receives under section 1526-H and transmit them to the chairperson of the Appropriations Committee of the Senate, the chairperson of the Education Committee of the Senate, the chairperson of the Appropriations Committee of the House of Representatives and the chairperson of the Education Committee of the House of Representatives annually beginning no later than June 30, 2017.

(1527-H added July 13, 2016, P.L.716, No.86)

ARTICLE XV-I
E-CHIEVEMENT PROGRAM
(Art. added July 13, 2016, P.L.716, No.86)

Section 1501-I. Scope of article.

This article relates to the E-chievement Program.

(1501-I added July 13, 2016, P.L.716, No.86)

Section 1502-I. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Hybrid learning." An instructional strategy that blends digital resources with classroom teaching. The term shall not include instruction through a distance education program.

"Nonpublic school." A nonprofit school in which a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241). The term shall not include a public school located within this Commonwealth.

"Program." The E-chievement Program established under this article.

"School entity." Any of the following:

- (1) A school district.
- (2) An intermediate unit.
- (3) An area vocational-technical school.
- (4) A charter school or regional charter school, as defined in section 1703-A.

"State assessment." Any of the following:

- (1) The Pennsylvania System of School Assessment.
- (2) The Keystone Exams.
- (3) A test, except a test listed under paragraph (1) or (2), established or approved by the State Board of Education or General Assembly to meet the requirements of section 2603-B(d)(10)(i), and required under the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802) or its successor statute.
- (4) A test required to achieve other standards established by the Department of Education for a public school or school district under 22 Pa. Code § 403.3 (relating to single accountability system).

(1502-I added July 13, 2016, P.L.716, No.86)

Section 1503-I. E-chievement Program.

(a) Establishment.--The E-chievement Program is established in the department to award grants on a competitive basis to eligible school entities to the extent that funds are appropriated for this purpose.

(b) Eligibility.--

(1) A school entity may apply to the department for a planning grant or implementation grant under the program. School entities may submit a joint application.

(2) A nonpublic school may participate in the grant process through a partnership with a school entity for the planning or implementation of hybrid learning.

(3) The department shall establish criteria to determine whether a school entity is eligible to receive a grant under this article and shall give priority to school entities that submit a joint application.

(c) Applications.--A school entity shall submit an application, in a form deemed acceptable by the department, to the department in order to be awarded a planning grant or implementation grant from the department under this article. The grant application must describe the manner in which the applicant will use hybrid learning to improve student achievement.

(d) Grant agreement.--An eligible school entity that is awarded a planning grant or implementation grant under this article shall execute a grant agreement with the department that provides for the following:

(1) The school entity will provide a cash or in-kind local match of money in support of hybrid learning within the school entity of at least 25% of the total project cost.

(2) The school entity will work collaboratively to share lessons and best practices with other school entities.

(3) The school entity will report to the department and the General Assembly, as requested, hybrid learning outcomes, which shall include the following:

(i) Student performance and academic growth on State and local assessments.

(ii) School discipline reports.

(iii) Survey responses regarding the impact of hybrid learning on student engagement, technology skills acquisition and competency, teacher effectiveness and school productivity.

(e) Use of grants.--

(1) A grant issued by the department under this article shall be used for components of hybrid learning, including, but not limited to, digital instructional content, classroom management tools, operations support, technology and equipment, professional development, instructional coaching, consulting services and planning assistance.

(2) A grant issued by the department under this article may not be used for:

(i) Staff compensation, except to the extent necessary for substitute teachers or the cost of professional development activities related to hybrid learning as defined in the application.

(ii) The purchase of computer hardware and technology equipment, except that a school entity awarded an implementation grant may use up to 25% of the grant award for the purchase of computer hardware and technology equipment.

(1503-I added July 13, 2016, P.L.716, No.86)

Section 1504-I. Planning grants.

(a) General rule.--A planning grant from the program may be issued to eligible school entities that are interested in hybrid learning, but do not have comprehensive plans to deliver hybrid learning.

(b) Limitation on amount.--A planning grant under this article may not exceed \$50,000 for a school entity or \$50,000 for each school entity that submits a joint application. A school entity may not receive more than one planning grant within a five-year period.

(c) For each new award year, the department shall annually adjust the award amounts under subsection (b) to reflect any upward changes in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area.

(d) Required information for application.--A school entity that applies for a planning grant shall submit the following information in the grant application:

(1) A statement of objectives, which shall include strategies to improve academic achievement and increase student engagement through the following:

- (i) Delivery of lessons in small groups.
- (ii) Use of data to differentiate instruction.
- (iii) Encouragement of individually paced learning.
- (iv) Application of multiple educational

methodologies.

(2) An overview of the planning process.

(3) The proposed planning budget, including the local match.

(4) A description of the professional development that will occur during the planning period.

(5) A description of how the school entity will be able to continue to provide hybrid learning without funding from the Commonwealth.

(1504-I added July 13, 2016, P.L.716, No.86)

Section 1505-I. Implementation grants.

(a) General rule.--An implementation grant from the program may be issued to eligible school entities that at the time of application:

(1) have a comprehensive plan for hybrid learning designs and are ready to implement hybrid learning within the school year in which the school entity receives the implementation grant; or

(2) deliver hybrid learning and intend to expand hybrid learning.

(b) Limitation on amount.--An implementation grant under this article may not exceed \$250,000 annually for a school entity or \$250,000 annually for each school entity that submits a joint application. A school entity may not receive more than one implementation grant per year and may not receive more than a total of three implementation grants within a five-year period. A school entity shall submit a new grant application, as required under section 1503-I(c), in order to renew an implementation grant.

(c) For each new award year, the department shall annually adjust the award amounts under subsection (b) to reflect any upward changes in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area.

(d) Required information for application.--A school entity that applies for an implementation grant shall submit the following information in the grant application:

(1) A statement of objectives, which shall include strategies to improve academic achievement and increase student engagement through the following:

- (i) Delivery of lessons in small groups.
- (ii) Use of data to differentiate instruction.
- (iii) Encouragement of individually paced learning.
- (iv) Application of multiple educational

methodologies.

(2) A detailed hybrid learning design.

(3) An overview of the implementation or expansion plan for hybrid learning.

(4) The proposed hybrid learning budget, including the local match.

(5) A summary of the professional development program that will occur during the implementation period.

(6) A description of how the school entity will define success, monitor progress and make program improvements.

(7) Where applicable, a proposal for expanding hybrid learning, which shall include a plan for each stage of the expansion.

(8) A description of how the school entity will be able to continue to provide hybrid learning without funding from the Commonwealth.

(1505-I added July 13, 2016, P.L.716, No.86)

Section 1506-I. Requirements for hybrid learning.

The following shall apply:

(1) School entities offering hybrid learning shall develop policies related to the following and post such policies on the school entity's publicly accessible Internet website:

(i) Grading rubrics.

(ii) Course credit.

(iii) Student promotion and graduation.

(iv) Eligibility requirements for student participation in hybrid learning.

(2) A school entity offering hybrid learning shall ensure that each student enrolled in the school entity and participating in hybrid learning is offered at least the minimum hours of instruction required under 22 Pa. Code § 11.3 (relating to minimum required hours).

(1506-I added July 13, 2016, P.L.716, No.86)

Section 1507-I. Annual report.

By November 30, 2017, and by November 30 of each year thereafter, the department shall prepare and submit an electronic report to the Governor, the Appropriations Committee of the Senate, the Education Committee of the Senate, the Appropriations Committee of the House of Representatives and the Education Committee of the House of Representatives regarding the effectiveness and administration of the program. The report shall, at a minimum, include the following:

(1) Whether the program is meeting the goal of encouraging individually paced learning to increase student engagement and improve academic performance.

(2) The program measures developed by the department to measure outcomes of the program, including student academic performance.

(3) Individual school entity results from participation in the program consistent with the requirements of the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) or a successor statute.

(4) Recommendations for improvements to the administration of the program.

(1507-I added July 13, 2016, P.L.716, No.86)

Section 1508-I. Collective bargaining.

Nothing contained in this article shall be construed to supersede or preempt the rights, remedies and procedures afforded to school employees or labor organizations under Federal or State law, including the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act, or any provision of a collective bargaining agreement negotiated between a school entity and an exclusive representative of the employees in accordance with that act.

(1508-I added July 13, 2016, P.L.716, No.86)

Section 1509-I. Grant awards received by school districts.

Notwithstanding any other provision of law, a grant award received by a school district under this article shall not be included in the school district's budgeted total expenditure

per average daily membership used to calculate the amount to be paid to a charter school or to a regional charter school under section 1725-A(a)(2) and (3).

(1509-I added July 13, 2016, P.L.716, No.86)

Section 1510-I. Distribution of funding.

The department shall ensure that not less than 15% of money appropriated or made available to the department for grants under this article is allocated to school entities that rank in the lowest 5% of school entities based on combined mathematics and reading scores from annual State assessments administered in the previous school year and, to the greatest extent possible, the department shall ensure that all money appropriated or made available to the department for grants under this article is distributed geographically throughout this Commonwealth.

(1510-I added July 13, 2016, P.L.716, No.86)

ARTICLE XVI. HIGH SCHOOLS.

Section 1601. Types of High Schools; Regulations.--

High schools shall be designated either as junior high schools or senior high schools by the Department of Public Instruction when they conform to regulations promulgated by the Department of Public Instruction in accordance with standards approved by the State Board of Education.

(1601 amended Oct. 21, 1965, P.L.601, No.312)

Section 1602. New High Schools; Additional Years.--In order to establish a new high school or to add a year of work to the program of a high school or junior high school already in operation in a school district of the fourth class, the approval of the Department of Public Instruction shall be secured in advance of the opening of such school or of making such change in program.

(1602 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1603. Admission of Pupils.--In all school districts there shall be admitted to the public high schools therein all children, under the age of twenty-one years, residing within the school districts, who shall be found qualified for admission thereto, after having undergone such an examination as shall be prescribed by the board of school directors, subject to such rules and regulations as the Superintendent of Public Instruction shall prescribe, together with such additional pupils from other districts as are herein provided for.

Section 1604. Employment of Teachers; Subjects of Study.--Except in school districts of the first class, the board of school directors of every school district shall employ for its high school, during the entire term, a sufficient number of teachers for the teaching of any of the subjects included in the program of studies prescribed by the standards of the State Board of Education for which there shall be an application by fifteen pupils belonging to the grade in which said subject is specified in the program of studies. No pupil shall be counted among the applicants for such subject unless, in the judgment of the principal of the school, he is both qualified and entitled to take such subject in the curriculum he is pursuing. No teacher shall be employed to teach any branch other than those enumerated in his certificate.

(1604 amended Oct. 21, 1965, P.L.601, No.312)

Section 1605. Courses of Study.--(a) In all public, private or parochial schools, there shall be integrated in the social studies curriculum courses of study as provided in this act.

It shall be the duty of the superintendent having supervision over any high school to prepare, and recommend to the board of school directors maintaining the same, suitable courses of study, which shall be adopted by said board of school directors, with such changes as they may deem wise, subject to the provisions of this act. During grades seven through twelve inclusive, there shall be included at least four semesters or equivalent study in the history and government of that portion of America which has become the United States of America, and of the Commonwealth of Pennsylvania, of such nature, kind or quality, as to have for its purpose the developing, teaching and presentation of the principles and ideals of the American republican representative form of government, as portrayed and experienced by the acts and policies of the framers of the Declaration of Independence and framers of the Constitution of the United States and the Bill of Rights. The study of the history of the United States, including the study of the Constitution of the United States and the study of the history and Constitution of this Commonwealth, shall also be such as will emphasize the good, worthwhile and best features and points of the social, economic and cultural development, the growth of the American family life, high standard of living of the United States citizen, the privileges enjoyed by such citizens, their heritage and its derivations of and in our principles of government. Such instruction shall have for its purpose also the instilling into every boy and girl who comes out of our public, private and parochial schools their solemn duty and obligation to exercise intelligently their voting privilege and to understand the advantages of the American republican form of government as compared with various other forms of government.

Such instruction shall continue in courses in the State Colleges to an extent to be determined by the Superintendent of Public Instruction.

((a) amended Sept. 20, 1961, P.L.1530, No.650)

(b) During one or more of the last four years of any complete high school program, there may be included a course of study in first aid or home nursing, or both, for the purpose of training and increasing the available supply of trained personnel for use in any program or activity undertaken pursuant to the act of March nineteen, one thousand nine hundred fifty-one (Pamphlet Laws 28), known as the "State Council of Civil Defense Act of 1951," as amended. The Superintendent of Public Instruction shall direct a course of study to be prepared to assist school districts in complying with the provisions of this section.

(c) (1) Beginning with those students graduating from a public high school at the end of the 2016-2017 school year, and continuing in each school year thereafter, a student who successfully completes a course in computer science or information technology during grades nine through twelve shall be permitted to apply up to one credit earned for successful completion of such course to satisfy the student's mathematics or science credit requirement for graduation, provided that the governing body of the student's public high school shall have discretion to determine the graduation credit requirement to which the credit earned by the student shall be applied.

(2) As used in this subsection, "public high school" shall mean a public school, including a school within a school district, a charter school, a cyber charter school, a regional charter school or an area vocational-technical school, that offers twelfth grade.

((c) added July 13, 2016, P.L.716, No.86)

(1605 amended Apr. 12, 1956, 1955 P.L.1459, No.478)

Section 1606. Supervision; Reports.--Every public high school shall be under the supervision of the superintendent of the district in which said high school is situated.

The board of school directors of every district maintaining a high school shall furnish to the Superintendent of Public Instruction sworn statements giving such information concerning said high school as he may require.

(1606 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1607. Attendance in Other Districts.--(a) Except as set forth in subsection (b), pupils residing in a school district in which no public high school is maintained may attend, during the entire term, at the expense of the school district of which they are residents, the nearest or most conveniently located high school of such class as they may desire to attend, unless the board of school directors of the district of residence shall have assigned the pupils to a high school and adequate transportation is provided thereto. Pupils who reside in a school district in which no public high school, other than a vocational high school is maintained, may attend, during the entire term, the nearest or most conveniently located academic high school. In any district which maintains a high school whose program of studies terminates before the end of the twelfth year, pupils who have satisfactorily completed the program of studies there available in other than vocational schools or departments, or have completed a program of studies equivalent to said program of studies in some other school or schools, may attend, at the expense of the school district in which they live, and for the purpose of pursuing academic studies of a higher grade, the nearest or most conveniently located high school of such type as they may desire to attend giving further high school work.

(b) If a third class school district operating under a special board of control pursuant to section 692 has, with the approval of the Secretary of Education, curtailed its educational program by eliminating its high school and has not assigned its high school pupils to another school district and provided adequate transportation in a manner under subsection (a), the secretary shall have the following authority:

(1) To designate two or more school districts, which shall accept on a tuition basis the high school students of the distressed school district, so long as a designated school district's border is no more than three (3) miles from the border of the distressed school district. The designation under this paragraph shall occur no later than thirty (30) days after receiving the approval of the secretary to curtail its educational program by the elimination of its high school, provided, however, that if any school district meets the criteria of this subsection on the effective date of this subsection, the designation of school districts shall occur no later than thirty (30) days after the effective date of this subsection. ((1) amended July 12, 2012, P.L.1142, No.141)

(2) To establish a process for the distressed school district to use to reassign its high school students to the school districts designated under paragraph (1).

(3) To establish the per-pupil tuition rate that a school district designated under paragraph (1) shall receive for each reassigned student in a regular or special education program. For the 2010-2011 and 2011-2012 school years, the tuition rate established under this paragraph may not exceed the product of:

(i) the tuition rate established for the 2007-2008 school year; and

(ii) the greater of:

(A) two percent (2%); or

(B) the percentage increase in total budgeted revenues available to a distressed school district.

(4) For the 2012-2013 school year and each school year thereafter, the per pupil tuition rate that a school district designated under paragraph (1) shall receive for each reassigned student in a regular or special education program shall be the greater of ten thousand dollars (\$10,000) or the product of:

(i) the tuition rate established for the prior school year; and

(ii) the greater of:

(A) the percentage increase in total budgeted revenues available to a distressed school district; or

(B) the index set pursuant to the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the "Taxpayer Relief Act," for the distressed school district.

((b) amended June 30, 2012, P.L.684, No.82)

(b.1) (1) The following shall apply to professional and temporary professional employees of a school district in which pupils have been reassigned to another school district pursuant to subsection (b):

(i) The school district that has eliminated its high school shall create a pool comprised of the professional and temporary professional employees who have received formal notice of suspension as a result of the school district's elimination of its high school program.

(ii) Employees in the pool created under clause (i) shall be offered employment by any school district receiving students who have been reassigned pursuant to subsection (b) whenever that school district has a vacancy for a position that an employee in the pool is certified to fill, provided that no employee of the school district in which the vacancy exists, including a suspended or demoted employee, has a right to such vacancy under this act or the collective bargaining agreement of that school district.

(iii) No new employee shall be hired by any school district receiving students who have been reassigned pursuant to subsection (b) until the position has been offered, in order of seniority, to all properly certified members of the pool created under clause (i).

(2) Employees hired from the pool as provided under this subsection shall be credited by the hiring school district for all sick leave accumulated in the school district that has eliminated its high school program and shall be credited for years of service in the school district that has eliminated its high school program for purposes of salary schedule placement. Temporary professional and professional employees shall further be credited for their years of service in the school district that has eliminated its high school program for purposes of sabbatical leave eligibility, suspension and realignment rights and eligibility for any retirement incentives or severance payments in a hiring school district.

((b.1) added July 12, 2012, P.L.1142, No.141)

(c) A school district designated under subsection (b) (1) shall provide transportation to reassigned students to its high school and shall be eligible for transportation reimbursement in a manner consistent with section 2541.

(d) By August 1 of the year in which a school district is designated under subsection (b) (1) and each August 1 thereafter,

the secretary shall publish on the Internet website of the Department of Education and submit to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin, the following information:

(1) The names of the school districts designated under subsection (b)(1).

(2) The process established under subsection (b)(2).

(3) The tuition rate established under subsection (b)(3).

(e) Notwithstanding any other provision of statute, regulation, guideline, directive, decision or agreement to the contrary, a school district which is designated under subsection (b)(1) may not be required to include the students in its public school enrollment report for the purposes of determining an interscholastic sports classification by a private entity that is organized under the laws of this Commonwealth to administer interscholastic athletics.

(f) A student assigned to a school district designated under subsection (b)(1) shall be included in the average daily membership of the student's school district of residence for the purpose of providing basic education funding allocations and special education funding payments pursuant to Article XXV.

(g) By February 1 of each year, the Legislative Budget and Finance Committee shall submit an annual report to the chairman and minority chairman of the Appropriations Committee and the Education Committee of the Senate and to the chairman and minority chairman of the Appropriations Committee and the Education Committee of the House of Representatives summarizing the financial and academic status of a distressed school district under this section and include an audit of its accounts for the immediately preceding school year.

(h) For the two (2) consecutive school years following designation under subsection (b)(1), a school district designated under subsection (b)(1) shall receive an additional per-pupil sum of five hundred dollars (\$500) for students reassigned pursuant to this section. These additional funds shall be used for transition services to students, including student mentoring, tutoring, employee in-service programs designed to assist transitioning students and security expenditures.

(i) The following apply:

(1) No later than ninety (90) days after designating a school district under subsection (b)(1), the secretary shall establish the Education Advisory Committee, consisting of members selected by the secretary, including:

(i) A representative of each school district designated under subsection (b)(1) recommended by the board of school directors of the designated school district.

(ii) A member of the board of control of the distressed school district subject to this section.

(iii) An administrator from each school district designated under subsection (b)(1) and from the distressed school district subject to this section.

(iv) A teacher from each school district designated under subsection (b)(1) and from the distressed school district subject to this section.

(v) An elected official representing voters in each school district designated under subsection (b)(1) and the distressed school district subject to this section.

(vi) Three (3) residents of each of the school districts designated under subsection (b)(1).

(vii) Three (3) residents of the distressed school district subject to this section.

(viii) An employee of the department. The employee must not be a current member of the board of control.

(ix) A representative of the intermediate unit in which the school districts designated under subsection (b)(1) and the distressed school district subject to this section are located.

(2) The Education Advisory Committee shall provide a semi-annual report to the secretary. The report shall include:

(i) An evaluation of the transition of students who have been assigned to a school district designated under subsection (b)(1).

(ii) Recommendations for changes to the process established under subsection (b)(2).

(iii) Recommendations for improving education opportunities for students of a distressed school district under this section.

(3) The secretary shall provide the Education Advisory Committee a written response to the semi-annual report required under paragraph (2).

(1607 amended Nov. 23, 2010, P.L.1350, No.123)

Compiler's Note: Section 4 of Act 123 of 2010, which amended section 1607, provided that any regulations that are inconsistent with Act 123 are hereby abrogated to the extent of the inconsistency.

Section 1607.1. Distressed School Districts and Student Attendance in Other Districts.--(a) If a third class school district in which a public high school is not maintained operates and, for at least five consecutive years, has operated under a special board of control under section 692, has been placed on the education empowerment list under section 1703-B, has, with the approval of the secretary, curtailed its educational program by eliminating its high school and has not assigned its high school pupils to another school district or school districts and provided adequate transportation in a manner pursuant to section 1607, the secretary shall have the following authority:

(1) To designate two or more school districts that shall accept on a tuition basis the high school students of a distressed school district, so long as a designated school district's border is no more than three miles from the border of the distressed school district. Such designation shall occur no later than fifteen (15) days after the effective date of this section. No designated school district shall be assigned more than one hundred sixty-five (165) students from the distressed school district.

(2) To establish a process that a distressed school district shall use to reassign its high school students to the school districts designated under paragraph (1).

(3) To establish the per-pupil tuition rate that a school district designated under paragraph (1) shall receive for each reassigned student in a regular or special education program. For the 2007-2008 school year, the tuition rate shall be the 2006-2007 high school tuition charge of each of the school districts designated under paragraph (1). For the 2008-2009 school year and each school year thereafter, the tuition rate established under this paragraph may not exceed the tuition rate established for the 2007-2008 school year multiplied by the greater of either two per centum (2%) or the percentage increase in total budgeted revenues available to a distressed school district.

(b) A school district designated under subsection (a)(1) shall provide transportation to reassigned students to its high

school and shall be eligible for transportation reimbursement in a manner consistent with section 2541.

(c) The secretary shall publish the following on the Department of Education's Internet website no later than August 1, 2007, and August 1 of each year thereafter and in the Pennsylvania Bulletin no later than September 30, 2007, and September 30 of each year thereafter:

(1) The names of the school districts designated under subsection (a)(1).

(2) The process established under subsection (a)(2).

(3) The tuition rate established under subsection (a)(3).

(d) Notwithstanding any other provision of law, regulation, guideline, directive, decision or agreement to the contrary, any school district that is designated under subsection (a)(1) may not be required to include the students in its public school enrollment report for the purposes of determining an interscholastic sports classification by a private entity that is organized under the laws of this Commonwealth to administer interscholastic athletics.

(e) A student assigned to a school district designated under subsection (a)(1) shall be included in the average daily membership of the student's school district of residence for the purpose of providing basic education funding allocations and special education funding payments pursuant to Article XXV.

(f) No later than February 1, 2008, and February 1 of each year thereafter, the Legislative Budget and Finance Committee shall submit a report to the chairman and minority chairman of the Appropriations and Education Committees of the Senate and to the chairman and minority chairman of the Appropriations and Education Committees of the House of Representatives summarizing the financial and academic status of a distressed school district under this section and including an audit of its accounts for the immediately preceding school year.

(g) For the 2007-2008 and 2008-2009 school years, a school district designated under subsection (a)(1) shall receive an additional per-pupil sum of five hundred dollars (\$500) for students reassigned pursuant to this section. These additional funds shall be used for transition services to students, including, but not limited to, student mentoring, tutoring, employe in-service programs designed to assist transitioning students and security expenditures.

(h) (1) No later than October 1, 2007, the secretary shall establish an Education Advisory Committee which shall provide semi-annual reports to the secretary. Such reports to the secretary may include, but are not limited to:

(i) An evaluation of the transition of students who have been assigned to a school district designated under subsection (a)(1).

(ii) Recommendations for changes to the process established under subsection (a)(2).

(iii) Recommendations for improving education opportunities for students of a distressed school district under this section.

(2) The secretary shall provide the Education Advisory Committee a written response to the semi-annual report required under this paragraph.

(3) The Education Advisory Committee shall consist of members selected by the secretary, including:

(i) A representative of each school district designated under subsection (a)(1) recommended by the board of school directors of the designated school district.

(ii) A member of the board of control of the distressed school district.

(iii) An administrator from each school district designated under subsection (a)(1) and from the distressed school district.

(iv) A teacher from each school district designated under subsection (a)(1) and from the distressed school district.

(v) An elected official representing voters in each school district designated under subsection (a)(1) and the distressed school district.

(vi) Three residents of each of the school districts designated under subsection (a)(1).

(vii) Three residents of the distressed school district.

(viii) An employe of the Department of Education, who shall not be a current member of the board of control.

(ix) A representative of the intermediate unit in which the school districts designated under subsection (a)(1) and the distressed school district are located.

(1607.1 added July 20, 2007, P.L.278, No.45)

Section 1608. Requirements for Attendance in Other Districts.--Pupils wishing to attend a high school in a district other than the high school in the district in which they reside shall obtain the consent of the board of school directors of the district or joint school of the area in which such high school is located before attending the same. Pupils desirous of having their tuition paid in a high school in another district shall secure written approval from the school board in the district or joint board in the district or joint board of the area of which they are residents. The board of school directors of the district in which any such pupil resides may enter into a written agreement with the receiving district for the attendance and tuition of the pupil.

(1608 amended Aug. 11, 1959, P.L.683, No.228)

Section 1609. Attendance in Other District when Free Transportation Not Furnished.--If any child has completed the elementary course of study in the public schools of the district in which he resides, and resides three miles or more, by public road, from the nearest high school in the district, unless proper free transportation is furnished, he may attend any more convenient high school in another district, without the consent of the board of school directors of the district in which he resides, and the district in which he resides shall be liable to the district whose high school he attends for the tuition charge provided for in this act.

Section 1610. Fitness of Pupils.--All pupils desiring to attend any high school outside the district in which they reside shall first satisfy the superintendent having supervision of the district in which they reside, as well as the superintendent or principal of said high school, of their fitness to enter the same.

Section 1611. Academic Degrees.--(a) The power to confer academic degrees, honorary or otherwise, heretofore granted to and possessed by any board of public education, board of school directors, or controllers of any school district, on the eighteenth day of May, one thousand nine hundred eleven, is hereby vested in the board of school directors of such school district as now constituted. Any public high school, in any school district, existing on the eighteenth day of May, one thousand nine hundred eleven, with a course of study of not less than four years, and upon whose students of the full prescribed course of study such academic or other degrees have heretofore been conferred, shall be continued by the board of school directors of the district in which it shall be located, under such name or title, with such regulations, and courses

of study of such length and character, as the board may deem necessary.

(b) A board of school directors may establish a program to be known as "Operation Recognition" which provides for granting a high school diploma to any honorably discharged veteran who served in the United States military in World War II between the sixteenth day of September, one thousand nine hundred forty, and the thirty-first day of December, one thousand nine hundred forty-six, who attended high school between one thousand nine hundred thirty-seven and one thousand nine hundred forty-six and who would have been a member of a graduation class during the years one thousand nine hundred forty-one through one thousand nine hundred fifty but did not graduate from high school due to entry into military service. A board of school directors may award a diploma posthumously to an eligible veteran. An application for a diploma under this subsection must be made in the manner prescribed by the board of school directors.

(c) A board of school directors may establish a program to be known as "Operation Recognition" which provides for granting a high school diploma to any honorably discharged veteran who served in the United States military in the Korean War between the twenty-seventh day of June, one thousand nine hundred fifty, and the thirty-first day of January, one thousand nine hundred fifty-five, who attended high school between one thousand nine hundred forty-seven and one thousand nine hundred fifty-five and who would have been a member of a graduation class during the years one thousand nine hundred fifty-one through one thousand nine hundred fifty-seven but did not graduate from high school due to entry into military service. A board of school directors may award a diploma posthumously to an eligible veteran. An application for a diploma under this subsection must be made in the manner prescribed by the board of school directors. ((c) added Dec. 9, 2002, P.L.1472, No.187)

(d) (1) A board of school directors may establish a program to be known as "Operation Recognition" which provides for granting a high school diploma to any honorably discharged veteran who served in the United States military in the Vietnam War between the twenty-eighth day of February, one thousand nine hundred sixty-one, and the seventh day of May, one thousand nine hundred seventy-five, who attended high school between one thousand nine hundred fifty-eight and one thousand nine hundred seventy-five and who would have been a member of a graduation class during the years one thousand nine hundred sixty-one through one thousand nine hundred seventy-five but did not graduate from high school due to entry into military service.

(2) A board of school directors may award a diploma posthumously to an eligible veteran.

(3) An application for a diploma under this subsection must be made in the manner prescribed by the board of school directors.

((d) added Nov. 17, 2010, P.L.996, No.104)

(1611 amended June 25, 2001, P.L.731, No.73)

Compiler's Note: Section 24 of Act 104 of 2010, which added subsec. (d), provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1612. State Scholarships for Pupils of Secondary Schools.--(1612 repealed Feb. 2, 1966, 1965 P.L.1886, No.599)

Section 1613. High School Certificates.--(a) The board of school directors, joint board or joint school committee

operating any high school shall issue a certificate to each pupil satisfactorily completing the prescribed course of instruction in the high school.

(b) For those pupils graduating at the close of the school year 1989-1990, and each school year thereafter, the following minimum courses in grades nine through twelve are established as a requirement for high school graduation in schools operated by a bona fide church or other religious body:

- (1) Four years of English.
- (2) Three years of mathematics.
- (3) Three years of science.
- (4) Three years of social studies.
- (5) Two years of arts and humanities.

(c) A child enrolled in a day or boarding school accredited by an accrediting association which is approved by the State Board of Education shall be deemed to have met the requirements of subsection (b).

(d) The Department of Education, in a form and manner that it shall prescribe, may issue a Commonwealth secondary school diploma to an individual confined in a State-operated juvenile or adult correctional facility located within this Commonwealth if the individual has completed the required secondary school curriculum specified by the department. If a Commonwealth secondary school diploma is not issued, the department may award academic credit for completed coursework.

(1613 amended June 22, 2001, P.L.530, No.35)

Section 1614. Participation By Students With Disabilities in High School Graduation Ceremonies.--(a) For the 2005-2006 school year and each school year thereafter, a board of school directors of a school district, an area vocational-technical school or a charter school shall allow a student with a disability, whose individualized education program as established pursuant to 22 Pa. Code § 14.131 (relating to IEP) prescribes continued special education programs beyond the fourth year of high school, to participate in commencement ceremonies with the student's graduating class and receive a certificate of attendance, provided that the student has attended four years of high school regardless of whether the student has completed the individualized education program.

(b) Nothing in this section shall be construed to preclude a student with a disability from receiving a high school diploma when the student satisfactorily completes an individualized education program as required under 22 Pa. Code § 14.131.

(1614 added May 1, 2006, P.L.107, No.31)

Section 1615. Virtual High School Study Commission.--(a) The Virtual High School Study Commission is established within the Department of Education to examine the feasibility and costs associated with creating a State-operated, Internet-based high school, to be known as the Pennsylvania Virtual High School, which would provide secondary students throughout this Commonwealth with access to a wide range of learning services to include, at a minimum:

(1) Expanded curricular offerings such as higher level mathematics and science courses, foreign language courses and advanced placement courses.

(2) Increased options for concurrent enrollment in higher education.

(3) Scholastic Aptitude Testing preparation programs.

(4) Summer enrichment and tutoring courses.

(5) Increased instructional options for at-risk students, home-bound and alternative education students.

(6) Expanded offerings for gifted and talented students.

(7) Establishment of linkages between students and prospective employers, including those offering high school internships and apprenticeships.

(8) Establishment of programs or services to offer students at risk of dropping out or who have dropped out an opportunity to obtain a high school diploma.

(b) The Virtual High School Study Commission shall consist of the following members:

(1) The majority chairman and the minority chairman of the Education Committee of the Senate and the majority chairman and the minority chairman of the Education Committee of the House of Representatives.

(2) Two members of the Senate, one each to be chosen by the President pro tempore and Minority Leader of the Senate.

(3) Two members of the House of Representatives, one each to be chosen by the Majority Leader and Minority Leader of the House of Representatives.

(4) The Secretary of Education or a designee.

(5) The chairman of the State Board of Education or a designee who is a member of the State Board of Education.

(6) The Chancellor of the State System of Higher Education or a designee.

(7) The presidents of each of the Commonwealth's four State-related universities or their designees.

(8) The president of the Pennsylvania Commission for Community Colleges or a designee.

(9) The president of the Association of Independent Colleges and Universities of Pennsylvania or a designee.

(10) The president of the Pennsylvania Association of School Administrators or a designee.

(11) The president of the Pennsylvania Association of Elementary and Secondary School Principals or a designee.

(12) The president of the Pennsylvania Association of Intermediate Units or a designee.

(13) The president of the Pennsylvania Association of Rural and Small Schools or a designee.

(14) The president of the Pennsylvania League of Urban Schools or a designee.

(15) The president of the Pennsylvania Federation of Teachers or a designee.

(16) The president of the Pennsylvania State Education Association or a designee.

(17) The president of the Pennsylvania School Boards Association or a designee.

(18) The president of the Pennsylvania Parent Teacher Association or a designee.

(19) The president of the Pennsylvania Chamber of Business and Industry or a designee.

(20) Two representatives of Pennsylvania's broadband cable industry, one each to be selected by the President pro tempore of the Senate and the Speaker of the House of Representatives.

(21) Two chief executive officers of cyber charter schools approved pursuant to subdivision (c) of Article XVII-A, selected by the Pennsylvania Coalition of Charter Schools from among cyber charter schools approved pursuant to subdivision (c) of Article XVII-A.

Members of the commission shall be appointed within forty-five (45) days of the effective date of this section.

(c) Any vacancy on the Virtual High School Study Commission shall be filled by the original appointing officer or agency.

(d) The Virtual High School Study Commission shall select a chairman and vice chairman from among its membership at an

organizational meeting. The organizational meeting shall take place no later than ninety (90) days following the effective date of this section.

(e) The Virtual High School Study Commission shall hold meetings at the call of the chairman. The commission may also hold public hearings on the matters to be considered by the commission at locations throughout this Commonwealth. All meetings and public hearings of the commission shall be deemed public meetings for the purpose of 65 Pa.C.S. Ch. 7 (relating to open meetings).

(f) Sixteen (16) members of the Virtual High School Study Commission shall constitute a quorum at any meeting. Each member of the commission may designate another person to represent that member at meetings of the commission.

(g) Virtual High School Study Commission members shall receive no compensation for their services but shall be reimbursed for all necessary travel and other reasonable expenses incurred in connection with the performance of their duties as members.

(h) (1) The Virtual High School Study Commission may employ technical and clerical staff as it deems necessary to carry out its responsibilities under this section.

(2) The Department of Education shall provide administrative support, office space and any other assistance required by the commission to carry out its duties under this act.

(3) Whenever possible, the Commission shall utilize the services and expertise of existing personnel and staff of State government, and, to this end the Governor, the President pro tempore of the Senate and Minority Leader of the Senate and the Speaker of the House of Representatives and the Minority Leader of the House of Representatives shall make such personnel and staff available to the commission to the fullest extent commensurate with the performance of their other duties.

(i) The Virtual High School Study Commission shall have the following powers and duties:

(1) Meeting with all segments of the basic and higher education communities, representatives of the State's business and labor communities and Internet service providers operating within this Commonwealth to discuss their potential involvement in the operation of a State virtual high school program.

(2) Meeting with current operators of Internet-based educational programs operating within this Commonwealth, including those operated by school districts, intermediate units and blended school programs.

(3) Reviewing State-operated virtual high school programs already in operation throughout the United States.

(4) Evaluating and making recommendations on the following:

(i) An agency or institution to be responsible for administration of the school and oversight of day-to-day operations.

(ii) Courses to be offered, including how they will be determined and assessed.

(iii) Faculty, including salaries, certification, training, professional development and evaluation.

(iv) Policies for awarding of credits.

(v) Assuring maximum accessibility to high school students in all geographic locations.

(vi) Student enrollment, verification of attendance and performance assessment.

(vii) Program accountability.

(viii) Methods for funding, including cost estimates.

(ix) Internet filtering, blocking and other security issues.

(x) Intellectual property issues such as patents, copyrights and trademarks.

(xi) Adaptation and accessibility for students with disabilities.

(xii) Such other issues as it deems appropriate.

(j) The Virtual High School Study Commission shall issue a report of its findings and recommendations to the Governor, the President pro tempore of the Senate and Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives, the majority chairman and minority chairman of the Education Committee of the Senate and the majority chairman and minority chairman of the Education Committee of the House of Representatives no later than December 31, 2009.

(1615 added July 9, 2008, P.L.846, No.61)

Compiler's Note: Section 34 of Act 61 of 2008, which added section 1615, provided that Act 61 shall apply retroactively to July 1 2008.

Section 1616. Wearing of Military Uniform at Graduation Ceremony.--A student shall have the right to wear a dress uniform issued to the student by a branch of the United States Armed Forces while participating in the graduation ceremony for the student's high school if that student meets the following requirements:

(1) The student has fulfilled all of the requirements for receiving a high school diploma in this Commonwealth and is otherwise eligible to participate in the graduation ceremony.

(2) The student has completed basic training for and is an active member of a branch of the United States Armed Forces.

(1616 amended July 12, 2012, P.L.1142, No.141)

ARTICLE XVI-A.

INTERSCHOLASTIC ATHLETICS ACCOUNTABILITY.

(Art. added Nov. 22, 2000, P.L.672, No.91)

Section 1601-A. Scope.--This article deals with interscholastic athletics accountability.

(1601-A added Nov. 22, 2000, P.L.672, No.91)

Section 1602-A. Definitions.--The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Association." The Pennsylvania Interscholastic Athletic Association.

"Committee." The Legislative Budget and Finance Committee.

"Council." The Pennsylvania Athletic Oversight Council as established in section 1603-A.

"Interscholastic athletics." All athletic contests or competitions conducted between or among school entities situated in counties of the second class, second class A, third class, fourth class, fifth class, sixth class, seventh class and eighth class.

"Nonpublic school." A school, other than a public school within this Commonwealth, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"School entity." A public school, school district, nonpublic school or private school in this Commonwealth other than a private or nonpublic school which elects not to become a member of the association.

(1602-A added Nov. 22, 2000, P.L.672, No.91)

Section 1603-A. Pennsylvania Athletic Oversight Council.--(a) The Pennsylvania Athletic Oversight Council is established.

(b) The council shall have seventeen voting members, appointed as follows:

(1) Two members of the Senate, of which one shall be appointed by the President pro tempore of the Senate and one shall be appointed by the Minority Leader of the Senate. To the greatest extent possible, appointees should have some experience in interscholastic athletics or shall be parents of students involved in interscholastic athletics.

(2) Two members of the House of Representatives, of which one shall be appointed by the Speaker of the House of Representatives and one shall be appointed by the Minority Leader of the House of Representatives. To the greatest extent possible, appointees should have some experience in interscholastic athletics or shall be parents of students involved in interscholastic athletics.

(3) The Secretary of Education or a designee.

(4) Twelve members shall be appointed as follows:

(i) The following organizations shall each submit three nominations to the Governor, who shall then select two of the names submitted from each of the organizations to serve on the council. To the greatest extent possible, these appointments shall be representative of all of the Pennsylvania Interscholastic Athletic Association's athletic districts:

(A) The Pennsylvania Association of Secondary School Principals.

(B) The Pennsylvania Association of School Administrators.

(C) The Pennsylvania School Boards Association.

(D) The Pennsylvania State Athletic Directors Association.

(ii) The following organizations shall each submit two nominations to the Governor, who shall then select one of the names submitted from each of the organizations to serve on the council. To the greatest extent possible, these appointments shall be representative of all of the Pennsylvania Interscholastic Athletic Association's athletic districts:

(A) The Pennsylvania Congress of Parents and Teachers.

(B) The Pennsylvania Coaches Association.

(C) The Officials Council.

(iii) One member, as selected by the Governor, representing those nonpublic schools that are members of the association.

(5) At least one member appointed under paragraph (4) must be associated with women's athletics, including a coach of a women's athletics team or the parent of a participant in women's athletics.

(c) Terms are as follows:

(1) Members appointed by the Governor shall serve for the duration of the existence of the council.

(2) Legislative members appointed by the Senate and the House of Representatives shall serve at the pleasure of the appointing authority.

(d) Vacancies occurring on the council by death, resignation, removal or any other reason shall be filled within thirty (30) days of the creation of the vacancy in the manner in which that position was originally filled. An individual appointed to fill a vacancy shall be appointed for the unexpired term of the member he succeeds.

(e) The members of the council shall receive no actual compensation for their services. However, all expenses reasonably necessary for the members of the council to perform their duties shall be paid by the Department of Education.

(f) The duties and responsibilities of the council shall be as follows:

(1) To meet no less than four times a year at the call of the chair. All such meetings shall be conducted in accordance with the requirements of 65 Pa.C.S. Ch. 7 (relating to open meetings).

(2) To make recommendations concerning changes to the administration of interscholastic athletics to the association. The council shall make recommendations on issues, including, but not limited to:

(i) Appeals.

(ii) Athletic eligibility.

(iii) Transfers of students.

(iv) Expansion of PIAA-sanctioned athletic competitions or sports, including the addition of other athletic associations into PIAA-sponsored championships.

(3) To review and monitor the efforts of the association to meet the criteria listed in section 1604-A(a) and (b).

(4) To hold public hearings, subject to the requirements of 65 Pa.C.S. Ch. 7, on any issue concerning interscholastic athletics. These issues shall include, but not be limited to:

(i) Appeals.

(ii) Athletic eligibility.

(iii) Transfers of students.

(iv) Expansion of PIAA-sanctioned athletic competitions or sports, including the addition of other athletic associations into PIAA-sponsored championships.

(5) To have access to all books, papers, documents and records of the association in order to complete the annual report required under clause (6).

(6) To issue an annual report to the chairman and minority chairman of the Education Committee of the Senate, the chairman and minority chairman of the Education Committee of the House of Representatives and the president of the association summarizing:

(i) The council's meetings, public hearings and other action taken by the council.

(ii) The recommendations of the council made during the year and the association's response to each recommendation.

(iii) The efforts of the association to meet the criteria listed in section 1604-A(a) and (b).

(7) To issue a final report three (3) years after the Governor has made the final appointments to the council to the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives and the president of the association summarizing all of the council's actions and recommendations over the previous three (3) years, the association's response to each and the final determination of the council under subsection (g).

(8) To elect a chairman and a vice chairman.

(9) To, at the council's discretion, request the committee to perform an audit on any phase of the association's compliance with the criteria listed in section 1604-A(a) or (b), as necessary for the purposes of completing its annual or final report.

((f) amended Dec. 9, 2002, P.L.1472, No.187)

(g) Expiration of council is as follows:

(1) If, by a majority vote, the council finds that the association has met the criteria listed in section 1604-A(a) and (b) to its satisfaction, the association shall continue to oversee the operation of interscholastic athletics in this

Commonwealth, and the council shall expire. The council shall publish a notice of its expiration in the Pennsylvania Bulletin.

(2) If, by a majority vote, the council finds that the association has failed to meet the criteria listed in section 1604-A(a) and (b) to its satisfaction, the council shall, within one (1) year of its finding, submit a proposal for the selection of a new entity to oversee the operation of interscholastic athletics in this Commonwealth to the chairman and minority chairman of the Education Committee of the Senate and the chairman and the minority chairman of the Education Committee of the House of Representatives. Upon submission of the proposal, the council shall expire, and the council shall publish a notice of its expiration in the Pennsylvania Bulletin. The association shall be allowed to continue to oversee the operation of interscholastic athletics in this Commonwealth only until such time as a new entity is authorized to do so.

(h) Staff.--The Pennsylvania Department of Education shall provide support staff as needed to the council.

(1603-A added Nov. 22, 2000, P.L.672, No.91)

Section 1604-A. Council Recommendations and Standards.--(a)

The association shall take all steps necessary to comply with the recommendations of the council, including recommendations concerning appeals, athletic eligibility and transfers of students.

(b) The association shall take all steps necessary to comply with the following standards:

(1) Adopt and adhere to policies governing the conduct of open meetings that conform with the requirements of 65 Pa.C.S. Ch. 7 (relating to open meetings).

(2) Adopt and adhere to a policy establishing a competitive bidding process for the purchase of nonincidental merchandise and services that conforms with the requirements of this act.

(3) Adopt and adhere to a policy establishing a competitive process for the selection of sites for championship competitions.

(4) Agree to an annual financial and management review conducted by the committee.

(i) Such reviews shall indicate whether the association has:

(A) conformed with accepted accounting practices;

(B) conformed with all Federal and State statutes governing the administration of nonprofit organizations;

(C) conformed with accepted administrative and management practices; and

(D) contracted with employees who have fulfilled the duties for which they were contracted and act in the best interests of interscholastic athletics.

(ii) The committee shall report its findings from this review to the council, which shall make any appropriate recommendations to the association.

(5) Ensure that the membership of its board of directors includes the following who shall be full, voting members:

(i) One member representing school boards of directors who is an elected member of a school board of directors at the time of appointment.

(ii) One member representing athletic directors who is employed as an athletic director at the time of appointment.

(iii) One member representing coaches who is employed as a coach at the time of appointment.

(iv) One member representing officials who is an active official at the time of appointment.

(v) One member representing the Department of Education.

(vi) One member representing school administrators who is employed as a school administrator at the time of appointment.

(vii) One member representing women's athletics.

(viii) One member representing nonpublic schools.

(ix) Two members representing parents.

(6) Not require any member school entity to reimburse the association for legal fees and expenses incurred by the association or any of its personnel in defending a legal action authorized by a member school entity and brought against the association or any of its personnel and take action to repeal any present rule or policy authorizing such reimbursement prior to the final report of the council.

(7) Adopt an evaluation system for game officials at district, interdistrict and championship competitions and utilize that evaluation system in the selection of individuals to officiate those contests.

(8) Adopt and adhere to a policy prohibiting conflicts of interest and setting forth rules of ethics to be followed by association board members and employees.

(9) Employ in-house counsel.

(10) Evaluate the performance of its contracted employees to determine whether they have complied with the provisions of their contracts and to determine whether termination is appropriate for any association employees who have violated the provisions of their contracts.

(11) Adopt no rules restricting media access to interscholastic athletic competitions or restricting the substance of any commentary offered by media reporting of interscholastic athletic competitions.

(12) Adopt rules intended to discourage its member school entities from recruiting student athletes, provided that:

(i) Such rules and any penalties levied for their breach shall be directed at the association's member schools and not at individual student athletes who may have been the subject of recruiting.

(ii) Any and all procedures established to gather evidence related to the enforcement of such rules shall place the burden of proof of the breach of such rules on the association and shall afford any member school entity due process rights in defending itself against the allegations, including a right to a hearing on the charges before the imposition of penalties.

(iii) The association is specifically prohibited from identifying individual student athletes as subjects or targets of such procedures.

(13) Establish a policy, including a mechanism for enforcement, requiring that persons involved in interscholastic athletics be provided equality of opportunity and treatment without regard to race, sex, religion, national origin or ethnic background.

(14) By August 8, 2011, establish a policy requiring that students who in the current or prior school year attended a school entity that has abolished its program of interscholastic athletics in whole or in part shall be eligible to participate without penalty in the program of interscholastic athletics of another school entity in which they are currently enrolled, provided that:

(i) If the association fails to establish and enforce the policy, no school entity may be a member of the association and may not pay dues to the association directly or indirectly through an affiliated organization.

(ii) No school entity that is a member of the association may recruit to participate in its program of interscholastic

athletics any students who attend a school entity that has abolished its program of interscholastic athletics.

(iii) If a school entity that has abolished its program of interscholastic athletics in whole or in part reinstates its program of interscholastic athletics in whole or in part in a subsequent year, a student who is currently or was previously enrolled in the school entity but who has participated in the program of interscholastic athletics of another school entity under this section shall be eligible to participate without penalty in the program of interscholastic athletics of the school entity that reinstated its previously abolished program in whole or in part.

((14) added June 30, 2011, P.L.112, No.24)

(1604-A added Nov. 22, 2000, P.L.672, No.91)

Section 1605-A. Pennsylvania Athletic Oversight Committee.--(a) The Pennsylvania Athletic Oversight Committee is hereby established.

(b) The committee shall have six voting members who shall serve at the pleasure of the appointing authority and be appointed as follows:

(1) Three members of the Senate, of whom two shall be appointed by the President pro tempore of the Senate and one shall be appointed by the Minority Leader of the Senate. To the greatest extent possible, appointees should have some experience in interscholastic athletics or shall be parents of students involved in interscholastic athletics.

(2) Three members of the House of Representatives, of whom two shall be appointed by the Speaker of the House of Representatives and one shall be appointed by the Minority Leader of the House of Representatives. To the greatest extent possible, appointees should have some experience in interscholastic athletics or shall be parents of students involved in interscholastic athletics.

(3) A chairman and vice chairman shall be elected from among the members appointed under this subsection.

(c) The committee shall meet at least once each year for the purpose of reviewing the association's continued compliance with the criteria listed in section 1604-A(a) and (b) and responding to issues related to the activities of the association referred to the committee. The committee shall issue an annual report of its findings to the President pro tempore of the Senate and the Speaker of the House of Representatives.

(1605-A added July 4, 2004, P.L.536, No.70)

ARTICLE XVI-B OPPORTUNITIES FOR EDUCATIONAL EXCELLENCE

(Art. added July 13, 2005, P.L.226, No.46)

(a) Preliminary Provisions

(Subdiv. (a) added July 13, 2005, P.L.226, No.46)

Section 1601-B. Scope of article.

This article deals with concurrent enrollment.

(1601-B added July 13, 2005, P.L.226, No.46)

Section 1602-B. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Allowable tuition." The portion of tuition charged to a school entity that is eligible for grant funding under this article, which funding does not exceed:

(1) for any two-year postsecondary institution or eligible private licensed school, the advertised tuition rate charged by the institution for enrolled postsecondary students;

(2) for any four-year public or private postsecondary institution or eligible private licensed school, the tuition rate charged by the State System of Higher Education for enrolled postsecondary students;

(3) for any postsecondary institution that offered postsecondary credit to students of the school entity prior to the effective date of this section, the tuition rate charged to those students; or

(4) for any early college high school program, middle college high school program or gateway to college program, the tuition charged for the program to a student's school district of residence.

"Concurrent course." A postsecondary course that meets the requirements under section 1605-B and that is included in a concurrent enrollment agreement. The term includes an early college high school program, a gateway to college program or a middle college high school program.

"Concurrent enrollment agreement." The written agreement between a school entity and each eligible postsecondary institution establishing and detailing a concurrent enrollment program.

"Concurrent enrollment committee." (Def. deleted by amendment June 30, 2011, P.L.112, No.24)

"Concurrent enrollment program." A program administered and developed by a school entity and an eligible postsecondary institution that allows students to concurrently enroll in postsecondary courses and to receive both secondary and postsecondary credit for that coursework. The term includes an early college high school program, a gateway to college program or a middle college high school program.

"Concurrent student." A student who is enrolled in a school district, a charter school, an area vocational-technical school, a nonpublic school, a private school or a home education program under section 1327.1 and who takes a concurrent course through a concurrent enrollment program.

"Department." The Department of Education of the Commonwealth.

"Early college high school program." A concurrent enrollment program established under section 1611-B(a) that consists of a structured sequence of secondary and postsecondary coursework offered over a five-year to six-year period, the successful completion of which yields both a high school diploma and postsecondary credits equivalent to an associate of arts degree or credits sufficient to enter a bachelor of arts program as a junior.

"Eligible postsecondary institution." A nonprofit two-year or four-year public or private college or university or an eligible private licensed school approved to operate in this Commonwealth. (Def. amended July 11, 2006, P.L.1092, No.114)

"Eligible private licensed school." A private licensed school as defined in the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act, that is authorized to confer the degree of Associate in Specialized Technology or Associate in Specialized Business.

"Gateway to college program." A concurrent enrollment program established under section 1611-B(a) that offers eligible participants the opportunity to enroll in postsecondary coursework that is aligned to State academic standards, the

successful completion of which yields both a high school diploma and the accumulation of postsecondary credits.

"Household." An individual living alone or with the following: spouse, parent and their unemancipated minor children; other unemancipated minor children who are related by blood or marriage; or other adults or unemancipated minor children living in the household who are dependent upon the individual.

"Household income." All money or property received of whatever nature and from whatever source derived. The term does not include the following:

(1) Periodic payments for sickness and disability other than regular wages received during a period of sickness or disability.

(2) Disability, retirement or other payments arising under workers' compensation acts, occupational disease acts and similar legislation by any government.

(3) Payments commonly recognized as old-age or retirement benefits paid to persons retired from service after reaching a specific age or after a stated period of employment.

(4) Payments commonly known as public assistance or unemployment compensation from a governmental agency.

(5) Payments to reimburse actual expenses.

(6) Payments made by employers or labor unions for programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, Social Security and retirement.

(7) Compensation received by members of the United States Armed Forces serving in a combat zone.

"Low-income concurrent student." A concurrent student who is a member of a household with an annual household income less than or equal to 150% of the Federal income poverty guidelines published by the Department of Health and Human Services.

"Middle college high school program." A concurrent enrollment program established under section 1611-B(a) that offers secondary and postsecondary coursework on the campus of an eligible postsecondary institution, the successful completion of which yields both a high school diploma and the accumulation of postsecondary credits.

"School entity." A school district or an area vocational-technical school.

"Total approved cost." The sum of the costs for allowable tuition, books and fees for any concurrent course and the cost of transportation to and from an eligible postsecondary institution where such transportation is provided by a school entity, as set forth in a concurrent enrollment agreement as required under section 1613-B(b).

(1602-B added July 13, 2005, P.L.226, No.46)
Section 1603-B. Responsibilities of department and State Board of Education.

(a) Rules and regulations.--The State Board of Education shall promulgate any regulations necessary to carry out the provisions of this article pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(b) Promotional materials.--The department shall publish promotional materials on its publicly accessible website that may be used by school entities to inform parents and students about the requirements, features and opportunities of concurrent enrollment programs established under this article. To the extent that the department provides school entities with printed promotional materials for dissemination, the department shall

make such materials available, upon request, to any charter school, nonpublic school, private school or home education program.

(c) Grants.--

(1) The department shall provide a grant to any school entity that has applied for grant funds under section 1611-B(c) and has approved a concurrent enrollment program as set forth in this article. The grant amount to each school entity shall be calculated for each concurrent course as follows:

(i) Determine the total approved cost for all concurrent students who are residents of the school district or enrolled in the area vocational-technical school.

(ii) Multiply the amount from subparagraph (i) by the sum of 0.425 and the market value/income aid ratio of the school entity, provided that where a concurrent student is enrolled in an area vocational-technical school, the market value/income aid ratio shall be the average of the market value/income aid ratios of the concurrent students' school districts of residence.

(2) (i) The total amount of grant funds available for concurrent courses classified as early college high school, middle college high school or gateway to college programs shall equal 6% of the total amount of funds appropriated for concurrent enrollment programs under this article.

(ii) Where the total amount of grants provided for concurrent courses classified as early college high school, middle college high school or gateway to college programs is less than the total amount of grant funds available under this paragraph, any unexpended grant funds shall be made available for other concurrent students.

(3) (i) The total amount of grant funds available for concurrent students who are enrolled in charter schools, nonpublic schools, private schools or home education programs shall equal 6% of the total amount of funds appropriated for concurrent enrollment programs under this article.

(ii) Where the total amount of grants provided on behalf of concurrent students who are enrolled in charter schools, nonpublic schools, private schools or home education programs is less than the total amount of grant funds available under this paragraph, any unexpended grant funds shall be made available for other concurrent students.

(4) The grant amount shall not exceed 100% of the total approved cost of a concurrent course. Where funds appropriated for this program are insufficient to fund the full amount of all grants calculated under this subsection, each grant amount shall be reduced on a pro rata basis.

(d) Supplemental grants.--

(1) The department shall provide a supplemental grant amount to any school entity that has applied for grant funds under section 1611-B(c) and has at least one low-income concurrent student enrolled in a concurrent course. The supplemental grant amount shall equal the cost of tuition, books and fees for which a low-income concurrent student is responsible in order to enroll in a concurrent course.

(2) (i) The total amount of grant funds available under this subsection shall equal 22% of the total amount of

funds appropriated for concurrent enrollment programs under this article. Where funds available for supplemental grants are insufficient to fund the full amount of all supplemental grants under this subsection, supplemental grant amounts shall be reduced on a pro rata basis.

(ii) Where the total amount of supplemental grants provided on behalf of low-income concurrent students is less than the total amount of grant funds available under this paragraph, any unexpended grant funds shall be made available for other concurrent students.

((2) amended July 20, 2007, P.L.278, No.45)

(e) Technical assistance.--Upon request of a board of school directors of a school entity, the department shall provide technical assistance in the development of concurrent enrollment agreements and concurrent enrollment programs.

(f) Annual report.--The department shall produce an annual report on concurrent enrollment programs using the reporting information submitted by school entities under section 1611-B(b). The annual report shall be provided to the chairman and minority chairman of the Appropriations Committee of the Senate, the chairman and minority chairman of the Appropriations Committee of the House of Representatives, the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives no later than February 1, 2007, and February 1 of each year thereafter. The report shall be published on the department's publicly accessible website.

(1603-B amended July 11, 2006, P.L.1092, No.114)

Section 1604-B. Faculty.

(a) General rule.--A member of an eligible postsecondary institution's faculty who teaches a concurrent course under this article shall not be an employee of a school entity, an independent contractor of a school entity or an employee of an independent contractor of a school entity for purposes of sections 111 and 2518 unless the faculty member teaches a course in a school entity's building.

(b) Adjunct faculty members.--Nothing in this article shall be construed to prohibit an eligible postsecondary institution from contracting with a professional employee of a school entity for purposes of a concurrent enrollment program if the professional employee meets all qualifications for an adjunct faculty member at the eligible postsecondary institution.

(c) Reductions prohibited.--A school entity may not reduce the school entity's complement of professional or paraprofessional employees due to student participation in a program established under this article.

(d) Construction.--Nothing contained in this article shall be construed to supersede or preempt any provision of a collective bargaining agreement between a school entity and an employee organization.

(1604-B added July 13, 2005, P.L.226, No.46)

Section 1605-B. Qualifying courses.

A concurrent course offered by an eligible postsecondary institution as part of a concurrent enrollment program established under this article shall meet the following requirements:

(1) The concurrent course shall be set forth in the concurrent enrollment agreement and shall either fulfill a graduation requirement or be identified as advanced coursework in a core academic subject as defined by the No Child Left Behind Act of 2001.

(2) The concurrent course shall be a course for which the eligible postsecondary institution awards credit.

(3) The concurrent course may be conducted during the school entity's regular school hours notwithstanding any other provision of this act.

(1605-B added July 13, 2005, P.L.226, No.46)

Section 1606-B. Construction of article.

Programs established under this article shall not be construed as extracurricular activities.

(1606-B added July 13, 2005, P.L.226, No.46)

(b) Concurrent Enrollment

(Subdiv. (b) added July 13, 2005, P.L.226, No.46)

Section 1611-B. Responsibilities of school entities.

(a) Concurrent enrollment program.--A school entity seeking a grant under section 1603-B(c) shall do all of the following:

(1) Enter into a concurrent enrollment agreement with an eligible postsecondary institution or institutions as required under section 1613-B.

(2) ((2) deleted by amendment June 30, 2011, P.L.112, No.24)

(3) (i) Except as provided in subparagraph (ii), provide, no later than 90 days prior to the date on which an application is submitted pursuant to subsection (c), written notice of the availability of the concurrent enrollment program to:

(A) Any nonpublic or private school for which the school entity provides free transportation as required under section 1361.

(B) Any charter school approved to operate within the school entity.

(C) The parents of students enrolled in a home education program under section 1327.1.

(ii) For the 2006-2007 school year, a school entity shall provide the information required under this subparagraph no later than 30 days prior to the date on which an application is submitted under subsection (c).

((a) amended June 30, 2011, P.L.112, No.24)

(b) Annual reporting information.--A school entity that receives a grant under section 1603-B(c) shall submit an annual report to the department. The report shall include:

(1) The eligible postsecondary institution or institutions with which the school entity has established a concurrent enrollment program.

(2) The number of concurrent students participating in a concurrent enrollment program.

(3) The number of concurrent students participating in a concurrent enrollment program who are enrolled in early college high school, middle college high school or gateway to college programs.

(4) The approved courses offered through a concurrent enrollment program.

(5) The total approved cost for each concurrent course.

(6) The total amount of grant funds received pursuant to section 1603-B(c).

(7) The number of concurrent students enrolled in charter schools, nonpublic schools, private schools or home education programs.

(c) Application for grant funds.--A school entity seeking grant funds under section 1603-B(c) for the 2005-2006 school

year shall submit an application to the department no later than September 15, 2005.

(1) A school entity seeking grant funds under section 1603-B(c) for the 2006-2007 school year shall submit an application to the department no later than August 15, 2006.

(2) A school entity seeking grant funds under section 1603-B(c) for the 2007-2008 school year and each school year thereafter shall submit an application to the department no later than February 15. The application shall include:

(i) The total approved cost of each concurrent course included in the concurrent enrollment agreement.

(ii) The number of concurrent students to be enrolled in each concurrent course pursuant to the concurrent enrollment agreement.

(iii) The cost of tuition, books and fees for which a student will be responsible in order to enroll in each concurrent course included in the concurrent enrollment agreement.

(iv) The number of low-income concurrent students to be enrolled in each concurrent course pursuant to the concurrent enrollment agreement.

(v) The number of concurrent students to be enrolled in early college high school, middle college high school or gateway to college programs pursuant to the concurrent enrollment agreement.

(vi) The eligible postsecondary institutions at which concurrent courses will be offered pursuant to the concurrent enrollment agreement.

(vii) The number of concurrent students enrolled in charter schools, nonpublic schools, private schools or home education programs.

(d) Use of grant funds.--A school entity shall use the grants provided under section 1603-B(c) and (d) to pay the portion of total approved costs for which it is provided grants.

(e) Limitation.--A school entity shall not be responsible for the payment of any portion of the total approved costs for any concurrent student enrolled in a charter school, nonpublic school, private school or home education program in excess of the grants provided under section 1603-B(c) and (d).

(f) Construction.--Nothing in this article shall be construed to preclude a school entity that does not receive a grant under section 1603-B(c) from continuing or entering into an agreement with an institution of higher education under the provisions of section 1525.

(1611-B amended July 11, 2006, P.L.1092, No.114)

Section 1612-B. Concurrent enrollment committees.--(1612-B repealed June 30, 2011, P.L.112, No.24)

Section 1613-B. Concurrent enrollment agreements.

(a) Deadline.--In order to be eligible for funding under section 1603-B(c), a school entity shall develop a concurrent enrollment agreement and present it to each eligible postsecondary institution participating in the concurrent enrollment program for approval prior to the submission of a grant application pursuant to section 1611-B(c). ((a) amended June 30, 2011, P.L.112, No.24)

(b) Required provisions.--The concurrent enrollment agreement shall at a minimum include all of the following provisions:

(1) A ratification or modification of all existing concurrent enrollment agreements to meet the requirements of this article.

(2) An explanation of the criteria used to determine student qualification for concurrent enrollment, which shall include all of the following:

- (i) Postsecondary placement test scores.
- (ii) The results of nationally available achievement tests or other standardized tests included in the participating school entity's local assessment system.
- (iii) Satisfactory progress toward fulfilling applicable secondary school graduation requirements, as determined by the school entity.
- (iv) Demonstrated readiness for college-level coursework, as determined by the eligible postsecondary institution.
- (v) Status as a high school junior or senior.

(3) A description and an explanation of the criteria used to determine concurrent courses offered by the eligible postsecondary institution, which shall include all of the following:

- (i) The course must be nonremedial.
- (ii) The course must be offered in a core academic subject as defined by the No Child Left Behind Act of 2001.
- (iii) The course, as offered to concurrent students, must be identical to that offered when concurrent students are not enrolled, including the use of an identical curriculum, assessments and instructional materials.
- (iv) The course must enforce prerequisite coursework requirements identical to those enforced for the course when concurrent students are not enrolled.

(4) A description of minimum performance criteria, in courses offered by the school entity and in concurrent courses, required for students to remain in the concurrent enrollment program.

(5) An explanation of student transportation responsibilities, if applicable.

(6) A list of all concurrent courses offered under a concurrent enrollment agreement.

(7) The total approved cost of each concurrent course.

(8) Any additional provisions deemed appropriate by the school entity and eligible postsecondary institution.

(1613-B added July 13, 2005, P.L.226, No.46)

Section 1614-B. Enrollment in concurrent courses.

(a) Requirements for enrollment.--

(1) A student enrolled in a school entity in this Commonwealth who meets the student qualifications set forth in the concurrent enrollment agreement may enroll in concurrent courses that are part of the concurrent enrollment agreement.

(2) A student enrolled in a charter school, a nonpublic school, a private school or a home education program in this Commonwealth shall be permitted to enroll in concurrent courses that are part of the concurrent enrollment agreement approved by the student's school district of residence, provided that:

- (i) The student meets the qualifications set forth in the concurrent enrollment agreement.
- (ii) The charter school, nonpublic school, private school or home education program awards secondary credit for a successfully completed concurrent course.

The student shall notify the school district of residence of the intent to enroll in the program. The student shall be

included in the number of students reported to the department under section 1611-B(b) and (c).

(b) Optional enrollment.--A student enrolled in a school district, charter school, area vocational-technical school, nonpublic school, private school or home education program who does not qualify under subsection (a) may enroll in concurrent courses that are part of a concurrent enrollment program approved by the student's school district of residence or the area vocational-technical school in which the student is enrolled by meeting alternate criteria agreed upon by the school entity and the eligible postsecondary institution at which the student seeks to enroll in concurrent courses, provided that the charter school, nonpublic school, private school or home education program awards secondary credit for a successfully completed concurrent course. The student shall be included in the number of students reported to the department under section 1611-B(b) and (c). ((b) amended June 30, 2011, P.L.112, No.24)

(1614-B added July 13, 2005, P.L.226, No.46)
Section 1615-B. Credit for concurrent courses.

(a) Award.--A school district, charter school, area vocational-technical school, nonpublic school, private school or home education program shall award secondary credit for a successfully completed concurrent course, with success being determined by the eligible postsecondary institution and set forth in the concurrent enrollment agreement under section 1613-B(b) (4).

(b) Transcript.--A concurrent student's official secondary school transcript shall reflect that credits for a concurrent course were earned through an eligible postsecondary institution.

(c) Transfer.--

(1) In the event that a concurrent student who has earned credits for a concurrent course transfers to a school entity, the school entity that receives the concurrent student shall recognize the credits as applying toward its graduation requirements.

(2) In the event that a concurrent student who has earned credits for a concurrent course transfers to a charter school, a nonpublic school, a private school or a home education program, the charter school, nonpublic school, private school or home education program that receives the concurrent student may recognize the credits as applying toward its graduation requirements.

(d) Postsecondary award.--

(1) If, after graduation from a secondary school, the concurrent student enrolls in the postsecondary institution at which the concurrent student took a concurrent course, that institution shall award postsecondary credit for any concurrent courses successfully completed by the concurrent student at the institution.

(2) If the concurrent student enrolls in a postsecondary institution other than the one at which the concurrent student earned the credits, that institution may grant credit for courses successfully completed by the concurrent student.

(3) Community colleges, member institutions of the State System of Higher Education and State-related institutions may not refuse to recognize and award credit for a concurrent course based upon the fact that the credit was earned through a concurrent enrollment program.

(e) Credit limit.--A concurrent student's concurrent course enrollment may not exceed 24 postsecondary credits in any school year.

(1615-B added July 13, 2005, P.L.226, No.46)

ARTICLE XVI-C

DISCLOSURE OF INTERSCHOLASTIC
ATHLETICS OPPORTUNITIES

(Art. added June 30, 2012, P.L.684, No.82)

Section 1601-C. Scope of article.

This article requires reporting by school entities of athletic opportunities afforded to male and female secondary school students.

(1601-C added June 30, 2012, P.L.684, No.82)

Section 1602-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Athletic facilities." Locker rooms, playing fields, gymnasiums, field houses, arenas, athletic training rooms, stadiums, weight rooms or any other location used by secondary school students and their coaches for sports training, practice, competition and coaching.

"Department." The Department of Education of the Commonwealth.

"Equipment and supplies." Sport-specific equipment and supplies, general equipment and supplies, instructional devices and conditioning and weight training equipment.

"Participant." A secondary school student who is:

(1) receiving institutionally sponsored support normally provided to athletes competing at the institution involved, such as coaching, equipment, medical and training room services, on a regular basis during a sport's season;

(2) participating in organized practice sessions and other team meetings and activities on a regular basis during a sport's season; and

(3) listed on the team list on the day of the team's first scheduled competition, excluding preseason scrimmages.

"School entity." A school of a school district, joint school district, area vocational-technical school or charter school that provides interscholastic athletic opportunities for secondary school students.

"Secondary school student." A student who attends a school entity in grades 7 through 12.

"Travel." Transportation, housing furnished during travel and per diem dining allowances.

"Uniforms." Clothing for practice and games, such as shoes, rain gear and warm-up suits.

(1602-C added June 30, 2012, P.L.684, No.82)

Section 1603-C. Duty to disclose.

(a) Information.--A school entity shall annually submit information to the department regarding interscholastic athletic opportunity and treatment for male and female secondary school students for the preceding school year.

(b) Disclosure form.--The information shall be submitted on a disclosure form and in a manner to be established by the department.

(c) Submission.--By October 15, 2013, and October 15 of each year thereafter, a school entity shall submit to the department the completed disclosure form for the immediately preceding school year.

(d) Public access.--No later than November 1 of each year, a school entity shall make a copy of the completed disclosure form available for public inspection during regular business hours, including on any publicly accessible Internet website

of the school entity. The completed disclosure form shall constitute a public record subject to public inspection under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(e) Notice to students and other affected individuals.--As soon as the disclosure form required by this section is completed, each school entity shall provide notice of its availability for review to students, educational personnel, student athletes and parents by posting a notice on school bulletin boards, in the school newspaper, on any electronic mailing list or list serve and by any other means reasonably likely to provide such notice.

(1603-C added June 30, 2012, P.L.684, No.82)

Section 1604-C. Department duties.

(a) Duties.--The department shall establish a disclosure form for the submission of the required information for the immediately preceding school year by school entities. The department shall provide for the distribution of the disclosure form through the department's Internet website and shall provide technical assistance to school entities.

(b) Disclosure form information.--The following information shall be collected for all secondary school students in grades 7 through 12 and shall be included in the disclosure form:

(1) The total number of students in each school entity as of October 1 of the immediately preceding school year, including:

- (i) the total number of students by gender; and
- (ii) the total number of male students by race or ethnicity and the total number of female students by race or ethnicity.

(2) A listing by gender of each varsity, junior varsity and freshman athletic team that competed in interscholastic athletic competition.

(3) For each team identified in paragraph (2), the following information:

(i) The total number of team participants as of the day of the first scheduled competition for each team by gender.

(ii) The total number of male team participants by race or ethnicity and the total number of female team participants by race or ethnicity as of the day of the first scheduled competition for each team.

(iii) For the initial submission under this article, the school year in which each existing interscholastic athletic team was established and, for teams that the school entity sponsored in the past but no longer sponsors, the identity of the team and the year it was eliminated or demoted from interscholastic competition. For each subsequent year, a listing of interscholastic athletic teams that were newly established, reestablished, eliminated or demoted from interscholastic competition during the reported school year.

(iv) The seasons during which each interscholastic athletic team competed.

(v) The total value of contributions and purchases made on behalf of each team by booster clubs, alumni and any other nonschool sources.

(vi) The total expenditures for each team in the school year, including a separate listing of expenditures for each team in each of the following categories:

(A) The total amount of expenditures for travel.

(B) The total amount of expenditures for purchase and replacement of athletic uniforms.

(C) The total amount of expenditures for purchase and replacement of equipment and supplies.

(D) Compensation of coaches, per sport and per season.

(E) Expenditures made for construction, renovation, expansion, maintenance, repair and rental of athletic facilities. For any facilities shared by multiple teams, expenditures per team shall be calculated either by dividing expenditures by the number of teams using the facility or percentage of time used by each team.

(F) Compensation of athletic trainers per academic year.

(vii) The total number of athletic trainers, including the amount of time spent by each athletic trainer with each team.

(viii) The total number of coaches per team by employment status, full time, part time, head and assistant.

(ix) The total number of competitions scheduled and played per team.

(x) The name of the school entity's Title IX compliance officer required under 34 CFR § 106.8(a) (relating to designation of responsible employee and adoption of grievance procedures).

(c) Copies.--The department shall make copies of all submitted disclosures available for public inspection on the department's publicly accessible Internet website.

(d) Annual report.--No later than January 15 of each year, the department shall prepare and submit an annual report to the General Assembly regarding the compliance with the disclosure requirements of this article and summarizing the information submitted to it regarding interscholastic athletic opportunity for and treatment of each gender by race and ethnic group and other such information as the department deems relevant.

(1604-C added June 30, 2012, P.L.684, No.82)
Section 1605-C. Regulations.

The department may promulgate rules, regulations or standards to administer this article.

(1605-C added June 30, 2012, P.L.684, No.82)

ARTICLE XVII. JOINT SCHOOLS AND DEPARTMENTS.

Section 1701. Establishment.--The board of school directors in any two or more school districts may, with the approval of the Department of Public Instruction, establish, construct, equip, furnish, and maintain joint elementary public schools, high schools, consolidated schools or any other kind of schools or departments provided for in this act. The cost of establishing, constructing, equipping, furnishing, and maintaining such joint schools or departments, including the cost of transportation of pupils, shall be paid by the several districts establishing the same, in such manner and in such proportion as they may agree upon. No joint school or department shall be established without the approval of the Department of Public Instruction or without receiving the affirmative vote of a majority of the members of the board of school directors in each district establishing the same. The action of the several boards establishing and maintaining such joint schools

or departments shall be recorded in full in the minutes of the respective boards.

(1701 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1702. Raising Funds.--Any school district joining in the establishment of a joint school or department, as herein provided, shall have the same power to raise the necessary funds to pay its share of establishing and maintaining such joint school or department as it has to raise funds to establish and maintain any public school.

Section 1703. Written Agreements between Districts.--No joint school or department of any kind shall be established, unless the several districts intending to establish the same shall first enter into and record in their respective minutes a written agreement, by and among themselves agreeing that such proposed joint school or department shall be established and maintained by the several districts, in such manner and proportion, and upon such terms as the several districts may then agree upon, and no change shall be made therein without the consent of each school district first obtained, by the affirmative vote of a majority of the school directors thereof.

Section 1704. Joint Authority of Boards; Title to Property.--The affairs of joint schools or departments shall be supervised and directed (1) jointly by the several boards of school directors, establishing and maintaining such joint schools or departments, or (2) by a joint school committee, as provided in section one thousand seven hundred seven of this act. When there is no joint school committee, the several boards of school directors are hereby authorized to meet jointly, and exercise the same power and authority over the same as the several boards exercise over the schools in their respective districts. Whatever matter is required by law to be decided by a vote of the majority of all the directors of a school district shall in a joint school or department be required to be decided by a vote of two-thirds of all the constituent boards comprising said joint operation. The vote of any constituent board shall be determined by a majority vote of all the school directors comprising such constituent board. In addition thereto, the matter shall have been voted for by a majority of all the school directors of all of the constituent boards. All voting on the affairs of joint schools or departments by the school directors of the constituent boards shall be conducted either in a joint meeting or by mail ballot, whichever procedure the majority of all school directors select. The title to any real estate, acquired for the purpose of establishing any such joint school or department, shall be held in the name of one or more of the districts establishing the same, as they may agree.

(1704 amended July 10, 1986, P.L.1270, No.117)

Section 1705. Treasurer; Budget.--The several boards of school directors of the school districts establishing such joint school or department shall, by joint meeting or mail ballot, adopt the annual school budget. The presiding officer and secretary of the joint session shall be the president and secretary of the joint board or joint school committee. At such joint session, or by mail ballot, they shall elect, from the treasurers of their respective districts, one who shall act as the treasurer of such joint school or department, for a one year term beginning on the first day of July following his election, to whom shall be paid, by the several districts establishing such joint school or department, the amount agreed upon to be contributed by each district for the support of such joint school or department. They shall fix the salary of the treasurer of such joint school or department annually, at an

amount not exceeding two per centum of the funds passing through his hands.

(1705 amended July 10, 1986, P.L.1270, No.117)

Section 1706. Joint School Treasurer.--The treasurer of each joint school or department shall give an approved bond to the several districts establishing the same, to be filed with president of any one of the boards of school directors establishing such joint school or department. The account of such treasurer shall be audited in the same manner and by the same auditors as his account as treasurer of the school district is audited, or in the discretion of the joint board of joint school committee by three auditors selected by the board or committee from among the total number of auditors of all the member districts, or the joint board or joint school committee may employ a certified public accountant to audit the accounts of the joint board treasurer and to fix his compensation. Such joint school treasurer shall be subject to all the provisions of this act, the same as the treasurer of any school district, so far as they apply to him.

(1706 amended June 18, 1959, P.L.472, No.100)

Section 1707. Joint School Committee.--The boards of school directors, establishing any joint school or department, may supervise and direct its affairs, jointly, in the same manner as the affairs of individual school districts are managed; or they may agree that the affairs of such joint school or department may be managed by a joint school committee within the limits of the budget adopted by the joint board. Where such management is delegated to a joint school committee, every school board establishing joint schools or departments shall, at the annual meeting during the month of December, select one or more of its members who, with the members chosen in like manner in the other districts, shall constitute the joint school committee. Every such school board may also select at any annual or regular meeting one or more alternates from its members to serve in the event selected members are unable to attend a meeting of the joint school committee. The alternate, when directed by the president of the school board to attend a meeting of the joint school committee in the absence of the selected member, shall have all the powers and duties of a regular member of such committee. This committee shall have all the powers and duties and be subject to all the liabilities with reference to the supervision, maintenance and regulation of such joint schools or departments as are now conferred or imposed by law upon school boards generally. The affirmative vote of a majority of all the members of this committee, duly recorded, showing how each member voted, shall be required in order to take action upon those subjects enumerated in section five hundred eight of this act. Such votes may be recorded in a joint meeting or by mail ballot. Failure to comply with the provisions of this act shall render void and unenforceable the acts of the joint school committee with reference thereto. The joint board and the joint school committee, if authorized, shall organize annually during the month of December by electing a president, vice-president and secretary, who shall perform the duties imposed by this act on the president, vice-president and secretary of regular school boards. The secretary so elected shall serve for a term of four years. The expenses of maintaining the joint school or department shall be paid by warrant drawn on the joint board treasurer by the president and secretary of the joint board or the joint school committee.

Whenever two or more boards of school directors, who are at the time members of a joint board operating a joint school or

department, join with other boards of school directors in the formation of a joint school committee operating an area vocational-technical school or technical institute, the joint committee may be formed as may be agreed: Provided, That each joint school or department have at least one member on the joint school committee.

(1707 amended July 10, 1986, P.L.1270, No.117)

Section 1707.1. Joint School System Operated by Union or Merged School Districts and Other Districts.--If one or more of the districts comprising an approved administrative unit operating a joint school system, or if one or more districts which are part of an approved administrative unit operating a joint school system, fails to unite with the other member districts and other districts comprising the approved administrative unit in the formation of a union or merged school district, the joint school organization shall continue in operation as a joint school system of the newly formed union or merged school district and the remaining districts unless discontinued under the provisions of section 1708, and the several school boards constituting the joint organization shall, prior to the effective date of the union or merged district, amend the articles of agreement to provide for an equitable plan for the continued operation of the joint school organization. In cases in which the member districts of the joint board or the member districts of the joint board and additional districts constituting the approved administrative unit have failed, by the effective date of the union or merged district, to amend the joint agreement or form a new agreement establishing a satisfactory basis of operation, the affairs of the resulting joint school organization shall be supervised and directed by a joint committee, composed of one member from each school board of the original school districts and one member from each additional district within the approved administrative unit operating the joint organization. In cases where an even number of districts are involved, an additional director shall be elected by the joint school committee from the district having the largest pupil population. The joint committee so composed shall have the powers and duties and be subjected to the same liabilities as provided to joint committees under section 1707 of this act.

(1707.1 amended July 20, 1961, P.L.818, No.354)

Section 1708. Discontinuance.--The several school districts establishing any joint school or department may, at any time by a majority vote of the school directors of their respective districts, discontinue any such joint school or department. The property belonging thereto, when discontinued, shall, unless otherwise agreed upon by the several districts, be disposed of and distributed to and among them in the same proportion as it was originally contributed.

Section 1709. Traveling Expenses at Meetings of Joint Boards or Joint School Committees.--Each school director of a school district having established a joint school or department with another school district, or, in case the affairs of such joint school or department are being managed by a joint school committee, then each member of such committee, shall receive for his necessary traveling expenses mileage at the rate of seven cents (7¢) per mile for the distance necessary to be traveled in going to and from the meetings of such joint board or joint school committee, not in excess, however, of twelve (12) meetings a year. Said amount shall be paid by warrant drawn on the joint board treasurer by the president and secretary of the joint board or joint school committee.

ARTICLE XVII-A.
CHARTER SCHOOLS.

(Art. XVII-A added June 19, 1997, P.L.225, No.22)

(a) Preliminary Provisions.

Compiler's Note: See sections 2 and 3 of Act 22 of 1997 in the appendix to this act for special provisions relating to legislative declarations and findings and appropriations.

Section 1701-A. Short Title.--This article shall be known and may be cited as the "Charter School Law."

(1701-A added June 19, 1997, P.L.225, No.22)

Section 1702-A. Legislative Intent.--It is the intent of the General Assembly, in enacting this article, to provide pupils and community members to establish and maintain schools that operate independently from the existing school district structure as a method to accomplish all of the following:

- (1) Improve pupil learning.
- (2) Increase learning opportunities for all pupils.
- (3) Encourage the use of different and innovative teaching methods.
- (4) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

(5) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

(6) Hold the schools established under this act accountable for meeting measurable academic standards and provide the school with a method to establish accountability systems.

(1702-A added June 19, 1997, P.L.225, No.22)

Section 1703-A. Definitions.--As used in this article, "Aid ratio" and "market value/income aid ratio" shall be:

- (1) the aid ratio and market value/income aid ratio for the school district that granted a charter to the charter school;
- (2) for a regional charter school, the aid ratio and market value/income aid ratio shall be a composite, as determined by the department, based on the school districts that granted the charter; or

(3) for a cyber charter school, the aid ratio and market value/income aid ratio shall be that of the school district in which the administrative offices of the cyber charter school are located.

(Def. added July 13, 2016, P.L.716, No.86)

"Appeal board" shall mean the State Charter School Appeal Board established by this article.

"At-risk student" shall mean a student at risk of educational failure because of limited English proficiency, poverty, community factors, truancy, academic difficulties or economic disadvantage.

"Charter school" shall mean an independent public school established and operated under a charter from the local board of school directors and in which students are enrolled or attend. A charter school must be organized as a public, nonprofit corporation. Charters may not be granted to any for-profit entity.

"Chief executive officer" shall mean an individual appointed by the board of trustees to oversee and manage the operation

of the charter school, but who shall not be deemed a professional staff member under this article.

"Cyber charter school" shall mean an independent public school established and operated under a charter from the Department of Education and in which the school uses technology in order to provide a significant portion of its curriculum and to deliver a significant portion of instruction to its students through the Internet or other electronic means. A cyber charter school must be organized as a public, nonprofit corporation. A charter may not be granted to a for-profit entity.

"Department" shall mean the Department of Education of the Commonwealth.

"Local board of school directors" shall mean the board of directors of a school district in which a proposed or an approved charter school is located.

"Regional charter school" shall mean an independent public school established and operated under a charter from more than one local board of school directors and in which students are enrolled or attend. A regional charter school must be organized as a public, nonprofit corporation. Charters may not be granted to any for-profit entity.

"School district of residence" shall mean the school district in this Commonwealth in which the parents or guardians of a child reside.

"School entity" shall mean a school district, intermediate unit, joint school or area vocational-technical school.

"Secretary" shall mean the Secretary of Education of the Commonwealth.

"State board" shall mean the State Board of Education of the Commonwealth.

(1703-A amended June 29, 2002, P.L.524, No.88)

(b) Charter Schools.

(Subdiv. (b) added June 19, 1997, P.L.225, No.22)

Section 1714-A. Powers of Charter Schools.--(a) A charter school established under this act is a body corporate and shall have all powers necessary or desirable for carrying out its charter, including, but not limited to, the power to:

(1) Adopt a name and corporate seal; however, any name selected shall include the words "charter school."

(2) Sue and be sued, but only to the same extent and upon the same condition that political subdivisions and local agencies can be sued.

(3) Acquire real property from public or private sources by purchase, lease, lease with an option to purchase or gift for use as a charter school facility.

(4) Receive and disburse funds for charter school purposes only.

(5) Make contracts and leases for the procurement of services, equipment and supplies.

(6) Incur temporary debts in anticipation of the receipt of funds.

(6.1) Incur debt for the construction of school facilities.

(7) Solicit and accept any gifts or grants for charter school purposes.

(b) A charter school shall have such other powers as are necessary to fulfill its charter and which are not inconsistent with this article.

(c) Any indebtedness incurred by a charter school in the exercise of the powers specified in this section shall not impose any liability or legal obligation upon a school entity or upon the Commonwealth.

(1714-A amended July 4, 2004, P.L.536, No.70)

Section 1715-A. Charter School Requirements.--Charter schools shall be required to comply with the following provisions:

(1) Except as otherwise provided in this article, a charter school is exempt from statutory requirements established in this act, from regulations of the State board and the standards of the secretary not specifically applicable to charter schools. Charter schools are not exempt from statutes applicable to public schools other than this act.

(2) A charter school shall be accountable to the parents, the public and the Commonwealth, with the delineation of that accountability reflected in the charter. Strategies for meaningful parent and community involvement shall be developed and implemented by each school.

(3) A charter school shall not unlawfully discriminate in admissions, hiring or operation.

(4) A charter school shall be nonsectarian in all operations.

(5) A charter school shall not provide any religious instruction, nor shall it display religious objects and symbols on the premises of the charter school.

(6) A charter school shall not advocate unlawful behavior.

(7) A charter school shall only be subject to the laws and regulations as provided for in section 1732-A, or as otherwise provided for in this article.

(8) A charter school shall participate in the Pennsylvania State Assessment System as provided for in 22 Pa. Code Ch. 5 (relating to curriculum), or subsequent regulations promulgated to replace 22 Pa. Code Ch. 5, in the manner in which the school district in which the charter school is located is scheduled to participate.

(9) A charter school shall provide a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours per year of instruction at the elementary level, or nine hundred ninety (990) hours per year of instruction at the secondary level. Nothing in this clause shall preclude the use of computer and satellite linkages for delivering instruction to students.

(10) Boards of trustees and contractors of charter schools shall be subject to the following statutory requirements governing construction projects and construction-related work:

(i) The following provisions of this act:

(A) Sections 751 and 751.1.

(B) Sections 756 and 757 insofar as they are consistent with the act of December 20, 1967 (P.L.869, No.385), known as the "Public Works Contractors' Bond Law of 1967."

(ii) Section 1 of the act of May 1, 1913 (P.L.155, No.104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings."

(iii) The act of August 11, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act."

(iv) The "Public Works Contractors' Bond Law of 1967."

(v) The act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

(11) Trustees of a charter school shall be public officials.

(12) A person who serves as an administrator for a charter school shall not receive compensation from another charter school or from a company that provides management or other services to another charter school. The term "administrator" shall include the chief executive officer of a charter school and all other employees of a charter school who by virtue of

their positions exercise management or operational oversight responsibilities. A person who serves as an administrator for a charter school shall be a public official under 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure). A violation of this clause shall constitute a violation of 65 Pa.C.S. § 1103(a) (relating to restricted activities), and the violator shall be subject to the penalties imposed under the jurisdiction of the State Ethics Commission. ((12) added July 9, 2008, P.L.846, No.61)

(1715-A added June 19, 1997, P.L.225, No.22)

Compiler's Note: Section 34 of Act 61 of 2008, which added section 1715-A(12), provided that Act 61 shall apply retroactively to July 1 2008.

Section 1716-A. Powers of Board of Trustees.--(a) The board of trustees of a charter school shall have the authority to decide matters related to the operation of the school, including, but not limited to, budgeting, curriculum and operating procedures, subject to the school's charter. The board shall have the authority to employ, discharge and contract with necessary professional and nonprofessional employees subject to the school's charter and the provisions of this article.

(b) No member of a local board of school directors of a school entity shall serve on the board of trustees of a charter school that is located in the member's district.

(c) The board of trustees shall comply with the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."

(1716-A added June 19, 1997, P.L.225, No.22)

Section 1717-A. Establishment of Charter School.--(a) A charter school may be established by an individual; one or more teachers who will teach at the proposed charter school; parents or guardians of students who will attend the charter school; any nonsectarian college, university or museum located in this Commonwealth; any nonsectarian corporation not-for-profit, as defined in 15 Pa.C.S. (relating to corporations and unincorporated associations); any corporation, association or partnership; or any combination thereof. A charter school may be established by creating a new school or by converting an existing public school or a portion of an existing public school. No charter school shall be established or funded by and no charter shall be granted to any sectarian school, institution or other entity. No funds allocated or disbursed under this article shall be used to directly support instruction pursuant to section 1327.1.

(b) (1) The conversion of an existing public school or portion of an existing public school to a charter school may be initiated by any individual or entity authorized to establish a charter school under subsection (a).

(2) In order to convert an existing public school to a charter school, the applicants must show that:

(i) More than fifty per centum of the teaching staff in the public school have signed a petition in support of the public school becoming a charter school; and

(ii) More than fifty per centum of the parents or guardians of pupils attending that public school have signed a petition in support of the school becoming a charter school.

(3) In no event shall the board of school directors serve as the board of trustees of an existing school which is converted to a charter school pursuant to this subsection.

(c) An application to establish a charter school shall be submitted to the local board of school directors of the district where the charter school will be located by November 15 of the

school year preceding the school year in which the charter school will be established except that for a charter school beginning in the 1997-1998 school year, an application must be received by July 15, 1997. In the 1997-1998 school year only, applications shall be limited to recipients of fiscal year 1996-1997 Department of Education charter school planning grants.

(d) Within forty-five (45) days of receipt of an application, the local board of school directors in which the proposed charter school is to be located shall hold at least one public hearing on the provisions of the charter application, under the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act." At least forty-five (45) days must transpire between the first public hearing and the final decision of the board on the charter application except that for a charter school beginning in the 1997-1998 school year, only thirty (30) days must transpire between the first public hearing and the final decision of the board.

(e) (1) Not later than seventy-five (75) days after the first public hearing on the application, the local board of school directors shall grant or deny the application. For a charter school beginning in the 1997-1998 school year, the local board of school directors shall grant or deny the application no later than sixty (60) days after the first public hearing.

(2) A charter school application submitted under this article shall be evaluated by the local board of school directors based on criteria, including, but not limited to, the following:

(i) The demonstrated, sustainable support for the charter school plan by teachers, parents, other community members and students, including comments received at the public hearing held under subsection (d).

(ii) The capability of the charter school applicant, in terms of support and planning, to provide comprehensive learning experiences to students pursuant to the adopted charter.

(iii) The extent to which the application considers the information requested in section 1719-A and conforms to the legislative intent outlined in section 1702-A.

(iv) The extent to which the charter school may serve as a model for other public schools.

(3) The local board of school directors, in the case of an existing school being converted to a charter school, shall establish the alternative arrangements for current students who choose not to attend the charter school.

(4) A charter application shall be deemed approved by the local board of school directors of a school district upon affirmative vote by a majority of all the directors. Formal action approving or denying the application shall be taken by the local board of school directors at a public meeting, with notice or consideration of the application given by the board, under the "Sunshine Act."

(5) Written notice of the board's action shall be sent to the applicant, the department and the appeal board. If the application is denied, the reasons for the denial, including a description of deficiencies in the application, shall be clearly stated in the notice sent by the local board of school directors to the charter school applicant.

(f) At the option of the charter school applicant, a denied application may be revised and resubmitted to the local board of school directors. Following the appointment and confirmation of the Charter School Appeal Board under section 1721-A, the decision of the local board of school directors may be appealed

to the appeal board. When an application is revised and resubmitted to the local board of school directors, the board may schedule additional public hearings on the revised application. The board shall consider the revised and resubmitted application at the first board meeting occurring at least forty-five (45) days after receipt of the revised application by the board. For a revised application resubmitted for the 1997-1998 school year, the board shall consider the application at the first board meeting occurring at least thirty (30) days after its receipt. The board shall provide notice of consideration of the revised application under the "Sunshine Act." No appeal from a decision of a local school board may be taken until July 1, 1999.

(g) Notwithstanding the provisions of subsection (e)(5), failure by the local board of directors to hold a public hearing and to grant or deny the application for a charter school within the time periods specified in subsections (d), (e) and (f) shall permit the applicant for a charter to file its application as an appeal to the appeal board. In such case, the appeal board shall review the application and make a decision to grant or deny a charter based on the criteria established in subsection (e)(2).

(h) In the case of a review by the appeal board of an application that is revoked or is not renewed, the appeal board shall make its decision based on the criteria established in subsection (e)(2). A decision by the appeal board under this subsection or subsection (g) to grant, to renew or not to revoke a charter shall serve as a requirement for the local board of directors of a school district or school districts, as appropriate, to sign the written charter of the charter school as provided for in section 1720-A. Should the local board of directors fail to grant the application and sign the charter within ten (10) days of notice of reversal of the decision of the local board of directors, the charter shall be deemed to be approved and shall be signed by the chairman of the appeal board.

(i) (1) The appeal board shall have the exclusive review of an appeal by a charter school applicant, or by the board of trustees of an existing charter school, of a decision made by a local board of directors not to grant a charter as provided in this section.

(2) In order for a charter school applicant to be eligible to appeal the denial of a charter by the local board of directors, the applicant must obtain the signatures of at least two per centum of the residents of the school district or of one thousand (1,000) residents, whichever is less, who are over eighteen (18) years of age. For a regional charter school, the applicant must obtain the signatures of at least two per centum of the residents of each school district granting the charter or of one thousand (1,000) residents from each of the school districts granting the charter, whichever is less, who are over eighteen (18) years of age. The signatures shall be obtained within sixty (60) days of the denial of the application by the local board of directors in accordance with clause (3).

(3) Each person signing a petition to appeal denial of a charter under clause (2) shall declare that he or she is a resident of the school district which denied the charter application and shall include his or her printed name; signature; address, including city, borough or township, with street and number, if any; and the date of signing. All pages shall be bound together. Additional pages of the petition shall be numbered consecutively. There shall be appended to the

petition a statement that the local board of directors rejected the petition for a charter school, the names of all applicants for the charter, the date of denial by the board and the proposed location of the charter school. No resident may sign more than one petition relating to the charter school application within the sixty (60) days following denial of the application. The department shall develop a form to be used to petition for an appeal.

(4) Each petition shall have appended thereto the affidavit of some person, not necessarily a signer, setting forth all of the following:

(i) That the affiant is a resident of the school district referred to in the petition.

(ii) The affiant's residence, giving city, borough or township, with street and number, if any.

(iii) That the signers signed with full knowledge of the purpose of the petition.

(iv) That the signers' respective residences are correctly stated in the petition.

(v) That the signers all reside in the school district.

(vi) That each signer signed on the date set forth opposite the signer's name.

(vii) That to the best of the affiant's knowledge and belief, the signers are residents of the school district.

(5) If the required number of signatures are obtained within sixty (60) days of the denial of the application, the applicant may present the petition to the court of common pleas of the county in which the charter school would be situated. The court shall hold a hearing only on the sufficiency of the petition. The applicant and local board of school directors shall be given seven (7) days' notice of the hearing. The court shall issue a decree establishing the sufficiency or insufficiency of the petition. If the petition is sufficient, the decree shall be transmitted to the State Charter School Appeal Board for review in accordance with this section. Notification of the decree shall be given to the applicant and the local board of directors.

(6) In any appeal, the decision made by the local board of directors shall be reviewed by the appeal board on the record as certified by the local board of directors. The appeal board shall give due consideration to the findings of the local board of directors and specifically articulate its reasons for agreeing or disagreeing with those findings in its written decision. The appeal board shall have the discretion to allow the local board of directors and the charter school applicant to supplement the record if the supplemental information was previously unavailable.

(7) Not later than thirty (30) days after the date of notice of the acceptance of the appeal, the appeal board shall meet to officially review the certified record.

(8) Not later than sixty (60) days following the review conducted pursuant to clause (6), the appeal board shall issue a written decision affirming or denying the appeal. If the appeal board has affirmed the decision of the local board of directors, notice shall be provided to both parties.

(9) A decision of the appeal board to reverse the decision of the local board of directors shall serve as a requirement for the local board of directors of a school district or school districts, as appropriate, to grant the application and sign the written charter of the charter school as provided for in section 1720-A. Should the local board of directors fail to grant the application and sign the charter within ten (10) days

of notice of the reversal of the decision of the local board of directors, the charter shall be deemed to be approved and shall be signed by the chairman of the appeal board.

(10) All decisions of the appeal board shall be subject to appellate review by the Commonwealth Court.

(1717-A added June 19, 1997, P.L.225, No.22)

Section 1718-A. Regional Charter School.--(a) A regional charter school may be established by an individual, one or more teachers who will teach at the proposed charter school; parents or guardians of students who will attend the charter school; any nonsectarian college, university or museum located in this Commonwealth; any nonsectarian corporation not-for-profit, as defined in 15 Pa.C.S. (relating to corporations and unincorporated associations); any corporation, association or partnership; or any combination thereof. A regional charter school may be established by creating a new school or by converting an existing public school or a portion of an existing public school. Conversion of an existing public school to a regional charter school shall be accomplished in accordance with section 1714-A(b). No regional charter school shall be established or funded by and no charter shall be granted to any sectarian school, institution or other entity.

(b) The boards of school directors of one or more school districts may act jointly to receive and consider an application for a regional charter school, except that any action to approve an application for a charter or to sign a written charter of an applicant shall require an affirmative vote of a majority of all the directors of each of the school districts involved. The applicant shall apply for a charter to the board of directors of any school district in which the charter school will be located.

(c) The provisions of this article as they pertain to charter schools and the powers and duties of the local board of school directors of a school district and the appeal board shall apply to regional charter schools, except as provided in subsections (a) and (b) or as otherwise clearly stated in this article.

(1718-A added June 19, 1997, P.L.225, No.22)

Section 1719-A. Contents of Application.--An application to establish a charter school shall include all of the following information:

(1) The identification of the charter applicant.

(2) The name of the proposed charter school.

(3) The grade or age levels served by the school.

(4) The proposed governance structure of the charter school, including a description and method for the appointment or election of members of the board of trustees.

(5) The mission and education goals of the charter school, the curriculum to be offered and the methods of assessing whether students are meeting educational goals.

(6) The admission policy and criteria for evaluating the admission of students which shall comply with the requirements of section 1723-A.

(7) Procedures which will be used regarding the suspension or expulsion of pupils. Said procedures shall comply with section 1318.

(8) Information on the manner in which community groups will be involved in the charter school planning process.

(9) The financial plan for the charter school and the provisions which will be made for auditing the school under section 437.

(10) Procedures which shall be established to review complaints of parents regarding the operation of the charter school.

(11) A description of and address of the physical facility in which the charter school will be located and the ownership thereof and any lease arrangements.

(12) Information on the proposed school calendar for the charter school, including the length of the school day and school year consistent with the provisions of section 1502.

(13) The proposed faculty and a professional development plan for the faculty of a charter school.

(14) Whether any agreements have been entered into or plans developed with the local school district regarding participation of the charter school students in extracurricular activities within the school district. Notwithstanding any provision to the contrary, no school district of residence shall prohibit a student of a charter school from participating in any extracurricular activity of that school district of residence: Provided, That the student is able to fulfill all of the requirements of participation in such activity and the charter school does not provide the same extracurricular activity.

(15) A report of criminal history record, pursuant to section 111, for all individuals who shall have direct contact with students.

(16) An official clearance statement regarding child injury or abuse from the Department of Public Welfare as required by 23 Pa.C.S. Ch. 63 Subch. C.2 (relating to background checks for employment in schools) for all individuals who shall have direct contact with students.

(17) How the charter school will provide adequate liability and other appropriate insurance for the charter school, its employees and the board of trustees of the charter school.

(1719-A added June 19, 1997, P.L.225, No.22)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1720-A. Term and Form of Charter.--(a) Upon approval of a charter application under section 1717-A, a written charter shall be developed which shall contain the provisions of the charter application and which shall be signed by the local board of school directors of a school district, by the local boards of school directors of a school district in the case of a regional charter school or by the chairman of the appeal board pursuant to section 1717-A(i)(5) and the board of trustees of the charter school. This written charter, when duly signed by the local board of school directors of a school district, or by the local boards of school directors of a school district in the case of a regional charter school, and the charter school's board of trustees, shall act as legal authorization for the establishment of a charter school. This written charter shall be legally binding on both the local board of school directors of a school district and the charter school's board of trustees. Except as otherwise provided in subsection (b), the charter shall be for a period of no less than three (3) nor more than five (5) years and may be renewed for five (5) year periods upon reauthorization by the local board of school directors of a school district or the appeal board. A charter will be granted only for a school organized as a public, nonprofit corporation.

(b) (1) Notwithstanding subsection (a), a governing board of a school district of the first class may renew a charter for

a period of one (1) year if the board of school directors determines that there is insufficient data concerning the charter school's academic performance to adequately assess that performance and determines that an additional year of performance data would yield sufficient data to assist the governing board in its decision whether to renew the charter for a period of five (5) years.

(2) A one-year renewal pursuant to paragraph (1) shall not be considered an adjudication and may not be appealed to the State Charter School Appeal Board.

(3) A governing board of a school district of the first class does not have the authority to renew a charter for successive one (1) year periods.

(1720-A amended July 9, 2008, P.L.846, No.61)

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 1720-A, provided that Act 61 shall apply retroactively to July 1 2008.

Section 1721-A. State Charter School Appeal Board.--(a) The State Charter School Appeal Board shall consist of the Secretary of Education and six (6) members who shall be appointed by the Governor by and with the consent of a majority of all the members of the Senate. Appointments by the Governor shall not occur prior to January 1, 1999. The Governor shall select the chairman of the appeal board to serve at the pleasure of the Governor. The members shall include:

(1) A parent of a school-aged child.

(2) A school board member.

(3) A certified teacher actively employed in a public school.

(4) A faculty member or administrative employe of an institution of higher education.

(5) A member of the business community.

(6) A member of the State Board of Education.

The term of office of members of the appeal board, other than the secretary, shall be for a period of four (4) years or until a successor is appointed and qualified, except that, of the initial appointees, the Governor shall designate two (2) members to serve terms of two (2) years, two (2) members to serve terms of three (3) years and two (2) members to serve terms of four (4) years. Any appointment to fill any vacancy shall be for the period of the unexpired term or until a successor is appointed and qualified.

(b) The appeal board shall meet as needed to fulfill the purposes provided in this subsection. A majority of the members of the appeal board shall constitute a quorum, and a majority of the members of the appeal board shall have authority to act upon any matter properly before the appeal board. The appeal board is authorized to establish rules for its operation.

(c) The members shall receive no payment for their services. Members who are not employes of State government shall be reimbursed for expenses incurred in the course of their official duties from funds appropriated for the general government operations of the department.

(d) The department shall provide assistance and staffing for the appeal board. The Governor, through the Governor's General Counsel, shall provide such legal advice and assistance as the appeal board may require.

(e) Meetings of the appeal board shall be conducted under the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act." Documents of the appeal board shall be subject to the act

of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(1721-A added June 19, 1997, P.L.225, No.22)

Compiler's Note: The act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, referred to in subsec. (e), was repealed by the act of Feb. 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 1722-A. Facilities.--(a) A charter school may be located in an existing public school building, in a part of an existing public school building, in space provided on a privately owned site, in a public building or in any other suitable location.

(b) The charter school facility shall be exempt from public school facility regulations except those pertaining to the health or safety of the pupils.

(c) ((c) repealed July 4, 2004, P.L.536, No.70)

(d) Notwithstanding any other provision of this act, a school district of the first class may, in its discretion, permit a charter school to operate its school at more than one location.

(e) (1) Notwithstanding the provisions of section 204 of the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, all school property, real and personal, owned by any charter school, cyber charter school or an associated nonprofit foundation, or owned by a nonprofit corporation or nonprofit foundation and leased to a charter school, cyber charter school or associated nonprofit foundation at or below fair market value, that is occupied and used by any charter school or cyber charter school for public school, recreation or any other purposes provided for by this act, shall be made exempt from every kind of State, county, city, borough, township or other real estate tax, including payments in lieu of taxes established through agreement with the Commonwealth or any local taxing authority, as well as from all costs or expenses for paving, curbing, sidewalks, sewers or other municipal improvements, Provided, That any charter school or cyber charter school or owner of property leased to a charter school or cyber charter school may make a municipal improvement in a street on which its school property abuts or may contribute a sum toward the cost of the improvement.

(2) Any agreement entered into by a charter school, cyber charter school or associated nonprofit foundation with the Commonwealth or a local taxing authority for payments in lieu of taxes prior to December 31, 2009, shall be null and void.

(3) This subsection shall apply retroactively to all charter schools, cyber charter schools and associated nonprofit foundations that filed an appeal from an assessment, as provided in Article V of The General County Assessment Law, prior to the effective date of this subsection.

(4) For purposes of this subsection, "local taxing authority" shall include, but not be limited to, a county, city, borough, incorporated town, township or school district.

(1722-A amended Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which added section 1722-A, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 1723-A. Enrollment.--(a) All resident children in this Commonwealth qualify for admission to a charter school

within the provisions of subsection (b). If more students apply to the charter school than the number of attendance slots available in the school, then students must be selected on a random basis from a pool of qualified applicants meeting the established eligibility criteria and submitting an application by the deadline established by the charter school, except that the charter school may give preference in enrollment to a child of a parent who has actively participated in the development of the charter school and to siblings of students presently enrolled in the charter school. First preference shall be given to students who reside in the district or districts.

(b) (1) A charter school shall not discriminate in its admission policies or practices on the basis of intellectual ability, except as provided in paragraph (2), or athletic ability, measures of achievement or aptitude, status as a person with a disability, proficiency in the English language or any other basis that would be illegal if used by a school district.

(2) A charter school may limit admission to a particular grade level, a targeted population group composed of at-risk students, or areas of concentration of the school such as mathematics, science or the arts. A charter school may establish reasonable criteria to evaluate prospective students which shall be outlined in the school's charter.

(c) If available classroom space permits, a charter school may enroll nonresident students on a space-available basis, and the student's district of residence shall permit the student to attend the charter school. The terms and conditions of the enrollment shall be outlined in the school's charter.

(d) (1) Enrollment of students in a charter school or cyber charter school shall not be subject to a cap or otherwise limited by any past or future action of a board of school directors, a board of control established under Article XVII-B, a special board of control established under section 692 or any other governing authority, unless agreed to by the charter school or cyber charter school as part of a written charter pursuant to section 1720-A.

(2) The provisions of this subsection shall apply to a charter school or cyber charter school regardless of whether the charter was approved prior to or is approved subsequent to the effective date of this subsection.

((d) added July 9, 2008, P.L.846, No.61)

(1723-A amended June 26, 1999, P.L.394, No.36)

Compiler's Note: Section 34 of Act 61 of 2008, which added section 1723-A(d), provided that Act 61 shall apply retroactively to July 1 2008.

Section 1724-A. School Staff.--(a) The board of trustees shall determine the level of compensation and all terms and conditions of employment of the staff except as may otherwise be provided in this article. At least seventy-five per centum of the professional staff members of a charter school shall hold appropriate State certification. Employees of a charter school may organize under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act." The board of trustees of a charter school shall be considered an employer for the purposes of Article XI-A. Upon formation of one or more collective bargaining units at the school, the board of trustees shall bargain with the employees based on the provisions of this article, Article XI-A and the "Public Employee Relations Act." Collective bargaining units at a charter school shall be separate from any collective bargaining unit of the school district in which the charter school is located and shall be

separate from any other collective bargaining unit. A charter school shall be considered a school entity as provided for in section 1161-A for the purpose of the secretary seeking an injunction requiring the charter school to meet the minimum requirements for instruction as provided for in this article.

(b) Each charter application shall list the general qualifications needed to staff any noncertified positions. Professional employees who do not hold appropriate Pennsylvania certification must present evidence that they:

(i) Meet the qualifications in sections 1109 and 1209.

(ii) Have demonstrated satisfactorily a combination of experience, achievement and qualifications as defined in the charter school application in basic skills, general knowledge, professional knowledge and practice and subject matter knowledge in the subject area where an individual will teach.

(c) All employees of a charter school shall be enrolled in the Public School Employees' Retirement System in the same manner as set forth in 24 Pa.C.S. § 8301(a) (relating to mandatory and optional membership) unless at the time of the application for the charter school the sponsoring district or the board of trustees of the charter school has a retirement program which covers the employees or the employee is currently enrolled in another retirement program. The charter school shall be considered a public school as defined in 24 Pa.C.S. § 8102 (relating to definitions) and shall make quarterly payments by employers to the Public School Employees' Retirement System and monthly payments on account of Social Security as established under 24 Pa.C.S. Pt. IV (relating to retirement for school employees). Except as otherwise provided, employees of a charter school shall make regular member contributions as required for active members under 24 Pa.C.S. Pt. IV. If the employees of the charter school participate in another retirement plan, then those employees shall have no concurrent claim on the benefits provided to public school employees under 24 Pa.C.S. Pt. IV. Notwithstanding any other provision of law to the contrary, nothing in this article shall be construed to require the Commonwealth to make payments to charter schools or contributions on behalf of charter school employees from appropriated funds, as provided in 24 Pa.C.S. §§ 8326 (relating to contributions by the Commonwealth) and 8535 (relating to payments to school entities by Commonwealth) on account of charter school employees enrolled in the Public School Employees' Retirement System and 24 Pa.C.S. § 8329(a) (relating to payments on account of social security deductions from appropriations) on account of Social Security payments made by a charter school. ((c) amended July 13, 2016, P.L.716, No.86)

(d) Every employee of a charter school shall be provided the same health care benefits as the employee would be provided if he or she were an employee of the local district. The local board of school directors may require the charter school to provide the same terms and conditions with regard to health insurance as the collective bargaining agreement of the school district to include employee contributions to the district's health benefits plan. The charter school shall make any required employer's contribution to the district's health plan to an insurer, a local board of school directors or a contractual representative of school employees, whichever is appropriate to provide the required coverage.

(e) Any public school employee of a school entity may request a leave of absence for up to five (5) years in order to work in a charter school located in the district of employment or in a regional charter school in which the employing school

district is a participant. Approval for a leave shall not be unreasonably withheld.

(f) Temporary professional employees on leave from a school district may accrue tenure in the non-charter public school system at the discretion of the local board of school directors, the same as they would under Article XI if they had continued to be employed by that district. Professional employees on leave from a school district shall retain their tenure rights, as defined in Article XI, in the school entity from which they came. No temporary professional employee or professional employee shall have tenure rights as against a charter school. Both temporary professional employees and professional employees shall continue to accrue seniority in the school entity from which they came if they return to that school entity when the leave ends.

(g) Professional employees who hold a first level teaching or administrative certificate may, at their option, have the time completed in satisfactory service in a charter school applied to the length of service requirements for the next level of certification.

(h) (1) Any temporary professional employee or professional employee who leaves employment at a charter school shall have the right to return to a comparable position for which the person is properly certified in the school entity which granted the leave of absence. In the case where a teacher has been dismissed by the charter school, the school entity which granted the leave of absence is to be provided by the charter school with the reasons for such dismissal at the time it occurs, a list of any witnesses who were relied on by the charter school in moving for dismissal, a description of and access to any physical evidence used by the charter school in moving for dismissal and a copy of any record developed at any dismissal proceeding conducted by the charter school. The record of any such hearing may be admissible in a hearing before the school entity which granted the leave of absence. Nothing in this section shall affect the authority of the board of school directors to initiate proceedings under Article XI if the board determines that occurrences at the charter school leading to dismissal of a teacher constitute adequate and independent grounds for discipline under section 1122.

(2) No temporary employee or professional employee who is leaving employment at a charter school shall be returned to a position in the public school district which granted his leave of absence until such public school district is in receipt of a current criminal history record under section 111 and the official clearance statement regarding child injury or abuse from the Department of Public Welfare as required by 23 Pa.C.S. Ch. 63 Subch. C.2 (relating to background checks for employment in schools).

(i) All individuals who shall have direct contact with students shall be required to submit a report of criminal history record information as provided for in section 111 prior to accepting a position with the charter school. This subsection shall also apply to any individual who volunteers to work on a full-time or part-time basis at the charter school.

(j) All applicants for a position as a school employee shall be required to submit the official clearance statement regarding child injury or abuse from the Department of Public Welfare as required by 23 Pa.C.S. Ch. 63 Subch. C.2. This section shall also apply to any individual who volunteers to work on a full-time or part-time basis at a charter school.

(1724-A added June 19, 1997, P.L.225, No.22)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1725-A. Funding for Charter Schools.--(a) Funding for a charter school shall be provided in the following manner:

(1) There shall be no tuition charge for a resident or nonresident student attending a charter school.

(2) For non-special education students, the charter school shall receive for each student enrolled no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; for special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department. This amount shall be paid by the district of residence of each student.

(3) For special education students, the charter school shall receive for each student enrolled the same funding as for each non-special education student as provided in clause (2), plus an additional amount determined by dividing the district of residence's total special education expenditure by the product of multiplying the combined percentage of section 2509.5(k) times the district of residence's total average daily membership for the prior school year. This amount shall be paid by the district of residence of each student.

(4) A charter school may request the intermediate unit in which the charter school is located to provide services to assist the charter school to address the specific needs of exceptional students. The intermediate unit shall assist the charter school and bill the charter school for the services. The intermediate unit may not charge the charter school more for any service than it charges the constituent districts of the intermediate unit.

(5) Payments shall be made to the charter school in twelve (12) equal monthly payments, by the fifth day of each month, within the operating school year. A student enrolled in a charter school shall be included in the average daily membership of the student's district of residence for the purpose of providing basic education funding payments and special education funding pursuant to Article XXV. If a school district fails to make a payment to a charter school as prescribed in this clause, the secretary shall deduct the estimated amount, as documented by the charter school, from any and all State payments made to the district after receipt of documentation from the charter school. No later than October 1 of each year, a charter school shall submit to the school district of residence of each student final documentation of payment to be made based on the average daily membership for the students enrolled in the charter school from the school district for the previous school year. If a school district fails to make payment to the charter school, the secretary shall deduct and pay the amount as documented by the charter school from any and all State payments made to the district after receipt of documentation from the charter school from the appropriations for the fiscal year in which the final documentation of payment was submitted to the school district of residence. ((5) amended July 13, 2016, P.L.716, No.86)

(6) Within thirty (30) days after the secretary makes the deduction described in clause (5), a school district may notify the secretary that the deduction made from State payments to the district under this subsection is inaccurate. The secretary shall provide the school district with an opportunity to be heard concerning whether the charter school documented that its students were enrolled in the charter school, the period of time during which each student was enrolled, the school district of residence of each student and whether the amounts deducted from the school district were accurate.

((a) amended June 29, 2002, P.L.524, No.88)

(b) The Commonwealth shall provide temporary financial assistance to a school district due to the enrollment of students in a charter school who attended a nonpublic school in the prior school year in order to offset the additional costs directly related to the enrollment of those students in a public charter school. The Commonwealth shall pay the school district of residence of a student enrolled in a nonpublic school in the prior school year who is attending a charter school an amount equal to the school district of residence's basic education subsidy for the current school year divided by the district's average daily membership for the prior school year. This payment shall occur only for the first year of the attendance of the student in a charter school, starting with school year 1997-1998. Total payments of temporary financial assistance to school districts on behalf of a student enrolling in a charter school who attended a nonpublic school in the prior school year shall be limited to funds appropriated for this program in a fiscal year. If the total of the amount needed for all students enrolled in a nonpublic school in the prior school year who enroll in a charter school exceeds the appropriation for the temporary financial assistance program, the amount paid to a school district for each qualifying student shall be pro rata reduced. Receipt of funds under this subsection shall not preclude a school district from applying for a grant under subsection (c).

(c) The Commonwealth shall create a grant program to provide temporary transitional funding to a school district due to the budgetary impact relating to any student's first-year attendance at a charter school. The department shall develop criteria which shall include, but not be limited to, the overall fiscal impact on the budget of the school district resulting from students of a school district attending a charter school. The criteria shall be published in the Pennsylvania Bulletin. This subsection shall not apply to a public school converted to a charter school under section 1717-A(b). Grants shall be limited to funds appropriated for this purpose. ((c) amended June 22, 2001, P.L.530, No.35)

(d) It shall be lawful for any charter school to receive, hold, manage and use, absolutely or in trust, any devise, bequest, grant, endowment, gift or donation of any property, real or personal and/or mixed, which shall be made to the charter school for any of the purposes of this article.

(e) It shall be unlawful for any trustee of a charter school or any board of trustees of a charter school or any other person affiliated in any way with a charter school to demand or request, directly or indirectly, any gift, donation or contribution of any kind from any parent, teacher, employee or any other person affiliated with the charter school as a condition for employment or enrollment and/or continued attendance of any pupil. Any donation, gift or contribution

received by a charter school shall be given freely and voluntarily.

(1725-A added June 19, 1997, P.L.225, No.22)

Section 1726-A. Transportation.--(a) Students who attend a charter school located in their school district of residence, a regional charter school of which the school district is a part or a charter school located outside district boundaries at a distance not exceeding ten (10) miles by the nearest public highway shall be provided free transportation to the charter school by their school district of residence on such dates and periods that the charter school is in regular session whether or not transportation is provided on such dates and periods to students attending schools of the district. Transportation is not required for elementary students, including kindergarten students, residing within one and one-half (1.5) miles or for secondary students residing within two (2) miles of the nearest public highway from the charter school in which the students are enrolled unless the road or traffic conditions are such that walking constitutes a hazard to the safety of the students when so certified by the Department of Transportation, except that if the school district provides transportation to the public schools of the school district for elementary students, including kindergarten students, residing within one and one-half (1.5) miles or for secondary students residing within two (2) miles of the nearest public highway under nonhazardous conditions, transportation shall also be provided to charter schools under the same conditions. Districts providing transportation to a charter school outside the district and, for the 2007-2008 school year and each school year thereafter, districts providing transportation to a charter school within the district shall be eligible for payments under section 2509.3 for each public school student transported. ((a) amended July 9, 2008, P.L.846, No.61)

(a.1) In addition to any other requirements in this section, school districts of the first class shall provide transportation to students who attend a charter school if they are the same age or are enrolled in the same grade, grades or their grade equivalents as any of the students of the school district for whom transportation is provided under any program or policy to the schools of the school district.

(b) In the event that the Secretary of Education determines that a school district is not providing the required transportation to students to the charter school, the Department of Education shall pay directly to the charter school funds for costs incurred in the transportation of its students. Payments to a charter school shall be determined in the following manner: for each eligible student transported, the charter school shall receive a payment equal to the total expenditures for transportation of the school district divided by the total number of school students transported by the school district under any program or policy.

(c) The department shall deduct the amount paid to the charter school under subsection (b) from any and all payments made to the district.

(d) A school district of the first class shall submit a copy of its current transportation policy to the department no later than August 1 of each year.

(1726-A amended July 11, 2006, P.L.1092, No.114)

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 1726-A(a), provided that Act 61 shall apply retroactively to July 1 2008.

Section 1727-A. Tort Liability.--For purposes of tort liability, employees of the charter school shall be considered public employees and the board of trustees shall be considered the public employer in the same manner as political subdivisions and local agencies. The board of trustees of a charter school and the charter school shall be solely liable for any and all damages of any kind resulting from any legal challenge involving the operation of a charter school. Notwithstanding this requirement, the local board of directors of a school entity shall not be held liable for any activity or operation related to the program of the charter school.

(1727-A added June 19, 1997, P.L.225, No.22)

Section 1728-A. Annual Reports and Assessments.--(a) The local board of school directors shall annually assess whether each charter school is meeting the goals of its charter and shall conduct a comprehensive review prior to granting a five (5) year renewal of the charter. The local board of school directors shall have ongoing access to the records and facilities of the charter school to ensure that the charter school is in compliance with its charter and this act and that requirements for testing, civil rights and student health and safety are being met.

(b) In order to facilitate the local board's review and secretary's report, each charter school shall submit an annual report no later than August 1 of each year to the local board of school directors and the secretary in the form prescribed by the secretary.

(c) Five (5) years following the effective date of this article, the secretary shall contract with an independent professional consultant with expertise in public and private education. The consultant shall receive input from members of the educational community and the public on the charter school program. The consultant shall submit a report to the secretary, the Governor and the General Assembly and an evaluation of the charter school program, which shall include a recommendation on the advisability of the continuation, modification, expansion or termination of the program and any recommendations for changes in the structure of the program.

(1728-A added June 19, 1997, P.L.225, No.22)

Section 1729-A. Causes for Nonrenewal or Termination.--(a) During the term of the charter or at the end of the term of the charter, the local board of school directors may choose to revoke or not to renew the charter based on any of the following:

(1) One or more material violations of any of the conditions, standards or procedures contained in the written charter signed pursuant to section 1720-A.

(2) Failure to meet the requirements for student performance set forth in 22 Pa. Code Ch. 5 (relating to curriculum) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 5 or failure to meet any performance standard set forth in the written charter signed pursuant to section 1716-A.

(3) Failure to meet generally accepted standards of fiscal management or audit requirements.

(4) Violation of provisions of this article.

(5) Violation of any provision of law from which the charter school has not been exempted, including Federal laws and regulations governing children with disabilities.

(6) The charter school has been convicted of fraud.

(a.1) When a charter school located in a school district of the first class is in corrective action status and seeks renewal of its charter, if the governing body of the school

district of the first class renews the charter, it may place specific conditions in the charter that require the charter school to meet specific student performance targets within stated periods of time subject to the following:

(i) The performance targets and the periods of time in which the performance targets must be met shall be reasonable.

(ii) The placement of conditions in a charter as specified in this subsection shall not be considered an adjudication and may not be appealed to the State Charter School Appeal Board.

(iii) If the charter school fails to meet the performance targets within the stated period of time, such failure shall be sufficient cause for revocation of the charter.

((a.1) added July 9, 2008, P.L.846, No.61)

(b) A member of the board of trustees who is convicted of a felony or any crime involving moral turpitude shall be immediately disqualified from serving on the board of trustees.

(c) Any notice of revocation or nonrenewal of a charter given by the local board of school directors of a school district shall state the grounds for such action with reasonable specificity and give reasonable notice to the governing board of the charter school of the date on which a public hearing concerning the revocation or nonrenewal will be held. The local board of school directors shall conduct such hearing, present evidence in support of the grounds for revocation or nonrenewal stated in its notice and give the charter school reasonable opportunity to offer testimony before taking final action. Formal action revoking or not renewing a charter shall be taken by the local board of school directors at a public meeting pursuant to the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act," after the public has had thirty (30) days to provide comments to the board. All proceedings of the local board pursuant to this subsection shall be subject to 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies). Except as provided in subsection (d), the decision of the local board shall not be subject to 2 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local agency action).

(d) Following the appointment and confirmation of the appeal board, but not before July 1, 1999, the charter school may appeal the decision of the local board of school directors to revoke or not renew the charter to the appeal board. The appeal board shall have the exclusive review of a decision not to renew or revoke a charter. The appeal board shall review the record and shall have the discretion to supplement the record if the supplemental information was previously unavailable. The appeal board may consider the charter school plan, annual reports, student performance and employee and community support for the charter school in addition to the record. The appeal board shall give due consideration to the findings of the local board of directors and specifically articulate its reasons for agreeing or disagreeing with those findings in its written decision.

(e) If the appeal board determines that the charter should not be revoked or should be renewed, the appeal board shall order the local board of directors to rescind its revocation or nonrenewal decision.

(f) Except as provided in subsection (g), the charter shall remain in effect until final disposition by the appeal board.

(g) In cases where the health or safety of the school's pupils, staff or both is at serious risk, the local board of school directors may take immediate action to revoke a charter.

(h) All decisions of the charter school appeal board shall be subject to appellate review by the Commonwealth Court.

(i) When a charter is revoked, not renewed, forfeited, surrendered or otherwise ceases to operate, the charter school shall be dissolved. After the disposition of any liabilities and obligations of the charter school, any remaining assets of the charter school, both real and personal, shall be distributed on a proportional basis to the school entities with students enrolled in the charter school for the last full or partial school year of the charter school. In no event shall such school entities or the Commonwealth be liable for any outstanding liabilities or obligations of the charter school. ((i) amended July 4, 2004, P.L.536, No.70)

(j) When a charter is revoked or is not renewed, a student who attended the charter school shall apply to another public school in the student's school district of residence. Normal application deadlines will be disregarded under these circumstances. All student records maintained by the charter school shall be forwarded to the student's district of residence.

(1729-A added June 19, 1997, P.L.225, No.22)

Compiler's Note: Section 34 of Act 61 of 2008, which added section 1729-A(a.1), provided that Act 61 shall apply retroactively to July 1 2008.

Section 1730-A. Desegregation Orders.--The local board of school directors of a school district which is operating under a desegregation plan approved by the Pennsylvania Human Relations Commission or a desegregation order by a Federal or State court shall not approve a charter school application if such charter school would place the school district in noncompliance with its desegregation order.

(1730-A added June 19, 1997, P.L.225, No.22)

Section 1731-A. Charter School Grants.--(a) The secretary shall allocate grants for planning and start-up funding to eligible applicants under section 1717-A from funds appropriated for the implementation of this act.

(1) Planning grant applications shall be filed on a form and by a date determined by the secretary. The amount of a grant may vary depending on the size and scope of the planning needed by the applicant. The application shall address the manner in which the applicant plans to address the criteria established for charter schools in sections 1715-A and 1717-A.

(2) Start-up funding grant applications shall be filed on a form and by a date determined by the secretary. The applicant for the charter school shall submit its application for a charter when applying for the grant. A grant for start-up funding may vary depending on the size and special characteristics of the charter school. A start-up grant may be used to meet the expenses of the charter school as established in their charter and as authorized in the provisions of this article.

(b) The applicant shall include a copy of a letter informing the local board of school directors of the school district of the application for the planning grant if the location of the proposed charter school is known. An applicant receiving a start-up funding grant shall notify the school district or districts signing the charter of receipt of this grant.

(1731-A added June 19, 1997, P.L.225, No.22)

Section 1732-A. Provisions Applicable to Charter Schools.--(a) Charter schools shall be subject to the following:

Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753,

755, 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301, 1310, 1317, 1317.1, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1513, 1517, 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and Article XIV.

Act of July 17, 1961 (P.L.776, No.341), known as the "Pennsylvania Fair Educational Opportunities Act."

Act of July 19, 1965 (P.L.215, No.116), entitled "An act providing for the use of eye protective devices by persons engaged in hazardous activities or exposed to known dangers in schools, colleges and universities."

Section 4 of the act of January 25, 1966 (1965 P.L.1546, No.541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act."

Act of July 12, 1972 (P.L.765, No.181), entitled "An act relating to drugs and alcohol and their abuse, providing for projects and programs and grants to educational agencies, other public or private agencies, institutions or organizations."

Act of December 15, 1986 (P.L.1595, No.175), known as the "Antihazing Law."

((a) amended Nov. 3, 2016, P.L.1061, No.138)

(b) Charter schools shall be subject to the following provisions of 22 Pa. Code:

Section 5.216 (relating to ESOL).

Section 5.4 (relating to general policies).

Chapter 11 (relating to pupil attendance).

Chapter 12 (relating to students).

Section 32.3 (relating to assurances).

Section 121.3 (relating to discrimination prohibited).

Section 235.4 (relating to practices).

Section 235.8 (relating to civil rights).

Chapter 711 (relating to charter school services and programs for children with disabilities).

(c) (1) The secretary may promulgate additional regulations relating to charter schools.

(2) The secretary shall have the authority and the responsibility to ensure that charter schools comply with Federal laws and regulations governing children with disabilities. The secretary shall promulgate regulations to implement this provision.

(1732-A amended June 29, 2002, P.L.524, No.88)

Compiler's Note: Section 10 of Act 138 of 2016, which amended subsection (a), provided that Act 138 shall apply to the 2017-2018 school year and each school year thereafter.

Compiler's Note: Section 755, referred to in subsection (a), was repealed by the act of May 15, 1998, P.L.358, No.57.

(c) Cyber Charter Schools.

(Subdiv. added June 29, 2002, P.L.524, No.88)

Compiler's Note: Section 33 of Act 88 of 2002 provided that the purpose of the addition of Subdivision (c) is to provide for the continued operation of charter schools approved under section 1717-A or 1718-A and which provide instruction through the Internet or other electronic means

and to establish additional requirements for all cyber charter schools.

Section 1741-A. Powers and duties of department.

(a) Powers and duties.--The department shall:

(1) Receive, review and act on applications for the creation of a cyber charter school and have the power to request further information from applicants, obtain input from interested persons or entities and hold hearings regarding applications.

(2) Renew the charter of cyber charter school and renew the charter of a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means. Upon renewal of a charter of a charter school approved under section 1717-A or 1718-A, the charter school shall qualify as a cyber charter school under this subdivision and shall be subject to the provisions of this subdivision.

(3) Revoke or deny renewal of a cyber charter school's charter under the provisions of section 1729-A.

(i) Notwithstanding the provisions of section 1729-A(i), when the department has revoked or denied renewal of a charter, the cyber charter school shall be dissolved. After the disposition of the liabilities and obligations of the cyber charter school, any remaining assets of the cyber charter school shall be given over to the intermediate unit in which the cyber charter school's administrative office was located for distribution to the school districts in which the students enrolled in the cyber charter school reside at the time of dissolution.

(ii) Notwithstanding any laws to the contrary, the department may, after notice and hearing, take immediate action to revoke a charter if:

(A) a material component of the student's education as required under this subdivision is not being provided; or

(B) the cyber charter school has failed to maintain the financial ability to provide services as required under this subdivision.

(4) Execute charters after approval.

(5) Develop forms, including the notification form under section 1748-A(b), necessary to carry out the provisions of this subdivision.

(b) Hearings.--Hearings conducted by the department shall be conducted under 65 Pa.C.S. Ch. 7 (relating to open meetings).

(c) Documents.--Documents of the appeal board shall be subject to the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(1741-A added June 29, 2002, P.L.524, No.88)

Compiler's Note: The act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, referred to in subsec. (c), was repealed by the act of Feb. 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 1742-A. Assessment and evaluation.

The department shall:

(1) Annually assess whether each cyber charter school is meeting the goals of its charter and is in compliance with the provisions of the charter and conduct a comprehensive review prior to granting a five-year renewal of the charter.

(2) Annually review each cyber charter school's performance on the Pennsylvania System of School Assessment test, standardized tests and other performance indicators to ensure compliance with 22 Pa. Code Ch. 4 (relating to academic standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4.

(3) Have ongoing access to all records, instructional materials and student and staff records of each cyber charter school and to every cyber charter school facility to ensure the cyber charter school is in compliance with its charter and this subdivision.

(1742-A added June 29, 2002, P.L.524, No.88)

Section 1743-A. Cyber charter school requirements and prohibitions.

(a) Special financial requirements prohibited.--A cyber charter school shall not:

(1) provide discounts to a school district or waive payments under section 1725-A for any student;

(2) except as provided for in subsection (e), provide payments to parents or guardians for the purchase of instructional materials; or

(3) except as compensation for the provision of specific services, enter into agreements to provide funds to a school entity.

(b) Enrollment.--A cyber charter school shall report to the department an increase or a decrease of 30% or more in its anticipated enrollment set forth in the application under section 1747-A(11).

(c) School district.--A cyber charter school shall make available upon request, either in writing or electronically, to each student's school district of residence the following:

(1) A copy of the charter.

(2) A copy of the cyber charter school application.

(3) A copy of all annual reports prepared by the cyber charter school.

(4) A list of all students from that school district enrolled in the cyber charter school.

(d) Parent or guardian.--Upon request and prior to the student's first day in a cyber charter school, the cyber charter school shall, either in writing or electronically, provide to the parent or guardian of a student the following:

(1) A list and brief description of the courses of instruction the student will receive. The list shall be updated annually for each grade level in which the student is enrolled.

(2) A description of the lessons and activities to be offered both online and offline.

(3) The manner in which attendance will be reported and work will be authenticated.

(4) A list of all standardized tests the student will be required to take during the school year and the place where the test will be administered, if available.

(5) The meetings to be held during the school year between a parent or guardian and a teacher and among other school officials or parents or guardians and the manner in which the parent or guardian will be notified of the time and place for the meeting.

(6) The address of the cyber charter school and the name, telephone number and e-mail address of the school administrator and other school personnel.

(7) A list of any extracurricular activities provided by the cyber charter school.

(8) The names of the student's teachers, if available, and the manner in which each teacher can be contacted by the student or the parent or guardian.

(9) A list of all services that will be provided to the student by the cyber charter school.

(10) Copies of policies relating to computer security and privacy, truancy, absences, discipline and withdrawal or expulsion of students.

(11) Information on:

(i) The cyber charter school's professional staff, including the number of staff personnel, their education level and experience.

(ii) The cyber charter school's performance on the PSSA and other standardized test scores.

(12) Information regarding the proper usage of equipment and materials and the process for returning equipment and materials supplied to the students by the cyber charter school. A parent or guardian shall acknowledge, either in writing or electronically, the receipt of this information.

(13) A description of the school calendar, including, but not limited to, the time frame that will constitute a school year and a school week, holidays and term breaks.

(e) Students.--For each student enrolled, a cyber charter school shall:

(1) provide all instructional materials;

(2) provide all equipment, including, but not limited to, a computer, computer monitor and printer; and

(3) provide or reimburse for all technology and services necessary for the on-line delivery of the curriculum and instruction.

The Commonwealth shall not be liable for any reimbursement owed to students, parents or guardians by a cyber charter school under paragraph (3).

(f) Annual report.--A cyber charter school shall submit an annual report no later than August 1 of each year to the department in the form prescribed by the department.

(g) Records and facilities.--A cyber charter school shall provide the department with ongoing access to all records and facilities necessary for the department to assess the cyber charter school in accordance with the provisions of this subdivision.

(h) Offices and facilities.--A cyber charter school shall maintain an administrative office within this Commonwealth where all student records shall be maintained at all times and shall provide the department with the addresses of all offices and facilities of the cyber charter school, the ownership thereof and any lease arrangements. The administrative office of the cyber charter school shall be considered as the principal place of business for service of process for any action brought against the cyber charter school or cyber charter school staff members. The cyber charter school shall notify the department of any changes in this information within ten days of the change.

(i) Applicable law.--Any action taken against the cyber charter school, its successors or assigns or its employees, including any cyber charter school staff member as defined in the act of December 12, 1973 (P.L.397, No.141), known as the Professional Educator Discipline Act, shall be governed by the laws of this Commonwealth. If the department initiates an investigation or pursues an action pursuant to the Professional Educator Discipline Act involving any current or former charter school staff member outside this Commonwealth, any reasonable

expenses incurred by the department in such investigation or action shall be paid by the cyber charter school which employed that staff member at the time of the alleged misconduct.

(1743-A added June 29, 2002, P.L.524, No.88)

Section 1744-A. School district and intermediate unit responsibilities.

An intermediate unit or a school district in which a student enrolled in a cyber charter school resides shall do all of the following:

(1) Provide the cyber charter school within ten days of receipt of the notice of the admission of the student under section 1748-A(a) with all records relating to the student, including transcripts, test scores and a copy of any individualized education program for that student.

(2) Provide the cyber charter school with reasonable access to its facilities for the administration of standardized tests required under this subdivision.

(3) Upon request, provide assistance to the cyber charter school in the delivery of services to a student with disabilities. The school district or intermediate unit shall not charge the cyber charter school more for a service than it charges a school district.

(4) Make payments to the cyber charter school under section 1725-A.

(1744-A added June 29, 2002, P.L.524, No.88)

Section 1745-A. Establishment of cyber charter school.

(a) Establishment.--A cyber charter school may be established by an individual; one or more teachers who will teach at the proposed cyber charter school; parents or guardians of students who will enroll in the cyber charter school; a nonsectarian college, university or museum located in this Commonwealth; a nonsectarian corporation not-for-profit as defined in 15 Pa.C.S. § 5103 (relating to definitions); a corporation, association or partnership; or any combination of the foregoing. Section 1327.1 shall not apply to a cyber charter school established under this subdivision.

(b) Sectarian entities.--No cyber charter school shall be established or funded by and no charter shall be granted to a sectarian school, institution or other entity.

(c) Attendance.--Attendance at a cyber charter school shall satisfy requirements for compulsory attendance.

(d) Application.--An application to establish a cyber charter school shall be submitted to the department by October 1 of the school year preceding the school year in which the cyber charter school proposes to commence operation.

(e) Grant or denial.--Within 120 days of receipt of an application, the department shall grant or deny the application. The department shall review the application and shall hold at least one public hearing under 65 Pa.C.S. Ch. 7 (relating to open meetings). At least 30 days prior to the hearing, the department shall publish in the Pennsylvania Bulletin and on the department's World Wide Web site notice of the hearing and the purpose of the application.

(f) Evaluation criteria.--

(1) A cyber charter school application submitted under this subdivision shall be evaluated by the department based on the following criteria:

(i) The demonstrated, sustainable support for the cyber charter school plan by teachers, parents or guardians and students.

(ii) The capability of the cyber charter school applicant, in terms of support and planning, to provide

comprehensive learning experiences to students under the charter.

(iii) The extent to which the programs outlined in the application will enable students to meet the academic standards under 22 Pa. Code Ch. 4 (relating to academic standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4.

(iv) The extent to which the application meets the requirements of section 1747-A.

(v) The extent to which the cyber charter school may serve as a model for other public schools.

(2) Written notice of the action of the department shall be sent by certified mail to the applicant and published on the department's World Wide Web site. If the application is denied, the reasons for denial, including a description of deficiencies in the application, shall be clearly stated in the notice.

(3) Upon approval of a cyber charter school application, a written charter shall be developed which shall contain the provisions of the charter application and be signed by the secretary and each member of the board of trustees of the cyber charter school. The charter, when duly signed, shall act as legal authorization of the establishment of a cyber charter school. The charter shall be legally binding on the department, the cyber charter school and its board of trustees. The charter shall be for a period of no less than three years nor more than five years and may be renewed for a period of five years by the department.

(4) The decision of the department to deny an application may be appealed to the appeal board.

(g) Denied application.--A cyber charter school applicant may revise and resubmit a denied application to the department. The department shall grant or deny the revised application within 60 days after its receipt.

(h) Appeal.--If the department fails to hold the required public hearing or to approve or disapprove the charter, the applicant may file its application as an appeal to the appeal board. The appeal board shall review the application and make a decision to approve or disapprove the charter based on the criteria in subsection (f).

(1745-A added June 29, 2002, P.L.524, No.88)
Section 1746-A. State Charter School Appeal Board review.

(a) Jurisdiction.--The appeal board shall have the exclusive review of an appeal by a cyber charter school applicant or by the board of trustees of a cyber charter school on the decisions of the department, including:

(1) The denial of an application for a charter.

(2) The denial of a renewal of a charter.

(3) The revocation of a charter.

(4) An appeal under section 1745-A(h).

(b) Procedure.--The appeal board shall:

(1) Review the decision made by the department under subsection (a) on the record as certified by the department. The secretary shall recuse himself from all cyber charter school appeals and shall not participate in a hearing, deliberation or vote on a cyber charter school appeal. The appeal board may allow the department, the cyber charter school applicant or the board of trustees of a cyber charter school to supplement the record if the supplemental information was previously unavailable.

(2) Meet to officially review the certified record no later than 30 days after the date of filing the appeal.

(3) Issue a written decision affirming or denying the appeal no later than 60 days following its review.

(4) In the case of a decision by the department to deny a cyber charter application, make its decision based on section 1745-A(f)(1). A decision by the appeal board to reverse the decision of the department and grant a charter shall serve as a requirement for the secretary to sign the written charter of the cyber charter school.

(5) In the case of a decision by the department to revoke or deny renewal of a cyber school charter in accordance with section 1741-A(a)(3), make its decision based on section 1729-A(a). A decision of the appeal board to reverse the decision of the department to not revoke or deny renewal of a charter shall serve as a requirement of the department to not revoke or to not deny renewal of the charter of the cyber charter school.

(c) Stay.--If the department appeals the decision of the appeal board, the appeal board's decision shall be stayed only upon order of the appeal board, the Commonwealth Court or the Pennsylvania Supreme Court.

(d) Review.--All decisions of the appeal board shall be subject to appellate review by the Commonwealth Court.

(1746-A added June 29, 2002, P.L.524, No.88)
Section 1747-A. Cyber charter school application.

In addition to the provisions of section 1719-A, an application to establish a cyber charter school shall also include the following:

(1) The curriculum to be offered and how it meets the requirements of 22 Pa. Code Ch. 4 (relating to academic standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4.

(2) The number of courses required for elementary and secondary students.

(3) An explanation of the amount of on-line time required for elementary and secondary students.

(4) The manner in which teachers will deliver instruction, assess academic progress and communicate with students to provide assistance.

(5) A specific explanation of any cooperative learning opportunities, meetings with students, parents and guardians, field trips or study sessions.

(6) The technology, including types of hardware and software, equipment and other materials which will be provided by the cyber charter school to the student.

(7) A description of how the cyber charter school will define and monitor a student's school day, including the delineation of on-line and off-line time.

(8) A description of commercially prepared standardized achievement tests that will be used by the cyber charter school in addition to the Pennsylvania System of School Assessment test, including the grade levels that will be tested and how the data collected from the tests will be used to improve instruction.

(9) The technical support that will be available to students and parents or guardians.

(10) The privacy and security measures to ensure the confidentiality of data gathered online.

(11) The level of anticipated enrollment during each school year of the proposed charter, including expected increases due to the addition of grade levels.

(12) The methods to be used to insure the authenticity of student work and adequate proctoring of examinations.

(13) The provision of education and related services to students with disabilities, including evaluation and the development and revision of individualized education programs.

(14) Policies regarding truancy, absences and withdrawal of students, including the manner in which the cyber charter school will monitor attendance consistent with the provisions of section 1715-A(9).

(15) The types and frequency of communication between the cyber charter school and the student and the manner in which the cyber charter school will communicate with parents and guardians.

(16) The addresses of all facilities and offices of the cyber charter school, the ownership thereof and any lease arrangements.

(1747-A added June 29, 2002, P.L.524, No.88)

Section 1748-A. Enrollment and notification.

(a) Notice to school district.--

(1) Within 15 days of the enrollment of a student to a cyber charter school, the parent or guardian and the cyber charter school shall notify the student's school district of residence of the enrollment through the use of the notification form under subsection (b).

(2) If a school district which has received notice under paragraph (1) determines that a student is not a resident of the school district, the following apply:

(i) Within seven days of receipt of the notice under paragraph (1), the school district shall notify the cyber charter school and the department that the student is not a resident of the school district. Notification of nonresidence shall include the basis for the determination.

(ii) Within seven days of notification under subparagraph (i), the cyber charter school shall review the notification of nonresidence, respond to the school district and provide a copy of the response to the department. If the cyber charter school agrees that a student is not a resident of the school district, it shall determine the proper district of residence of the student before requesting funds from another school district.

(iii) Within seven days of receipt of the response under subparagraph (ii), the school district shall notify the cyber charter school that it agrees with the cyber charter school's determination or does not agree with the cyber charter school's determination.

(iv) A school district that has notified the cyber charter school that it does not agree with the cyber charter school's determination under subparagraph (iii) shall appeal to the department for a final determination.

(v) All decisions of the department regarding the school district of residence of a student shall be subject to review by the Commonwealth Court.

(vi) A school district shall continue to make payments to a cyber charter school under section 1725-A during the time in which the school district of residence of a student is in dispute.

(vii) If a final determination is made that a student is not a resident of an appealing school district, the cyber charter school shall return all funds provided on behalf of that student to the school district within 30 days.

(b) Notification form.--The department shall develop a notification form for use under subsection (a). The notification shall include:

(1) The name, home address and mailing address of the student.

(2) The grade in which the student is being enrolled.

(3) The date the student will be enrolled.

(4) The name and address of the cyber charter school and the name and telephone number of a contact person able to provide information regarding the cyber charter school.

(5) The signature of the parent or guardian and an authorized representative of the cyber charter school.

(c) Withdrawal.--The cyber charter school and the parent or guardian of a student enrolled in a cyber charter school shall provide written notification to the student's school district of residence within 15 days following the withdrawal of a student from the cyber charter school.

(1748-A added June 29, 2002, P.L.524, No.88)

Section 1749-A. Applicability of other provisions of this act and of other acts and regulations.

(a) General requirements.--Cyber charter schools shall be subject to the following:

(1) Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1205.1, 1205.2, 1301, 1302, 1310, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1518, 1521, 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A, 1719-A, 1721-A, 1722-A, 1723-A(a) and (b), 1724-A, 1725-A, 1727-A, 1729-A, 1730-A, 1731-A(a)(1) and (b) and 2014-A and Articles XII-A, XIII-A and XIV. ((1) amended Nov. 3, 2016, P.L.1061, No.138)

(2) The act of July 17, 1961 (P.L.776, No.341), known as the Pennsylvania Fair Educational Opportunities Act.

(3) The act of July 19, 1965 (P.L.215, No.116), entitled "An act providing for the use of eye protective devices by persons engaged in hazardous activities or exposed to known dangers in schools, colleges and universities."

(4) Section 4 of the act of January 25, 1966 (1965 P.L.1546, No.541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act."

(5) The act of July 12, 1972 (P.L.765, No.181) entitled "An act relating to drugs and alcohol and their abuse, providing for projects and programs and grants to educational agencies, other public or private agencies, institutions or organizations."

(6) The act of December 15, 1986 (P.L.1595, No.175), known as the Antihazing Law.

(b) Regulations.--Cyber charter schools shall be subject to the following provisions of 22 Pa. Code (relating to education):

(1) Chapter 4 (relating to academic standards and assessment).

(2) Chapter 11 (relating to pupil attendance).

(3) Chapter 12 (relating to students).

(4) Section 32.3 (relating to assurances).

(5) Section 121.3 (relating to discrimination prohibited).

- (6) Section 235.4 (relating to practices).
- (7) Section 235.8 (relating to civil rights).
- (8) Chapter 711 (relating to charter school services and programs for children with disabilities).

(c) Existing charter schools.--

(1) The charter of a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means shall remain in effect for the duration of the charter and shall be subject to the provisions of Subdivision (b).

(2) In addition to subsections (a) and (b), the following provisions of this subdivision shall apply to a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means:

- (i) Section 1743-A(c), (d), (e), (h) and (i).
- (ii) Section 1744-A.
- (iii) Section 1748-A.

(1749-A added June 29, 2002, P.L.524, No.88)

Compiler's Note: Section 10 of Act 138 of 2016, which amended subsection (a)(1), provided that Act 138 shall apply to the 2017-2018 school year and each school year thereafter.

Compiler's Note: Section 755, referred to in subsection (a), was repealed by the act of May 15, 1998, P.L.358, No.57 and Article XII-A, referred to in subsection (a), was repealed by the act of December 23, 2003, P.L.304, No.48.

Section 1750-A. Effect on certain existing charter schools.

(a) Determination.--For a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means, prior to August 15, 2002, the department shall determine:

- (1) whether the charter school is in compliance with this subdivision;
- (2) whether the charter school has provided notification of the enrollment of each existing student to the school district of residence; and
- (3) how the charter school plans to comply with section 1743-A(d).

(b) Notification of compliance.--Prior to August 15, 2002, the department shall:

- (1) Notify each charter school and the chartering school district of the department's determination under subsection (a). The notification shall include specific requirements with which the charter school has failed to comply.

- (2) Publish a copy of the notification on the department's World Wide Web site.

(c) Charter school requirement.--A charter school subject to the requirements of this section shall, either in writing or electronically, provide the parent or guardian of any student enrolled in the charter school a copy of the department's determination under subsection (b).

(d) School districts.--A school district shall not renew the charter of a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means or approve a charter for a cyber charter school.

(e) Renewal of charter for certain existing charter schools.--Upon the expiration of its charter, a charter school approved under section 1717-A or 1718-A which provides

instruction through the Internet or other electronic means shall seek renewal of its charter from the department under this subdivision. The charter shall be amended as needed to reflect the requirements of this subdivision.

(1750-A added June 29, 2002, P.L.524, No.88)

Section 1751-A. Regulations.

The department may issue regulations to implement this subdivision.

(1751-A added June 29, 2002, P.L.524, No.88)

ARTICLE XVII-B.

EDUCATION EMPOWERMENT ACT.

(Art. XVII-B expired June 30, 2010, except section 1704-B heading and (c). See Act 16 of 2000.)

Section 1701-B. Short Title.--(1701-B expired June 30, 2010. See Act 16 of 2000.)

Section 1702-B. Definitions.--(1702-B expired June 30, 2010. See Act 16 of 2000.)

Section 1703-B. Education Empowerment List.--(1703-B expired June 30, 2010. See Act 16 of 2000.)

Section 1704-B. Board of School Directors of Commonwealth Partnership School Districts.--(Hdg. reenacted and amended June 30, 2012, P.L.684, No.82) (a) ((a) expired June 30, 2010. See Act 16 of 2000.)

(b) ((b) expired June 30, 2010. See Act 16 of 2000.)

(c) (1) In addition to all current rights, powers, privileges, prerogatives and duties, a board of school directors of a school district that has been placed on the empowerment list on or after June 30, 2006, due to the designation by the secretary as a Commonwealth partnership school district shall have the power to cancel or renegotiate any contract, other than collective bargaining agreements, for the purpose of making necessary economies in the operation of the schools within the school district; eliminate nonprofessional positions for services nonessential for the operation of the school district; or enter into agreements with individuals, for-profit or nonprofit organizations for the operation of school buildings or groups of school buildings or for the provision of educational or other types of services to or for the school district.

(2) The superintendent shall be responsible for the implementation of a system of performance review of school administrators, as approved by the board of school directors. Administrator performance shall be evaluated on the basis of abilities and effectiveness to manage the operation of the school facilities and staff, manage resources, provide instructional leadership, implement and administer the school budget and promote and maintain a positive educational learning environment.

(3) Based upon an unsatisfactory review and evaluation of a school administrator arising from the implementation of the program established in paragraph (2), a board of school directors may reassign, transfer or suspend the school administrator without regard to section 1125.1 or 1151.

(4) Based upon an unsatisfactory review and evaluation of a school administrator arising from the implementation of the program established in paragraph (2), a board of school directors may dismiss the school administrator pursuant to the procedure contained in section 1127, provided that the board of school directors shall afford the school administrator notice

and an opportunity to be heard pursuant to 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies).

(4.1) In addition to powers enumerated in this act, a school district designated as a Commonwealth partnership school district may dispose of unused and unnecessary lands and buildings, if such buildings are in excess of twenty-five (25) years of age, in the following manner, notwithstanding the provisions of section 707 of this act:

(i) By negotiated sale, provided the district has an affidavit of at least three (3) persons who are familiar with the value of real estate in the locality in which the lands and buildings proposed to be sold are located, who have examined the property and set forth a value for the property and who opine that the consideration for the property is equal to or better than that which could be received by sealed bid. The sale price shall not be less than the highest value set forth in the three (3) affidavits.

(ii) By entering into agreements with an urban redevelopment authority organized under the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, under which the district may convey property to the authority for the purpose of the authority facilitating the conveyance of the property consistent with the goals of the school district and the authority.

(5) For purposes of this subsection, the following terms shall have the following meanings:

"Commonwealth partnership school district." A school district for which the secretary has determined, on or after July 11, 2006, and not later than September 9, 2006, all of the following:

(i) The school district has experienced a decline of fifteen per centum (15%) or more in student enrollment during the immediately preceding five-year period.

(ii) The school district has experienced a loss of revenue during the immediately preceding three-year period due to the statutory removal of one or more of the sources of revenue made available pursuant to section 652.1.

(iii) The school district has an equalized millage for the 2004-2005 fiscal year of greater than twenty-seven (27).

"Empowerment list." A list prepared by the Department of Education containing school districts that fall below certain academic assessments as provided in former section 1703-B.

"School administrator." As defined in section 1164.

"Secretary." The Secretary of Education of the Commonwealth.

(6) ((6) deleted by amendment)

((c) reenacted and amended June 30, 2012, P.L.684, No.82)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Compiler's Note: Section 34 of Act 61 of 2008, which added section 1704-B(c)(4.1), provided that Act 61 shall apply retroactively to July 1 2008.

Section 1704.1-B. Superintendent Power to Recommend Dismissal.--(1704.1-B expired December 31, 2009. See Act 45 of 2007.)

Section 1705-B. Education Empowerment Districts.--(1705-B expired June 30, 2010. See Act 16 of 2000.)

Section 1706-B. Powers and Duties of Board of Control.--(1706-B expired June 30, 2010. See Act 16 of 2000.)

Section 1707-B. Boards of Control for Certain School Districts.--(1707-B expired June 30, 2010. See Act 16 of 2000.)

Section 1708-B. Charter Schools.--(1708-B expired June 30, 2010. See Act 16 of 2000.)

Section 1709-B. School Improvement Grants.--(1709-B expired June 30, 2010. See Act 16 of 2000.)

Section 1710-B. Restoration of Control.--(1710-B expired June 30, 2010. See Act 16 of 2000.)

Section 1711-B. Annual Report to the Governor and General Assembly.--(1711-B expired June 30, 2010. See Act 16 of 2000.)

Section 1712-B. Collective Bargaining.--(1712-B expired June 30, 2010. See Act 16 of 2000.)

Section 1713-B. Desegregation Orders.--(1713-B expired June 30, 2010. See Act 16 of 2000.)

Section 1714-B. Mandate Waiver Program.--(1714-B expired June 30, 2010. See Act 16 of 2000.)

Section 1714.1-B. Limitation.--(1714.1-B expired June 30, 2010. See Act 16 of 2000.)

Section 1715-B. Applicability.--(1715-B expired June 30, 2010. See Act 16 of 2000.)

Section 1716-B. Expiration.--(1716-B expired June 30, 2010. See Act 16 of 2000.)

ARTICLE XVII-C
DYSLEXIA AND EARLY LITERACY INTERVENTION PILOT PROGRAM
(Art. XVII-C added June 26, 2014, P.L.773, No.69)

Section 1701-C. Short title of article.

This article shall be known and may be cited as the Dyslexia and Early Literacy Intervention Pilot Program Law.

(1701-C added June 26, 2014, P.L.773, No.69)

Section 1702-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Dyslexia." A condition that is characterized by difficulty with accurate or fluent word recognition and by poor spelling and decoding abilities, which characteristics typically result from a deficit in one or more processes related to the phonological component of language, that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction and that may result in problems in reading comprehension and reduced reading experience that may impede the growth of vocabulary and background knowledge. The term shall apply only for purposes of the pilot program.

"Intensive intervention." Explicit, multisensory, synthetic phonics instruction and a structured language program delivered with fidelity by a trained interventionist. The term shall apply only for purposes of the pilot program.

"Pilot program." The Dyslexia and Early Literacy Intervention Pilot Program established under this article.

(1702-C added June 26, 2014, P.L.773, No.69)

Section 1703-C. Establishment.

(a) Pilot program.--The department shall establish a Dyslexia and Early Literacy Intervention Pilot Program to provide evidence-based early screening and multitier support systems, using evidence-based intervention services for students with potential risk factors for early reading deficiencies and dyslexia, such as low phonemic awareness, low letter and symbol naming and inability to remember sequences.

(b) Program operation.--The pilot program shall operate for three full school years, beginning with the school year that

begins at least six months after the effective date of this article.

(c) Eligibility.--The department shall select at least three school districts to participate in the pilot program. To be eligible for the pilot program:

(1) A school district must enroll 3,000 to 15,000 students and provide full-day kindergarten.

(2) Three months after the effective date of this section, the school district must submit a proposal to the department that identifies how it will meet the guidelines of the pilot program's:

(i) evidence-based core reading program;

(ii) evidence-based method of screening all kindergarten students;

(iii) evidence-based intervention programs; and

(iv) a methodology for evaluating the effects of the program on the students' identified risk factors.

(1703-C added June 26, 2014, P.L.773, No.69)

Section 1704-C. Department responsibilities.

(a) Funds.--The department shall apply for Federal, private and other non-State funds and shall use funds appropriated or otherwise made available to it for the pilot program.

(b) Consultation.--The department shall consult with the International Dyslexia Association or any other recognized organization that specializes in and has expertise with the scientific basis of dyslexia and its intervention in establishing, operating and evaluating the pilot program.

(c) Guidelines and procedures.--No later than three months after the effective date of this article, the department shall establish guidelines and procedures for the pilot program that shall include:

(1) Evidence-based core reading programs that incorporate systematic phonemic instruction and develop basic reading skills for all students in the pilot program to use.

(2) An evidence-based screening for low phonemic awareness and other evidence-based risk factors for early reading deficiencies and dyslexia. The screening shall be given to all kindergarten students enrolled in the school district three times per school year. The first screening shall be at the beginning of the school year, the second screening during the middle of the school year and the third screening in the final quarter of the school year.

(3) Intervention measures, including multisensory structured language programs for students scoring below the benchmark that provide timely targeted instruction and strategic reteaching and intensive intervention in identified areas.

(4) Diagnostic assessments for students scoring below the benchmark that are nationally standardized, norm-referenced screening assessments of phonological awareness, alphabetic knowledge, concept of word and grapheme phoneme correspondence. The screening shall be demonstrated to have predictive validity and classification accuracy.

(1704-C added June 26, 2014, P.L.773, No.69)

Section 1705-C. School district responsibilities.

(a) Notification.--

(1) When a student is suspected of having an early reading deficiency or dyslexia, the participating school district shall notify the student's parent or guardian that the student, as part of the pilot program, is eligible to receive reading intervention services to measure the effectiveness of early reading assistance programs. The

participating school district shall require the parent or guardian to indicate in writing that the parent or guardian voluntarily and knowingly consents to the student's continued participation in the pilot program. Each participating school district shall provide to the parent or guardian of the student suspected of having an early reading deficiency or dyslexia information about early reading deficiencies and dyslexia and recommended evidence-based resources and interventions.

(2) Participation in the pilot program, screening or intervention assistance does not preclude a parent or guardian from requesting an evaluation for special education at any time, including prior to or during the course of early intervention assistance.

(b) Evaluation.--

(1) Each participating school district shall annually report to the department data and information about the operation of the pilot program, in the manner prescribed by the department.

(2) The department shall contract with a nationally recognized educational evaluation institution or organization to provide an evaluation of the pilot program to review the effectiveness of evidence-based early reading assistance programs for students with risk factors for early reading deficiencies and dyslexia and to determine if the programs reduce special education costs. The evaluation shall be published on the department's publicly accessible Internet website.

(1705-C added June 26, 2014, P.L.773, No.69)

ARTICLE XVIII. VOCATIONAL EDUCATION.

(a) School Districts.

Section 1801. Definitions.--The following words and phrases as used in this article shall, unless a different meaning is plainly required by the context, have the following meanings:

(1) "State Board for Vocational Education" shall mean the State Board of Education, herein invested with powers to administer this article of this act under the designation of the State Board for Vocational Education. ((1) amended Oct. 21, 1965, P.L.601, No.312)

(2) "Vocational education" shall mean any form of education of less than college grade, given in school or elsewhere, the purpose of which is to fit an individual to pursue effectively a recognized profitable employment, whether pursued for wages or otherwise.

(3) "Vocational industrial education" shall mean those forms of vocational education that fit for industrial pursuits. It includes occupational training for women and girls other than training for the vocation of homemaking. It includes also public and other service occupations.

(4) "Vocational agricultural education" shall mean that form of vocational education which develops student potential for success in entering and advancing through careers in the food, agriculture and natural resources sciences, such as production agriculture, animal science, agribusiness management and marketing, agricultural research, energy systems, agricultural mechanics and engineering, biotechnology, food science, processing and retailing, banking, agricultural education, forestry, horticulture, landscape contracting,

nursery and floriculture production, retail garden center management, leadership and career development, management, economics and marketing, natural resource management, plant and soil science, power and systems technology, rural-urban interfacing and other related fields. ((4) amended Oct. 27, 2011, P.L.340, No.83)

(5) "Vocational distributive occupational education" shall mean those forms of vocational education designed for those workers engaged in or preparing for employment as distributors to consumers, retailers, jobbers, wholesalers, and others of the products of farm and industry, including, also, managers operating or conducting a commercial service or personal service business, or selling the services of such a business. ((5) amended Sept. 28, 1951, P.L.1551, No.395)

(6) "Vocational homemaking education" shall mean that form attitudes in the subject matter areas of home economics and useful programs that are designed to help individuals and families improve home environment and the quality of family life. ((6) amended Oct. 4, 1978, P.L.943, No.184)

(7) "Vocational industrial, vocational agricultural, vocational distributive occupational, or vocational homemaking school or department," or "vocational school or department," shall mean a distinctive organization of courses, pupils, and teachers approved by the State Board for Vocational Education, designed to give either vocational industrial, vocational agricultural, vocational distributive occupational, or vocational homemaking education, as herein defined. ((7) amended May 9, 1949, P.L.939, No.263)

(8) "Vocational evening class" shall mean a class providing such instruction for persons sixteen years of age or over, who have left full-time school. These classes may be conducted in the evening, or at hours when workers are able to attend, and shall include instruction that will either increase the skill or knowledge of the worker in the occupation in which he is employed, or include instruction for those who are unemployed or about to become unemployed because of changing conditions in industry, and whose previous experience, as a background, prepares them for employment in related fields within a limited time.

(9) "Vocational evening class" in vocational homemaking shall mean a class giving training as indicated in clause (6) for students during the evening. ((9) amended Oct. 4, 1978, P.L.943, No.184)

(10) "Vocational homemaking school or department" shall mean a vocational school or department designed to develop, on a vocational basis, the capacity for useful employment as indicated in clause (6). ((10) amended Oct. 4, 1978, P.L.943, No.184)

(11) "Part-time schools or classes" shall mean those schools or classes which provide instruction in subjects given to enlarge the civic or vocational knowledge or skill of workers over fourteen years of age who have entered upon employment. Such schools must be so organized as to permit workers, who are qualified for admission, to spend part of their time during the day, week, month, or year in employment, and part of the time in school.

(12) "Part-time cooperative vocational education" refers to that form of vocational instruction that involves attendance on alternate, equal periods of school and work at the vocation during the school year, given in accordance with an agreement by which the school and industry cooperate and coordinate in

making available the combined educational and training facilities of both.

(13) "Practical" refers to manipulative or "practice-of-the-trade" aspects of a vocation. It includes such work given in shops, laboratories, mines, drafting rooms, and other places, and is to distinguish such work from "academic" or "nonvocational" education.

(14) "Public service-school" refers to schools, departments, classes, and conferences for the in-service training of public and other service occupations, including policemen, firemen, finance officers, school board officials, and others.

(15) "Vocational Technical Education" shall mean a subject, or combination of subjects, of less than college grade designed to prepare an individual to enter or advance in an occupational field wherein success is largely dependent upon knowledge or techniques and applied sciences, the practice of which involves aspects of planning, managing, controlling, processing or distributing products, sales and services. ((15) added July 13, 1957, P.L.898, No.397)

(16) "Vocational business and office education" shall mean a subject or combination of subjects of less than college grade designed to prepare an individual to enter or advance in an occupational field wherein success is largely dependent upon skill and knowledge necessary to obtain competency in bookkeeping, clerical, data processing, or stenographic occupations, and similar business pursuits. ((16) added Dec. 22, 1965, P.L.1150, No.446)

Section 1802. State Board for Vocational Education; Executive Officer; Employees.--The Superintendent of Public Instruction shall be the executive officer of the State Board for Vocational Education for the administration of this act. Except as hereinafter otherwise provided, he, as executive officer, shall appoint, from time to time, with the approval of the State Board for Vocational Education, such expert assistants, other than those already provided for by law, as may be necessary in vocational industrial, vocational homemaking, vocational agricultural, vocational distributive or vocational business and office occupational education, and all clerical and other agents necessary in carrying out the provisions of this act.

(1802 amended Dec. 22, 1965, P.L.1150, No.446)

Section 1803. Duties of State Board for Vocational Education; Reports.--The State Board for Vocational Education is hereby authorized and directed to investigate and to aid in the introduction of vocational industrial, vocational agricultural, vocational homemaking, vocational distributive and vocational business and office occupational education; to assist in the establishment of schools and departments for said forms of education, and to inspect and approve such schools or departments as are hereinafter provided. The State Board for Vocational Education shall make a report annually to the Governor and Legislature describing the condition and progress of vocational industrial, vocational agricultural, vocational homemaking, vocational distributive and vocational business and office occupational education during the year, and shall also make such recommendations as the board may deem advisable.

(1803 amended Dec. 22, 1965, P.L.1150, No.446)

Section 1803.1. Duty of Secretary to Report Annually.--The Secretary of Education shall report annually, to the Standing Committees on Education of the Senate and House of Representatives, the following information for each area vocational-technical school:

(1) Number of approved vocational programs during the current and prior years.

(2) Number of students enrolled during the current and prior years.

(3) Number of secondary school students enrolled in participating school districts during the current and prior years.

(4) Scheduling patterns, including grades in which programs are offered, whether programs are full time or part time, and rotation schedules.

(5) Number of hours of instruction per year for each program for the current and prior years.

(6) Anticipated scheduling changes for the succeeding year.

(1803.1 added July 10, 1986, P.L.1270, No.117)

Section 1804. Schools or Classes; Supervisors; Principals; Instructors, etc.--In carrying out the provisions of this act, the State Board for Vocational Education shall provide for vocational schools or classes, with the necessary staffs, in accordance with the State Plan for Vocational Education, approved by the Federal Board for Vocational Education.

Principals, instructors and lecturers for the Public Service Institute shall be elected by the State Board for Vocational Education. They shall possess the qualifications established in the State Plan for Vocational Education approved by the Federal Board for Vocational Education.

(1804 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Compiler's Note: The Pennsylvania State Firemen's Training School and the powers and duties of the Department of Education and the Public Service Institute Board pertaining thereto, as set forth in section 1804, were transferred from the Bureau of Vocational Education in the Department of Education to the Pennsylvania Emergency Management Agency by Reorganization Plan No.6 of 1981.

Section 1805. Instruction in Theory and Practice.--In order that instruction in theory and practice may go on together, vocational industrial, vocational agricultural, vocational homemaking, and vocational distributive occupational schools or departments may offer instruction in day, part-time, and evening classes. Attendance upon such day, evening, or part-time classes shall be restricted to those over fourteen years of age.

(1805 amended May 9, 1949, P.L.939, No.263)

Section 1806. Administration by School Districts.--Any school district may, through its board of school directors--

(1) Establish and maintain vocational industrial, vocational agricultural, vocational homemaking, and vocational distributive occupational schools or departments.

(2) Receive any donation made to the school district for the conduct of any vocational school or department or vocational evening classes. The donation shall be administered by or under the direction of the board of directors of the district to which it is made, subject to the approval of the Superintendent of Public Instruction. The board of school directors in any district shall not be obliged to accept any such donation unless it seems proper so to do.

(3) Require a deposit fee of a sum not to exceed ten dollars (\$10) from each person enrolling in evening vocational schools or classes. Such deposit fee shall be returned at the close of each term of instruction to all persons so enrolled who have attended seventy-five per cent (75%) or more of the class sessions of the term and may be returned at any time because

of death, sickness, or any other cause which the board may deem justifiable.

(4) Acquire land for the purpose of an agricultural school and equip and maintain the same in a proper manner, to be used in connection therewith.

(1806 amended May 9, 1949, P.L.939, No.263)

Section 1807. Joint Vocational Schools or Departments.--Two or more districts may, as provided in article seventeen of this act, through a joint school committee, establish and maintain vocational industrial, vocational agricultural, vocational homemaking, or vocational distributive occupational schools or departments, to be known as joint vocational schools or departments.

(1807 amended May 9, 1949, P.L.939, No.263)

Section 1808. Advisory Committees.--Local school boards and joint school committees administering approved vocational industrial, vocational agricultural, vocational homemaking, or vocational distributive occupational schools or departments may, under a plan to be approved by the State Board for Vocational Education, appoint an advisory committee composed of members representing local trades, industries, and occupations. It shall be the duty of such a committee to counsel with and advise the local or joint board of trustees, and other school officials, having the management and supervision of such schools.

(1808 amended May 9, 1949, P.L.939, No.263)

Section 1809. Attendance in Other Districts and Other States; Pupils from Other States.--(a) Any resident of any school district which does not maintain an approved vocational industrial, vocational agricultural, vocational homemaking, or vocational distributive occupational education day, part-time, or evening class, school or department, offering the type of training which he desires, may make application to the board of school directors of any other district for admission to such school or department maintained by said board. If the board refuses him admission, he may apply to the State Board for Vocational Education for admission to such school or department. The State Board for Vocational Education may approve or disapprove such application. In making such decision the State Board for Vocational Education shall take into consideration the opportunities for free vocational training in the community in which the applicant resides, the financial status of the community, the age, preparation, aptitude, and previous record of the applicant, and all other relevant circumstances. The decision of the State Board for Vocational Education shall be final. ((a) amended Oct. 4, 1978, P.L.943, No.184)

(b) Where any child of school age in any school district resides by the nearest traveled road three miles or more from the nearest vocational high school in any district in this Commonwealth, such child, unless proper free transportation is furnished to a suitable school in this Commonwealth, may, on request of his parents or legal guardian, be assigned by the board of school directors to a more convenient school in another state: Provided, That the consent of the proper school officials in charge of such school in another state to such an arrangement is permitted by the laws of such state, and is agreed to by such officials.

(c) The school district in which the person resides, who has been admitted, as above provided, to an approved vocational industrial, vocational agricultural, vocational homemaking, vocational high or vocational distributive occupational school or department maintained by another school district, shall pay

the high school charge provided for by this act. If any school district neglects or refuses to pay for such tuition, it shall be liable therefor, in an action of contract, to the school district or school districts maintaining the school which the pupil, with the approval of the board, attended.

(d) The board of school directors in any school district in this Commonwealth, situate adjacent to another state, may admit to the vocational high school in such district pupils resident in such other state, and may receive tuition for such pupils as in the case of pupils admitted from other districts in this Commonwealth.

(1809 amended May 9, 1949, P.L.939, No.263)

Section 1810. Approved Local or Joint Vocational Schools; State Reimbursement.--Vocational industrial, vocational agricultural, vocational homemaking, and vocational distributive occupational schools or departments shall, so long as they are approved by the State Board for Vocational Education as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, conditions of admission, employment of pupils, and expenditures of money, constitute approved local or joint vocational schools. School districts maintaining such approved local or joint vocational schools or departments shall receive reimbursement from the Commonwealth, as provided for in this act, and shall make such certificates to the Superintendent of Public Instruction as are required by article twenty-five of this act.

(1810 amended May 9, 1949, P.L.939, No.263)

Section 1811. Estimate of Expenses and Reimbursements; Appropriations.--On or before the first Wednesday of January of any year in which the regular session of the Legislature is held, the State Board for Vocational Education shall present to the Legislature an estimate of the amount of money necessary to meet the expenditures to be incurred in the administration of this act for the fiscal year beginning with the first day of the ensuing June, 1961, and beginning with the first day of July of each year thereafter; and the amount necessary to meet the claims of school districts and unions of school districts maintaining approved vocational schools or departments, under the provisions of this act for the school year beginning with the first day of the preceding July. On the basis of such statement, the Legislature shall make an appropriation of such amounts as may be necessary to meet the expense of carrying this act into effect, and of reimbursing such school districts and unions of school districts for such school year as herein provided.

(1811 amended June 19, 1961, P.L.470, No.236)

(b) Vocational School Districts.

Section 1821. How Constituted.--(1821 repealed July 13, 1957, P.L.898, No.397)

Section 1822. Boards of Directors of Vocational Schools; Secretary; Treasurer.--(1822 repealed July 13, 1957, P.L.898, No.397)

Section 1823. Powers and Duties.--(1823 repealed July 13, 1957, P.L.898, No.397)

Section 1824. Limitation on Powers; Applicability of School Laws.--(1824 repealed July 13, 1957, P.L.898, No.397)

Section 1825. Levy and Collection of Taxes.--(1825 repealed July 13, 1957, P.L.898, No.397)

Section 1826. Determination of Need for Vocational Schools.--(1826 repealed July 13, 1957, P.L.898, No.397)

Section 1827. Action of Board of Directors of Vocational Schools.--(1827 repealed July 13, 1957, P.L.898, No.397)

Section 1828. Elections on Establishment of Vocational Schools.--(1828 repealed July 13, 1957, P.L.898, No.397)

Section 1829. Joint Vocational Schools, Departments or Classes.--(1829 repealed July 13, 1957, P.L.898, No.397)

Section 1830. Rules and Regulations; Pupils from Other Districts.--(1830 repealed July 13, 1957, P.L.898, No.397)

(c) Area Vocational-Technical Schools and
Technical Institutes.

(Hdg. amended Aug. 14,
1963, P.L.1065, No.463)

Section 1840. Definitions.--(1840 repealed Feb. 1, 1966, 1965 P.L.1632, No.579)

Section 1840.1. Definitions.--When used in Article XVIII of this act, the following words and phrases shall have the following meanings unless otherwise required by the context:

"School." The word "school" shall mean an area vocational-technical school.

"Institute." The word "institute" shall mean technical institute.

"Attendance area." An "attendance area" shall mean a geographical area of school districts and pupils to be served by an area vocational-technical school or institute which has been approved by the State Board for Vocational Education.

"Area vocational-technical board." An "area vocational-technical board" shall mean the boards of school directors of all of the participating districts acting jointly.

(1840.1 added Feb. 1, 1966, 1965 P.L.1632, No.579)

Section 1841. Area Vocational-Technical Schools and Technical Institutes Authorized.--An area vocational-technical board may establish, maintain, conduct and operate schools, departments or classes to prepare for vocational industrial, vocational agricultural, vocational homemaking, business and vocational distributive occupations, technical occupations, such as aides and assistants, in physical, biological, space and other sciences, mathematics, engineering, construction and design, computer programming and maintenance, and health occupations and for any other occupations requiring vocational or technical training and education, to be known as "area vocational-technical schools," for the education of pupils, out-of-school youth and adults residing in the attendance area.

An area vocational-technical board or several area vocational-technical boards jointly may provide for, establish, maintain, conduct and operate schools, departments, or classes to be known as "technical institute" to educate, train and offer post high school programs and courses of not more than two years' duration, which will prepare out-of-school youth and adults for competency in sub-professional, technical, health service, business, commercial, merchandising and skilled occupations and for any other occupations for which technical training is helpful to an employer and increases students' qualifications for employment. Technical institute programs and courses shall be coordinated with those offered in area vocational-technical schools to insure progressive advancement of students. Such institutes shall be organized in accordance with proposals of area vocational-technical boards of school directors, which are approved by the State Board for Vocational Education. All technical institutes shall be established, operated and in all respects conform to standards prepared by

the Department of Education and adopted by the State Board for Vocational Education. Area vocational-technical schools, as approved by the State Board for Vocational Education, may be organized as vocational-technical service centers in which pupils may enroll full-time or in which pupils enrolled in academic high schools may elect to attend part-time. Technical institutes approved by the State Board for Vocational Education may enroll out-of-school youth and adults full-time or part-time as the students may elect.

Area vocational-technical school and technical institute attendance areas and standards for courses and equipment shall be in conformity with standards prepared by the Department of Education and approved by the State Board for Vocational Education. (Par. added Dec. 6, 1972, P.L.1417, No.308)

(1841 amended Dec. 28, 1972, P.L.1645, No.346)

Section 1842. Advisory Committees.--Each area vocational-technical board operating an area vocational-technical school and/or technical institute shall appoint an advisory committee, composed of representatives of local trades, industries, business research and educational agencies, occupations, and administrators of the participating school districts. The advisory committee shall advise the area vocational-technical board on such matters as the need for a particular shop, laboratory, occupation, equipment, curriculum, labor management coordination, business and industrial requirements or selection of personnel.

(1842 amended Aug. 14, 1963, P.L.1065, No.463)

Section 1843. Powers and Duties of County Boards.--(1843 repealed Feb. 1, 1966, 1965 P.L.1632, No.579)

Section 1844. Establishment of Schools and Institutes.--(a)

The intermediate unit board of directors of each intermediate unit shall call a convention of school directors of all school districts in the intermediate unit to meet separately by attendance areas, to discuss the establishment of an area vocational-technical school or technical institute, as the case may be and to call upon each district to vote for or against participation in the establishment of a school or institute.

In addition to the method of establishing area vocational-technical schools and technical institutes as provided above, the intermediate unit board of directors may, at any meeting call for an election by the school directors of the districts within an attendance area to determine if an area vocational-technical school or technical institute shall be established. The intermediate unit board of directors shall notify, by certified mail, each school district within an attendance area of its action. At a regular or special meeting of each school board within an attendance area and within sixty days of the receipt of notification, an election shall be held to determine if the district desires to participate in the establishment of an area vocational-technical school or technical institute. The results of this election and the number of votes cast each way shall be certified to the intermediate unit board of directors.

The intermediate unit board of directors shall certify the vote conducted in convention or by mail ballot to the Department of Education and if sufficient school districts vote in the affirmative, the intermediate unit board of directors shall proceed to act as the agency to initiate the final procedures necessary to organize and establish an area vocational-technical school or technical institute in the attendance area. School districts indicating unwillingness to participate in the establishment of an area vocational-technical school or

technical institute may become participating districts at a later date according to terms and conditions defined by the then participating districts.

In the event the intermediate unit board of directors fails to call for an election and one or more districts within an attendance area desire an election, they may request the Department of Education to conduct such election in the same manner prescribed for the intermediate unit board of directors.

((a) amended Dec. 6, 1972, P.L.1417, No.308)

(b) ((b) repealed Jan. 14, 1970, 1969 P.L.468, No.192)

(c) In cases where a second or third class school district maintains an approved vocational program, individually or jointly, such district or districts, individually or jointly, may (1) make the program part of the area vocational-technical school, or (2) continue to operate the program independently either as a participating or non-participating district.

(d) Boards of Public Education of districts of the first class A and first class may establish area vocational-technical schools and technical institutes by the majority vote of the members of such boards, provided such action is approved by the State Board for Vocational Education. ((d) amended Jan. 14, 1970, 1969 P.L.468, No.192)

(1844 amended Aug. 14, 1963, P.L.1065, No.463)

Section 1845. Cost of Establishment, Etc., Ownership of Property.--All expenses in connection with the establishment of area vocational-technical schools or technical institutes and additions and improvements thereof shall be borne by the school districts participating therein in the proportions agreed on by the respective districts. Any school district not participating in the original establishment of an area vocational-technical school or technical institute, which later elects to become a participant, shall contribute to the cost of the school an amount agreed on with the then participating districts, and shall make such further annual payments on account of obligations to the State Public School Building Authority or rentals under leases with municipality authorities as shall be agreed on. All property of each area vocational-technical school or technical institute shall be owned jointly by the several school districts participating in the establishment, maintenance and operation thereof, in the proportion the contribution of each to the cost of acquisition, construction and improvement bears to the total cost.

(1845 amended Aug. 14, 1963, P.L.1065, No.463)

Section 1846. Cost of Maintenance and Operation.--(1846 repealed June 1, 1956, 1955 P.L.2018, No.675)

Section 1847. Attendance of Pupils from Nonparticipating Districts.--On obtaining the consent of the area vocational-technical board operating an area vocational-technical school or technical institute, and with or without the consent of the board of school directors of the district in which the pupil resides, any pupil residing in a nonparticipating district may attend the area vocational-technical school or technical institute. The school district in which the pupil resides shall be charged, for each pupil attending the area vocational-technical school or technical institute, an amount equal to the total approved budget for current expenses, debt service and capital outlay divided by the number of pupils enrolled in the school.

(1847 amended Aug. 14, 1963, P.L.1065, No.463)

Section 1848. State-wide Plan of Area Vocational Technical Schools.--(1848 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 1849. Petitions for Change of Plan.--Future development of area vocational technical schools shall, after approval of the State plan, conform to the plan, and the school directors of a specified attendance area, having reason to question the practicability of the State plan for the specific attendance area or desiring to change the specified area, may present the case to a committee of the State Board for Vocational Education with petition for change. The decision of the State board thereon shall be final.

(1849 added July 13, 1957, P.L.899, No.398)

Section 1850. Area Vocational Technical Joint School Board Committee.--(1850 repealed Feb. 1, 1966, 1965 P.L.1632, No.579)

Section 1850.1. Organization and Operation of Schools and Institutes.--(a) Schools and institutes shall be the responsibility of the participating boards of school directors of an approved attendance area. Such boards of school directors shall have authority to enter into a written agreement by and among themselves establishing such school or institute setting forth, inter alia, the rights and obligations of the participating districts. No change shall be made in such agreement without the consent of each participating school district first obtained, by the affirmative vote of a majority of the school directors thereof. The several participating boards of school directors shall collectively be known as the area vocational-technical board.

(b) The area vocational-technical board shall have authority and its duty shall be:

(1) To provide, as the participating districts may agree, for the assumption by the area vocational-technical board of obligations including, but not limited to, operating expenses, architect's fees, engineering costs, professional salaries, expenses of acquiring and maintaining sites for schools and institutes, incurred by any county board of school directors or county boards of school directors on behalf of such participating districts pursuant to prior agreements;

(2) To formulate and adopt policies relating to the organization, establishment and operation of the school or institute;

(3) To provide for the administration and operation of the school or institute;

(4) To adopt the budgets for operation of the school or institute as prepared in the same manner provided for in section 687 of this act;

(5) To designate a superintendent of the school or institute, provided, that when a county board or boards is selected as the operating agent as hereinafter provided, a county superintendent of schools shall be designated as the superintendent of the school or institute, and that when the several boards or a committee thereof operate the school or institute as hereinafter provided, a chief school administrator of a participating school district or a county superintendent shall be designated as superintendent of the school or institute;

(6) To exercise all the powers, perform the duties, and be subject to all liabilities with reference to the operation of schools and/or institutes as are now or hereafter shall be conferred or imposed by law;

(7) To make from time to time surveys to determine the current vocational and technical needs of the participating school districts;

(8) To make and establish, and from time to time alter and amend, rules and regulations for the transaction of its business and for the administration of the work under its charge;

(9) To employ temporary professional and professional employes, supervisors and teachers, and to employ all other persons necessary to carry on vocational-technical education and technical institutes, and to determine the salaries to be paid. All temporary professional and professional employes so employed shall have the same rights of tenure, minimum salaries and increments, leaves of absence because of illness or physical disability, leaves of absence because of death in the immediate family or death of a near relative, sabbatical leaves, military leaves, exchange teacher leaves, and membership in the Public School Employees' Retirement System as temporary professional and professional employes of school districts. No professional employe who has attained tenure status as an employe of any area vocational-technical board shall, thereafter, be required to serve as a temporary professional employe before being tendered such a contract when employed by any other part of the public school system of the Commonwealth; ((9) amended May 14, 1968, P.L.119, No.62)

(10) To purchase, lease, rent, improve and sell land, and to build, repair, improve, lease, rent, buy and sell buildings;

(11) To acquire real property by purchase, gift or condemnation, for the purposes of area vocational-technical schools and technical institutes. Such condemnation proceedings shall be instituted and conducted by the board in the name of the participating school districts in the same manner and with like authority as provided by law in the case of school districts. The title to any real estate, acquired for the purpose of establishing any such area vocational-technical school or institute shall be held in the name of one or more of the school districts establishing the same, as they may agree;

(12) To purchase, lease, rent or otherwise acquire all necessary furniture, implements, books, materials, equipment and supplies;

(13) When authorized by the participating school districts in the attendance area, to provide for free mandated transportation of district pupils to and from the area vocational-technical school in which they have been accepted, and to apply and receive on behalf of the school districts in the attendance area reimbursements on account of such transportation provided;

(14) To make contracts with counties, cities, boroughs, towns, townships, school districts, other political subdivisions, community colleges, public and private agencies, quasi-public agencies, nonprofit corporations, the Federal Government and its agencies and instrumentalities, municipalities and other public authorities, or other persons for carrying out the purposes of this subdivision of this article;

(15) To make an annual report, in writing, to the Department of Public Instruction, and such other reports as the department may require;

(16) To adopt criteria for admitting students to area vocational-technical schools and technical institutes;

(17) To receive Federal, State, school district and other public and private funds and to expend such funds to establish, operate, improve and expand area vocational-technical schools and technical institutes;

(18) When authorized by the participating school districts, and on behalf of such districts, to enter into agreement with the State Public School Building Authority, municipal authorities, political subdivisions, municipal corporations, public and private agencies, quasi-public agencies, authorities, nonprofit corporations and the Federal Government and its agents and instrumentalities to buy land, build, alter, lease, equip and operate facilities for public vocational-technical education and technical institutes;

(19) To prepare and submit to the Department of Public Instruction on or before July 1 of each year, for approval, a budget of proposed expenditures for area vocational-technical schools and technical institutes for the ensuing year;

(20) To accept pupils in area vocational-technical schools and technical institutes from districts not participating in their establishment and maintenance and to establish tuition charges therefor;

(21) To assign pupils residing within school districts participating in an area vocational-technical school and/or technical institutes to vocational schools or departments maintained by other area vocational-technical boards and school districts with the approval of the area vocational-technical boards and the district boards maintaining such schools or departments, and to pay tuition for pupils permitted to attend such area vocational-technical schools, technical institutes and vocational schools or departments;

(22) To locate area vocational-technical schools and technical institutes;

(23) To collect tuition and fees;

(24) To do all things necessary to carry into effect the purposes of this act;

(25) Whenever such schools and technical institutes are authorized, to prepare an estimate of the total cost of and expenditures to be made on account of each area vocational-technical school and technical institute for the following year, such estimate shall be filed with the Department of Public Instruction no later than July 1 of each year for the approval of the department;

(26) When authorized by the participating school districts, to establish capital reserve funds under the provisions of section 1850.4 for the purposes of purchasing equipment and maintaining facilities; ((26) added May 10, 2000, P.L.44, No.16)

(c) All actions of an area vocational-technical board shall be by a majority vote of the members of the board either in convention or by mail ballot, whichever procedure the board shall select: Provided, That the approval of each operating budget shall require an affirmative vote of two-thirds of the participating school districts and a majority vote of all the school directors of all participating districts; and provided further, for purposes of this requirement only, the vote of any participating school district shall be determined by a majority vote of all school directors comprising such participating boards. All votes shall be duly recorded and shall show how each member voted;

(d) An area vocational-technical board shall have power to delegate the operation, administration and management of the school or institute (1) to one or more county boards of school directors acting as agent for the area vocational-technical board; or (2) to a joint committee elected from among the several participating boards of school directors.

(1850.1 added Feb. 1, 1966, 1965 P.L.1632, No.579)

Section 1850.2. Operation by Intermediate Unit Board of Directors Acting as an Operating Agent.--When an intermediate unit board of directors is designated as agent to operate, administer and manage a school and/or institute, such agent shall discharge its duties and responsibilities in accordance with the provisions of a written agreement entered into by the area vocational-technical board and the intermediate unit board of directors. The agreement shall give the agent the power and authority to operate, administer and manage a school and/or institute given by law to an area vocational-technical board and shall provide that the agent shall conduct the affairs of the school and/or institute within the limits of the budget adopted by the area vocational-technical board. In no event shall the powers granted an area vocational-technical board by clauses (1), (4), (11), (17), (19), (22) and (25) of section 1850.1 (b) be delegated hereunder nor shall the powers granted an area vocational-technical board by clauses (9), (10), (12) and (14) of section 1850.1 (b) be delegated hereunder, except to the extent that the subject items are fully provided for within the current budget.

These same provisions shall apply when a joint committee is designated to operate and manage a school and/or institute.

(1850.2 amended Dec. 6, 1972, P.L.1417, No.308)

Section 1850.3. Operation by a Joint Committee.--(a) When a joint committee is selected to operate a school and/or institute, it shall be known as the area vocational-technical school committee.

(b) The membership on such joint committee shall be determined by agreement among the boards of participating school districts, provided always that each participating school district shall have at least one member thereon.

(c) Each participating board of school directors shall elect one or more of its members, as the case may be, to serve on the area vocational-technical committee. The committee members, so elected, shall serve for a three-year term, commencing the day of their election in the month of December: Provided, however, That in the first election, the terms of office of one-third of the members shall expire at the end of the first year, the terms of office of one-third of the members shall expire at the end of two years, and the terms of office of the remaining one-third shall expire at the end of the third year. The length of the terms of office of the initial members shall be determined by the casting of lots.

(d) Each year, during the month of December, the joint committee shall choose from its members a chairman and vice-chairman, each to serve for one year; and shall, annually, during the month of May, elect a treasurer to serve for one year, beginning the first Monday in July following such election; and shall, during the month of May, once every four years, elect a secretary, who may or may not be a member of the area vocational-technical board, to serve for a term of four years, beginning the first Monday of July following such election. The joint committee shall elect interim officers to serve until the first regular December and May election meetings.

(1850.3 added Feb. 1, 1966, 1965 P.L.1632, No.579)

Section 1850.4. Capital Reserve Fund for Approved Purchases of Equipment and Facility Maintenance.--(a) Any area vocational-technical board shall have the power to create a special fund which may be designated as a capital reserve fund and to accumulate therein moneys to be expended, in accordance with the provisions of this section, during a period not to

exceed five years from the date when the first payment was made into the fund, for the purpose of purchasing equipment or maintaining facilities.

(b) The capital reserve fund herein provided for shall consist of funds transferred during any fiscal year from appropriations made for this particular purpose and of unencumbered funds remaining from the current and/or prior years' general fund.

(c) The moneys in the capital reserve fund shall be kept separate and apart from any other fund by the treasurer of the area vocational-technical board, and the moneys in the fund may be invested by the operating agent in securities legal for the investment of sinking fund moneys of the school district. The interest earnings on investments shall be paid into the capital reserve fund. The area vocational-technical school shall annually show in its financial report the amount of moneys in the capital reserve fund which shall at all times be properly identified as to purpose.

(d) The moneys in any such capital reserve fund may be expended only upon approval of a majority of the members of the operating agent only during the period of time for which the fund was created and only for equipment purchases or facilities maintenance projects and for no other purpose.

(1850.4 added May 10, 2000, P.L.44, No.16)

Section 1851. Establishment and Operation by the Department of Public Instruction.--Where, in the judgment of the State Superintendent of Public Instruction, the provisions of this act relating to the proper vocational education and training of children and adults have not been complied with or the vocational education needs of children and adults are not being adequately served, the Department of Public Instruction is hereby authorized to provide, including the payment of rental when necessary, establish, maintain, administer, supervise and operate vocational technical, vocational industrial, vocational agricultural, vocational homemaking, vocational distributive, occupational, post high school vocational and technical education or less than college level, schools, departments or classes for the proper vocational education and training of children and adults. Eligibility for enrollment in such classes shall be determined according to standards and regulations promulgated by the State Board for Vocational Education.

(1851 added Sept. 12, 1961, P.L.1272, No.557)

Section 1852. Payment of Shares.--Any school district of the first, first A, second, third or fourth class establishing or participating in the establishment of an area vocational-technical school or a technical institute, individually, or jointly, with two or more districts, shall have the same power and authority to levy taxes to pay or to pay its share of buildings, grounds, equipment, operating expenses and other necessary expenses to establish, maintain and operate such school or institute as it has to levy taxes, to purchase land, construct and equip buildings, and operate elementary schools and any additional schools and departments as defined in section 502 of this act.

(1852 amended Feb. 1, 1966, 1965 P.L.1632, No.579)

Section 1853. Contracts to Lease.--An area vocational-technical board authorized to establish and operate an area vocational-technical school or technical institute may enter into contracts with the State Public School Building Authority, the General State Authority, municipal authorities, nonprofit corporations, municipal corporations, political subdivisions, public and quasi-public and private agencies,

Federal Government and its agencies and instrumentalities to lease lands and buildings for the purpose of operating an area vocational-technical school or technical institute.

(1853 amended Feb. 1, 1966, 1965 P.L.1632, No.579)

Section 1854. Summer Youth Employment Program.--In order to implement Federal emergency legislation for disadvantaged youth, the Department of Education, in cooperation with the Department of Labor and Industry, shall develop, implement and administer for fiscal year July 1, 1992, to June 30, 1993, a summer youth employment and training program that complies with Title II-B of the Federal Job Training Partnership Act (Public Law 97-300, 29 U.S.C. § 1501 et seq.). The General Assembly hereby appropriates for fiscal year July 1, 1992, to June 30, 1993, to the Department of Education, with the approval of the Governor, all additional Federal moneys made available to the Commonwealth under Title II-B of the Job Training Partnership Act for this purpose.

(1854 added July 9, 1992, P.L.392, No.85)

Section 1855. Career and Technical Education Equipment Grants.--(a) For the 2000-2001 fiscal year and the 2001-2002 fiscal year, the Department of Education shall establish a grant program to assist area vocational-technical schools, school districts offering approved vocational-technical programs and the Thaddeus Stevens State College of Technology in purchasing equipment that meets industry standards for the purpose of providing training to students. Grants shall be limited to the purchase of equipment in the following program areas: automotive technology, auto body, diesel technology, precision machine technology, heating ventilation and air conditioning, printing, dental assisting, electronics, building trades and other program areas approved by the Secretary of Education. Grants shall be awarded by the Department of Education on a matching basis, two State dollars (\$2) for every local dollar (\$1), and shall be limited to funds appropriated for that purpose.

(b) For the 2016-2017 school year and for each school year thereafter, the Department of Education shall establish a grant program to assist each area vocational-technical school and school district with an approved vocational program that applies for and is approved for funding by the Department of Education to purchase equipment that meets industry standards. Grants shall be distributed in an amount to be calculated as follows:

(1) A base amount of three thousand dollars (\$3,000).

(2) A per-student amount calculated as follows:

(i) Multiply the average daily membership in approved vocational education programs for the most recent year available for each area vocational-technical school or school district that has been approved for funding by the Department of Education by the difference between the amount appropriated for career and technical education equipment grants and the sum of the funding distributed under paragraph (1) to all area vocational-technical schools and school districts.

(ii) Divide the product from subparagraph (i) by the sum of the average daily membership in approved vocational education programs for the most recent year available for all area vocational-technical schools and school districts that have been approved for funding by the Department of Education.

(c) The application to apply for funding under subsection (b) shall be developed by the Department of Education within thirty days of the effective date of this section and only require the following, which may be collected electronically:

(1) Name, address, e-mail address and telephone number of the area vocational-technical school or school district.

(2) Name, e-mail address and telephone number of an employee of the area vocational-technical school or school district who will be available to answer questions regarding the funding application.

(3) Description of the equipment for which the requested funding will be used, the career and technical education program in which the equipment will be used, the date on which the occupational advisory committee recommended the purchase of the equipment and verification that the equipment will be used for technical classroom instruction.

(d) The Department of Education may not request or consider any information other than the information provided in the funding application.

(e) Each area vocational-technical school or school district with an approved vocational program that submits a completed funding application shall receive funding in the amount determined under subsection (b).

(f) If insufficient funds are appropriated to make payments under subsection (b), payments shall be made on a pro rata basis.

(g) For purposes of this section, "occupational advisory committee" shall mean an occupational advisory committee established under 22 Pa. Code Ch. 339 (relating to vocational education).

(1855 amended July 13, 2016, P.L.716, No.86)

ARTICLE XIX.

EXTENSION EDUCATION AND SPECIAL SCHOOLS AND CLASSES.

(Hdg. amended May 9, 1949, P.L.939, No.263)

(a) Extension Education Generally.

Section 1901. Scope of General Extension Education; Definitions.--The following words and phrases, as used in this article, shall, unless a different meaning is plainly required by the context, have the following meaning:

"General extension education" shall designate the instructional and recreational services listed below that are provided and administered by the board of school directors of any school district, but shall not include activities which are subsidized under the provisions of Federal enactment nor the coaching or supervision of interscholastic athletic teams or games.

The areas of "extension education" for which local school districts receive reimbursement from the Commonwealth, as provided in section 1146, shall be as follows:

- (1) General extension education credit courses, including
 - (a) Standard evening high school, and
 - (b) Summer schools (elementary and secondary).
- (2) General extension education noncredit courses organized for classes in which eighty per cent (80%) of the pupils are out-of-school youth and adults, including

- (a) Citizenship classes (education for immigrants, education for illiterates),

- (b) Adult education for the blind (itinerant and class instruction, parent education for blind),

- (c) Home nursing, home management, child care.

- (3) Recreation, including

Recreation activities for children and youth from the ages of six (6) to twenty-one (21).

(1901 amended Sept. 12, 1961, P.L.1263, No.554)

Section 1902. Permissive and Required Fee Extension Education.--The board of school directors of any school district may and upon written application, signed by fifteen or more residents of such district above the age of sixteen years who are not in attendance at any public or private day school, shall provide free extension education for said applicants in any area listed in section 1901. The board of directors may close any class of the extension schools when the average attendance for any month falls below ten.

(1902 amended Sept. 12, 1961, P.L.1263, No.554)

Section 1903. When and Where Provided; Eligibility; Limitations.--Extension education shall be provided in school buildings at any time not in conflict with regular day-school activities as requested by such applicants, and elsewhere at any hour during any day except Sunday or legal holidays which the board may deem advisable.

(1903 amended Sept. 12, 1961, P.L.1263, No.554)

Section 1904. Deposit Fee.--Any board of school directors may require a deposit fee of a sum not to exceed seven dollars and fifty cents (\$7.50) from each person enrolling in such extension schools or classes, and may require further that such deposit fees accompany each written application for such extension instruction. Such deposit fee shall be returned at the close of each term of instruction to all persons so enrolled who have attended seventy-five per cent (75%) or more of the class sessions of said term, and may be returned at any time because of death, sickness or for any other cause which the board may deem justifiable.

The board of school directors may require each student to pay a tuition fee for any adult education or recreation activity not listed in section 1901. The tuition fee shall be computed in accordance with section 2561 (4).

(1904 amended Sept. 12, 1961, P.L.1263, No.554)

Section 1905. Certificate or Diploma.--All school credits derived from any curricular course of study in the standard evening high school of any district shall be accepted by the school authorities of that district toward fulfillment of the requirements for graduation from any curriculum of any day school of corresponding grade in that district. Upon the satisfactory completion in the standard evening high school of the curricular courses of study required for graduation from any curriculum of any school district by any person, such person shall be awarded the appropriate school certificate or diploma at the close of the then current school term.

(1905 amended Sept. 12, 1961, P.L.1263, No.554)

Section 1906. Part of Public Schools; Standards.--General extension education shall be an integral part of the public schools of the Commonwealth and of the districts in which it is organized. It shall be under the supervision of the superintendent of the district, as are other public schools of that district. The State Board of Education shall adopt standards for the qualifications and certification of general extension teachers and leaders, pre-approval of instructional budgets and all other matters pertaining to general extension education not inconsistent with this act or other acts pertaining to the public schools of the Commonwealth.

(1906 amended Jan. 14, 1970, 1969 P.L.468, No.192)

(b) Special Schools and Classes.

Section 1921. Free Evening Schools.--(1921 repealed Sept. 12, 1961, P.L.1263, No.554)

Section 1922. Vocational Education for Out-of-School Youth and Adults.--The board of school directors of any school district, when requested in writing by twenty (20) or more out-of-school youth or adults having an administratively feasible educational objective which has been provided for in the State Plan for Vocational Education for which facilities are available, shall inaugurate and maintain such programs so long as enrollment conditions warrant.

(1922 amended May 14, 1949, P.L.1365, No.408)

Section 1923. Teachers of Evening Schools.--All teachers of evening schools must have proper certificates as provided in this act.

Section 1924. Land for Agricultural Schools.--(1924 repealed May 9, 1949, P.L.939, No.263)

Section 1925. Pupils Less than Six or More than Twenty-one.--Any board of school directors may admit persons less than six years of age, or more than twenty-one years of age, to suitable special or vocational schools or departments.

Section 1926. Schools and Classes in Institutions.--It shall be within the jurisdiction of the Department of Public Instruction to organize and to supervise schools and classes according to the regulations and standards established for the conduct of schools and classes of the public school system in the Commonwealth in all institutions wholly or partly supported by the Commonwealth which are not supervised by public school authorities. Schools and classes so established in wholly state-owned institutions shall be financed by the department of the State government having jurisdiction and control of such institutions. Except as otherwise provided by law, a teacher in a school or of a class organized and supervised by the Department of Public Instruction in an institution wholly or partly supported by the Commonwealth, teachers in the Pennsylvania State Oral School for the Deaf, teachers in the Thaddeus Stevens Trade School and teachers in the Scotland School for Veterans' Children shall enjoy the same privileges, including tenure rights and be subject to the same laws as a teacher in the public schools of the Commonwealth.

(1926 amended Oct. 25, 1967, P.L.491, No.237)

Compiler's Note. Section 14 of Act 57 of 1997 provided that a statutory reference to the Thaddeus Stevens State School of Technology, referred to in this section, shall be deemed to be a reference to the Thaddeus Stevens College of Technology.

Compiler's Note: Section 6(e) of Act 105 of 1996 provided that, notwithstanding the transfer of the Scotland School for Veterans' Children from the Department of Education to the Department of Military and Veterans Affairs under Act 105, section 1926 shall remain in full force and effect insofar as it relates to teachers at the Scotland School for Veterans' Children.

ARTICLE XIX-A. COMMUNITY COLLEGES.

(Art. added July 1, 1985, P.L.103, No.31)

Section 1901-A. Definitions.--The following words and phrases, as used in this article, shall, unless a different meaning is plainly required by the context, have the following meaning:

(1) "Municipality" shall mean any city, borough, town, township or county.

(2) "Local sponsor" shall mean a school district or a municipality or a county board of school directors or any combination of school districts, municipalities or county boards of school directors which participate or propose to participate in the establishment and operation of a community college.

(3) "Member" of a local sponsor shall mean any school district or municipality which alone is or with other districts and municipalities is included in a local sponsor.

(4) "Community college" shall mean a public college or technical institute which is established and operated in accordance with the provisions of this act by a local sponsor which provides a two-year, postsecondary, college-parallel, terminal-general, terminal-technical, out-of-school youth or adult education program or any combination of these. The community college may also provide area vocational-technical education services and credit, nonremedial college courses to secondary senior high school students. ((4) amended July 13, 2005, P.L.226, No.46)

(5) "Community college plan" shall mean a plan prepared in accordance with the policies, standards, rules and regulations of the State Board of Education for the establishment or operation of a community college and shall include a survey of any industrial development and manpower needs of the area and of any vocational and occupational shortage and the means by which the community college program and curriculum shall further industrial development, reduce unemployment and improve employable skills of residents of the area to be served by the community college.

(6) "Governing body" of a school district or municipality shall mean respectively its board of school directors or its council or board of commissioners or supervisors and may include the county board of school directors.

(7) "Board of trustees" shall mean the board of trustees of a community college.

(8) "Annual" shall mean a twelve-month period coterminous with the Commonwealth fiscal year beginning July 1 and ending June 30; hence, annual capital expenses and reimbursement therefor shall be regarded as those incurred during a full twelve-month fiscal year of operation.

(9) "Academic year" shall mean the period of instruction which includes two semesters, two trimesters, or three terms or quarters; hence, operating expenses for the academic year and reimbursement therefore shall be those incurred during two semesters, two trimesters, or three terms or quarters of college operation.

(10) "Summer term" shall mean an additional session, semester, trimester or quarter offered at the end of the regular academic year.

(11) "Independent certified public accountant" shall mean a member of the American Institute of Certified Public Accountants who has a minimum of five years' verifiable experience in performing audits of government funds for nonprofit organizations with a comparable or larger annual budget. ((11) added July 13, 2005, P.L.226, No.46)

(12) "High-priority and high-instructional-cost occupation program" shall mean a for-credit, two-year or less-than-two-year occupational or technical program approved by the Department of Education to qualify for an economic development stipend in order to prepare students to enter high-priority occupations pursuant to section 1913-A(b)(1.8)(ii). ((12) added July 13, 2005, P.L.226, No.46)

(13) "High-priority occupation program" shall mean a for-credit, two-year or less-than-two-year occupational or technical program approved by the Department of Education to qualify for an economic development stipend in order to prepare students to enter high-priority occupations pursuant to section 1913-A(b)(1.8)(iii). ((13) added July 13, 2005, P.L.226, No.46)

(14) "Noncredit workforce development courses" shall mean noncredit courses approved by the Department of Education to qualify for an economic development stipend pursuant to section 1913-A(b)(1.8)(iii) and having the specific purpose of providing opportunities for students and incumbent workers to develop or upgrade skills necessary in high-priority occupations. Noncredit workforce development courses may be offered by a community college at an off-campus site, at any of its facilities or through any form of distance education. ((14) added July 13, 2005, P.L.226, No.46)

(15) "Workforce development courses" shall mean those noncredit courses having the specific purpose of providing opportunities for students and incumbent workers to develop or upgrade skills necessary or useful in gainful employment, for promotion or other similar opportunities in existing employment or for learning new job skills and that have, as their subject matter, instruction in any of the following general areas:

(1) Computers and information processing and technology, including the study of both hardware and software applications.

(2) Management, supervision and basic employability skills, including, but not limited to, working in teams, management and supervisory skills, effective interpersonal relations, problem solving, self-management strategies, project management and the application of Federal and State laws to the workplace.

(3) Health professional and allied health job skills.

(4) Technical, manufacturing and service industries, including, but not limited to, jobs in such fields as powdered metals, machine tool and diemaking, electronics, safety, plastics technology, hydraulics, construction, warehouse/materials management, automotive repair and management, heating, ventilation and air conditioning, refrigeration and tourism.

(5) Other similar areas.

((15) added July 13, 2005, P.L.226, No.46)

(1901-A added July 1, 1985, P.L.103, No.31)

Section 1902-A. Powers and Duties of State Board of Education.--(a) The State Board of Education shall have the power, and its duty shall be:

(1) To adopt such policies, standards, rules and regulations formulated by the Council of Higher Education, as may be necessary to provide for the establishment, operation and maintenance of community colleges, including minimum requirements for physical facilities and equipment, curriculum, faculty, standards and professional requirements, qualifications for admission and advancement of students, student enrollment, student population of the area to be served by the community college, requirements for satisfactory completion of a two-year program and the degrees or diplomas or certificates to be awarded therefor, means of financing and financial resources for the establishment and support of the community college, and all matters necessary to effectuate the purposes of this act.

(2) To approve or disapprove plans for the establishment or operation of a community college.

(3) To approve or disapprove petitions of school districts or municipalities applying for participation in an established community college. No petition may be approved unless it is

accompanied by the consent of the governing bodies of the majority of the members of the local sponsor of the established community college to the participation of the petitioning school district or municipality.

(b) In determining such policies, standards, rules and regulations, the State Board of Education may consider relevant all minimum requirements established by statute or by regulation with respect to the State colleges and universities of the Commonwealth and may consider relevant such minimum requirements established by statute or by regulation with respect to secondary and special education programs in the school district or districts of the area to be served by the community college.

(c) In approving or disapproving such plans, the State Board of Education shall consider the needs of areas adjacent to the areas to be served by the community college and of the State with respect to higher education and long range plans therefor established by the State Board of Education. Other school districts and municipalities may petition the State Board of Education to become a part of a local sponsor as hereafter in this act provided.

(d) No plan for the establishment of a community college shall be approved unless the State Board of Education determines that the local sponsor has a population of a sufficient number to assure a sustained minimum enrollment, has sufficient wealth to financially support such college and is not adequately served by established institutions of higher learning. No plan for the establishment of a community college shall be approved unless it contains an estimate of operating cost for administration, instruction, operation and maintenance and such other accounts as the State Board of Education may, from time to time, determine. No plan for the establishment of a community college shall be approved unless it contains an estimate of any proposed capital improvements for the next following ten years.

(e) To confer with and obtain the approval of the Governor's Office as to the number of community colleges which can be approved for participation during the ensuing fiscal period.

(f) Wherever in this act the approval of the State Board of Education is required in any matter, the State Board of Education may require the Department of Education to make and report its findings and recommendations on such matter to the Council of Higher Education for the formulation of policies, standards, rules and regulations for consideration by the State Board of Education.

(1902-A added July 1, 1985, P.L.103, No.31)

Section 1903-A. Plans and Procedures for Establishing.--(a)

A proposed community college plan shall be submitted by the local sponsor in such form and containing such information as the State Board of Education may require. The plan shall designate the name of the proposed community college which shall be the "Community College of" or "..... Technical Institute," stating the name of the local sponsor or area of such community college. If there are two or more members of the local sponsor, the plan shall include provisions allocating financial responsibility for the community college among the members of the local sponsor subject to the policies, standards, rules and regulations of the State Board of Education.

(b) The community college plan, when submitted by the local sponsor, shall first be approved by the governing body of each member of the local sponsor and shall be submitted by them jointly in all counties. School directors from school districts of the second, third and fourth class located in two or more

counties may meet in convention and approve a community college plan for submission to the State Board of Education.

(c) Upon the approval of the plan by the State Board of Education, the governing bodies of the local sponsor shall appoint a board of trustees of the community college, as hereinafter provided, and, upon such appointment, the community college shall be considered established.

(d) A county board of school directors shall prepare a plan for establishing a community college when required by a convention of school directors from school districts within the county. Such plan shall indicate the school districts to be served by a community college. Thereafter, a convention of school directors from school districts within the proposed area of a community college shall be called to consider:

(1) The proposed plan.

(2) The question of authorizing the county board or county boards to sponsor a community college.

(3) The allocation of the cost of establishing and operating a community college.

Following such consideration, the school directors in convention may approve a plan to establish and operate a community college subject to the approval of the State Board of Education and to determine the share and formula for sharing operating expenses, capital outlay, debt service or lease payment to be borne by the school districts. School directors from the districts not desiring to participate in the establishment of a community college shall not be eligible to vote on any question placed before the convention.

Member districts shall share the cost of establishing and operating a community college.

(1903-A added July 1, 1985, P.L.103, No.31)

Section 1904-A. Election or Appointment; Term and Organization of Board of Trustees.--(a) The board of trustees of a community college shall be elected by the vote of a majority of the members of the governing body or governing bodies of the local sponsor within sixty (60) days of the approval of the plan by the State Board of Education, except that the board of trustees of a community college sponsored by a city of the second class shall be appointed by the mayor, with approval of city council, and in cities of the first class shall be appointed by the mayor from nomination from a nominating panel established in accordance with municipal ordinance.

(b) The board of trustees shall consist of no less than seven nor more than fifteen persons appointed for terms of six years each, except that those persons initially appointed shall draw lots to determine which trustees shall serve for a term of two years, which trustees shall serve for a term of four years and which trustees shall serve for a term of six years. Thereafter, all persons shall be appointed for terms of six years each. A trustee may succeed himself.

(c) The board of trustees shall organize itself at such times each year as it determines and shall choose from among its members a chairman and vice-chairman and secretary who shall hold such offices for one year. A majority of the members of the board shall be a quorum. Vacancies on the board shall be filled by the appointing authority for the unexpired terms. Trustees shall serve without compensation, except that they shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(d) Notwithstanding the provisions of subsections (a) and (b), the board of trustees of a community college may appoint

a trustee from each county where a campus or satellite classroom is located for which no local sponsor exists and, for a community college that is located in a county of the third class with a population between 290,000 and 310,000 as of the 2010 census, may appoint up to two trustees from a county where a campus is located for which no local sponsor exists. The trustee shall be selected by the board of trustees of the community college. Trustees appointed under the provisions of this subsection shall be appointed for terms of two years. ((d) amended July 13, 2016, P.L.716, No.86)

(1904-A added July 1, 1985, P.L.103, No.31)

Section 1905-A. Powers and Duties of Board of Trustees.--(a)

The affairs of any community college established under this act shall be administered and supervised by a board of trustees. Subject to any law and to any policies, standards, rules and regulations adopted by the State Board of Education provided for community colleges, the board shall, for the purpose of establishing, operating and maintaining a community college, have the power, and its duty shall be:

(1) To appoint and fix the salary of a president.

(2) To hold, rent, lease, sell, purchase and improve land, buildings, furnishings, equipment, materials, books and supplies.

(3) To enter into contracts for services with schools, colleges or universities, or with school districts or municipalities, to effectuate the purposes of this act.

(4) To accept and receive gifts of real and personal property and Federal, State and local moneys and grants, and to expend the same.

(5) To make policies providing for the admission and expulsion of students, the courses of instruction, the tuition and fees to be charged and for all matters related to the government and administration of the college.

(6) To submit to the State Board of Education for its approval proposed amendments to the community college plan.

(7) To enter into contracts for services to high schools of member districts to provide area vocational-technical education services.

(8) To exercise such other powers and perform such other duties as are necessary to carry into effect the purposes of this act.

(b) Contracts shall be entered into and other acts shall be done by the board of trustees of a community college in the name of the community college. The board of trustees shall submit an annual budget for consideration and approval by the local sponsor. The submission of the budget by the board of trustees shall constitute a "formal action" as defined by the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law. The board of trustees shall supervise the expenditure of appropriations made by the local sponsor and shall conduct the business affairs of the community college in accordance with rules, regulations and procedures approved by the local sponsor. All property purchased by or granted to the board of trustees of a community college shall be held in the name of a community college on behalf of the local sponsor of the college.

(c) Each member of a local sponsor is authorized to enter into a written agreement with the board of trustees of the community college for the purpose of providing operating expenses for at least a five-year period and for capital expenses for such term or period as is necessary for the reduction of capital indebtedness not to exceed thirty years.

(d) In no event shall the obligation of any member of the sponsor for the operating and capital expenses of a community college exceed the limit of such member's authority to levy taxes pursuant to this act or any other act of the General Assembly or its right to incur or increase its indebtedness under Article IX of the Constitution of Pennsylvania.

(1905-A added July 1, 1985, P.L.103, No.31)

Section 1906-A. Officers of the Community College.--(a)

The president shall be the chief executive and administrative officer of the college and shall perform all duties which the board of trustees may prescribe. He shall have the right to attend all meetings of the board and to be heard on all matters before it, but shall have no right to vote on any matter.

(b) The treasurer of the college shall give a proper bond in such amount and with such corporate surety as is approved by the board of trustees, which shall be filed with the board. The account of the treasurer shall be audited annually by a certified public accountant or other qualified public accountant selected by the board of trustees.

(1906-A added July 1, 1985, P.L.103, No.31)

Section 1907-A. Students.--Any resident of the Commonwealth may apply for admission to any community college established under this act. The State Board of Education may provide for the admission to community colleges of persons who are not residents of the Commonwealth, but no college shall admit such persons unless the admission is in accordance with the policies, standards, rules and regulations of the State Board of Education. The State Board of Education may prescribe standards for determining the place of residence of students and applicants for admission to community colleges.

(1907-A added July 1, 1985, P.L.103, No.31)

Section 1908-A. Tuition.--(a) The normal tuition charged by each community college shall be an amount fixed by the board of trustees of the community college, in accordance with policies, standards, rules and regulations of the State Board of Education, determined by apportioning among the students enrolled in such college not more than one-third of its annual operating costs.

(b) A student who is not a resident in the area of the local sponsor of the community college in which he is enrolled and who enrolled himself in such college with the approval of the board of trustees of the community college established in the area in which he resides, if there be one, shall pay the normal tuition charge of the college he attends, but the board of trustees of the college established in his area of residence shall pay on behalf of such student to the college in which he is enrolled an amount equal to the amount established by the board of trustees of the attended college as its own sponsor share of the cost per equivalent full-time student. The community college at which the student registers shall be entitled to State reimbursement on behalf of that student in the same manner as a student resident in the sponsorship area as hereinafter provided.

(c) A student who is a resident of the Commonwealth in an area which is not a local sponsor of a community college and who is enrolled in a community college in accordance with the policies, standards, rules and regulations of the State Board of Education shall pay a tuition charge fixed by the board of trustees of the college attended. Such tuition shall total the amount representing the difference between total operating cost per equivalent full-time student and the amount payable by the State on behalf of each equivalent full-time student enrolled.

The community college enrolling such student shall be entitled to State reimbursement as hereinafter provided.

(d) A student who is not a resident in the area of the local sponsor of the community college in which he is enrolled and who has enrolled himself in such college without the approval of the board of trustees of the community college established in the area in which he resides, if there is one, shall pay a tuition charge which shall be equal to twice the normal tuition charge of the community college in which he is enrolled. The community college at which the student registers shall be entitled to State reimbursement on behalf of that student in the same manner as a student resident in the sponsorship area as hereinafter provided.

(e) A student who is not a resident of the Commonwealth and who is enrolled in a community college in accordance with the policies, standards, rules and regulations of the State Board of Education shall pay such tuition charge as is approved by the Department of Education.

(1908-A added July 1, 1985, P.L.103, No.31)

Section 1909-A. Taxation.--The governing body of each school district or municipality comprising a local sponsor may levy, annually, taxes on subjects of taxation as prescribed by law in such school district or municipality for the purpose of establishing, operating and maintaining a community college. This tax levy shall be in excess of and beyond the millage fixed or limited by law, so long as the aggregate amount of all taxes imposed by any local sponsor, other than a school district of the first class or a city of the first class or county of the first class, for the establishment, operation and maintenance of a community college shall not exceed an amount equal to the product obtained by multiplying the latest total market value of the local sponsor as determined by the State Tax Equalization Board in the case of school districts, and by the Board of Assessment and Revision of Taxes or any other similar board which determines market values of real estate in the case of municipalities, by five mills. Where a county levies such a tax for the establishment, operation and maintenance of a community college, no such tax shall be levied upon the property in a municipality situate in such county if the school district in which the municipality is situate levies a tax on the property in the municipality for the establishment, operation and maintenance of a community college situate in a county other than the one in which the municipality is located. The aggregate amount of all taxes imposed by a school district of the first class or a city of the first class or county of the first class for the establishment, operation and maintenance of a community college shall not exceed an amount equal to the product obtained by multiplying the latest total market value of the school district of the first class as determined by the State Tax Equalization Board and by the Board of Assessment and Revision of Taxes or any other similar board which determines market values of real estate in the case of cities of the first class or counties of the first class, by one mill.

(1909-A added July 1, 1985, P.L.103, No.31)

Section 1910-A. Withdrawal of Sponsorship; Dissolution of Community College.--No school district or municipality which is a local sponsor or a part of a local sponsor may withdraw its sponsorship from a community college nor may any community college be disestablished without the approval of the State Board of Education.

(1910-A added July 1, 1985, P.L.103, No.31)

Section 1911-A. Participation in or Admission to Established Community College.--(a) The governing body of any school district or of any municipality desiring to have such school district or municipality participate in an established community college shall present a petition to the State Board of Education in such form as the board may prescribe requesting approval to participate in or to be admitted to the community college.

(b) Upon the approval of the State Board of Education of a petition submitted by a governing body, such petitioning school district or municipality shall be considered a local sponsor of the community college and be admitted thereto.

(1911-A added July 1, 1985, P.L.103, No.31)

Section 1912-A. Degrees.--The State Board of Education shall prescribe the types of diplomas, certificates or degrees that may be granted students who complete post-secondary education courses in community colleges.

(1912-A added July 1, 1985, P.L.103, No.31)

Section 1913-A. Financial Program; Reimbursement of Payments.--(Hdg. amended June 22, 2001, P.L.530, No.35) (a)

(1) Except as otherwise provided in paragraph (2), the plan submitted by the local sponsor shall set forth a financial program for the operation of the community college. The plan shall provide that the local sponsor shall appropriate or provide to the community college an amount at least equal to the community college's annual operating costs less the student tuition as determined in section 1908-A(a) less the Commonwealth's payment as determined in subsection (b)(1) of this section. The plan shall also provide that one-half of the annual capital expenses shall be appropriated or provided by the local sponsor to the community college. The local sponsor's appropriation for annual operating costs and annual capital expenses may in part be represented by real or personal property or services made available to the community college. The plan shall indicate whether the appropriation shall come from general revenues, loan funds, special tax levies or from other sources, including student tuitions.

(2) (i) Notwithstanding the provisions of paragraph (1), for a community college that is sponsored by one or more school districts, has an enrollment head count in excess of 20,000 and consists of more than four campuses that are approved by both the Department of Education and the Middle States Association of Colleges and Schools, the plan submitted by the local sponsor shall set forth a financial program for the operation of the community college and shall provide that the local sponsor shall appropriate or provide to the community college for the community college's annual operating costs and annual capital expenses an amount negotiated by the governing body of the local sponsor and the community college, provided that the amount negotiated shall not exceed the sum of:

(A) an amount at least equal to the community college's annual operating costs less the student tuition as determined in section 1908-A(a) less the Commonwealth's payment as determined in subsection (b)(1); and

(B) one-half of the annual capital expenses of the community college.

(ii) The local sponsor's appropriation for annual operating costs and annual capital expenses may in part be represented by real or personal property or services made available to the community college. The plan shall indicate whether the appropriation shall come from general revenues, loan funds, special tax levies or from other sources, including student tuitions.

(iii) For purposes of this paragraph, the term "enrollment head count" shall mean the number of students enrolled on a full-time or part-time basis at a community college in the immediately preceding fall semester.

((a) amended July 2, 2014, P.L.986, No.108)

(b) (1) The Commonwealth shall pay to a community college on behalf of the sponsor on account of its operating costs during the fiscal year from funds appropriated for that purpose an amount equal to:

(i) for the 1993-1994 fiscal year through the 2000-2001 fiscal year, the lesser of such college's variable State share ceiling as determined in clause (1.3) or such college's equivalent full-time student reimbursement as determined in clause (1.4);

(ii) for the 2001-2002 fiscal year through the 2004-2005 fiscal year, the college's equivalent full-time student reimbursement as determined in clause (1.4);

(iii) for the 2005-2006 fiscal year, the college's payment as determined in clause (1.5); and

(iv) for the 2006-2007 fiscal year and each fiscal year thereafter, the college's payment as determined in clause (1.6).

((1) amended July 13, 2005, P.L.226, No.46)

(1.2) The Secretary of Education, in consultation with the community colleges, shall promulgate standards for credit courses and for noncredit courses that will be eligible for Commonwealth reimbursement. The standards shall specifically exclude from eligibility for reimbursement any course or program in avocational or recreational pursuits. The standards shall be promulgated by the beginning of the 1994-1995 fiscal year. Until such standards are promulgated, no community college will be reimbursed for any credit course which was offered by such college as a noncredit course during the college's 1992-1993 fiscal year.

(1.3) The variable State share ceiling of a community college shall be determined as follows:

(i) Subtract the taxable income per person of the local sponsor from the highest taxable income per person of any county in the Commonwealth.

(ii) Divide the amount determined under subclause (i) by the difference between the highest taxable income per person of any county in the Commonwealth and the lowest taxable income per person of any county in the Commonwealth.

(iii) Multiply the quotient determined under subclause (ii) by one-sixth.

(iv) Add one-third to the product determined under paragraph (iii).

(v) Multiply the sum determined under subclause (iv) by the community college's operating costs in the year for which reimbursement is being claimed.

(vi) The taxable income per person data used in the preceding calculation shall be data certified to the Secretary of Education by the Secretary of Revenue under section 2501(9.1) for school district local sponsors or data otherwise published by the Secretary of Revenue for a municipal local sponsor.

(1.4) The equivalent full-time student reimbursement of a community college shall be the sum of credit course, noncredit course and stipend reimbursements. These reimbursements shall be calculated using a reimbursement factor of one thousand and forty dollars (\$1,040) for the 1993-1994 fiscal year, of one thousand eighty dollars (\$1,080) for the 1994-1995 fiscal year and of one thousand one hundred eighty dollars (\$1,180) for the 1995-1996 fiscal year and one thousand and two hundred and ten

dollars (\$1,210) for the 1996-1997 fiscal year and one thousand two hundred sixty dollars (\$1,260) for the 1997-1998 fiscal year and the 1998-1999 fiscal year and one thousand three hundred dollars (\$1,300) for the 1999-2000 fiscal year and one thousand four hundred dollars (\$1,400) for the 2000-2001 fiscal year and one thousand five hundred dollars (\$1,500) for the 2001-2002 fiscal year and for each year thereafter and shall be determined as follows:

(i) Credit course reimbursement shall be calculated by multiplying the reimbursement factor by the number of equivalent full-time students enrolled in credit courses as determined by an audit to be made in a manner prescribed by the State Board of Education.

(ii) Noncredit course reimbursement shall be calculated as follows:

(A) eighty percent (80%) of the reimbursement factor multiplied by the number of equivalent full-time students enrolled in eligible noncredit courses for the 1993-1994 fiscal year, as determined by the audit referred to in paragraph (i);

(B) seventy percent (70%) of the reimbursement factor multiplied by the number of equivalent full-time students enrolled in eligible noncredit courses for the 1994-1995 fiscal year and for each year thereafter, as determined by the audit referred to in paragraph (i); or

(C) one hundred percent (100%) of the reimbursement factor multiplied by the number of equivalent full-time students enrolled in eligible noncredit public safety courses that provide training for volunteer firefighters and emergency medical services for the 1995-1996 fiscal year and for each year thereafter, as determined by the audit referred to in paragraph (i).

(iii) Stipend reimbursement on account of a community college's operating costs for all equivalent full-time students enrolled in the following categories of two-year or less than two-year occupational or technical programs, shall be the sum of the following:

(A) One thousand one hundred dollars (\$1,100) per full-time equivalent student enrolled in advanced technology programs. For the fiscal year 1995-1996, 1996-1997 and 1997-1998, the reimbursement rate shall be calculated at one thousand one hundred seventy-five dollars (\$1,175) per full-time equivalent student enrolled in advanced technology programs. For the fiscal year 1998-1999 and each year thereafter, the reimbursement rate shall be calculated at one thousand four hundred sixty dollars (\$1,460) per full-time equivalent student enrolled in advanced technology programs. Advanced technology programs are programs using new or advanced technologies which hold promise for creating new job opportunities, including such fields as robotics, biotechnology, specialized materials and engineering and engineering-related programs.

(B) One thousand dollars (\$1,000) per full-time equivalent student enrolled in programs designated as Statewide programs. For the fiscal year 1995-1996, 1996-1997 and 1997-1998, the reimbursement rate shall be calculated at one thousand seventy-five dollars (\$1,075) per full-time equivalent student enrolled in programs designated as Statewide programs. For the fiscal year 1998-1999 and each year thereafter, the reimbursement rate shall be calculated at one thousand three hundred sixty dollars (\$1,360) per full-time equivalent student enrolled in programs designated as Statewide programs. A Statewide program is a program which meets one or more of the following criteria:

(I) Program enrollment from out-of-sponsor area is twenty per cent or more of the enrollment for the program.

(II) A consortial arrangement exists with another community college to cooperatively operate a program or share regions in order to avoid unnecessary program duplication.

(C) Five hundred dollars (\$500) per full-time equivalent student enrolled in other occupational or technical programs. For the fiscal year 1995-1996, 1996-1997 and 1997-1998, the reimbursement rate shall be calculated at five hundred seventy-five dollars (\$575) per full-time equivalent student enrolled in other occupational or technical programs. For the fiscal year 1998-1999 and each year thereafter, the reimbursement rate shall be calculated at eight hundred sixty dollars (\$860) per full-time equivalent student enrolled in other occupational or technical programs.

((1.4) amended June 22, 2001, P.L.530, No.35)

(1.5) For the 2005-2006 fiscal year, the payment for a community college shall consist of the following:

(i) Each community college shall receive reimbursement for operating costs equal to the reimbursement for the 2004-2005 fiscal year as determined under clause (1.4)(i) and (ii). This amount shall be determined based upon the midyear rebudget submitted by a community college in February 2005.

(ii) Each community college shall receive an economic development stipend as calculated under clause (1.7).

(iii) Each community college shall receive a base supplement determined by:

(A) subtracting the total amount of funds determined under subclauses (i) and (ii) from the State appropriation for payment of approved operating expenses of community colleges for the 2005-2006 fiscal year;

(B) dividing the payment under subclauses (i) and (ii) by the sum of the amounts determined for all community colleges under subclauses (i) and (ii); and

(C) multiplying the quotient from subparagraph (B) by an amount equal to seventy-five percent (75%) of the amount determined under paragraph (A).

(iv) Each community college with a 2003-2004 equivalent full-time enrollment in credit, noncredit and workforce development courses greater than its 2002-2003 equivalent full-time enrollment in credit, noncredit and workforce development courses shall receive a growth supplement amount determined by:

(A) subtracting its 2002-2003 equivalent full-time enrollment in credit, noncredit and workforce development courses from its 2003-2004 equivalent full-time enrollment in credit, noncredit and workforce development courses;

(B) dividing the difference from paragraph (A) by the sum of the differences from paragraph (A) for all community colleges; and

(C) multiplying the quotient from paragraph (B) by an amount equal to twenty-five percent (25%) of the amount determined under subclause (iii)(A).

Calculations under this subclause shall be based upon the final claim forms submitted by a community college for the 2002-2003 and 2003-2004 fiscal years.

((1.5) added July 13, 2005, P.L.226, No.46)

(1.6) For the 2006-2007 fiscal year and each fiscal year thereafter, the payment for a community college shall consist of the following:

(i) Each community college shall receive an amount equal to the reimbursement for operating costs, base supplement and

growth supplement amounts it received in the immediately preceding fiscal year.

(ii) Each community college shall receive an economic development stipend as calculated under clause (1.7). The amount available for economic development stipends shall increase each year by the percent increase in the State appropriation for payment of approved operating expenses of community colleges and may include any other private or public funds appropriated or otherwise made available to the Department of Education for that purpose.

(iii) Each community college shall receive a base supplement determined by:

(A) subtracting the total amount of funds determined under subclauses (i) and (ii) from the State appropriation for payment of approved operating expenses of community colleges;

(B) dividing the payment under subclause (i) by the sum of the amounts determined for all community colleges under subclause (i); and

(C) multiplying the quotient from paragraph (B) by an amount equal to seventy-five percent (75%) of the amount determined under paragraph (A).

(iv) Each community college with an equivalent full-time enrollment in credit, noncredit and workforce development courses for the year prior to the immediately preceding year greater than its equivalent full-time enrollment in credit, noncredit and workforce development courses for the second year prior to the immediately preceding year shall receive a growth supplement amount determined by:

(A) subtracting its equivalent full-time enrollment in credit, noncredit and workforce development courses for the second year prior to the immediately preceding year from its equivalent full-time enrollment in credit, noncredit and workforce development courses for the year prior to the immediately preceding year;

(B) dividing the difference from paragraph (A) by the sum of the differences from paragraph (A) for all community colleges; and

(C) multiplying the amount from paragraph (B) by an amount equal to twenty-five percent (25%) of the amount determined under subclause (iii)(A).

Secondary senior high school students enrolled in credit-bearing, nonremedial college courses shall be included in the calculation under paragraph (A). Calculations under this subclause shall be based upon the audited financial statements submitted by a community college pursuant to subsection (k.1).

(v) Subclauses (i), (ii), (iii) and (iv) shall not apply to the 2011-2012, 2012-2013 and 2013-2014 fiscal years, and each fiscal year thereafter. ((v) amended July 13, 2016, P.L.716, No.86)

(vi) For the 2011-2012 fiscal year, each community college shall receive an amount equal to the sum of the following:

(A) A reimbursement for operating costs determined by:

(I) dividing the amount of funding that the community college received in fiscal year 2010-2011 under section 1722-L(a)(7) of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," by the total amount of funding provided to all community colleges in fiscal year 2010-2011 under section 1722-L(a)(7) of "The Fiscal Code"; and

(II) multiplying the quotient under subparagraph (I) by \$168,167,000.

(B) An economic development stipend determined by:

(I) dividing the amount of funding that the community college received in fiscal year 2010-2011 under section 1722-L(a)(7) of "The Fiscal Code," by the total amount of funding provided to all community colleges in fiscal year 2010-2011 under section 1722-L(a)(7) of "The Fiscal Code"; and

(II) multiplying the quotient under subparagraph (I) by \$44,000,000.

(vii) For the 2012-2013 fiscal year, each community college shall receive an amount equal to the sum of the following:

(A) A reimbursement for operating costs determined by:

(I) dividing the amount of funding that the community college received in fiscal year 2011-2012 under subclause (vi)(A) by the total amount of funding provided to community colleges in fiscal year 2011-2012 under subclause (vi)(A); and

(II) multiplying the quotient under subparagraph (I) by \$168,167,000.

(B) An economic development stipend determined by:

(I) dividing the amount of funding that the community college received in fiscal year 2011-2012 under subclause (vi)(B) by the total amount of funding provided to all community colleges in fiscal year 2011-2012 under subclause (vi)(B); and

(II) multiplying the quotient under subparagraph (I) by \$44,000,000.

((vii) added June 30, 2012, P.L.684, No.82)

(viii) For the 2013-2014 fiscal year, each community college shall receive an amount equal to the sum of the following:

(A) A reimbursement for operating costs determined by:

(I) dividing the amount of the funding that the community college received in fiscal year 2012-2013 under subclause (vii)(A) by the total amount of funding provided to community colleges in fiscal year 2012-2013 under subclause (vii)(A); and

(II) multiplying the quotient under subparagraph (I) by one hundred sixty-eight million one hundred sixty-seven thousand dollars (\$168,167,000).

(B) An economic development stipend determined by:

(I) dividing the amount of funding that the community college received in fiscal year 2012-2013 under subclause (vii)(B) by the total amount of funding provided to all community colleges in fiscal year 2012-2013 under subclause (vii)(B); and

(II) multiplying the quotient under subparagraph (I) by forty-four million dollars (\$44,000,000).

((viii) added July 9, 2013, P.L.408, No.59)

(ix) For the 2016-2017 fiscal year, each community college shall receive an amount equal to the following:

(A) An amount equal to the reimbursement for operating costs received in fiscal year 2013-2014 under subclause (viii)(A) plus the increase received in fiscal year 2014-2015 under section 1722-J(17) of "The Fiscal Code" and the increase received in fiscal year 2015-2016 under section 1722-L(18.1) of "The Fiscal Code."

(B) An amount equal to the economic development stipend received in fiscal year 2013-2014 under subclause (viii)(B).

(C) An additional amount for operating costs determined for each community college as follows:

(I) Multiply the audited full-time equivalent enrollment as verified under subsection (k.1) for the most recent year available for the community college by the difference between the appropriation for payment of approved operating expenses of community colleges in the 2016-2017 fiscal year and the sum of the amounts in units (A) and (B).

(II) Divide the product in subunit (I) by the sum of the audited full-time equivalent enrollment as verified under subsection (k.1) for the most recent year available for all community colleges.

((ix) added July 13, 2016, P.L.716, No.86)

((1.6) amended June 30, 2011, P.L.112, No.24)

(1.7) The payment for a community college shall include an economic development stipend which shall consist of the following:

(i) For the 2005-2006 fiscal year, each community college shall receive an amount equal to the reimbursement for the 2004-2005 fiscal year as determined under clause (1.4)(iii) and under section 1501 of the act of December 18, 2001 (P.L.949, No.114), known as the "Workforce Development Act." This amount shall be determined based upon the midyear rebudget submitted by a community college in February 2005.

(ii) For the 2006-2007 through 2008-2009 fiscal years, each community college shall receive, subject to the provisions of subclause (iii), an amount determined by:

(A) Adding the following:

(I) the number of full-time equivalent students enrolled in high-priority and high-instructional-cost occupation programs at the community college multiplied by 1.50;

(II) the number of full-time equivalent students enrolled in high-priority occupation programs at the community college multiplied by 1.25; and

(III) the number of full-time equivalent students enrolled in noncredit workforce development courses at the community college.

(B) Dividing the total from paragraph (A) by the sum of the totals from paragraph (A) for all community colleges.

(C) Multiplying the amount from paragraph (B) by the amount allocated for the economic development stipend pursuant to clause (1.6)(ii).

(D) Applying the following:

(I) For the 2006-2007 fiscal year, for the first, second and third quarter payments made in the 2007-2008 fiscal year, and for the first and second quarter payments made in the 2008-2009 fiscal year and each fiscal year thereafter, the number of full-time equivalent students shall be determined based upon the final midyear rebudget submitted by a community college for the prior fiscal year. Such rebudget shall be submitted, as required by the Department of Education, no later than May 31, 2006, and May 31 of each year thereafter.

(II) For the 2007-2008 fiscal year, the Department of Education shall provide the fourth quarter payment to each community college under this subclause based upon the number of full-time equivalent students enrolled in high-priority and high-instructional-cost occupation programs, high-priority occupation programs and noncredit workforce development courses for the 2006-2007 fiscal year, as verified in the audited financial statement required under subsection (k.1).

(III) For the 2008-2009 fiscal year, the Department of Education shall provide the third and fourth quarter payments to each community college under this subclause based upon the number of full-time equivalent students enrolled in high-priority and high-instructional-cost occupation programs, high-priority occupation programs and noncredit workforce development courses for the immediately preceding fiscal year, as verified in the audited financial statement required under subsection (k.1).

((ii) amended July 13, 2016, P.L.716, No.86)

(iii) For the 2006-2007 and 2007-2008 fiscal years, the following shall apply:

(A) Full-time equivalent students enrolled in stipend advanced technology programs shall be counted as full-time equivalent students enrolled in high-priority and high-instructional-cost occupation programs for the purpose of the calculation in subclause (ii).

(B) Full-time equivalent students enrolled in stipend Statewide programs shall be counted as full-time equivalent students enrolled in high-priority occupation programs for the purpose of the calculation in subclause (ii).

(C) Full-time equivalent students enrolled in other stipend occupational programs and workforce development courses shall be counted as full-time equivalent students enrolled in noncredit workforce development courses for the purpose of the calculation in subclause (ii).

(D) For reimbursement for any semester that begins on or after January 1, 2006, this subclause shall only apply for students who were enrolled in such programs during the fall 2005 semester.

((1.7) amended July 9, 2008, P.L.846, No.61)

(1.8) (i) The Department of Education shall annually approve high-priority and high-instructional-cost occupation programs, high-priority occupation programs and noncredit workforce development courses.

(ii) In order to qualify as a high-priority and high-instructional-cost occupation program, the program must:

(A) Provide training:

(I) in a high-priority occupation as defined by the Center for Workforce Information and Analysis within the Department of Labor and Industry; or

(II) in an occupation designed to meet regional workforce needs as documented through collaboration with one or more employers.

(B) Bear an instructional cost to the community college, per full-time-equivalent student, of at least one hundred thirty percent (130%) of the average cost per full-time-equivalent student enrolled in the community college's credit courses. Instructional costs shall be defined by the Department of Education and may include personnel, equipment, curricula and other costs necessary for the program.

(iii) In order to qualify as a high-priority occupation program or a noncredit workforce development course, the high-priority occupation program or noncredit workforce development course must:

(A) provide training in a high-priority occupation as defined by the Center for Workforce Information and Analysis within the Department of Labor and Industry; or

(B) provide training in an occupation designed to meet regional workforce needs as documented through collaboration with one or more employers.

(iv) In order to qualify under subclause (ii) (A) (II) or (iii) (B), the community college shall submit an application to the Department of Education. The application shall contain:

(A) Evidence of collaboration with one or more employers.

(B) Information as to the nature of the proposed program.

(C) Evidence as to how the program will increase workforce opportunities for participants.

(v) The Department of Education shall:

(A) Determine the form and manner by which applications are to be submitted under subclause (iv).

(B) Approve or reject applications received pursuant to subclause (iv) within twenty (20) days of receipt of a completed application; otherwise, such applications will be deemed approved.

(C) Annually publish guidelines listing criteria and establishing the approval process for programs and courses under this clause.

((1.8) added July 13, 2005, P.L.226, No.46)

(2) For the 1993-1994 fiscal year, each community college shall be reimbursed under clause (1) in an amount which is at least equal to a one percent (1%) increase over its 1992-1993 operating cost and stipend reimbursement. In no case shall a community college's 1993-1994 reimbursement under clause (1) per full-time equivalent student, insofar as said reimbursement does not include a proportionate share attributable to stipend reimbursement under clause (1.4)(iii), exceed its 1992-1993 operating cost reimbursement per full-time equivalent student by more than ten percent (10%).

(2.1) For the 1994-1995 fiscal year, each community college shall be reimbursed under clause (1) in an amount which is at least equal to a one percent (1%) increase over its 1993-1994 reimbursement under clause (1). In no case shall a community college's 1994-1995 reimbursement under clause (1) per full-time equivalent student, insofar as said reimbursement does not include the proportionate share attributable to stipend reimbursement under clause (1.4)(iii), exceed its 1993-1994 reimbursement under clause (1) per full-time equivalent student, insofar as said reimbursement does not include the proportionate share attributable to stipend reimbursement under clause (1.4)(iii) by more than ten percent (10%).

(2.2) For the 1995-1996 fiscal year, each community college shall be reimbursed under clause (1) in an amount which is at least equal to its 1994-1995 reimbursement under clause (1).

(3) The Secretary of Education annually shall establish criteria to be used to determine eligibility of programs for each of the above stipend categories, shall approve programs for funding in the following fiscal year according to these criteria and shall submit to chairmen of the committees of education in the House of Representatives and Senate a report setting forth the established criteria, any programs approved for funding under these criteria and the recipient community colleges.

(4) Each community college shall maintain such accounting and student attendance records on generally accepted principles and standards as will lend themselves to satisfactory audit. The Commonwealth shall pay to a community college on behalf of the sponsor on account of its capital expenses an amount equal to one-half of such college's annual capital expenses from funds appropriated for that purpose to the extent that said capital expenses have been approved as herein provided.

(5) For purposes of determining Commonwealth reimbursement of operating costs, Federally funded expenditures for those programs in which the Commonwealth participates in the cost shall be deducted from total operating expenditures to determine net reimbursable operating costs.

((b) amended June 7, 1993, P.L.49, No.16)

(c) (1) Capital expenses shall mean only such expenses as are incurred with the approval of the Department of Education for amortization of the purchase of lands; purchase, construction or improvement of buildings for administrative and instructional purposes, including libraries; the lease of lands or buildings, or for rentals to an authority for the same

purpose; and, prior to July 1, 2005, for the purchase, lease or rental of capital equipment and furniture used for instructional or administrative purposes. Capital expenses shall include library books and complementary audio-visual equipment purchased during the first five years after establishment. On or after July 1, 2005, capital expenses may include such expenses as are incurred with the approval of the Department of Education for the purchase, lease or rental of capital equipment and furniture used for instructional or administrative purposes. For the purpose of calculating the Commonwealth's share of operating, and capital costs incurred prior to the actual admission of students to a community college, all such costs shall be interpreted as capital costs. No costs and expenses incurred in the establishment, construction, operation or maintenance of dormitories, or the equipment or furnishings for such purposes, shall be included in capital expenses or operating costs for purposes of Commonwealth reimbursement.

(2) The provisions of this subsection shall not prevent the Commonwealth from reimbursing a community college for capital expenses incurred prior to the effective date of this act. Such reimbursement must have approval of the Secretary of Education.

(3) Notwithstanding any other provision of this act, a community college may use a portion of its payment of approved operating expenses for capital expenses not otherwise reimbursed by the Department of Education.

((c) amended July 13, 2005, P.L.226, No.46)

((c.1) Notwithstanding any provision of law to the contrary, two or more community colleges may jointly enter into a financing arrangement through the State Public School Building Authority for the purchase, lease or construction of capital projects deemed necessary by the community colleges. The terms and conditions of the financing arrangement shall be consistent with the terms and conditions set forth in the act of July 5, 1947 (P.L.1217, No.498), known as the "State Public School Building Authority Act." ((c.1) added July 13, 2005, P.L.226, No.46)

(d) The State Board of Education shall adopt policies, standards, rules and regulations for determining reimbursable capital expenses and operating costs, and the Department of Education shall approve such expenses and costs for the purpose of reimbursement by the Commonwealth.

(e) The State Board of Education shall apply for, receive and administer, subject to any applicable regulations or laws of the Federal Government or any agency thereof, any Federal grants, appropriations, allocations and programs to fulfill the purpose of this act.

(f) All administrative personnel, faculty, and other employees of the community colleges in the Commonwealth shall be eligible for inclusion in the Public School Employees' Retirement System of Pennsylvania, the Pennsylvania State Employees' Retirement System, or any independent retirement program approved by the Board of Trustees of a community college, and the Secretary of Education.

(g) The community college in the Commonwealth shall be eligible for participation in the act of July 5, 1947 (P.L.1217, No.498), known as the "State Public School Building Authority Act," and the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

(h) In all cases where the board of trustees of any community college fails to pay or provide for the payment of any rental or rentals due the State Public School Building Authority or any municipality authority for any period in

accordance with the terms of any lease entered into between the board of trustees of any community college and the State Public School Building Authority or any municipality authority, or fails to pay or to provide for the payment of any other indebtedness when due, upon written notice thereof from the State Public School Building Authority or any municipality authority, or in such cases where an audit reveals any unpaid indebtedness due, the Secretary of Education shall notify the board of trustees of its obligation and shall withhold out of any State appropriation that may be due to such community college an amount equal to the amount of rental or rentals owing by such board of trustees to the State Public School Building Authority or any municipality authority, or an amount equal to the amount of any other indebtedness owing by such board of trustees, and shall pay over the amount or amounts so withheld to the State Public School Building Authority or any municipality authority or to whomsoever any other indebtedness is due and owing.

(i) The amount payable to each community college Board of Trustees on behalf of the sponsor shall be paid in the year in which the costs and expenses are incurred in quarterly installments and the Secretary of Education shall draw his requisition quarterly upon the State Treasurer in favor of each community college for the amount of reimbursement to which it is entitled. Reimbursement or payment by the Commonwealth for the operational expenses and capital equipment and the furnishings shall be made on or before the end of the fiscal quarters ended on September 30, December 31, March 31 and June 30 of each Commonwealth fiscal year. Reimbursements or payments shall be made semi-annually for the Commonwealth's share of the annual rentals to an authority or the sponsor or sinking fund or debt-service payments and other leases upon submission of a community college requisition in the form required by the Commonwealth, the reimbursement or payment to be made from funds appropriated for that purpose. Money that is appropriated under this subsection but not expended by a community college Board of Trustees shall not be distributed to a local sponsor. ((i) amended Oct. 20, 1988, P.L.827, No.110)

(j) In no event shall the payments or final reimbursement made by the department following audit exceed the appropriation available for community colleges. ((j) added June 7, 1993, P.L.49, No.16)

(k) For fiscal years up to and including the 2004-2005 fiscal year, audits of community colleges shall be conducted as follows:

(1) Unless otherwise prescribed by the State Board of Education, the Commonwealth's fiscal audits of community colleges under this section shall be conducted in accordance with "Government Auditing Standards," latest revision, promulgated by the United States General Accounting Office. Written audit reports will be produced and will be sent to the community college by the Commissioner of Postsecondary/Higher Education. Any cost disallowed under findings contained in the audit report shall be considered an adjudication within the meaning of 2 Pa.C.S. (relating to administrative law and procedure) and regulations promulgated thereunder.

(2) The Secretary of Education is hereby specifically authorized and shall be required to resolve audit findings involving disallowed costs that are contested by community colleges except for audit findings that involve mathematical errors, violation of regulations or alleged illegal activities. The proposed resolution of the Secretary of Education shall not

be subject to the provisions of 2 Pa.C.S. The Secretary of Education's notice to resolve audit findings shall be sent to the community college in writing. The Secretary of Education may resolve the audit findings by reducing the disallowed costs related thereto in whole or in part.

(3) The Secretary of Education's notice to resolve an audit finding by reducing or eliminating the disallowed costs must be made contingent upon the community college developing and implementing a corrective action plan to address the audit finding. The community college must submit a corrective action plan to the Secretary of Education within 60 days after receipt of the Secretary of Education's written notice to resolve the audit finding. The Secretary of Education shall approve, reject or alter the plan submitted by the community college within thirty (30) days of submission. After the community college receives written notice of approval or agrees in writing to the Secretary of Education's alterations of the corrective action plan, said plan shall be implemented and shall be binding on the community college. Implementation of the approved or agreed upon corrective action plan will be verified by an audit conducted by the department no later than the end of the fiscal year following the fiscal year during which the plan is implemented. If no agreed upon corrective action plan is in place within one year after the date of the Secretary of Education's written notice to resolve audit findings or if the agreed upon corrective action has not been implemented within one year after the date of the Secretary of Education's written notice to resolve the audit findings, then the Secretary of Education is authorized to adjust payments to the community college to collect any amounts due based upon the findings contained in the audit report that was issued to the college by the commissioner.

(4) The department shall deduct any amounts due the Commonwealth as a result of audit findings that are resolved under this subsection from any future payment due to the community college from the Commonwealth. The Secretary of Education is authorized to approve a payment schedule in cases where immediate repayment of the full amount due the Commonwealth would jeopardize the ability of the community college to continue operations.

(5) Resolution authority provided to the Secretary of Education in this subsection shall be limited to disallowed cost findings relating to policy and/or administrative practices. The resolution authority shall not be used for audit findings in which the audited community college data and documentation is in error, where a violation of applicable law or regulation is found or where criminal violations are suspected by the Commonwealth auditors and brought to the Secretary of Education's attention in writing. Notwithstanding the limitations of this subsection, until June 30, 1995, the Secretary of Education is authorized to resolve audit findings involving disallowed costs for fiscal years prior to and including 1992-1993 when such disallowed costs result from violation of regulations.

(6) The department, through the Secretary of Education, is authorized to issue guidelines for the operation of the community college educational and financial programs. The department shall amend these guidelines on an annual basis to reflect the department's position on issues that require resolution under this subsection.

(7) The provisions of subsection (d) are repealed insofar as they are inconsistent with the provisions of this subsection.

((k) amended July 13, 2005, P.L.226, No.46)

(k.1) (1) By January 1, 2007, and January 1 of each year thereafter, a community college shall submit to the department an audited financial statement for the immediately preceding fiscal year. The audited financial statement shall be consistent with the generally accepted accounting principles prescribed by the National Association of College and University Business Officers or its successor, by the American Institute of Certified Public Accountants or its successor or by any other recognized authoritative body and consistent with the financial reporting policies and standards promulgated by Federal Government and State government which apply to community colleges, provided that an audited financial statement shall not be acceptable if the audit is conducted by an employe or member of the board of trustees of the community college or by an organization or firm associated with any employe or member of the board of trustees of the community college. The Department of Education may withhold funds appropriated to community colleges as necessary to ensure that audit reports are submitted in the prescribed fashion.

(2) The audited financial statement required under clause (1) shall include:

(i) results of the tests of the community college's accounting records and other procedures that are considered necessary to enable the independent certified public accountant to express an opinion as to whether the community college's financial statements are fairly presented, in all material respects, consistent with the accounting principles set forth in clause (1);

(ii) a schedule of operating expenses that presents all operating expenses pertaining to the community college's educational program; and

(iii) a verification of equivalent full-time students enrolled in the community college in each of the following categories: credit, noncredit and each economic development stipend category, during the fiscal year for which the audited financial statement is presented.

(3) The department shall review the audited financial statement of a community college to determine whether the State funds allocated to the community college have been expended in accordance with the accounting principles set forth in clause (1). The department shall have ninety (90) days from the receipt of an audited financial statement to review the audited financial statement and notify the community college of any material failure to meet the requirements of this subsection.

(4) A community college that receives notice from the department under clause (3) shall have ninety (90) days from the receipt of such notice to submit a corrective action plan to the department.

(5) The department shall approve, reject or alter the corrective action plan within thirty (30) days of submission. After the community college receives written notice of approval of the corrective action plan or agrees in writing to the department's alterations of the corrective action plan, the plan shall be implemented and binding on the community college. Implementation of the approved or agreed-upon corrective action plan shall be verified by an audit conducted by the department no later than the end of the fiscal year following the fiscal year during which the plan is implemented. If no agreed-upon corrective action plan is in place within one year after the date of the department's written notice under clause (4) or if the agreed-upon corrective action plan has not been implemented

within one year after the date of the department's written notice under clause (4), then the department shall adjust payments to the community college to collect any amounts due based upon the findings contained in the audit report.

(6) The State Board of Education shall promulgate final-omitted regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," as necessary to implement this subsection.

((k.1) added July 13, 2005, P.L.226, No.46)

(l) For the fiscal year 1992-1993, if insufficient funds are appropriated to make Commonwealth payments pursuant to this section, such payments shall be made on a pro rata basis. ((l) added June 7, 1993, P.L.49, No.16)

(1913-A added July 1, 1985, P.L.103, No.31)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 1913-A(b)(1.6) and (1.7), provided that Act 61 shall apply retroactively to July 1 2008.

Section 1914-A. Dissolution of Certain Community Colleges.--(a) Notwithstanding the provisions of section 1910-A, any community college that was approved as a community college by the State Board of Education after January 1, 1990, may be dissolved after a determination by the Secretary of Education that the majority of the education and training programs operated by the college are nonacademic in nature and upon notice of said determination to the community college.

(b) Upon the Secretary of Education's notice as described in subsection (a), a dissolved community college shall cease to be a public instrumentality. If the dissolved community college desires to continue to offer degree programs, provide specialized job training or provide professional development training, those programs must be transferred to a corporate successor organized as a nonprofit corporation under 15 Pa.C.S. (relating to corporations and unincorporated associations).

(c) The corporate successor of a dissolved community college shall continue to have the authority to grant associate degrees and certificates in those programs in which the dissolved community college had the authority to grant degrees during the last complete school year of operation as a community college. If a corporate successor desires to offer additional associate degree programs, it must apply to the Department of Education to obtain approval in accordance with applicable regulations. If a corporate successor desires to offer additional certificates, it shall apply for licensure to the State Board of Private Licensed Schools. A corporate successor of a dissolved community college is not authorized to award baccalaureate degrees.

(d) All indebtedness of any community college dissolved under this section shall be transferred to and become the responsibility of its corporate successor. Nothing in this section shall be construed so as to waive the obligations or debts of any dissolved community college to any entity other than the Commonwealth. Any indebtedness of a dissolved community college to the Commonwealth or to the department, determined pursuant to audits of the dissolved community college conducted under section 1913-A(k), shall be deferred for one fiscal year subsequent to dissolution. Thereafter the amount and terms of repayment of the indebtedness to the Commonwealth shall be determined by the Secretary of the Budget.

(e) Any Workforce Development Challenge Grant awarded to a dissolved community college prior to dissolution shall be transferred to and become an asset of its corporate successor.

(f) The Commonwealth shall retain the right to have access to and the authority to review financial records of any community college dissolved under this section, including records created up through dissolution until such time as all information required to be reviewed under section 1913-A(k) has been reviewed and any indebtedness owed to the Commonwealth has been repaid. Any audits prepared as a result of the review conducted under this section must be completed and issued to the corporate successor of a dissolved community college within one year of dissolution.

(1914-A added June 22, 2001, P.L.530, No.35)

Section 1915-A. Work Force Development Courses.--No later than January 1, 2002, the Department of Education shall, in consultation with the community colleges and the State Workforce Investment Board, establish criteria to identify noncredit courses which emphasize work force development and for which additional reimbursement may be required above the current noncredit reimbursement factor. The department shall also provide an estimate of the number of equivalent full-time students enrolled in noncredit courses which emphasize work force development had these criteria been in effect in the 2000-2001 fiscal year. This information shall be furnished to the chairman and minority chairman of the Appropriations and Education Committees of the Senate and the chairman and minority chairman of the Appropriations and Education Committees of the House of Representatives.

(1915-A added June 22, 2001, P.L.530, No.35)

Section 1916-A. Community College Nonmandated Capital Restricted Account.--(a) There is hereby established the Community College Nonmandated Capital Restricted Account for the purpose of making payments to community colleges for certain nonmandated capital projects.

(b) The sources of the restricted account may include:

(1) With the approval of the Secretary of the Budget, in consultation with the Secretary of Education, reimbursements repaid by community colleges to the Commonwealth pursuant to audits under section 1913-A and regulations under that section.

(2) Appropriations.

(3) Earnings on money in the restricted account.

(c) The restricted account shall be used for nonmandated capital projects in community colleges. The Department of Education shall develop guidelines for disbursement in consultation with community colleges.

(d) The money in the restricted account is hereby appropriated to the department on a continuing basis for the purposes identified in this section.

(1916-A added July 4, 2004, P.L.536, No.70)

Section 1917-A. Community College Capital Fund.--(a) The Community College Capital Fund is hereby established as a separate fund in the State Treasury for the purpose of making payments to community colleges for capital expenses approved under section 1913-A(b)(4). The moneys of the fund are hereby appropriated to the Department of Education to carry out the provisions of this section.

(b) The Community College Capital Fund shall consist of all funds appropriated and allocated during the 2005-2006 fiscal year and each fiscal year thereafter for capital expenses approved for payment by the Department of Education under section 1913-A(b)(4).

(c) At the end of each fiscal year, any unencumbered funds shall not lapse to the General Fund and shall be available for payment of any capital expenses approved under section 1913-A(b)(4) in any subsequent fiscal year.

(d) Payments for capital expenses approved under section 1913-A(b)(4) shall be limited to the total amount of funds included in the Community College Capital Fund.

(1917-A added July 13, 2005, P.L.226, No.46)

Section 1918-A. Annual Report.--(a) No later than January 1, 2006, the Department of Education shall, in consultation with the community colleges, complete development of a format for collecting uniform data relative to the operations of community colleges. The data shall be used in making an annual report to the Governor and the chairmen and minority chairmen of the Appropriations and Education Committees of the Senate and the chairmen and minority chairmen of the Appropriations and Education Committees of the House of Representatives. The report and the data shall be made available to the Governor and the committees via electronic transmission. The report shall cover the immediately preceding academic year and shall include, but not be limited to:

(1) Demographic and program data, including information on full-time and part-time faculty and student enrollments, in total and within curricular areas, dual enrollment participation, credit hours taught by faculty, distance learning courses offered, articulation agreements with higher education institutions, numbers and courses with fewer than twenty (20) students and numbers and courses with more than fifty (50) students.

(2) Student progress and achievement measures, including retention rates, first-time, full-time graduation rates after two, three and four years, passing rates on certification and licensure examinations, number of students employed within one year of program completion and placement into additional education or employment in the student's field of study.

(3) Economic and workforce development measures, including employer satisfaction, customized job training offerings, employment status and numbers of businesses and organizations served.

(b) Where available, data shall be disaggregated by categories, including gender, race and age.

(c) The Department of Education, in consultation with the community colleges, shall annually review the uniform data collection format and make any revisions deemed necessary.

(d) Reports required under this section shall be submitted prior to September 1, 2006, and September 1 of each year thereafter.

(1918-A added July 13, 2005, P.L.226, No.46)

ARTICLE XIX-B.

THADDEUS STEVENS COLLEGE OF TECHNOLOGY.

(Hdg. amended Dec. 9, 2002, P.L.1472, No.187)

Section 1901-B. Short Title.--This article shall be known and may be cited as the "Thaddeus Stevens College of Technology Act."

(1901-B amended Dec. 9, 2002, P.L.1472, No.187)

Compiler's Note. Section 14 of Act 57 of 1997 provided that a statutory reference to the Thaddeus Stevens State School of Technology, referred to in this section, shall be deemed to be a reference to the Thaddeus Stevens College of Technology.

Section 1902-B. Legislative Intent.--It is the intent of the General Assembly to provide for the continued existence, operation and administration of the Thaddeus Stevens College of Technology.

(1902-B amended Dec. 9, 2002, P.L.1472, No.187)

Compiler's Note. Section 14 of Act 57 of 1997 provided that a statutory reference to the Thaddeus Stevens State School of Technology, referred to in this section, shall be deemed to be a reference to the Thaddeus Stevens College of Technology.

Section 1903-B. Authorization to Continue Operations.--The institution known as the Thaddeus Stevens College of Technology, established and operated pursuant to the repealed provisions of the act of May 11, 1905 (P.L.518, No.429), is hereby authorized to continue operations and to receive any State funds or aid to which it may be entitled. All lawful actions and expenditures made by said institution between October 4, 1978, and the effective date of this act are hereby ratified and approved by the General Assembly. All powers, rights, privileges, duties and obligations, statutory, contractual or otherwise, of Thaddeus Stevens College of Technology or its predecessors and its board of trustees and officers, heretofore existing and not otherwise changed or repealed by this act, shall continue in full force and effect.

(1903-B amended Dec. 9, 2002, P.L.1472, No.187)

Compiler's Note. Section 14 of Act 57 of 1997 provided that a statutory reference to the Thaddeus Stevens State School of Technology, referred to in this section, shall be deemed to be a reference to the Thaddeus Stevens College of Technology.

Section 1903.1-B. Appropriations.--Appropriations for the operation of the Thaddeus Stevens College of Technology shall have preferred status and be considered ordinary expenses of State government.

(1903.1-B added Dec. 9, 2002, P.L.1472, No.187)

Section 1904-B. School Purposes.--(a) The Thaddeus Stevens College of Technology, located in Lancaster, Pennsylvania, shall continue to provide for the postsecondary education and training of indigent orphans.

(b) If a sufficient number of indigent orphans qualified for admission pursuant to school standards fail to apply, then the board of trustees of the college may admit first other deserving persons and, thereafter, orphans who may not be indigent, as the trustees in their best judgment may think proper.

(c) Those shall be deemed orphans who have lost either parent.

(1904-B amended Dec. 9, 2002, P.L.1472, No.187)

Compiler's Note. Section 14 of Act 57 of 1997 provided that a statutory reference to the Thaddeus Stevens State School of Technology, referred to in subsec. (a), shall be deemed to be a reference to the Thaddeus Stevens College of Technology.

Section 1905-B. School Buildings.--The buildings shall be separated and shall embrace one or more schoolhouses, and one or more workshops, and an isolating hospital, all on such scale as will create an institution accommodating not less than two hundred persons, planned and located for easy and natural additions, as the needs of the institution may demand.

(1905-B added Dec. 19, 1990, P.L.1362, No.211)

Section 1906-B. Board of Trustees.--The board of trustees shall consist of nine members, who shall serve without compensation and be appointed by the Governor by and with the advice and consent of the Senate. Said trustees shall be a body politic and corporate constituting a public corporation with the name of the Thaddeus Stevens College of Technology. Of the trustees first appointed, three shall serve for one year, three for two years and three for three years, and, at the expiration of the respective periods, the vacancies shall be filled by the Governor, by appointment, for six years, as hereinbefore provided; and, should any vacancy occur by death or resignation or otherwise of any trustee, such vacancy shall be filled, by appointment as aforesaid, for the unexpired term of said trustee. The Secretary of Education shall be ex officio member of the board of trustees.

(1906-B amended Dec. 9, 2002, P.L.1472, No.187)

Compiler's Note. Section 14 of Act 57 of 1997 provided that a statutory reference to the Thaddeus Stevens State School of Technology, referred to in this section, shall be deemed to be a reference to the Thaddeus Stevens College of Technology.

Section 1906.1-B. Powers and Duties of the Board of Trustees.--(a) The board of trustees shall direct and control the property, personnel and management of the college, develop broad policy and make all necessary bylaws and regulations not inconsistent with either the provisions of the Constitution, laws of the Commonwealth or rules and regulations of the State Board of Education.

(b) The board of trustees shall elect a president, set the salary and delineate the duties and responsibilities of the president.

(c) The board of trustees shall coordinate, review and approve the annual capital budget requirements of the college and the annual operating budget of the college. It shall present these annual budgets with comments to the Secretary of Education for presentation to the State Board of Education. The State Board of Education shall return such budget requests, recommending approval or disapproval, with comments, if any, to the Secretary of Education prior to their submission to the Secretary of the Budget. The board of trustees may also submit its budget recommendations and findings to the General Assembly subsequent to the submission of the Governor's budget to the General Assembly.

(d) The board of trustees shall have the authority to determine the complement and to manage all personnel matters for the college. The board of trustees shall be exempt from all provisions of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," and the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," requiring the approval or decision of any executive agency with respect to complement control and personnel administration for the college.

(e) Subsequent to the enactment of the General Appropriation Act for each applicable fiscal year by the General Assembly, the board of trustees shall have the authority to rebudget and reallocate the budgeted funds appropriated to the college at its discretion without the necessity of further approval or direction by any executive agency. The board of trustees shall be exempt from all provisions of "The Administrative Code of 1929" and "The Fiscal Code" requiring the approval or decision

of any executive agency with respect to the rebudget and reallocation of budgeted funds to the college.

(f) The board of trustees shall be responsible for the proper expenditure, investment and disposition of all funds, both appropriated and unappropriated, necessary for the operation of the college.

(g) The board of trustees shall be responsible for the appointment of the comptroller of the college, who shall not be subject to appointment by the Governor.

(h) Subsequent to the enactment of the General Appropriation Act for each applicable fiscal year by the General Assembly but not earlier than July 1 of each fiscal year, the State Treasurer shall make available to the board of trustees the amount of funds appropriated to the college for that fiscal year.

(i) The board of trustees shall cooperate with and accept grants and assistance from Federal and State agencies, local governments or other political subdivisions, foundations, corporations or any other source for any of the lawful purposes of the college. All moneys received from sources authorized by this section are hereby appropriated to the Thaddeus Stevens College of Technology.

(j) The board of trustees shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth of Pennsylvania, nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth of Pennsylvania, nor shall the Commonwealth of Pennsylvania be liable for the payment of principal or interest on such obligations.

(k) The board of trustees shall have the authority to cause an independent audit of the finances of the college.

(1906.1-B added Dec. 9, 2002, P.L.1472, No.187)

Section 1907-B. President of School.--The chief administrator and academic officer of the Thaddeus Stevens College of Technology shall be the president whose duties shall be defined by the board of trustees.

(1907-B amended Dec. 9, 2002, P.L.1472, No.187)

Compiler's Note. Section 14 of Act 57 of 1997 provided that a statutory reference to the Thaddeus Stevens State School of Technology, referred to in this section, shall be deemed to be a reference to the Thaddeus Stevens College of Technology.

Section 1908-B. Individuals Eligible for Admission.--(a) The board of trustees shall provide a program of education hereinafter defined for those persons admitted to the institution pursuant to section 1904-B. In considering such admission, no preference shall be shown on account of race, color, sex, marital status, ethnic group or religion.

(b) The course of instruction shall be the equivalent level of a two-year postsecondary institution which shall include vocational-technical education of no more than two years leading to the awarding of certificates or associate degrees, when approved by the Secretary of Education in accordance with rules and regulations established by the State Board for this level of education, for the purpose of fitting pupils to pursue effectively a recognized profitable employment.

(1908-B added Dec. 19, 1990, P.L.1362, No.211)

Section 1909-B. Tuition Students.--In addition to State-supported resident students as defined in section 1904-B, the board of trustees may admit for study at the school part-time or full-time tuition students and shall fix and charge tuition rates for such students. All money collected as tuition

by the college shall be deposited into an account held by the college and expended at the discretion of a majority of the board of trustees.

(1909-B amended Dec. 9, 2002, P.L.1472, No.187)

Section 1910-B. Rights of Faculty and Staff.--(a) Except as otherwise provided by law, faculty employed in the Thaddeus Stevens College of Technology shall continue to enjoy the same rights and privileges as provided on June 30, 1990. Nothing contained herein shall supersede or preempt any provisions of a collective bargaining agreement negotiated between the Commonwealth and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act." New collective bargaining agreements with professional and noninstructional faculty and staff shall be negotiated jointly by the Commonwealth and the board of trustees. In no event shall the faculty be considered to be in the classified service, as defined by the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act."

(b) All staff hired by the Thaddeus Stevens College of Technology after the effective date of this subsection shall be excluded from classified service, as defined by the "Civil Service Act."

(c) Nothing contained herein shall in any manner change or affect the status of:

(i) the faculty and staff of the Thaddeus Stevens College of Technology as employees of the Commonwealth, including, but not limited to, all benefits received as Commonwealth employees, including retirement benefits provided for under 24 Pa.C.S. Pt. IV (relating to retirement for school employees) or 24 Pa.C.S. § 8301 (relating to mandatory and optional membership) or 71 Pa.C.S. Pt. XXV (relating to retirement for State employees and officers) or 71 Pa.C.S. § 5301 (relating to mandatory and optional membership) or the right of eligible employees to participate or to elect participation in the Teachers Insurance and Annuity Association of America - College Retirement Equities Fund (TIAA-CREF) retirement plan; or

(ii) the exclusive bargaining representatives, which are representing faculty or staff, pursuant to the provisions of the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act."

(1910-B amended Dec. 9, 2002, P.L.1472, No.187)

Compiler's Note. Section 14 of Act 57 of 1997 provided that a statutory reference to the Thaddeus Stevens State School of Technology, referred to in this section, shall be deemed to be a reference to the Thaddeus Stevens College of Technology.

Section 1911-B. Visitation Privileges.--The Governor, Secretary of Education, judges of the several courts of the Commonwealth and Senators and Representatives of the General Assembly shall be ex officio visitors of said college, and it shall be subject to inspection by the Department of Education.

(1911-B amended Dec. 9, 2002, P.L.1472, No.187)

Compiler's Note. Section 14 of Act 57 of 1997 provided that a statutory reference to the Thaddeus Stevens State School of Technology, referred to in this section, shall be deemed to be a reference to the Thaddeus Stevens College of Technology.

Section 1912-B. Prior References.--Whenever, in any law, reference is made to the Thaddeus Stevens Industrial and Reform

School of Pennsylvania, the Thaddeus Stevens Trade School or the Thaddeus Stevens State School of Technology, it shall be deemed to refer to and include the Thaddeus Stevens College of Technology.

(1912-B amended Dec. 9 2002, P.L.1472, No.187)

Compiler's Note. Section 14 of Act 57 of 1997 provided that a statutory reference to the Thaddeus Stevens State School of Technology, referred to in this section, shall be deemed to be a reference to the Thaddeus Stevens College of Technology.

Section 1913-B. Acquisition and Disposition of Property.--

(a) The Thaddeus Stevens College of Technology is hereby granted and shall have and may exercise all the powers necessary or convenient to acquire, purchase, hold, lease as lessee and use any property, real, personal or mixed, tangible or intangible, or any interest therein, lease as lessor any property, real, personal or mixed, tangible or intangible, necessary or desirable for carrying out the purposes of the college, and to sell, transfer and dispose of any property acquired by gift, grant, devise or bequest, whether the property is real, personal or mixed, tangible or intangible, or any interest therein; to take, demand, receive and possess all moneys, real property and goods which shall be appropriated, given or granted to for the use of the college and to apply the same according to the will of the donors; to sell, transfer and dispose of real property acquired by and titled to the college upon approval by the General Assembly as provided in this section; and by gift, purchase or devise to receive, possess, enjoy and retain forever any and all real and personal estate and funds, of whatsoever kind, nature or quality the same may be, in special trust and confidence that the same, and the profits thereof, shall be applied to and for the use and purpose of endowing the college, and shall have power to receive donations from any source whatever, to be exclusively devoted to the purposes of the college or according to the terms of donation: Provided, however, That the college shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth, nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth, nor shall the Commonwealth be liable for the payment of principal or interest on such obligations.

(b) Whenever the board of trustees deems that it is necessary or desirable to sell, transfer or dispose of real property acquired or constructed in any part with funds from the Commonwealth of Pennsylvania and titled to the college, it shall request authorization from the General Assembly to sell, transfer or dispose of said real property; and from time to time, as necessary, the board of trustees shall submit to the Chief Clerk of the House of Representatives and the Secretary of the Senate requests to sell, transfer or dispose of real property acquired by and titled to the college for consideration by the General Assembly.

(c) Each request for authorization to sell, transfer or dispose of real property transmitted to the General Assembly shall be proposed as a resolution and shall be placed on the calendar of each house for the next legislative day following its receipt and shall be considered by each house within thirty (30) calendar days of continuous session of the General Assembly.

(d) Each request for authorization to sell, transfer or dispose of real property shall take effect if it is approved

by a majority vote of the duly elected membership of each house during such thirty-day period or may be disapproved by either house during that period by a majority vote of the duly elected membership of each house.

(e) No resolution shall be effective:

(1) unless it designates the number of the request for authorization to sell, transfer or dispose of real property and the date on which it was transmitted to the General Assembly; or

(2) if it specifies more than one request for authorization to sell, transfer or dispose of real property except as otherwise provided by subsection (h) of this section.

(f) The effective date of each request for authorization to sell, dispose or transfer real property shall be the date of approval of the last of the two houses to act. Upon the expiration of the thirty-day period after the delivery of the request for authorization to sell, dispose or transfer real property to the two Houses of the General Assembly and the failure to act as provided in subsection (d) of this section, each request for authorization to sell, dispose or transfer real property shall become effective.

(g) For the purposes of subsection (c) of this section:

(1) Continuity of session shall be considered as broken only by an adjournment of the General Assembly sine die.

(2) In the computation of the thirty-day period, there shall be excluded the days on which either house is not in session because of an adjournment of more than ten (10) days to a day certain.

(h) Any provision of the request for authorization to sell, dispose or transfer real property may, under provisions contained therein, be made operative at a time later than the date on which the request for authorization to sell, transfer or dispose of real property otherwise takes effect.

(1913-B amended Dec. 9, 2002, P.L.1472, No.187)

Compiler's Note. Section 14 of Act 57 of 1997 provided that a statutory reference to the Thaddeus Stevens State School of Technology, referred to in this section, shall be deemed to be a reference to the Thaddeus Stevens College of Technology.

Section 1914-B. Purchasing.--For purposes of 62 Pa.C.S. (relating to procurement), the Thaddeus Stevens College of Technology shall be considered a "State-affiliated entity" as defined by 62 Pa.C.S. § 103 (relating to definitions).

(1914-B added Dec. 9, 2002, P.L.1472, No.187)

Section 1915-B. Audit and Financial Reports.--The activities of the Thaddeus Stevens College of Technology shall be subject to the audit of the Department of the Auditor General, but the college shall not be required to pay a fee for any such audit. The president of the college shall make an annual report to the Governor, the Appropriations Committee and Education Committee of the Senate and the Appropriations Committee and Education Committee of the House of Representatives and the State Board of Education showing the financial condition of the college at the end of the Commonwealth's fiscal year.

(1915-B added Dec. 9, 2002, P.L.1472, No.187)

Section 1916-B. Annual Report.--The board of trustees shall be required to submit a report to the Governor, the Appropriations Committee and Education Committee of the Senate and the Appropriations Committee and Education Committee of the House of Representatives and the State Board of Education, no later than September 1, which shall cover the twelve-month

period beginning with the summer term of the preceding year and shall include:

(1) The definitions and number of faculty members and staff employed full time, the number of faculty members and staff employed part time, the number of full-time students enrolled and the number of part-time students enrolled.

(2) The total number of credit hours taught and the minimum number of credit hours required for graduation.

(3) The degrees and programs offered by the institution.

(4) The total number of graduates and the total number of graduates by degree or program.

(5) The number of terms scheduled and dates thereof.

(1916-B added Dec. 9, 2002, P.L.1472, No.187)

Section 1917-B. Definitions.--For the purposes of this article, the following words and phrases shall have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

(1) "Board of trustees" shall mean the Board of Trustees of the Thaddeus Stevens College of Technology.

(2) "College" shall mean the Thaddeus Stevens College of Technology.

(3) "Secretary" shall mean the Secretary of Education of the Commonwealth of Pennsylvania or such person as the secretary may designate to act on behalf of the secretary with regard to any of the duties and prerogatives imposed by this act.

(4) "State board" shall mean the State Board of Education.

(1917-B added Dec. 9, 2002, P.L.1472, No.187)

Section 1913-B.1. Contracts for Construction, Repair, Renovation or Maintenance.--(a) The Thaddeus Stevens College of Technology is hereby authorized to execute and administer contracts for construction, repair, renovation and maintenance projects within the meaning of section 2401.1 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," including all aspects of project management, design and construction and legal and administrative services related to and necessary for the completion of such projects, except capital projects which are funded by Commonwealth general obligation bonds, capital appropriations or pursuant to the act of February 9, 1999 (P.L.1, No.1), known as the "Capital Facilities Debt Enabling Act," unless delegated by the Department of General Services to the college.

(b) The college shall review the work, experience and qualifications of architects and engineers seeking contracts from the college under this section and, on the basis of merit, select and appoint architects and engineers for the design, contract administration and, at the college's discretion, inspection of a project authorized by this section. The board of trustees shall give public notice in the manner provided by law of projects which require the services of architects and engineers. The board of trustees shall include, but not be limited to, consideration of the following factors in the selection of architects and engineers:

(1) equitable distribution of contracts among qualified architects and engineers;

(2) capability to perform the design and construction services for the contract being considered;

(3) geographic proximity of the architect or engineer to the proposed facility;

(4) ability of the architect or engineer to furnish the necessary available manpower to perform the services required by the project; and

(5) any other related circumstances peculiar to the proposed contract.

(c) ((c) deleted by amendment June 30, 2012, P.L.684, No.82)

(c.1) All contracts, other than contracts for the retention of architects and engineers, authorized by this section which exceed a base amount of eighteen thousand five hundred dollars (\$18,500), subject to adjustment under section 120, shall be advertised in the manner provided by law and competitively bid and awarded to the lowest responsible bidder. In case of emergencies and notwithstanding any other provision of this section to the contrary, the board of trustees may make or authorize others to make an emergency procurement whenever a threat exists to public health, welfare or safety or circumstances outside the control of the college and creates an urgency of need which does not permit the delay involved in using more formal competitive methods. Whenever practical, in the case of a procurement of a supply, at least two (2) bids shall be solicited. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. ((c.1) added June 30, 2012, P.L.684, No.82)

(d) The power and authority granted by this section shall not be exercised by the college or the board of trustees for a project to modify, repair or renovate any facility erected by the Department of General Services unless prior written notice setting forth the nature, scope, extent and description of such project has been given to the Department of General Services.

(e) Nothing in this section shall be construed as amending, repealing or otherwise modifying the provisions of the act of May 1, 1913 (P.L.155, No.104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," or the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act."

(f) The college is authorized to transfer and convey any easements or licenses necessitated by any construction project which has been previously authorized by the board of trustees.

(1913-B.1 added Dec. 9, 2002, P.L.1472, No.187)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Compiler's Note: Section 5 of Act 97 of 2011, which amended subsec. (c), provided that Act 97 shall apply to contracts and purchases advertised on or after January 1 of the year following the effective date of section 5.

Compiler's Note: Section 1913-B.1, which was added by Act 187 of 2002, should have been added as section 1913.1-B.

ARTICLE XIX-C.

DISRUPTIVE STUDENT PROGRAMS.

(Art. added June 25, 1997, P.L.297, No.30)

Section 1901-C. Definitions.--For purposes of this article, the following terms shall have the following meanings:

(1) "Alternative education program" or "program." Any applicant's program applying for funds under this article, which program is implemented by a school district, an area vocational-technical school, a group of school districts or an intermediate unit, which removes disruptive students from regular school programs in order to provide those students with a sound educational course of study and counseling designed to

modify disruptive behavior and return the students to a regular school curriculum. Notwithstanding section 1502, alternative education programs may operate outside the normal school day of the applicant district, including Saturdays. School districts and private alternative education institutions operating pursuant to the provisions of Article XIX-E shall adopt a policy for periodic review of those students placed in their respective alternative education program for disruptive students. This review shall occur, at a minimum, at the end of every semester the student is in the program or more frequently at the district's or private alternative education institution's discretion. The purpose of this review is to determine whether or not the student is ready to return to the regular school curriculum. Programs may include services for students returning from placements or who are on probation resulting from being adjudicated delinquent in a proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or who have been judged to have committed a crime under an adult criminal proceeding. ((1) amended June 29, 2002, P.L.524, No.88)

(2) "Applicant." A school district, a combination of school districts or a charter school that provides an alternative education program within or to a chartering school district or school districts as the central mission of its charter and that applies for funds under this article. ((2) amended July 9, 2008, P.L.846, No.61)

(3) "Community resources." Those agencies and services for children and youth provided by the juvenile court and the Department of Health and the Department of Public Welfare and other public or private institutions.

(4) "Department." The Department of Education of the Commonwealth.

(5) "Disruptive student." A student who poses a clear threat to the safety and welfare of other students or the school staff, who creates an unsafe school environment or whose behavior materially interferes with the learning of other students or disrupts the overall educational process. The disruptive student exhibits to a marked degree any or all of the following conditions:

(i) Disregard for school authority, including persistent violation of school policy and rules.

(ii) Display or use of controlled substances on school property or during school-affiliated activities.

(iii) Violent or threatening behavior on school property or during school-affiliated activities.

(iv) Possession of a weapon on school property, as defined under 18 Pa.C.S. § 912 (relating to possession of weapon on school property).

(v) Commission of a criminal act on school property or during school-affiliated activities.

(vi) Misconduct that would merit suspension or expulsion under school policy.

(vii) (Deleted by amendment)

No student who is eligible for special education services pursuant to the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) shall be deemed a disruptive student for the purposes of this act, except as provided for in 22 Pa. Code § 14.35 (relating to discipline).

((5) amended Nov. 3, 2016, P.L.1061, No.138)

(6) "School." Any school classified by the Department of Education as a middle school, junior high school, senior high school or area vocational-technical school.

(7) "Secretary." The Secretary of Education of the Commonwealth.

(1901-C added June 25, 1997, P.L.297, No.30)

Compiler's Note: Section 10 of Act 138 of 2016, which amended paragraph (5), provided that Act 138 shall apply to the 2017-2018 school year and each school year thereafter.

Compiler's Note: 22 Pa. Code § 14.35 (relating to discipline), referred to in paragraph (5), is reserved.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 1901-C(2), provided that Act 61 shall apply retroactively to July 1 2008.

Section 1902-C. Applications.--(a) Applicants shall submit applications at the time, in the manner and containing or accompanied by such information as the department may prescribe but, in any case, shall document the following: (Intro. par. amended July 13, 2016, P.L.716, No.86)

(1) The program is developed in consultation with the faculty and administrative staff of the school and parents and members of the community.

(2) That the applicants have established policies to identify those students who are eligible for placement in the program and that the placement of such students will comply with the informal hearing procedures set forth in 22 Pa. Code § 12.8(c) (relating to hearings). Notice of the hearing should precede placement in the program. Where the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the student may be immediately removed from the regular education curriculum with notice and a hearing to follow as soon as practicable.

(3) That school personnel assigned to the alternative education program for which funding is sought under this article possess a Level I or Level II Pennsylvania certificate as provided for in 22 Pa. Code Ch. 49 (relating to certification of professional personnel).

(4) The program provides participating students with a course of instruction which recognizes their special needs, prepares them for successful return to a regular school curriculum and/or completion of the requirements for graduation.

(5) The program is used only when other established methods of discipline have been utilized and have failed unless the seriousness of the student's behavior warrants immediate placement.

(6) A determination of the scope, type and severity of student disruption and a survey of community and school resources available to the applicant for the remediation of student disruption.

(7) A description of the educational program to be provided. The program may modify the requirements established in sections 1327, 1501 and 1504 insofar as they are related to the number of days or hours of instruction. The application shall describe how the student will make normal academic progress and meet requirements for graduation.

(8) An applicant applying for funds under this section that contracts with a private alternative education institution under Article XIX-E shall be exempt from the application requirements in clauses (1), (3) and (6). ((8) added Nov. 23, 1999, P.L.529, No.48)

(9) Where the applicant is a charter school that provides an alternative education program within or to a chartering school district or school districts as the central mission of its charter, written support for the application from the chartering school district. ((9) added July 9, 2008, P.L.846, No.61)

(b) A school district, combination of school districts or charter school that makes an application to establish an alternative education program shall submit initial and renewal applications along with a fee of four hundred dollars (\$400) as prescribed by the department. The money collected shall be deposited into a restricted account in the General Fund to be known as the Alternative Education Program Account. The money in the restricted account is hereby appropriated on a continuing basis to the department. ((b) added July 16, 2016, P.L.716, No.89)

(1902-C added June 25, 1997, P.L.297, No.30)

Compiler's Note: Section 34 of Act 61 of 2008, which added section 1902-C(9), provided that Act 61 shall apply retroactively to July 1 2008.

Section 1903-C. Alternative Education Grants.--The department shall establish grants for alternative education programs which meet the requirements of this article, to include the following:

(1) An application procedure for grant eligibility.

(2) A review process to annually evaluate the effectiveness of alternative education programs, to include an annual report to the Education Committee of the Senate and the Education Committee of the House of Representatives.

(3) The department shall determine an annual grant amount calculated by dividing the amount appropriated by the estimated average number of students enrolled in eligible programs, further divided by thirty-six. Each applicant shall be eligible to receive this grant amount, per average number of pupils enrolled, per week of participation in an eligible program. Commonwealth grants shall be limited to funds appropriated for this program but in no event shall a school district receive funding for more than two per cent (2%) of a school district's average daily membership as defined in section 2501 for students enrolled in grades seven through twelve.

(4) The department is authorized to utilize for administrative purposes up to one per cent (1%) of the funds appropriated for safe and alternative schools that are not expended, encumbered or committed. ((4) added July 11, 2006, P.L.1092, No.114)

(1903-C added June 25, 1997, P.L.297, No.30)

Section 1904-C. Construction of Article.--Nothing contained in this article shall be construed to supersede or preempt any provisions of a collective bargaining agreement negotiated by a school entity and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act."

(1904-C added June 25, 1997, P.L.297, No.30)

Section 1905-C. Retroactivity.--This article shall be retroactive to July 1, 1996.

(1905-C added June 25, 1997, P.L.297, No.30)

Section 1906-C. Alternative Education Demonstration Grants.--Grants to school districts from funds appropriated for alternative education demonstration grants shall be used only for behavioral programs and programs for disruptive students.

(1906-C added July 11, 2006, P.L.1092, No.114)

ARTICLE XIX-D.
COMMUNITY EDUCATION COUNCILS.
(Art. added Dec. 21, 1998, P.L.1194, No.154)

Section 1901-D. Definitions.--For purposes of this article:

(1) "Community education council" or "CEC." A nonprofit educational organization, governed by a community-based board of directors, which serves to provide access to postsecondary education and training resources for citizens in educationally underserved areas of this Commonwealth.

(2) "Direct cost." The cost of operation, including, but not limited to, personnel, rent, utilities, insurance, supplies, equipment and technology needs, staff development, marketing, maintenance and instructional services.

(3) "Educationally underserved area." An area designated by the Secretary of Education of the Commonwealth as an adult education, continuing education and/or postsecondary education shortage area using criteria which take into account special barriers to the provision of education services.

(4) "Institutionally neutral." Having no exclusive legal affiliation with any provider of postsecondary education or a branch campus, branch location or outreach center of a provider of postsecondary education. This term shall apply to all community education councils and foundations established after June 30, 1999.

(5) "Postsecondary education resources." The term includes, but is not limited to, area vocational-technical schools, degree-granting institutions of higher education accredited by an accrediting agency recognized by the Federal Government, institutions licensed under the act of December 15, 1986 (P.L.1585, No.174), known as the "Private Licensed Schools Act," professional, vocational or occupational certification or licensure programs and educational technology.

(6) "Secretary." The Secretary of Education of the Commonwealth.

(1901-D added Dec. 21, 1998, P.L.1194, No.154)

Section 1902-D. Powers and Duties of Secretary of Education.--(a) For anyone submitting an application to establish a community education council after June 30, 1998, the secretary shall either approve or disapprove such application prior to the council being eligible to receive State funding. The application shall include an education plan, a statistical assessment of the student service area and the educational needs thereof and a demonstration of fiscal support and stability.

(b) The secretary may revoke the approval of a council if the council fails to meet the criteria established under this section. The approval of a council shall remain in effect unless revoked by the secretary.

(1902-D added Dec. 21, 1998, P.L.1194, No.154)

Section 1903-D. Powers and Duties of Community Education Council.--(a) Community education councils shall identify, implement and oversee new or innovative efforts to provide access to postsecondary education opportunities in educationally underserved communities within this Commonwealth.

(b) Postsecondary educational opportunities may include, but are not limited to, any of the following:

(1) Programs, courses or classes leading to professional, vocational or occupational certification or licensure, an associate degree, a bachelor's degree or a master's degree.

(2) GED preparation.

(3) Skill development or skill enhancement for the community work force.

(4) Customized job training for community employers.

(c) Community education councils shall also assist in the provision of resources and serve as a vehicle for employment opportunities which meet the community's current and future economic development needs.

(1903-D added Dec. 21, 1998, P.L.1194, No.154)

Section 1904-D. Powers and Duties of Board of Directors.--(a) A community education council established under this article shall be administered and supervised by a community-based board of directors.

(b) The board of directors shall, for purposes of operating and maintaining a community education council, have the following powers and duties:

(1) To hold, rent, lease, sell, purchase and improve buildings, furnishings, equipment, materials, books and supplies.

(2) To enter into contracts or agreements for services with postsecondary institutions, other educational providers or local government agencies in order to carry out the intent and purposes of this article.

(3) To accept and receive gifts of real and personal property.

(4) To apply for Federal, State and local funds and grants and to expend funds obtained from these sources.

(5) To determine the needs and aspirations of potential students and employers in the community.

(6) To make policies providing for identification of students, programs, courses or classes to be offered and any other matters related to administration of the community education council.

(7) To hire employees to conduct the day-to-day operations and carry out the policy of the board.

(8) To exercise such other powers and perform such other duties as are necessary to effect the intent and purposes of this article. Nothing in this act shall authorize any degree granting.

(1904-D added Dec. 21, 1998, P.L.1194, No.154)

Section 1905-D. State Funding.--(a) Funding allocated under this section shall be allocated from and limited to funds appropriated for this purpose and shall only be used for direct costs for any institution that provides courses within the Commonwealth.

(b) Community education councils will submit projected expenditures to the Secretary of Education for review prior to allocation of funding. The secretary shall establish eligibility criteria which community education councils must annually meet in order to qualify for assistance under this article.

(c) The secretary upon consultation with approved councils shall be responsible for the allocation and distribution of State funding among community education councils. Priority for financial assistance shall be given to those community education councils and the foundations that received State assistance during 1997-1998.

(d) Grants from funds appropriated to community education councils in any fiscal year shall be paid in an amount no less than and in the same manner as payments in fiscal year 2006-2007. If a community education council ceases to exist, the funds may be distributed to the remaining community education councils on a pro rata basis. ((d) amended July 20, 2007, P.L.278, No.45)

(e) Notwithstanding the provisions of subsection (d), for the 2013-2014 fiscal year, funds appropriated to community education councils shall be distributed as follows:

(1) Each community education council which received funding in fiscal year 2012-2013 shall receive an amount equal to the amount it received in that fiscal year and a pro rata share of two hundred twenty-seven thousand dollars (\$227,000).

(2) (Reserved).

((e) added July 9, 2013, P.L.408, No.59)

(1905-D added Dec. 21, 1998, P.L.1194, No.154)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

ARTICLE XIX-E.

PRIVATE ALTERNATIVE EDUCATION INSTITUTIONS
FOR DISRUPTIVE STUDENTS.

(Art. added Nov. 23, 1999, P.L.529, No.48)

Section 1901-E. Definitions.--For purposes of this article, the following terms shall have the following meanings:

"Private alternative education institution." An institution operated by an individual or a for-profit or not-for-profit entity to provide alternative education programs as defined in section 1901-C(1).

"School entity." A school district, joint school, charter school, area vocational-technical school, combination of school districts or intermediate unit.

(1901-E added Nov. 23, 1999, P.L.529, No.48)

Section 1902-E. Contracts with Private Alternative Education Institutions.--

(1) A school entity may contract with a private alternative education institution.

(2) A contract under this section shall specify the policies established by the school entity to identify those students who are eligible for assignment to the institution and assure that the placement of a student will comply with the informal hearing procedures set forth in 22 Pa. Code § 12.8(c) (relating to hearings). Notice of the hearing should precede placement in the institution. Where the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the student may be immediately removed from the regular education curriculum with notice and a hearing to follow as soon as practicable.

(3) A private alternative education institution shall:

(i) Be exempt from statutory requirements established in this act and from regulations of the State Board of Education and standards of the Secretary of Education, except the following: sections 111, 325, 326, 327, 431, 436, 437, 443, 518, 527, 736, 737, 738, 739, 740, 741, 753, 755, 771, 809, 810, 1112(a), 1303(a), 1317, 1317.1, 1317.2, 1327, 1332, 1361, 1366, 1501, 1513, 1517, 1518, 1546 and 1547 of this act; Articles XIII-A and XIV of this act; 22 Pa. Code Chs. 4 (relating to academic standards and assessment), 11 (relating to pupil attendance) and 14 (relating to special education services and programs); the act of July 17, 1961 (P.L.776, No.341), known as the "Pennsylvania Fair Educational Opportunities Act"; and regulations promulgated pursuant to this article.

(ii) Comply with all Federal and State laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national

origin, religion or ancestry and shall provide for enrollment and hiring in a nondiscriminatory manner.

(iii) Be nonsectarian in all operations and shall not provide any religious instruction, nor shall it display religious objects and symbols on the premises of the institution.

(iv) Be subject to any additional requirements established through regulation.

(v) Submit an application to the Department of Education as prescribed by the Department of Education.

(4) A private alternative education institution shall submit an annual report to the Department of Education containing information required by the Department of Education.

(5) A private alternative education institution that makes an application for approval to operate shall submit initial and renewal applications along with a fee of one thousand dollars (\$1,000) as prescribed by the Department of Education. The funds collected shall be deposited into the Alternative Education Program Account established in section 1902-C(b). ((5) added July 13, 2016, P.L.716, No.86)

(1902-E added Nov. 23, 1999, P.L.529, No.48)

Section 1903-E. Approval by Department of Education.--(a)

A private alternative education institution may not operate in this Commonwealth unless it is approved by the Department of Education.

(b) The Department of Education shall be responsible for evaluating a private alternative education institution's initial application to operate in this Commonwealth, and each private alternative education institution operating in this Commonwealth shall be reevaluated for approval every three years.

(c) The Department of Education may issue guidelines for the operation of a private alternative education institution.

(1903-E added Nov. 23, 1999, P.L.529, No.48)

ARTICLE XIX-F

PENNSYLVANIA TECHNICAL COLLEGE PROGRAM

(Art. added July 20, 2007, P.L.278, No.45)

Section 1901-F. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Educationally underserved area." As defined in Article XIX-D.

"Eligible applicant." Any of the following:

(1) An institution of higher education.

(2) An institution of higher education in partnership with one or more of the following:

(i) Another institution of higher education.

(ii) An area vocational-technical school or ATVS, as defined under 22 Pa. Code § 4.3 (relating to definitions).

(iii) A community education council as defined under section 1901-D.

(iv) A private licensed school as the term is defined under section 2 of the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act, that is authorized to confer the degree of Associate in Specialized Technology or Associate in Specialized Business and is accredited by the Accrediting Commission

of Career Schools and Colleges of Technology or the Accrediting Council for Independent Colleges and Schools. "Institution of higher education." Any of the following:

(1) An institution of the State System of Higher Education created under Article XX-A.

(2) A community college created under Article XIX-A.

(3) The Pennsylvania State University, the University of Pittsburgh, Temple University, Lincoln University and their branch campuses.

(4) An institution as the term is defined under 24 Pa.C.S. § 6501(a) (relating to applicability of chapter) that is accredited by the Middle States Commission on Higher Education. The term does not include an institution which is determined by the Department of Education to be a theological seminary or school of theology or a sectarian and denominational institution.

"Lead sponsor." An institution of higher education which as an eligible applicant receives approval to establish a technical college program.

"Program." The Pennsylvania Technical College Program approved under this article.

(1901-F added July 20, 2007, P.L.278, No.45)

Section 1902-F. Pennsylvania Technical College Program.

To the extent that funds are appropriated by the General Assembly, the department shall establish the Pennsylvania Technical College Program as a competitive grant program to prepare students in educationally underserved areas for high-demand occupations that require a postsecondary certificate or associate degree.

(1902-F added July 20, 2007, P.L.278, No.45)

Section 1903-F. Duties of department.

The department shall have the following powers and duties:

(1) Establish guidelines and standards necessary to implement this article. Such guidelines shall include the identification of approved fields of study and a process for considering requests for approval of fields of study that are not listed and that meet criteria established by the department, eligibility requirements, designated educationally underserved areas, a description of program requirements and limitations and funding information.

(2) Establish the process through which eligible applicants may apply for grant funds, including the identification of required and allowable grant uses, the criteria used to approve programs, annual limits on student tuition and fees and limits on enrollment eligible for State funding.

(3) Perform all other functions necessary to carry out this article, including the monitoring and reporting of approved programs and student outcomes.

(1903-F added July 20, 2007, P.L.278, No.45)

Section 1904-F. Program requirements.

Grant recipients shall do all of the following:

(1) Award, through the lead sponsor, credit-bearing certificates and associate degrees. No other degree or credential shall be awarded under the program. Associate degrees awarded through the program shall be limited to one of the following:

(i) An associate of arts degree.

(ii) An associate of sciences degree.

(iii) An associate of applied sciences degree, if an articulation agreement exists to enable the bearer of the associate of applied sciences degree to transfer

the degree for full credit to an institution of higher education in pursuit of a bachelor's degree.

(2) Offer a program of study designed to be completed in no more than two years for a full-time student or an equivalent period for a part-time student. Each course included in an approved program of study shall be offered for college credit.

(3) Establish enrollment standards that include, but are not limited to, limiting enrollment to persons who have earned a high school diploma or equivalent and have been residents of this Commonwealth for at least 18 months prior to enrollment.

(4) Establish financial aid policies providing that a student enrolled in the program shall be eligible for publicly funded financial aid opportunities in the same manner as students enrolled in the lead sponsor institution.

(1904-F added July 20, 2007, P.L.278, No.45)

Section 1905-F. Grant awards.

(a) General rule.--The department shall award grants to a lead sponsor under this article to the extent that funds are appropriated for the Pennsylvania Technical College Program by the General Assembly, as follows:

(1) Operating grants that are awarded on a per-student basis. The department shall be responsible for the allocation and distribution of State funding among programs, provided that the department shall:

(i) Give priority in grant funding to programs providing access in educationally underserved areas that are seeking renewal of grant funding and that have met the program standards and demonstrated satisfactory implementation of the program.

(ii) To the greatest extent possible, ensure that grant funding is geographically dispersed to approved programs located in educationally underserved areas of the Commonwealth.

(2) Equipment grants that are awarded pursuant to guidelines and processes established by the department.

(b) Restriction.--Payments made under this section shall not be used for construction or purchase of space.

(1905-F added July 20, 2007, P.L.278, No.45)

Section 1906-F. Promulgation of standards.

Within 30 days of the effective date of this section, the department shall promulgate interim standards necessary to ensure the establishment of quality programs under this article and which shall be published in the Pennsylvania Bulletin. The interim standards shall not be subject to review under the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, nor shall they be subject to sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, or section 204 of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act. Within one year of publication of the interim standards in the Pennsylvania Bulletin, the department shall promulgate proposed standards. The interim standards shall remain in effect until the effective date of the final standards.

(1906-F added July 20, 2007, P.L.278, No.45)

Section 1907-F. Annual reports.

No later than October 1, 2008, and October 1 of each year thereafter in which funding is appropriated for the purpose of providing grants under this article, the department shall submit a report to the chairman and minority chairman of the

Appropriations Committee of the Senate, the chairman and minority chairman of the Appropriations Committee of the House of Representatives, the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives summarizing the operations and successes of the Pennsylvania Technical College Program during the prior fiscal year. The report shall include:

(1) A description of the operations of the Pennsylvania Technical College Program, including:

(i) The criteria used to evaluate the applications for funding under the grant program.

(ii) The criteria used to identify fields of study, educationally underserved areas and annual tuition rates.

(2) A list of the total amount of grant funds paid to lead sponsors by higher education institutions, approved programs, fields of study, geographic areas served by the programs and fiscal year.

(3) A summary of financial information including revenues and expenditures by programs, including all sources of funding for each program, such as tuition, lead sponsor financial support and partnering entity support.

(4) A summary of programmatic information, including approved programs, fields of study, educationally underserved areas participating, number of student enrollments, credits awarded, certificates awarded, degrees awarded and graduate placement information.

(5) A description of the evaluation process to measure the success of the Pennsylvania Technical College Program with respect to increasing access, improving opportunities and controlling costs. The process should include an identification of program goals and objectives and related measures and the results of implementation of the identified evaluation process.

(1907-F added July 20, 2007, P.L.278, No.45)

ARTICLE XIX-G

RURAL REGIONAL COLLEGE FOR UNDERSERVED COUNTIES

(Art. added July 13, 2016, P.L.716, No.86)

Compiler's Note: See sections 20 and 22 of Act 86 of 2016 in the appendix to this act for special provisions relating to appropriation and continuation of prior law.

Section 1901-G. (Reserved).

(1901-G added July 13, 2016, P.L.716, No.86)

Section 1901.1-G. Legislative intent.

It is the intent of the General Assembly to provide for the continued existence, operation and administration of the rural regional college established under former Article XVII-E.1 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(1901.1-G added July 13, 2016, P.L.716, No.86)

Section 1901.2-G. Appropriations.

Appropriations for the operation of the rural regional college shall have preferred status and be considered ordinary expenses of State government.

(1901.2-G added July 13, 2016, P.L.716, No.86)

Section 1902-G. Scope of article.

This article provides for the establishment of a rural regional college in a multicounty rural area that is underserved

by comprehensive community college education and work force development.

(1902-G added July 13, 2016, P.L.716, No.86)

Section 1903-G. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Annual." A 12-month period coterminous with the Commonwealth's fiscal year beginning July 1 and ending June 30.

"Board of trustees." The board of trustees of a rural regional college established under this article.

"Certified public accountant." A member of the American Institute of Certified Public Accountants who has a minimum of five years' verifiable experience in performing audits of government funds for nonprofit organizations with a comparable or larger annual budget.

"County." Any county in this Commonwealth.

"Middle States." The Middle States Association of Colleges and Schools.

"Partner institution." One or more Middle States-accredited institutions of higher education.

"Rural regional college." A public institution of higher education which is established in a rural area and operated in accordance with the provisions of this article as a college which provides up to a two-year, postsecondary education not to exceed the level of an associate of arts or sciences degree and which is active in work force development.

"Rural regional college plan" or "plan." A plan for the establishment and operation of a rural regional college under this article.

"Secretary." The Secretary of Education of the Commonwealth or such person as the secretary may designate to act on behalf of the secretary with regard to any of the duties and prerogatives imposed by this article.

"State Board." The State Board of Education.

(1903-G added July 13, 2016, P.L.716, No.86)

Section 1904-G. Designations by secretary.

(a) Duties of secretary.--

(1) The secretary shall designate an established nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), which represents a rural multicounty region underserved by a comprehensive community college program, including work force development, to assist the secretary with the designation under paragraph (2).

(2) Within 30 days of the designation under paragraph (1), the secretary shall, in consultation with the nonprofit organization, designate contiguous counties or parts of contiguous counties to be served by establishment of a rural regional college.

(b) Changes.--No sooner than July 10, 2018, the secretary, with approval of the board of trustees, may add counties or parts of counties to be served by the rural regional college.

(1904-G added July 13, 2016, P.L.716, No.86)

Section 1905-G. Designation and board of trustees.

Within 60 days of the secretary's designation under section 1904-G(a)(2), a board of trustees shall be appointed to establish a rural regional college. The board of trustees shall consist of not fewer than seven members nor more than 15 members appointed by the secretary in consultation and jointly with the nonprofit organization designated under section 1904-G(a)(1).

The following shall apply to the board of trustees established under this section:

(1) Members of the board of trustees shall be representative of the area designated under section 1904-G(a) (2) and may include school administrators, community education council officials, business leaders and government officials.

(2) Members of the board of trustees shall be appointed for terms of three years each, except that those persons initially appointed shall draw lots to determine which trustees shall serve for a term of three years, which trustees shall serve for a term of two years and which trustees shall serve for a term of one year. To the extent practicable, from those trustees initially appointed, an equal number shall draw lots to serve for a term of three years, for a term of two years and for a term of one year. Thereafter, all members shall be appointed for terms of three years each.

(3) Vacancies on the board shall be filled by the existing board. A trustee may succeed himself, provided that no member shall serve for longer than 10 years.

(4) The secretary shall convene an initial meeting of the board of trustees within 30 days of the secretary's appointment of a board of trustees under this section. After the initial meeting, the board of trustees shall meet at such times each year as the board of trustees determines to be necessary to satisfy the requirements of this article.

(5) The board of trustees shall adopt standing operating rules and procedures, bylaws and articles of incorporation.

(6) The board of trustees shall establish an advisory council of presidents, or their designees, from institutions with postsecondary education programs within the region designated under section 1904-G(a) (2). The advisory council shall meet quarterly to discuss employer and work force needs, new educational offerings and general coordination of service and facilities. One advisory council member representing a community college and one advisory council member that is a president of a college or university shall serve as cochairperson.

(7) The board of trustees shall choose from among its members a chairperson, vice chairperson and secretary.

(8) A majority of the members of the board of trustees shall constitute a quorum.

(9) Trustees shall serve without compensation, except that they shall be reimbursed by the rural regional college for their actual and necessary expenses incurred in the performance of their duties.

(1905-G added July 13, 2016, P.L.716, No.86)

Section 1906-G. Establishment.

(a) General rule.--No later than December 31, 2016, the board of trustees appointed under section 1905-G shall submit to the secretary a proposed rural regional college plan in such form and containing such information as the secretary may require. In addition to other information which may be required by the secretary, the plan shall include the following:

(1) A designation of the name of the proposed rural regional college which shall be the "Rural Regional College of " or " Rural Regional College."

(2) A survey of the educational, vocational and occupational needs of the area and the means by which the proposed rural regional college will meet those needs,

reengage high school dropouts to earn their secondary credentials and postsecondary credentials or industry certification, reduce unemployment and improve the employable skills of residents of the area to be served by the rural regional college.

(3) An operating and financial plan for the proposed rural regional college, including a plan for the capital needs and expenses of the proposed rural regional college.

(4) A plan by which the rural regional college shall seek accreditation by an accrediting association which is recognized by the United States Department of Education.

(b) Submission of plan.--Within 60 days of the submission of the rural regional college plan to the secretary, the secretary shall issue an approval or rejection of the plan. A rejection of the plan shall be accompanied by a written statement of the reasons for the rejection of the plan. If the plan is rejected, the board of trustees shall submit a revised plan to the secretary within 60 days of the plan's rejection.

(c) Plan approval.--Upon the approval of the plan by the secretary, the rural regional college shall be considered established.

(1906-G added July 13, 2016, P.L.716, No.86)
Section 1907-G. Powers and duties of board of trustees.

(a) General rule.--The board of trustees appointed under section 1905-G shall administer and supervise the affairs of the rural regional college established under this article. Subject to any other law and to any regulations promulgated by the State Board pertaining to rural regional colleges, the board of trustees shall have the following powers and duties:

(1) To advance the mission of the rural regional college in service to residents of the region designated under section 1904-G(a)(2).

(2) To appoint and fix the salary of a president of the rural regional college.

(3) To appoint and fix the salary of a chief financial officer of the rural regional college.

(4) To hold, rent, lease, sell, purchase and improve land, buildings, furnishings, equipment, materials, books and supplies.

(5) To enter into contracts for services with community education councils, schools, colleges or universities, or with school districts or municipalities, and other applicable or appropriate agencies and organizations to effectuate the purposes of this article.

(6) To accept and receive gifts of real and personal property and Federal, State and local money, loans and grants and to expend the same.

(7) To make policies providing for the admission and expulsion of students, the courses of instruction, the tuition and fees to be charged and for all matters related to the government and administration of the rural regional college, provided that policies related to admission, tuition and fees give preference to residents of the area designated by the secretary under section 1904-G(a)(2).

(8) To submit to the secretary for approval proposed amendments to the rural regional college plan.

(9) To enter into contracts for services to high schools located in the area designated by the secretary under section 1904-G to provide services, including area vocational-technical education services.

(10) To approve an annual budget to be submitted to the secretary for funding.

(11) To work with the president in the appointment of all faculty and staff necessary for the rural regional college's operation, to affix their compensation and benefits and to manage all personnel matters.

(12) To appoint legal counsel.

(13) To exercise such other powers and perform such other duties as are necessary to effectuate the purposes of this article.

(b) Duties of board.--The board of trustees shall enter into contracts, hold property and take other actions in the name of the rural regional college.

(c) Initial partnership.--

(1) The board of trustees shall select initially a partner institution to develop and offer accredited courses and programs of study at the approved sites of operation.

(2) The partner institution shall select programs only with approval of the board of trustees and consistent with the partner institution's accreditation and shall be responsible for staffing and evaluation and provision of other support services as may be required for students.

(3) The board of trustees may contract with other colleges to provide curricula not available through the partner institution.

(4) As the rural regional college is able to operate on its own, a transition plan and budget shall be included in the contract between the rural regional college and the partner institution to efficiently expedite the transition.

(5) Nothing in this article shall be construed to preclude the board of trustees from contracting for specific services or programs following the transition from the initial partner institution.

(1907-G added July 13, 2016, P.L.716, No.86)

Section 1908-G. Officers of rural regional college.

(a) President.--The president shall be the chief executive and administrative officer of the rural regional college and shall perform all duties which the board of trustees may prescribe. The president shall have the right to attend meetings of the board of trustees and to be heard on all matters before it but shall have no right to vote on any matter.

(b) Chief financial officer.--The chief financial officer of the rural regional college shall give a proper bond in such amount and with such corporate surety as is approved by the board of trustees. The chief financial officer shall file the bond with the board of trustees. The account of the chief financial officer shall be audited annually by a certified public accountant or other qualified public accountant selected by the board of trustees.

(1908-G added July 13, 2016, P.L.716, No.86)

Section 1909-G. Students.

Any individual may apply for admission to the rural regional college established under this article, provided that preference in admissions, tuition and fees may be given to residents of the multicounty area designated by the secretary under section 1904-G(a)(2). In considering applicants for admission, the rural regional college shall not discriminate on the basis of race, color, gender, marital status, ethnic group or religion.

(1909-G added July 13, 2016, P.L.716, No.86)

Section 1910-G. Tuition.

The tuition and fees charged by the rural regional college shall be an amount determined by the board of trustees, in accordance with the budget submitted to the secretary. The board of trustees shall annually establish a separate schedule of

tuition and fees for students that reside inside the region designated under section 1904-G(a)(2) and students that reside outside the region.

(1910-G added July 13, 2016, P.L.716, No.86)

Section 1911-G. Dissolution and transition of rural regional college.

The rural regional college established under this article may not be dissolved without the approval of the secretary. Upon dissolution of the rural regional college, the Commonwealth shall assume all assets and liabilities of the rural regional college, except that such assets that are the property of any partner institution that may be operating for and within the rural regional college shall remain the property of the partner institution.

(1911-G added July 13, 2016, P.L.716, No.86)

Section 1912-G. Degrees.

The rural regional college established under this article may award any type of diploma, technical or career training certificate or associate degrees in the arts, sciences, technologies or general education upon successful completion of programs authorized by the board of trustees. As long as the partner institution provides the accredited curricula and courses under contract to the rural regional college, the requirements of the accrediting agency shall pertain to the granting of such awards.

(1912-G added July 13, 2016, P.L.716, No.86)

Section 1913-G. Funding.

The rural regional college established under this article shall be funded by tuition and fees established by the board of trustees and may accept appropriations from the General Assembly, grants from the Federal Government, grants from the Commonwealth, grants from private foundations, donations from persons or any combination thereof.

(1913-G added July 13, 2016, P.L.716, No.86)

Section 1914-G. Financial aid.

(a) Initial partnership period.--During the rural regional college's initial partnership with a partner institution, a student enrolled in the rural regional college shall be eligible for consideration for a Pennsylvania State Grant and other Commonwealth-funded financial aid administered by the Pennsylvania Higher Education Assistance Agency, provided that the partner institution is an institution of higher education as approved by and in accordance with rules and regulations of the Pennsylvania Higher Education Assistance Agency.

(b) Posttransition period.--Upon the rural regional college operating on its own without a partner institution, a student shall only be eligible for consideration for a Pennsylvania State Grant and any other Commonwealth-funded financial aid if the rural regional college is approved by the Department of Education, is accredited or a recognized candidate for accreditation with an accrediting body recognized under rules and regulations of the Pennsylvania Higher Education Assistance Agency and satisfies any other institutional and administrative program requirements as the Pennsylvania Higher Education Assistance Agency may require.

(1914-G added July 13, 2016, P.L.716, No.86)

Section 1915-G. Regulations.

The State Board may promulgate regulations under the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, as necessary to implement this article.

(1915-G added July 13, 2016, P.L.716, No.86)

Section 1916-G. Reports.

The Legislative Budget and Finance Committee shall prepare and submit to the General Assembly written interim and final reports evaluating the operation of this article. The interim report shall be submitted by June 30, 2018, and the final report shall be submitted by June 30, 2022. Each report shall include, but may not be limited to, the following:

(1) A review of the success of the rural regional college established under this article in satisfying the goals set forth in the rural regional college plan approved by the secretary and in satisfying the needs of the multicounty area the rural regional college was established to serve.

(2) Demographic and program data, including the following:

(i) Numbers of full-time and part-time faculty and student enrollments, in total and within curricular areas.

(ii) Dual enrollment participation.

(iii) Credit hours taught by faculty.

(iv) Distance learning courses offered.

(v) Articulation agreements with higher education institutions.

(vi) Lists of courses with fewer than 20 students.

(vii) Lists of courses with more than 50 students.

Where available, student data shall be disaggregated by categories, including gender, race and age.

(3) Student progress and achievement measures, including the following:

(i) Retention rates related to student goals.

(ii) Graduation and completion rates after two, three and four years.

(iii) Passing rates on certification and licensure examinations.

(iv) Number of students employed within one year of program completion.

(v) Placement into additional education or employment in the student's field of study.

Where available, data shall be disaggregated by categories, including gender, race and age.

(4) Economic and work force development measures, including:

(i) Employer satisfaction.

(ii) Customized job training offerings.

(iii) Employment status.

(iv) Numbers of businesses and organizations served.

(5) Recommendations for future legislation.

(1916-G added July 13, 2016, P.L.716, No.86)

Section 1917-G. Transfers of credits.

For purposes of facilitating the transfer of credits attained by students of the rural regional college, the rural regional college shall be considered a public institution of higher education as defined in section 2001-C and, upon the rural regional college being able to operate on its own, shall be required to fulfill all the duties and obtain for its students all the benefits of Article XX-C within two years of operation of the established rural regional college.

(1917-G added July 13, 2016, P.L.716, No.86)

ARTICLE XX.

STATE COLLEGES.

(Art. repealed Nov. 12, 1982, P.L.660, No.188)

Section 2001. Definitions.--(2001 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2002. State Colleges and State Universities.--(2002 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2003. Purpose.--(2003 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2003.1. Board of State College and University Directors.--(2003.1 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2003.2. Duties of the Board of State College and University Directors with Regard to State Colleges.--(2003.2 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2003.3. Duties of the Board of State College and University Directors with Regard to State Universities.--(2003.3 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2004. Board of Presidents of State Colleges and State Universities.--(2004 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2004.1. Management of State Colleges and State Universities within the Department.--(2004.1 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2005. No Religious Tests.--(2005 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2006. Practice Teaching.--(2006 repealed Feb. 17, 1970, P.L.24, No.13)

Section 2007. Examinations; Certificates; Diplomas.--(2007 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2008. Board and Fees.--(2008 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2008.1. Boards of Trustees of State Colleges and Universities.--(2008.1 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2008.2. Duties of Boards of Trustees of the Several State Colleges.--(2008.2 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2008.3. Duties of the Boards of Trustees of the Several State Universities.--(2008.3 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2009. Vocational Education and Rehabilitation Programs; Conversion for Other Purposes, etc.--(2009 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2010. Vocational Rehabilitation Education of War Veterans and Defense Workers.--(2010 repealed Sept. 12, 1961, P.L.1258, No.552)

Section 2011. Powers of Superintendent of Public Instruction.--(2011 repealed Nov. 12, 1982, P.L.660, No.188)

Section 2012. Research Projects, Authority to Accept Grants.--(2012 repealed Feb. 17, 1970, P.L.24, No.13)

Section 2013. Annual Reports.--(2013 repealed Nov. 12, 1982, P.L.660, No.188)

ARTICLE XX-A.

THE STATE SYSTEM OF HIGHER EDUCATION.

(Art. added Nov. 12, 1982, P.L.660, No.188)

Section 2001-A. Definitions.--The following words and phrases when used in this article shall, for the purpose of this article, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

(1) "Board" shall mean the Board of Governors of the State System of Higher Education.

(2) "Chancellor" shall mean the chief executive officer of the State System of Higher Education.

(3) "Coalition bargaining" shall mean two (2) or more employers bargaining jointly with all of their employees in a particular category or bargaining unit so that one collective process would determine the conditions of employment for all employers in the appropriate units involved.

(4) "Commission" shall mean the presidents of the several institutions.

(5) "Council" shall mean the council of trustees of the individual institutions.

(6) "Deferment" shall mean any authorized delay in the payment by a student of all or part of his tuition fee, charges for room and board, application fee, student activity fee, or any other charge or fee.

(7) "Employer" shall mean the Board of Governors of the State System of Higher Education as the successor employer to the Commonwealth of Pennsylvania.

(8) "Graduate assistant" means a graduate student appointed by the president and assigned to a faculty or staff member to assist in research, instruction and other related professional duties.

(9) "Higher education" shall include any organized program of instruction, research or service primarily concerned with a field of organized knowledge, related theory, and associated practice or application of skills and which leads to a degree; that is, the work is creditable toward a degree.

(10) "Institution" shall mean each of the State-owned colleges and university on the effective date hereof, or hereafter created, and including its personnel, and its physical plant, instructional equipment, records and all other property thereof.

(11) "Professional employe" for the purposes of this act, professional employe means any employe whose work:

(i) is predominately intellectual and varied in character;

(ii) requires consistent exercise of discretion and judgment;

(iii) requires knowledge of an advanced nature in the field of science or learning customarily acquired by specialized study in an institution of higher learning or its equivalent; and

(iv) is of such character that the output or result accomplished cannot be standardized in relation to a given period of time.

(12) "Refund" shall mean any return payment, or remission, by an institution to a student of all or part of any sum he has paid for tuition, room and board, application or student activity fee or any other charge or fee.

(13) "Secretary" shall mean the Secretary of Education of the Commonwealth of Pennsylvania or such person as the secretary may designate to act on behalf of the secretary with regard to any of the duties and prerogatives imposed by this act.

(14) "State board" shall mean the State Board of Education.

(15) "Student" shall mean a person who is enrolled in a course of study in any institution which is subject to the provisions hereof.

(16) "Student association" shall mean the officially recognized representative body of the student population of each institution.

(17) "System" shall mean the State System of Higher Education.

(18) "Waiver" shall mean any release from initial payment by a student of all or part of his tuition, charge for room and board, application or student activity fee or any other charge or fee.

(19) "Maintenance projects" shall mean those activities, materials, labor and contracts necessary to replace, restore, refurbish or enhance real property which do not alter the architectural or engineering characteristics of the structure, as follows: painting; window repair and replacement; roof repair and replacement; repointing and masonry repair; downspout and gutters; landscaping; roadways, parking facilities, track and athletic court resurfacing and reconstruction; sidewalk and curbing reconstruction and replacement; asbestos abatement (in accordance with all State and Federal statutes and regulations); caulking and insulation; and replacement, reconstruction and construction of non-load bearing interior walls. No such project shall affect the structural integrity of any existing facility or utility system. ((19) amended July 11, 1990, P.L.424, No.103) P.L.304, No.48)

(20) "Campus police" shall mean all law enforcement personnel employed by the system who have successfully completed a campus police course of training approved under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training). ((20) added Dec. 23, 2003, P.L.304, No.48)

(21) "Grounds" shall mean all lands and buildings owned, controlled, leased or managed by the system and all highways, trafficways and bicycle and pedestrian facilities that traverse or abut such lands and buildings. ((21) amended Oct. 1, 2015, P.L.174, No.41)

(2001-A added Nov. 12, 1982, P.L.660, No.188)

Section 2002-A. Establishment of the State System of Higher Education and its Institutions.--(a) Subject to the regulatory powers conferred by law upon the State Board of Education, there is hereby established a body corporate and politic constituting a public corporation and government instrumentality which shall be known as the State System of Higher Education, independent of the Department of Education, hereinafter referred to as the system, which shall consist of the following institutions and such other institutions, presently existing or newly created, as may hereafter be admitted by the board in concurrence with other agencies as required by law:

- (1) Bloomsburg State College;
- (2) California State College;
- (3) Cheyney State College;
- (4) Clarion State College;
- (5) East Stroudsburg State College;
- (6) Edinboro State College;
- (7) Indiana University of Pennsylvania;
- (8) Kutztown State College;
- (9) Lock Haven State College;
- (10) Mansfield State College;
- (11) Millersville State College;
- (12) Shippensburg State College;
- (13) Slippery Rock State College; and
- (14) West Chester State College.

(b) Each of the said institutions shall hereafter be known as the (Name) University of Pennsylvania of the State System of Higher Education, except for Indiana University of Pennsylvania, which shall retain its name. As successor institutions to the State Normal Schools, appropriations for their operation are ordinary expenses of government, requiring only a majority vote of each House of the General Assembly. The State System of Higher Education shall have the same preferred status for appropriations as is enjoyed by its constituent institutions. State funds appropriated to the system shall be allocated to the individual institutions on a formula based on,

but not limited to, such factors as enrollments, degrees granted and programs. ((b) amended June 23, 1988, P.L.457, No.77)

(2002-A added Nov. 12, 1982, P.L.660, No.188)

Section 2003-A. Purposes and General Powers.--(a) The State System of Higher Education shall be part of the Commonwealth's system of higher education. Its purpose shall be to provide high quality education at the lowest possible cost to the students. The primary mission of the system is the provision of instruction for undergraduate and graduate students to and beyond the master's degree in the liberal arts and sciences and in applied fields, including the teaching profession. Graduate instruction at the doctoral level, except for doctoral programs provided for in the act of December 16, 1965 (P.L.1113, No.430), known as the "Indiana University of Pennsylvania Act," only may be offered jointly with Indiana University or an institution chartered to offer work at the doctoral level. Programs of research and service may be provided which are approved by the Board of Governors, and which are consistent with the primary mission of the system. Each institution shall provide appropriate educational facilities, student living facilities and such other facilities as deemed necessary by the board.

(b) The system is hereby granted and shall have and may exercise all the powers necessary or convenient for the carrying out of the aforesaid purposes, including, but without limiting the generality of the foregoing, the following rights and powers:

(1) To have perpetual existence as a corporation.

(2) To adopt, use and alter at will a corporate seal.

(3) To acquire, purchase, hold, lease as lessee and use any property, real, personal or mixed, tangible or intangible, or any interest therein, lease as lessor any property, real, personal or mixed, tangible or intangible, necessary or desirable for carrying out the purposes of the system, and to sell, transfer and dispose of any property acquired by gift, grant, devise or bequest, whether the property is real, personal or mixed, tangible or intangible, or any interest therein; to take, demand, receive and possess all moneys, real property and goods which shall be appropriated, given or granted to for the use of the system and to apply the same according to the will of the donors; to sell, transfer and dispose of real property acquired by and titled to the system upon approval by the General Assembly as provided in section 2018-A; and by gift, purchase or devise to receive, possess, enjoy and retain forever any and all real and personal estate and funds, of whatsoever kind, nature or quality the same may be, in special trust and confidence that the same, and the profits thereof, shall be applied to and for the use and purpose of endowing the system, and shall have power to receive donations from any source whatever, to be exclusively devoted to the purposes of the system or according to the terms of donation: Provided, however, That the system shall have no power at any time or in any manner, to pledge the credit or taxing power of the Commonwealth, nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth, nor shall the Commonwealth be liable for the payment of principal or interest on such obligations. Nothing herein shall empower the Board of Governors or the chancellor to take or receive any moneys, goods or other property, real or personal, which is given or granted to specific institutions.

(c) Collective bargaining agreements in force at the time of enactment of this act shall remain in force for the term of the contract. New collective bargaining agreements with

professional employees shall be negotiated on behalf of the system by the chancellor. The board shall make a coalition bargaining arrangement with the Commonwealth for the negotiation of new collective bargaining agreements with noninstructional employees.

(d) The system may enter into an agreement with any entity for the cooperative use of supplies or services. All purchases and agreements made pursuant to this subsection shall be the result of a system of competitive bidding and in accordance with the laws of this Commonwealth. ((d) added July 5, 2012, P.L.1108, No.134)

(2003-A amended July 11, 1990, P.L.424, No.103)

Section 2004-A. Board of Governors.--(a) The system shall be governed and all of its corporate powers exercised by the Board of Governors, which shall consist of twenty (20) members to be appointed as follows:

(1) The Governor, or his designee.

(2) The Secretary of Education, or his designee.

(3) One (1) Senator appointed by the President pro tempore of the Senate.

(4) One (1) Senator appointed by the Minority Leader of the Senate.

(5) One (1) Representative appointed by the Speaker of the House of Representatives.

(6) One (1) Representative appointed by the Minority Leader of the House of Representatives.

(7) Fourteen (14) members shall be appointed by the Governor with the advice and consent of the Senate of which six (6) shall be selected from the citizens of the Commonwealth. Three (3) members of the fourteen (14) shall be students whose terms shall expire upon graduation, separation or failure to maintain good academic standards at their institution and five (5) of the fourteen (14) shall be trustees of constituent institutions, however, no more than one trustee representing a constituent institution. The student members shall be selected from the presidents of the local campus student government associations, or their local equivalent.

(b) All members of the board appointed by the Governor, except for the students, shall serve for terms of four (4) years. The Governor and Secretary of Education shall serve so long as they continue in office. Members of the board appointed from the General Assembly shall serve a term of office concurrent with their respective elective terms as members of the General Assembly.

(c) (1) The Governor or his designee, and the Secretary of Education or his designee, and the members of the General Assembly shall be members of the board and shall be entitled to attend all meetings of the board and shall have the right to speak on all matters before the board, and to vote, but shall not be elected as an officer of the board.

(2) A member of the General Assembly appointed under subsection (a) may designate an official representative to attend any meetings of the board, the executive committee of the board and any committee to which the member of the General Assembly is assigned. Such official representative shall have the right to speak on all matters before the board, the executive committee and any committee to which the member of the General Assembly is assigned but shall not have the right to vote on behalf of the member of the General Assembly.

((c) amended July 4, 2004, P.L.536, No.70)

(d) The board shall elect one (1) of its members to serve as its chairperson at the pleasure of the board. Members shall

receive no compensation for their services but shall be reimbursed for the expenses necessarily incurred by them in the performance of their duties. The board shall meet quarterly and additionally at the call of the chairperson, or upon request of six (6) members of the board.

(e) The chancellor shall be the chief executive officer of the board and shall have the right to speak on all matters before the board, but not to vote.

(2004-A amended June 23, 1988, P.L.457, No.77)

Section 2005-A. The Chancellor.--The chief executive officer of the system shall be a chancellor, who shall be employed by the board in accordance with clause (1) of section 2006-A. In addition to those prescribed by the board, the chancellor shall have the following duties:

(1) The chancellor shall be responsible for the administration of the system under policies prescribed by the board.

(2) The chancellor shall advise the board on the formulation of policies, shall see that the board's policies are carried out and shall supervise the board's studies.

(3) The chancellor shall recommend to the board the system's overall budget and shall review and recommend undergraduate and graduate academic programs to meet the needs of the system's student population.

(4) The chancellor shall assist the board in its appointment of the presidents for the constituent institutions by submitting to the board the name or names of individuals recommended by the council of trustees of the appropriate constituent institution who shall involve students, faculty and alumni in the interview and selection process used to formulate their recommendation. The chancellor shall submit to the board the recommended salary and other proposed terms of each such appointment. The board shall have the right to refuse the recommendation of the local council and to request that additional recommendations be submitted by the council.

(5) The chancellor shall prepare an evaluation procedure for adoption by the board. The chancellor shall forward the results of the evaluation conducted by the local council of trustees with his comments to the board.

(6) The chancellor is empowered to employ central office professional and staff employees appropriate for the efficient discharge of the chancellor's duties.

(7) The chancellor shall be responsible for the administration of the central office, systemwide business procedures and for the overall organization and maintenance of the physical plants and security at all institutions.

(8) The chancellor shall conduct comprehensive planning in consultation with representatives of the trustees, presidents, faculties, students and alumni and within the policies established by the board to establish priorities and procedures for the operation and development among the institutions, with respect to the role and scope of each institution, instructional programs, research programs and public service programs.

(9) The chancellor shall have the right to require of the presidents any and all information necessary for the performance of his duties. The chancellor shall perform such other duties as the board may designate.

(10) The chancellor shall serve as an ex officio member of the council of each institution in the system.

(11) The chancellor shall negotiate or cause to be negotiated on behalf of the board and subject to its final approval collective bargaining agreements pursuant to the act

of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," in accordance with section 2003-A of this act.

(12) To enter into multiparty contractual relationships, in accordance with the Procurement Code or direct negotiation, with businesses, industries, organizations, State and local governments and the Federal Government to provide economic and work force development. ((12) added Dec. 21, 1998, P.L.1194, No.154)

(2005-A added Nov. 12, 1982, P.L.660, No.188)

Section 2006-A. Powers and Duties of the Board of Governors.--(a) The Board of Governors shall have overall responsibility for planning and coordinating the development and operation of the system. The powers and duties of the Board of Governors shall be:

(1) To employ the chancellor to serve at the board's pleasure under fixed term or contract of fixed duration of not longer than five (5) years; to fix his salary; to prescribe and delineate his duties and responsibilities; prior to the renewal of such term or contract, the board shall conduct an evaluation of the chancellor's service to determine whether such term or contract should be renewed and for what period of time.

(2) To appoint from the list submitted by the chancellor, pursuant to section 2005-A(4), presidents of the constituent institutions to serve at the board's pleasure under fixed terms or contracts of fixed duration, to fix the salaries and other terms of appointment of each president and prior to renewal of such term or contract consider the results of the evaluation of each president's service submitted by the chancellor.

(3) To establish policies and procedures to be applied by the chancellor, the board and each local council in evaluating the president and recommending the selection, retention and dismissal of the president of its respective institution.

(4) To establish broad fiscal, personnel and educational policies under which the institutions of the system shall operate.

(5) To create new undergraduate and graduate degree programs, which shall not be subject to the rules and regulations of the State Board of Education; to approve extension campuses and new external degree programs subject to the rules and regulations of the State Board of Education; to promote cooperation among institutions, including the development of consortia within the system and other educational institutions and agencies. ((5) amended July 1, 1985, P.L.103, No.31)

(6) To establish general policies for the admission of students and to assure procedural protection for the discipline and expulsion of students. The actual admission of students shall remain the province of the individual institutions.

(7) To coordinate, review, amend and approve the annual capital budget requirements of the system, the annual operating budgets of the individual institutions and the operating budget of the chancellor and the board. The board shall present these annual budgets with comments to the secretary for presentation to the State board. The State board shall return such budget requests, recommending approval or disapproval with comments, if any, to the secretary prior to their submission to the Secretary of Budget and Administration. The board may also submit its budget recommendations and findings to the General Assembly subsequent to the submission of the Governor's budget to the General Assembly. For the purpose of administration, the system shall be subject to Article VI of the act of April 9,

1929 (P.L.177, No.175), known as "The Administrative Code of 1929," except for section 615.

(8) To establish general personnel policies under which the institutions shall operate consistent with merit principles; to determine equivalent degree and teaching experience qualifications for appointment or promotion of faculty employees within the classifications enumerated in the act of January 18, 1952 (1951 P.L.2111, No.600), referred to as the State College Faculty Compensation Law, to include, but not be limited to, the Degrees of Juris Doctor and Master of Fine Arts; and to enter into collective bargaining agreements pursuant to the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," in accordance with section 2003-A of this act. ((8) amended July 11, 1990, P.L.424, No.103)

(9) To recommend approval or disapproval of all system building projects to the Secretary of the Budget which are not within the contracting authority of the system under section 2003-A.1. ((9) amended July 11, 1990, P.L.424, No.103)

(10) To represent the system before the General Assembly, the Governor and the State board.

(11) To fix the levels of tuition fees, except student activity fees. Tuition fees shall include a differential for such charges between students who are residents of the Commonwealth and students who are nonresidents.

(12) To adopt general policies with regard to student activity fees and to provide for student participation in the formulation of these policies.

(13) To establish policies regarding waiver, deferment and refund of tuition fees and other charges and fees.

(13.1) To set the amounts for fines for violations of rules respecting the use, parking and operation of motor vehicles on system facilities, which may be established to exceed the amounts which municipalities are authorized to assess for such offenses under 75 Pa.C.S. (relating to vehicles). ((13.1 added Apr. 27, 1998, P.L.270, No.46)

(14) To make all reasonable rules and regulations necessary to carry out the purposes of this article and the duties of the board.

(15) To do and perform generally all of those things necessary and required to accomplish the role and objectives of the system.

(b) The Board of Governors shall provide for the holding of regular and special meetings. Eleven (11) governors attending shall constitute a quorum for the transaction of any business and, unless a greater number is required by the bylaws of the board, the act of a majority of the governors present at any meeting shall be deemed the act of the board. ((b) amended June 23, 1988, P.L.457, No.77)

(2006-A added Nov. 12, 1982, P.L.660, No.188)

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 2006-B(c), provided that Act 61 shall apply retroactively to July 1 2008.

Section 2007-A. Commission of Presidents.--The commission of presidents of the system shall consist of the presidents of the several institutions who shall annually select one (1) of their members as chairperson. The commission shall recommend policies for the institutions and shall act in an advisory capacity to the chancellor and the governors. The commission shall meet quarterly and additionally at the call of its chairperson or the chancellor. A majority of the presidents shall constitute a quorum.

(2007-A added Nov. 12, 1982, P.L.660, No.188)

Section 2008-A. Councils of Trustees.--(a) The council of each of the institutions shall consist of eleven (11) members who, except for student members, shall be nominated and appointed by the Governor with the advice and consent of the Senate. At least two (2) members of the eleven (11) member council of trustees shall be alumni of the institution.

(b) Ten (10) members of each council shall serve terms of six (6) years, respectively, and until their respective successors are duly appointed and qualified. One (1) member of each council shall be a full-time undergraduate student in good academic standing, other than freshman, enrolled for at least twelve (12) semester hours at the institution of which he is a trustee. The student member shall serve a term of four (4) years or for so long as he is a full-time undergraduate student in attendance at the institution of which he is a trustee, whichever period is shorter, and is in good academic standing. Vacancies occurring before the expiration of the term of any member shall be filled in like manner for the unexpired term. Student members of the Council of Trustees shall be appointed by the Governor and shall not be subject to Senate confirmation. If a student member is temporarily unable, for medical or valid academic reasons, to fulfill the responsibilities of office, the Council of Trustees may request that the Governor appoint an otherwise qualified student to serve as an alternate until the return of the student member.

(c) The members of each board of trustees of a former State college or university serving in such capacity on the effective date of this act shall continue to serve for the balance of their respective terms.

(d) Six (6) members of a council shall constitute a quorum. Each council shall select from its members a chairperson and a secretary to serve at the pleasure of the council. Each council shall meet at least quarterly, and additionally at the call of the president, or its chairperson, or upon request of three (3) of its members.

(2008-A amended June 29, 2002, P.L.524, No.88)

Section 2009-A. Powers and Duties of Councils of Trustees.--In accordance with the rules and regulations adopted by the board, the council of each institution shall have the power and its duty shall be:

(1) To make recommendations to the chancellor for the appointment, retention or dismissal of the president following consultation with students, faculty and alumni.

(2) To assist the president in developing proper relations and understanding between the institution and its programs and the public, in order to serve the interests and needs of both.

(3) To review and approve the recommendations of the president as to standards for the admission, discipline and expulsion of students.

(4) To review and approve the recommendations of the president pertaining to policies and procedures governing the use of institutional facilities and property.

(5) To approve schools and academic programs.

(6) To review and approve the recommendations of the president pertaining to annual operating and capital budget requirements for forwarding to the board.

(7) To review and approve charges for room and board and other fees except student activity fees.

(8) To conduct an annual physical inspection of facilities and make recommendations regarding maintenance and construction to the board.

(9) To review and approve all contracts and purchases negotiated or awarded by the president with or without competitive bidding and all contracts for consultative services entered by the president.

(10) To represent the institution at official functions of the Commonwealth.

(11) To take such other action as may be necessary to effectuate the powers and duties herein delegated.

(12) In accordance with the evaluation procedure established by the board each council shall conduct an evaluation of the president and forward the results of that evaluation with recommendation to the chancellor for submission to the board.

(13) By resolution adopted by the council to authorize campus police who have completed firearms training in accordance with 53 Pa.C.S. § 2167(a) (relating to police training) to carry firearms in the course of duty for any institution whose campus police are authorized to carry firearms on the effective date of this paragraph, the authority to carry firearms shall remain in effect unless the council by resolution dissolves such authority. ((13) added July 7, 2006, P.L.350, No.73)

(2009-A added Nov. 12, 1982, P.L.660, No.188)

Section 2010-A. Power and Duties of Institution Presidents.--The president of each institution shall be appointed by the board. The president shall be the chief executive officer of that institution. He shall have the right to attend all meetings of the council of that institution and shall have the right to speak on all matters before the council but not to vote. Subject to the stated authority of the board and the council, each president shall have the following powers and duties: (Intro. par. amended Apr. 27, 1998, P.L.270, No.46)

(1) Except insofar as such matters are governed by collective bargaining agreements entered pursuant to the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," and subject to the policies of the board, to appoint such employees, professional and noninstructional, graduate assistants, etc. as necessary, to fix the salaries and benefits of employees, professional and noninstructional, and to establish policies and procedures governing employment rights, promotion, dismissal, tenure, leaves of absence, grievances and salary schedules.

(2) To make and implement specific campus policies pertaining to instructional programs, research programs and public service programs and define academic standards in accordance with policies of the board following consultation with the council, faculty and students. ((2) amended June 23, 1988, P.L.457, No.77)

(3) To develop and implement policies and procedures for the administration of the institution. To develop and implement, in conjunction with the local campus student government association, policies and procedures by which student organizations may be created and operated.

(4) To establish policies and procedures for the admission, discipline and expulsion of students which shall be consistent with policies of the board and the local council.

(5) To establish policies and procedures governing the use of institutional facilities and property in accordance with guidelines established by the local council.

(6) In cooperation with the student association, to fix student activity fees and supervise the collection, retention and expenditure thereof.

(7) To waive, defer and refund tuition fees and other charges and fees consistent with policies established by the board.

(8) To prepare and, after review and action by the council, submit to the chancellor the annual operating and capital budget requirements for the institution.

(9) To determine from appropriations, tuition fees, charges and other fees and other available funds with the exception of student activity fees, the expenditures to be made for instructional, extracurricular, administrative, custodial and maintenance services, equipment and supplies, and for furniture for instructional, extracurricular, administrative and service facilities and to reallocate such sums among the various expenditure classifications as may be necessary for the effective management of the institution: Provided, That no such reallocation shall exceed the total allocations of the institution.

(10) ((10) deleted by amendment June 30, 2012, P.L.684, No.82)

(10.1) Within the limitations of the operating budget and other available funds in accordance with the procedures established by the board and with the approval of the local council, to negotiate and award all contracts for equipment, services and supplies in excess of a cost of a base amount of eighteen thousand five hundred dollars (\$18,500), subject to adjustment under section 120, on a competitive bid basis and to purchase instructional, educational, extracurricular, technical, administrative, custodial and maintenance equipment and supplies not in excess of a cost of a base amount of eighteen thousand five hundred dollars (\$18,500), subject to adjustment under section 120, without competitive bidding, except that such items shall not be bought in series to avoid the dollar ceiling. ((10.1) added June 30, 2012, P.L.684, No.82)

(11) To cooperate with and accept grants and assistance from Federal and State agencies, local governments or other political subdivisions, foundations, corporations, or any other source for any of the lawful purposes of the institution. Each institution shall have the power to bank and use such grants as directed by the grantor and subject to the limitations of this act, except that grants and assistance from sources other than State agencies, local governments or other political subdivisions shall not be subject to the provisions of clause (10). All moneys received from sources authorized by this section are hereby appropriated to each of the several institutions granted such moneys. All such moneys shall be subject to audit by the Auditor General.

(12) To authorize personnel to travel within or without the Commonwealth at institutional expense in accordance with regulations of the council.

(13) Within the limitations of the operating budget and other available funds, to enter into contracts for consultative service not to exceed five thousand dollars (\$5,000) per contract.

(14) To enter into contracts in accordance with policies of the council, to enable students to engage in student teaching or other training in order to obtain experience in a particular field.

(15) To employ or contract for the necessary institutional services consistent with policies and procedures established by the board.

(16) Consistent with the policies of the board to do and perform all of those other things necessary and required for the orderly operation of the institution.

(2010-A added Nov. 12, 1982, P.L.660, No.188)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Compiler's Note: Section 5 of Act 97 of 2011, which amended par. (10), provided that Act 97 shall apply to contracts and purchases advertised on or after January 1 of the year following the effective date of section 5.

Section 2011-A. Rental Fees and Other Charges.--(a) In addition to rental fees fixed, charged and collected in the manner provided by law from each student residing in State-owned or State-leased residential facilities at an institution for the maintenance and operation of such facilities, a sum shall be fixed by the president, with approval of the Council of Trustees, and charged and collected from each such person as an additional rental fee. Such additional rental fees shall be credited to a Reserve Fund for contingencies and capital replacements.

(b) In addition to the other fees from time to time fixed, charged and collected in the manner provided by law, a fee of ten dollars (\$10) per semester of eighteen (18) weeks and a proportionate fee for each trimester, quarter, term and summer sessions of six (6) weeks or three (3) weeks shall be fixed, charged and collected from each student while in attendance at a university for which the General State Authority has taken title to a student community building, which fee shall be credited to the Department of General Services and shall be fixed by the council of trustees in amounts sufficient to meet rentals due to the General State Authority, pursuant to contracts to lease student community buildings constructed by the said authority for the use of the system universities.

(2011-A amended June 23, 1988, P.L.457, No.77)

Section 2012-A. Diplomas and Certificates.--The board shall prescribe minimum standards for graduation from the system. Each graduate shall receive such diploma as the board shall prescribe. The system shall be authorized to grant baccalaureate, master's and doctoral degrees as limited by section 2003-A for successful completion of prescribed courses of study and such other certificates and degrees as the board may authorize.

(2012-A amended July 1, 1985, P.L.103, No.31)

Section 2013-A. Teachers' and Employees' Retirement Plans.--Pursuant to the provisions of 24 Pa.C.S. § 8301 (relating to mandatory and optional membership), all professional and other employees of the system and its institutions shall be accorded the right to elect participation in the Pennsylvania Public School Employees' Retirement System or the State Employees' Retirement System. Alternatively, eligible employees shall have the right to elect participation in the Teachers' Insurance and Annuity Association of America--College Retirement Equities Fund (TIAA-CREF) retirement plan or in an alternative retirement plan or plans offered by any insurance company authorized to issue annuity contracts in this Commonwealth or mutual fund company with investment options meeting the requirements of a qualified plan under the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.). The alternative retirement plans shall be selected by the system pursuant to the request-for-proposal process.

(2013-A amended June 22, 2001, P.L.530, No.35)

Section 2014-A. Nondiscrimination.--No person shall be denied matriculation at any system institution or a position as a governor, trustee, faculty member, or employee of the system, or the opportunity to contract with the system or its constituent institutions because of race, color, religion, age, sex, national origin, handicap or political affiliation. The board shall develop and promulgate by regulation a plan assuring equal opportunity in educational access, employment and contracting. The plan shall provide for nondiscrimination and compliance with respect to contracting practices for the system, its constituent institutions and their contractors, subcontractors, assignees, lessees, agents, vendors and suppliers.

(2014-A amended July 11, 1990, P.L.424, No.103)

Section 2015-A. Annual Audit.--(a) The activities of the system under this article shall be subject to the audit of the Department of the Auditor General, but the system shall not be required to pay a fee for any such audit. It shall make an annual report to the State board and to the General Assembly showing its condition at the end of the Commonwealth's fiscal year.

(b) The system shall report its financial statements in accordance with generally accepted accounting principles as prescribed by the National Association of College and University Business Officers, the American Institute of Certified Public Accountants or any other recognized authoritative body, as well as applicable policy and standards promulgated by the Commonwealth and the Federal Government.

(2015-A amended July 13, 2005, P.L.226, No.46)

Section 2016-A. Continuation of Powers and Duties.--All powers, rights, privileges, duties and obligations, statutory, contractual or otherwise, of the institutions or their predecessors and their respective council of trustees and officers, heretofore existing and not otherwise changed or repealed by this act, shall continue in full force and effect.

(2016-A added Nov. 12, 1982, P.L.660, No.188)

Section 2017-A. Annual Report.--(a) An annual report shall be submitted in electronic format by each institution to the Department of Education and the Joint State Government Commission, which shall include data for all programs of the institution. Each such report, to be submitted prior to September 1, shall cover the 12-month period beginning with the summer term of the preceding year and shall include:

(1) The following counts and distributions for each term during the period:

(i) The definitions and numbers of faculty members employed full time, of faculty members employed part time, of full-time students enrolled in graduate courses, of full-time students enrolled in undergraduate courses, of part-time students enrolled in graduate courses, and of part-time students enrolled in undergraduate courses.

(ii) The total numbers of undergraduate student credit hours, divided into lower division and upper division course levels, and of graduate student credit hours divided into three course levels--master's, first professional and doctoral.

(iii) The number of different courses scheduled by level of instruction and the number of sections of individual instruction scheduled by level of instruction, each further subdivided by two digit Classification of Instructional Program (CIP) categories of instructional programs of higher education

as defined by the National Center for Education Statistics, United States Department of Education.

(iv) The number of terms scheduled and the dates thereof.

(2) For the summer term and the following academic year in total and for each two digit CIP program category, a classification of faculty members or other professional employees by title, including: professor, associate professor, assistant professor, instructor, lecturer, research associate, librarian and academic administrator; faculty members or other professional employees under each title to be subdivided by type of assignment: teaching and nonteaching, and each such set of faculty members or other professional employees to be further subdivided by type of employment: full time or part time; and the following aggregates for each subdivided classification:

(i) The number of faculty and other professional employees and their full-time equivalence in instructional and noninstructional functions.

(ii) The sum of credits assigned to undergraduate classroom courses and the sum of credits assigned to graduate classroom courses taught, divided into lower division, upper division, master's, first professional and doctoral course levels.

(iii) The sum of credits assigned to undergraduate individual instruction courses and the sum of credits assigned to graduate individual instruction courses taught, divided into lower division, upper division, master's, first professional and doctoral course levels.

(iv) The sum of undergraduate classroom student credit hours and the sum of graduate classroom student credit hours generated, divided into lower division, upper division, master's, first professional and doctoral course levels.

(v) The sum of undergraduate individual instruction student credit hours and the sum of graduate individual instruction student credit hours generated, divided into lower division, upper division, master's, first professional and doctoral course levels.

(vi) The total salary paid for instructional functions and for noninstructional functions and the amount of this salary paid for each of these functions from university funds, Federal funds and other funds.

(3) For each term of the period covered for each faculty member employed full time identified by two digit CIP program category and title, the report shall contain an analysis of the average hours per week spent in university-related activities, stating specifically hours spent in undergraduate classroom contact and graduate classroom contact, hours spent in preparation, hours spent in research and hours spent in public service.

(b) In addition to the requirements of subsection (a), each report covering the 12-month period shall include for all programs of the institution:

(1) Minimum number of credits required for a baccalaureate degree and for a master's degree.

(2) Number of bachelor's degrees, master's degrees, first professional degrees and doctoral degrees awarded in the three previous years and those estimated for that year.

(c) The Joint State Government Commission shall develop a statistical comparison analysis recognizing differences in missions from the reports made under this section. The comparison shall be provided to the Education Committee of the Senate and the Appropriations Committee of the Senate and the Education Committee of the House of Representatives and the Appropriations Committee of the House of Representatives and

the four State regional libraries. The comparative analysis shall be posted on the Joint State Government Commission's Internet website for a period of no less than five (5) years from the date of submission.

(d) Each report submitted under subsection (a) shall be posted by the Department of Education on its Internet website for a period of no less than five (5) years from the date of submission.

(2017-A amended July 9, 2008, P.L.846, No.61)

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 2017-A, provided that Act 61 shall apply retroactively to July 1 2008.

Section 2018-A. Method of Disposition; Consideration by the General Assembly.--(a) Whenever the system deems that it is necessary or desirable to sell, transfer or dispose of real property acquired by and titled to it, it shall request authorization from the General Assembly to sell, transfer or dispose of said real property; and from time to time, as necessary, the system shall submit to the Chief Clerk of the House of Representatives and the Secretary of the Senate requests to sell, transfer or dispose of real property acquired by and titled to the system for consideration by the General Assembly.

(b) Each request for authorization to sell, transfer or dispose of real property transmitted to the General Assembly shall be proposed as a resolution, and shall be placed on the calendar of each house for the next legislative day following its receipt, and shall be considered by each house within thirty (30) calendar days of continuous session of the General Assembly.

(c) Each request for authorization to sell, transfer or dispose of real property shall take effect if it is approved by a majority vote of the duly elected membership of each house during such thirty-day period or may be disapproved by either house during that period by a majority vote of the duly elected membership of each house.

(d) No resolution shall be effective:

(1) unless it designates the number of the request for authorization to sell, transfer or dispose of real property and the date on which it was transmitted to the General Assembly; or

(2) if it specifies more than one request for authorization to sell, transfer or dispose of real property except as otherwise provided by subsection (g) of this section.

(e) The effective date of each request for authorization to sell, dispose or transfer real property shall be the date of approval of the last of the two houses to act. Upon the expiration of the thirty-day period after the delivery of the request for authorization to sell, dispose or transfer real property to the two Houses of the General Assembly and the failure to act as provided in subsection (c) of this section, each request for authorization to sell, dispose or transfer real property shall become effective.

(f) For the purposes of subsection (b) of this section:

(1) Continuity of session shall be considered as broken only by an adjournment of the General Assembly sine die.

(2) In the computation of the thirty-day period, there shall be excluded the days on which either house is not in session because of an adjournment of more than ten (10) days to a day certain.

(g) Any provision of the request for authorization to sell, dispose or transfer real property may, under provisions contained therein, be made operative at a time later than the date on which the request for authorization to sell, transfer or dispose of real property otherwise takes effect.

(2018-A added July 11, 1990, P.L.424, No.103)

Section 2019-A. Campus Police Powers and Duties.--(a)

Campus police of an institution shall have the power and their duty shall be:

(1) to enforce good order on the grounds and in the buildings of the institution;

(2) to protect the grounds and buildings of the institution;

(3) to exclude all disorderly persons from the grounds and buildings of the institution;

(4) to adopt means necessary for the performance of their duties;

(5) to exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the municipalities wherein the institution is located, including, but not limited to, those powers conferred pursuant to 42 Pa.C.S. Ch. 89 Subch. D (relating to municipal police jurisdiction);

(6) to prevent crime, investigate criminal acts, apprehend, arrest and charge criminal offenders and issue summary citations for acts committed on the grounds of the institution and carry the criminal offenders before the proper district justice and prefer charges against them under the laws of this Commonwealth. Except when acting pursuant to 42 Pa.C.S. Ch. 89 Subch. D, campus police shall exercise these powers and perform these duties only on the grounds of the institution. For the purposes of applying the provisions of 42 Pa.C.S. Ch. 89 Subch. D, the grounds of the institution shall constitute the primary jurisdiction of the campus police.

(7) to order off the grounds and out of the buildings of the institution all trespassers and persons under the influence of alcohol or controlled substances and, if necessary, remove them by force and, in case of resistance, carry them before a district justice; and

(8) to arrest any person who damages, mutilates or destroys the property of the institution or commits any other offense, including threats or acts of terrorism, on the grounds and in the buildings of the institution and carry that person before the proper district justice and prefer charges against that person under the laws of this Commonwealth.

(b) An institution is authorized to enter into an agreement with the municipalities overlain by or abutting its campus to exercise concurrently those powers and to perform those duties conferred pursuant to a cooperative police service agreement in accordance with 42 Pa.C.S. § 8953 (relating to Statewide municipal police jurisdiction). When so acting, the campus police of the institution shall have the same powers, immunities and benefits granted to police officers in 42 Pa.C.S. Ch. 89 Subch. D. All such agreements shall be consistent with the mission and purpose of the system.

(c) When acting within the scope of the authority of this section, campus police are at all times employees of the institution and shall be entitled to all of the rights accruing therefrom.

(2019-A added Dec. 23, 2003, P.L.304, No.48)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a

"district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 2020-A. Articulation Agreements.--Funds appropriated for program initiatives, including performance measurement and systemwide technology initiatives, shall be contingent upon the State System of Higher Education making all articulation agreements with other higher education institutions available on its Internet website.

(2020-A added July 11, 2006, P.L.1092, No.114)

Section 2003-A.1. Project Contracts.--(a) The State System of Higher Education is hereby authorized to execute and administer contracts for construction, repair, renovation and maintenance projects within the meaning of section 2401.1 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," including all aspects of project management, design and construction and legal and administrative services related to and necessary for the completion of such projects, except capital projects which are funded by Commonwealth general obligation bonds, capital appropriations or pursuant to Article XVI-B of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," unless delegated by the Department of General Services to the system.

(b) The system shall review the work, experience and qualifications of architects and engineers seeking contracts from the system under this section and, on the basis of merit, select and appoint architects and engineers for the design, contract administration and, at the system's discretion, inspection of a project authorized by this section. The board shall give public notice in the manner provided by law of projects which require the services of architects and engineers. The board shall include, but not be limited to, consideration of the following factors in the selection of architects and engineers:

(1) equitable distribution of contracts among qualified architects and engineers;

(2) capability to perform the design and construction services for the contract being considered;

(3) geographic proximity of the architect or engineer to the proposed facility;

(4) ability of the architect or engineer to furnish the necessary available manpower to perform the services required by the project; and

(5) any other related circumstances peculiar to the proposed contract.

(c) ((c) deleted by amendment June 30, 2012, P.L.684, No.82)

(c.1) ((c.1) deleted by amendment June 30, 2012, P.L.684, No.82)

(c.2) All contracts, other than contracts for the retention of architects and engineers, authorized by this section which exceed a base amount of eighteen thousand five hundred dollars (\$18,500), subject to adjustment under subsection (c.3), shall be advertised in the manner provided by law and competitively bid and awarded to the lowest responsible bidder. In case of emergencies and notwithstanding any other provision of this section to the contrary, the chancellor may make or authorize others to make an emergency procurement whenever a threat exists to public health, welfare or safety or circumstances outside the control of the State system and creates an urgency of need which does not permit the delay involved in using more formal competitive methods. Whenever practical, in the case of a procurement of a supply, at least two (2) bids shall be solicited. A written determination of the basis for the

emergency and for the selection of the particular contractor shall be included in the contract file. ((c.2) added June 30, 2012, P.L.684, No.82)

(c.3) Adjustments shall be made as follows:

(1) The Department of Labor and Industry shall calculate the average annual percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending September 30, 2012, and for each successive twelve-month period thereafter.

(1.1) If the Department of Labor and Industry determines that there is no positive percentage change, then no adjustment to the base amounts shall occur for the relevant time period.

(2) The positive percentage change, as determined in accordance with clause (1), shall be multiplied by the amount applicable under subsection (c.2) for the current period, and the product thereof shall be added to the amount applicable under subsection (c.2) for the current period, with the result rounded to the nearest multiple of one hundred dollars (\$100).

(3) The determination required under clause (1) and the calculation adjustments required under clause (2) shall be made in the period between October 1 and November 15, 2012, and between October 1 and November 15 of each successive year.

(4) The adjusted amounts obtained in accordance with clause (2) shall become effective January 1 for the period following the year in which the determination required under clause (1) is made.

(5) The Department of Labor and Industry shall give notice in the Pennsylvania Bulletin prior to January 1 of each calendar year in which the percentage change is determined in accordance with clause (1) of the amounts, whether adjusted or unadjusted in accordance with clause (2), at which competitive bidding is required under subsection (c.2) for the period beginning the first day of January after publication of the notice.

(6) The annual increase in the preliminary adjusted base amounts obtained under clauses (3) and (4) shall not exceed three percent (3%).

((c.3) added June 30, 2012, P.L.684, No.82)

(d) The power and authority granted by this section shall not be exercised by the system, the board or an institution for a project to modify, repair or renovate any facility erected by the Department of General Services unless prior written notice setting forth the nature, scope, extent and description of such project has been given to the Department of General Services.

(e) Nothing in this section shall be construed as amending, repealing or otherwise modifying the provisions of the act of May 1, 1913 (P.L.155, No.104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," or the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act."

(f) The system is authorized to transfer and convey any easements or licenses necessitated by any construction project which has been previously authorized by the board.

(2003-A.1 amended July 11, 1990, P.L.424, No.103)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Compiler's Note: Section 5 of Act 97 of 2011, which amended subsec. (c) and added subsec. (c.1), provided that Act 97 shall apply to contracts and purchases advertised on or after January 1 of the year following the effective date of section 5.

ARTICLE XX-B
EDUCATIONAL TAX CREDITS
(Art. added July 13, 2016, P.L.716, No.86)

Compiler's Note: See section 23 of Act 86 of 2016 in the appendix to this act for special provisions relating to continuation of prior law.

Section 2001-B. Scope of article.

This article establishes the educational improvement and opportunity scholarship tax credits.

(2001-B added July 13, 2016, P.L.716, No.86)

Section 2002-B. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Applicable taxes." Any of the taxes due under Article III, IV, VI, VII, VIII, IX, XV or XX of the Tax Reform Code of 1971 or a tax under Article XVI of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

"Applicant." An eligible student who applies for a scholarship.

"Assessment." The Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or another test established or approved by the State Board of Education or the General Assembly to meet the requirements of section 2603-B(d)(10)(i), or required under the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802) or its successor statute or another test required to achieve other standards established by the Department of Education for the public school or school district under 22 Pa. Code § 403.3 (relating to single accountability system).

"Attendance boundary." A geographic area of residence used by a school district to assign a student to a public school.

"Average daily membership." As defined in section 2501(3).

"Business firm." An entity authorized to do business in this Commonwealth and subject to taxes imposed under Article III, IV, VI, VII, VIII, IX, XV or XX of the Tax Reform Code of 1971 or a tax under Article XVI of The Insurance Company Law of 1921. The term includes a pass-through entity, including a pass-through entity, the purpose of which is the making of contributions under this article and whose shareholders, partners or members are composed of owners or employees of other business firms.

"Career and technical school." A public secondary school established under the provisions of Article XVIII.

"Contribution." A donation of cash, personal property or services, the value of which is the net cost of the donation to the donor or the pro rata hourly wage, including benefits, of the individual performing the services.

"Department." The Department of Community and Economic Development of the Commonwealth.

"Educational improvement organization." A nonprofit entity which:

(1) is exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.); and

(2) contributes at least 80% of its annual receipts as grants to a public school, a chartered school as defined in section 1376.1, or a private school approved under section 1376, for innovative educational programs.

For purposes of this definition, a nonprofit entity "contributes" its annual cash receipts when it expends or otherwise irrevocably encumbers those funds for expenditure during the then-current fiscal year of the nonprofit entity or during the next succeeding fiscal year of the nonprofit entity. A nonprofit entity shall include a school district foundation, public school foundation, charter school foundation or cyber charter school foundation.

"Elementary school." A school which is not a secondary school.

"Eligible pre-kindergarten student." A student, including an eligible student with a disability, who is enrolled in a pre-kindergarten program and is a member of a household with a maximum annual household income as increased by the applicable income allowance.

"Eligible student." A school-age student, including an eligible student with a disability, who is enrolled in a school and is a member of a household with a maximum annual household income as increased by the applicable income allowance.

"Eligible student with a disability." A pre-kindergarten student or a school-age student who meets all of the following:

(1) Is enrolled in a special education school or has otherwise been identified, in accordance with 22 Pa. Code Ch. 14 (relating to special education services and programs), as a "child with a disability," as defined in 34 CFR § 300.8 (relating to child with a disability).

(2) Needs special education and related services.

(3) Is enrolled in a pre-kindergarten program or in a school.

(4) Is a member of a household with a household income of not more than the maximum annual household income.

"Household." An individual living alone or with the following: a spouse, parent and their unemancipated minor children, other unemancipated minor children who are related by blood or marriage or other adults or unemancipated minor children living in the household who are dependent upon the individual.

"Household income." All money or property received of whatever nature and from whatever source derived. The term does not include the following:

(1) Periodic payments for sickness and disability other than regular wages received during a period of sickness or disability.

(2) Disability, retirement or other payments arising under workers' compensation acts, occupational disease acts and similar legislation by any government.

(3) Payments commonly recognized as old-age or retirement benefits paid to persons retired from service after reaching a specific age or after a stated period of employment.

(4) Payments commonly known as public assistance or unemployment compensation payments by a governmental agency.

(5) Payments to reimburse actual expenses.

(6) Payments made by employers or labor unions for programs covering hospitalization, sickness, disability or

death, supplemental unemployment benefits, strike benefits, Social Security and retirement.

(7) Compensation received by United States servicemen serving in a combat zone.

"Income allowance." The base amount of \$15,000 for each eligible student, eligible pre-kindergarten student and dependent member of the household. Beginning July 1, 2014, the department shall annually adjust the base amount to reflect upward changes in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area for the preceding 12 months. The department shall immediately submit the adjusted amounts to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

"Innovative educational program." An advanced academic or similar program that is not part of the regular academic program of a public school but that enhances the curriculum or academic program of the public school, chartered school or private school or provides pre-kindergarten programs to public school students, students of a chartered school or students of a private school. For the purposes of this definition, a chartered school shall mean a chartered school as defined in section 1376.1, and a private school shall mean a private school approved under section 1376.

"Kindergarten." A one-year formal educational program that occurs during the school year immediately prior to first grade. The term includes a part-time and a full-time program.

"Low-achieving school." A public school that ranked in the lowest 15% of the school's designation as an elementary school or a secondary school based on combined mathematics and reading scores from the annual assessment administered in the previous school year and for which the Department of Education has posted results on the Department of Education's publicly accessible Internet website. The term does not include a charter school, cyber charter school or area vocational-technical school.

"Maximum annual household income."

(1) Subject to adjustment under paragraphs (2) and (3), the amount of \$75,000, plus the applicable income allowance.

(2) With respect to an eligible student with a disability, as calculated by multiplying:

(i) the applicable amount under paragraph (1); by
(ii) the applicable support level factor according to the following table:

Support Level	Support Level Factor
1	1.50
2	2.993

(3) Beginning July 1, 2014, the department shall annually adjust the income amounts under paragraphs (1) and (2) to reflect any upward changes in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area in the preceding 12 months and shall immediately submit the adjusted amounts to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

"Nonpublic school." A school which is a nonprofit organization and which is located in this Commonwealth. The term does not include a public school.

"Opportunity scholarship." An award given to an applicant to pay tuition and school-related fees necessary to attend a participating nonpublic school or a participating public school located in a school district which is not the recipient's school district of residence.

"Opportunity scholarship organization." A nonprofit entity which:

(1) Is exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.); and

(2) Contributes at least 80% of the entity's annual cash receipts to an opportunity scholarship program.

For the purposes of this definition, a nonprofit entity contributes the entity's cash receipts to an opportunity scholarship program when the entity expends or otherwise irrevocably encumbers those funds for distribution during the then-current fiscal year of the nonprofit entity or during the next succeeding fiscal year of the nonprofit entity.

"Opportunity scholarship program." A program to provide opportunity scholarships to eligible students who reside within the attendance area of a low-achieving school.

"Parent." An individual who:

(1) is a resident of this Commonwealth; and

(2) either:

(i) has legal custody or guardianship of a student;

or

(ii) keeps in the individual's home a student and supports the student gratis as if the student were a lineal descendant of the individual.

"Participating nonpublic school." A nonpublic school which notifies the Department of Education under section 2011-B that the school wishes to accept opportunity scholarship recipients.

"Participating public school." A public school in a school district which notifies the Department of Education under section 2011-B that the school wishes to accept opportunity scholarship recipients. The term does not include a low-achieving school.

"Pass-through entity." A partnership as defined in section 301(n.0) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, a single-member limited liability company treated as a disregarded entity for Federal income tax purposes or a Pennsylvania S corporation as defined in section 301(n.1) of the Tax Reform Code of 1971. The term includes a pass-through entity that owns an interest in a pass-through entity.

"Pre-kindergarten program." A program of instruction for three-year-old, four-year-old, five-year-old or six-year-old students, other than a kindergarten, that utilizes a curriculum aligned with the curriculum of the school with which it is affiliated and which provides one of the following:

(1) A minimum of two hours of instructional and developmental activities per day at least 60 days per school year.

(2) A minimum of two hours of instructional and developmental activities per day at least 20 days over the summer recess.

"Pre-kindergarten scholarship organization." A nonprofit entity which:

(1) is exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or is operated as a separate segregated fund by a scholarship organization that has been qualified under section 2003-B; and

(2) contributes at least 80% of its annual cash receipts to a pre-kindergarten scholarship program by expending or otherwise irrevocably encumbering those funds for distribution during the then-current fiscal year of the

organization or during the next succeeding fiscal year of the organization.

"Pre-kindergarten scholarship program." A program to provide tuition to eligible pre-kindergarten students to attend a pre-kindergarten program operated by or in conjunction with a school located in this Commonwealth and that includes an application and review process for the purpose of making awards to eligible pre-kindergarten students and awards scholarships to eligible pre-kindergarten students without limiting availability to only students of one school or one building within a school district or nonpublic school entity.

"Public school." A public pre-kindergarten where compulsory attendance requirements do not apply or a public kindergarten, elementary school, secondary school or career and technical school at which the compulsory attendance requirements of this Commonwealth may be met and which meets the applicable requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"Recipient." An applicant who receives a scholarship.

"Scholarship." An award under a scholarship program to pay tuition and school-related fees to attend a school.

"Scholarship organization." A nonprofit entity which:

(1) is exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986; and

(2) contributes at least 80% of its annual cash receipts to a scholarship program.

For purposes of this definition, a nonprofit entity

"contributes" its annual cash receipts to a scholarship program when it expends or otherwise irrevocably encumbers those funds for distribution during the then-current fiscal year of the nonprofit entity or during the next succeeding fiscal year of the nonprofit entity.

"Scholarship program." A program to provide tuition and school-related fees to eligible students to attend a school located in this Commonwealth. A scholarship program must include an application and review process for the purpose of making awards to eligible students. The award of scholarships to eligible students shall be made without limiting availability to only students of one school or one building within a school district or nonpublic school entity.

"School." A public or nonpublic pre-kindergarten, kindergarten, elementary school or secondary school at which the compulsory attendance requirements of the Commonwealth may be met and which meets the applicable requirements of Title VI of the Civil Rights Act of 1964.

"School age." Children from the earliest admission age to a school's pre-kindergarten or kindergarten program or, when no pre-kindergarten or kindergarten program is provided, the school's earliest admission age for beginners, until the end of the school year, the student attains 21 years of age or graduation from high school, whichever occurs first.

"School district of residence." The school district in which the student's primary domicile is located.

"School-related fees." Fees charged by a school to all students for books, instructional materials, technology equipment and services, uniforms and activities.

"Secondary school." A school with an eleventh grade.

"Special education school." A school or program within a school that is designated specifically and exclusively for students with any of the disabilities listed in 34 CFR § 300.8 and meets one of the following:

(1) Is licensed under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.

(2) Is accredited by an accrediting association approved by the State Board of Education.

(3) Is a school for the blind or deaf receiving Commonwealth appropriations.

(4) Is operated by or under the authority of a bona fide religious institution or by the Commonwealth or any political subdivision thereof.

"Student." An individual who meets all of the following:

(1) Is school age.

(2) Is a resident of this Commonwealth.

(3) Attends or is about to attend a school.

"Support level." The level of support needed by an eligible student with a disability, as set forth in the following matrix:

Support Level 1 - The student is not enrolled in a special education school.

Support Level 2 - The student is enrolled as a student in a special education school.

"Tax Reform Code of 1971." The act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(2002-B added July 13, 2016, P.L.716, No.86)

Section 2003-B. Qualification and application by organizations.

(a) Establishment.--In accordance with section 14 of Article III of the Constitution of Pennsylvania, the educational improvement and opportunity scholarship tax credit programs are hereby established to enhance the educational opportunities available to all students in this Commonwealth.

(b) Information.--In order to qualify under this article, an educational improvement organization, a scholarship organization, a pre-kindergarten scholarship organization or an opportunity scholarship organization must submit information to the department that enables the department to confirm that the organization is exempt from taxation under section 501(c) (3) of the Internal Revenue Code of 1986.

(c) Scholarship organizations and pre-kindergarten scholarship organizations.--A scholarship organization or pre-kindergarten scholarship organization must certify to the department that the organization is eligible to participate in the educational improvement tax credit program established under this article and must agree to annually report the following information to the department by September 1 of each year:

(1) (i) The number of scholarships awarded during the immediately preceding school year to eligible pre-kindergarten students.

(ii) The total and average amounts of the scholarships awarded during the immediately preceding school year to eligible pre-kindergarten students.

(iii) The number of scholarships awarded during the immediately preceding school year to eligible students in grades kindergarten through eight.

(iv) The total and average amounts of the scholarships awarded during the immediately preceding school year to eligible students in grades kindergarten through eight.

(v) The number of scholarships awarded during the immediately preceding school year to eligible students in grades nine through 12.

(vi) The total and average amounts of the scholarships awarded during the immediately preceding school year to eligible students in grades nine through 12.

(vii) Where the scholarship organization or pre-kindergarten scholarship organization collects information on a county-by-county basis, the total number and the total amount of scholarships awarded during the immediately preceding school year to residents of each county in which the scholarship organization or pre-kindergarten scholarship organization awarded scholarships.

(viii) The total number of scholarship applications processed and the amounts of any application fees charged, either per scholarship application or in the aggregate through a third-party processor.

(ix) The organization's Federal Form 990 or other Federal form indicating the tax status of the organization for Federal tax purposes, if any, and a copy of a compilation, review or audit of the organization's financial statements conducted by a certified public accounting firm.

(2) The information required under paragraph (1) shall be submitted on a form provided by the department. No later than May 1 of each year, the department shall annually distribute such sample forms, together with the forms on which the reports are required to be made, to each listed scholarship organization and pre-kindergarten scholarship organization.

(3) The department may not require any other information to be provided by scholarship organizations or pre-kindergarten scholarship organizations, except as expressly authorized in this article.

(d) Educational improvement organization.--

(1) An application submitted by an educational improvement organization must describe its proposed innovative educational program or programs in a form prescribed by the department. The department shall consult with the Department of Education as necessary. The department shall review and approve or disapprove the application. In order to be eligible to participate in the educational improvement tax credit program established under this article, an educational improvement organization must agree to annually report the following information to the department by September 1 of each year:

(i) The name of the innovative educational program or programs and the total amount of the grant or grants made to those programs during the immediately preceding school year.

(ii) A description of how each grant was utilized during the immediately preceding school year and a description of any demonstrated or expected innovative educational improvements.

(iii) The names of the public schools and school districts where innovative educational programs that received grants during the immediately preceding school year were implemented.

(iv) Where the educational improvement organization collects information on a county-by-county basis, the total number and the total amount of grants made during the immediately preceding school year for programs at public schools in each county in which the educational improvement organization made grants.

(v) The organization's Federal Form 990 or other Federal form indicating the tax status of the organization for Federal tax purposes, if any, and a

copy of a compilation, review or audit of the organization's financial statements conducted by a certified public accounting firm.

(2) The information required under paragraph (1) shall be submitted on a form provided by the department. No later than May 1 of each year, the department shall annually distribute such sample forms, together with the forms on which the reports are required to be made, to each listed educational improvement organization.

(3) The department may not require any other information to be provided by educational improvement organizations, except as expressly authorized in this article.

(d.1) Opportunity scholarship organizations.--

(1) An opportunity scholarship organization must enhance the educational opportunities available to students in this Commonwealth by providing opportunity scholarships to eligible students who reside within the attendance boundary of low-achieving schools to attend schools which are not low-achieving schools and which are not public schools within the eligible student's school district of residence. By February 15 of each year, an opportunity scholarship organization must certify to the department that the organization is eligible to participate in the opportunity scholarship tax credit program.

(2) An opportunity scholarship organization must agree to report the following information on a form provided by the department by September 1 of each year:

(i) The total number of applications for opportunity scholarships received during the immediately preceding school year from eligible students in grades kindergarten through eight.

(ii) The number of opportunity scholarships awarded during the immediately preceding school year to eligible students in grades kindergarten through eight.

(iii) The total and average amounts of the opportunity scholarships awarded during the immediately preceding school year to eligible students in grades kindergarten through eight.

(iv) The total number of applications for opportunity scholarships received during the immediately preceding school year from eligible students in grades nine through 12.

(v) The number of opportunity scholarships awarded during the immediately preceding school year to eligible students in grades nine through 12.

(vi) The total and average amounts of the opportunity scholarships awarded during the immediately preceding school year to eligible students in grades nine through 12.

(vii) Where the opportunity scholarship organization collects information on a county-by-county basis, the total number and the total amount of opportunity scholarships awarded during the immediately preceding school year to residents of each county in which the opportunity scholarship organization awarded opportunity scholarships.

(viii) The number of opportunity scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level.

(ix) The total and average amounts of opportunity scholarships awarded during the immediately preceding

school year to applicants with a household income that does not exceed 185% of the Federal poverty level.

(x) The number of opportunity scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within a first class school district.

(xi) The total and average amounts of opportunity scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within a first class school district.

(xii) The number of opportunity scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within a school district that was designated as a financial recovery school district under Article VI-A at the time of the award.

(xiii) The total and average amounts of opportunity scholarships awarded during the immediately preceding school year to applicants with a household income that does not exceed 185% of the Federal poverty level and who reside within a school district that was designated as a financial recovery school district under Article VI-A at the time of the award.

(xiv) The total number of opportunity scholarship applications processed and the amounts of any application fees charged either per opportunity scholarship application or in the aggregate through a third-party processor.

(xv) The opportunity scholarship organization's Federal Form 990 or other Federal form indicating the tax status of the opportunity scholarship organization for Federal tax purposes, if any, and a copy of a compilation, review or audit of the opportunity scholarship organization's financial statements conducted by a certified public accounting firm.

(3) No later than May 1 of each year, the department shall annually distribute such sample forms, together with the forms on which the reports are required to be made, to each listed opportunity scholarship organization.

(4) The department may not require other information to be provided by opportunity scholarship organizations, except as expressly authorized in this article.

(e) Notification.--The department shall notify the scholarship organization, pre-kindergarten scholarship organization, educational improvement organization or opportunity scholarship organization that the organization meets the requirements of and is qualified under this article for that fiscal year no later than 60 days after the organization has submitted the information required under this section.

(f) Publication.--The department shall annually publish a list of each scholarship organization, pre-kindergarten scholarship organization, educational improvement organization and opportunity scholarship organization qualified under this section in the Pennsylvania Bulletin. The list shall also be posted and updated as necessary on the publicly accessible Internet website of the department.

(2003-B added July 13, 2016, P.L.716, No.86)
Section 2004-B. Application by business firms.

(a) Scholarship organization, pre-kindergarten scholarship organization or opportunity scholarship organization.--A business firm shall apply to the department for a tax credit for contributions to a scholarship organization, pre-kindergarten scholarship organization or opportunity scholarship organization under section 2005-B. A business firm shall receive a tax credit under this article if the scholarship organization, pre-kindergarten scholarship organization or opportunity scholarship organization that receives the contribution appears on the list established under section 2003-B(f), subject to the limitations in sections 2005-B and 2006-B.

(b) Educational improvement organization.--A business firm must apply to the department for a credit for a contribution to an educational improvement organization under section 2005-B. A business firm shall receive a tax credit under this article if the department has approved the program provided by the educational improvement organization that receives the contribution, subject to the limitations in sections 2005-B and 2006-B.

(c) Availability of tax credits.--Tax credits under this article shall be made available by the department on a first-come, first-served basis within the limitation established under section 2006-B(a).

(d) Contributions.--A contribution by a business firm to a scholarship organization, pre-kindergarten scholarship organization, opportunity scholarship organization or educational improvement organization shall be made no later than 60 days following the approval of an application under subsection (a) or (b).

(e) Application in the alternative.--At the time of application for an educational improvement or opportunity scholarship tax credit, the department shall advise a business firm that the firm may elect that its application for a particular credit will, in the alternative, be deemed an application received by the department on the same date as the preferred application, but for a different tax credit authorized under this section if the business firm's preferred choice of tax credit is not available. When a business firm does not receive its preferred choice of tax credit, the department shall promptly consider the business firm's application in the alternative for a different tax credit authorized under this section.

(2004-B added July 13, 2016, P.L.716, No.86)
Section 2005-B. Tax credits.

(a) Scholarship or educational improvement organizations.--In accordance with section 2006-B, the Department of Revenue shall grant a tax credit against any applicable tax to a business firm providing proof of a contribution to a scholarship organization or educational improvement organization in the taxable year in which the contribution is made in accordance with the following:

(1) The tax credit shall not exceed 75% of the total amount contributed during the taxable year by the business firm.

(2) For fiscal year 2014-2015, and each fiscal year thereafter, the tax credit shall not exceed \$750,000 annually per business firm for contributions made to scholarship organizations or educational improvement organizations except as provided under subsection (i).

(a.1) Opportunity scholarship organizations.--In accordance with section 2006-B, the Department of Revenue shall grant a

tax credit against any applicable tax to a business firm providing proof of a contribution to an opportunity scholarship organization in the taxable year in which the contribution is made in accordance with the following:

(1) The tax credit shall not exceed 75% of the total amount contributed during the taxable year by the business firm.

(2) For fiscal year 2014-2015, and each fiscal year thereafter, the tax credit shall not exceed \$750,000 annually per business firm for contributions made to opportunity scholarship organizations, except as provided in subsection (i).

(b) Additional amount.--In accordance with section 2006-B, the Department of Revenue shall grant a tax credit of up to 90% of the total amount contributed during the taxable year if the business firm provides a written commitment to provide the scholarship organization, educational improvement organization or opportunity scholarship organization with the same amount of contribution for two consecutive tax years. The business firm must provide the written commitment under this subsection to the department at the time of application.

(c) Pre-kindergarten scholarship organizations.--In accordance with section 2006-B, the Department of Revenue shall grant a tax credit against any applicable tax to a business firm providing proof of a contribution to a pre-kindergarten scholarship organization in the taxable year in which the contribution is made in accordance with the following:

(1) The tax credit shall be equal to 100% of the first \$10,000 contributed during the taxable year by the business firm and shall not exceed 90% of the remaining amount contributed during the taxable year by the business firm. At the time of application, a business firm may provide a written commitment to the department to provide the pre-kindergarten scholarship organization with at least the same amount of contribution for two consecutive years.

(2) The tax credit shall not exceed \$200,000 annually per business firm for contributions made to pre-kindergarten scholarship organizations, except as provided in subsection (i).

(d) Combination of tax credits.--In accordance with section 2006-B, a business firm may receive tax credits from the Department of Revenue in any tax year for any combination of contributions under subsection (a), (a.1), (b) or (c). Except as provided in subsection (i), in no case may a business firm receive tax credits in any tax year in excess of the following:

(1) \$750,000 for combined contributions to scholarship and educational improvement organizations under subsections (a) and (b).

(2) \$750,000 for contributions to opportunity scholarship organizations under subsections (a.1) and (b).

(3) \$200,000 for contributions to pre-kindergarten scholarship organizations under subsection (c).

(e) Pass-through entity.--

(1) If a pass-through entity does not intend to use all approved tax credits under this section, it may elect in writing to distribute for no consideration all or a portion of the credit to shareholders, members or partners in proportion to the percentage interest of the shareholder, member or partner in distributions from the pass-through entity, which credits may be used by the shareholders, members or partners in the taxable year in which the contribution is made or in the taxable year immediately

following the year in which the contribution is made. The election shall designate the year in which the distributed credits are to be used and shall be made according to procedures established by the Department of Revenue. A pass-through entity that received a distribution from a pass-through entity under this paragraph may make a distribution under this paragraph.

(2) A pass-through entity and a shareholder, member or partner of a pass-through entity shall not claim the credit under this section for the same contribution.

(3) The shareholder, member or partner may not carry forward, carry back, obtain a refund of or sell or assign the credit.

(4) An individual shareholder, partner or member may apply a credit distributed under this section to income taxable under Article III of the Tax Reform Code of 1971 to the shareholder, partner or member, to the spouse of the shareholder, partner or member or to both, if both the shareholder, partner or member and the spouse report income on a joint personal income tax return.

(f) Restriction on applicability of credits.--No credits granted under this section shall be applied against any tax withheld by an employer from an employee under Article III of the Tax Reform Code of 1971.

(g) Time of application for credits.--

(1) Except as provided in paragraph (2), the department may accept applications for tax credits available during a fiscal year no earlier than July 1 of each fiscal year.

(2) The application of any business firm for tax credits available during a fiscal year as part of the second year of a two-year commitment or as a renewal of a two-year commitment which was fulfilled in the previous fiscal year may be accepted no earlier than May 15 preceding the fiscal year.

(g.1) Approval of tax credits.--Unless otherwise requested by the business firm and agreed to by both the business firm and the department, and unless all authorized credits have already been awarded:

(1) For fiscal year 2016-2017, and each fiscal year thereafter, the department shall give written notice of its approval to each business firm that submitted a completed application under subsection (g) by August 15, or 30 days following receipt of the completed application, whichever is later.

(2) For fiscal year 2016-2017, and each fiscal year thereafter, the department shall give written notice of its approval to each business firm that submitted a completed application under subsection (j)(2) within 30 days following receipt of the completed application.

(h) Waiting list.--The department shall maintain a waiting list consisting of each business firm which chooses to be included on the list and whose application has not been approved because all available tax credits have been awarded. A business firm that was not awarded a tax credit due to a lack of available tax credits shall be notified of and offered a place on the waiting list. When tax credits become available, the department shall award the tax credits to the business firms in the order in which the business firms were placed on the waiting list.

(i) Temporary increase in maximum tax credits available.--

(1) If all tax credits authorized under this article for contributions to the category of scholarship

organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations have not been awarded as of October 1 of any fiscal year, then for applications accepted by the department from October 1 through November 30 of such fiscal year, the limitations set forth in subsections (a), (a.1), (c) and (d) relating to the maximum amount of tax credits a business firm can receive during a fiscal year for contributions to each such category of organizations shall not apply. Under this paragraph, the department may accept applications under section 2004-B from October 1 through November 30 as follows:

(i) A business firm, including a business firm that already applied for the maximum tax credits available pursuant to subsections (a) and (d), may apply under section 2004-B(a) for up to the total amount of tax credits remaining available for contributions to scholarship organizations for the fiscal year as set forth in section 2006-B(a)(1).

(ii) A business firm, including a business firm that already applied for the maximum tax credits available pursuant to subsections (a.1) and (d), may apply under section 2004-B(a) for up to the total amount of tax credits remaining available for contributions to opportunity scholarship organizations for the fiscal year as set forth in section 2006-B(a)(3).

(iii) A business firm, including a business firm that already applied for the maximum tax credits available pursuant to subsections (c) and (d), may apply under section 2004-B(a) for up to the total amount of tax credits remaining available for contributions to pre-kindergarten scholarship organizations for the fiscal year as set forth in section 2006-B(a)(2).

(2) The provisions of subsection (b) shall not apply to applications for tax credits made under this subsection. Tax credits awarded under this subsection shall not exceed 75% of the total amount contributed during the taxable year by a business firm pursuant to an application filed under this subsection.

(3) Prior to the award of tax credits applied for under this subsection, the department shall first award tax credits applied for by a business firm during the period October 1 through November 30 in an amount no greater than the maximum amount of tax credits for which a business firm is eligible under subsections (a), (a.1), (c) and (d). The tax credits shall be awarded on a first-come, first-served basis as set forth in section 2004-B(c).

(4) After the department has awarded tax credits under paragraph (3), any tax credits remaining available within the category of scholarship organizations, opportunity scholarship organizations and pre-kindergarten scholarship organizations shall be awarded based on the total amount of tax credits within each category of organization for which applications are received under this subsection from October 1 through November 30 of the fiscal year as follows:

(i) If the total amount of tax credits applied for by all business firms under this subsection does not exceed the total amount of tax credits that remained available for award within a category as of October 1, less those tax credits awarded under paragraph (3), then each business firm may be awarded the full amount of tax credits applied for.

(ii) If the total amount of tax credits applied for by all business firms under this subsection exceeds the total amount of tax credits that remained available for award within a category as of October 1, less those tax credits awarded under paragraph (3), then each business firm may be awarded an amount of tax credits determined by multiplying the amount of tax credits applied for by the business firm by a ratio, the numerator of which is the total amount of tax credits that remained available for award within the category as of October 1, less those awarded as set forth in paragraph (3), and the denominator of which is the total amount of tax credits applied for by all business firms under this subsection.

(5) Notwithstanding a temporary increase in maximum tax credits available under this subsection, the limitations set forth in subsections (a), (a.1), (c) and (d) relating to the maximum amount of tax credits a business firm can receive during a year for contributions to a category of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations shall be reinstated for all applications accepted by the department on or after December 1 of the fiscal year.

(j) Reallocation of tax credits.--

(1) Beginning on January 1 of any fiscal year, if any tax credits authorized under this article for contributions to any of the categories of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations remain unawarded, such unawarded tax credits may be reallocated to any of the categories of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations for which all available tax credits have been awarded. The department shall, within 10 business days, inform each business firm on the waiting list maintained by the department under subsection (h) that tax credits remain available under another category for which the business firm has not yet applied. If a business firm notified under this paragraph elects, the department shall reallocate available tax credits for award to the business firm in the business firm's preferred tax credit category, notwithstanding the limitations contained in section 2006-B(a). The amount of tax credits to be awarded to a business firm under this paragraph shall not exceed the amount of tax credits available for reallocation or the maximum amount of tax credits for which a business firm is eligible under subsections (a), (a.1), (c) and (d). Each business firm shall have 10 business days from the date of the department's notice to elect a reallocation of tax credits under this paragraph. The department shall award tax credits on a first-come, first-served basis.

(2) After the department has awarded tax credits under paragraph (1), the department shall accept new applications for reallocation of tax credits from any of the categories of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations for which tax credits remain available to the applicant's preferred category of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations for which all available tax credits have been awarded, notwithstanding any limitations contained in section 2006-B(a). The amount of tax credits to be awarded to a business firm under this paragraph shall not exceed the

amount of tax credits available for reallocation or the maximum amount of tax credits for which a business firm is eligible under subsections (a), (a.1), (c) and (d). The department shall award tax credits on a first-come, first-served basis.

(2.1) In any fiscal year, the first \$10,000,000 in tax credits available for reallocation under paragraphs (1) and (2) shall be set aside for contributions to pre-kindergarten scholarship organizations. If \$10,000,000 in tax credits have not been awarded to pre-kindergarten scholarship organizations under paragraphs (1) and (2) prior to March 1 of any fiscal year, the remaining tax credits available for reallocation under paragraphs (1) and (2) shall be made available for contributions to any of the categories of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations.

(3) No tax credits shall be awarded under this subsection until the department has completed the award of tax credits for applications made under subsection (i).

(4) The department shall not reallocate tax credits from any of the categories of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations to the category of educational improvement organizations.

(5) Subsections (b) and (g) shall not apply to an application for reallocation of tax credits under this subsection.

(2005-B added July 13, 2016, P.L.716, No.86)

Section 2006-B. Limitations.

(a) Amount.--

(1) The total aggregate amount of all tax credits approved for contributions from business firms to scholarship organizations, educational improvement organizations and pre-kindergarten scholarship organizations shall not exceed \$125,000,000 in a fiscal year.

(i) No less than \$75,000,000 of the total aggregate amount shall be used to provide tax credits for contributions from business firms to scholarship organizations.

(ii) No less than \$37,500,000 of the total aggregate amount shall be used to provide tax credits for contributions from business firms to educational improvement organizations.

(iii) The total aggregate amount of all tax credits approved for contributions from business firms to pre-kindergarten scholarship organizations shall not exceed \$12,500,000 in a fiscal year.

(2) The total aggregate amount of all tax credits approved for contributions from business firms to opportunity scholarship organizations shall not exceed \$50,000,000 in a fiscal year.

(b) Activities.--No tax credit shall be approved for activities that are a part of a business firm's normal course of business.

(c) Tax liability.--

(1) Except as provided in paragraph (2), a tax credit granted for any one taxable year may not exceed the tax liability of a business firm.

(2) In the case of a credit granted to a pass-through entity which elects to distribute the credit according to section 2005-B(e), a tax credit granted for any one taxable year and distributed to a shareholder, member or partner may

not exceed the tax liability of the shareholder, member or partner.

(d) Use.--A tax credit not used by the applicant in the taxable year the contribution was made or in the year designated by the shareholder, member or partner to whom the credit was transferred under section 2005-B(e) may not be carried forward or carried back and is not refundable or transferable.

(e) Nontaxable income.--A scholarship from any category of organization received by an eligible student or eligible pre-kindergarten student shall not be considered to be taxable income for the purposes of Article III of the Tax Reform Code of 1971.

(f) Financial assistance.--A scholarship from any category of organization received by an eligible student or eligible pre-kindergarten student shall not constitute an appropriation or financial assistance to the school attended by the recipient.

(2006-B added July 13, 2016, P.L.716, No.86)

Section 2007-B. Lists.

The Department of Revenue shall provide a list of all scholarship organizations, pre-kindergarten scholarship organizations, educational improvement organizations and opportunity scholarship organizations receiving contributions from business firms granted a tax credit under this article to the General Assembly by June 30th of each year.

(2007-B added July 13, 2016, P.L.716, No.86)

Section 2008-B. Guidelines.

The department in consultation with the Department of Education shall develop guidelines to determine the eligibility of an innovative educational program.

(2008-B added July 13, 2016, P.L.716, No.86)

Section 2009-B. Opportunity scholarships.

(a) Notice.--By February 1 of each year, the department shall provide all opportunity scholarship organizations with a list of the low-achieving schools located within each school district.

(b) Award.--An opportunity scholarship organization may award an opportunity scholarship to an applicant who resides within the attendance boundary of a low-achieving school to attend a participating public school or a participating nonpublic school selected by the parent of the applicant. If an applicant who received an opportunity scholarship for the prior school year resides within the attendance boundary of a school that was removed from the list of low-achieving schools provided by the department under subsection (a), the applicant may receive an opportunity scholarship. The opportunity scholarship may be for each year of enrollment in a participating public school or participating nonpublic school for up to the lesser of five years or until completion of grade 12, provided the applicant otherwise remains eligible. In awarding scholarships, an opportunity scholarship organization shall give preference to any of the following:

(1) An applicant who received an opportunity scholarship for the prior school year.

(2) An applicant of a household with a household income that does not exceed 185% of the Federal poverty level for the school year preceding the school year for which the application is being made.

(3) An applicant of a household with a household income that does not exceed 185% of the Federal poverty level for the school year preceding the school year for which the application is being made and who resides within any of the following:

(i) A first class school district.

(ii) A school district designated as a financial recovery school district under Article VI-A for the year for which the award is made.

(c) Home schooling.--An opportunity scholarship organization shall not award an opportunity scholarship to an applicant for enrollment in a home education program under section 1327.1.

(d) Funding.--The aggregate amount of opportunity scholarships shall not exceed the aggregate amount of contributions made by business firms to the opportunity scholarship organization.

(e) Amount.--

(1) The maximum amount of an opportunity scholarship awarded to an applicant without a disability shall be \$8,500.

(2) The maximum amount of an opportunity scholarship awarded to an applicant with a disability shall be \$15,000.

(3) In no case shall the combined amount of the opportunity scholarship awarded to a recipient and any additional financial assistance provided to the recipient exceed the tuition rate and school-related fees for the participating public school or participating nonpublic school that the recipient will attend.

(2009-B added July 13, 2016, P.L.716, No.86)

Section 2010-B. Low-achieving schools.

(a) List of low-achieving schools.--By February 1 of each year, the Department of Education shall publish on the Department of Education's publicly accessible Internet website and in the Pennsylvania Bulletin a list of the low-achieving schools for the following school year.

(b) Notice.--By February 1 of each year, the Department of Education shall notify every school district identified as having at least one low-achieving school of such identification and shall furnish the school district with a list of the low-achieving schools located within the school district.

(c) Publication.--Within 15 days of receipt of a notification under subsection (b), a school district shall post on the district's publicly accessible Internet website notice of all of the following:

(1) A description of the opportunity scholarship program.

(2) Instructions for applying for an opportunity scholarship.

(3) A list of schools in the school district that have been designated by the Department of Education as low-achieving schools.

(4) Notice that a parent must directly contact a school district of a participating public school or a participating nonpublic school if the parent seeks to enroll the student in the opportunity scholarship program.

(d) Notification to parents.--

(1) Within 15 days of receipt of a notification under subsection (b), a school district shall notify the parents of each student who is currently attending or residing within the attendance boundary of a low-achieving school during the school year of the school's designation.

(2) Upon registration of a kindergarten student, a school district shall notify the parents of the kindergarten student that the student will be assigned to a low-achieving school during the school year of the school's designation.

(3) The notice shall be in a form provided by the Department of Education and shall provide the following information regarding the opportunity scholarship program:

(i) A description of the opportunity scholarship program.

(ii) Instructions for obtaining information about applying for an opportunity scholarship under the opportunity scholarship program.

(iii) Notice of the parent's responsibilities with regard to applying to a school district of a participating public school or a participating nonpublic school if the parent seeks to enroll the student in the opportunity scholarship program.

(e) Average daily membership.--

(1) Notwithstanding any other provision of law to the contrary, a recipient who was enrolled in the recipient's resident school district or in a charter school, regional charter school or cyber charter school when the recipient first received an opportunity scholarship shall continue to be counted in the average daily membership of the school district for a period of one year after enrolling in a participating public school or a participating nonpublic school.

(2) During the year referenced in paragraph (1) and each school year thereafter, a school district of a participating public school in which the recipient is enrolled shall not include the recipient in the school district's average daily membership.

(2010-B added July 13, 2016, P.L.716, No.86)

Section 2011-B. School participation in program.

(a) Election.--

(1) By February 15 of each year, a nonpublic school may elect to participate in the opportunity scholarship program for the following school year.

(2) By February 15 of each year, a school district may elect to participate in the opportunity scholarship program for the following school year.

(b) Notice.--

(1) A school district or nonpublic school that elects to participate under subsection (a) must notify the Department of Education of the district's or nonpublic school's intent to participate.

(2) For a school district, the notice under paragraph (1) must be submitted on a form developed by the Department of Education and shall specify all of the following:

(i) Each school within the school district which the school district intends to make a participating public school.

(ii) The amount of tuition and school-related fees attributable to each available seat. The amount under this subparagraph shall not exceed the amount calculated under section 2561.

(3) For a nonpublic school, the notice under paragraph (1) must be submitted on a form developed by the Department of Education and shall specify the amount of tuition and school-related fees attributable to an available seat.

(c) Tuition rates.--

(1) No school district of a participating public school or participating nonpublic school may charge a recipient a higher tuition rate or school-related fee than the school district of the participating public school or participating nonpublic school would have charged to a similarly situated student who is not receiving an opportunity scholarship.

(2) Notwithstanding the provisions of section 2561, a school district of a participating public school may charge

a recipient a tuition rate that is lower than that charged to students who are not recipients of opportunity scholarships.

(d) Participating public school criteria.--The following criteria apply to a participating public school:

(1) Except as otherwise provided in this article, a school district shall enroll students in a participating public school on a lottery basis from a pool of recipients who meet the application deadline set by the Department of Education until the participating public school fills the school's available seats. The pool may not include a recipient who:

(i) Has been expelled or is in the process of being expelled under section 1317.2 or 1318 and applicable regulations of the State Board of Education.

(ii) Has been recruited by the school district or its representatives for athletic purposes.

(2) The enrollment of recipients may not place the school district in violation of a valid and binding desegregation order.

(3) Priority shall be given to:

(i) An existing recipient.

(ii) A recipient who is a sibling of a student currently enrolled in the school district.

(e) Participating nonpublic school criteria.--The following criteria apply to a participating nonpublic school:

(1) The participating nonpublic school may not discriminate on a basis which is illegal under Federal or State laws applicable to nonpublic schools.

(2) The participating nonpublic school shall comply with section 1521.

(3) The participating nonpublic school or its representatives may not recruit a student for athletic purposes.

(f) Student rules, policies and procedures.--

(1) Prior to enrollment of a recipient, a school district of a participating public school or a participating nonpublic school shall inform the parent of a recipient of any and all rules, policies and procedures of the participating public school or participating nonpublic school, including any academic policies, disciplinary rules and administrative procedures of the participating public school or participating nonpublic school.

(2) Enrollment of a recipient in a participating public school or participating nonpublic school shall constitute acceptance of any rules, policies and procedures of the participating public school or participating nonpublic school.

(g) Transportation.--

(1) Transportation of recipients shall be provided under section 1361.

(2) Reimbursement shall be as follows:

(i) Transportation of a recipient attending a participating public school shall be subject to reimbursement under section 2541.

(ii) Transportation of a recipient attending a participating nonpublic school shall be subject to reimbursement under sections 2509.3 and 2541.

(h) Construction.--Nothing in this article shall be construed to:

(1) Prohibit a participating nonpublic school from limiting admission to a particular grade level, a single

gender or areas of concentration of the participating nonpublic school, including mathematics, science and the arts.

(2) Authorize the Commonwealth or any of its agencies or officers or political subdivisions to impose any additional requirements on a participating nonpublic school which are not otherwise authorized under the laws of this Commonwealth or to require a participating nonpublic school to enroll a recipient if the participating nonpublic school does not offer appropriate programs or is not structured or equipped with the necessary facilities to meet the special needs of the recipient or does not offer a particular program requested.

(2011-B added July 13, 2016, P.L.716, No.86)

Section 2012-B. Tuition grants by school districts.

(a) General rule.--The board of school directors of a school district may use funds received from the Commonwealth for educational purposes to establish a program of tuition grants to provide for the education of students who reside within the district and attend or will attend a public or nonpublic school on a tuition-paying basis.

(b) Nonpublic school grant amount.--For students who attend or will attend a nonpublic school, the grant amount for each student shall not exceed the amount of the per pupil State subsidy for basic education of the school district of residence.

(c) Average daily membership.--

(1) A student who receives a tuition grant under this section shall be included in the average daily membership for purposes of determining the school district of residence's basic education funding.

(2) A student who receives a grant under this section to attend a public school outside the school district awarding the tuition grant shall not be included in the average daily membership of the school district the student attends.

(d) Guidelines.--

(1) The board of school directors of a school district shall prepare guidelines on all the following:

(i) Establishment of an application form and approval process.

(ii) Standards for verification of the accuracy of application information.

(iii) Confirmation of attendance by a student who receives a tuition grant.

(iv) Restrictive endorsement of grant checks by parents to the school chosen by the parents.

(v) Pro rata refunds of grants for students who withdraw during the school year.

(vi) Repayment of refunded grants to the school district.

(vii) Reasonable deadline dates for submission of grant applications.

(2) The board of school directors of a school shall announce the award of grants no later than August 1 of the school year in which the grants will be utilized.

(3) Upon receipt of written confirmation of enrollment from the student's school of choice, grants shall be paid to the parents of a student by a check that may only be endorsed to the selected school.

(4) In the event a student is no longer enrolled prior to the completion of the school term, the school shall send written notice to the school district.

(e) Nontaxable.--Grants awarded to students under this section shall not:

(1) Be considered taxable income for purposes of a local taxing ordinance or for purposes of Article III of the Tax Reform Code of 1971.

(2) Constitute financial assistance or appropriations to the school attended by the student.

(f) Construction.--Nothing in this section shall be construed to empower the Commonwealth or a school district or any of their agencies or officers to do any of the following:

(1) Prescribe the course content or admissions criteria for any religiously affiliated school.

(2) Compel any private school to accept or enroll a student.

(3) Impose any additional requirements on any private school that are not otherwise authorized.

(4) Require any school to accept or retain a student if the school does not offer programs or is not structured or equipped with the necessary facilities to meet the special needs of the student or does not offer a particular program requested.

(2012-B added July 13, 2016, P.L.716, No.86)

Section 2013-B. Original jurisdiction.

The Pennsylvania Supreme Court shall have exclusive and original jurisdiction to hear a challenge or to render a declaratory judgment concerning the constitutionality of this article. The Pennsylvania Supreme Court may take such action as the court deems appropriate, consistent with the Pennsylvania Supreme Court's retaining jurisdiction over such a matter, to find facts or to expedite a final judgment in connection with a challenge or request for declaratory relief.

(2013-B added July 13, 2016, P.L.716, No.86)

ARTICLE XX-C
TRANSFERS OF CREDITS BETWEEN
INSTITUTIONS OF HIGHER EDUCATION
(Art. added July 11, 2006, P.L.1092, No.114)

Section 2001-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Career, technical or applied courses." Courses usually offered as part of an associate degree curriculum designed to prepare students for entry-level professions, not for transfer to baccalaureate programs for advanced studies.

"Community college." An institution created pursuant to Article XIX-A or the act of August 24, 1963 (P.L.1132, No.484), known as the Community College Act of 1963.

"Degree objective courses." Courses required for completion of a major in a subject area.

"Department." The Department of Education of the Commonwealth.

"Developmental or remedial courses." Courses typically consisting of reading, writing and math designed to prepare students for college-level courses and that are not transferable.

"Equivalent courses." Courses determined to have generally equivalent content and level as determined by the faculty of an institution of higher education consistent with the policy at each institution.

"Foundation courses." Courses required to be completed by students that provide an academic foundation for the degree, general education or advanced study in a major.

"Independent institution of higher education." An institution of higher education which is operated not for profit, located in and incorporated or chartered by the Commonwealth and entitled to confer degrees as set forth in 24 Pa.C.S. § 6505 (relating to power to confer degrees) and to apply to itself the designation "college" or "university" as provided for by the standards and qualifications prescribed by the State Board of Education pursuant to 24 Pa.C.S. Ch. 65 (relating to private colleges, universities and seminaries).

"Public institution of higher education." A community college or an institution which is part of the State System of Higher Education pursuant to Article XX-A.

"State-related institution." The Pennsylvania State University, the University of Pittsburgh, Temple University, Lincoln University and their branch campuses.

"Transfer and Articulation Oversight Committee." The committee established under section 2004-C.

(2001-C added July 11, 2006, P.L.1092, No.114)
Section 2002-C. Duties of public institutions of higher education.

(a) Completion.--Each public institution of higher education shall complete all of the following by June 30, 2008:

(1) Participate in the development and implementation of equivalency standards pursuant to section 2004-C(c)(1).

(2) Establish and maintain records and data detailing the credits transferred to and received from other public institutions of higher education as the department may prescribe.

(3) Make any reasonable changes and modifications to its foundation courses, including the strengthening of the courses, to ensure equivalency of those credits among the public institutions of higher education, as recommended by the Transfer and Articulation Oversight Committee.

(4) Agree to accept for transfer foundation courses determined to meet equivalency standards under section 2004-C(c)(2).

(b) Reporting requirements.--A public institution of higher education shall submit to the department a series of interim reports outlining the actions that the public institution of higher education has undertaken or intends to undertake to comply with subsection (a), which shall be filed December 31, 2006, June 30, 2007, and December 31, 2007.

(c) Other duties.--Each public institution of higher education shall do all of the following:

(1) Agree to accept with full junior standing the associate of arts or associate of science degree into a parallel baccalaureate program as outlined in paragraph (3) by the timelines established by the Transfer and Articulation Oversight Committee but no later than December 31, 2011. For purposes of this paragraph, an associate of arts or associate of science degree is a degree designed primarily for transfer to a baccalaureate institution and must contain a minimum of 60 credits.

(2) Submit to the Department of Education interim reports outlining the actions that the public institution of higher education has undertaken or intends to undertake to comply with paragraph (1).

(3) As a member of the Transfer and Articulation Oversight Committee established in section 2004-C:

(i) Consult with the Department of Education on a process and timeline, subject to approval by the department, to identify the associate of arts or associate of science degree aligned with the graduation requirements of the parallel baccalaureate degree in all public institutions of higher education in consultation with faculty and personnel.

(ii) Identify associate of arts or associate of science degree programs for transfer with full junior standing into a parallel baccalaureate degree in consultation with faculty and personnel in those degree programs by December 31, 2011.

(iii) Identify modifications that may be required in existing associate or baccalaureate degrees to satisfy external accreditation or licensure requirements in consultation with faculty and personnel. Approved modifications shall recognize all competencies attained within either the associate or baccalaureate programs.

(iv) Define requirements, in consultation with faculty and personnel, for education degrees, including early childhood education degrees, leading to certification to be included in an associate degree and to be accepted for transfer with full junior standing into a parallel baccalaureate degree program.

((c) added June 30, 2011, P.L.112, No.24)

(2002-C added July 11, 2006, P.L.1092, No.114)

Section 2003-C. Duties of public institutions of higher education and State-related institutions.

(a) Agreements.--Each public institution of higher education and State-related institution shall provide the Transfer and Articulation Oversight Committee with copies of all articulation agreements for inclusion in the electronic database or software program and portal provided for under section 2005-C(4) within 180 days of the effective date of this section.

(b) Reporting requirements.--The following shall apply to reporting requirements:

(1) Each public institution of higher education and State-related institution shall submit to the department a series of interim reports that describe the status of the institution's articulation agreements, which shall include all of the following:

(i) The number of students who have transferred to the public institution of higher education or State-related institution by institution of origin within the last academic year or since submittal of the institution's last interim report required under this section.

(ii) The total number of credits completed by transfer students at the institution of origin.

(iii) The total number of credits from each institution of origin that transferred to the public institution of higher education or State-related institution for each academic year.

(iv) An explanation of the credit transfer process at the institution.

(v) Any other information related to the credit transfer process as requested by the department, including the useability of transfer credits.

(2) Each public institution of higher education and State-related institution shall submit its first interim report required under this section 180 days after the effective date of this section.

(3) ((3) expired July 1, 2012. See Act 114 of 2006.)
(2003-C added July 11, 2006, P.L.1092, No.114)
Section 2004-C. Transfer and Articulation Oversight Committee.

(a) Establishment and membership.--

(1) In order to develop and implement equivalency standards as provided for in subsection (c)(1), there is hereby established within the department, the Transfer and Articulation Oversight Committee. The committee shall be comprised of the following members:

(i) The Secretary of Education or his designee, who shall serve as chair of the committee.

(ii) Members appointed by the secretary as follows:

(A) One member representing each of the community colleges and one member representing the Commission for Community Colleges.

(B) One member representing each institution of the State System of Higher Education and one member representing the Office of the Chancellor.

(C) One member representing each of the State-related institutions, who shall serve as a nonvoting member but shall retain all other duties associated with membership on the committee. If the State-related institution elects to participate under section 2006-C, the member representing the State-related institution shall be entitled to vote.

(D) One member representing each independent institution of higher education that elects to participate under section 2006-C.

(2) Members shall be appointed to four-year terms. Terms of committee members shall be staggered.

(b) Dispute resolution subcommittee.--

(1) The chair of the committee shall appoint a dispute resolution subcommittee comprised of:

(i) Three members appointed under subsection

(a)(1)(ii)(A).

(ii) Three members appointed under subsection

(a)(1)(ii)(B).

(iii) One member appointed under subsection

(a)(1)(ii)(D).

(2) The chair of the committee may add members to the dispute resolution subcommittee.

(3) The dispute resolution subcommittee shall develop dispute resolution policies and procedures to be utilized when disputes arise relating to the transfer and application of credits under this article.

(c) Duties of Transfer and Articulation Oversight Committee.--The committee shall:

(1) Within 180 days of the effective date of this section, develop, in consultation with faculty and personnel, equivalency standards for foundation courses and provide these standards to the department, the Education Committee of the Senate, the Education Committee of the House of Representatives, the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.

(2) Within one year of the effective date of this section, determine equivalent courses for at least 30 hours of foundation courses, not including developmental or remedial courses or career, technical or applied courses, in consultation with faculty and personnel.

(3) Develop an assessment/evaluation plan and identify appropriate information and collect appropriate data to

ensure the effectiveness of section 2002-C and make necessary revisions thereto over time.

(4) Review interim reports submitted to the department and, within 90 days of receipt of each report, recommend to the department action to be taken by the committee to enable the transfer of credits among public institutions of higher education and institutions that elect to participate under section 2006-C.

(5) Submit an annual report to the General Assembly that details the progress made by the public institutions of higher education and institutions that elect to participate under section 2006-C in furtherance of enabling the transfer of credits between such institutions and which recommends further action to be taken.

(2004-C added July 11, 2006, P.L.1092, No.114)

Section 2005-C. Duties of department.

The department shall:

(1) Convene a meeting, within 60 days of the effective date of this section, of the Transfer and Articulation Oversight Committee.

(2) Request information and data from the public institutions of higher education and institutions that elect to participate under section 2006-C so as to identify foundation courses offered at the institutions and any articulation agreements currently established between the institutions that include foundation courses.

(3) Provide technical assistance to the public institutions of higher education and the institutions that elect to participate under section 2006-C.

(4) Provide for an electronic database or software program and portal for the purpose of providing access to all of the following information on an Internet website:

(i) Articulation agreements entered into by public institutions of higher education and institutions that elect to participate under section 2006-C.

(ii) The annual report to the General Assembly as required by section 2004-C(c) (5).

(iii) At the request of a public institution of higher education or an institution that elects to participate under section 2006-C, any articulation agreements.

(2005-C added July 11, 2006, P.L.1092, No.114)

Section 2006-C. Participation by independent institutions of higher education or State-related institution.

An independent institution of higher education or a State-related institution may elect to participate through the adoption of equivalency standards as provided for in subsection 2004-C(c) (1) by its governing body.

(2006-C added July 11, 2006, P.L.1092, No.114)

Section 2006.1-C. Participation by State-related institutions.

(a) Identification.--Each State-related institution shall identify 30 credit hours of course content from equivalent courses identified under this article that it will accept from a student accepted for transfer from an institution of higher education participating in this article. A State-related institution shall count a course in the same manner that it would count the same or equivalent course if taken by a student at the State-related institution. A State-related institution that previously identified 30 credit hours shall be deemed to have satisfied the provisions of this subsection.

(b) Posting.--Each State-related institution shall make the information identified under subsection (a) available to the

department for posting on the department's publicly accessible Internet website.

(c) Construction.--Nothing in this section shall be construed to do any of the following:

(1) Require a State-related institution to apply a course to graduation or degree requirements if that course or its equivalent course would not be applied to graduation or degree requirements if taken at the State-related institution.

(2) Infringe on a State-related institution's sole authority to accept a student for transfer, to determine acceptance into a major, to determine the campus assignment of the student or to determine how many and which credit hours shall apply for the transfer student toward the completion of a degree. The manner in which accepted courses apply toward completion of a degree and whether they are counted for general education, major or free elective credit shall be subject to the requirements established by the accepting State-related institution for each individual major or program of study.

(3) Prohibit a State-related institution's ability to enter into discussions with the department to increase the number of credits under subsection (a).

(2006.1-C added June 30, 2011, P.L.112, No.24)

Section 2007-C. Applicability.

Nothing in this article shall do any of the following:

(1) Preclude any institution of higher education from establishing institution-to-institution articulation agreements.

(2) Void articulation agreements that have been established prior to the effective date of this section.

(2007-C added July 11, 2006, P.L.1092, No.114)

ARTICLE XX-D

STATE-RELATED UNIVERSITY REPORTING

(Art. added July 9, 2008, P.L.846, No.61)

Compiler's Note: Section 34 of Act 61 of 2008, which added Article XX-D, provided that Act 61 shall apply retroactively to July 1 2008.

Section 2001-D. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Academic and administrative support units." Any organizational entity, as defined in the organizational manual of the university, that reports directly to the president of the university, chief academic officer or vice president, including the office of the president, chief academic officer and vice president.

"Department." The Department of Education of the Commonwealth.

"Expenditures." Disbursements or payments of State appropriations, tuition and fees supporting operational, educational or other general categories of expenses as defined in: the generally accepted accounting principles as prescribed by the National Association of College and University Business Officers, the American Institute of Certified Public Accountants, or by their successors, or by any other recognized authoritative body; the "Commonwealth of Pennsylvania Budget

Instructions for the State System of Higher Education, State-Related Universities and Non-State-Related Colleges and Universities"; and the financial reporting policies and standards promulgated by the Commonwealth of Pennsylvania and by the Federal Government that apply to The Pennsylvania State University.

"Revenue." All State appropriations, tuition and fees.

"State-related institution." The Pennsylvania State University, the University of Pittsburgh, Temple University, Lincoln University and their branch campuses.

(2001-D added July 9, 2008, P.L.846, No.61)

Section 2002-D. Reporting guidelines.

In any year a State-related institution receives a nonpreferred appropriation, a report shall be submitted in electronic format to the department and the Joint State Government Commission and shall include data for all programs. The report, to be submitted prior to September 1, shall cover the 12-month period beginning with the summer term of the preceding year and shall include:

(1) The following counts and distributions for each term during the period:

(i) The definitions and numbers of faculty members employed full time, of faculty members employed part time, of full-time students enrolled in graduate courses, of full-time students enrolled in undergraduate courses, of part-time students enrolled in graduate courses and of part-time students enrolled in undergraduate courses.

(ii) The total numbers of undergraduate student credit hours, divided into lower division and upper division course levels, and of graduate student credit hours, divided into three course levels: master's, first professional and doctoral.

(iii) The number of different courses scheduled by level of instruction and the number of sections of individual instruction scheduled by level of instruction, each further subdivided by two-digit Classification of Instructional Program (CIP) categories of instructional programs of higher education as defined by the National Center for Education Statistics, United States Department of Education.

(iv) The number of terms scheduled and the dates thereof.

(2) For the summer term and the following academic year in total and for each two-digit CIP program category, a classification of faculty members or other professional employees by title, including: professor, associate professor, assistant professor, instructor, lecturer, research associate, librarian and academic administrator; faculty members or other professional employees under each title to be subdivided by type of assignment: teaching and nonteaching; and each such set of faculty members or other professional employees to be further subdivided by type of employment: full-time or part-time; and the following aggregates for each such subdivided classification:

(i) The number of faculty and other professional employees and their full-time equivalence in instructional and noninstructional functions.

(ii) The sum of credits assigned to undergraduate classroom courses and the sum of credits assigned to graduate classroom courses taught, divided into lower division, upper division, master's, first professional and doctoral course levels.

(iii) The sum of credits assigned to undergraduate individual instruction courses and the sum of credits assigned to graduate individual instruction courses taught, divided into lower division, upper division, master's, first professional and doctoral course levels.

(iv) The sum of undergraduate classroom student credit hours and the sum of graduate classroom student credit hours generated, divided into lower division, upper division, master's, first professional and doctoral course levels.

(v) The sum of undergraduate individual instruction student credit hours and the sum of graduate individual instruction student credit hours generated, divided into lower division, upper division, master's, first professional and doctoral course levels.

(vi) The total salary paid for instructional functions and for noninstructional functions and the amount of this salary paid for each of these functions from university funds, Federal funds and other funds.

(3) For each term of the period covered for each faculty member employed full time identified by two-digit CIP program category and title, the report shall contain an analysis of the average hours per week spent in university-related activities, stating specifically hours spent in undergraduate classroom contact and graduate classroom contact, hours spent in preparation, hours spent in research and hours spent in public service.

(2002-D added July 9, 2008, P.L.846, No.61)

Section 2003-D. Additional report requirements.

In addition to the requirements in section 2002-D relative to any appropriation, the report covering the 12-month period shall include for all programs of the university:

(1) Minimum number of credits required for a baccalaureate degree and for a master's degree.

(2) Number of bachelor's degrees, master's degrees, first professional degrees and doctoral degrees awarded for the previous five years and those estimates for that year.

(2003-D added July 9, 2008, P.L.846, No.61)

Section 2004-D. Disclosure.

(a) Expenditures.--The university shall disclose the following:

(1) Revenue and expenditure budgets of the university's academic and administrative support units for the current fiscal year.

(2) The actual revenue and expenditures for the prior year in the same format as the information reported under paragraph (1).

(3) For any defined project or program which is the subject of a specific line item appropriation from the General Fund, the university shall disclose the following:

(i) Revenue and expenditure budgets of the defined program or project for the current fiscal year.

(ii) The actual revenue and expenditures of the defined program or project for the prior year in the same format as the information reported under paragraph (1).

(4) The revenue and expenditures of any auxiliary enterprise which is directly funded in whole or in part by tuition or a State appropriation for the current fiscal year.

(b) Prior fiscal year.--The university shall provide the following additional information for the prior fiscal year for

each academic or administrative support unit, for each defined project or program and for any auxiliary enterprise:

(1) The number of employees by academic rank and by classification the number of administrators, staff, clerical and technical service employees.

(2) Median and mean salary by academic rank and by classification the median and mean salaries of administrators, staff, clerical and technical service employees.

(3) Nonsalary compensation as a percentage of salary. Nonsalary compensation shall include, but not be limited to, medical benefits, life insurance benefits, pension benefits, leave benefits, employer Social Security payments and workers' compensation benefits.

(4) A statement of the university's retirement policies.

(5) A policy statement relating to a reduction of tuition for employees' family members.

(6) A list of purchase of service contracts which exceed \$1,000 by category of service, including, but not limited to, legal, instructional, management, accounting, architecture, public relations and maintenance. The list shall contain the name and address of the contractor, a statement of the nature of the duties of the contractor and the academic and administrative support unit for which the duties are performed. If a purchase of service contract exceeds 10% of the total aggregate expenditure of the contract category per academic or administrative support unit, then the contracted amount shall also be listed.

(7) A list of purchase of goods contracts which exceed \$1,000. The list shall contain the name and address of the contractor and a list of the goods purchased and the academic or administrative support unit for which such goods were contracted. If a purchase of goods contract exceeds 10% of the total aggregate expenditure per academic or administrative support unit, then the contracted amount shall also be listed.

(8) A list by academic or administrative support unit in the aggregate of the expenses of travel, subsistence and lodging, whether provided or reimbursed.

(c) Format.--The university shall submit in electronic format a report of the information under subsections (a) and (b) to the department and the Joint State Government Commission. Each such institution shall maintain a copy of the report in the institution's library and shall submit a copy to each of the four State regional library resource centers.

(d) Time frame.--A university's report required to be submitted under this section shall be submitted within 180 days of the close of the university's current fiscal year.

(e) Minutes.--The university shall make a copy of the minutes of each public meeting of the institution's board of trustees, as well as a copy of the institution's integrated postsecondary education data systems report, available for public inspection in the institution's library.

(2004-D added July 9, 2008, P.L.846, No.61)

Section 2005-D. Comparative analysis and posting by commission.

The Joint State Government Commission shall develop a statistical comparison analysis recognizing differences in missions from the reports made under this article. A majority of the members of the commission may request additional documentation, except for salary or identity of individuals, necessary to complete the comparative analysis. The comparison shall be provided to the Education Committee of the Senate and

the Appropriations Committee of the Senate and the Education Committee of the House of Representatives and the Appropriations Committee of the House of Representatives and the four State regional libraries. The comparative analysis shall be posted on the Joint State Government Commission's Internet website for a period of no less than five years from the date of submission.

(2005-D added July 9, 2008, P.L.846, No.61)

Section 2006-D. Posting of reports by department.

The reports required under this article shall be posted on the department's Internet website for a period of no less than five years from the date of submission.

(2006-D added July 9, 2008, P.L.846, No.61)

ARTICLE XX-E

OLDER PENNSYLVANIAN HIGHER EDUCATION PROGRAM

(Art. added Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which added Article XX-E, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 2001-E. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"AAA." An area agency on aging which acts as the local representative of the Department of Aging.

"Institution of higher education." Any of the following:

(1) A community college operating under Article XIX-A.

(2) A university within the State System of Higher Education under Article XX-A.

(3) A State-related institution as defined in section 1502-A.

(4) Thaddeus Stevens College of Technology.

(5) Any accredited private or independent college or university.

"Older adult." A resident of this Commonwealth who is 60 years of age or older and has been a resident of this Commonwealth for at least 90 days.

"Program." An Older Pennsylvanian Higher Education Program established under section 2002-E.

(2001-E added Nov. 17, 2010, P.L.996, No.104)

Section 2002-E. Program guidelines.

(a) General rule.--An institution of higher education may, at its option, develop a program to permit older adults to enroll in higher education courses at no charge for tuition.

For purposes of this article, tuition shall not include any additional fees or surcharges that are required for enrollment in a particular course or in addition to the traditional student tuition.

(b) Guidelines.--Each institution of higher education that develops a program shall promulgate specific guidelines regarding procedures and administration of the program, including, but not limited to, the following:

(1) Admitting participating older adults.

(2) Determining the availability of higher education courses.

(3) Determining if the program will be for credit, noncredit, certification, degree or enrichment.

(4) Disseminating to the local AAA a complete program description and technical assistance that explains the

process of admission and enrollment in higher education courses offered by the higher education institution.

(5) Coordinating with the local AAA to publicize and advertise the program.

(6) Outlining course rules and responsibilities for participating older adults.

(2002-E added Nov. 17, 2010, P.L.996, No.104)

ARTICLE XX-F

COURSE MATERIALS AT INSTITUTIONS OF HIGHER EDUCATION

(Art. added Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which added Article XX-F, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 2001-F. Scope of article.

This article relates to college textbook affordability, accountability and accessibility.

(2001-F added Nov. 17, 2010, P.L.996, No.104)

Section 2002-F. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Advisory committee." The College Textbook Policies Advisory Committee established under this article.

"Bundle." One or more college textbooks or other supplemental materials that may be packaged together to be sold as course materials for one price.

"Campus." The grounds and buildings of an institution of higher education that are designated as such by the institution of higher education.

"Campus bookstore." The bookstore on the campus of, or otherwise associated with, an institution of higher education.

"College textbook." A textbook or set of textbooks used for, or in conjunction with, a course in postsecondary education at an institution of higher education.

"Custom textbook." A college textbook that is compiled by a publisher at the direction of a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education and may include, alone or in combination, items, such as selections from original instructor materials, previously copyrighted publisher materials or copyrighted third-party works. This term does not include purely aesthetic changes to a textbook when compared with a prior edition, such as a commemorative edition.

"Institution of higher education" or "institution." Any of the 14 State-owned universities that are part of the Pennsylvania State System of Higher Education, including the four State-related universities. The term also includes community colleges that are members of the Pennsylvania Commission for Community Colleges and independent or private colleges or universities that receive an assistance grant under the act of July 18, 1974 (P.L.483, No.174), known as The Institutional Assistance Grants Act.

"Integrated textbook." A college textbook that is combined with:

- (1) supplemental materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the college textbook; or

(2) supplemental materials that are so interrelated with the content of the college textbook that the separation of the college textbook from the supplemental materials would render the college textbook unusable for its intended purpose.

"ISBN." International Standard Book Number.

"Publisher." An entity that publishes college textbooks or supplemental materials and markets college textbooks or supplemental materials to faculty members at institutions of higher education. The term does not include a wholesaler.

"Substantial content." Parts of a college textbook, such as new chapters, additional eras of time, new themes or new subject matter.

"Supplemental material." Educational material developed to accompany a college textbook, which may include printed materials, computer disks, Internet website access and electronically distributed materials, and that is not being used as a component of an integrated textbook.

(2002-F added Nov. 17, 2010, P.L.996, No.104)

Section 2003-F. Publisher requirements.

(a) Pricing information disclosure.--When a publisher provides a faculty member or entity in charge of selecting course materials at an institution of higher education with information regarding a college textbook or supplemental material, the publisher shall include, in writing or electronically, the following:

(1) The price at which the publisher would make the college textbook or supplemental material available to the campus bookstore of the institution of higher education.

(2) The copyright dates of the three previous editions of the college textbook or supplemental material, if any.

(3) The substantial content revisions made between the current edition of the college textbook or supplemental material and the previous edition, if any.

(4) Whether the college textbook or supplemental material is available in any other format, including paperback and unbound, and the price at which the publisher would make the college textbook or supplemental material in the other format available to the campus bookstore of such institution of higher education.

(b) Unbundling of college textbooks from supplemental materials.--

(1) (i) A publisher that sells a college textbook and any supplemental material accompanying the college textbook as a bundle shall also make available the college textbook and each supplemental material as separate and unbundled items, each separately priced.

(ii) This paragraph shall not apply to an integrated textbook.

(2) A publisher is not required to make available supplemental items developed by a third party and that, by third-party contractual agreement, may not be offered by the publisher separately from the college textbook.

(c) Custom textbooks.--When a faculty member or entity in charge of selecting course materials at an institution of higher education directs a publisher to compile a custom textbook, the publisher shall provide, in writing or electronically, prior to accepting an order for the custom textbook, the price at which the publisher would make the custom textbook available to the campus bookstore.

(2003-F added Nov. 17, 2010, P.L.996, No.104)

Section 2004-F. Faculty members and academic departments.

(a) General duties of faculty members.--A faculty member or entity in charge of selecting college textbooks, supplemental materials or bundled textbook packages for an institution of higher education shall:

(1) Consider the least costly practices in assigning college textbooks, consistent with educationally sound practices as determined by the appropriate faculty or entity.

(2) Consider the use of college textbooks, supplemental materials and bundled textbook packages for a longer period of time, to the extent they are not outdated.

(3) Work with bookstores to review timeliness and the processes involved in ordering and stocking selected course materials, disclose college textbook costs to students and actively promote and publicize book buyback programs.

(4) Provide a statement to the entity designated by the president or chancellor of the institution to disseminate the information required under section 2005-F(a) detailing college textbooks or supplemental materials, whether bundled or unbundled, that are required or recommended for the course. Where possible, the statement shall indicate if an earlier edition may be effective for use by a student.

(5) Encourage participation in college textbook rental programs that exist or may exist in the future.

(b) Prohibited conduct by faculty and academic departments.--

(1) No faculty member or academic department may demand or receive any payment, loan, subscription, advance, deposit of money, services or any thing, present or promised, as an inducement for requiring students to purchase a specific college textbook required for coursework or instruction.

(2) Notwithstanding the provisions of paragraph (1), a faculty member or academic department may receive:

(i) Sample copies, instructor's copies or instructional material.

(ii) Royalties or other compensation from the sale of college textbooks that include the writing or work of the particular faculty member or academic department.

(3) A violation of this subsection may result in the institution taking disciplinary action, subject to any contractual requirements, against the faculty member or academic department, including, where appropriate, referral to law enforcement.

(c) Construction.--Nothing in this section shall be construed:

(1) To prohibit a faculty member or academic department from requiring the most recent edition of a college textbook.

(2) To supersede the institutional autonomy or academic freedom of instructors, faculty members or academic departments involved in the selection of college textbooks, supplemental materials and other classroom materials.

(2004-F added Nov. 17, 2010, P.L.996, No.104)

Section 2005-F. Responsibilities of institutions of higher education.

(a) General rule.--Except as otherwise provided in this section, each institution, to the maximum extent practicable, shall make available, at student registration and throughout the year on its Internet website and upon written request, a listing of all college textbooks and supplemental materials, including the ISBN, required and recommended for courses to be offered during the upcoming term, provided that:

(1) If the ISBN is not available, the institution shall include the author, title, edition, publisher and copyright date for the college textbook or supplemental material.

(2) If the institution determines that the disclosure of the information relating to a college textbook or supplemental material is not practicable, then the institution shall so indicate by placing the designation "To Be Determined" in lieu of the information required in paragraph (1). As this information becomes available, it shall be posted on the institution's Internet website and provided as soon as possible to students and those who have previously requested such information.

(b) Publication.--The institution shall provide the information required under subsections (a) and (d) to existing and accepted incoming students by posting the information on the institution's Internet website used for course scheduling, preregistration and registration. The institution shall inform, in writing, students and all others who make a written request for such information of the availability of the information. The posting of this information on the Internet website of the campus bookstore shall satisfy the provisions of this section, provided that the information is freely available to students and the general public.

(c) Information to bookstore.--An institution of higher education shall make available to a bookstore that is operated by, or in a contractual relationship or otherwise affiliated with, the institution and shall also make available to off-campus bookstores upon request, as soon as practicable after the request of the bookstore, the most accurate information available relating to:

(1) The institution's course schedule for the subsequent academic period.

(2) For each course or class offered by the institution for the subsequent academic period:

(i) The information required by subsection (a) for each college textbook or supplemental material required or recommended for the course or class.

(ii) The number of students enrolled in such course or class.

(iii) The maximum student enrollment for such course or class.

(d) Dissemination of other information to students.--An institution of higher education is encouraged to disseminate to students information relating to:

(1) Available guaranteed programs for renting college textbooks or for purchasing used college textbooks.

(2) Available college textbook buyback programs.

(3) Available alternative content delivery programs, including digital textbooks.

(4) Other available cost-saving strategies for acquiring college textbooks and supplemental materials.

(5) Campus and off-campus bookstore information, to the extent available, including location, hours and Internet website information.

(e) Provision of information to students.--An institution of higher education is encouraged to provide all current and accepted students the information set forth in subsection (d) as it relates to the campus bookstore with which it has a contractual relationship.

(f) Construction.--Nothing in this section shall be construed to prohibit or restrict the ability of a bookstore from also providing textbook information to students.

(2005-F added Nov. 17, 2010, P.L.996, No.104)
Section 2006-F. College textbook rental program.

(a) General rule.--An institution of higher education may, with the approval of the administration, authorize the establishment of a college textbook rental program for the students of any campus. Programs may receive and use Federal, State and private funding to aid in the establishment of such programs.

(b) Task force.--The administrators of a campus with a college textbook rental program may convene a task force to determine recommended policies and procedures to establish and operate a college textbook rental program. The task force must include students, faculty, administrators and bookstore managers.

(c) Textbook selection.--The program may not limit the rights of faculty to select appropriate textbooks in accordance with established policies and procedures.

(d) Powers of campuses with college textbook rental programs.--The administrators of a campus with a college textbook rental program may:

(1) Establish policies for the program, including, but not limited to, implementing practices to achieve the best possible purchase price for college textbooks and for the provision of rental services. The policies shall be developed with the input of faculty, students and bookstores.

(2) Institute other procedures necessary to establish and operate the program in accordance with the provisions of this article.

(3) Charge students a fine for any late, lost or damaged books, as determined by the program, provided that students may not be charged a fine for normal textbook wear and tear.

(4) Students shall not be required to participate in a college textbook rental program.

(e) Construction.--Nothing in this section shall be construed to:

(1) change or limit any existing textbook rental program or program in existence at an institution of higher education prior to the effective date of this section; or

(2) restrict an institution of higher education from establishing or piloting other textbook rental models or programs as deemed appropriate by the institution of higher education.

(2006-F added Nov. 17, 2010, P.L.996, No.104)
Section 2007-F. Electronic versions of college textbooks.

(a) General rule.--No later than January 1, 2020, an individual, firm, partnership or corporation that publishes college textbooks offered for sale at institutions of higher education shall, to the extent practicable, make the college textbooks available, in whole or in part, for sale in an electronic format when commercially reasonable.

(b) Construction.--Nothing in this section shall be construed to authorize any use of instructional materials that would constitute an infringement of copyright under Federal law.

(c) Definition.--For purposes of this section, "college textbook" means a book, not including a novel, that contains printed material and is intended for use as a source of study material for a class or group of students, a copy of which is expected to be available for the use of each of the students in that class or group.

(2007-F added Nov. 17, 2010, P.L.996, No.104)
Section 2008-F. College textbook adoption policies.

(a) General rule.--An institution of higher education may implement policies, procedures and guidelines that promote efforts to minimize the cost of college textbooks for students at the institution while maintaining the quality of education and academic freedom. The policies, procedures and guidelines shall ensure that:

(1) The adoption of a college textbook by a faculty member is made with sufficient lead time so as to confirm availability of the requested materials and, where possible, ensure maximum availability of used college textbooks.

(2) (i) During the college textbook adoption process, the intent to use all items ordered, particularly each individual item sold as part of a bundled package, is affirmatively confirmed before the adoption is finalized by the faculty member.

(ii) If the faculty member does not intend to use each item in a bundled package, the faculty member shall notify the bookstore, and the bookstore shall order the individualized items if:

(A) Procurement of the individualized items is cost effective for both the institution and the students.

(B) The individualized items are made available by the publisher.

(3) Faculty members affirmatively acknowledge the quoted retail price to the bookstore of any college textbook selected for use in each course.

(4) Faculty members shall give due consideration to both the educational value and cost of new edition college textbooks and any supplemental materials when previous editions do not significantly differ in a substantive way, as determined by the appropriate faculty member.

(5) Required or assigned college textbooks are made available to students who are otherwise unable to afford the cost.

(6) Decisions regarding textbook adoption are made in a timely manner to ensure a bookstore's ability to have textbooks available for the first day of class.

(b) (Reserved).

(2008-F added Nov. 17, 2010, P.L.996, No.104)

Section 2009-F. College Textbook Policies Advisory Committee.

(a) Establishment.--A standing committee of the State Board of Education to be known as the College Textbook Policies Advisory Committee is established. The Department of Education shall provide staff support for the advisory committee.

(b) Membership.--The advisory committee shall be comprised of:

(1) The Deputy Secretary for Higher Education of the Department of Education or a designee.

(2) The chairman of the State Board of Education Higher Education Council or a designee.

(3) One faculty member representing the State System of Higher Education as recommended by the Chancellor of the State System of Higher Education.

(4) One faculty member representing each of the State-related institutions as recommended by the chancellors of the State-related institutions.

(5) One faculty member representing community colleges as recommended by the Commission for Community Colleges.

(6) One faculty member representing private and independent colleges and universities as recommended by the

Association of Independent Colleges and Universities of Pennsylvania.

(7) The chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the House of Representatives or their designees.

(8) Nine members appointed by the chairman of the State Board of Education as follows:

(i) Three members representing college bookstores with one representing campus bookstores, one representing off-campus bookstores and one representing online bookstores that focus primarily on the sale of college textbooks.

(ii) Two members representing textbook publishers.

(iii) Four student members representing college students, of whom one must attend a State System of Higher Education institution, one must attend a State-related institution, one must attend a community college and one must attend an independent or private college or university within this Commonwealth. The student members shall be appointed, respectively, by the chairman from a list of students recommended by the Chancellor of the State System of Higher Education, the chancellors of the State-related institutions, the Commission for Community Colleges or the Association of Independent Colleges and Universities of Pennsylvania.

(9) One member possessing a background in information technology-electronic media appointed by the chairman of the State Board of Education.

(c) Recommendations.--The advisory committee shall examine national and international efforts relating to college textbook affordability and accessibility and make recommendations that:

(1) Ensure that students have access to affordable course materials by decreasing costs to students and enhancing transparency and disclosure with respect to the selection, purchase, sale and use of course materials.

(2) Identify ways to decrease the cost of college textbooks and supplemental materials for students while supporting the academic freedom of faculty members to select high quality course materials for students.

(3) Encourage college textbook publishers and distributors to work with faculty to promote understanding of the cost to students of purchasing faculty-selected college textbooks, including the disclosure of prices and bundling practices.

(4) Encourage innovation in the development and use of course materials, including open-source college textbooks and other open-source educational resources, that can help students receive the full value of their educational investment without excessive cost.

(5) Ensure that faculty members are informed of accurate and relevant pricing information for course materials and that students are protected as a consumer group.

(6) Make recommendations to the General Assembly and the State Board of Education to strengthen existing State laws and regulations and to propose any additional and necessary State laws and regulations.

(d) First meeting.--The advisory committee shall hold its first meeting within 60 days of the effective date of this section. The advisory committee shall meet at least once quarterly. Members of the advisory committee shall serve without compensation. The deputy secretary for Higher Education of the Department of Education shall serve as committee chair.

(e) Report.--No later than 18 months after the effective date of this section, the advisory committee shall make a report to the State Board of Education that outlines its findings and recommendations. The report shall also be delivered to the Governor's Office, members of the Education Committee of the Senate and members of the Education Committee of the House of Representatives. The report shall be updated every three years and may also be posted on the Department of Education's Internet website.

(2009-F added Nov. 17, 2010, P.L.996, No.104)

ARTICLE XX-G

SEXUAL VIOLENCE EDUCATION AT INSTITUTIONS OF HIGHER EDUCATION

(Art. added Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: Section 24 of Act 104 of 2010, which added Article XX-G, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 2001-G. Scope of article.

This article relates to college and university sexual violence education.

(2001-G added Nov. 17, 2010, P.L.996, No.104)

Section 2002-G. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Education program." A sexual violence education program under this article.

"Independent institution of higher education." As defined in the act of November 29, 2004 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

"Institution of higher education." An independent institution of higher education, a community college, a State-related institution or a member institution of the State System of Higher Education.

"Matriculating." Enrolling in an institution of higher education or private licensed school.

"Private licensed school." As defined in the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act.

"Sexual violence." An act of sexual violence as defined in 42 Pa.C.S. § 6402 (relating to definitions).

"Student." A person who is enrolled on a full-time basis at an institution of higher education or private licensed school.

(2002-G added Nov. 17, 2010, P.L.996, No.104)

Section 2003-G. Education program.

(a) General rule.--Institutions of higher education and private licensed schools shall establish a sexual violence awareness educational program. Institutions of higher education and private licensed schools may collaborate with a Statewide nonprofit organization, local rape crisis center or local sexual assault program that arranges for the provision of services to sexual violence and rape victims in the development of a sexual violence awareness education program. Each education program shall provide the following:

(1) A discussion of sexual violence.

(2) A discussion of consent, including an explanation that the victim is not at fault.

(3) A discussion of drug and alcohol-facilitated sexual violence.

(4) Information relating to risk education and personal protection.

(5) Information on where and how to get assistance, including the importance of medical treatment and evidence collection, and how to report sexual violence to campus authorities and local law enforcement.

(6) The possibility of pregnancy and transmission of sexual diseases.

(7) Introduction of members of the educational community from:

(i) Campus police or security and local law enforcement.

(ii) Campus health center, women's center and rape crisis center.

(iii) Campus counseling service or any service responsible for psychological counseling and student affairs.

(8) A promise of discretion and dignity.

(9) A promise of confidentiality for victims of sexual assault.

(b) Student bill of rights.--Consistent with the campus sexual assault victims' bill of rights under section 485(f)(8) of the Higher Education Act of 1965 (Public Law 89-329, 20 U.S.C. § 1092(f)(8)), a student bill of rights shall be made available to students.

(2003-G added Nov. 17, 2010, P.L.996, No.104)
Section 2004-G. Follow-up.

An institution of higher education and private licensed school shall conduct a follow-up program for the duration of the school year for new students. The program may consist of the following:

(1) Lecturers relating to sexual violence prevention and awareness.

(2) Institutional activities relating to sexual violence prevention and awareness.

(3) Videos and other educational materials relating to sexual violence prevention and awareness.

(2004-G added Nov. 17, 2010, P.L.996, No.104)
Section 2005-G. Duties of department.

The department shall:

(1) Ensure compliance with this article.

(2) Solicit the cooperation of other agencies, institutions and organizations, both public and private, in carrying out the provisions of this article.

(3) Otherwise administer the provisions of this article.

(2005-G added Nov. 17, 2010, P.L.996, No.104)
Section 2006-G. Report.

An institution of higher education and a private licensed school shall report to the department on the implementation of the education program by the institution or school.

(2006-G added Nov. 17, 2010, P.L.996, No.104)

ARTICLE XXI. SCHOOL DISTRICTS OF THE FIRST CLASS.

Compiler's Note: Section 26 of Act 46 of 1998 in the appendix to this act for special provisions relating to

length of instructional year, contractual duties of professional employees and failure to unlock, open or maintain a school building.

Section 2101. Additional Provisions.--Subject to the general provisions of this act, and in addition to the several provisions regulating the affairs of school districts of the first class, as otherwise provided, the following additional provisions shall relate to and regulate school districts of the first class.

(a) Administration of Schools.

Section 2102. Board of Public Education.--In each school district of the first class, the board of school directors herein provided shall be known and designated as "The Board of Public Education" of said district.

The board of public education in each school district of the first class shall succeed to, and shall have and possess, all the powers, rights and privileges, not inconsistent with this act, which the present existing board of public education in its respective district now lawfully has.

Section 2103. Board of Public Education; Additional Duties.--The duties of the board of public education in districts of the first class, in addition to the duties prescribed in this act, shall be--

- (1) To define the general policies of the school system,
- (2) To legislate upon all matters pertaining thereto,
- (3) To determine and direct all expenditures for the maintenance and improvement of the school system,
- (4) To appoint the officers herein prescribed and define their duties,
- (5) To appoint teachers,
- (6) To grant and award scholarships on a merit basis,
- (7) In general to legislate upon all matters concerning the conduct of the schools subject to the provisions of this act.
- (8) Provided that, notwithstanding the provisions of section 1326, the governing authority of the school district may establish the compulsory school age at no earlier than age six. The provisions of section 1326 shall continue to apply to any student enrolled in a program under section 1327.1 or to any student whose parent or guardian files a notice with the superintendent of the school district of the intention to enroll the student in a program under section 1327.1.

(2103 amended July 9, 2008, P.L.846, No.61)

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 2103, provided that Act 61 shall apply retroactively to July 1 2008.

Section 2104. Superintendents of Schools or Buildings and of Supplies.--The board of public education in each school district of the first class shall, whenever a vacancy in said office shall occur, appoint a district superintendent, who shall be designated and known as superintendent of schools. The board may also appoint a superintendent of buildings and a superintendent of supplies. The board shall prescribe the terms and duties and fix the salaries of each of such employees. They shall be responsible to the board for the conduct of their respective departments, shall make annual reports to the board, and shall from time to time submit such plans and suggestions for the improvement of the schools and the school system as

they shall deem expedient or as the board of public education may require.

The superintendent of buildings shall be an engineer or architect of good standing in his profession. The superintendent of buildings and the superintendent of supplies shall each give such security for the faithful performance of the duties of their respective offices as the board of public education shall prescribe.

(2104 amended July 12, 2012, P.L.1142, No.141)

Section 2105. Superintendent of Schools; Additional Retirement Allowance.--When a superintendent of schools in a district of the first class, has been employed in the public schools of the Commonwealth for fifteen or more years, and is retired from service under the operation of the State School Employees' Retirement System, the board of public education may, when the superintendent of schools has previously served as a teacher, principal, or superintendent of schools, in public schools in the United States of America outside the Commonwealth, provide for the payment to the superintendent of schools annually, during his retirement, of a sum equal to the difference between his annual retirement allowance, based on the service in the public schools of the Commonwealth and according to his optional election at the time of retirement, and the annual allowance to which he would have been entitled had he been given credit for his period of service as teacher, principal, or superintendent of schools, both outside and within the Commonwealth. A superintendent of schools when thus retired may be designated by the board as superintendent emeritus.

Section 2106. Superintendent of Buildings; Additional Retirement Allowance.--When any person occupying the position of superintendent of buildings in a district of the first class, who is under the superannuation retirement age fixed by the statutes governing the State School Employees' Retirement System, but who has been employed in the public schools of the Commonwealth continuously for thirty years or more, is retired under the operation of that system because of disability, the board of public education may provide for the payment to such superintendent of buildings annually during his retirement, of a sum equal to the difference between the annual retirement allowance actually paid to him under the State School Employees' Retirement System according to his optional election at the time of retirement, and the annual allowance to which he would have been entitled under said system had he served, at the salary paid to him at the date of his retirement, until superannuation age and then retired under an election to receive his benefits by way of an undiminished superannuation retirement allowance payable to him throughout life.

Section 2107. Associate and Assistant District Superintendents.--Supervision of all matters pertaining to instruction in all the schools, under the direction and subject to the approval of the board of public education, shall be vested in the superintendent of schools, associate superintendents, assistant district superintendents, and school principals. Associate and assistant district superintendents may be appointed by the board of school directors, upon the nomination of the superintendent of schools. They shall receive such compensation as the board of public education may determine. They shall be under the supervision and direction of the superintendent of schools. Assistant district superintendents shall be assigned by the superintendent of schools to administrative districts. They shall, in conjunction with the school principals, inquire into and supervise all

matters relating to the government, courses of study, method of teaching, discipline, and conduct of all schools in their respective districts, and shall report the same when required to the superintendent of schools.

Section 2108. Qualifications of Principals and Teachers.--The board of public education in each school district of the first class shall prescribe the mode or modes of determining the qualifications of applicants for positions as principals or teachers in the schools of the district, and shall designate the kinds or grades of teachers' certificates which may or shall be used in the district, together with the scholastic, professional, and personal qualifications required for each kind or grade of certificate.

No certificate shall be granted to any person who is not of good moral character, or to any person who shall not first have presented a certificate, from a physician recognized by the board of public education as competent for the purpose, setting forth that said applicant is neither mentally nor physically disqualified by reason of tuberculosis, or any other chronic or acute physical defect, from successfully performing the duties of a teacher.

Section 2109. Board of Examiners of Applicants for Positions.--A board of examiners, whose duty it shall be to examine all applicants for places upon any of the eligible lists required by this act, from which appointments to serve under the board of public education are made, may be constituted by the board. The superintendent of schools shall nominate to the board of public education for appointment such number of persons for the board of examiners as the board of public education may authorize. The superintendent of schools shall act as chairman of the board of examiners. He shall prescribe such examination as, upon his recommendation, the board of public education may approve, or as its rules may direct.

Section 2110. Eligible Lists of Persons Qualified to Teach; Appointments.--(a) Eligible lists, properly classified containing the names of persons who have received certificates of qualifications to teach, and arranged as nearly as possible in the order of rank or standing, shall be kept in the office of the superintendent of schools, and shall be open to inspection by members of the board of public education, associate and district superintendents, and principals.

(b) Except as superintendent of schools, associate superintendent, assistant district superintendent, director of a special branch, or as a principal of a high school, junior high school, state teachers' college, or vocational school, no person shall be appointed, promoted, or transferred to any educational position in the public school system, in school districts of the first class, whose name does not appear among the three highest names upon the proper eligible list, and in school districts of the first class A, whose name does not appear among the top five names upon the proper eligible list, or within the top ten per centum (10%) of the names upon the list, whichever is greater. No person holding a position at the time of the passage of this act shall be displaced by the above provisions.

(2110 amended July 11, 1996, P.L.633, No.107)

Section 2111. Superintendent of Buildings; Duties; Assistants; Plans.--The superintendent of buildings shall be responsible for the condition and care of all school buildings and premises. He may appoint such assistants as the board of public education may authorize and approve. Such assistants shall receive such compensation as the board shall determine,

and shall perform their duties to the satisfaction of the superintendent of buildings. All plans for new school construction, additions or repairs shall be approved by the superintendent of buildings and shall be submitted to the superintendent of schools for criticism, before submission to the board of public education for adoption.

Section 2112. Janitors.--The board of public education shall employ janitors for the school buildings of the district and shall fix their salaries. The superintendent of buildings shall have the right to recommend the appointment of suitable janitors for all school buildings in the district and the removal of such janitors for proper cause. All janitors shall discharge their duties under the direction and to the satisfaction of the superintendent of buildings. No janitor now employed shall be displaced by the provisions of this act except for cause.

Section 2113. Superintendent of Supplies; Duties; Assistants.--The superintendent of supplies shall be the executive agent of the board of public education, for the purchase, custody and distribution of all supplies needed for the schools, under such regulations as the board shall prescribe. He may appoint such assistants as the board of public education may authorize and approve. Such assistants shall receive such compensation as the board may determine and shall perform their duties to the satisfaction of the superintendent.

Section 2114. Prohibitions.--(a) No school district of the first class may close any location for the delivery of early intervention programs or school-sponsored day-care services which were in existence on May 1, 1988.

(b) No school district of the first class may discontinue transportation services to nonpublic school students which were in effect on May 1, 1988, as long as said district continues to provide transportation services to public school students at corresponding grade levels.

(2114 added Oct. 20, 1988, P.L.827, No.110)

(b) Fiscal Affairs.

Section 2121. City Controller to be Elected School Controller; Deputy Controller.--In each school district of the first class or first class A, the board of public education therein shall elect the controller of the city comprising all or the greater part of such district as school controller for said district for and during his term of office as city controller. The school controller of each school district of the first class or first class A may recommend to the board of public education for appointment a deputy school controller. The board of public education shall appoint as deputy school controller the candidate recommended by the school controller, who, in case of death, resignation or inability of the school controller to act for any cause whatsoever, shall have the same powers and shall perform the same duties as imposed by law on the school controller. In case the school controller does not recommend to the board of public education for appointment a deputy school controller, the board of public education may elect a deputy school controller who shall serve until such time as the school controller recommends to the board of public education the appointment of a deputy school controller. The salary of the deputy school controller shall be fixed by the board of public education. He shall furnish bond in the sum of ten thousand dollars (\$10,000).

(2121 amended June 2, 1965, P.L.86, No.59)

Section 2122. Oath, Bond, and Compensation of Controller.--Every person elected as a school controller shall, before entering upon such duties of his office, take or subscribe to the oath or affirmation herein provided for school directors, and shall furnish to the school district in which he is elected a proper bond, in the amount of twenty-five thousand dollars (\$25,000), with such surety or sureties as the board of school directors may approve, conditioned upon the faithful performance of all duties of his office during his term.

The school controller in each district of the first class shall be paid, from the funds of the school district, an annual salary of four thousand four hundred dollars (\$4,400), payable monthly. The school controller in each district of the first class A shall be paid, from the funds of the school district, an annual salary fixed by the Board of Public Education, payable monthly.

(2122 amended Jan. 16, 1974, P.L.1, No.1)

Section 2123. Vacancies.--In case there is a vacancy in the office of school controller, by reason of death, resignation, or otherwise, such vacancy shall be filled by the election of the city controller by the board of public education for and during his term of office as city controller.

Section 2124. Clerks; Stationery, etc. for Controller and Treasurer.--The board of public education in school districts of the first class shall appoint upon the recommendation of the school controller and school treasurer respectively such clerks as they deem necessary to assist them in the performance of their duties. All such appointments shall be made upon the recommendation of the school controller and school treasurer. Their salaries shall be fixed by the board of public education at the time the appointments are made. The school controller and school treasurer shall, in addition to their salaries, be furnished, by the school district in which they are elected, with necessary stationery and books, required by them in the performance of their duties as school controller or school treasurer.

Section 2125. School Orders.--In every school district of the first class the school controller shall approve all proper school orders, drawn on the school treasurer, before the same are paid. He shall not approve any school order issued in violation of any of the provisions of this act.

He shall at all times have access to all the accounts, books, records, and papers of the district so far as they relate to the school finances, and may require from the board of public education, or any person presenting any school order, such evidence or information regarding its correctness as he may deem proper.

Section 2126. Contracts.--All contracts made by any school district of the first class shall state therein on what item in the annual estimate of school expenditures the same is based. Every contract before becoming valid shall be properly certified by the school controller, who shall, at the time of so doing, charge up the amount of any such contract against the item in the annual estimate on which the same is based. No contract shall be certified by the school controller if the amount to become due thereon shall exceed the item of expenditure on which it is based.

(2126 amended Apr. 2, 1949, P.L.692, No.164)

Section 2127. Payment of Contracts; Liability of Controller and his Surety.--It shall be the duty of each school controller to certify all contracts, for the payment of which a sufficient

sum has been provided in the annual school estimate as herein provided. If any school controller shall certify any contract in excess of the amount of the item of expenditure in the annual estimate made thereof, he together with his surety or sureties shall be individually liable on his bond therefor.

Section 2128. Estimates of Expenses.--The annual estimate of expenses made by the board of public education in each school district of the first class, at or before the time of assessing and levying the annual school tax, shall be certified to the school controller of the district by the secretary of the board. The school controller shall, in a proper book or books kept for that purpose, keep an account with each item of expenditure as therein stated or thereafter changed by the board in the manner herein provided. He shall charge up against each item of such estimate all school orders drawn against the same, at the time they are approved by him, and he shall not permit any such estimate to be overdrawn. He shall furnish to the board of public education a monthly statement showing the original amount of each item of such estimate, the amount paid out thereon, and the balance, if any, on hand. If any item is exhausted he shall promptly notify the board of such fact.

Section 2129. Annual Statement of Finances for Past Year.--The school controller in every school district of the first class shall, on or before the tenth day of January of each year, submit to the board of public education therein an annual itemized statement of the finances of the school district for the past year. Such statement shall include all assets of the district and the source from which they were obtained, together with the amount of uncollected school taxes, stating the amount of delinquent taxes of each year remaining unpaid. The statement shall also set forth the disbursements named in the several items of expenditure, as well as the outstanding indebtedness of the district, if any, together with the rate of interest on the same and when it becomes due. It shall include a statement of the sinking fund of the district, if any, including the securities therein held by the district. The statement shall also contain such further facts and information as the controller may see proper to report.

Section 2130. Information for Estimates and Tax Levies.--The school controller shall also furnish annually to the board of public education, on or before the first day of November, such information as he may think proper, or as may be required of him by the board of public education, in order to enable it to prepare the annual estimate of expenditures and tax levy for the coming school year.

Section 2131. Publication of Annual Financial Statements.--Notice that the annual financial statement furnished by the school controller in any district of the first class or first class A to the board of education, has been filed and is available for public inspection at the business office of the district shall be published by the board of public education in two newspapers, designated by the board, once a week for three successive weeks, beginning the first week after the same has been furnished to it.

(2131 amended Dec. 19, 1980, P.L.1314, No.237)

Section 2132. Transfers of Real Estate.--Notwithstanding the provisions of section seven hundred seven of this act, the board of public education in each school district of the first class may dedicate, sell, donate, convey or lease to the city comprising the district any real estate owned by it for any lawful purpose upon such terms with or without consideration as it may determine.

(2132 added Sept. 27, 1955, P.L.651, No.174)

Section 2133. Budget Reports.--(a) All school districts of the first class shall prepare for each individual district within the school district a quarterly budget of revenues and expenditures. Such budget shall be compared to actual expenditures on a quarterly basis. Quarterly budgets shall cover the specific months: 1st quarter--July, August, September; 2nd quarter--October, November, December; 3rd quarter--January, February, March; 4th quarter--April, May and June. ((a) amended May 11, 1982, P.L.396, No.115 eff. July 1, 1983)

(b) A budget shall also be prepared showing quarterly anticipated programmatic revenues and expenditures for each district within the school district of the first class. Such budget shall be compared to actual expenditures quarterly. ((b) amended May 11, 1982, P.L.396, No.115 eff. July 1, 1983)

(c) The ledgers in the books of accounts shall be organized on a basis to achieve the above objectives in a timely and accurate manner.

(d) Districts of the first class shall send electronically reports containing the quarterly budgets to the chairmen and minority chairmen of the Education Committees of the House of Representatives and the Senate, the Philadelphia City Council President, and the Mayor of Philadelphia thirty (30) days after the close of each quarter. ((d) amended July 9, 2013, P.L.408, No.59)

(2133 added Feb. 4, 1982, P.L.1, No.1)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Section 2134. Placement of Certain Adjudicated Students.--(a) No student returning from placement as a result of being adjudicated delinquent under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or who has been adjudged to have committed a crime under an adult criminal proceeding shall be returned directly to the regular classroom.

(b) Prior to returning such student to the regular classroom, the school district shall:

(1) Place the student in a transition center operated by the school district for a period not to exceed four (4) weeks.

(2) Develop a transition plan for the student that includes academic goals, identifies school and community services appropriate to the needs of the student and establishes terms and conditions the student must meet prior to returning to the regular classroom.

(3) ((3) Deleted by amendment)

(c) The transition plan developed under subsection (b) (2) may provide for the student's direct return to a regular classroom where the underlying offense did not involve any of the following:

(i) Possession of a weapon.

(ii) Possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."

(iii) Possession, use or sale of alcohol or tobacco by any person on school property.

(iv) An act of violence as defined in section 1310-A(h).

(d) In the case of a student whose transition plan does not include immediate return to the regular classroom, the student shall be placed in one of the following as provided for in the student's transition plan:

(1) An alternative education program as defined in Article XIX-C.

(2) A private alternative education institution as defined in Article XIX-E.

(3) A general education development program.

(4) A program operating after the traditional school day.

(e) (1) Prior to the release of a student subject to this section from a residential or day treatment placement as a result of being adjudicated delinquent under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or returning from incarceration as a result of having been adjudged to have committed a crime under an adult criminal proceeding, the court shall provide to the person designated in charge of the school district's transition center the information required in the school notification provision under 42 Pa.C.S. § 6341(b.1) (relating to adjudication).

(2) The information shall be updated by the court with information pertaining to treatment reports and supervision plans or any other information deemed necessary by the transition plan and assure appropriate placement of the student.

(2134 added June 29, 2002, P.L.524, No.88 and amended Dec. 9, 2002, P.L.1472, No.187)

Section 2135. Transportation of Certain Students.--For a school district of the first class, funds appropriated in any fiscal year for safe and alternative schools shall be used to pay costs to provide school bus transportation services for students in alternative education programs operated either by the school district or under a contract between the school district and a private alternative education institution as defined under Article XIX-E before it may be used for other alternative education programs or services.

(2135 added July 11, 2006, P.L.1092, No.114)

ARTICLE XXII. TEACHERS' AND EMPLOYES' RETIREMENT FUNDS.

Section 2201. Establishment of Funds by Districts.--The board of school directors of any district is hereby authorized and empowered to establish, contribute to, and administer as herein provided, a teachers' retirement fund. The fund shall consist of all funds available for like purposes in the district at the time of the enactment of this law, together with such additions thereto as the board of school directors may, from time to time, appropriate for that purpose from the funds of the district, and such moneys or other property as may be donated, bequeathed, devised, or received from any other source for such purpose.

The board of public education of any district of the first class is hereby authorized and empowered to establish, contribute to, and administer as herein provided, in addition to the foregoing fund, an employees' retirement fund. This fund shall consist of all funds available for like purposes in said district at the time of the enactment of this act, together with such additions thereto as the board of public education may, from time to time, appropriate for that purpose from the funds of the district, and such real or personal property as may be donated, bequeathed, devised, or received from any other source, for such purpose.

Section 2202. Contributions by Employees.--The board of school directors of any district may provide, in the contracts with its teachers, principals, or supervising officials, that

they shall contribute a reasonable sum from their salaries each year to said retirement fund. No person shall be required to contribute any part of his salary to any retirement fund, unless the same is provided for in the contract by which he is engaged.

The board of public education of any district of the first class may provide, in the contracts with its employes that they shall contribute a reasonable sum from their salaries each year to said retirement fund. No employe shall be required to contribute any part of his salary to the retirement fund, unless the same is provided for in the agreement by which he is engaged.

Section 2203. Representation of Employes.--Where the teachers, principals, or supervising officials of any district contribute to any retirement fund, they shall be represented in making the regulations governing it, and in its control and management.

When employes of any school in districts of the first class contribute to a retirement fund, they shall be represented in making the regulations governing it, and in its control and management.

Section 2204. Retirement Annuities.--Every teacher, principal, or supervising official who retires in accordance with the regulations prescribed shall be entitled to such annuity as said regulations provide.

Every employe of any school district of the first class who retires in accordance with the regulations required shall be entitled to such annuity as the regulations provide.

ARTICLE XXII-A.

MEDICAL EDUCATION LOAN ASSISTANCE.

(Art. added Oct. 30, 2001, P.L.828, No.83)

(a) General Provisions.

Section 2201-A. Scope.

This article deals with medical education loan assistance.

(2201-A added Oct. 30, 2001, P.L.828, No.83)

Section 2202-A. Purpose.

The purpose of this article is to provide an incentive to Pennsylvania students to pursue higher education and training in medicine, professional nursing, biomedicine and the life sciences in order to maintain the delivery of quality health care services in this Commonwealth.

(2202-A added Oct. 30, 2001, P.L.828, No.83)

Section 2203-A. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Accredited medical college." An institution of higher education located in this Commonwealth that is accredited by the Liaison Committee on Medical Education to provide courses in medicine and empowered to grant professional and academic degrees in medicine as defined in the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

"Agency." The Pennsylvania Higher Education Assistance Agency.

"Approved institution of higher learning." An institution of higher learning located in this Commonwealth and approved by the agency.

"Approved nursing program." An institution located in this Commonwealth and accredited to grant professional and academic

degrees or diplomas in nursing as defined in the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law.

"Degree in medicine." A degree from an accredited medical college that qualifies the degree recipient to be licensed as a physician.

"Designated area." Any of the following:

(1) A geographic area of this Commonwealth that is designated by the Secretary of Health as having a shortage of physicians.

(2) A geographic area of this Commonwealth designated by the United States Department of Health and Human Services as a medically underserved area or designated to have a medically underserved population.

"Eligible applicant." An individual who holds an undergraduate degree from an institution of higher learning and is enrolled in:

(1) an accredited medical college; or

(2) an approved institution of higher learning for purposes of obtaining a graduate degree in biomedicine or life sciences.

"Guarantor." An insurance company or not-for-profit guarantor whose primary purpose is to provide default coverage and loss prevention services to an offeror of unsecured student loans.

"Licensed health care facility." A health care facility that is enrolled in the Commonwealth's medical assistance program and is licensed under Article X of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, or the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Nursing school applicant." An individual who is a resident of this Commonwealth and is enrolled in an approved nursing program.

"Offeror." An institution that makes unsecured loans to eligible students in cooperation with the agency.

"Physician." An individual licensed to practice medicine and surgery within the scope of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, or the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

"Registered nurse." An individual licensed to practice professional nursing under the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law.

"Work requirement for nurses." Postgraduate, full-time employment in direct patient care with a licensed health care facility located in this Commonwealth in an occupation related to an approved course of study. The term does not include a paid student internship, a paid fellowship, volunteer service or employment before graduation.

(2203-A added Oct. 30, 2001, P.L.828, No.83)

Compiler's Note: The short title of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, referred to in this section, was amended by the act of December 28, 2015 (P.L.500, No.92). The amended short title is now the Human Services Code.

(b) Program.

Section 2211-A. Pennsylvania Medical Education Loan Assistance Program.

The agency shall establish and administer the Pennsylvania Medical Education Loan Assistance Program as set forth in sections 2212-A and 2213-A to provide financial assistance to individuals who acquire the required degree or diploma in medicine, professional nursing, biomedicine or life sciences and to recruit these individuals to practice their professions in Pennsylvania.

(2211-A added Oct. 30, 2001, P.L.828, No.83)

Section 2212-A. Loan guarantor program.

(a) Establishment of program.--The agency shall administer a loan guarantor program on a Statewide basis. The agency shall utilize funds in the Medical School Loan Account to encourage eligible applicants to attend an accredited medical college or an approved institution of higher learning.

(b) Loan Guarantor Program.--The Loan Guarantor Program shall provide for the following:

(1) Life of loan servicing.

(2) Contracting for insurance with a guarantor, approved by the agency, which offers a low-cost loan with competitive interest rates and loan fees to eligible applicants.

(3) Predetermining the eligibility of applicants who receive a loan from an offeror to attend an accredited medical school or an approved institution of higher learning that is insured by a guarantor.

(4) Evaluating the benefit package of a guarantor for adequacy, accessibility and availability of funds necessary to provide adequate loss prevention.

(c) Low-cost loans.--An eligible applicant shall apply to an offeror for a low-cost loan to attend an accredited medical college or an approved institution of higher learning. A low-cost loan made under this subsection shall be guaranteed by an approved guarantor through a contract with the agency. Low-cost loans made under this subsection shall provide reduced interest rates and loan fees to eligible applicants compared to loans made for the same purpose that are not guaranteed by this article.

(d) Loan requirements.--Loans provided under this section shall cover up to 100% of the actual cost of tuition, room and board at an accredited medical college or an approved institution of higher learning and the actual cost of course-required textbooks and supplies for the recipient.

(e) Default.--If a recipient fails to repay a loan received under this section, the agency shall collect the loan pursuant to one of the following:

(1) Section 4.3 of the act of August 7, 1963 (P.L.549, No.290), referred to as the Pennsylvania Higher Education Assistance Agency Act.

(2) A process established by the applicable guarantors.

(3) Any other collection procedure or process deemed appropriate by the agency.

(f) Medical Education Loan Loss Account.--An account is hereby established within the agency to receive funds appropriated for purposes of this section. Moneys in the account are hereby appropriated to the agency to provide the loan guarantor program. When funds in the account are expended, no additional loans shall be offered.

(g) Interest rate reduction.--The agency or an offeror may modify loans under this section to further reduce interest rates as follows:

(1) The agency or the offeror may reduce the interest rate of the loan by not less than 1% if the loan recipient, upon completion of a graduate degree in biomedicine or life

sciences or upon licensure as a physician, agrees to practice medicine or be employed to conduct research on a full-time basis in Pennsylvania for a period of three consecutive years.

(2) The agency or the offeror may reduce the interest rate of the loan by not less than 2% if the loan recipient, upon licensure as a physician, agrees to practice medicine for not less than three consecutive years in a designated area.

(h) Contract.--In addition to the requirements of subsection (g), in order to be eligible for an interest rate reduction, a loan recipient shall enter into a contract with the agency or an offeror or its assigns at the time the loan is made. The contract shall include the following:

(1) The loan recipient practicing in a designated area shall agree to treat patients eligible for medical assistance and Medicare.

(2) The loan recipient shall permit the agency or the offeror to monitor the recipient's practice or employment to determine compliance with the terms of the contract and this article.

(3) The agency shall certify compliance with the terms of the contract.

(4) Upon the loan recipient's death or total or permanent disability, the agency or the offeror shall nullify the service obligation of the recipient.

(5) If the loan recipient is convicted of or pleads guilty or no contest to a felony or if the licensing board has determined that the recipient has committed an act of gross negligence in the performance of service obligations or has suspended or revoked the license to practice, the agency or the offeror shall terminate the loan recipient's participation in the program and seek repayment of the amount of the loan on the date of the conviction, determination, suspension or revocation.

(6) A loan recipient who fails to comply with a contract shall pay to the agency or the offeror the amount of loan received under the original contract as of the time of default. Providing false information or misrepresentation on an application or verification of service shall constitute default.

(i) Accountability.--In July 2004, the agency shall conduct a performance review of the program and services provided. The performance review shall include the following:

(1) The goals and objectives of the program.

(2) A determination of whether the goals and objectives were achieved by the agency-participating guarantor and offeror.

(3) The specific methodology used to evaluate the results.

(4) Recommendations for improvement.

(2212-A added Oct. 30, 2001, P.L.828, No.83)

Section 2213-A. Loan forgiveness program.

(a) Establishment of program.--The agency shall administer a loan forgiveness program for nursing school applicants on a Statewide basis. The agency may provide loan forgiveness as provided in subsection (b) for recipients of loans who by contract with the agency agree to practice professional nursing in this Commonwealth upon attainment of the required license.

(b) Loan forgiveness.--Agency-administered, federally insured student loans for higher education provided to a nursing school applicant may be forgiven by the agency as follows:

(1) The agency may forgive 50% of the loan, not to exceed \$50,000, if a loan recipient enters into a contract with the agency that requires the recipient upon successful completion of an approved nursing program and licensure as a registered nurse to practice nursing in this Commonwealth for a period of not less than three consecutive years.

(2) Loan forgiveness awards made pursuant to paragraph (1) shall be forgiven over a period of three years at an annual rate of 33 1/3% of the award and shall be made from funds appropriated for this purpose.

(3) The contract entered into with the agency pursuant to paragraph (1) shall be considered a contract with the Commonwealth and shall include the following terms:

(i) An unlicensed recipient shall apply for a registered nurse's license to practice in this Commonwealth at the earliest practicable opportunity upon successfully completing a degree in nursing.

(ii) Within six months after licensure, a recipient shall engage in the practice of nursing in this Commonwealth according to the terms of the loan forgiveness award.

(iii) The recipient shall agree to practice in a licensed health care facility in the provision of direct patient care on a full-time basis.

(iv) The recipient shall permit the agency to determine compliance with the work requirement for nurses and all other terms of the contract.

(v) Upon the recipient's death or total or permanent disability, the agency shall nullify the service obligation of the recipient.

(vi) If the recipient is convicted of or pleads guilty or no contest to a felony or if the licensing board has determined that the recipient has committed an act of gross negligence in the performance of service obligations or has suspended or revoked the license to practice, the agency shall have the authority to terminate the recipient's service in the program and demand repayment of the amount of the loan as of the date of the conviction, determination, suspension or revocation.

(vii) Loan recipients who fail to begin or complete the obligations contracted for shall pay to the agency the amount of the loan received under the terms of the contract pursuant to this section. Providing false information or misrepresentation on an application or verification of service shall be deemed a default. Determination as to the time of default shall be made by the agency.

(4) Notwithstanding 42 Pa.C.S. § 8127 (relating to personal earnings exempt from process), the agency may seek garnishment of wages in order to collect the amount of the loan following default under paragraph (3)(vii).

(2213-A added Oct. 30, 2001, P.L.828, No.83)

Section 2214-A. Tax applicability.

Loan forgiveness repayments received by a student shall not be considered taxable income for purposes of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(2214-A added Oct. 30, 2001, P.L.828, No.83)

(c) Miscellaneous Provisions.

Section 2231-A. Annual report.

(a) Development of report.--The agency shall publish a report by September 1, 2002, and every year thereafter for the immediately preceding fiscal year. The report shall include information regarding the operation of the programs established under this article, including:

(1) The number and amount of loan guarantees and loan contracts executed and renewed for eligible applicants in medicine, biomedicine or life sciences and the nursing loan forgiveness program.

(2) The number and amount of nursing loan forgiveness contracts executed and renewed for nursing school applicants.

(3) The number of defaulted nursing loan forgiveness contracts, reported by cause.

(4) The number of nurses participating in the nursing loan forgiveness program, reported by type of institution attended, including four-year educational institutions, community colleges, independent two-year colleges, private licensed schools, hospital-based courses of study and certificate programs.

(5) The number and type of enforcement actions taken by the agency.

(b) Submission.--The annual report shall be submitted to the Governor, the chair and minority chair of the Appropriations Committee of the Senate, the chair and minority chair of the Appropriations Committee of the House of Representatives, the chair and minority chair of the Education Committee of the Senate, the chair and minority chair of the Education Committee of the House of Representatives, the chair and minority chair of the Public Health and Welfare Committee of the Senate and the chair and minority chair of the Health and Human Services Committee of the House of Representatives.

(2231-A added Oct. 30, 2001, P.L.828, No.83)

Section 2232-A. Appeals.

The provisions of this article shall be subject to 22 Pa. Code Ch. 121 (relating to student financial aid).

(2232-A added Oct. 30, 2001, P.L.828, No.83)

Section 2233-A. Regulations.

The agency shall adopt regulations and procedures necessary to carry out the purposes of this article.

(2233-A added Oct. 30, 2001, P.L.828, No.83)

Section 2234-A. Funding.

Loan guarantor program payments and loan forgiveness repayments shall be made only to the extent that funds are appropriated for that purpose and are sufficient to cover administration of the programs. The receipt of a loan under this article shall not constitute an entitlement derived from the Commonwealth or a claim on any funds of the Commonwealth.

(2234-A added Oct. 30, 2001, P.L.828, No.83)

ARTICLE XXII-B

READY-TO-SUCCEED SCHOLARSHIP

(Art. added July 10, 2015, P.L.160, No.33)

Section 2201-B. Short title of article.

This article shall be known and may be cited as the Ready-to-Succeed Scholarship Act.

(2201-B added July 10, 2015, P.L.160, No.33)

Section 2202-B. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Higher Education Assistance Agency.

"State grant." A grant or scholarship awarded under the act of January 25, 1966 (1965 P.L.1546, No.541), referred to as the Higher Education Scholarship Law.

(2202-B added July 10, 2015, P.L.160, No.33)

Section 2203-B. Establishment.

The Ready-to-Succeed Scholarship Program is established within the agency.

(2203-B added July 10, 2015, P.L.160, No.33)

Section 2204-B. Agency.

(a) General rule.--The agency shall use funds appropriated for the purpose of this article from the General Fund and may accept donations from all public and private sources, including the Federal Government, to provide scholarships to eligible students to defray the cost of attending a State grant-approved institution of higher education that is domiciled and headquartered with its principal location in this Commonwealth.

(b) Requirements.--The eligibility criteria developed for the receipt of a scholarship under subsection (a) shall, at a minimum, require all of the following:

(1) Total annual household income not to exceed \$110,000. With each new award year, the agency may annually adjust the total annual household income threshold under this paragraph to reflect any upward changes in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area.

(2) At least half-time enrollment in an approved course of study.

(3) Demonstration of outstanding academic achievement.

(4) Compliance with all aspects of the State grant program except financial need.

(c) Combination.--A student may be eligible to receive a scholarship under subsection (a) if the scholarship award in combination with a State grant award for the same academic year does not exceed the annually established maximum amount for the Ready-to-Succeed Scholarship Program as established by the agency.

(d) Discretion.--The agency shall make all scholarship awards under subsection (a) in its sole discretion.

(2204-B added July 10, 2015, P.L.160, No.33)

ARTICLE XXIII.

FUNDING FOR PUBLIC LIBRARIES.

(Art. hdg. amended July 20, 2007, P.L.278, No.45)

Section 2301. Management and Supervision.--(2301 repealed June 14, 1961, P.L.324, No.188)

Section 2302. Board of Library Trustees; How Constituted.--(2302 repealed June 14, 1961, P.L.324, No.188)

Section 2303. Appointments; Terms; Vacancies; Officers.--(2303 repealed June 14, 1961, P.L.324, No.188)

Section 2304. Rules and Regulations; Powers and Duties.--(2304 repealed June 14, 1961, P.L.324, No.188)

Section 2305. Appropriations; Limitation; Establishment, etc.--(2305 repealed June 14, 1961, P.L.324, No.188)

Section 2306. Payment of Money for Libraries.--(2306 repealed June 14, 1961, P.L.324, No.188)

Section 2307. Aid to Individual or Association Library.--(2307 repealed June 14, 1961, P.L.324, No.188)

Section 2308. Donations of Books, etc.--(2308 repealed June 14, 1961, P.L.324, No.188)

Section 2309. Circulation of Books; Branch Libraries.--(2309 repealed June 14, 1961, P.L.324, No.188)

Section 2310. Library Hours; Use by Residents of Other Districts.--(2310 repealed June 14, 1961, P.L.324, No.188)

Section 2311. Audit of Receipts and Expenditures.--(2311 repealed June 14, 1961, P.L.324, No.188)

Section 2312. Reports to State.--(2312 repealed June 14, 1961, P.L.324, No.188)

Section 2313. Joint Action of School Districts.--(2313 repealed June 14, 1961, P.L.324, No.188)

Section 2314. Merger of Library Boards on Consolidation of School Districts; Discontinuance of Library.--(2314 repealed June 14, 1961, P.L.324, No.188)

Section 2315. Districts Second Class; Library Tax for Support, etc. of Municipal Library.--(2315 repealed June 14, 1961, P.L.324, No.188)

Section 2316. State aid for certain public libraries. (2316 repealed Nov. 1, 2012, P.L.1683, No.210)

Section 2317. State aid for fiscal year 2008-2009. (2317 repealed Nov. 1, 2012, P.L.1683, No.210)

Section 2318. State aid for fiscal year 2011-2012.

Notwithstanding any other provision of law to the contrary, each library subject to the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, shall be eligible for State aid for fiscal year 2011-2012, which shall consist of the following:

(1) Funds appropriated for libraries shall be distributed to each library under the following formula:

(i) Divide the amount of funding that the library received in fiscal year 2010-2011 under section 1722- L(12) of the act of April 9, 1929 (P.L.364, No.176), known as The Fiscal Code, by the total State-aid subsidy for fiscal year 2010-2011.

(ii) Multiply the quotient under subparagraph (i) by the total State-aid subsidy for 2011-2012.

(2) Following distribution of funds appropriated for State aid to libraries, any remaining funds may be distributed at the discretion of the State Librarian.

(3) If funds appropriated for State aid to libraries in fiscal year 2011-2012 are less than funds appropriated in fiscal year 2002-2003, the State Librarian may waive standards as prescribed in section 103 of The Library Code relating to hours of operation, continuing professional development, collections, expenditures and other aspects of library operation.

(4) (i) Each library system receiving State aid under this section may distribute the local library share of that aid in a manner as determined by the board of directors of the library system.

(ii) Subparagraph (i) shall not apply to a library system operating in a county of the second class.

(2318 added June 30, 2011, P.L.112, No.24)

Section 2319. State aid for fiscal year 2012-2013.

Notwithstanding any other provision of law to the contrary, each library subject to the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, shall be eligible for State aid for fiscal year 2012-2013, which shall consist of the following:

(1) Funds appropriated for libraries shall be distributed to each library under the following formula:

(i) Divide the amount of funding that the library received in fiscal year 2011-2012 under section 2318 by the total State-aid subsidy for fiscal year 2011-2012.

(ii) Multiply the quotient under subparagraph (i) by the total State-aid subsidy for 2012-2013.

(2) Following distribution of funds appropriated for State aid to libraries under paragraph (1), any remaining funds may be distributed at the discretion of the State Librarian.

(3) If funds appropriated for State aid to libraries in fiscal year 2012-2013 are less than funds appropriated in fiscal year 2002-2003, the State Librarian may waive standards as prescribed in section 103 of The Library Code.

(4) (i) Each library system receiving State aid under this section may distribute the local library share of that aid in a manner as determined by the board of directors of the library system.

(ii) In the case of a library system that contains a library operating in a city of the second class, changes to the distribution of State aid to the library shall be made by mutual agreement between the library and the library system.

(5) In the event of a change in district library center population prior to the effective date of this section as a result of:

(i) a city, borough, town, township, school district or county moving from one library center to another; or

(ii) a transfer of district library center status to a county library system,

funding of district library center aid shall be paid based on the population of the newly established or reconfigured district library center.

(2319 added June 30, 2012, P.L.684, No.82)

Section 2320. State aid for fiscal year 2016-2017.

Notwithstanding any other provision of law to the contrary, each library subject to 24 Pa.C.S. Ch. 93 (relating to public library code), shall be eligible for State aid for fiscal year 2016-2017, as follows:

(1) Funds appropriated for libraries shall be distributed to each library under the following formula:

(i) Divide the amount of funding that the library received in fiscal year 2015-2016 under section 1722-L(19) of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, by the total State-aid subsidy for fiscal year 2015-2016.

(ii) Multiply the quotient under subparagraph (i) by the total State-aid subsidy for fiscal year 2016-2017.

(2) Following distribution of funds appropriated for State aid to libraries under paragraph (1), any remaining funds may be distributed at the discretion of the State Librarian.

(3) If funds appropriated for State aid to libraries in fiscal year 2016-2017 are less than funds appropriated in fiscal year 2002-2003, the State Librarian may waive standards as prescribed in 24 Pa.C.S. Ch. 93.

(4) Each library system receiving State aid under this section may distribute the local library share of that aid in a manner as determined by the board of directors of the library system.

(5) In the case of a library system that contains a library operating in a city of the second class, changes to the distribution of State aid to the library shall be made

by mutual agreement between the library and the library system.

(6) In the event of a change in district library center population prior to the effective date of this section as a result of:

(i) a city, borough, town, township, school district or county moving from one library center to another; or

(ii) a transfer of district library center status to a county library system;

funding of district library center aid shall be paid based on the population of the newly established or reconfigured district library center.

(7) In the event of a change in direct service area from one library to another, the State Librarian, upon agreement of the affected libraries, may redistribute the local library share of aid to the library currently servicing the area.

(2320 added July 13, 2016, P.L.716, No.86)

ARTICLE XXIII-A.

CREDIT CARD MARKETING.

(Article added July 15, 2004, P.L.722, No.82)

Section 2301-A. Definitions.--For the purposes of this article the following terms shall have the following meanings:

(1) "Board" shall mean the State Board of Education.

(2) "Campus" shall include the premises and grounds of an institution of higher education.

(3) "Credit card debt education literature" shall mean the information developed by a college or university, by a registered nonprofit organization, credit card marketer or by other sources, as identified and approved by the institution of higher education that details the appropriate use, benefit and risk of incurring debt through the use of credit cards.

(4) "Credit card marketer" shall include a person, corporation, financial institution or business entity that promotes, offers or accepts applications for a credit card.

(5) "Institution of higher education" means any of the following:

(i) A community college operating under Article XIX-A.

(ii) A university within the State System of Higher Education.

(iii) The Pennsylvania State University.

(iv) The University of Pittsburgh.

(v) Temple University.

(vi) Lincoln University.

(vii) Any other institution that is hereafter designated as "State-related" by the Commonwealth.

(viii) Any accredited private or independent college or university.

(6) "Student" shall mean a person who is at least 18 years of age and who attends an institution of higher education, whether enrolled on a full-time or part-time basis.

(2301-A added July 15, 2004, P.L.722, No.82)

Section 2302-A. Regulation of On-Campus Credit Card Marketing.--The board shall require an institution of higher education to establish a policy that regulates the marketing of credit cards on campus. The policy may prohibit any marketing of credit cards on the campus. In establishing the policy, the institution of higher education shall consider all of the following:

(1) Requiring registration of on-campus credit card marketers.

(2) Limiting credit card marketers to specific areas of the campus designated by the institution of higher education.

(3) Prohibiting credit card marketers from offering gifts to a student in exchange for completing a credit card application unless the student has been provided credit card debt education literature, which includes, but is not limited to, brochures of written or electronic information.

(4) Providing, at least quarterly, credit card debt education literature with campus bookstore purchases.

(5) Incorporating into orientation programming a credit card debt education presentation.

(2303-A added July 15, 2004, P.L.722, No.82)

Section 2303-A. Construction.--Nothing in this article shall be construed to impose civil or criminal liability on an institution of higher education for any claim involving student credit card debt.

(2303-A added July 15, 2004, P.L.722, No.82)

ARTICLE XXIV. AUDITING OF SCHOOL FINANCES.

(a) General Provisions.

Section 2401. By Whom Audited.--The finances of every school district and of every joint school board, in every department thereof, together with the accounts of all school treasurers, school depositories, teachers' retirement funds, teachers' institute funds, directors' association funds, sinking funds, and other funds belonging to or controlled by the district, shall be properly audited as follows:

(1) In all school districts of the first class, by the school controller.

(2) In all school districts of the second, third and fourth class, except as hereinafter otherwise provided, by the controller or auditors of the city, borough, incorporated town, or township in which the whole or the greater or greatest portion of the area of the district is located.

(3) When in any school district of the second class the annual expenditures, exclusive of moneys received from the sale of bonds, exceeds the sum of five hundred thousand dollars (\$500,000), such district may employ a certified public accountant within sixty days from the close of the fiscal year.

(4) Any school district of the second, third or fourth class and any joint school board may employ an independent auditor who shall be a certified public accountant or competent public accountant prior to the end of the fiscal year, and when so employed, such independent auditor shall audit the finances of such school district or such joint school board for such fiscal year instead of the controller or auditors hereinbefore referred to, and shall have all the powers and duties of such auditors, except that the audits shall be made in accordance with generally accepted auditing standards. The compensation of the independent auditor shall be fixed by the employing board of directors and shall be paid from the funds of the school district or of the joint school board, as the case may be. ((4) amended Dec. 1, 1965, P.L.980, No.361)

(5) In any school district constituted of two or more municipal divisions by reason of the creation of a new city, borough or township, and the fact that such new city, borough or township, or a part of the original school district remaining after its separation, would constitute a fourth class school district, and the creation of such fourth class school district

has not been approved, the auditors or the controllers of the cities, boroughs, towns, or townships last created and which do not form a separate school district shall meet annually with the auditors of the school district and participate in the audit of the school accounts, and such auditors or controllers shall have the same rights and powers as are conferred by this act upon the auditors of schools accounts. ((5) amended Oct. 21, 1965, P.L.601, No.312)

(6) In all independent school districts, by the proper auditors, herein provided for school districts of the class in which they belong, and where an independent school district of the fourth class is taken from two or more school districts, its accounts shall be audited by the auditors of the school district in which its buildings are located.

(7) In union or merged school districts the court of common pleas of the county in which the district is located, upon petition of the board of school directors of such union or merged school district, shall, as soon as convenient after the creation of the district, appoint three persons to audit the financial accounts of the district. The auditors so appointed shall, on the first day of July, at the time of organization, or within five days thereafter, and within thirty days, carefully audit and adjust the financial accounts of the school district for the preceding school year. At the first municipal election after a union or merged school district is created there shall be elected three school auditors, one for a term of two years, one for a term of four years, and one for a term of six years, and their successors thereafter shall be elected for terms of six years each. When a vacancy occurs in the office of auditor in any union or merged school district by reason of death, resignation, removal from the school district, or otherwise, the court of common pleas of the county in which the district is located, upon petition of the board of school directors of such union or merged school district, shall appoint a person to hold such office for the unexpired term of the person whose place he is appointed to fill. The compensation of both the appointed and elected auditors shall be ten dollars (\$10) per day for each day necessarily spent by each auditor. The total expense of such auditing, including the cost of filing the report, advertising, and other necessary costs, shall be paid by the union or merged school district.

The board of school directors of any union or merged school district may employ a certified public accountant to audit the finances of such school district for such fiscal year instead of the auditors, hereinabove referred to, and such certified public accountant shall have all the powers and duties of said auditors and shall receive the compensation fixed by the board of directors of the union or merged school district and shall be paid by the said district. ((7) amended July 31, 1963, P.L.389, No.206)

(8) In county vocational school districts, by the county auditors or county controller.

(9) The financial accounts of each annual county or district teachers' institute shall be audited by three auditors, two to be elected by the teachers' institute and one by the directors' association for a county institute, and by the board of school directors for the district institute.

(10) The financial accounts of the directors' association shall be audited by the county auditors or county controller.

(11) In all school districts established as a result of the provisions of the act of August 8, 1963 (P.L.564), by a certified public accountant, a firm of certified public

accountants, a competent independent public accountant or a firm of competent independent public accountants who shall be named prior to the end of the fiscal year and shall have all the powers and duties of such other auditors hereinbefore provided, except that the audit shall be made in accordance with generally accepted auditing standards. The compensation of the accountant or firm of accountants shall be fixed by the employing board of school directors and shall be paid from the funds of the school district.

The accountant or firm of accountants may be designated for a term of years and, at the discretion of the board, may be authorized to conduct a monthly audit of accounts.

((11) added Jan. 25, 1966, 1965 P.L.1565, No.546)

(2401 amended June 18, 1959, P.L.472, No.100)

Section 2401.1. Controllers and Auditors Not to be Otherwise Employed by School Districts or Joint School Boards.--No elected county, city, borough, town or township controller or auditor, and no controller or auditor appointed to fill a vacancy in the office of county, city, borough, town or township controller or auditor for the unexpired term of the previous controller or auditor, shall be employed in any other capacity by a school district or joint school board if he audits any finances or any funds belonging to or controlled by the school district or joint school board.

(2401.1 added July 25, 1963, P.L.307, No.162)

Section 2402. Statements of Accounts, etc.--In order that the aforesaid accounts may be thoroughly and properly audited, it shall be the duty of all boards of school directors and their proper officers, school depositories, district superintendents, treasurers of directors' associations, treasurers of teachers' retirement funds, and other proper persons, to furnish to such auditors, whenever required by them for auditing purposes, statements and accounts of all finances of the district, of teachers' institutes or directors' associations, and other funds belonging to or controlled by the district, including assets and liabilities, together with access to all books, records, tax duplicates, vouchers, school orders, payrolls, letters and other matters pertaining to the same.

(2402 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2403. Subpoenas; Administering Oaths; Perjury.--The several auditors herein provided shall have power, and are hereby authorized, to issue subpoenas to compel the attendance of school officers or other persons whom they may deem necessary to examine as witnesses, and to compel the production of all books, records, vouchers, letters, and papers relating to any accounts being audited by them.

The auditors shall have power to administer oaths or affirmations to all persons appearing before them as witnesses, and any person guilty of testifying falsely in any such examination shall be guilty of perjury, and be liable for and subject to all the penalties provided therefor.

Section 2404. Disobedience to Subpoena; Contempt.--In case of disobedience to a subpoena to appear and testify, or to produce any papers, books, records, vouchers, letters, or other written or printed matter, as required by the provisions of this act, the Superintendent of Public Instruction, school controller, or auditors, as the case may be, may invoke the aid of the court of common pleas of the county, within whose jurisdiction such hearing is held, or accounts are being audited, to compel compliance with the same. Any such court, in case of contumacy or refusal to obey a subpoena, may issue its orders to such person so refusing to appear and testify,

or to produce books, papers, vouchers, or other written or printed matter. Any failure to obey such order of court may be punished by the court as contempt thereof.

Section 2405. Witness Fees.--Every witness attending before any auditors in any school district shall receive, out of the funds of the district, to be paid by a proper order drawn on the school treasurer, the same witness fees and mileage as a witness is allowed in the court of common pleas of the county in which such district is located.

Section 2406. Audits; Surcharges; Examination of Official Bonds.--The auditors herein provided to audit the finances of school districts of the second, third and fourth class, shall carefully inspect every school order issued for the payment of money by the board of school directors, and the accounts of each official or person whose accounts are to be audited in the district for which they are acting as auditors during the period of time covered by their audit. Any school order issued in any other manner or for any other purpose than herein authorized shall, if paid, be disallowed by the auditors, and charged against the person or persons voting for or approving the same. All such orders disallowed shall be set forth in the report to be made by the several auditors as herein provided, together with such other sum or sums as should be properly charged against any person or persons. Such auditors shall also examine, and report to the proper boards of school directors upon, the sufficiency and the security of the bonds of the officers, employes, and appointees of the boards of school directors and of the school depositories.

Section 2407. Notice of Surcharges.--In all school districts of the second, third, and fourth class, when any sum is charged against any person, such person shall be notified by the auditors, at or before the time of filing their report, by mail or otherwise, of such fact, setting forth the amount charged against him.

Section 2408. Copies of Reports.--In all school districts the auditors' report of the finances of the district for the preceding year, as made by the auditors herein provided, shall be filed with the board of school directors, entered on the minutes of the board by the secretary thereof and forwarded to the Superintendent of Public Instruction. A copy of such report shall be filed with the intermediate unit board of directors.

(2408 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2409. Employment of Attorneys.--In all school districts where the accounts are audited by borough or township auditors, the auditors may employ an attorney whenever the same is deemed advisable. The compensation of such attorney shall be fixed by the auditors, and shall not exceed the sum payable to one auditor for the making of the annual audit, unless additional compensation shall be specially allowed by a court of record in connection with any proceeding before such court, and shall be payable by the school district out of the general fund of the district.

Section 2410. Investigation of Financial Records by Superintendent of Public Instruction.--The Superintendent of Public Instruction may investigate the financial records of any school district in person or by his authorized representative.

For the purpose of such investigation, the same duties are imposed upon all boards of school directors, their members, their officers, agents and employes as are imposed by this act with respect to the audit of the accounts of school districts and the officers thereof, and the same powers are conferred upon the Superintendent of Public Instruction or his authorized

representative as are conferred by this act upon school auditors in auditing the finances of school districts.

(b) School Districts of the First Class.

Section 2421. Duties of Controller.--The school controller, herein provided in each school district of the first class, shall properly audit the finances of the school district, including the accounts of the receiver of school taxes, school treasurer, or other proper authority collecting school taxes, school depositories, and all other funds under the control of the board of public education.

The school controller shall, at the end of each school year, certify to the board of public education that he has audited the several accounts above stated, and shall report to it the result of such audit.

(c) School Districts of the Second and Third Classes.

Section 2431. Time of Audit; Filing of Copies.--In every school district of the second and third classes, the proper auditors herein provided to audit the finances of the school district shall begin their duties on the first day of July each year, and promptly within thirty days audit the accounts of the school district for which they were appointed, including the accounts of the treasurer, the school depositories, and other school funds, for the preceding fiscal year, in the manner herein provided. On the completion of the audit they shall make correct copies thereof, which shall contain an itemized statement of all receipts, expenditures, and credits, whatsoever, of school officials, and the assets and liabilities of the district. One copy shall be filed with the board of school directors of the district, one copy in the court of common pleas of the county in which the district is located, and one copy with the intermediate unit board of directors, one copy in the Department of Public Instruction, by mailing the same sealed, stamped, and addressed to the Superintendent of Public Instruction, Harrisburg, Pennsylvania, by registered mail with return registry receipt requested.

(2431 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2432. Notice of Audit.--The auditors shall, within ten days after completing their report of audit, advertise a notice that the audit report for the district has been filed and is available for public inspection at the business office of the district in one newspaper of general circulation published or generally circulated in such district, once a week for three successive weeks. Such notice shall call attention to the fact that the report was filed on a date therein stated, and give notice that the same will be confirmed absolutely unless an appeal is taken therefrom within thirty days after the filing thereof. Any auditor neglecting or refusing to comply with this section shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than one hundred dollars (\$100), and, in default of the payment of such fine and costs, shall be sentenced to imprisonment for not more than ten days.

(2432 amended Dec. 19, 1980, P.L.1314, No.237)

Section 2433. Compensation of Auditors.--(a) In school districts of the second class, the compensation for auditors shall, together with suitable allowances for qualified assistants and for other necessary expenses, be fixed by the board of school directors of the district on application from

time to time made by the auditors, with itemized statements of services, assistants, and other necessary expenses.

(b) In school districts of the third class, the compensation for auditors shall be ten dollars (\$10) per day for each day necessarily spent by each auditor, except in the case of a certified public accountant employed to act as auditor, in which event the compensation shall be fixed by the board of directors of the district. ((b) amended Aug. 9, 1955, P.L.310, No.121)

(c) In school districts of the second and third class, the compensation of any certified public accountant employed to act as auditor shall be fixed by the directors of such district and paid by the district.

(d) In school districts of the second and third class, where the accounts are audited by the controller of the municipality in which the whole or the greater or greatest portion of the area of each such district shall be located, the compensation of the controller shall be fixed by the directors of such district and paid by said district.

(e) The total expense of auditing, including the cost of filing the report, advertising, and other necessary costs, shall be paid by the school district.

(d) School Districts of the Fourth Class.

Section 2441. Time of Audit; Filing Copies; Publication.--In every school district of the fourth class, the auditors shall meet annually with the board of school directors, on the first day of July, at the time of organization, or within five days thereafter, and within thirty days carefully audit and adjust the financial accounts of the school district for the preceding school year: Provided, That the meeting of the auditors with the board of school directors shall not be held on the Fourth of July. At the completion of the audit, they shall make a careful statement, in duplicate, of the finances of the district for the preceding year, setting forth the assets and liabilities, and an itemized statement of all receipts, expenditures, and credits, whatsoever, of all school officials, and including therein any sums that have been charged against any person or persons. One copy of such annual statement shall be filed by the auditors with the secretary of the board of school directors and one in the court of common pleas of the county in which such district or the greater or greatest part thereof in area shall be located. A notice that the audit report for the district has been filed and is available for public inspection at the business office of the school district shall be published in a newspaper having general circulation in the district, once a week for three successive weeks, beginning the first week after filing the same, or be promptly posted, by not less than six copies, in as many places in the district. The auditors shall also file one copy of their report with the Superintendent of Public Instruction.

(2441 amended Dec. 19, 1980, P.L.1314, No.237)

Section 2442. Notice of Audit; Districts not Electing Auditors.--In school districts of the fourth class that do not elect auditors, the prothonotary of the court in which the auditors' report is filed shall advertise a concise summary or statement thereof, including the assets and liabilities of the district, in one newspaper published or generally circulated in such district, once a week for three successive weeks, beginning within a week after the filing of such report. Such notice shall call attention to the fact that the report was filed on a date therein stated, and give notice that the same

will be confirmed absolutely unless an appeal is taken therefrom within thirty days after the filing thereof.

Section 2443. Compensation of Auditors.--The auditors herein required to audit the accounts of a school district of the fourth class shall be allowed for their services ten dollars (\$10) per day for each day necessarily spent by each of them in the performance of his duty, which, together with the cost of advertising their report, shall be paid by the school district. The compensation of any certified public accountant employed by a school district of the fourth class to audit the finances of the school district shall be fixed by the directors of the district, and paid by the district.

(2443 amended Aug. 9, 1955, P.L.310, No.121 and Sept. 27, 1955, P.L.653, No.176)

(e) Appeals from Audits; Districts
Second, Third and Fourth Class.

Section 2451. Who May Appeal; Conditions.--The Commonwealth, the school district of the second, third or fourth class, or any taxpayer thereof on behalf of said Commonwealth, district, or any person or persons against whom any sum has been charged in any report filed by the auditors of such school district, may appeal from any auditors' report. Such appeal shall be taken to the court of common pleas of the proper county by the Commonwealth within ninety (90) days after said report is filed in the Department of Public Instruction, and by all other appellants within forty-five (45) days after said report is filed in the court of common pleas. Any taxpayer taking or intervening in an appeal shall file in said court of common pleas a bond, with one or more sufficient sureties, conditioned that the party appealing will prosecute said appeal with effect and that said party will indemnify and save harmless said district from all costs that may accrue upon said appeal or by reason of such intervention subsequently thereto. When any person or persons charged with any sum of money in any such report of auditors shall appeal therefrom, such person or persons shall file in said court a bond with one or more sufficient sureties conditioned to prosecute the appeal with effect, and to pay all costs accruing thereupon if the final decision obtained shall not be more favorable to him than the report appealed from.

Section 2452. Accounts Investigated De Novo; Burden of Proof; Single Proceeding.--In any proceeding in the court of common pleas upon an appeal from a report of auditors of any school district of the second, third or fourth class, the accounts of the officer or officers in question may be investigated de novo, but the figures and facts found and stated by the auditors in their report of audit shall be taken as prima facie correct as against any such officer, and the burden shall be upon each officer whose accounts are in question of establishing the credits to which he shall be entitled.

When more than one appeal from a report of auditors has been taken, whether by the Commonwealth, the school district, an officer or officers thereof, or by a taxpayer, or any or all of them, the court of common pleas shall, upon petition of any party interested, direct the several appeals to be disposed of in a single proceeding.

Section 2453. Procedure; Jury Trials; Appeals to Appellate Courts.--When any appeal is taken, the appeal may be placed upon the argument list by direction of any party interested by intervention or otherwise. Depositions of witnesses, and other

evidence to be used at the argument, may be taken on behalf of any party, before any person competent to administer an oath, upon rule for that purpose, served upon the opposite party or such party's counsel. After hearing argument the court shall file its finding of fact and conclusions of law, and enter judgment in accordance therewith. If, after argument, the court shall deem any question or questions of fact so doubtful, under the evidence submitted, as to render it desirable that an issue be directed as to such question or questions to be tried by a jury, the court may direct such an issue.

(2453 repealed in part June 3, 1971, P.L.118, No.6)

Section 2454. Judgment; Enforcement; Rights of Taxpayers.--If any sum shall be found by the court to be chargeable to any person whose accounts are involved in any appeal, the prothonotary shall enter judgment for said sum in favor of the district, and against the person charged. The Commonwealth, school district, or appealing or intervening taxpayer, may cause said judgment to be collected from the person charged or his sureties, for the benefit of said district, by any appropriate method, executionary or otherwise. Any such taxpayer may defend the district, in any appeal taken by any person charged by the report of auditors, as fully and effectively in both instances as the officers of the district might do. When any taxpayer has intervened, or when an appeal has been taken by any taxpayer, the officers of the school district shall not make settlement with any person or persons charged with any sum or sums, or whose accounts shall be involved in any appeal, without the consent of such taxpayer.

Section 2455. Surcharges; Judgments; Enforcement.--If in any report filed by the auditors of any school district of the second, third or fourth class, there has been any sum charged against any person or persons, the amount charged against such person or persons shall, in the absence of an appeal by such person or persons within the time prescribed by this act, become a judgment, and shall be entered by the prothonotary in favor of the school district against the person or persons charged therewith. Such judgment shall be collected from such person or persons or his or their sureties by the school district, for its use and benefit. Any taxpayer of such district may, on its behalf, proceed to enforce collection of such judgment for the school district, by any appropriate proceeding, executionary or otherwise, upon filing bond, with sufficient surety or sureties, conditioned to indemnify and save harmless the school district from any costs accruing by reason of such proceeding.

(f) Accounts of Teachers' Institutes
and School Directors' Associations.

Section 2461. Teachers' Institutes.--(2461 repealed Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2462. School Directors' Association.--The account of the treasurer of a school director association within an intermediate unit shall be properly audited annually by a certified public accountant, and filed with the association.

(2462 amended Jan. 14, 1970, 1969 P.L.468, No.192)

ARTICLE XXV.
REIMBURSEMENTS BY COMMONWEALTH AND
BETWEEN SCHOOL DISTRICTS.

(a) Definitions.

Section 2501. Definitions.--For the purposes of this article the following terms shall have the following meanings:

(1) "District Pupils" of a school district shall designate all pupils enrolled in the public schools of the Commonwealth, and of adjacent states, who are residents of a given school district, except those pupils who are enrolled in the public schools maintained by the vocational school district, the territorial limits of which include the school district. "District Pupils" of a vocational school district shall designate all pupils enrolled in the public schools, maintained by the vocational school district who are residents of the district.

(2) "Teaching Units" consist of twenty-two (22) high school pupils or thirty (30) elementary school pupils. Fractions thereof shall be fractional teaching units. If a district's pupil-teacher ratio exceeds thirty-three (33), its district teaching unit shall be obtained by multiplying the total number of all teaching units, as defined above, by thirty-three (33), and dividing the product so obtained by the pupil-teacher ratio of the district. High school pupils are those pupils in a secondary school program classified as such by the Department of Public Instruction, but in no case shall include any pupils below grade seven (7). ((2) amended July 17, 1959, P.L.538, No.157)

(3) "Average Daily Membership" shall be computed in accordance with rules of procedure as established by the Secretary of Education. For the purpose of calculating the basic education funding allocation for the 2007-2008 school year and each school year thereafter, the computation shall be adjusted for each level of instruction as follows:

(i) Half-time prekindergarten and half-time kindergarten: .50;

(ii) full-time prekindergarten, full-time kindergarten, elementary and secondary: 1.00.

A child on whose behalf payment is made under section 1514-D shall not be included in this calculation.

((3) amended June 30, 2011, P.L.112, No.24)

(4) ((4) repealed Feb. 1, 1966, 1965 P.L.1642, No.580)

(5) ((5) repealed Feb. 1, 1966, 1965 P.L.1642, No.580)

(6) ((6) repealed Feb. 1, 1966, 1965 P.L.1642, No.580)

(7) ((7) repealed Feb. 1, 1966, 1965 P.L.1642, No.580)

(8) ((8) deleted June 12, 1968, P.L.192, No.96)

(9) "Real Property Valuation." A school district's, vocational school district's or municipality's real property valuation, to be used for purposes of computing the basic account standard reimbursement fraction, the subsidiary account reimbursement fraction, the aid ratio, the market value/income aid ratio and the equalized millage, shall be the valuation placed upon its taxable real property by the State Tax Equalization Board. ((9) amended June 7, 1993, P.L.49, No.16)

(9.1) "Personal Income Valuation." A school district's personal income valuation for purposes of computing the market value/income aid ratio and for purposes of reimbursement to a school district under subsections (d), (e), and (f) of section 2502, section 2502.22, section 2502.25 and section 2592 shall be the valuation of the total taxable income for the tax year preceding the immediate prior year, determined under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," for each school district each year by the Secretary of Revenue and certified to the Secretary of Education. For the 1988-1989 school year and each school year thereafter, the Secretary of Revenue shall additionally certify,

for those districts in which residents claim credit against the State personal income tax for income earned outside this Commonwealth under section 314 of the "Tax Reform Code of 1971," the total number of persons claiming such out-of-State tax credits and the total dollar amount of such tax credits claimed in the individual district. ((9.1) amended June 7, 1993, P.L.49, No.16)

(9.2) "Equalized Millage." (a) For the year prior to the year for which reimbursement is being computed, a school district's tax effort to be used for reimbursement under subsections (d) and (e) of section 2502 and section 2502.11 shall be the amount of local school taxes collected divided by the real property valuation of the school district for the year prior to the year for which reimbursement is being computed.

(b) For purposes of computing the base earned for reimbursement and for purposes of reimbursement to a school district under section 2502.22, the district's equalized millage shall be computed, for the year for which reimbursement is being paid, as follows: divide the district's amount of local school taxes collected for the school year immediately preceding the school year for which reimbursement is being paid by the real property valuation of the school district for the calendar year that concluded during the school year immediately preceding the school year for which reimbursement is being paid; multiply the result by one thousand (1,000).

((9.2) amended June 7, 1993, P.L.49, No.16)

(9.3) "Median Equalized Millage." For the school year 1976-1977 and each year thereafter, the Secretary of Education shall annually calculate the equalized millage for which an equal number of districts are above and below for that year. ((9.3) added Aug. 24, 1977, P.L.199, No.59)

(9.4) "Municipal Equalized Millage." A city of the first through third class tax effort to be used for reimbursement under subsections (d) and (e) of section 2502 and section 2502.11 shall be the amount of municipal taxes collected and reported to the Department of Community and Economic Development divided by the real property valuation of the municipality for the most recent year for which both municipality tax and real property valuation are available. ((9.4) amended July 13, 2005, P.L.226, No.46)

(9.5) "Municipal Median Equalized Millage." For the school year 1988-1989 and each school year thereafter, the Secretary of Education shall annually calculate the equalized millage for which an equal number of cities of the first through third class are above and below for that year. ((9.5) added July 8, 1989, P.L.253, No.43)

(10) "Number of District Teaching Units for Purposes of Determination of Basic Account Standard Reimbursement Fraction, and Subsidiary Account Reimbursement Fraction." A school district's or vocational school district's number of district teaching units for purposes of determination of the basic account standard reimbursement fraction and the subsidiary account reimbursement fraction shall be obtained as follows: (i) divide by twenty-two (22) the number of district pupils in average daily membership in a public high school and in high school grades of a laboratory school of a State-owned college during the preceding school term, (ii) divide by thirty (30) the number of district pupils in average daily membership in a public elementary school and laboratory school of a State-owned college during the preceding school term, and (iii) add the quotients obtained under (i) and (ii) above, except when the pupil-teacher ratio exceeds thirty-three (33), in which case,

the sum obtained under (i) and (ii) above shall be multiplied by thirty-three (33) and the product so obtained shall be divided by the pupil-teacher ratio of the district. No school district or vocational school district shall be credited with less than one teaching unit. No school district or vocational school district shall be assigned a basic account standard reimbursement fraction lower in value than the minimum instruction subsidy divided by the maximum instruction subsidy. All one-room schools operated in accordance with the provisions of this act shall, if their operation is approved, be credited with at least one teaching unit. The State Board of Education shall withhold its approval of any one-room one-teacher school, unless (i) topography, distance or condition of roads are such as to make transportation of pupils impractical, or (ii) it is impossible to accommodate pupils in existing graded schools in the district or other districts, or (iii) the district is financially unable to construct a consolidated school. ((10) amended June 12, 1968, P.L.192, No.96)

(10.1) "Weighted Pupil" shall mean a value placed upon district pupils in average daily membership at various levels of instruction. Such values shall be as follows:

Kindergarten	0.50, if attending one session per day; 1.00, if attending two sessions per day.
Elementary	1.00
Secondary	1.36

((10.1) added Feb. 1, 1966, 1965 P.L.1642, No.580)

(10.2) "Weighted Average Daily Membership" (WADM). The average daily membership for all resident pupils in the various levels of instruction shall be multiplied by the weight for that level as indicated to obtain the weighted average daily membership. The sum of the products so obtained shall be the weighted average daily membership for the district. The weighted average daily membership used in computing the aid ratio shall include kindergarten, elementary and secondary pupils. ((10.2) added Feb. 1, 1966, 1965 P.L.1642, No.580)

(11) "Actual Instruction Expense Per Elementary Teaching Unit, Actual Instruction Expense Per Elementary Teaching Unit in a Laboratory School of a State-owned College, Actual Instruction Expense Per Secondary Teaching Unit, Actual Instruction Expense Per Secondary Teaching Unit in a Laboratory School of a State-owned College, Actual Instruction Expense Per Joint Elementary Teaching Unit, Actual Instruction Expense Per Joint Secondary Teaching Unit, Actual Instruction Expense Per Area Technical School Teaching Unit." In 1958 in the month of September and thereafter annually in the month of September, the Department of Public Instruction shall calculate for each school district for the immediately preceding school year the actual instruction expense per elementary teaching unit for elementary pupils educated in the district's public schools, the actual instruction expense per secondary teaching unit for secondary pupils educated in the district's public schools, the actual instruction expense per joint elementary teaching unit for elementary pupils educated in elementary schools of jointures of which the district is a member, the actual instruction expense per joint secondary teaching unit for secondary pupils educated in secondary schools of jointures of which the district is a member, the actual instruction expense per area technical school teaching unit for pupils educated in area technical schools in which the district participates, the actual instruction expense per elementary teaching unit for

elementary pupils residing in the district and educated in the public schools of other districts within the Commonwealth, and the actual instruction expense per secondary teaching unit for secondary pupils residing in the district and educated in the public schools of other districts within the Commonwealth. In each case, actual instruction expense per teaching unit shall be the sum of (i) and (ii) below but in no case shall include expenses for debt service, capital outlay, rentals of capital facilities and equipment, salaries and expenses for school nurses, for medical and dental services, for driver education courses, for reimbursable transportation of pupils, for tuition paid to other school districts, for reimbursable board and lodging in lieu of transportation, for salaries of directors and supervisors of special education, public school psychologists, principals of special schools and assistants, teachers of approved special classes for physically and mentally handicapped children, clerks and assistants employed in programs for special education, for school district contributions to the retirement fund on behalf of directors and supervisors of special education, public school psychologists, principals of special schools and assistants, teachers of approved special classes for physically and mentally handicapped children, clerks and assistants employed in programs for special education, for the cost of textbooks and supplies of the second class used in special education classes or schools, for extension schools and classes, for extension recreation activities, for vocational extension education, or for instruction of homebound children.

(i) Expenses of general control per teaching unit. Expenses of general control shall include: salaries, supplies and other expenses of the secretary's office; commission or salary of treasurer, tax collector, auditors and legal service; expenses of census enumeration and other expenses of business administration; salaries of the superintendent of schools and clerks of the superintendent of schools; expenses of supplies and other expenses of the superintendent of schools' office; and other expenses of general control. In the case of computation of actual instruction expense per elementary teaching unit for district pupils educated in the schools of the district and for district pupils educated in the public schools of other districts within the Commonwealth and actual instruction expense per secondary teaching unit for district pupils educated in the schools of the district and for district pupils educated in the public schools of other districts within the Commonwealth, expenses of general control per teaching unit shall be calculated by dividing the foregoing listed expenses of general control of the school district by the number of teaching units based on the number of all pupils who are residents of the school district and are in average daily membership in the public schools of the Commonwealth. In the case of computation of actual instruction expense per joint elementary teaching unit and actual instruction expense per joint secondary teaching unit, expenses of general control per teaching unit shall be calculated by dividing the foregoing listed expenses of general control of the school district by the number of teaching units based on the number of all pupils who are residents of the school district and are in average daily membership in the public schools of the Commonwealth, and adding thereto the quotient obtained by dividing the foregoing listed expenses of general control of the joint school district by the number of joint teaching units based on the number of pupils who are residents of school districts that are members of the joint school district and are in average daily membership

in the schools of the joint school district. In the case of computation of actual instruction expense per area technical school teaching unit, expenses of general control per teaching unit shall be computed by dividing the foregoing listed expenses of general control of the school district by the number of teaching units based on the total number of all pupils who are residents of the school district and are in average daily membership in the public schools of the Commonwealth, and adding thereto the quotient obtained by dividing the foregoing listed expenses of general control of the area technical school by the number of area technical school teaching units based on the number of pupils who are residents of districts participating in the area technical school and are in average daily membership in the area technical school. (ii) Expenses of the school district, joint school district, area technical school, or such other school district within the Commonwealth in which the districts' pupils are educated, as the case may be, on account of instruction, auxiliary agencies and coordinate activities, operation of school plant, maintenance of school plant, and fixed charges, and each separately for elementary and for secondary schools, per teaching unit, calculated by dividing the sums of (a), (b), (c), (d), and (e) below by the numbers of elementary, secondary, joint elementary, joint secondary, and area technical school teaching units, respectively, based on the number of all pupils on an equivalent full-time basis in average daily membership in the public schools of the district, or joint district, or the area technical school, or other school district within the Commonwealth in which pupils of the district are educated, as the case may be; (a) expenses of instruction, to include salaries of supervisors and other expenses of supervisors, salaries of principals and principals' clerks, supplies of the principals' offices, other expenses of supervision, teachers' and teacher-librarians, salaries, textbooks, library books, supplies used in instruction including library supplies, expenses of attending teachers' institutes, commencement exercise and exhibit expenses, and other expenses of instruction, (b) expenses of auxiliary agencies and coordinate activities, to include salaries, books, repairs, replacements, and other expenses of public libraries, and non-reimbursable transportation and board and lodging in lieu of transportation, and provisions for tubercular and undernourished children, community lectures, social centers and recreation, enforcement of attendance, and other expenses of auxiliary agencies and coordinate activities, (c) expenses of operation of school plant, to include wages of janitors and other employes, fuel, water, light, power, janitors' supplies, care of grounds, services other than personal, telephone rental, and other expenses of operation, (d) expenses of maintenance of school plant, to include upkeep of grounds, repair of buildings, repairs and replacements, heating, plumbing, lighting, apparatus used in instruction, furniture, and other equipment, (e) expenses of fixed charges, to include payments made to the retirement board, rent, all insurance, and other fixed charges: Provided, That the actual instruction expense for elementary teaching unit for district pupils educated in the elementary grades of a laboratory school of a State-owned college and the actual instruction expenses for secondary teaching unit for district pupils educated in the high school grades of a laboratory school of a State-owned college shall be computed by (i) dividing the total amount of money paid to the State-owned college by the resident district for the education of all resident elementary children enrolled in a

laboratory school of a State-owned college by the number of such elementary teaching units based on the total number of such resident children in average daily membership in the laboratory school, (ii) dividing the total amount of money paid to the State-owned college by the resident district for the education of all resident secondary children enrolled in a laboratory school of a State-owned college by the number of such secondary teaching units based on the total number of such resident children in average daily membership in the laboratory school. The teaching units are computed on the basis of thirty (30) equivalent full time elementary children and twenty-two (22) equivalent full time secondary children. ((11) amended Sept. 12, 1961, P.L.1277, No.560)

(11.1) "Actual Instruction Expense per Weighted Average Daily Membership." For the school year 1966-1967, and each school year thereafter, the Superintendent of Public Instruction shall calculate for each school district the actual instruction expense per weighted average daily membership for each district pupil. The actual instruction expense shall include all General Fund expenses of the district except those for health services, transportation, debt service, capital outlay, home-bound instruction, and outgoing transfers to community colleges and technical institutes. From this cost shall be deducted the amount received from the State for driver's education; special class operation; vocational curriculums; area vocational technical schools; payments of tuition by district patrons, parents, the State and Federal government; and all moneys received from the State or Federal government under Public Laws 89-10 (Elementary and Secondary Education Act), 88-452 (Economic Opportunity Act), and 87-415 (Manpower Training and Development Act) and for projects under section 2508.3 of this act. The actual instruction expense so determined, when divided by the weighted average daily membership for the district shall be the actual instruction expense per weighted average daily membership. ((11.1) added Feb. 1, 1966, 1965 P.L.1642, No.580)

(12) ((12) repealed July 22, 1983, P.L.104, No.31)

(12.1) ((12.1) repealed July 22, 1983, P.L.104, No.31)

(13) ((13) repealed July 22, 1983, P.L.104, No.31)

(14) "Aid Ratio." The aid ratio shall be determined in the following manner: (a) divide the market value per weighted average daily membership of the district by the market value per weighted average daily membership of the State; (b) determine the product of (a) multiplied by 0.50; (c) subtract the resultant product in (b) from one (1.0000) to determine the aid ratio.

$$\text{Aid Ratio} = 1.0000 - \frac{\text{District MV/WADM}}{\text{State MV/WADM}} \times 0.50$$

((14) amended Dec. 20, 1983, P.L.267, No.73)

(14.1) "Market Value/Income Aid Ratio." For purposes of reimbursement to a school district under subsections (d), (e), and (f) of section 2502, section 2502.8, section 2502.22, section 2502.25, section 2502.26 and section 2592, or to an intermediate unit or area vocational-technical school, shall be the Commonwealth's method of determining the combined market value and income wealth for each pupil, and shall be computed, for the school year for which reimbursement is being paid, as follows:

(a) (i) Divide the market value per weighted average daily membership of the district, intermediate unit or area vocational-technical school by the market value per weighted average daily membership of the State;

(ii) Determine the product of subsection (a)(i) multiplied by .5;

(iii) Subtract the resultant product in subsection (a)(ii) from 1.000 to determine the market value portion of the aid ratio.

(iv) For purposes of the calculation described in subsection (a)(i) through (iii), the market value of a district shall be the real property valuation of the district for the calendar year that concluded during the school year immediately preceding the school year for which reimbursement is being paid. The market value of an intermediate unit or area vocational-technical school shall be the sum of the real property valuations of each of its component districts for the calendar year that concluded during the school year immediately preceding the school year for which reimbursement is being paid. The weighted average daily membership of a district shall be the weighted average daily membership for the school year immediately preceding the school year for which reimbursement is being paid. The weighted average daily membership of an intermediate unit or area vocational-technical school shall be the sum of the weighted average daily memberships of each of its component districts for the school year immediately preceding the school year for which reimbursement is being paid.

(b) (i) Divide the income per weighted average daily membership of the district, the intermediate unit or area vocational-technical school by the average personal income per weighted average daily membership of the State;

(ii) Determine the product of subsection (b)(i) multiplied by .5;

(iii) Subtract the resultant product in subsection (b)(ii) from 1.000 to determine the income aid ratio.

(iv) For purposes of the calculation described in subsection (b)(i) through (iii), the income of a district shall be the personal income valuation of the district. The income of an intermediate unit or area vocational-technical school shall be the sum of the personal income valuations of each of its component districts. The weighted average daily membership of the district shall be the weighted average daily membership for the school year immediately preceding the school year for which reimbursement is being paid. The weighted average daily membership of an intermediate unit or area vocational-technical school shall be the sum of the weighted average daily memberships of each of its component districts for the school year immediately preceding the school year for which reimbursement is being paid.

(c) Add sixty percent (60%) of the market value aid ratio to forty percent (40%) of the income aid ratio to determine the market value/income aid ratio.

(d) For payments beginning in the 1989-1990 school year and each school year thereafter, the Department of Education shall utilize an adjusted personal income valuation for the 1987 tax year and each tax year thereafter respectively in computing the market value/income aid ratio for such districts. The adjusted personal income valuation shall be calculated by dividing the total out-of-State tax credits claimed by the residents of a school district by the State personal income tax rate and subtracting that amount from the total personal income valuation for the individual school district. The State total personal income valuation shall remain that as certified by the Department of Revenue and shall not be adjusted to reflect out-of-State tax credits.

((14.1) amended June 29, 2002, P.L.524, No.88)

(15) "Minimum Subsidy." For the school years 1976-1977 and 1977-1978, in no case shall a district receive for each pupil in weighted average daily membership, an amount less than ten percent (10%) of the actual cost of instruction or ten percent (10%) of the base earned for reimbursement whichever is the lesser amount. For the 1978-1979 school year through the 1980-1981 school year, no school district shall receive for each pupil in weighted average daily membership an amount less than fifteen percent (15%) of the base earned for reimbursement or actual instructional expense per WADM, whichever is the lesser amount. For the 1976-1977 school year through the 1980-1981 school year, a district whose actual instruction expense per weighted average daily membership is more than two hundred dollars (\$200) less than the median actual instruction expense per weighted average daily membership, and whose equalized millage is within fifteen percent (15%) of the median equalized millage, the reimbursement shall be two hundred dollars (\$200) below the median actual instruction expense per weighted average daily membership times the district's aid ratio for each weighted average daily membership. For the 1982-1983 school year through the 1990-1991 school year, no school district shall receive for each pupil in weighted average daily membership an amount less than fifteen percent (15%) of the factor for educational expense. ((15) amended June 7, 1993, P.L.49, No.16)

(16) ((16) repealed July 22, 1983, P.L.104, No.31)

(17) ((17) repealed July 22, 1983, P.L.104, No.31)

(17.1) "Base Earned for Reimbursement." For the school year 1982-1983 and every school year thereafter, for purposes of calculations under section 2502.8 of the act, base earned for reimbursement shall be the lesser of the actual instruction expense per weighted average daily membership of the district, or the amount earned as follows:

(i) Subtract the individual school district's equalized millage from the highest equalized millage in the State.

(ii) Divide the amount determined in subclause (i) by the difference between the highest and lowest equalized millage in the State.

(iii) Multiply the quotient determined in subclause (ii) by two hundred dollars (\$200) and round to the nearest whole dollar amount.

(iv) Subtract the amount determined in subclause (iii) from the median actual instruction expense per weighted average daily membership in the year for which reimbursement is being computed.

((17.1) amended Dec. 20, 1983, P.L.267, No.73)

(18) "Equalized Subsidy for Basic Education." For the school year 1982-1983 and each school year thereafter, each school district shall be paid by the Commonwealth an equalized subsidy for basic education, which shall consist of any or all of the following, as applicable:

(i) Payments on account of instruction, as provided for in subsections (d) and (e) of section 2502.

(ii) An economic supplement, as provided for in section 2502.11.

(iii) Assistance to small districts as provided for in section 2502.13.

(iv) A low-expenditure, low-wealth supplement as provided for in section 2502.17.

(v) A low-expenditure poverty supplement as provided for in section 2502.18.

(vi) A payment as provided for in section 2502.20.

((18) amended June 7, 1993, P.L.49, No.16)

(19) "Factor for Educational Expense." For the school years 1982-1983 and 1983-1984, the factor for educational expense used to compute school district entitlements to payments on account of instruction, as provided for in subsection (d) of section 2502, shall be one thousand six hundred fifty-six dollars (\$1,656) unless later changed by statute. For the school year 1983-1984, the Factor for Educational Expense shall be one thousand seven hundred twenty-five dollars (\$1,725), unless later changed by statute, for those school districts participating, during the 1984-1985 school year, in a Statewide program for testing and remediation which is designed to identify and provide remediation services to individual students pursuant to section 1511.1. For the 1984-1985 school year, notwithstanding any other provisions of this act to the contrary, the Factor for Educational Expense used to compute all school districts' entitlements to payments on account of instruction, as provided for in subsection (d) of section 2502, shall be one thousand eight hundred seventy-five dollars (\$1,875). For the 1985-1986 school year, the Factor for Educational Expense used to compute all school districts' entitlements to payments on account of instruction, as provided for in subsection (d) of section 2502, shall be one thousand nine hundred seventy dollars (\$1,970). For the 1986-1987 school year, the Factor for Educational Expense used to compute all school districts' entitlements to payments on account of instruction, as provided for in subsection (d) of section 2502, shall be two thousand one hundred twenty-five dollars (\$2,125). For the school year 1987-1988, the Factor for Educational Expense used to compute all school districts' entitlements to payments on account of instruction, as provided for in subsection (d) of section 2502, shall be two thousand two hundred thirty dollars (\$2,230). For the school year 1988-1989, the Factor for Educational Expense used to compute all school districts' entitlements to payments on account of instruction, as provided for in subsection (d) of section 2502, shall be two thousand three hundred thirty dollars (\$2,330). For the school year 1989-1990, the Factor for Educational Expense used to compute all school districts' entitlements to payments on account of instruction, as provided for in subsection (d) of section 2502, shall be two thousand three hundred eighty dollars (\$2,380), as provided for in section 212 of the act of July 1, 1990 (P.L.1591, No.7A), known as the "General Appropriation Act of 1990." For the school year 1990-1991, the Factor for Educational Expense used to compute all school districts' entitlements to payments on account of instruction, as provided for in subsection (d) of section 2502, shall be two thousand five hundred fifty dollars (\$2,550). ((19) amended June 7, 1993, P.L.49, No.16)

(20) "Total Expenditure per Average Daily Membership." A school district's total expenditures shall include all General Fund expenditures and other financing uses for a school year, as designated in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems. The total expenditures so determined, when divided by the average daily membership for the same school year for the district, shall be the total expenditure per average daily membership. ((20) added June 7, 1993, P.L.49, No.16)

(21) "Children in Low-Income Families." Children aged five (5) to seventeen (17) years, inclusive, in families receiving a grant in excess of two thousand dollars (\$2,000) per year from the Commonwealth on account of dependent children pursuant

to Title IV of the Social Security Act, as amended (42 U.S.C. § 601 et seq.). ((21) amended Apr. 27, 1998, P.L.270, No.46)

(22) "Immediately Preceding School Year." The school year one year prior to the current school year. ((22) added June 25, 1997, P.L.297, No.30)

(23) "Next Preceding School Year." The school year two years prior to the current school year. ((23) added June 25, 1997, P.L.297, No.30)

(24) "Current Expenditure per Average Daily Membership." An amount equal to a school district's current expenditures for a school year to include General Fund expenditures in the functional classifications of instruction, support services and operation of noninstructional services, as designated in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems, divided by the average daily membership of the school district for the same school year. ((24) added July 13, 2005, P.L.226, No.46)

(25) "Adjusted Current Expenditure per Average Daily Membership." An amount equal to a school district's current expenditures for a school year, as defined in clause (24), minus the revenue account tuition for patrons, as designated in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems, divided by the average daily membership of the school district for the same school year. ((25) added July 11, 2006, P.L.1092, No.114)

(26) "Actual Spending." An amount equal to a school district's total expenditures to include General Fund expenditures in all functional classifications, as designated in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems, except for:

- (i) actual special education spending;
- (ii) adult education;
- (iii) higher education;
- (iv) student transportation;
- (v) community services;
- (vi) scholarships and awards;
- (vii) facilities acquisition;
- (viii) construction and improvement services; and
- (ix) ((ix) deleted by amendment Apr. 25, 2013, P.L.12, No.3)
- (x) tuition from patrons revenue.

((26) added July 9, 2008, P.L.846, No.61)

(27) "Funding Year." The most recent school year for which all school districts were required by the department to submit an annual financial report prior to the date an executive budget was proposed. ((27) added July 9, 2008, P.L.846, No.61)

(28) "Index." As established by the department in each calendar year for the subsequent fiscal year, the average of:

(i) That amount determined by the Department of Labor and Industry in the same manner that it determines the average weekly wage under section 404(e)(2) of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law," except that it shall be calculated for the preceding calendar year.

(ii) The most recent official figures reported by the United States Department of Labor, Bureau of Labor Statistics for the previous twelve-month period beginning July 1 and ending June 30 for the Employment Cost Index Series for Elementary and Secondary Schools.

((28) added July 9, 2008, P.L.846, No.61)

(29) "Location Cost Metric." An index of geographic cost differences for each county as published by the department on its publicly accessible Internet website on February 5, 2008.

The index shall be published in the Pennsylvania Bulletin no later than thirty (30) days after the effective date of this clause. ((29) added July 9, 2008, P.L.846, No.61)

(30) "Modified Average Daily Membership" or "Modified ADM."

The sum of the following products:

(i) fifty-two one-hundredths (.52) and the school district's average daily membership in the funding year;

(ii) twenty-six one-hundredths (.26) and the school district's average daily membership in the school year prior to the funding year;

(iii) thirteen one-hundredths (.13) and the school district's average daily membership two (2) school years prior to the funding year;

(iv) six one-hundredths (0.06) and the school district's average daily membership three (3) school years prior to the funding year; and

(v) three one-hundredths (.03) and the school district's average daily membership four (4) years prior to the funding year.

((30) added July 9, 2008, P.L.846, No.61)

(31) "Actual Special Education Spending." An amount equal to a school district's total annual expenditures for special education as established by the Department of Education and designated in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems. The amount shall not include expenditures that are exclusively for gifted students who do not receive special education pursuant to an individualized education program. ((31) added Apr. 25, 2013, P.L.12, No.3)

(32) "Eligible Student." A student who has been identified as a student with a disability who is in need of special education under Federal and State law. ((32) added Apr. 25, 2013, P.L.12, No.3)

(33) "Performance Indicators." Measurable annual objectives established by the Department of Education pursuant to section 612(a)(15) of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1412(a)(15)) to assess progress toward achieving State goals for the performance of eligible students. ((33) added Apr. 25, 2013, P.L.12, No.3)

(34) "Public Access." Full and timely release of information and documents for public access at a minimum through publication by the Department of Education:

(i) in the Pennsylvania Bulletin;

(ii) on the Department of Education's publicly accessible Internet website for no less than a duration of twelve (12) months; and

(iii) through the Department of Education's timely issuance of a related Statewide press release.

((34) added Apr. 25, 2013, P.L.12, No.3)

(35) "Regular Classroom." A classroom in a regular school operated primarily for students who have not been identified as students with disabilities who are in need of special education. ((35) added Apr. 25, 2013, P.L.12, No.3)

(36) "Regular School." A neighborhood school, magnet school or other public school operated for all students, not solely eligible students, in a school district. ((36) added Apr. 25, 2013, P.L.12, No.3)

(37) "Special Education Plan." A comprehensive plan as well as revisions, updates and amendments for all special education personnel, programs, services and supports provided by each school district for eligible students, filed by each district with the Department of Education under this act and other

applicable Federal and State law. ((37) added Apr. 25, 2013, P.L.12, No.3)

(38) "Base Year." Fiscal year 2010-2011 or another year designated by statute. ((38) added Apr. 25, 2013, P.L.12, No.3)

(39) "Special Education Allocation." The amount of special education funding received by a school district from the Commonwealth. ((39) added Apr. 25, 2013, P.L.12, No.3)

Compiler's Note: Section 4 of Act 3 of 2013, which amended clause (26) and added clauses (31), (32), (33), (34), (35), (36), (37), (38) and (39), provided that the Secretary of Education shall propose regulations for promulgation by the State Board of Education which implement the amendment or addition of clauses (26), (31), (32), (33), (34), (35), (36), (37), (38) and (39).

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 2501, provided that Act 61 shall apply retroactively to July 1 2008.

(b) Instruction.

Section 2502. Payments on Account of Instruction.--(a) Every school district and every vocational school district shall be paid by the Commonwealth on account of the instruction of pupils an amount to be determined by multiplying the numbers of elementary, secondary, joint elementary, joint secondary, State-owned college laboratory school, or area technical school teaching units, each based on the number of all pupils, except kindergarten pupils, who are residents of the district and are in average daily membership in the district's public schools, joint elementary schools, joint high schools, laboratory schools of State-owned colleges, or area technical schools respectively, and in the case of kindergarten pupils based on the number of kindergarten teachers employed: Provided, That for the school year 1962-1963, and for each school year thereafter, the number of equivalent full time kindergarten teachers in a laboratory school of a State-owned college shall be prorated among all the districts having children enrolled in the laboratory school kindergarten on the basis of the total number of kindergarten pupils who are legal residents of such districts and who are in average daily membership in the laboratory school kindergarten, and for the school year 1957-1958 and for each school year thereafter, the numbers of elementary or secondary teaching units, each based on the number of all pupils who are residents of the district and who are in average daily membership in the elementary schools or secondary schools of other school districts within the Commonwealth, by the district's basic account standard reimbursement fraction; and for the school year 1955-1956 by four thousand nine hundred dollars (\$4900); for the school year 1956-1957 by five thousand three hundred dollars (\$5300); for the school year 1957-1958 and for each school year thereafter by the lesser of actual instruction expense per elementary, secondary, joint elementary, joint secondary, laboratory school elementary, laboratory school secondary, area technical school, elementary educated in the public schools of other districts within the Commonwealth, secondary educated in the public schools of other districts within the Commonwealth teaching unit, each as the case may be, or five thousand eight hundred dollars (\$5800); for the school year 1962-1963 by the lesser of actual instruction expense per elementary, secondary, joint elementary, joint secondary, laboratory school elementary,

laboratory school secondary, area technical school, elementary educated in the public schools of other districts within the Commonwealth, secondary educated in the public schools of other districts within the Commonwealth teaching unit, each as the case may be, or six thousand five hundred dollars (\$6500); and for the school year 1963-1964 and for each school year thereafter by the lesser of actual instruction expense per elementary, secondary, joint elementary, joint secondary, laboratory school elementary, laboratory school secondary, area technical school, elementary educated in the public schools of other districts within the Commonwealth, secondary educated in the public schools of other districts within the Commonwealth teaching unit, each as the case may be, or six thousand eight hundred dollars (\$6800). For the school year 1953-1954 and each school year thereafter, teaching units shall be based on the number of all pupils, except kindergarten pupils, who are residents of the school district in average daily membership in the district's public schools in State-owned college laboratory schools and in elementary schools and high schools operated by joint boards of which the district of residence is a member, and in area technical schools in which the district of residence participates. In the case of kindergarten pupils, teaching units shall be one for each kindergarten teacher employed by the district: Provided, That for the school year 1957-1958 and for each school year thereafter, additional teaching units shall be based on the numbers of all pupils who are residents of the district and are in average daily membership in the elementary schools of other districts in the Commonwealth or who are in average daily membership in the secondary schools of other districts within the Commonwealth: Further provided, That in the case of such pupils teaching units shall be calculated on the basis of thirty-five (35) elementary pupils and twenty-six (26) secondary pupils per teaching unit, respectively. ((a) amended Aug. 1, 1963, P.L.461, No.246)

(b) Notwithstanding the foregoing provisions of this section, when because of sparsity of population, road or climatic conditions, or lack of other available high school facilities, the Department of Public Instruction has approved the continued operation of a small high school, the district shall receive an amount based on a number of teaching units equal to the number of teachers approved by the department as being required to provide a satisfactory educational program in such school, provided, that the number of teachers employed is not less than the number approved. ((b) amended Oct. 21, 1965, P.L.601, No.312)

(c) For no year shall any school district or vocational school district receive less than the minimum subsidy per teaching unit, nor shall any school district of the first class A, during the school year 1953-1954 for the school year 1952-1953, or during the school year 1954-1955 for the school year 1953-1954, or during the school year 1955-1956 for the school year 1954-1955, receive less per teaching unit than the amount received by any district of the first class.

(d) For the school year 1976 and 1977 through the 1980-1981 school year, each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the market value/income aid ratio times the actual instruction expense per weighted average daily membership or by the base earned for reimbursement, whichever is less, and by the weighted average daily membership for the district. For the school year 1976-1977 any school district which, as a result of the impact on payments

under subsections (d), (e) and (f) and under section 2592 by reason of the market value/income aid ratio or the application of equalized millage to the base earned for reimbursement, shall suffer a reduction in subsidy entitlement, shall be held harmless from this impact and shall receive an amount which is no less than that received for 1976-1977 under such subsections and under section 2592. For the 1982-1983 school year through the 1990-1991 school year, each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the district's market value/income aid ratio by the factor for educational expense and by the weighted average daily membership of the district. For the 1983-1984 school year, each school district participating, during the 1984-1985 school year, in a Statewide program for testing and remediation which is designed to identify and provide remediation services to individual students pursuant to section 1511.1, shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the district's market value/income aid ratio by the factor for educational expense, one thousand seven hundred twenty-five dollars (\$1,725), and by the weighted average daily membership of the district. This subsidy may be used for strengthening curriculum, increasing standards, improving student achievement and providing remedial programs during the 1984-1985 school year. ((d) amended June 7, 1993, P.L.49, No.16)

(e) For no school year from 1966-1967 through 1990-1991 shall any district receive less than an amount obtained by multiplying the minimum subsidy by the weighted average daily membership for the district. ((e) amended June 7, 1993, P.L.49, No.16)

(f) ((f) repealed July 22, 1983, P.L.104, No.31)

(f.1) ((f.1) repealed July 22, 1983, P.L.104, No.31)

(g) ((g) repealed July 22, 1983, P.L.104, No.31)

(h) Students enrolled in a private residential rehabilitative institution as defined in section 914.1-A or a day treatment program of such an institution or a day treatment program approved by the Department of Public Welfare as provided for in section 1310(b) or a State-owned school other than a postsecondary school shall be considered in the weighted average daily membership of the school district of residence for the purpose of making payments under this section. ((h) amended Aug. 5, 1991, P.L.219, No.25)

(2502 amended July 13, 1957, P.L.864, No.391)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 2502.1. Supplemental Payments.--(2502.1 repealed Feb. 1, 1966, 1965 P.L.1642, No.580)

Section 2502.2. Payments on Account of Migratory Children.--Every school district regardless of classification shall be paid by the Commonwealth for the school term 1958-1959 and for every school term thereafter in addition to other reimbursement by the Commonwealth, the sum of one dollar (\$1) per day not exceeding forty days during any school term for each migratory child attending any of its public schools. "Migratory child" is defined as any child domiciled temporarily in any school district for the purpose of seasonal agricultural employment but not acquiring residence therein, and any child accompanying his parents or guardian who is so domiciled.

(2502.2 added Sept. 9, 1959, P.L.863, No.341)

Section 2502.3. Payments on Account of Poverty.--(2502.3 repealed July 22, 1983, P.L.104, No.31)

Section 2502.4. Additional Special Assistance Grants on Account of Low Income Families.--(2502.4 repealed July 22, 1983, P.L.104, No.31)

Section 2502.5. Limitation of Certain Payments.--(a) Notwithstanding any other provision of law, for the school year 1970-1971 through the school year 1980-1981, no school district shall be paid under subsections (d) and (e) of section 2502 or section 2592, whichever is applicable, and subsection (f) of section 2502, and section 2502.3 and section 2502.4 of this act an amount in excess of one hundred percent (100%) of the total approved reimbursable instructional expenditures of such school district. The provisions of this subsection shall not apply to any school district receiving any payment under subsection (g) of section 2502 of this act.

(b) Notwithstanding any other provisions of law, for the school year 1982-1983 and 1983-1984, no school district shall be paid under subsections (d) and (e) of section 2502 and section 2502.11 or, for the school year 1984-1985, no school district shall be paid under subsections (d) and (e) of section 2502, subsection (e) of this section, section 2502.11 and section 2502.13 or, for the school year 1985-1986, no school district shall be paid under subsections (d) and (e) of section 2502, subsection (e) of this section, section 2502.11, section 2502.13, section 2502.14 and section 2502.15 or, for the school year 1986-1987, no school district shall be paid under subsections (d) and (e) of section 2502, subsection (e) of this section, section 2502.11, section 2502.13 and section 2502.15 or, for the school year 1987-1988, no school district shall be paid under subsections (d) and (e) of section 2502, subsection (e) of this section, sections 2502.11 and 2502.13 or, for the school year 1988-1989 and each school year thereafter, no school district shall be paid under subsections (d) and (e) of section 2502, sections 2502.11 and 2502.13 an amount in excess of one hundred percent (100%) of the total reimbursable instructional expenditures of the school district. For the 1982-1983 school year, all school districts qualifying for payments under subsections (d) and (e) of section 2502 and section 2502.11 shall be limited to an increase payment on account of those sections which shall not exceed nine percent (9%) over the sums received on account of section 2502.9 for the 1981-1982 school year, nor shall any school district receive an increase of less than two percent (2%) of the 1982-1983 school year payments on account of the 1981-1982 school year. For the 1984-1985 school year, each school district qualifying for payments under subsections (d) and (e) of section 2502 and section 2502.11 shall be limited to an increase payment on account of those sections which shall not exceed eight and forty-five one hundredths percent (8.45%) over the sums received on account of such sections for the school year 1983-1984, nor shall any school district receive an increase of less than two percent (2%) of such payments for the school year 1983-1984: Provided, however, That such payments for the school year 1983-1984 shall be computed using a Factor for Educational Expense of one thousand six hundred fifty-six dollars (\$1,656) and a maximum payment increase of seven and forty-five one hundredths percent (7.45%) and a minimum payment increase of two percent (2%) and the eighty percent (80%) guarantee provided for in section 2502.5(e). For the 1985-1986 school year, each school district qualifying for payments under subsections (d) and (e) of section 2502, subsection (e) of this section and section 2502.11 shall

be limited to an increase payment on account of those sections which shall not exceed seven percent (7%) over the sums received on account of such sections for the school year 1984-1985, nor shall any school district receive an increase less than two percent (2%) of such payments for the school year 1984-1985. For the 1986-1987 school year, each school district qualifying for payments under subsections (d) and (e) of section 2502, subsection (e) of this section and section 2502.11 shall be limited to an increase payment on account of those sections which shall not exceed eight percent (8%) over the sums received on account of such sections and section 2502.14 for the school year 1985-1986, nor shall any school district receive an increase less than two percent (2%) of such payment for the school year 1985-1986. For the 1987-1988 school year, each school district qualifying for payments under subsections (d) and (e) of section 2502, subsection (e) of this section and section 2502.11 shall be limited to an increase payment on account of those sections which shall not exceed eight percent (8%) over the sums received on account of such sections and section 2502.15 for the school year 1986-1987, nor shall any school district receive an increase less than two percent (2%) of such payments for the school year 1986-1987. For the 1988-1989 school year and each school year thereafter, no school district qualifying for payments under subsections (d) and (e) of section 2502, subsection (e) of this section and section 2502.11 shall receive an increase less than two percent (2%) of such payments for the prior school year. ((b) amended June 7, 1993, P.L.49, No.16)

(c) ((c) deleted by amendment July 1, 1985, P.L.103, No.31)

(d) ((d) deleted by amendment July 1, 1985, P.L.103, No.31)

(e) For the school years 1983-1984 and 1984-1985, no school district shall be paid under subsections (d) and (e) of section 2502, subsection (e) of this section, and under section 2502.11 less than eighty percent (80%) of the total amount to which it is entitled under said sections, notwithstanding any limitations on increases in such payments enacted by the General Assembly to the contrary. For the school year 1985-1986, no school district shall be paid under subsections (d) and (e) of section 2502 and under section 2502.11 less than eighty-five percent (85%) of the total amount to which it is entitled under said sections, notwithstanding any limitations on increases in such payments enacted by the General Assembly to the contrary. For the school year 1986-1987, no school district shall be paid under subsections (d) and (e) of section 2502 and under section 2502.11 less than ninety percent (90%) of the total amount to which it is entitled under said sections, notwithstanding any limitations on increases in such payments enacted by the General Assembly to the contrary. For the school year 1987-1988, no school district shall be paid under subsections (d) and (e) of section 2502 and under section 2502.11 less than ninety-five percent (95%) of the total amount to which it is entitled under said sections, notwithstanding any limitations on increases in such payments enacted by the General Assembly to the contrary. For the school year 1983-1984, payments under this subsection shall be computed using a Factor for Educational Expense of one thousand six hundred fifty-six dollars (\$1,656) and a maximum payment increase of seven and forty-five one hundredths percent (7.45%) and a minimum payment increase of two percent (2%). For the school year 1984-1985 and each school year thereafter, payments under this subsection shall be computed using the Factor for Educational Expense as defined in section 2501(19) and minimum and maximum increase limits provided for in

subsection (b) of this section. No school district shall, as a result of this subsection, be paid an amount in excess of one hundred percent (100%) of the total reimbursable instructional expenditures of the school district. ((e) amended July 8, 1989, P.L.253, No.43)

Section 2502.6. Proportionate Reduction of Payments.--(a) If the sums appropriated for the 1978-1979 school year through the 1981-1982 school year are not sufficient to pay in full the total amounts to which all qualified school districts, intermediate units and nonpublic schools are entitled to receive under the provisions of sections 917.1-A, 919.1-A, 922.1-A, 923-A(d), 2501, 2502, 2502.3, 2502.4, and 2502.8 for such year, the allocations to the school districts, intermediate units and nonpublic schools shall be proportionately reduced to the extent necessary to bring the aggregate of the school district, intermediate unit and nonpublic school allocations within the limits of the amounts appropriated. However, no school district's gross allocation under the provisions of the sections referred to herein shall be less for the 1978-1979, 1979-1980, 1980-1981 or the 1981-1982 school year than its gross allocation under such sections for the previous school year.

(b) If the sums appropriated for the 1982-1983 school year and each school year thereafter are not sufficient to pay in full the total amounts to which all qualified school districts, intermediate units, area vocational-technical schools and nonpublic schools are entitled to receive under the provisions of sections 917.1-A, 919.1-A, 922.1-A, 923-A(d) and 2502.8 for such year, the allocations to the school districts, intermediate units, area vocational-technical schools and nonpublic schools shall be proportionately reduced to the extent necessary to bring the aggregate of the school district, intermediate unit, area vocational-technical school and nonpublic school allocations within the limits of the amounts appropriated. ((b) amended July 10, 1986, P.L.1270, No.117)

(2502.6 amended Dec. 20, 1983, P.L.267, No.73)

Section 2502.7. Legislative Intent.--(2502.7 repealed July 22, 1983, P.L.104, No.31)

Section 2502.8. Payments on Account of Pupils Enrolled in Vocational Curriculum.--(a) For the purpose of reimbursement in accordance with this section, vocational curriculums are agriculture education, distributive education, health occupations education, home economics education (gainful), business education, technical education, trade and industrial education, or any other occupational oriented program approved by the Secretary of Education.

(b) For the 1981-1982 school year through the 1984-1985 school year, each school district so entitled shall be paid, in addition to any other subsidy to which it is entitled, an amount on account of resident pupils enrolled in vocational curriculums; for the 1985-1986 school year through the 1999-2000 school year, each school district and area vocational-technical school shall be paid an amount on account of students enrolled in vocational curriculums; for the 2000-2001 school year and each school year thereafter, each school district, area vocational-technical school and charter school shall be paid an amount on account of students enrolled in vocational curriculums, determined as follows:

(1) Determine the increase in the weighted average daily membership by multiplying the number of students in average daily membership in vocational curriculums in area vocational-technical schools by twenty-one hundredths (.21) and the number of students in average daily membership in school

district and charter school vocational curriculums by seventeen hundredths (.17).

(2) Multiply the lesser of the district's actual instruction expense per weighted average daily membership or the base earned for reimbursement by the market value/income aid ratio or by three hundred seventy-five thousandths (.375), whichever is greater.

(3) Multiply the increase in weighted average daily membership determined in clause (1) by the result of clause (2).

(4) For the 1985-1986 through 1999-2000 school years, the Commonwealth shall pay the amount required by this section to the school district or area vocational-technical school which provides the program upon which reimbursement is based.

(5) For the 2000-2001 school year and each school year thereafter, the Commonwealth shall pay the amount required under this section to the school district, area vocational-technical school or charter school which provides the programs upon which reimbursement is based.

(c) For the school year 1998-1999, any additional funding provided by the Commonwealth over the amount provided for the school year 1997-1998 will be distributed to area vocational-technical schools and to school districts with eight (8) or more vocational programs based on subsection (b).

(d) For the school year 1999-2000, any additional funding provided by the Commonwealth over the amount provided for the school year 1998-1999 will be distributed to area vocational-technical schools, to school districts with eight (8) or more vocational programs and to school districts offering a vocational agricultural education program, based on subsection (b).

(e) For the school year 2000-2001 and each school year thereafter, any additional funding provided by the Commonwealth over the amount provided for the school year 1998-1999 will be distributed to area vocational-technical schools, to school districts and charter schools with eight (8) or more vocational programs and to school districts and charter schools offering a vocational agricultural education program based on subsection (b).

(2502.8 amended June 22, 2001, P.L.530, No.35)

Section 2502.9. Equalized Supplement for Student Learning.--(2502.9 repealed July 22, 1983, P.L.104, No.31)

Section 2502.10. Temporary Special Aid to School Districts Due to Real Property Reassessments.--(a) For the school year 1978-1979 and each school year thereafter, a school district experiencing a fifteen per centum (15%) loss in total local revenue for the support of the public schools in any one (1) year due to the reassessment of one or more properties within the boundaries of the public school district shall qualify for special aid for a period of two (2) years on the condition that the school district tax rates which were in effect at the time of the reassessment are not reduced. Countywide reassessment shall not qualify a district for this special aid.

(b) During the first year of the reduction in revenue caused by the reassessment, a school district shall qualify for and receive a special grant equal to fifty per centum (50%) of the reduction, and in the following school year the district shall qualify for and receive a special grant equal to twenty-five per centum (25%) of the reduction in revenue caused by the reassessment: Provided, however, That a school district that qualified for such payments prior to the date of this amendatory

act shall receive its first payment in the year this amendatory act is enacted.

(c) The special aid authorized by this section shall be paid from undistributed basic instruction subsidy funds to the extent that such funds are available. Beginning with payments made during the 1987-1988 school year and each school year thereafter, the special aid authorized by this section shall be paid from any funds not expended, encumbered or committed from appropriations for grants and subsidies made to the Department of Education: Provided, that no funds available from appropriations for library-related activities may be used for these payments. ((c) amended Oct. 20, 1988, P.L.827, No.110)

(d) The provisions of this subsection shall apply to any school district qualifying for the temporary aid provided for in this section and receiving its second year of such aid during the 1982-1983 school year. For the purpose of computing a school district's equalized subsidy for basic education for the 1982-1983 school year, as provided for and limited by 24 Pa.C.S. § 2903(b)(2) (relating to limitation of certain payments), the Department of Education shall adjust the computation of payments on account of section 2502.9 of this act for the 1981-1982 school year as follows: the department shall recompute the district's guarantee, as provided for in section 2502.9(a) of this act, by adding to the computation of the guarantee for the 1980-1981 school year the amount of the second year payment of temporary special aid provided for in this section: Provided, however, That no district shall receive a lesser subsidy for the 1982-1983 school year as a result of such revised computation, nor a subsidy in excess of the full amount to which it would be entitled under the provisions of 24 Pa.C.S. §§ 2902 (relating to payments on account of instruction) and 2905 (relating to economic supplement) and that no district shall be entitled to an increased subsidy payment for the 1981-1982 school year as a result of such revised computation. ((d) added Dec. 20, 1983, P.L.267, No.73)

(2502.10 added June 25, 1982, P.L.643, No.182)

Section 2502.11. Economic Supplement.--(a) For the school year 1982-1983 through the school year 1990-1991, each qualifying school district shall be paid, in addition to any other payments to which it is entitled, an economic supplement, based upon children in low-income families, local tax effort and population per square mile.

(b) For the school years 1982-1983 through 1986-1987, each qualifying school district shall be paid on account of children in low-income families an amount in accordance with the following table:

Percentage of Low-Income Pupils In Average Daily Membership	Grant Per Low-Income Pupil
10 - 19.9	\$100
20 - 39.9	\$300
40 or over	\$500

For the school year 1987-1988, each qualifying school district shall be paid on account of children in low-income families an amount in accordance with the following table:

Percentage of Low-Income Pupils In Average Daily Membership	Grant Per Low-Income Pupil
8 - 14.9	\$128
15 - 29.9	\$357
30 or over	\$587

For the school years 1988-1989 and 1989-1990, each qualifying school district shall be paid on account of children in

low-income families an amount in accordance with the following table:

Percentage of Low-Income Pupils In Average Daily Membership	Grant Per Low-Income Pupil
8 - 14.9	6% of the factor for educational expense used to make payments on account of instruction, as provided for in section 2501(19).
15 - 29.9	16% of the factor for educational expense used to make payments on account of instruction, as provided for in section 2501(19).
30 or over	27% of the factor for educational expense used to make payments on account of instruction, as provided for in section 2501(19).

For the school year 1990-1991, each qualifying school district shall be paid on account of children in low-income families an amount in accordance with the following table:

Percentage of Low-Income Pupils In Average Daily Membership	Grant Per Low-Income Pupil
8 - 14.9	6% of the factor for educational expense used to make payments on account of instruction, as provided for in section 2501(19).
15 - 19.9	16% of the factor for educational expense used to make payments on account of instruction, as provided for in section 2501(19).
20 - 29.9	23% of the factor for educational expense used to make payments on account of instruction, as provided for in section 2501(19).
30 or over	27% of the factor for educational expense used to make payments on account of instruction, as provided for in section 2501(19).

For the 1982-1983 school year through the 1990-1991 school year, low-income pupils are defined for purposes of this section as children aged five (5) to seventeen (17) years, inclusive, in families receiving a grant in excess of two thousand dollars (\$2,000) from the Commonwealth on account of dependent children under Title IV of the Federal Social Security Act.

(c) For the school year 1982-1983 through the school year 1987-1988, any district which levies and collects local taxes for school purposes equal to or above the median equalized millage, as defined in section 2501(9.3), in the year for which reimbursement is determined shall qualify for and receive a payment based upon local tax effort and population per square mile in accordance with the following table, except for qualifying districts which include a central city of a Standard Metropolitan Statistical Area and have a district population of less than four thousand (4,000) persons per square mile, which districts shall receive three percent (3%) of their instructional expenditures:

Population Per Square Mile of the Qualifying District	Payment as Percent of Instructional Expenditure
5,950 and over	5
4,000 - 5,949	3
less than 4,000	1

Notwithstanding the provisions of this subsection, districts having a general population of five thousand nine hundred fifty

(5,950) or more persons per square mile and at least thirty-five thousand (35,000) WADMs shall be paid nineteen percent (19%) of their instructional expenditures.

(d) For the school year 1988-1989 through the school year 1990-1991, any district which levies and collects local taxes for school purposes equal to or above the median equalized millage, as defined in section 2501(9.3), in the year for which reimbursement is determined or any school district the majority of whose population is drawn from a city of the first through third class which levies and collects local taxes for municipal purposes equal to or above the municipal median equalized millage, as defined in section 2501(9.5), for the most recent municipal fiscal year for which data is available shall qualify for and receive a payment based upon local tax effort and population per square mile in accordance with the following table, except for qualifying districts which include a central city of a Standard Metropolitan Statistical Area and have a district population of less than four thousand (4,000) persons per square mile, which districts shall receive three percent (3%) of their instructional expenditures:

Population Per Square Mile of the Qualifying District	Payment as Percent of Instructional Expenditure
5,950 and over	5
4,000 - 5,949	3
less than 4,000	1

Qualifying districts having a general population of five thousand nine hundred fifty (5,950) or more persons per square mile and at least thirty-five thousand (35,000) WADM's shall be paid nineteen percent (19%) of their instructional expenditures. For the 1990-1991 school year, a central city of a Standard Metropolitan Statistical Area which has an equalized millage as defined in clause (9.2) of section 2501 to be greater than the median equalized millage by ten and twenty-nine hundredths (10.29) and has an estimated 1990-1991 Weighted Average Daily Membership (WADM) provided by the Department of Education in June 1991 that is less than the actual 1989-1990 Weighted Average Daily Membership by two hundred (200) shall receive an additional two percent (2%) of their 1990-1991 actual instructional expenditure.

(2502.11 amended June 7, 1993, P.L.49, No.16)

Section 2502.12. Revised Computations of Certain Payments.--For the purpose of computing a school district's equalized subsidy for basic education for the 1982-1983 school year, as provided for and limited by 24 Pa.C.S. § 2903(b)(2) (relating to limitation of certain payments), the Department of Education shall adjust the computation of payments on account of section 2502.9 of this act for the 1981-1982 school year as follows: the department shall recompute the district's guarantee, as provided for in section 2502.9(a) of this act, for the 1980-1981 school year, so as not to account for the subsidy increase limitation imposed by the act of July 1, 1981 (P.L.628, No.5A), known as the "General Appropriation Act of 1981": Provided, however, That no district shall receive a lesser subsidy for the 1982-1983 school year under the provisions of 24 Pa.C.S. §§ 2902 (relating to payments on account of instruction) and 2905 (relating to economic supplement), or section 2502.10 of this act, as a result of such revised computation and that no district shall be entitled to an increased subsidy payment for the 1981-1982 school year as a result of such revised computation. If the amounts appropriated for the equalized subsidy for basic education for the 1982-1983 school year are insufficient to pay in full the

amounts to which districts affected by the limitation in the "General Appropriation Act of 1981" are entitled, payments to such districts shall be proportionately reduced to the extent necessary to bring the payments within the limits of the amounts appropriated: Provided, however, That computation of payments to be made beginning in the 1984-1985 fiscal year shall be based upon a district's full entitlement under the provisions of this section, any such proportionate reduction notwithstanding.

(2502.12 added Dec. 20, 1983, P.L.267, No.73)

Section 2502.13. Small District Assistance.--(a) For the 1984-1985 and 1985-1986 school years, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and has a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, an amount equal to fifty dollars (\$50) multiplied by that district's average daily membership. For the 1985-1986 school year, no school district shall receive less on account of this section than it did for the 1984-1985 school year.

(b) For the school year 1986-1987, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and has a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the 1985-1986 school year, an amount equal to seventy-five dollars (\$75) multiplied by that district's average daily membership.

(c) For the school year 1987-1988, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the 1986-1987 school year, an amount equal to eighty-five dollars (\$85) multiplied by that district's average daily membership.

(d) For the school year 1988-1989, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the 1987-1988 or 1988-1989 school year, an amount equal to one hundred five dollars (\$105).

(e) For the school year 1989-1990, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the 1987-1988 school year, an amount equal to one hundred fifteen dollars (\$115) multiplied by the district's average daily membership as provided for in section 212 of the act of July 1, 1990 (P.L.1591, No.7A), known as the "General Appropriation Act of 1990." For the school year 1990-1991, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the prior school year, an amount equal to one hundred seventy dollars (\$170) multiplied by that district's average daily membership.

(f) For the school year 1990-1991, each school district with a population per square mile of less than ninety (90), which otherwise meets the average daily membership and market

value/income aid ratio requirements of this section, or received payments under this section for the prior school year, shall instead receive an amount equal to one hundred ninety dollars (\$190) multiplied by that district's average daily membership.

(g) For the 1987-1988 school year through the 1990-1991 school year, no school district shall receive less on account of this section than it did for the prior school year. For the school year 1994-1995, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, an amount equal to ninety five dollars (\$95) multiplied by that district's average daily membership.

(h) For each of the school years 1997-1998 through 1999-2000, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater an amount equal to seventy-five dollars (\$75) multiplied by that district's average daily membership.

(i) For the school years 2000-2001, 2001-2002 and 2002-2003, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less an amount equal to seventy-five dollars (\$75) multiplied by that district's average daily membership.

(j) For the school year 2003-2004, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less an amount equal to seventy-five dollars (\$75) multiplied by that district's average daily membership. For the school year 2003-2004, the Commonwealth shall pay an additional amount to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater an amount equal to fifty dollars (\$50) multiplied by that district's average daily membership.

(k) For the school year 2004-2005, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater an amount equal to forty-five dollars (\$45) multiplied by that district's average daily membership.

(l) For the school year 2005-2006, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five-hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater an amount equal to seventy dollars (\$70) multiplied by that district's average daily membership and by that district's market value/income aid ratio. ((l) added July 11, 2006, P.L.1092, No.114)

(m) For the school year 2006-2007, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five-hundred (1,500) or less and a market value/income aid ratio of six thousand ten-thousandths (0.6000) or greater an amount equal to thirty dollars (\$30) multiplied by that district's average daily membership and by that district's market value/income aid ratio. ((m) added July 20, 2007, P.L.278, No.45)

(2502.13 amended July 13, 2005, P.L.226, No.46)

Section 2502.14. School Supplement.--(a) For the 1985-1986 school year only, each school district shall be paid an amount based upon the percentages of its entitlement under the

provisions of subsections (d) and (e) of section 2502 and section 2502.11, as limited by the provisions of section 2502.5, in accordance with the following table:

Percent of Fully Funded ESBE	Grant per WADM
100% or more	\$16.00
95% or greater, but less than 100%	\$17.60
90% or greater, but less than 95%	\$19.21
85% or greater, but less than 90%	\$20.81

(b) For the 1985-1986 school year only, each school district which experienced an average annual percentage change decrease in personal income or an average annual percentage increase in personal income between 1981 and 1984 of less than one and one-half percent (1.5%) shall be paid one percent (1%) of its actual instruction expense for the 1985-1986 school year.

(c) For the 1985-1986 school year only, no school district shall receive a school supplement on account of the provisions of subsections (a) and (b) which is less than \$18.09 per pupil in average daily membership during the 1985-1986 school year.

(2502.14 added July 10, 1986, P.L.1270, No.117)

Section 2502.15. First Class A School District Supplement.--For the 1985-1986 school year only, each school district of the first class A shall receive a supplemental payment equal to one million three hundred twenty-five thousand dollars (\$1,325,000). For the 1986-1987 school year, each school district of the first class A shall receive a supplemental payment of one million dollars (\$1,000,000).

(2502.15 amended July 10, 1987, P.L.286, No.50)

Section 2502.16. Temporary Special Aid to School Districts Suffering Loss of Tax Revenue Due to Bankruptcy of Businesses in the School District.--(a) For the school year 1985-1986 and each school year thereafter, a school district experiencing a ten percent (10%) or greater loss in revenue from real estate taxes for the support of the public schools in any one school year, compared with real estate tax collections the previous year, due to the nonpayment of such taxes within sixty (60) days of the due date for the payment of such taxes during such school year or during the preceding school year by any businesses owning real estate within the boundaries of such school district, by reason of bankruptcy proceedings under Chapter 7, 11 or 13 of the Bankruptcy Code (11 U.S.C. § 101 et seq.) shall qualify for temporary special aid under the provisions of this section for a period of two years as provided for in subsection (b).

(b) Such temporary special aid shall be equal to the amount of lost real estate tax revenues provided for in subsection (a), payable to the school district during the school year in which such loss due to bankruptcy proceedings is suffered, plus an amount equal to fifty percent (50%) of such amount payable to the school district during the succeeding school year. Such temporary special aid shall be paid only once for each such bankruptcy proceeding and only upon the condition that the school district tax rates which were in effect at the time of the bankruptcy proceeding are not reduced. A school district which suffered the loss in real estate tax revenues provided for in subsection (a) during the 1985-1986 or the 1986-1987 school year shall be eligible to receive its first payment of temporary special aid during the 1986-1987 school year.

(c) The temporary special aid provided for in this section shall be paid from undistributed equalized subsidy for basic education funds to the extent that such funds are available. Beginning with payments made during the 1987-1988 school year

and each school year thereafter, the special aid authorized by this section shall be paid from any funds not expended, encumbered or committed from appropriations for grants and subsidies made to the Department of Education: Provided, that no funds available from appropriations for library-related activities may be used for these payments. ((c) amended Oct. 20, 1988, P.L.827, No.110)

(d) ((d) deleted by amendment June 7, 1993, P.L.49, No.16)

(e) Nothing contained in this section shall disqualify a school district from receiving temporary special aid due to real property reassessments provided for in section 2502.10: Provided, however, That reassessments resulting from bankruptcy proceedings shall not qualify a school district for the temporary special aid provided for in section 2502.10 during the same school year in which such school district receives temporary special aid for such revenue loss according to the provisions of this section.

(f) The special payments authorized by this section and section 2502.10 shall be paid from a restricted revenue account, which is hereby established, for such payments. Funds shall be transferred by the Secretary of the Budget only to the extent necessary to make the payments authorized by this section and section 2502.10. ((f) added Oct. 20, 1988, P.L.827, No.110)

(g) The Secretary of the Budget shall provide to the Chairman and Minority Chairman of the Senate Appropriations Committee and the Chairman and Minority Chairman of the House Appropriations Committee information concerning the appropriation from which funds have been transferred and the amounts transferred. The Department of Education shall have a written policy concerning the method for making payments to school districts, including the date by which payments shall be made each fiscal year. ((g) added Oct. 20, 1988, P.L.827, No.110)

(2502.16 added July 10, 1987, P.L.286, No.50)

Section 2502.17. Low-Expenditure, Low-Wealth Supplement.--For the 1990-1991 school year, the Commonwealth shall pay to each school district which has a market value/income aid ratio of six thousand ten-thousandths (0.6000) or greater and has an actual instruction expenditure per weighted average daily membership for the school year prior to the reimbursable year, which is less than the Statewide median actual instruction expenditure per weighted average daily membership for that year, an amount equal to one and three-tenths percent (1.3%) of the school district's actual instruction expenditure for the reimbursable year: Provided, That no school district shall receive a dollar amount, which, when combined with its actual instruction expenditure for the year prior to the reimbursable year, would result in the district's actual instruction expenditure per weighted average daily membership exceeding the Statewide median actual instruction expenditure per weighted average daily membership for the year prior to reimbursement.

(2502.17 amended June 7, 1993, P.L.49, No.16)

Section 2502.18. Low-Expenditure Poverty Supplement.--For the 1990-1991 school year, the Commonwealth shall pay to each school district, which has an actual instruction expenditure per weighted average daily membership for the school year prior to the reimbursable year, which is less than three thousand four hundred forty-five dollars (\$3,445), and has ten percent (10%) or more of its pupils in average daily membership as children in low-income families, an amount equal to one-half percent (.5%) of their actual instruction expenditure.

(2502.18 amended June 7, 1993, P.L.49, No.16)

Section 2502.19. Limitation of Payments.--Notwithstanding any other provision of this article, for the 1991-1992 school year only, the Commonwealth shall pay to each school district an equalized subsidy for basic education (ESBE) which shall consist of the same ESBE payment made to the school district for the 1990-1991 school year.

(2502.19 added July 9, 1992, P.L.392, No.85)

Section 2502.20. Subsidy Payments.--For the 1992-1993 school year, each school district shall be paid a subsidy amount based upon the provisions of sections 2502.21, 2502.22, 2502.24, 2502.25 and 2502.26.

(2502.20 added June 7, 1993, P.L.49, No.16)

Section 2502.21. Education Subsidy Base.--For the 1992-1993 school year, the Commonwealth shall pay to each school district an education subsidy base which shall consist of the same amount that the district was entitled to receive for the 1990-1991 school year pursuant to sections 2502(d) and (e) and 2502.11, both as adjusted pursuant to section 2502.5(b), if applicable, and sections 2502.13, 2502.17 and 2502.18. For the 1993-1994 school year, the Commonwealth shall pay to each school district an education subsidy base which shall consist of the same amount that the district was entitled to receive for the prior school year pursuant to section 2502.20.

(2502.21 added June 7, 1993, P.L.49, No.16)

Section 2502.22. Equity Supplement.--(a) For the 1992-1993 school year, each school district may qualify for payment of the supplement based upon market value/income aid ratio, local tax effort and total expenditure per average daily membership.

(b) To qualify for such supplement, districts shall meet all of the following criteria:

(1) The district's market value/income aid ratio for the school year immediately preceding the school year for which reimbursement is being paid is greater than or equal to five thousand ten-thousandths (0.5000).

(2) The district's equalized millage for the school year immediately preceding the school year for which reimbursement is being paid is greater than or equal to nineteen and five-tenths (19.5).

(3) The district's total expenditure per average daily membership for the school year two (2) years prior to the school year for which reimbursement is being paid is less than or equal to six thousand one hundred ninety-three dollars (\$6,193).

(c) The Commonwealth shall pay to each qualifying school district, as determined pursuant to subsection (b), a supplement in an amount calculated as follows:

(1) Determine the product of the district's average daily membership for the school year for which reimbursement is being paid and the district's market value/income aid ratio for the school year for which reimbursement is being paid.

(2) Multiply the result of the calculation pursuant to clause (1) by ninety-three million dollars (\$93,000,000).

(3) Divide the result of the calculation pursuant to clause (2) by the sum of the products obtained for all qualifying school districts pursuant to clause (1).

(d) For the school year 1992-1993, each school district that does not qualify for the supplement described in subsections (a) through (c) may qualify for payment of a supplement based upon children in low-income families.

(e) To qualify for the supplement described in subsection (d), the number of children in low-income families residing in the district for the calendar year that concluded during the

school year immediately preceding the year for which reimbursement is being paid divided by the district's average daily membership for the school year two (2) years prior to the school year for which reimbursement is being paid must be greater than or equal to thirty-five percent (35%).

(f) The Commonwealth shall pay to each qualifying school district, as determined pursuant to subsections (d) and (e), a supplement in the amount of one hundred dollars (\$100) multiplied by the number of children in low-income families residing in the district for the calendar year that concluded during the school year for which reimbursement is being paid.

(2502.22 added June 7, 1993, P.L.49, No.16)

Section 2502.23. Minimum Effort Base.--The minimum effort base shall be, for the purposes of qualifying for foundation guarantee payments, the level of local revenue resources available per pupil in average daily membership. For the 1992-1993 school year, the local revenue resources available per pupil in average daily membership shall be computed by multiplying the 1990 Real Property Valuation of the district by one hundred and ninety-five ten-thousandths (0.0195).

(2502.23 added June 7, 1993, P.L.49, No.16)

Section 2502.24. Foundation Guarantee.--The foundation guarantee is the minimum level of revenue resources that shall be available to support each pupil in average daily membership in the school districts of the Commonwealth. For the 1992-1993 school year, the foundation guarantee amount shall be the difference between three thousand eight hundred seventy-five dollars (\$3,875) and the sum of the amounts described in sections 2502.21, 2502.22 and 2502.23 for that year divided by the number of pupils in average daily membership in the district for the 1990-1991 school year. For the 1992-1993 school year, the Commonwealth shall pay to each qualifying school district, as a foundation guarantee payment, the foundation guarantee amount multiplied by the number of pupils in average daily membership in the district for the 1990-1991 school year.

(2502.24 added June 7, 1993, P.L.49, No.16)

Section 2502.25. Growth Supplement.--(a) For the school year 1992-1993, each school district may qualify for payment of a supplement based upon growth in the school district's average daily membership, in addition to any other subsidy to which the district may be entitled.

(b) To qualify for the growth supplement pursuant to this section, the district's average daily membership for the school year immediately preceding the school year for which reimbursement is being paid must have increased by at least four and five-tenths percent (4.5%) or by at least two hundred fifty (250) pupils in average daily membership compared to the school year two (2) years prior to the school year for which reimbursement is being paid.

(c) The Commonwealth shall pay to each qualifying school district pursuant to subsections (a) and (b) a supplement in an amount calculated as follows:

(1) Subtract the district's average daily membership for the school year two (2) years prior to the school year for which reimbursement is being paid from the district's average daily membership for the school year for which reimbursement is being paid.

(2) Multiply the result of the calculation pursuant to clause (1) by the district's market value/income aid ratio for the school year for which reimbursement is being paid.

(3) Multiply the result of the calculation pursuant to clause (2) by four hundred dollars (\$400).

(2502.25 added June 7, 1993, P.L.49, No.16)

Section 2502.26. Limited Revenue Sources Supplement.--(a) For the 1992-1993 school year, each school district that does not qualify for any supplement contained in sections 2502.22, 2502.24 and 2502.25 may qualify for payment of a limited revenue sources supplement.

(b) To qualify for such supplement, the district's market value/income aid ratio for the school year immediately preceding the school year for which reimbursement is being paid must be greater than or equal to seven thousand ten-thousandths (0.7000).

(c) The Commonwealth shall pay to each qualifying district, as determined pursuant to subsections (a) and (b), a supplement in an amount equal to the district's average daily membership for the school year for which reimbursement is being paid, multiplied by two percent (2%) of three thousand eight hundred seventy-five dollars (\$3,875).

(2502.26 added June 7, 1993, P.L.49, No.16)

Section 2502.27. Discretionary Funds to Assist School Districts Experiencing Extreme Financial Difficulty.--(a) A sum of one million dollars (\$1,000,000) from the amount appropriated in the act of May 28, 1993 (P.L.589, No.1A), known as the General Appropriation Act of 1993, for the equity supplement, and any remainder if the sum appropriated for the 1993-1994 fiscal year for payments in section 2502.20 exceeds the amounts to which all qualifying school districts are entitled, shall be set aside as discretionary funds to assist school districts that have been declared distressed pursuant to section 691 and/or school districts in need of additional support because of extreme financial difficulties. The Secretary of Education shall establish guidelines for school districts' applications for these funds, department approval of applications for funds, department distribution of funds and school districts' expenditure of these funds. The Secretary of Education shall report to the General Assembly on such expenditures.

(b) For the 1996-1997 fiscal year, the sum of one million four hundred fifty thousand dollars (\$1,450,000) shall be allocated by the Secretary of Education to school districts which previously received payments under subsection (a) and which do not receive funding under section 2502.30 of this act. The allocation shall be made from undistributed funds not expended, encumbered or committed from appropriations for any fiscal year from grants and subsidies made to the Department of Education. The school districts shall receive an amount equal to the amount previously received pursuant to subsection (a).

(c) Payments made pursuant to subsection (b) shall be paid from a restricted receipt account, which is hereby established, for such payments. Funds shall be transferred by the Secretary of the Budget to the restricted account only to the extent necessary to make the payments authorized by this section. The money in the restricted account is hereby appropriated from the account for purposes of this section.

(2502.27 amended July 11, 1996, P.L.633, No.107)

Section 2502.28. Resource Data for Foundation-Based Equity Formula Development.--(a) The Secretary of Education shall develop and collect data necessary to assist in policy development for the transition to a foundation-based equity formula in fiscal year 1994-1995. Data shall be collected which will assist in the development of definitions of factors and in determining the relative importance of various factors which impact on a school district's ability to provide educational

opportunities for its students. Such factors shall include, but not be limited to:

- (1) Regional costs.
- (2) Students in poverty.
- (3) Students in special education programs.
- (4) Local revenue sources.
- (5) State revenue sources.
- (6) Other potential State and local revenue sources.

(b) The initial report on the data system and data collected shall be submitted to the majority chairman and the minority chairman of the Education Committee of the Senate and the majority chairman and the minority chairman of the Education Committee of the House of Representatives by January 1, 1994.

(2502.28 added June 7, 1993, P.L.49, No.16)

Section 2502.29. Basic Education Funding.--(a) For the purposes of this section, the phrase "base amount" shall mean for each school district the amount of funds received by the school district for the school year 1993-1994 pursuant to section 2502.21 plus the amount of funds received by the school district for foundation funding for equity for school year 1993-1994 pursuant to the act of June 16, 1994 (P.L.1473, No.6A), known as the "General Appropriation Act of 1994," and any supplements thereto.

(b) (1) For 1994-1995 school year, each school district shall receive the amount calculated pursuant to clause (2) or (3), whichever is greater.

(2) The base amount of the district divided by the average daily membership of the district during the 1993-1994 school year multiplied by one hundred three per centum (103%) multiplied by the average daily membership of the district during the 1994-1995 school year.

(3) The base amount of the district multiplied by one hundred one per centum (101%) if the market value/income aid ratio (MV/PIAR) is less than five thousand ten-thousandths (0.5000), the base amount of the district multiplied by one hundred two per centum (102%) if the market value/income aid ratio (MV/PIAR) is greater than or equal to five thousand ten-thousandths (0.5000) and less than seven thousand ten-thousandths (0.7000), and the base amount of the district multiplied by one hundred four per centum (104%) if the market value/income aid ratio (MV/PIAR) is greater than or equal to seven thousand ten-thousandths (0.7000).

((b) amended July 11, 1996, P.L.633, No.107)

(2502.29 added June 30, 1995, P.L.220, No.26)

Section 2502.30. Temporary Special Aid to School Districts.--(2502.30 expired June 30, 2005. See Act 70 of 2004.)

Section 2502.31. Basic Education Funding.--For the 1995-1996 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall equal the amount that the school district was entitled to receive, prior to any adjustments made under the provisions of this act, for the 1994-1995 school year pursuant to sections 2502.13 and 2502.29 but which shall be subject to all adjustment provisions of this act for the 1995-1996 school year.

(2502.31 added July 11, 1996, P.L.633, No.107)

Section 2502.32. For Court-Ordered Payments to Woodland Hills School District.--The Secretary of the Budget shall determine the amount necessary to make court-ordered payments to the Woodland Hills School District. The Secretary of the Budget shall transfer the amount necessary from any funds not expended, encumbered or committed from appropriations for grants and subsidies made to the Department of Education in any fiscal

year to a restricted account which is hereby established. The money in the restricted account is hereby appropriated from the account for the purposes of this section.

(2502.32 added July 11, 1996, P.L.633, No.107)

Section 2502.33. Basic Education Funding for 1996-1997 School Year.--For the 1996-1997 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 1995-1996 school year pursuant to section 2502.31.

(2) A base supplement payable to qualifying school districts.

(i) To qualify for the base supplement, a school district's 1997-1998 market value/income aid ratio must be equal to or greater than four thousand ten-thousandths (0.4000).

(ii) The base supplement is calculated for qualifying school districts as follows: multiply the school district's 1997-1998 market value/income aid ratio times its 1996-1997 average daily membership; multiply this product times sixty-six million dollars (\$66,000,000); divide the resultant product by the sum of the products of the 1997-1998 market value/income aid ratio times the 1996-1997 average daily membership for all qualifying districts.

(3) A growth supplement payable to qualifying school districts.

(i) To qualify for the growth supplement, a school district's average daily membership must have increased between the 1994-1995 and 1996-1997 school years.

(ii) The growth supplement is calculated for qualifying school districts as follows: if the increase in average daily membership between the 1994-1995 and 1996-1997 school years is equal to or greater than four and five-tenths per centum (4.5%), multiply two hundred dollars (\$200) times the increase in average daily membership; if the increase is less than four and five-tenths per centum (4.5%), multiply one hundred dollars (\$100) times the increase in average daily membership.

(4) Each school district will be guaranteed a minimum increase to be calculated as follows:

(i) Each school district with a 1997-1998 market value/income aid ratio equal to or greater than seven thousand ten-thousandths (0.7000) will receive additional funding, as necessary, so that the sum of the amounts in clauses (2), (3) and (4) will equal at least four per centum (4%) of the amount in clause (1).

(ii) Each school district with a 1997-1998 market value/income aid ratio less than seven thousand ten-thousandths (0.7000) will receive additional funding, as necessary, so that the sum of the amounts in clauses (2), (3) and (4) will equal at least one per centum (1%) of the amount in clause (1).

(2502.33 added June 25, 1997, P.L.297, No.30)

Section 2502.34. School Performance Incentives.--For the 1997-1998 fiscal year, a minimum of ten per centum (10%) of the difference between the total Basic Education Funding appropriation for the prior fiscal year and the current fiscal year, as provided in Article XXV, shall be directed for School Performance Incentives as established by the department. For the 1998-1999 fiscal year and each fiscal year thereafter, funding for School Performance Incentives shall be as provided in the General Appropriation Act.

(2502.34 added June 25, 1997, P.L.297, No.30)

Section 2502.35. Basic Education Funding for 1997-1998 School Year.--For the 1997-1998 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 1996-1997 school year pursuant to section 2502.33.

(2) A base supplement payable to qualifying school districts.

(i) To qualify for the base supplement, a school district's 1998-1999 market value/income aid ratio must be equal to or greater than four thousand ten-thousandths (0.4000).

(ii) The base supplement is calculated for qualifying school districts as follows: multiply the school district's 1998-1999 market value/income aid ratio times its 1997-1998 average daily membership; multiply this product times eighty-five million five hundred thousand dollars (\$85,500,000); divide the resultant product by the sum of the products of the 1998-1999 market value/income aid ratio times the 1997-1998 average daily membership for all qualifying districts.

(3) A growth supplement is calculated for qualifying school districts as follows: multiply the increase in average daily membership between the 1996-1997 and 1997-1998 school years times four hundred dollars (\$400).

(4) A poverty supplement to qualifying school districts.

(i) To qualify for the poverty supplement, the number of children in low-income families residing in the district for the 1997 calendar year divided by the district's average daily membership for the 1997-1998 school year must be greater than or equal to ten per centum (10%).

(ii) The poverty supplement is calculated for qualifying school districts by multiplying the number of children in low-income families as defined in section 2501(21) residing in the district for the 1997 calendar year times fifty dollars (\$50).

(5) Each school district will be guaranteed a minimum increase to be calculated as follows:

(i) Each school district with a 1998-1999 market value/income aid ratio equal to or greater than seven thousand ten-thousandths (0.7000) will receive additional funding, as necessary, so that the sum of the amounts in clauses (2), (3), (4) and (5) will equal at least four per centum (4%) of the amount in clause (1).

(ii) Each school district with a 1998-1999 market value/income aid ratio less than seven thousand ten-thousandths (0.7000) will receive additional funding, as necessary, so that the sum of the amounts in clauses (2), (3), (4) and (5) will equal at least one per centum (1%) of the amount in clause (1).

(2502.35 added Apr. 27, 1998, P.L.270, No.46)

Section 2502.36. Basic Education Funding for 1998-1999 School Year.--For the 1998-1999 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 1997-1998 school year pursuant to sections 2502.13 and 2502.35. ((1) amended May 10, 2000, P.L.44, No.16)

(2) A base supplement payable to qualifying school districts.

(i) To qualify for the base supplement, a school district's 1999-2000 market value/income aid ratio must be equal to or greater than four thousand ten-thousandths (0.4000).

(ii) The base supplement is calculated for qualifying school districts as follows: multiply the school district's 1999-2000 market value/income aid ratio times its 1998-1999 average daily membership; multiply this product times seventy million five hundred thousand dollars (\$70,500,000); divide the resultant product by the sum of the products of the 1999-2000 market value/income aid ratio times the 1998-1999 average daily membership for all qualifying districts.

(3) A growth supplement is calculated for qualifying school districts as follows: multiply the increase in average daily membership between the 1997-1998 and 1998-1999 school years times four hundred dollars (\$400).

(4) A poverty supplement to qualifying school districts.

(i) To qualify for the poverty supplement, the number of children in low-income families residing in the district for the 1998 calendar year divided by the district's average daily membership for the 1998-1999 school year must be greater than or equal to ten per centum (10%).

(ii) The poverty supplement is calculated for qualifying school districts by multiplying the number of children in low-income families as defined in section 2501(21) residing in the district for the 1998 calendar year times fifty dollars (\$50).

(5) Each school district will be guaranteed a minimum increase to be calculated as follows:

(i) Each school district with a 1999-2000 market value/income aid ratio equal to or greater than seven thousand ten-thousandths (0.7000) will receive additional funding, as necessary, so that the sum of the amounts in clauses (2), (3), (4) and (5) will equal at least four per centum (4%) of the amount in clause (1).

(ii) Each school district with a 1999-2000 market value/income aid ratio less than seven thousand ten-thousandths (0.7000) will receive additional funding, as necessary, so that the sum of the amounts in clauses (2), (3), (4) and (5) will equal at least one per centum (1%) of the amount in clause (1).

(2502.36 added June 26, 1999, P.L.394, No.36)

Compiler's Note: Section 17 of Act 16 of 2000, which amended section 2502.36, provided that the amendment shall apply to the appropriation for basic education funding for the 1998-1999 school year.

Section 2502.37. Basic Education Funding for 1999-2000 School Year.--For the 1999-2000 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 1998-1999 school year pursuant to sections 2502.13 and 2502.36.

(2) A base supplement payable to qualifying school districts.

(i) To qualify for the base supplement, a school district's 2000-2001 market value/income aid ratio must be equal to or greater than four thousand ten-thousandths (0.4000).

(ii) The base supplement is calculated for qualifying school districts as follows: multiply the school district's 2000-2001 market value/income aid ratio times its 1999-2000 average daily membership; multiply this product times seventy-six million dollars (\$76,000,000); divide the resultant product by the sum of the products of the 2000-2001 market value/income aid ratio times the 1999-2000 average daily membership for all qualifying school districts.

(3) A growth supplement is calculated for qualifying school districts as follows: multiply the increase in average daily membership between the 1998-1999 and 1999-2000 school years times four hundred dollars (\$400).

(4) A poverty supplement to qualifying school districts.

(i) To qualify for the poverty supplement, the number of children in low-income families residing in the district for the 1999 calendar year divided by the district's average daily membership for the 1999-2000 school year must be greater than or equal to ten per centum (10%).

(ii) The poverty supplement is calculated for qualifying school districts by multiplying the number of children in low-income families as defined in section 2501(21) residing in the district for the 1999 calendar year times fifty dollars (\$50).

(5) Each school district will be guaranteed a minimum increase to be calculated as follows:

(i) Each school district with a 2000-2001 market value/income aid ratio equal to or greater than seven thousand ten-thousandths (0.7000) will receive additional funding, as necessary, so that the sum of the amounts in clauses (2), (3), (4) and (5) will equal at least four per centum (4%) of the amount in clause (1).

(ii) Each school district with a 2000-2001 market value/income aid ratio less than seven thousand ten-thousandths (0.7000) will receive additional funding, as necessary, so that the sum of the amounts in clauses (2), (3), (4) and (5) will equal at least one per centum (1%) of the amount in clause (1).

(2502.37 added May 10, 2000, P.L.44, No.16)

Section 2502.38. Minimum per Average Daily Membership Guarantee.--For the 1999-2000 school year, when a school district's basic education funding allocation calculated as the sum of the amount under section 2502.13 for the 1999-2000 school year plus the amount under section 2502.37, divided by the school district's 1999-2000 average daily membership, is less than one hundred one per centum (101%) of the school district's basic education funding allocation calculated as the sum of the amount under section 2502.13 for the 1998-1999 school year plus the amount under section 2502.36, divided by the school district's 1998-1999 average daily membership, the school district shall receive additional funding as necessary to provide a one per centum (1%) increase in its basic education funding allocation per average daily membership for the 1999-2000 school year over its basic education funding allocation per average daily membership for the 1998-1999 school year.

(2502.38 added May 10, 2000, P.L.44, No. 16)

Section 2502.39. Basic Education Funding for 2000-2001 School Year.--For the 2000-2001 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 1999-2000 school year pursuant to sections 2502.13, 2502.37 and 2502.38.

(2) A base supplement calculated as follows:

(i) If the school district's 2001-2002 market value/income aid ratio is equal to or greater than .7000:

(A) Multiply the school district's 2001-2002 market value/income aid ratio by its 2000-2001 average daily membership.

(B) Multiply the product from (A) by \$25,000,000.

(C) Divide the product from (B) by the sum of the products of the 2001-2002 market value/income aid ratio multiplied by the 2000-2001 average daily membership for all qualifying school districts.

(ii) If the school district's 2001-2002 market value/income aid ratio is equal to or greater than .4000 and less than .7000:

(A) Multiply the school district's 2001-2002 market value/income aid ratio by its 2000-2001 average daily membership.

(B) Multiply the product from (A) by \$77,000,000.

(C) Divide the product from (B) by the sum of the products of 2001-2002 market value/income aid ratio multiplied by the 2000-2001 average daily membership for all qualifying school districts.

(iii) If the school district's 2001-2002 market value/income aid ratio is less than .4000:

(A) Multiply the school district's 2001-2002 market value/income aid ratio by its 2000-2001 average daily membership.

(B) Multiply the product from (A) by \$12,000,000.

(C) Divide the product from (B) by the sum of the products of 2001-2002 market value/income aid ratio multiplied by the 2000-2001 average daily membership for all qualifying school districts.

(3) An increasing aid ratio supplement to qualifying school districts as follows:

(i) To qualify for the increasing aid ratio supplement, a school district's 2001-2002 market value/income aid ratio must have increased by .0100 or more over the 1994-1995 market value/income aid ratio and the school district's 2001-2002 market value/income aid ratio must be greater than or equal to the median.

(ii) The increasing aid ratio supplement shall be calculated for qualifying school districts as follows: multiply the school district's increase in market value/income aid ratio between 1994-1995 and 2001-2002 by its 2000-2001 average daily membership and multiply this product by thirty-five million dollars (\$35,000,000) and divide the resultant product by the sum of the products of the increase in aid ratio multiplied by the 2000-2001 average daily membership for all qualifying school districts.

(4) A growth supplement is calculated for qualifying school districts as follows:

(i) Each school district with an increase in average daily membership between the 1999-2000 and 2000-2001 school years of less than three percent (3%) shall receive an amount equal to five hundred dollars (\$500) multiplied by the actual numerical increase in average daily membership between the 1999-2000 and 2000-2001 school years.

(ii) Each school district with an increase in average daily membership between the 1999-2000 and 2000-2001 school years equal to or greater than three percent (3%) shall receive an amount equal to one thousand dollars (\$1,000) multiplied by the actual numerical increase in average daily membership between the 1999-2000 and 2000-2001 school years.

(5) Each school district will receive additional funding as necessary so that the sum of the amounts under section 2502.13 and under clauses (2), (3), (4) and this clause will equal at least two percent (2%) of the amount in clause (1).

(6) Each school district will receive additional funding as necessary so that the sum of the amounts under section 2502.13 and under clauses (1), (2), (3), (4), (5) and this

clause divided by the 2000-2001 average daily membership will equal at least one hundred one percent (101%) of the amount in clause (1) divided by its 1999-2000 average daily membership.

(2502.39 added June 22, 2001, P.L.530, No.35)

Section 2502.40. Basic Education Funding for 2001-2002 School Year.--For the 2001-2002 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 2000-2001 school year pursuant to sections 2502.13 and 2502.39.

(2) A base supplement calculated as follows:

(i) If the school district's 2002-2003 market value/income aid ratio is equal to or greater than .7000:

(A) Multiply the school district's 2002-2003 market value/income aid ratio by its 2001-2002 average daily membership.

(B) Multiply the product from (A) by \$40,000,000.

(C) Divide the product from (B) by the sum of the products of the 2002-2003 market value/income aid ratio multiplied by the 2001-2002 average daily membership for all qualifying school districts.

(ii) If the school district's 2002-2003 market value/income aid ratio is equal to or greater than .4000 and less than .7000:

(A) Multiply the school district's 2002-2003 market value/income aid ratio by its 2001-2002 average daily membership.

(B) Multiply the product from (A) by \$35,000,000.

(C) Divide the product from (B) by the sum of the products of the 2002-2003 market value/income aid ratio multiplied by the 2001-2002 average daily membership for all qualifying school districts.

(iii) If the school district's 2002-2003 market value/income aid ratio is less than .4000:

(A) Multiply the school district's 2002-2003 market value/income aid ratio by its 2001-2002 average daily membership.

(B) Multiply the product from (A) by \$10,000,000.

(C) Divide the product from (B) by the sum of the products of the 2002-2003 market value/income aid ratio multiplied by the 2001-2002 average daily membership for all qualifying school districts.

(3) A poverty supplement calculated for qualifying school districts as follows:

(i) To qualify for the poverty supplement, a school district's 2002-2003 market value/income aid ratio shall be equal to or greater than 0.6500 and its personal income valuation when divided by its 2001-2002 average daily membership shall be equal to or less than \$100,200.

(ii) The poverty supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2001-2002 average daily membership by \$20,000,000.

(B) Divide the product from (A) by the sum of the 2001-2002 average daily membership for all qualifying school districts.

(4) A growth supplement calculated for qualifying school districts as follows:

(i) Each school district with an increase in average daily membership between the 2000-2001 and 2001-2002 school years of less than three percent (3%) shall receive an amount equal to two hundred fifty dollars (\$250) multiplied by the actual

numerical increase in average daily membership between the 2000-2001 and 2001-2002 school years.

(ii) Each school district with an increase in average daily membership between the 2000-2001 and 2001-2002 school years equal to or greater than three percent (3%) shall receive an amount equal to five hundred dollars (\$500) multiplied by the actual numerical increase in average daily membership between the 2000-2001 and 2001-2002 school years.

(5) Each school district will receive additional funding as necessary so that the sum of the amounts under section 2502.13 and under clauses (2), (3), (4) and this clause will equal at least two percent (2%) of the amount in clause (1).

(2502.40 added June 29, 2002, P.L.524, No.88)

Section 2502.41. Basic Education Funding for 2002-2003 School Year.--For the 2002-2003 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 2001-2002 school year pursuant to sections 2502.13 and 2502.40.

(2) Where the school district received a grant under section 1709-B during the 2002-2003 school year but is not eligible to receive such a grant during the 2003-2004 school year, an amount equal to the grant amount it received during the 2002-2003 school year multiplied by 0.50.

(3) A base supplement calculated as follows:

(i) Multiply the school district's 2003-2004 market value/income aid ratio by its 2002-2003 average daily membership.

(ii) Multiply the product from subparagraph (i) by fifty million dollars (\$50,000,000).

(iii) Divide the product from subparagraph (ii) by the sum of the products of the 2003-2004 market value/income aid ratio multiplied by the 2002-2003 average daily membership for all school districts.

(4) A poverty supplement calculated for qualifying school districts as follows:

(i) To qualify for the poverty supplement, a school district's 2003-2004 market value/income aid ratio shall be equal to or greater than 0.6500 and its personal income valuation when divided by its 2002-2003 average daily membership shall be equal to or less than one hundred three thousand five hundred seventy-one dollars (\$103,571).

(ii) The poverty supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2002-2003 average daily membership by thirty million dollars (\$30,000,000).

(B) Divide the product from clause (A) by the sum of the 2002-2003 average daily membership for all qualifying school districts.

(5) A tax effort supplement calculated for qualifying school districts as follows:

(i) To qualify for the tax effort supplement, a school district's 2001 equalized millage must be equal to or greater than 20.6 equalized mills.

(ii) The tax effort supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2002-2003 average daily membership by fifteen million dollars (\$15,000,000).

(B) Divide the product from clause (A) by the sum of the 2002-2003 average daily membership for all qualifying school districts.

(6) A growth supplement calculated for qualifying school districts as follows:

(i) To qualify for the growth supplement, a school district's 2002-2003 average daily membership must be greater than its 2001-2002 average daily membership.

(ii) The growth supplement shall be calculated for qualifying school districts as follows:

(A) Subtract the school district's 2001-2002 average daily membership from its 2002-2003 average daily membership and multiply the difference by its 2003-2004 market value/income aid ratio.

(B) Multiply the difference from clause (A) by ten million dollars (\$10,000,000).

(C) Divide the product from clause (B) by the sum of the differences from clause (A) for all qualifying school districts.

(7) Each school district shall receive additional funding as necessary so that the sum of the amounts under section 2502.13 and under paragraphs (3), (4), (5) and (6) and this paragraph will equal at least two per centum (2%) of the amount in paragraph (1).

(2502.41 added Dec. 23, 2003, P.L.304, No.48)

Section 2502.42. Reimbursement of Additional Expenses Related to Basic Education.--During the 2003-2004 fiscal year, the Commonwealth shall pay to each school district a special supplement calculated as follows:

(1) Multiply the net amount of basic education funding for the 2002-2003 school year pursuant to sections 2502.13 and 2502.41 that would have been paid in August 2003 and in October 2003 times an interest rate as determined by the Secretary of Education. The interest rate established shall be such that the funds allocated under this section shall not exceed the funds appropriated for this purpose.

(2) Multiply the products from paragraph (1) by the number of days respectively that the August and October payments were late.

(3) Divide the products from paragraph (2) by three hundred sixty-five (365) days.

(4) Add the amount calculated in paragraph (3) to determine the total special supplement.

(2502.42 added Dec. 23, 2003, P.L.304, No.48)

Section 2502.43. Basic Education Funding for 2003-2004 School Year.--For the 2003-2004 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 2002-2003 school year pursuant to sections 2502.13 and 2502.41.

(2) Where the school district received a grant under section 1709-B during the 2003-2004 school year but is not eligible to receive such a grant during the 2004-2005 school year, an amount equal to the grant amount it received during the 2003-2004 school year multiplied by fifty percent (50%).

(3) Where the school district received funds pursuant to section 2502.30(a) during the 2003-2004 school year, an amount equal to the amount it received during the 2003-2004 school year.

(4) A base supplement calculated as follows:

(i) If the school district's 2004-2005 market value/income aid ratio is equal to or greater than seven thousand ten-thousandths (.7000):

(A) Multiply the school district's 2004-2005 market value/income aid ratio by its 2003-2004 average daily membership.

(B) Multiply the product from clause (A) by seven million five hundred thousand dollars (\$7,500,000).

(C) Divide the product from clause (B) by the sum of the products of the 2004-2005 market value/income aid ratio multiplied by the 2003-2004 average daily membership for all qualifying school districts.

(ii) If the school district's 2004-2005 market value/income aid ratio is equal to or greater than four thousand ten-thousandths (.4000) and less than seven thousand ten-thousandths (.7000):

(A) Multiply the school district's 2004-2005 market value/income aid ratio by its 2003-2004 average daily membership.

(B) Multiply the product from clause (A) by thirty-four million dollars (\$34,000,000).

(C) Divide the product from clause (B) by the sum of the products of the 2004-2005 market value/income aid ratio multiplied by the 2003-2004 average daily membership for all qualifying school districts.

(iii) If the school district's 2004-2005 market value/income aid ratio is less than four thousand ten-thousandths (.4000):

(A) Multiply the school district's 2004-2005 market value/income aid ratio by its 2003-2004 average daily membership.

(B) Multiply the product from clause (A) by five million dollars (\$5,000,000).

(C) Divide the product from clause (B) by the sum of the products of the 2004-2005 market value/income aid ratio multiplied by the 2003-2004 average daily membership for all qualifying school districts.

(5) A poverty supplement calculated for qualifying school districts as follows:

(i) To qualify for the poverty supplement, a school district's 2004-2005 market value/income aid ratio must be equal to or greater than six thousand five hundred ten-thousandths (0.6500) and its personal income valuation when divided by its 2003-2004 average daily membership must be equal to or less than one hundred three thousand five hundred seventy-one dollars (\$103,571).

(ii) The poverty supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2003-2004 average daily membership by thirty-three million dollars (\$33,000,000).

(B) Divide the product from clause (A) by the sum of the 2003-2004 average daily membership for all qualifying school districts.

(6) A tax effort supplement calculated for qualifying school districts as follows:

(i) To qualify for the tax effort supplement, a school district's 2002 equalized millage must be equal to or greater than 20.0 equalized mills.

(ii) The tax effort supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2003-2004 average daily membership by ten million dollars (\$10,000,000).

(B) Divide the product from clause (A) by the sum of the 2003-2004 average daily membership for all qualifying school districts.

(7) A growth supplement calculated for qualifying school districts as follows:

(i) To qualify for the growth supplement, a school district's 2003-2004 average daily membership must be greater than its 2002-2003 average daily membership.

(ii) The growth supplement shall be calculated for qualifying school districts as follows:

(A) Subtract the school district's 2002-2003 average daily membership from its 2003-2004 average daily membership and multiply the difference by its 2004-2005 market value/income aid ratio.

(B) Multiply the difference from clause (A) by thirteen million dollars (\$13,000,000).

(C) Divide the product from clause (B) by the sum of the differences from clause (A) for all qualifying school districts.

(8) Each school district shall receive additional funding as necessary so that the sum of the amounts under section 2502.13 and paragraphs (4), (5), (6), (7) and this paragraph will equal at least two percent (2%) of the amount in paragraph (1).

(2502.43 added July 4, 2004, P.L.536, No.70)

Section 2502.44. Basic Education Funding for 2004-2005 School Year.--For the 2004-2005 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 2003-2004 school year pursuant to sections 2502.13, 2502.30(a.1) and (a.2), 2502.43 and 2504.4.

(2) Where the school district received a grant under section 1709-B during the 2004-2005 school year but is not eligible to receive such a grant during the 2005-2006 school year, an amount equal to the grant amount it received during the 2004-2005 school year multiplied by fifty percent (50%).

(3) An amount equal to any payment made pursuant to section 2502.10 during the 2004-2005 school year.

(4) A base supplement calculated as follows:

(i) If the school district's 2005-2006 market value/income aid ratio is equal to or greater than seven thousand ten-thousandths (.7000):

(A) Multiply the school district's 2005-2006 market value/income aid ratio by its 2004-2005 average daily membership.

(B) Multiply the product from clause (A) by twelve million five hundred thousand dollars (\$12,500,000).

(C) Divide the product from clause (B) by the sum of the products of the 2005-2006 market value/income aid ratio multiplied by the 2004-2005 average daily membership for all qualifying school districts.

(ii) If the school district's 2005-2006 market value/income aid ratio is equal to or greater than five thousand ten-thousandths (.5000) and less than seven thousand ten-thousandths (.7000):

(A) Multiply the school district's 2005-2006 market value/income aid ratio by its 2004-2005 average daily membership.

(B) Multiply the product from clause (A) by forty million dollars (\$40,000,000).

(C) Divide the product from clause (B) by the sum of the products of the 2005-2006 market value/income aid ratio multiplied by the 2004-2005 average daily membership for all qualifying school districts.

(iii) If the school district's 2005-2006 market value/income aid ratio is less than five thousand ten-thousandths (.5000):

(A) Multiply the school district's 2005-2006 market value/income aid ratio by its 2004-2005 average daily membership.

(B) Multiply the product from clause (A) by five million five hundred thousand dollars (\$5,500,000).

(C) Divide the product from clause (B) by the sum of the products of the 2005-2006 market value/income aid ratio multiplied by the 2004-2005 average daily membership for all qualifying school districts.

(5) A temporary special assistance supplement for qualifying school districts as follows:

(i) To qualify for the temporary special assistance supplement, the school district's 2003-2004 current expenditure per average daily membership must be less than ninety-seven and eight-tenths percent (97.8%) of the 2003-2004 median current expenditure per average daily membership.

(ii) The temporary special assistance supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2004-2005 average daily membership by its 2005-2006 market value/income aid ratio.

(B) Multiply the product from clause (A) by the lesser of:

(1) thirty-five dollars (\$35); or

(2) the difference between the value of ninety-seven and eight-tenths (97.8%) percent of the 2003-2004 median current expenditure per average daily membership and the school district's 2003-2004 current expenditure per average daily membership.

(iii) If a qualifying school district's 2003 equalized millage is equal to or greater than twenty and seven-tenths (20.7) equalized mills and less than twenty-four and two-tenths (24.2) equalized mills, it shall receive an additional payment calculated as follows:

(A) Multiply the school district's 2004-2005 average daily membership by the school district's 2005-2006 market value/income aid ratio.

(B) Multiply the product from clause (A) by forty-five dollars (\$45).

(iv) If a qualifying school district's 2003 equalized millage is equal to or greater than twenty-four and two-tenths (24.2) equalized mills, it shall receive an additional payment calculated as follows:

(A) Multiply the school district's 2004-2005 average daily membership by the school district's 2005-2006 market value/income aid ratio.

(B) Multiply the product from clause (A) by fifty-five dollars (\$55).

(v) A school district that qualifies for the temporary special assistance supplement under this paragraph shall receive an amount equal to the sum of the amounts under subparagraphs (ii), (iii) and (iv).

(6) A poverty supplement calculated for qualifying school districts as follows:

(i) To qualify for the poverty supplement, a school district's 2005-2006 market value/income aid ratio must be equal to or greater than six thousand five hundred ten-thousandths (.6500), and its personal income valuation, when divided by its 2004-2005 average daily membership, must be equal to or less than one hundred five thousand dollars (\$105,000).

(ii) The poverty supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2004-2005 average daily membership by seventeen million dollars (\$17,000,000).

(B) Divide the product from clause (A) by the sum of the 2004-2005 average daily membership for all qualifying school districts.

(7) A tax effort supplement calculated for qualifying school districts as follows:

(i) To qualify for the tax effort supplement, a school district's 2003 equalized millage must be equal to or greater than twenty and eight-tenths (20.8) equalized mills.

(ii) The tax effort supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2004-2005 average daily membership by nine million dollars (\$9,000,000).

(B) Divide the product from clause (A) by the sum of the 2004-2005 average daily membership for all qualifying school districts.

(8) A growth supplement calculated for qualifying school districts as follows:

(i) To qualify for the growth supplement, a school district's 2004-2005 average daily membership must be greater than its 2003-2004 average daily membership.

(ii) The growth supplement shall be calculated for qualifying school districts as follows:

(A) Subtract the school district's 2003-2004 average daily membership from its 2004-2005 average daily membership and multiply the difference by its 2005-2006 market value/income aid ratio.

(B) Multiply the difference from clause (A) by nine million five hundred thousand dollars (\$9,500,000).

(C) Divide the product from clause (B) by the sum of the differences from clause (A) for all qualifying school districts.

(9) Each school district shall receive additional funding as necessary so that the sum of the amounts under section 2502.13 and paragraphs (4), (5), (6), (7) and (8) and this paragraph shall equal at least two percent (2%) of the amount in paragraph (1).

(2502.44 added July 13, 2005, P.L.226, No.46)

Section 2502.45. Basic Education Funding for 2005-2006 School Year.--For the 2005-2006 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 2004-2005 school year pursuant to sections 2502.13, 2502.44 and 2504.4.

(2) Where the school district received a grant under section 1709-B during the 2005-2006 school year but is not eligible to receive such a grant during the 2006-2007 school year, an amount equal to the grant amount the district received during the 2005-2006 school year multiplied by fifty percent (50%).

(3) An amount equal to any payment made pursuant to section 2502.10 during the 2004-2005 school year.

(4) Where the school district received payments under section 34 of the act of June 29, 2002 (P.L.524, No.88), entitled "An act amending the act of March 10, 1949 (P.L.30, No.14), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' further defining the "Pennsylvania System of School Assessment test" or "PSSA test"; providing for report of graduate rates for certain colleges and universities; further providing for establishment of independent

schools, for school athletics, publications and organizations, for retention of records and for annual budgets; providing for membership of the School Reform Commission and responsibilities relating to financial matters of first class school districts in distress; further providing for intermediate unit board of directors; providing for conditional employment; further providing for age limits and temporary residence and for educational support services definitions and providers, for high school certificates, for charter school definitions, for funding for charter schools and for provisions applicable to charter schools; adding provisions for cyber charter schools; further providing for regulations and provisions applicable to charter schools, for education empowerment districts, for waivers, for alternative education and for trustee councils in institutions of the State System of Higher Education; providing for placement of adjudicated delinquents in first class school districts; further providing for Commonwealth reimbursement definitions, for small district assistance and for temporary special aid to certain school districts; providing for basic education funding for 2001-2002 school year; further providing for payments to intermediate units, for payments on account of transportation of nonpublic school pupils, for special education payments and for certain payments; providing for Commonwealth reimbursement for charter schools and cyber charter schools; further providing for school performance incentives; authorizing the Multipurpose Service Center Grant Program; further providing for powers and duties of the State Board of Education; and making an appropriation," an amount equal to such payments.

(5) Where a school district has been declared a Commonwealth partnership school district under Article XVII-B, an amount equal to five million two hundred thousand dollars (\$5,200,000).

(6) A base supplement calculated as follows:

(i) If the school district's market value/income aid ratio is equal to or greater than seven thousand three hundred seventy-one ten-thousandths (.7371):

(A) Multiply the school district's 2006-2007 market value/income aid ratio by its 2005-2006 average daily membership.

(B) Multiply the product from clause (A) by ten million seven hundred thousand dollars (\$10,700,000).

(C) Divide the product from clause (B) by the sum of the products of the 2006-2007 market value/income aid ratio multiplied by the 2005-2006 average daily membership for all qualifying school districts.

(ii) If the school district's market value/income aid ratio is equal to or greater than six thousand five hundred ninety-five ten-thousandths (.6595) and less than seven thousand three hundred seventy-one ten-thousandths (.7371):

(A) Multiply the school district's 2006-2007 market value/income aid ratio by its 2005-2006 average daily membership.

(B) Multiply the product from clause (A) by thirty-five million nine hundred fifty thousand dollars (\$35,950,000).

(C) Divide the product from clause (B) by the sum of the products of the 2006-2007 market value/income aid ratio multiplied by the 2005-2006 average daily membership for all qualifying school districts.

(iii) If the school district's market value/income aid ratio is equal to or greater than five thousand eight hundred sixty-three ten-thousandths (.5863) and less than six thousand five hundred ninety-five ten-thousandths (.6595):

(A) Multiply the school district's 2006-2007 market value/income aid ratio by its 2005-2006 average daily membership.

(B) Multiply the product from clause (A) by thirteen million three hundred thousand dollars (\$13,300,000).

(C) Divide the product from clause (B) by the sum of the products of the 2006-2007 market value/income aid ratio multiplied by the 2005-2006 average daily membership for all qualifying school districts.

(iv) If the school district's market value/income aid ratio is equal to or greater than four thousand forty-four ten-thousandths (.4044) and less than five thousand eight hundred sixty-three ten-thousandths (.5863):

(A) Multiply the school district's 2006-2007 market value/income aid ratio by its 2005-2006 average daily membership.

(B) Multiply the product from clause (A) by fifteen million six hundred thousand dollars (\$15,600,000).

(C) Divide the product from clause (B) by the sum of the products of the 2006-2007 market value/income aid ratio multiplied by the 2005-2006 average daily membership for all qualifying school districts.

(v) If the school district's market value/income aid ratio is less than four thousand forty-four ten-thousandths (.4044):

(A) Multiply the school district's 2006-2007 market value/income aid ratio by its 2005-2006 average daily membership.

(B) Multiply the product from clause (A) by four million five hundred thousand dollars (\$4,500,000).

(C) Divide the product from clause (B) by the sum of the products of the 2006-2007 market value/income aid ratio multiplied by the 2005-2006 average daily membership for all qualifying school districts.

(7) A poverty supplement calculated for qualifying school districts as follows:

(i) For a school district to qualify for the poverty supplement:

(A) the quotient of the school district's personal income valuation divided by its 2005-2006 average daily membership must not exceed ninety-one thousand dollars (\$91,000); or

(B) the school district's 2006-2007 market value/income aid ratio must be at least six thousand six hundred ten-thousandths (.6600).

(ii) The poverty supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2005-2006 average daily membership by fifty-five million dollars (\$55,000,000).

(B) Divide the product from clause (A) by the sum of the 2005-2006 average daily membership for all qualifying school districts.

(8) A foundation supplement calculated for qualifying school districts as follows:

(i) To qualify for the foundation supplement, a school district's 2004-2005 adjusted current expenditures per average daily membership must be less than the 2003-2004 median current expenditures per average daily membership increased by three and nine-tenths percent (3.9%) and its 2004-2005 equalized millage must be greater than or equal to 17.2.

(ii) The foundation supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2006-2007 market value/income aid ratio by its 2005-2006 average daily membership.

(B) Multiply the product in clause (A) by the lesser of:

(I) five hundred dollars (\$500), or if its 2004-2005 equalized millage is equal to or greater than 28.3 and its 2006-2007 market value/income aid ratio is equal to or greater than seven thousand five hundred sixty three ten-thousandths (.7563), eight hundred fifty dollars (\$850); or

(II) the difference between the value of the 2003-2004 median current expenditures per average daily membership increased by three and nine-tenths percent (3.9%) and the school district's 2004-2005 adjusted current expenditures per average daily membership; or

(III) if the school district's 2004-2005 equalized mills is less than twenty (20.0), the product of the lesser of the amount in clause (B)(I) or (II) and the quotient of its 2004-2005 equalized mills divided by twenty (20.0).

(C) Multiply the product from clause (B) by forty-four million dollars (\$44,000,000).

(D) Divide the product from clause (C) by the sum of the products from clause (B).

(iii) If a qualifying school district's equalized millage is equal to or greater than twenty-three and eight-tenths (23.8), it shall receive an additional payment calculated as follows:

(A) Multiply the product from subparagraph (ii)(B) by twenty million dollars (\$20,000,000).

(B) Divide the product from clause (A) by the sum of the products from subparagraph (ii)(B) for qualifying school districts.

(9) A tax effort supplement calculated for qualifying school districts as follows:

(i) To qualify for the tax effort supplement, a school district's 2004 equalized millage must be equal to or greater than twenty (20) equalized mills.

(ii) The tax effort supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2005-2006 average daily membership by eleven million dollars (\$11,000,000).

(B) Divide the product from clause (A) by the sum of the 2005-2006 average daily membership for all qualifying school districts.

(10) A growth supplement calculated for qualifying schools districts as follows:

(i) To qualify for this portion of the growth supplement, a school district's average daily membership must have increased by at least two percent (2%) between the 2002-2003 and 2004-2005 school years, its 2004-2005 local school tax revenue divided by its 2004-2005 average daily membership must be less than its 2002-2003 local school tax revenue divided by its 2002-2003 average daily membership, and its 2006-2007 market value/income aid ratio must be equal to or greater than five thousand eight hundred sixty-three ten-thousandths (.5863). This portion of the growth supplement shall be calculated for qualifying school district as follows:

(A) Multiply the school district's 2006-2007 market value/income aid ratio by its 2005-2006 average daily membership.

(B) Multiply the product from clause (A) by five hundred thousand dollars (\$500,000).

(C) Divide the product from clause (B) by the sum of the products from clause (A).

(ii) To qualify for this portion of the growth supplement, a school district's 2005-2006 average daily membership must be greater than its 2004-2005 average daily membership. This portion of the growth supplement shall be calculated for qualifying school districts as follows:

(A) Subtract the school district's 2004-2005 average daily membership from its 2005-2006 average daily membership and multiply the difference by its 2006-2007 market value/income aid ratio.

(B) Multiply the difference from clause (A) by five million dollars (\$5,000,000).

(C) Divide the product from clause (B) by the sum of the differences from clause (A) for all qualifying school districts.

(iii) For this portion of the growth supplement, the department shall calculate the following:

(A) Subtract the school district's 1994-1995 average daily membership from its 2004-2005 average daily membership.

(B) Divide the difference from clause (A) by the school district's 1994-1995 average daily membership.

(C) Divide the school district's basic education funding allocation for the 1994-1995 school year, calculated pursuant to sections 2502.13 and 2502.29, by the school district's 1994-1995 average daily membership.

(D) Divide the school district's basic education funding allocation for the 2004-2005 school year, calculated pursuant to sections 2502.13, 2502.44 and 2504.4, by the school district's 2004-2005 average daily membership.

(E) For each school district, subtract the quotient from clause (C) from the quotient from clause (D).

(F) Divide the total basic education funding allocation for the 1994-1995 school year, calculated pursuant to sections 2502.13 and 2502.29, by the 1994-1995 average daily membership for all school districts.

(G) Divide the total basic education funding allocation for the 2004-2005 school year, calculated pursuant to sections 2502.13, 2502.44 and 2504.4, by the 2004-2005 average daily membership for all school districts.

(H) Subtract the quotient from clause (F) from the quotient from clause (G).

(I) A school district for which the quotient from clause (B) is greater than ten percent (10%) but less than twenty percent (20%) and for which the difference from clause (E) is less than the difference from clause (H) shall receive an amount equal to the difference from clause (A) multiplied by sixty dollars (\$60).

(J) A school district for which the quotient from clause (B) is greater than or equal to twenty percent (20%) and for which the difference from clause (E) is less than the difference from clause (H) shall receive an amount equal to the difference from clause (A) multiplied by one hundred ten dollars (\$110).

(iv) The amount of a school district's growth supplement under this paragraph shall be the sum of the amount calculated pursuant to subparagraph (i) and the greater of the amount calculated pursuant to subparagraph (ii) or (iii).

(11) Each school district shall receive additional funding as necessary so that the sum of the amounts under section 2502.13 and paragraphs (6), (7), (8), (9) and (10), and this paragraph shall equal at least three and five-tenths percent (3.5%) of the amount in paragraph (1).

(12) Each school district shall receive additional funding as necessary so that the sum of the amounts under sections 2502.13 and 2504.4 and paragraphs (1), (6), (7), (8), (9), (10), (11) and this paragraph shall equal the basic education funding allocation for the school district as published on the Department of Education's Internet website on February 8, 2006. Within thirty (30) days of the effective date of this paragraph, the basic education funding allocation for each school district, as published on the Department of Education's Internet website on February 8, 2006, shall be published in the Pennsylvania Bulletin.

(2502.45 added July 11, 2006, P.L.1092, No.114)

Section 2502.46. Funding for Partnership Schools.--The following shall apply:

(1) Beginning with the 2005-2006 school year and each school year thereafter, a school district of the first class shall expend no less than twenty-five million dollars (\$25,000,000) from its annual basic education funding allocation solely for costs associated with the operation of schools governed by agreements pursuant to section 696(i)(2) for the operation of schools previously designated as partnership schools under the School Reform Commission Resolution Number 10 of April 17, 2002, or their successors, or for schools operated under any successor partnership agreements or contracts.

(2) Such expenditures shall include costs associated with targeted reform efforts such as: enhancements in curriculum; material and equipment, including computer hardware; professional development programs; improved or newly established accountability measures for employees; safety and security measures; and other costs associated with such agreements.

(3) These funds shall be supplemental and in addition to any amount of Federal, State and local funds allocated to those schools previously designated as partnership schools by a school district of the first class under its standard budgeting process.

(4) Receipt of funds pursuant to this paragraph shall in no way be deemed to authorize those schools previously designated as partnership schools by a school district of the first class to be treated differently from other schools in the school district of the first class in terms of services or other funding provided by the school district of the first class.

(5) (i) No later than September 1, 2008, and each September 1 thereafter, a school district of the first class shall file a report with the Department of Education containing the following information with regard to programs funded under this section for the immediately preceding school year:

(A) The name of each school whose operation was governed by an agreement pursuant to paragraph (1), the grade levels served and the number of children attending each school and the name of the person or persons with whom the district has made an agreement for that school's operations.

(B) The total dollar amount of costs specified in the agreement existing between the school district and each partner to be paid to the partner and the terms and conditions specified in each agreement.

(C) The total dollar amount of costs actually paid by the school district to each partner for the operation of its partnership school or schools.

(D) If a difference exists between the dollar amounts reported in clause (C) and those reported in clause (B), an explanation for the difference.

(E) If a difference exists between the dollar amounts reported in clause (C) and the dollar amount required to be expended by the district pursuant to paragraph (1), an accounting of where the unexpended dollars were utilized.

(ii) Included in the report due no later than September 1, 2008, shall be the information required pursuant to subparagraph (i) (A) and (B) as provided for in the final budget adopted by a school district of the first class for the 2008-2009 school year.

(iii) A school district of the first class may submit an updated plan for the operations of schools governed by agreements pursuant to this section anticipated for the 2009-2010 school year at any time during the 2008-2009 school year.

(iv) No later than thirty (30) days after receipt of this report a copy shall be furnished to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives.

((5) added July 9, 2008, P.L.846, No.61)

(2502.46 added July 11, 2006, P.L.1092, No.114)

Compiler's Note: Section 34 of Act 61 of 2008, which added section 2502.46(5), provided that Act 61 shall apply retroactively to July 1 2008.

Section 2502.47. Basic Education Funding for 2006-2007 School Year.--For the 2006-2007 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 2005-2006 school year under sections 2502.13, 2502.45 and 2504.4.

(2) If a school district has been declared a Commonwealth partnership school district under Article XVII-B, an amount equal to four million dollars (\$4,000,000).

(3) A base supplement calculated as follows:

(i) If the school district's market value/income aid ratio is equal to or greater than seven thousand three hundred ninety-one ten-thousandths (.7391):

(A) Multiply the school district's 2007-2008 market value/income aid ratio by its 2006-2007 average daily membership.

(B) Multiply the product from clause (A) by five million nine hundred fifty thousand dollars (\$5,950,000).

(C) Divide the product from clause (B) by the sum of the products of the 2007-2008 market value/income aid ratio multiplied by the 2006-2007 average daily membership for all qualifying school districts.

(ii) If the school district's 2007-2008 market value/income aid ratio is equal to or greater than six thousand six hundred fifteen ten-thousandths (.6615) and less than seven thousand three hundred ninety-one ten-thousandths (.7391):

(A) Multiply the school district's 2007-2008 market value/income aid ratio by its 2006-2007 average daily membership.

(B) Multiply the product from clause (A) by seventeen million five hundred twenty thousand dollars (\$17,520,000).

(C) Divide the product from clause (B) by the sum of the products of the 2007-2008 market value/income aid ratio multiplied by the 2006-2007 average daily membership for all qualifying school districts.

(iii) If the school district's 2007-2008 market value/income aid ratio is equal to or greater than five thousand eight hundred fifty-six ten-thousandths (.5856) and less than six thousand six hundred fifteen ten-thousandths (.6615):

(A) Multiply the school district's 2007-2008 market value/income aid ratio by its 2006-2007 average daily membership.

(B) Multiply the product from clause (A) by seven million eight hundred thousand dollars (\$7,800,000).

(C) Divide the product from clause (B) by the sum of the products of the 2007-2008 market value/income aid ratio multiplied by the 2006-2007 average daily membership for all qualifying school districts.

(iv) If the school district's 2007-2008 market value/income aid ratio is equal to or greater than four thousand one hundred ninety-five ten-thousandths (.4195) and less than five thousand eight hundred fifty-six ten-thousandths (.5856):

(A) Multiply the school district's 2007-2008 market value/income aid ratio by its 2006-2007 average daily membership.

(B) Multiply the product from clause (A) by eleven million four hundred thousand dollars (\$11,400,000).

(C) Divide the product from clause (B) by the sum of the products of the 2007-2008 market value/income aid ratio multiplied by the 2006-2007 average daily membership for all qualifying school districts.

(v) If the school district's 2007-2008 market value/income aid ratio is less than four thousand one hundred ninety-five ten-thousandths (.4195):

(A) Multiply the school district's 2007-2008 market value/income aid ratio by its 2006-2007 average daily membership.

(B) Multiply the product from clause (A) by six million twenty-five thousand dollars (\$6,025,000).

(C) Divide the product from clause (B) by the sum of the products of the 2007-2008 market value/income aid ratio multiplied by the 2006-2007 average daily membership for all qualifying school districts.

(4) A poverty supplement calculated for qualifying school districts as follows:

(i) For a school district to qualify for the poverty supplement:

(A) forty percent (40%) or more of the students enrolled in the school district on October 31, 2006, must have been eligible for free or reduced price meals under the school lunch program, and the school district's 2007-2008 market value/income aid ratio must be at least four thousand five hundred ten-thousandths (.4500); or

(B) equal to or greater than thirty percent (30%) and fewer than forty percent (40%) of the students enrolled in the school district on October 31, 2006, must have been eligible for free or reduced price meals under the school lunch program, and the school district's 2007-2008 market value/income aid ratio must be at least six thousand five hundred ten-thousandths (.6500).

(ii) The poverty supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2007-2008 market value/income aid ratio by its 2006-2007 average daily membership by the percent of students enrolled in the school district on October 31, 2006, who were eligible for free or reduced price meals under the school lunch program.

(B) Multiply the product from clause (A) by twenty-six million dollars (\$26,000,000).

(C) Divide the product from clause (B) by the sum of the products of the 2007-2008 market value/income aid ratio multiplied by the 2006-2007 average daily membership multiplied by the percent of students enrolled in the school district on October 31, 2006, who were eligible for free or reduced price meals under the school lunch program for all qualifying school districts.

(5) A foundation supplement calculated for qualifying districts as follows:

(i) To qualify for the foundation supplement, a school district's 2005-2006 adjusted current expenditures per average daily membership must be less than the foundation target, and its 2005-2006 equalized millage must be greater than or equal to 18.0. For the purpose of this subsection, the "foundation target" shall be one of the following:

(A) The 2003-2004 median current expenditures per average daily membership increased by three and nine-tenths percent (3.9%) and further increased by three and four-tenths percent (3.4%).

(B) For a school district where at least fifty percent (50%) of students enrolled in the school district on October 31, 2006, were eligible for free or reduced price meals under the school lunch program, the amount referenced under clause (A) increased by twenty percent (20%).

(ii) The foundation supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2007-2008 market value/income aid ratio by its 2006-2007 average daily membership.

(B) Multiply the product in clause (A) by the lesser of:

(I) five hundred dollars (\$500), or if its 2007-2008 market value/income aid ratio is equal to or greater than seven thousand ten-thousandths (.7000), eight hundred fifty dollars (\$850);

(II) the difference between the value of the foundation target and the school district's 2005-2006 adjusted current expenditures per average daily membership; or

(III) if the school district's 2005-2006 equalized millage is less than twenty-one and one-tenth (21.1), the product of the lesser of the amount in clause (B) (I) or (II) and the quotient of its 2005-2006 equalized millage divided by twenty-one and one-tenth (21.1).

(C) Multiply the product from clause (B) by forty million dollars (\$40,000,000).

(D) Divide the product from clause (C) by the sum of the products from clause (B).

(iii) If a qualifying school district's 2005-2006 equalized millage is equal to or greater than twenty-four and seven-tenths (24.7), it shall receive an additional payment calculated as follows:

(A) Multiply the product from subparagraph (ii) (B) by eighteen million dollars (\$18,000,000).

(B) Divide the product from clause (A) by the sum of the products from subparagraph (ii) (B) for qualifying school districts.

(6) A tax effort supplement calculated for qualifying school districts as follows:

(i) To qualify for this portion of the tax effort supplement, the percent change in a school district's market value from 2000 to 2005 must be less than ten percent (10%).

(ii) This portion of the tax effort supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2007-2008 market value/income aid ratio by its 2006-2007 average daily membership.

(B) Multiply the product from clause (A) by three million dollars (\$3,000,000).

(C) Divide the product from clause (B) by the sum of the products of the 2007-2008 market value/income aid ratio multiplied by the 2006-2007 average daily membership for all qualifying school districts.

(iii) To qualify for this portion of the tax effort supplement, a school district's 2007-2008 market value/income aid ratio must be greater than four thousand five hundred ten-thousandths (.4500), the residential portion of its 2005 assessed valuation as determined by the State Tax Equalization Board must be greater than eighty-seven percent (87%), its 2005-2006 equalization millage must be greater than twenty-two and five-tenths (22.5), and its 2007-2008 market value/income aid ratio minus its 1994-1995 market value/income aid ratio must be greater than one thousand ten-thousandths (.1000).

(iv) This portion of the tax effort supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2006-2007 average daily membership by five hundred thousand dollars (\$500,000).

(B) Divide the product from clause (A) by the sum of the 2006-2007 average daily membership for all qualifying school districts.

(7) A growth supplement calculated for qualifying school districts as follows:

(i) To qualify for the growth supplement, the school district's 2005-2006 average daily membership must be at least five percent (5%) greater than the school district's 2000-2001 average daily membership, the school district's 2005 market value per 2005-2006 average daily membership must be less than or equal to nineteen and one-half percent (19.5%) greater than the school district's 2000 market value per 2000-2001 average daily membership, and the school district's 2006-2007 average daily membership must be greater than the school district's 2005-2006 average daily membership.

(ii) The growth supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2007-2008 market value/income aid ratio by the difference between the school district's 2005-2006 average daily membership and the school district's 2006-2007 average daily membership.

(B) Multiply the product from clause (A) by two million five hundred thousand dollars (\$2,500,000).

(C) Divide the product from clause (B) by the sum of the products of the 2007-2008 market value/income aid ratio multiplied by the difference between the 2005-2006 average daily membership and the 2006-2007 average daily membership for all qualifying school districts.

(8) Each school district shall receive an inflation index supplement as necessary so that the sum of the amounts under section 2502.13 or 2504.4 and paragraphs (3), (4), (5), (6) and (7) and this paragraph equal three and four-tenths percent (3.4%) multiplied by its 2007-2008 market value/income aid ratio of the amount in paragraph (1).

(9) Each school district shall receive additional funding as necessary so that the sum of the amounts under section 2502.13 or 2504.4 and paragraphs (3), (4), (5), (6), (7) and

(8) and this paragraph shall equal at least two percent (2%) of the amount in paragraph (1).

(2502.47 added July 20, 2007, P.L.278, No.45)

Section 2502.48. Basic Education Funding for Student Achievement.--(a) The Department of Education shall calculate a base cost per student. For the 2007-2008 school year, the base cost per student shall be eight thousand three dollars (\$8,003), increased by the 2008-2009 index.

(b) The Department of Education shall determine an adequacy target for each school district by calculating the sum of the following:

(1) A base cost determined by calculating the product of the base cost per student and the school district's modified ADM.

(2) A poverty supplement determined by calculating the product of:

(i) the base cost per student;

(ii) the number of students enrolled in the school district on October 31 of the funding year who were eligible for free or reduced price meals under the school lunch program; and

(iii) forty-three one-hundredths (.43).

(3) A district size supplement determined by calculating the maximum of zero and the product of:

(i) the base cost per student;

(ii) the school district's funding year average daily membership; and

(iii) the sum of four hundred eighty-three one-thousandths (.483) and the product of the natural logarithm of the school district's funding year average daily membership and negative five one-hundredths (-.05);

(4) An English language learner supplement determined by calculating the product of:

(i) the base cost per student;

(ii) the number of enrolled students identified as limited English proficient in the funding year in the school district; and

(iii) the sum of three and seven hundred fifty-three one-thousandths (3.753) and the product of the natural logarithm of the school district's funding year average daily membership and negative twenty-three one-hundredths (-.23), provided that such amount shall be no less than one and forty-eight one-hundredths (1.48) and no greater than two and forty-three one-hundredths (2.43).

(5) An adjustment for geographic price differences calculated as follows:

(i) Add the amounts under paragraphs (1), (2), (3) and (4).

(ii) Multiply:

(A) the sum under subparagraph (i); by

(B) the school district's location cost metric.

(iii) Subtract:

(A) the sum under subparagraph (i); from

(B) the product under subparagraph (ii).

(c) (1) The Department of Education shall determine a State funding target for each school district by calculating the product of:

(i) the difference between the school district's adequacy target determined under subsection (b) and its actual spending for the funding year, or zero, whichever is greater;

(ii) the school district's market value/income aid ratio for the school year in which funding occurs; and

(iii) the lesser of one (1) and the school district's funding year equalized millage divided by the equalized millage

that represents the seventy-fifth percentile of the equalized millage of all school districts in the funding year.

(2) (Reserved). ((2) amended June 30, 2011, P.L.112, No.24)

(d) The Commonwealth shall pay to each school district a basic education funding allocation for the 2007-2008 school year which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 2006-2007 school year under sections 2502.13(m), 2502.47 and 2504.4(a.3).

(2) If a school district has been declared a Commonwealth partnership school district under Article XVII-B, an amount equal to four million dollars (\$4,000,000).

(3) (i) For a school district with 2006-2007 equalized millage that is greater than or equal to 24.7, which represents the eightieth percentile of the equalized millage of all school districts as of the effective date of this section, for the 2007-2008 school year, sixteen and seventy-five one hundredths percent (16.75%) of the State funding target determined under subsection (c).

(ii) For a school district with 2006-2007 equalized millage that is less than 24.7, which represents the eightieth percentile of the equalized millage of all school districts as of the effective date of this section, for the 2007-2008 school year, ten percent (10%) of the State funding target determined under subsection (c).

(e) The Department of Education shall provide additional funding for the 2007-2008 school year to any school district where the amount determined under subsection (d)(3) provides an amount less than three percent (3%) of the amount determined under subsection (d)(1). The amount of additional funding shall be the amount required so that the sum of subsection (d)(3) and this subsection equals three percent (3%) of the amount provided under subsection (d)(1).

(2502.48 added July 9, 2008, P.L.846, No.61)

Compiler's Note: Section 34 of Act 61 of 2008, which added section 2502.48, provided that Act 61 shall apply retroactively to July 1 2008.

Section 2502.49. Accountability to Commonwealth Taxpayers.--(2502.49 repealed June 30, 2011, P.L.112, No.24)

Compiler's Note: Section 34 of Act 61 of 2008, which added section 2502.49, provided that Act 61 shall apply retroactively to July 1 2008.

Section 2502.50. Basic Education Funding for 2010-2011 School Year.--(a) For the 2010-2011 school year, the Commonwealth shall determine the basic education funding allocation as follows:

(1) Calculate a base supplement for each school district by multiplying its average daily membership by the base amount for the funding year.

(2) Calculate an English language learner supplement for each qualifying school district as follows:

(i) Determine the school district's English language learner concentration by dividing its number of enrolled students identified as limited English proficient by its average daily membership for the funding year.

(ii) Multiply the school district's number of students identified as limited English proficient for the funding year by the English language learner factor based on its English language learner concentration.

(3) Calculate a poverty supplement for each qualifying school district as follows:

(i) Determine the school district's poverty concentration by dividing its number of students eligible for free or reduced-price meals under the National School Lunch Program on October 31 in the funding year by its average daily membership for the funding year.

(ii) Multiply the school district's number of students eligible for free or reduced-price meals under the National School Lunch Program on October 31 in the funding year by the poverty factor based on its poverty concentration.

(4) Calculate a district size supplement for each qualifying school district by multiplying its average daily membership by the district size factor for the funding year.

(5) Add the amounts under clauses (1), (2), (3) and (4).

(6) Multiply the sum under clause (5) by the State share factor for the funding year.

(b) For the 2010-2011 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to its basic education funding allocation for the 2009-2010 school year from the State appropriation and Education Jobs Fund appropriation pursuant to section 2502.48 of this act and section 1722-L(a)(14)(i) and (ii) of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."

(2) A student-focused funding supplement calculated with the following factors:

(i) A base amount equal to one hundred dollars (\$100).

(ii) An English language learner factor equal to:

(A) the base amount multiplied by three-tenths (0.3) if the school district's English language learner concentration for the 2009-2010 school year is less than one percent (1%); or

(B) the base amount multiplied by two-tenths (0.2) if the school district's English language learner concentration for the 2009-2010 school year is equal to or greater than one percent (1%).

(iii) A poverty factor equal to:

(A) the base amount multiplied by two-tenths (0.2) if the school district's poverty concentration for the 2009-2010 school year is less than forty percent (40%); or

(B) the base amount multiplied by three-tenths (0.3) if the school district's poverty concentration for the 2009-2010 school year is equal to or greater than forty percent (40%).

(iv) A district size factor equal to:

(A) the base amount multiplied by one-tenth (0.1) if the school district's average daily membership for the 2009-2010 school year is equal to or less than one thousand (1,000); or

(B) the base amount multiplied by five one-hundredths (0.05) if the average daily membership for the 2009-2010 school year is greater than one thousand (1,000) and less than two thousand three hundred (2,300).

(v) A State share factor equal to:

(A) the school district's 2011-2012 market value/income aid ratio if its market value/income aid ratio is greater than three thousand ten thousandths (0.3000); or

(B) the lesser of one (1) and the school district's 2009-2010 equalized millage divided by the equalized millage that represents the seventy-fifth percentile of the equalized millage of all school districts multiplied by the school district's 2011-2012 market value/income aid ratio if its market

value/income aid ratio is less than or equal to three thousand ten-thousandths (0.3000).

(3) Each school district shall receive additional funding equal to the difference between:

(i) the sum of clauses (1) and (2); and

(ii) the amount of funding received by the school district under section 2502.48 for the 2007-2008 school year.

(4) An English language learner high incidence supplement calculated for qualifying school districts as follows:

(i) To qualify for the English language learner high incidence supplement, a school district's 2011-2012 market value/income aid ratio as of June 30, 2011, must be equal to or greater than seven thousand ten-thousandths (0.7000) and less than eight thousand ten-thousandths (0.8000), its 2009-2010 average daily membership must be less than twenty thousand (20,000) and its English language learner concentration must be equal to or greater than six percent (6%).

(ii) The English language learner high incidence supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2009-2010 average daily membership by thirteen million dollars (\$13,000,000).

(B) Divide the product from clause (A) by the sum of the 2009-2010 average daily membership for all qualifying school districts.

(5) Each school district with a 2011-2012 market value/income aid ratio as of June 30, 2011, equal to or greater than eight thousand ten-thousandths (0.8000) and a 2009-2010 average daily membership less than ten thousand (10,000) shall receive additional funding as necessary equal to the difference between State subsidies paid to school districts in the 2010-2011 and 2011-2012 fiscal years minus eight percent (8%) of the school district's 2008-2009 total revenue. For the purpose of this clause, the difference between State subsidies paid to school districts in the 2010-2011 and 2011-2012 fiscal years shall be calculated by subtracting:

(i) the sum of the amounts paid to the school district in the 2011-2012 fiscal year under clauses (1), (2), (3) and (4) and section 2599.2 of this act; from

(ii) the sum of the amounts paid to the school district in the 2010-2011 fiscal year under sections 1603-B and 2591.1 of this act and section 1722-L(a)(9), (10), (14) and (17) of "The Fiscal Code," the appropriation to the Department of Education for basic education formula enhancements in section 212 of the act of July 6, 2010 (P.L.1367, No.1A), known as the General Appropriation Act of 2010.

(6) A second class school district supplement calculated for qualifying school districts as follows:

(i) To qualify for a second class school district supplement, a school district must have been classified as a second class school district during the 2000 census, must have received State reimbursements pursuant to section 2591.1 for the 2009-2010 school year greater than three million five hundred thousand dollars (\$3,500,000) and must have a 2009-2010 average daily membership greater than eight thousand (8,000).

(ii) The second class school district supplement shall be calculated for all qualifying school districts as follows:

(A) Multiply the qualifying school district's 2009-2010 average daily membership by one million dollars (\$1,000,000).

(B) Divide the product from clause (A) by the sum of the 2009-2010 average daily membership for all qualifying school districts.

(7) A personal income supplement calculated for qualifying school districts as follows:

(i) To qualify for the personal income supplement, school districts must meet all of the following criteria:

(A) Be eligible to receive a poverty supplement pursuant to subsection (a)(3) greater than thirty-five thousand dollars (\$35,000).

(B) Have an average daily membership for the 2009-2010 school year greater than five thousand five hundred (5,500).

(C) Have a 2011-2012 market value/income aid ratio as of June 30, 2011, greater than five thousand ten-thousandths (0.5000).

(D) Have equalized mills for the 2009-2010 school year greater than twenty-three (23).

(E) The amount of funding received by the school district under section 2502.48 for the year 2007-2008 was less than twenty million dollars (\$20,000,000).

(F) Had an adjusted personal income valuation for the 2008 tax year of less than nine hundred million dollars (\$900,000,000).

(ii) The personal income supplement shall be calculated for all qualifying school districts as follows:

(A) Multiply the qualifying school district's 2009-2010 average daily membership by its 2011-2012 market value/income aid ratio as of June 30, 2011.

(B) Multiply the product in clause (A) by one million dollars (\$1,000,000).

(C) Divide the product from clause (B) by the sum of products in clause (A).

(c) The Department of Education shall withhold up to twenty-five million (\$25,000,000) from the allocation made under this section to a school district of the first class to be used to pay costs to provide alternative education programs operated either by the district itself or under terms of any contract between the district and a private alternative education institution as defined pursuant to Article XIX-E.

(2502.50 added June 30, 2011, P.L.112, No.24)

Section 2502.51. Basic Education Funding for 2011-2012 School Year.--(a) For the 2011-2012 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 2010-2011 school year pursuant to section 2502.50.

(2) An English language learner high incidence supplement calculated for qualifying school districts as follows:

(i) To qualify for the English language learner high incidence supplement, a school district's 2011-2012 market value/income aid ratio must be greater than seven thousand ten-thousandths (0.7000) and its English language learner concentration must be equal to or greater than six percent (6%).

(ii) The English language learner high incidence supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2009-2010 average daily membership by seventeen million four hundred fifty thousand dollars (\$17,450,000).

(B) Divide the product from clause (A) by the sum of the 2009-2010 average daily membership for all qualifying school districts.

(3) A charter and cyber charter school extraordinary enrollment supplement calculated for qualifying school districts as follows:

(i) To qualify for the charter and cyber charter school extraordinary enrollment supplement, a school district's 2011-2012 market value/income aid ratio must be greater than eight thousand ten-thousandths (0.8000), its 2009-2010 average daily membership must be greater than five thousand (5,000) and its charter and cyber charter school concentration must be greater than fourteen percent (14%).

(ii) The charter and cyber charter school extraordinary enrollment supplement shall be calculated for qualifying school districts as follows:

(A) For school districts with a charter and cyber charter school concentration equal to or greater than thirty percent (30%), multiply the qualifying school district's 2009-2010 average daily membership by one thousand three hundred seventeen dollars (\$1,317).

(B) For school districts with a charter and cyber charter school concentration less than thirty percent (30%), multiply the qualifying school district's 2009-2010 average daily membership by five hundred dollars (\$500).

(4) A second class county school district supplement calculated for qualifying school districts as follows:

(i) To qualify for the second class county school district supplement, a school district must be located in a county of the second class, its 2011-2012 market value/income aid ratio must be greater than six thousand ten-thousandths (0.6000), its 2009-2010 average daily membership must be greater than one thousand (1,000) and less than two thousand five hundred (2,500) and its number of students eligible for free or reduced-price meals under the National School Lunch Program during the 2010-2011 school year must be greater than one thousand fifty (1,050) and less than one thousand two hundred fifty (1,250).

(ii) The second class county school district supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2009-2010 average daily membership by one million dollars (\$1,000,000).

(B) Divide the product from clause (A) by the sum of the 2009-2010 average daily membership for all qualifying school districts.

(5) A second class school district supplement calculated for qualifying school districts as follows:

(i) To qualify for the second class school district supplement, a school district must have been classified as a second class school district during the 2000 census, it must have received State reimbursements pursuant to section 2591.1 for the 2009-2010 school year in an amount greater than three million five hundred thousand dollars (\$3,500,000), and it must have a 2009-2010 average daily membership greater than eight thousand (8,000).

(ii) The second class school district supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2009-2010 average daily membership by one million dollars (\$1,000,000).

(B) Divide the product from clause (A) by the sum of the 2009-2010 average daily membership for all qualifying school districts.

(6) An increasing aid ratio supplement calculated for qualifying school districts as follows:

(i) To qualify for the increasing aid ratio supplement, a school district's 2011-2012 market value/income aid ratio must be greater than six thousand ten-thousandths (0.6000), its 2009-2010 average daily membership must be greater than eleven thousand (11,000), its number of students eligible for free or

reduced-price meals under the National School Lunch Program during the 2010-2011 school year must be greater than six thousand (6,000) and its market value/income aid ratio must have increased from the 1991-1992 school year to the 2011-2012 school year by more than sixty percent (60%).

(ii) The increasing aid ratio supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2009-2010 average daily membership by two million dollars (\$2,000,000).

(B) Divide the product from clause (A) by the sum of the 2009-2010 average daily membership for all qualifying school districts.

(7) A personal income supplement calculated for qualifying school districts as follows:

(i) To qualify for the personal income supplement, a school district's 2011-2012 market value/income aid ratio must be greater than fifty-two hundred ten-thousandths (0.5200) and less than six thousand ten-thousandths (0.6000), its 2009-2010 average daily membership must be greater than five thousand five hundred (5,500), its 2010-2011 equalized millage rate must be greater than twenty-two (22) and less than twenty-six (26), its adjusted personal income valuation for the 2008 tax year must be greater than six hundred fifty million dollars (\$650,000,000) and its number of students eligible for free or reduced-price meals under the National School Lunch Program during the 2010-2011 school year must be greater than one thousand five hundred (1,500).

(ii) The personal income supplement shall be calculated for qualifying school districts as follows:

(A) For each school district with an adjusted personal income valuation for the 2008 tax year greater than eight hundred million dollars (\$800,000,000), the personal income supplement shall be two million dollars (\$2,000,000).

(B) For each school district with an adjusted personal income valuation for the 2008 tax year less than eight hundred million dollars (\$800,000,000), the personal income supplement shall be one million five hundred thousand dollars (\$1,500,000).

(8) A small district increasing aid ratio supplement calculated for qualifying school districts as follows:

(i) To qualify for the small district increasing aid ratio supplement, a school district's 2011-2012 market value/income aid ratio must be greater than five thousand ten-thousandths (0.5000) and less than fifty-five hundred ten-thousandths (0.5500), its market value/income aid ratio must have increased from the 1991-1992 school year to the 2011-2012 school year by more than thirty percent (30%), and its 2009-2010 average daily membership must be greater than one thousand seven hundred (1,700) and less than one thousand eight hundred (1,800).

(ii) The small district increasing aid ratio supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2009-2010 average daily membership by three hundred thousand dollars (\$300,000).

(B) Divide the product from clause (A) by the sum of the 2009-2010 average daily membership for all qualifying school districts.

(9) A small district supplement calculated for qualifying school districts as follows:

(i) To qualify for the small district supplement, a school district's 2011-2012 market value/income aid ratio must be greater than seven thousand ten-thousandths (0.7000) and less than seventy-five ten-thousandths (0.7500), its 2009-2010

average daily membership must be greater than one thousand two hundred (1,200) and less than one thousand three hundred (1,300), and its 2010-2011 equalized millage rate must be greater than nineteen (19).

(ii) The small district supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2009-2010 average daily membership by two hundred fifty thousand dollars (\$250,000).

(B) Divide the product from clause (A) by the sum of the 2009-2010 average daily membership for all qualifying school districts.

(b) The data used to calculate the provisions contained in subsection (a)(2), (3), (4), (5), (6), (7), (8) and (9) shall be based on information available to the Department of Education as of June 30, 2012.

(c) Funds received under subsection (a)(2)(ii) by a school district with a 2011-2012 market value/income aid ratio greater than eighty-five hundred ten-thousandths (0.8500) shall be withheld until such time that a spending plan proposed by the school district's board of school directors for use of the funds is approved by the Secretary of Education in consultation with the local intermediate unit.

(d) The following shall apply:

(1) (i) Funds received by a school district under subsection (a)(3)(ii)(A) shall be used to satisfy judgments and past-due accounts payable beyond ninety (90) or more days, including health care benefits, payments to charter schools, payments to approved private schools and payments to intermediate units.

(ii) If all judgments have been satisfied and past-due accounts paid, funds may be used for timely payment of health care benefits, payments to charter schools, payments to approved private schools, payments to intermediate units and for other expenses approved by the Secretary of Education to ensure the fiscal stability of the school district.

(2) Not later than August 31, 2012, the school district shall submit a report to the Department of Education detailing the use of the funds received under this subsection, including specific payment amounts, specific payment dates and the entities receiving payment.

(e) Any undistributed funds shall be deposited in the Financial Recovery School District Transitional Loan Account.

(f) For the purposes of this section:

(1) The English language learner concentration shall be determined by dividing the school district's number of enrolled students identified as limited English proficient during the 2009-2010 school year by its 2009-2010 average daily membership.

(2) The charter and cyber school concentration shall be determined by dividing the school district's 2009-2010 average daily membership enrolled in charter and cyber charter schools by its 2009-2010 average daily membership.

(2502.51 added June 30, 2012, P.L.684, No.82)

Section 2502.52. Basic Education Funding for 2012-2013 School Year.--(a) For the 2012-2013 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 2011-2012 school year pursuant to section 2502.51.

(2) A student-focused funding supplement comprised of the following:

(i) The school district's average daily membership for the 2012-2013 school year multiplied by one hundred eight dollars (\$108).

(ii) The product under paragraph (i) multiplied by the school district's market value/income aid ratio for the 2013-2014 school year.

(3) An English language learner high incidence supplement calculated for qualifying school districts as follows:

(i) To qualify for the English language learner high incidence supplement, a school district's 2012-2013 market value/income aid ratio must be greater than seven thousand ten-thousandths (0.7000) and its English language learner concentration must be greater than ten and eight tenths percent (10.8%).

(ii) The English language learner high incidence supplement shall be calculated for qualifying school districts as follows:

(A) (I) For qualifying school districts with a 2011-2012 average daily membership greater than eighteen thousand five hundred (18,500), multiply the qualifying school district's 2011-2012 average daily membership by eight million dollars (\$8,000,000).

(II) Divide the product from subclause (I) by the sum of the 2011-2012 average daily membership for all qualifying school districts with a 2011-2012 average daily membership greater than eighteen thousand five hundred (18,500).

(B) (I) For qualifying school districts with a 2011-2012 average daily membership less than eighteen thousand (18,000), multiply the qualifying school district's 2011-2012 average daily membership by five million one hundred fifty thousand dollars (\$5,150,000).

(II) Divide the product from subclause (I) by the sum of the 2011-2012 average daily membership for all qualifying school districts with a 2011-2012 average daily membership less than eighteen thousand (18,000).

(C) (I) For a qualifying school district with a 2011-2012 average daily membership greater than eighteen thousand (18,000) and less than eighteen thousand five hundred (18,500), multiply the qualifying school district's 2011-2012 average daily membership by one million five hundred thousand dollars (\$1,500,000).

(II) Divide the product from subclause (I) by the sum of the 2011-2012 average daily membership for all qualifying school districts with a 2011-2012 average daily membership greater than eighteen thousand (18,000) and less than eighteen thousand five hundred (18,500).

(4) A charter and cyber charter school extraordinary enrollment supplement calculated for qualifying school districts as follows:

(i) To qualify for the charter and cyber charter school extraordinary enrollment supplement, a school district's 2012-2013 market value/income aid ratio must be greater than eight thousand ten-thousandths (0.8000), its charter and cyber charter school concentration must be greater than twenty percent (20%) and its market value/income aid ratio must have increased from the 1991-1992 school year to the 2012-2013 school year by more than ten percent (10%).

(ii) The charter and cyber charter school extraordinary enrollment supplement shall be calculated for qualifying school districts as follows:

(A) (I) For a qualifying school district with a 2011-2012 average daily membership less than one thousand (1,000), multiply the qualifying school district's 2011-2012 average

daily membership by two hundred fifty thousand dollars (\$250,000).

(II) Divide the product from subclause (I) by the sum of the 2011-2012 average daily membership for all qualifying school districts with a 2011-2012 average daily membership less than one thousand (1,000).

(B) (I) For a qualifying school district with a 2011-2012 average daily membership greater than one thousand (1,000), multiply the qualifying school district's 2011-2012 average daily membership by three million seven hundred fifty thousand dollars (\$3,750,000).

(II) Divide the product of subclause (I) by the sum of the 2011-2012 average daily membership for all qualifying school districts with a 2011-2012 average daily membership greater than one thousand (1,000).

(5) An increasing aid ratio supplement calculated for qualifying school districts as follows:

(i) To qualify for the increasing aid ratio supplement, a school district's 2012-2013 market value/income aid ratio must be greater than six thousand ten-thousandths (0.6000), its 2011-2012 average daily membership must be greater than eleven thousand (11,000), its number of students eligible for free or reduced-price meals under the National School Lunch Program during the 2012-2013 school year must be greater than six thousand (6,000) and its market value/income aid ratio must have increased from the 1991-1992 school year to the 2012-2013 school year by more than seventy percent (70%).

(ii) The increasing aid ratio supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2011-2012 average daily membership by two million five hundred thousand dollars (\$2,500,000).

(B) Divide the product from clause (A) by the sum of the 2011-2012 average daily membership for all qualifying school districts.

(6) A small school district supplement calculated for qualifying school districts as follows:

(i) To qualify for a small school district supplement, a school district's 2012-2013 market value/income aid ratio must be less than five thousand ten-thousandths (0.5000), its 2011-2012 average daily membership must be less than one thousand six hundred (1,600), its 2011-2012 equalized millage rate must be greater than sixteen (16) and its charter and cyber charter school concentration must be greater than five percent (5%).

(ii) The small school district supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2011-2012 average daily membership by five hundred thousand dollars (\$500,000).

(B) Divide the product from clause (A) by the sum of the 2011-2012 average daily membership for all qualifying school districts.

(7) A small rural school district supplement calculated for qualifying school districts as follows:

(i) To qualify for the small rural school district supplement, a school district's 2012-2013 market value/income aid ratio must be greater than five thousand ten-thousandths (0.5000) and its 2011-2012 average daily membership must be less than two hundred (200).

(ii) The small rural school district supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2011-2012 average daily membership by two hundred fifty thousand dollars (\$250,000).

(B) Divide the product from clause (A) by the sum of the 2011-2012 average daily membership for all qualifying school districts.

(8) A rural school district supplement calculated for qualifying school districts as follows:

(i) To qualify for the rural school district supplement, a school district's 2012-2013 market value/income aid ratio must be greater than sixty-seven hundred ten-thousandths (0.6700) and less than seven thousand ten-thousandths (0.7000), its 2011-2012 average daily membership must be greater than one thousand eight hundred (1,800) and less than two thousand (2,000) and its 2011-2012 equalized millage rate must be greater than nineteen (19) and less than twenty one (21).

(ii) The rural school district supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2011-2012 average daily membership by five hundred thousand dollars (\$500,000).

(B) Divide the product from clause (A) by the sum of the 2011-2012 average daily membership for all qualifying school districts.

(9) A second class school district supplement calculated for qualifying school districts as follows:

(i) To qualify for the second class school district supplement, a school district must have been classified as a second class school district during the 2000 census, it must have received State reimbursements pursuant to section 2591.1 for the 2009-2010 school year in an amount greater than three million five hundred thousand dollars (\$3,500,000) and it must have a 2011-2012 average daily membership greater than eight thousand (8,000).

(ii) The second class school district supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2011-2012 average daily membership by five hundred thousand dollars (\$500,000).

(B) Divide the product from clause (A) by the sum of the 2011-2012 average daily membership for all qualifying school districts.

(10) A personal income supplement calculated for qualifying school districts as follows:

(i) To qualify for the personal income supplement, a school district's 2012-2013 market value/income aid ratio must be greater than fifty-two hundred ten-thousandths (0.5200) and less than sixty-five hundred ten-thousandths (0.6500), its 2011-2012 average daily membership must be greater than five thousand two hundred (5,200), its 2011-2012 equalized millage rate must be greater than twenty-two (22) and less than twenty-six (26), its adjusted personal income valuation for the 2010 tax year must be greater than six hundred million dollars (\$600,000,000) and less than nine hundred million dollars (\$900,000,000) and its number of students eligible for free or reduced-price meals under the National School Lunch Program during the 2012-2013 school year must be greater than two thousand (2,000).

(ii) The personal income supplement shall be calculated for qualifying school districts as follows:

(A) For each school district with an adjusted personal income valuation for the 2010 tax year greater than eight

hundred million dollars (\$800,000,000), the personal income supplement shall be two million dollars (\$2,000,000).

(B) For each school district with an adjusted personal income valuation for the 2010 tax year less than eight hundred million dollars (\$800,000,000), the personal income supplement shall be one million five hundred thousand dollars (\$1,500,000).

(11) A second class A county school district supplement calculated for qualifying school districts as follows:

(i) To qualify for the second class A county school district supplement, a school district must be located in a county of the second class A as determined by the 2010 census, its 2012-2013 market value/income aid ratio must be greater than sixty-eight hundred ten-thousandths (0.6800), its 2011-2012 average daily membership must be greater than four thousand (4,000) and its 2011-2012 equalized millage rate must be greater than twenty seven (27).

(ii) The second class A county school district supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2011-2012 average daily membership by one million dollars (\$1,000,000).

(B) Divide the product from clause (A) by the sum of the 2011-2012 average daily membership of all qualifying school districts.

(12) A third class county school district supplement calculated for qualifying school districts as follows:

(i) To qualify for the third class county school district supplement, a school district must be located in a county of the third class as determined by the 2010 census, its 2012-2013 market value/income aid ratio must be greater than six thousand ten-thousandths (0.6000) and less than sixty-nine hundred ten-thousandths (0.6900) and its 2011-2012 average daily membership must be greater than ten thousand (10,000) and less than thirteen thousand (13,000).

(ii) The third class county school district supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2011-2012 average daily membership by one million dollars (\$1,000,000).

(B) Divide the product from clause (A) by the sum of the 2011-2012 average daily membership of all qualifying school districts.

(13) A third class county small school district supplement calculated for qualifying school districts as follows:

(i) To qualify for the third class county small school district supplement, a school district must be located in a county of the third class as determined by the 2010 census, its 2012-2013 market value/income aid ratio must be greater than seventy-six hundred ten-thousandths (0.7600), its 2011-2012 average daily membership must be less than two thousand (2,000) and its number of students eligible for free or reduced-price meals under the National School Lunch Program during the 2012-2013 school year must be less than eight hundred (800).

(ii) The third class county small school district supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2011-2012 average daily membership by one million dollars (\$1,000,000).

(B) Divide the product from clause (A) by the sum of the 2011-2012 average daily membership of all qualifying school districts.

(14) A growth supplement calculated for qualifying school districts as follows:

(i) To qualify for the growth supplement, a school district's 2012-2013 market value/income aid ratio must be

greater than fifty-one hundred ten-thousandths (0.5100) and less than sixty-two hundred ten-thousandths (0.6200), its 2011-2012 average daily membership must be greater than three thousand two hundred (3,200) and less than four thousand (4,000), its equalized millage rate must be greater than twenty-one (21) and less than twenty-three (23) and its number of students eligible for free or reduced-price lunch under the National School Lunch Program during the 2012-2013 school year must be greater than one thousand two hundred (1,200) and less than one thousand seven hundred (1,700).

(ii) The growth supplement shall be calculated for qualifying school districts as follows:

(A) For each school district with a 2012-2013 market value/income aid ratio less than fifty-three hundred ten-thousandths (0.5300), the growth supplement shall be one hundred sixty thousand dollars (\$160,000).

(B) For each school district with a 2012-2013 market value/income aid ratio greater than fifty-three hundred ten-thousandths (0.5300) and less than six thousand ten-thousandths (0.6000), the growth supplement shall be five hundred thousand dollars (\$500,000).

(C) For each school district with a 2012-2013 market value/income aid ratio greater than six thousand ten-thousandths (0.6000), the growth supplement shall be two hundred thousand dollars (\$200,000).

(b) The data used to calculate the provisions contained in subsection (a) (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14) shall be based on information available to the Department of Education as of June 30, 2013.

(c) Any undistributed funds shall be deposited in the Financial Recovery School District Transitional Loan Account.

(d) For the purposes of this section:

(1) The English language learner concentration shall be determined by dividing the school district's number of enrolled students identified as limited English proficient during the 2011-2012 school year by its 2011-2012 average daily membership.

(2) The charter and cyber charter school concentration shall be determined by dividing the school district's 2011-2012 average daily membership enrolled in charter and cyber charter schools by its 2011-2012 average daily membership.

(2502.52 added July 9, 2013, P.L.408, No.59)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 1913-A(b) (1.6) and (1.7), provided that Act 61 shall apply retroactively to July 1 2008.

Section 2502.53. Student-Weighted Basic Education Funding.--(a) The General Assembly finds and declares that the student-weighted basic education funding formula is the result of the work of the Basic Education Funding Commission established pursuant to section 123.

(b) For the 2015-2016 school year and each school year thereafter, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the school district's basic education funding allocation for the 2013-2014 school year.

(2) A student-based allocation to be calculated as follows:

(i) Multiply the school district's student-weighted average daily membership by the median household income index and local effort capacity index.

(ii) Multiply the product in subparagraph (i) by the difference between the amount appropriated for the allocation of basic education funding to school districts and the amount appropriated for the allocation in paragraph (1).

(iii) Divide the product in subparagraph (ii) by the sum of the products in subparagraph (i) for all school districts.

(c) For the purpose of this section:

(1) Student-weighted average daily membership for a school district shall be the sum of the following:

(i) The average of the school district's three most recent years' average daily membership.

(ii) The acute poverty average daily membership calculated as follows:

(A) Multiply the school district's acute poverty percentage by its average daily membership.

(B) Multiply the product in clause (A) by six-tenths (0.6).

(iii) The poverty average daily membership calculated as follows:

(A) Multiply the school district's poverty percentage by its average daily membership.

(B) Multiply the product in clause (A) by three-tenths (0.3).

(iv) The concentrated poverty average daily membership for qualifying school districts with an acute poverty percentage equal to or greater than thirty percent (30%), to be calculated as follows:

(A) Multiply the school district's acute poverty percentage by its average daily membership.

(B) Multiply the product in clause (A) by three-tenths (0.3).

(v) The number of the school district's limited English-proficient students multiplied by six-tenths (0.6).

(vi) The average daily membership for the school district's students enrolled in charter schools and cyber charter schools multiplied by two-tenths (0.2).

(vii) The sparsity/size adjustment for qualifying school districts with a sparsity/size ratio greater than the sparsity/size ratio that represents the seventieth percentile sparsity/size ratio for all school districts calculated as follows:

(A) Divide the school district's sparsity/size ratio by the sparsity/size ratio that represents the seventieth percentile for all school districts.

(B) Subtract one (1) from the quotient in clause (A).

(C) Multiply the sum of subparagraphs (i), (ii), (iii), (iv), (v) and (vi) by the amount in clause (B).

(D) Multiply the product in clause (C) by seven-tenths (0.7).

(2) Local effort index for a school district shall be calculated as follows:

(i) Determine the school district's local effort factor calculated as follows:

(A) Multiply the school district's median household income by its number of households.

(B) Divide the school district's local tax-related revenue by the product in clause (A).

(C) Multiply the quotient in clause (B) by one thousand (1,000).

(D) Divide the product in clause (C) by the Statewide median of clause (C).

(ii) Determine the school district's excess spending factor, to be calculated as follows:

(A) Divide the school district's current expenditures by the sum of its average daily membership and the amounts in paragraph (1)(ii), (iii), (iv), (v), (vi) and (vii).

(B) Divide the quotient in clause (A) by the Statewide median of clause (A).

(C) Divide one (1) by the quotient in clause (B).

(iii) Multiply the school district's local effort factor by the lesser of one (1) or the school district's excess spending factor.

(3) Local capacity index for a qualifying school district shall be calculated as follows:

(i) Divide the school district's local tax-related revenue by the sum of its market value and personal income valuation.

(ii) Multiply the sum of the school district's market value and personal income valuation by the Statewide median of subparagraph (i).

(iii) Determine the school district's local capacity per student by dividing the product in subparagraph (ii) by the sum of its average daily membership and the amounts in paragraph (1)(ii), (iii), (iv), (v), (vi) and (vii).

(iv) If the school district's local capacity per student is less than the Statewide median of subparagraph (iii):

(A) Divide the school district's local capacity per student by the Statewide median.

(B) Subtract the quotient in clause (A) from one (1).

(4) Local effort capacity index for a school district shall equal the sum of its local effort index and local capacity index.

(5) The data used to calculate the factors and indexes in this section shall be based on the most recent years for which data is available as determined by the Department of Education.

(d) For purposes of this section:

(1) "Acute poverty percentage" shall mean the number of children six (6) to seventeen (17) years of age living in a household where the ratio of income to poverty is less than one hundred percent (100%) of the Federal poverty guidelines divided by the total number of children six (6) to seventeen (17) years of age as determined by the most recent five-year estimate of the United States Census Bureau's American Community Survey.

(2) "Households" shall mean the number of households in each school district as determined by the most recent five-year estimate of the United States Census Bureau's American Community Survey.

(3) "Local tax-related revenue" shall mean the sum of school district revenues for State property tax reduction allocation, taxes levied and assessed, delinquencies on taxes levied and assessed, revenue from local government units and other local revenues not specified elsewhere, as designated in the Manual of Accounting and Financial Reporting for Pennsylvania Public Schools.

(4) "Median household income" shall mean the median household income for school districts and the State as determined by the most recent five-year estimate of the United States Census Bureau's American Community Survey.

(5) "Median household income index" shall mean a number calculated as follows:

(i) Divide a school district's median household income by the State median household income.

(ii) Divide one (1) by the quotient in subparagraph (i).

(6) "Poverty percentage" shall mean the number of children six (6) to seventeen (17) years of age living in a household where the ratio of income to poverty is between one hundred percent (100%) and one hundred eighty-four percent (184%) of the Federal poverty guidelines divided by the total number of children six (6) to seventeen (17) years of age as determined by the most recent five-year estimate of the United States Census Bureau's American Community Survey.

(7) "Size ratio" shall mean a number calculated as follows:

(i) Divide the average of a school district's three (3) most recent years' average daily membership by the Statewide average of the three (3) most recent years' average daily membership for all school districts.

(ii) Multiply the amount in subparagraph (i) by five-tenths (0.5).

(iii) Subtract the amount in subparagraph (ii) from one (1).

(8) "Sparsity ratio" shall mean a number calculated as follows:

(i) Divide the average of a school district's three (3) most recent years' average daily membership by its total square miles as reported in the latest decennial census as reported by the United States Census Bureau.

(ii) Divide the State total average daily membership by the State total square miles.

(iii) Divide the quotient in subparagraph (i) by the quotient in subparagraph (ii).

(iv) Multiply the quotient in subparagraph (iii) by five-tenths (0.5).

(v) Subtract the product in subparagraph (iv) from one (1).

(9) "Sparsity/size ratio" shall mean a number calculated by adding the following amounts:

(i) The sparsity ratio multiplied by four-tenths (0.4).

(ii) The size ratio multiplied by six-tenths (0.6).

(2502.53 added June 1, 2016, P.L.252, No.35)

Section 2502.54. Supplemental Payment of Basic Education Funding for the 2014-2015 School Year.--(a) The Commonwealth shall make the following supplemental basic education funding payments for the 2014-2015 school year as follows:

(1) For a third class school district identified in financial watch status under section 611-A to curtail its educational program and assign pupils to a neighboring school district through a written agreement, an amount of three million dollars (\$3,000,000).

(2) For a second class school district declared to be in financial recovery status under section 621-A(a)(1)(i)(B) to reduce its structural deficit, an amount equal to twelve million dollars (\$12,000,000).

(b) Payments made under this section shall be deemed to be part of the school district's allocation amount under section 2502.53(b)(1) for the 2015-2016 school year and each year thereafter.

(2502.54 added June 1, 2016, P.L.252, No.35)

Compiler's Note: Section 2 of Act 35 of 2016, which added section 2502.54, provided that the sum of \$15,000,000 is hereby appropriated to the Department of Education for the purpose of supplemental payments of basic education funding for the 2014-2015 school year in accordance with section 2502.54.

Section 2503. Payments on Account of Tuition.--(a) ((a) repealed Feb. 1, 1966, 1965 P.L.1642, No.580)

(b) ((b) deleted Dec. 27, 1951, P.L.1783, No.472)

(c) Each school district, regardless of classification, which accepts any non-resident child in its school under the provisions of section one thousand three hundred five or section one thousand three hundred six of the act to which this is an amendment, shall be paid by the Commonwealth an amount equal to the tuition charge per elementary pupil or the tuition charge per high school pupil, as the case may be, as defined in section two thousand five hundred sixty-one of the act to which this is an amendment, for each pupil so accepted. In the case of pupils attending the district's public schools for less than a full school term, the tuition charges shall be prorated by reference to the period of time over which such pupil actually attended the district's schools. ((c) amended Feb. 17, 1956, 1955 P.L.1048, No.337)

(d) Each school district, regardless of classification, whose resident pupils attend a State-owned school, other than a post-secondary school, shall pay the greater of either twenty percent (20%) of the cost per pupil as determined by the Department of Education or its tuition charge per elementary pupil or its tuition charge per high school pupil, as the case may be. The Secretary of Education shall withhold from any moneys due to such districts out of any State appropriation for assistance as reimbursement of school districts, the amounts due by such districts to such State-owned schools. Amounts so withheld shall be specifically appropriated to the Department of Education. ((d) added Aug. 5, 1991, P.L.219, No.25)

Section 2503.1. Minimum Reimbursements to Union and Merged Districts and Jointures.--(2503.1 repealed Feb. 1, 1966, 1965 P.L.1642, No.580)

Section 2504. Payments on Account of Vocational Curriculum.--(2504 repealed May 11, 1982, P.L.396, No.115)

Section 2504.1. Payments on Account of Standardized Driver-Education Programs.--Every school district or joint school organization complying with the standardized driver-education program established by the department shall be paid, by the Commonwealth from the Motor License Fund, an amount to be determined by multiplying the number of pupils who have completed the high school standardized driver-education program conducted by any given school district or joint school organization by a basic figure of thirty-five (\$35) dollars per student.

(2504.1 amended Jan. 24, 1966, 1965 P.L.1506, No.528)

Section 2504.2. Payments on Account of Pupils Enrolled in Area Vocational-Technical Schools.--(2504.2 repealed May 11, 1982, P.L.396, No.115)

Section 2504.3. Payments on Account of Students Enrolled in Technical Institutes.--The Commonwealth shall pay every school district having out-of-school youth or adults enrolled in a technical institute for each pupil in average daily membership one-third of the total current expenses per pupil as provided in the approved budget, or the per pupil cost for current expenses, whichever is less. The remainder of the cost of total current expenses may be borne by the district of residence or by the district of residence and the pupil, but in no event shall the pupil bear more than one-third of the total current expenses per pupil.

(2504.3 added Aug. 14, 1963, P.L.1065, No.463)

Section 2504.4. Payments on Account of Limited English Proficiency Programs.--(a) To qualify for limited English

proficiency payments under this section, a school district's 2004-2005 market value income aid ratio must be greater than or equal to 0.3000 and the number of enrolled students identified as limited English proficient in the 2002-2003 school year must be no less than 2% of the school district's 2002-2003 average daily membership. The allocation to a qualified school district under this section shall be paid in fiscal year 2004-2005 out of the appropriation for basic education funding to school districts and determined by:

(1) multiplying the number of enrolled students identified as Limited English Proficient in the 2002-2003 school year in a qualified school district by \$11,135,070; and

(2) dividing the product from paragraph (1) by the total number of enrolled students identified as Limited English Proficient in all qualified school districts.

(a.1) To qualify for limited English proficiency payments under this section for the 2004-2005 school year, a school district's 2005-2006 market value/income aid ratio must be greater than or equal to three thousand ten-thousandths (0.3000), and the number of enrolled students identified as limited English proficient in the 2003-2004 school year must be no less than two percent (2%) of the school district's 2003-2004 average daily membership. The allocation to a qualified school district under this section shall be paid in fiscal year 2005-2006 out of the appropriation for basic education funding to school districts and determined by:

(1) multiplying the number of enrolled students identified as limited English proficient in the 2003-2004 school year in a qualified school district by three million dollars (\$3,000,000); and

(2) dividing the product from paragraph (1) by the total number of enrolled students identified as limited English proficient in all qualified school districts.

((a.1) added July 13, 2005, P.L.226, No.46)

(a.2) To qualify for limited English proficiency payments under this section, a school district's 2006-2007 market value/income aid ratio must be equal to or greater than three thousand five hundred ten-thousandths (.3500), and the number of enrolled students identified as limited English proficient in the 2004-2005 school year must be equal to or greater than two and one-half percent (2.5%) of the school district's 2004-2005 average daily membership. The allocation under this section shall be paid in fiscal year 2006-2007 out of the appropriation for basic education funding and calculated for qualifying school districts as follows:

(1) Multiply the number of enrolled students identified as limited English proficient in the 2004-2005 school year by ten million dollars (\$10,000,000).

(2) Divide the product from paragraph (1) by the sum of enrolled students identified as limited English proficient for all qualifying school districts.

((a.2) added July 11, 2006, P.L.1092, No.114)

(a.3) To qualify for limited English proficiency payments under this section, a school district's 2007-2008 market value/income aid ratio must be equal to or greater than three thousand eight hundred ten-thousandths (.3800), and the number of enrolled students identified as limited English proficient in the 2005-2006 school year must be equal to or greater than three and one-half percent (3.5%) of the school district's 2005-2006 average daily membership. The allocation under this section shall be paid in fiscal year 2007-2008 out of the

appropriation for basic education funding and calculated for qualifying school districts as follows:

(1) Multiply the number of enrolled students identified as limited English proficient in the 2005-2006 school year by two million seven hundred thousand dollars (\$2,700,000).

(2) Divide the product from paragraph (1) by the sum of enrolled students identified as limited English proficient for all qualifying school districts.

((a.3) added July 20, 2007, P.L.278, No.45)

(b) Funds received by a school district under this section shall only be used to support instructional programs for students identified as Limited English Proficient. A school district shall not place any funds received under this section into any reserve account.

(2504.4 added July 4, 2004, P.L.536, No.70)

Section 2505. Payments on Account of School Nurses.--(2505 repealed Sept. 29, 1961, P.L.1743, No.707)

Section 2505.1. State Reimbursement for Health Services.--(a) Every school district and joint school board which renders health services to children of school age shall be reimbursed by the Commonwealth on account of health services which conform to standards approved by the Secretary of Health. Reimbursements shall be paid by the Secretary of Health. The amount thereof shall be the actual cost of the medical and dental services and school nurse services as certified to the Secretary of Health, less any charges deemed unreasonable by him, but for medical services shall not for any school year exceed the sum of (1) one dollar and sixty cents (\$1.60) multiplied by the number of children enrolled in a school for the entire school term of that school year and for whom the school district or joint school board maintains comprehensive health records as defined in section 1402, and (2) a proportionate part of one dollar and sixty cents (\$1.60) for each child enrolled for a part of the school term of that school year and for whom the school district or joint school board maintains a comprehensive health record as defined in section 1402, for dental services shall not for any school year exceed the sum of (1) eighty cents (\$.80) multiplied by the number of children enrolled in a school for the entire school term of that school year and for whom the school district or joint school board maintains comprehensive health records as defined in section 1402, and (2) a proportionate part of eighty cents (\$.80) for each child enrolled for a part of the school term of that school year and for whom the school district or joint school board maintains a comprehensive health record as defined in section 1402, and for school nurse services shall not for any school year exceed the sum of (1) seven dollars (\$7.00) multiplied by the number of children enrolled in a school for the entire school term of that school year, and (2) a proportionate part of seven dollars (\$7.00) for each child enrolled for a part of the school term of that school year. ((a) amended July 13, 1979, P.L.94, No.41)

(a.1) Every school district or joint school board which employs one or more dental hygienists for the purpose of dental hygiene services to children of school age shall be reimbursed by the Commonwealth on account of such services which conform to standards approved by the Secretary of Health. Reimbursement shall be made by the Secretary of Health. The amount thereof shall be the actual cost of the dental hygiene services as certified to the Secretary of Health, less any charges that shall be deemed unreasonable by him, but for any school year shall not exceed the sum of two dollars (\$2) multiplied by the

actual number of children enrolled in the school for the entire school term who receive such dental hygiene services, and a proportionate part of two dollars (\$2) for each child enrolled for a part of the school term of that school year and who actually receives dental hygiene services. Reimbursement under this subsection shall be in lieu of any reimbursement provided in subsection (a) of this section for dental services. ((a.1) amended July 13, 1979, P.L.94, No.41)

(b) No reimbursement shall be made under this section for services for which the Commonwealth reimburses, in whole or in part, under any other section of the act to which this is an amendment. Reimbursement on account of the employment of school nurses shall be made under the provisions of this section. Reimbursement on account of health services rendered by a school district or joint school board may be withheld by the Secretary of Health unless the actual expenditures for the health services are certified to the Secretary of Health within three months after the end of the school year during which the payment for the service was made by the school district or joint school board.

(b.1) Every school district which renders health services to children shall be reimbursed by the Commonwealth on account of health services which conform to standards approved by the Secretary of Health. Reimbursement shall be paid by the Secretary of Health. For the school year 1990-1991, the amount of this reimbursement for this subsection shall be the sum of five dollars and ninety cents (\$5.90) multiplied by the average daily membership of each school district. For the school year 1991-1992 and each school year thereafter, the amount of this reimbursement for this subsection shall be the sum of nine dollars and seventy cents (\$9.70) multiplied by the average daily membership of each school district. ((b.1) added Aug. 5, 1991, P.L.219, No.25)

(c) Nothing herein contained shall be construed to prohibit any school district or joint school board from expending for health services amounts in excess of the reimbursable amounts.

(2505.1 amended Sept. 29, 1961, P.L.1743, No.707)

Section 2506. Payments on Account of Approved Travel.--(2506 repealed May 11, 1982, P.L.396, No.115)

Section 2506.1. Payments on Account of Approved Adult Program Travel.--(a) Every school district and area vocational-technical school shall be paid by the Commonwealth for every school year, on account of approved adult vocational program traveling expenses in the discharge of teaching and supervisory responsibilities of teachers, coordinators, supervisors and directors in vocational education, eighty per centum (80%) of the sum expended by the school district or area vocational-technical school for such approved travel.

(b) For the 1991-1992 school year and each school year thereafter, the Commonwealth shall pay the amount required by this section to the school district or area vocational-technical school which provides the program upon which such reimbursement is based.

(2506.1 amended Aug. 5, 1991, P.L.219, No.25)

Section 2507. Payments on Account of Approved Vocational Extension Classes and Pre-employment Training.--Every school district and every vocational school district and area vocational-technical school, regardless of classification, shall be paid by the Commonwealth for every school year, on account of approved vocational extension classes and pre-employment training, eighty per cent (80%) of the sum which was expended by the district or area vocational-technical school for the

compensation of vocational extension and pre-employment training teachers and supervisors. For the purpose of computing reimbursement, the maximum compensation shall be four dollars (\$4.00) per hour for the 1985-1986 through the 1989-1990 school years and eight dollars and sixty cents (\$8.60) per hour for the 1990-1991 school year and each school year thereafter and the amount expended for supervisory salaries shall not exceed twenty per cent (20%) of the sum expended for teachers' salaries: Provided, That in special cases when travel time or unusual preparation of instructional materials or other factors result in an inadequate compensation, the Department of Education may approve additional reimbursable employment time for such additional services upon the submission of adequate substantiative evidence from the responsible superintendent of schools. For the 1985-1986 school year and each school year thereafter, the Commonwealth shall pay the amount required by this section to the school district or area vocational-technical school which provided the approved vocational extension classes and pre-employment training for which reimbursement is made.

(2507 amended Aug. 5, 1991, P.L.219, No.25)

Section 2508. Distribution of Unencumbered Funds for Vocational Education.--The State Board for Vocational Education shall administer the allocation of Federal and State vocational education funds which are otherwise unencumbered. Allocations shall be made for the furtherance of the provisions of the State and Federal vocational education acts with emphasis on the improvement of facilities, reimbursement of teachers' salaries, research and projects which will contribute to the economic welfare of youth and adults.

(2508 amended Aug. 4, 1961, P.L.929, No.407)

Section 2508.1. Payment on Account of Equipment Purchased for Area Vocational-Technical Schools and Technical Institutes.--Every area vocational-technical board operating approved area vocational-technical schools or technical institutes shall be paid by the Commonwealth, annually, on account of instructional equipment approved by the Department of Public Instruction, purchased and installed, a proportionate share of Federal and State funds available and expendable for that purpose. The Department of Public Instruction may make advanced payment of available but unencumbered State and Federal funds to expedite the purchase of equipment.

(2508.1 amended Aug. 14, 1963, P.L.1065, No.463)

Section 2508.2. Payments on Account of Area Vocational-Technical Schools and Technical Institutes.--(2508.2 repealed May 11, 1982, P.L.396, No.115)

Section 2508.3. Payments for Vocational Training of Recipients of Public Assistance and Unemployment Compensation.--The State Board for Vocational Education shall establish rules and regulations and thereunder, approve and authorize payment of the full cost of intensive vocational education classes for qualified public assistance recipients or other unemployed, to take definite available employment which may be contingent upon such training.

The State Board for Vocational Education shall further establish rules and regulations and thereunder approve and authorize payments from funds specifically appropriated for that purpose up to the full cost, including administration, of intensive vocational educational classes to increase skill levels for those persons for whom there are no public training programs available as the unfilled and expanding needs of the Pennsylvania economy shall require in the following categories:

(1) Part-time workers not otherwise employed;

(2) Employed persons who are working below their skill levels and capacities.

Said rules and regulations shall further provide for the implementation of emergency training programs, as the needs of the Pennsylvania economy and the requirements of the above-categorized persons shall require. The board shall authorize said emergency programs and the funding thereof, under said rules and regulations as the necessity therefor shall become apparent.

Said board shall, from time to time, conduct necessary studies and surveys to determine the need for the establishment of said programs and facilities as the needs of the Pennsylvania economy and such persons shall require.

(2508.3 amended July 31, 1968, P.L.929, No.280)

Section 2508.4. Payments on Account of Improvements and Additions in Vocational-Technical Curriculums.--Every area vocational board operating an approved program of vocational or technical education in its own or rented space shall be paid by the Commonwealth for every school year on account of approved replacement, updating and improvement of equipment and on account of approved new or additional equipment up to fifty per cent of the cost of such improvements and additions.

(2508.4 added Aug. 14, 1963, P.L.1065, No.463)

Section 2508.5. Payment on Account of Equipment Purchased for Area Vocational-Technical Schools and School Districts.--(a)

For the 2013-2014 school year, each area vocational-technical school and school district with an approved vocational program that applies to and is approved by the Department of Education under subsection (b) for funding for the purchase of equipment that meets industry standards for the purpose of training to students shall receive a grant in an amount equal to the sum of the following:

(1) An equal share of one million five hundred thousand dollars (\$1,500,000), determined by dividing one million five hundred thousand dollars (\$1,500,000) by the total number of area vocational-technical schools and school districts that have been approved for funding by the Department of Education under subsection (b).

(2) A per student amount calculated as follows:

(i) Multiply the 2012-2013 average daily membership in approved vocational education programs for each area vocational-technical school or school district that has been approved for funding by the Department of Education under subsection (b) by one million five hundred thousand dollars (\$1,500,000).

(ii) Divide the product from subclause (i) by the sum of the 2012-2013 average daily membership in approved vocational education programs for all area vocational-technical schools and school districts that have been approved for funding by the Department of Education under subsection (b).

(b) (1) Within thirty (30) days of the effective date of this subsection, the Department of Education shall establish guidelines under which area vocational-technical schools, and school districts with approved vocational programs may apply to the department for funding for the purchase of equipment, which shall include a funding application and an application deadline.

(2) The funding application established by the Department of Education pursuant to clause (1) shall require only the following information which may be collected electronically:

(i) Name, address, e-mail address and telephone number of the area vocational-technical school or school district.

(ii) Name, e-mail address and telephone number of an employee of the area vocational-technical school or school district who will be available to answer questions regarding the funding application.

(iii) Description of the equipment for which the requested funding will be used.

(3) In approving funding applications under this section, the Department of Education shall request and consider no information other than the information provided in the funding application established under clause (2). Each area vocational-technical school or school district with an approved vocational program that submits a completed funding application under this subsection shall receive funding in the amount determined under subsection (a).

(2508.5 added July 9, 2013, P.L.408, No.59)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Section 2509. Payments on Account of Courses for Exceptional Children.--(a) Before the first day of July of every year up to and including 1990, every school district or joint board of school directors planning to conduct classes or schools for exceptional children shall submit, for prior review and approval to establish the amount on which reimbursement will be paid by the Department of Education, an estimate of the cost of classes or schools for exceptional children to be operated by the district or joint board during the ensuing school year, and for transportation of pupils to and from classes and schools for exceptional children conducted by the district or joint board of school directors. From the school term of 1954-1955 up to and including the school term of 1990-1991, every school district, regardless of classification, shall be paid by the Commonwealth an amount to be determined by multiplying the average daily membership in a course or courses for exceptional children, (1) at the elementary level, by an amount determined by subtracting the "instruction cost per elementary pupil," as defined in section 2561 of this act, from the "instruction cost per special class pupil," as hereinafter defined, for the preceding school term, or from the instruction cost per special class elementary pupil as approved for reimbursement by the Department of Education in the budget for classes or schools for exceptional children for the school year in which the class is operated, whichever is the lesser, (2) at the secondary level, by an amount determined by subtracting the "instruction cost per high school pupil," as defined in section 2561 of this act, from the "instruction cost per special class pupil," as hereinafter defined, for the preceding school term, or from the instruction cost per special classes secondary pupil as approved for reimbursement by the Department of Education in the budget for classes or school for exceptional children for the school year in which the class is operated, whichever is the lesser.

(b) To find the "instruction cost per special class pupil," add (1) salaries of directors and supervisors of special education, public school psychologists, principals of special schools and assistants, teachers of approved special classes for exceptional children, clerks and assistants employed in the district's program for special education, (2) the district's contribution to the retirement fund on behalf of directors and supervisors of special education, public school psychologists, principals of special schools and assistants, teachers of approved special classes for exceptional children, clerks and

assistants employed in the district's program for special education, (3) the cost of textbooks and supplies of the second class used in the district's special education classes or schools, (4) the cost of telephonic system equipment which enables handicapped children to remain in their homes and still participate in classroom activities. Divide the sum of (1), (2), (3), and (4) on that part thereof which is approved by the Department of Education for reimbursement by the total number of pupils, including those pupils who have available for use telephonic system equipment whereby they may remain at home and still participate in classroom activities, in average daily membership in the district's approved special classes for exceptional children. The quotient so obtained shall be the "instruction cost per special class pupil."

(c) The average daily membership of speech correction classes for every school term up to and including the 1990-1991 school term shall be calculated by multiplying (1) the average number of pupils in speech correction classes per week by (2) the number of periods per week that speech correction is provided for the individual pupil by (3) the number of minutes per period in speech correction class. Divide the product of (1), (2) and (3) by the total number of minutes spent in all classes weekly by the average pupil. The quotient thus obtained will be the "average daily membership for pupils in speech correction classes."

(d) From the school term of 1972-1973 up to and including the school term of 1988-1989, such payments shall consist of an amount payable in two equal installments during the year of operation, with adjustments to be made during the next succeeding school year. The amount to be paid in equal installments on or about the first day of August and on or about the first day of January of the operating year shall be the sum of the products determined by multiplying the anticipated equivalent full-time average daily membership in courses for exceptional children as reported on the approved budget for the operating year (1) at the elementary level times an amount determined by subtracting the estimated instruction cost per elementary pupil, as defined in section 2561 of this act, for the preceding school term from the budgeted instruction cost per special class elementary pupil as approved by the Department of Education for the operating year and (2) at the secondary level times an amount determined by subtracting the estimated instruction cost per high school pupil, as defined in section 2561 of this act, for the preceding school term from the budgeted instruction cost per special class secondary pupil as approved by the Department of Education for the operating year.

(e) For every operating year up to and including the 1987-1988 school year, the adjustment to be made during the school year immediately succeeding the operating year shall be determined by subtracting the payments made during the preceding year from the actual amount of reimbursement which would have been payable for said year if calculated as during the year 1954-1955 through 1971-1972. When determined, the adjusted amount, if positive, shall be paid promptly to the district and, if negative, shall be withheld from any moneys due to such district out of any State appropriation.

(f) During the 1991-1992 school year, the Commonwealth shall pay to each school district the estimated amount due on account of approved special education programs operated by each school district during the 1990-1991 school term. Such payments shall consist of an amount payable in six (6) installments as follows: in July of 1991, fifteen percent (15%) of the estimated amount

due; in September of 1991, fifteen percent (15%) of the estimated amount due; in November of 1991, fifteen percent (15%) of the estimated amount due; in January of 1992, fifteen percent (15%) of the estimated amount due; in March of 1992, fifteen percent (15%) of the estimated amount due; and in June of 1992, the remainder due, determined by adding the payments made during July, September, November, January and March and subtracting the result from the actual reimbursable amount earned for the 1990-1991 school term.

(2509 amended Aug. 5, 1991, P.L.219, No.25)

Section 2509.1. Payments to Intermediate Units.--(a)

Annually, before the first day of July, every intermediate unit shall submit, for prior review and approval by the Department of Education, an estimate of the cost for transportation of pupils to and from classes and schools for exceptional children, and of eligible young children to and from early intervention programs, whether or not such classes, schools or programs are conducted by the intermediate unit. On or before the first day of September, the Commonwealth shall pay to the intermediate unit a sum equal to one-half of the approved annual cost of such transportation in the prior year and, on or before the first day of February, shall pay a sum equal to one-quarter of the approved estimated annual cost of such transportation for the current school year, and on or before June 30, the Commonwealth shall pay the remaining quarter adjusted to reflect actual approved cost.

(b) On or before the first day of July 1991, every intermediate unit shall submit, for prior review and approval by the Department of Education, an estimate of the cost of operating and administering classes or schools for institutionalized children operated by the intermediate unit during the 1990-1991 school year. During the 1991-1992 school year, the Commonwealth shall pay each intermediate unit the approved amount.

(b.1) For programs operated during the 1992-1993 school year and each school year thereafter, the Commonwealth shall pay intermediate units, based on their costs of operating and administering classes or schools for institutionalized children, an amount to be determined by the Department of Education following review of annual reports of the costs of such classes or schools for the immediately preceding year. To qualify for such payments, each intermediate unit that operates and administers classes or schools for institutionalized children annually shall submit to the Department of Education on or before the first day of July a report of the cost of operating and administering such classes or schools. Notwithstanding the foregoing, intermediate units may submit their annual reports for the 1991-1992 school year until June 30, 1993, although this date may be extended as deemed necessary by the Secretary of Education provided that for programs operated during the 1992-1993 school year and the 1993-1994 school year the aggregate amounts paid on this account shall not exceed twenty million six hundred thousand dollars (\$20,600,000) per year. ((b.1) amended July 11, 1996, P.L.633, No.107)

(b.2) Up to twenty-one million two hundred thousand dollars (\$21,200,000) may be utilized for programs operated during the 1994-1995 school year for institutionalized children by intermediate units as established in subsection (b.1).

(b.3) Up to twenty-two million dollars (\$22,000,000) may be utilized for programs operated during the 1995-1996 school year for institutionalized children by intermediate units as established in subsection (b.1).

(b.4) Up to twenty million dollars (\$20,000,000) may be utilized for programs operated during the 1996-1997 school year for institutionalized children by intermediate units as established in subsection (b.1). ((b.4) added July 11, 1996, P.L.633, No.107)

(b.5) Up to twelve million dollars (\$12,000,000) may be utilized for programs administered and operated during the 1997-1998 school year for institutionalized children by intermediate units as established in subsection (b.1). ((b.5) added June 25, 1997, P.L.297, No.30)

(b.6) Up to nine million dollars (\$9,000,000) may be utilized for programs administered and operated during the 1998-1999 school year for institutionalized children by intermediate units as established in subsection (b.1). ((b.6) added Apr. 27, 1998, P.L.270, No.46)

(b.7) Up to nine million five hundred thousand dollars (\$9,500,000) may be utilized for programs administered and operated during the 1999-2000 school year for institutionalized children by intermediate units as established in subsection (b.1). ((b.7) added June 26, 1999, P.L.394, No.36)

(b.8) Up to nine million dollars (\$9,000,000) may be utilized for programs administered and operated by intermediate units during the 2000-2001 school year for institutionalized children as provided in subsection (b.1). ((b.8) added May 10, 2000, P.L.44, No.16)

(b.9) Up to nine million five hundred thousand dollars (\$9,500,000) may be utilized for programs administered and operated by intermediate units during the 2001-2002 school year for institutionalized children as provided in subsection (b.1). ((b.9) added June 22, 2001, P.L.530, No.35)

(b.10) Up to nine million five hundred thousand dollars (\$9,500,000) may be utilized for programs administered and operated by intermediate units during the 2002-2003 school year for institutionalized children as established in subsection (b.1). ((b.10) added June 29, 2002, P.L.524, No.88)

(b.11) Up to nine million five hundred thousand dollars (\$9,500,000) may be utilized for programs administered and operated by intermediate units during the 2003-2004 school year for institutionalized children as established in subsection (b.1). ((b.11) added Dec. 23, 2003, P.L.304, No.48)

(b.12) Up to nine million seven hundred and fifty thousand dollars (\$9,750,000) may be utilized for programs administered and operated by intermediate units during the 2004-2005 school year for institutionalized children as established in subsection (b.1). ((b.12) added July 4, 2004, P.L.536, No.70)

(b.13) Up to ten million two hundred fifty thousand dollars (\$10,250,000) may be utilized for programs administered and operated by intermediate units during the 2005-2006 school year for institutionalized children as established in subsection (b.1). ((b.13) added July 13, 2005, P.L.226, No.46)

(b.14) Up to ten million seven hundred and fifty thousand dollars (\$10,750,000) may be utilized for programs administered and operated by intermediate units during the 2006-2007 school year for institutionalized children as established in subsection (b.1). ((b.14) added July 11, 2006, P.L.1092, No.114)

(b.15) Up to eleven million two hundred thousand dollars (\$11,200,000) may be utilized for programs administered and operated by intermediate units during the 2007-2008 school year for institutionalized children as established in subsection (b.1). ((b.15) added July 20, 2007, P.L.278, No.45)

(b.16) Up to eleven million five hundred thousand dollars (\$11,500,000) may be utilized for programs administered and

operated by intermediate units during the 2008-2009 through the 2010-2011 school years for institutionalized children as established in subsection (b.1). ((b.16) amended June 30, 2011, P.L.112, No.24)

(b.17) Up to nine million dollars (\$9,000,000) may be utilized for programs administered and operated by intermediate units during the 2011-2012 school year and each school year thereafter for institutionalized children as established in subsection (b.1). ((b.17) added June 30, 2011, P.L.112, No.24)

(c) For the 1991-1992 through the 2010-2011 school years, five percent (5%) of the State special education appropriation shall be paid to the intermediate units on account of special education services. Of this five percent (5%), thirty-five percent (35%) shall be distributed equally among all twenty-nine (29) intermediate units. The remaining sixty-five percent (65%) shall be distributed to each intermediate unit in proportion to the number of average daily membership of the component school districts of each intermediate unit as compared to the Statewide total average daily membership. ((c) amended June 30, 2011, P.L.112, No.24)

(c.1) For the 2011-2012 through the 2013-2014 school years, five and one-half percent (5.5%) of the State special education appropriation shall be paid to intermediate units on account of special education services. Of this five and one-half percent (5.5%), thirty-five percent (35%) shall be distributed equally among all intermediate units. The remaining sixty-five percent (65%) shall be distributed to each intermediate unit in proportion to the number of average daily membership of the component school districts of each intermediate unit as compared to the Statewide total average daily membership. ((c.1) amended July 9, 2013, P.L.408, No.59)

(c.2) (1) For the 2016-2017 school year, five and five-tenths percent (5.5%) of the State special education appropriation shall be paid to intermediate units on account of special education services.

(2) Thirty-five percent (35%) of the amount under paragraph (1) shall be distributed equally among all intermediate units.

(3) Sixty-five percent (65%) of the amount under paragraph (1) shall be distributed to each intermediate unit in proportion to the number of average daily membership of the component school districts of each intermediate unit as compared to the Statewide total average daily membership.

((c.2) added July 13, 2016, P.L.716, No.86)

(d) (1) For the 1991-1992 school year, each intermediate unit which is coterminous to a school district of the first class or first class A shall be paid fifty percent (50%) of the amount received by the intermediate unit for the cost of operating and administering classes or schools for children with exceptionalities, as approved by the Department of Education for the 1990-1991 school year. For the 1991-1992 school year, each intermediate unit not coterminous with a school district which operates all the special education programs for children with disabilities for its constituent school districts shall be paid ten percent (10%) of the amount received by the intermediate unit for the cost of operating and administering classes or schools for children with disabilities, as approved by the Department of Education for the 1990-1991 school year. For the 1992-1993 and the 1993-1994 school years up to and including the 1994-1995 school year, each intermediate unit which is coterminous to a school district of the first class or first class A shall be paid twenty-five percent (25%) of the amount received by the intermediate unit for the cost

of operating and administering classes or schools for children with exceptionalities, as approved by the Department of Education for the 1990-1991 school year.

(2) For the 1995-1996 school year, each intermediate unit which is coterminous to a school district of the first class or first class A shall be paid a proportionate share of twenty-nine million nine hundred thousand dollars (\$29,900,000) based on the amount received by the intermediate unit for the cost of operating and administering classes or schools for children with exceptionalities, as approved by the Department of Education for the 1990-1991 school year.

(3) For the 1996-1997 and 1997-1998 school years, each intermediate unit which is coterminous to a school district of the first class or first class A shall be paid a proportionate share of twenty million six hundred thousand dollars (\$20,600,000) based on the amount received by the intermediate unit for the cost of operating and administering classes or schools for children with exceptionalities, as approved by the Department of Education for the 1990-1991 school year.

(4) ((4) deleted by amendment Apr. 27, 1998, P.L.270, No.46)

((d) amended June 25, 1997, P.L.297, No.30)

(e) For the 1991-1992 school year and for each school year thereafter, payments to intermediate units under this section shall consist of an amount payable in three (3) installments during the school year as follows: in August, fifty percent (50%) of the payments due; in November, forty-five percent (45%) of the payments due; and on June 1, the balance of the payments due.

(f) For each school year up to and including 1990-1991, for each child enrolled in any special class or school for exceptional children operated by an intermediate unit, the school district in which the child is resident shall pay to the Commonwealth a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil," as determined for the schools operated by the district or by a joint board of which the district is a member, for the same year in which the special class or school is operated, as provided for in section two thousand five hundred sixty-one of the act to which this is an amendment. In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Secretary of Education shall fix a reasonable charge for such district for the year in question. Except that for the 1990-1991 school year, the school district payment to the Commonwealth under this subsection, for each child enrolled in other than intermediate unit classes or schools for institutionalized children, shall be limited to twenty-five percent (25%) of the applicable tuition charges in the case of all intermediate units. In addition, the district shall pay on account of transportation by the intermediate unit of pupils to and from classes and schools for exceptional children, whether or not conducted by the intermediate unit, an amount to be determined by subtracting from the cost of transportation per pupil the reimbursement due the district on account of such transportation. In order to facilitate such payments by the several school districts, the Secretary of Education shall withhold from any moneys due to such district out of any state appropriation, except from reimbursements due on account of rentals as provided in section two thousand five hundred eleven point one of the act to which this is an amendment, the amounts due by such school districts to the Commonwealth. All amounts

so withheld are hereby specifically appropriated to the Department of Education for the support of public schools.

(g) (1) For the 1991-1992 school year and each school year thereafter, for each child enrolled in an intermediate unit class for institutionalized children, the school district in which the child is resident shall pay to the Commonwealth a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil," as determined for the schools operated by the district or by a joint board of which the district is a member, for the same year in which the class or school is operated, as provided for in section 2561. In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Secretary of Education shall fix a reasonable charge for such district for the year in question.

(2) In addition, the district shall pay to the Commonwealth on account of transportation by the intermediate unit of pupils to and from classes and schools for exceptional children and of eligible young children to and from early intervention programs, whether or not conducted by the intermediate unit, an amount to be determined by subtracting from the cost of transportation per pupil the reimbursement due the district on account of such transportation.

(3) In order to facilitate such payments by the several school districts, the Secretary of Education shall withhold from any moneys due to such districts out of a State appropriation, except from reimbursements due on account of rentals, the amounts due by such school districts to the Commonwealth. All amounts so withheld are hereby specifically appropriated to the Department of Education for the support of public schools.

(2509.1 amended June 30, 1995, P.L.220, No.26)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Compiler's Note: Section 34 of Act 61 of 2008, which added section 2509.1(b.16), provided that Act 61 shall apply retroactively to July 1 2008.

Section 2509.2. Payment on Account of Transportation Classes and Schools for Children of Migrant Laborers.--Annually before the first day of May, 1961, and the first day of February of each year thereafter, every intermediate unit planning to conduct summer classes or schools for children of migrant laborers, and the extension of established summer classes beyond the opening of the fall term, such extensions being for not more than forty school days, shall submit for prior review and approval by the Department of Public Instruction an estimate of the cost of summer classes or schools for children of migrant laborers to be operated by the intermediate unit during the ensuing school year and for transportation, in conformity with existing law, of pupils to and from summer classes and schools for children of migrant laborers whether conducted by the intermediate unit or conducted by an institution or school district employed by the intermediate unit for such purpose: Provided, That where in the judgment of the State Superintendent of Public Instruction the provisions of this act relating to the proper education of children of migrant laborers have not been complied with, the Department of Public Instruction may provide or arrange to have provided transportation, classes or schools for the proper education of children of migrant laborers as directed by the act.

On or before the first day of July, the Commonwealth shall pay to the intermediate unit a sum equal to the approved estimated annual cost of operation of the planned summer classes or schools and transportation for children of migrant laborers. At the end of each school year, all unexpended funds shall be credited to Commonwealth payments due for the succeeding school year on account of the operation of such classes, or upon direction of the Superintendent of Public Instruction shall be returned to the Commonwealth.

(2509.2 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2509.3. Payments on Account of Transportation of Nonpublic School Pupils.--Each school district, regardless of classification, shall be paid by the Commonwealth the sum of thirty-five dollars (\$35) for each nonpublic school pupil transported in the school year 1978-1979 through the school year 1983-1984. For the school year 1984-1985 through the school year 1989-1990, each school district shall be paid the sum of seventy dollars (\$70) for each nonpublic school pupil transported. For the school years 1990-1991 and 1991-1992, each school district shall be paid the sum of one hundred twenty-four dollars (\$124) for each nonpublic school pupil transported. For the school year 1992-1993 and the 1993-1994 school year, each school district shall be paid the sum of one hundred fifty-nine dollars (\$159) for each nonpublic school pupil transported. For the school year 1994-1995 through the school year 1996-1997, each school district shall be paid the sum of two hundred dollars (\$200) for each nonpublic school pupil transported. For the school year 1997-1998 through the school year 2000-2001, each school district shall be paid the sum of two hundred eighty-five dollars (\$285) for each nonpublic school pupil transported. For the school year 2001-2002 and each school year thereafter, each school district shall be paid the sum of three hundred eighty-five dollars (\$385) for each nonpublic school pupil transported.

(2509.3 amended June 29, 2002, P.L.524, No.88)

Compiler's Note: Act 85 and Act 88 of 1992 amended the entire section. Act 88 overlooked the amendment by Act 85 but the amendments do not conflict in substance and both have been given effect in setting forth the text of the section.

Section 2509.4. Payments on Account of Special Education Services.--(a) For the school year 1989-1990, the following provisions shall apply to the Commonwealth's payments of funds to school districts and intermediate units for the provisions of special education services.

(1) On or before the first day of August, the Commonwealth shall pay to school districts and intermediate units an amount which represents fifty percent (50%) of the total State funds available for such programs operated in the school year 1989-1990.

(2) On January 1, 1990, a second payment shall be made to school districts and intermediate units consisting of one-fourth (1/4) of the total State funds available for such programs operated in the school year 1989-1990.

(3) If, by March 1, 1990, the State Board of Education has adopted revisions to Chapter 13 Special Education regulations and/or the 22 Pa. Code Ch. 341 standards, the final payment shall consist of the remaining State funds available for such programs operated in the school year 1989-1990. If, on March 1, 1990, the State Board of Education has not adopted revisions to Chapter 13 Special Education regulations and/or 22 Pa. Code Ch. 341 standards, but the Secretary of the Budget determines

that sufficient progress has been made, a one-time waiver in order to make an additional payment of no more than one-eighth (1/8) of the total State funds available for such programs operated in the school year 1989-1990 may be made.

(b) From the funds appropriated in the 1989-1990 fiscal year and notwithstanding the provisions of subsection (a) (1), (2) and (3), fifty million dollars (\$50,000,000) shall be paid on August 1, 1989, to school districts for programs operated in school year 1988-1989 with the additional payment of forty-nine million dollars (\$49,000,000) of the funds due the school districts for the programs operated in school year 1988-1989 to be paid on or before December 1, 1989. Any adjustments to these payments may be made in June 1990 on the basis of actual data.

(2509.4 added July 8, 1989, P.L.253, No.43)

Section 2509.5. Special Education Payments to School Districts.--(a) This section applies to Commonwealth payments to school districts for the support of programs and services for exceptional children.

(b) During the 1991-1992 school year, each school district shall be paid:

(1) an amount to be determined by multiplying five hundred twenty-five dollars (\$525) by seventeen percent (17%) of its average daily membership; and

(2) an amount to be determined by multiplying seven thousand dollars (\$7,000) by one percent (1%) of its average daily membership.

(c) Payments to school districts pursuant to this section and any additional payments pursuant to sections 2509.6 and 2509.7 shall consist of an amount payable in six (6) installments as follows: in July, fifteen percent (15%) of the estimated amount due; in September, fifteen percent (15%) of the estimated amount due; in November, fifteen percent (15%) of the estimated amount due; in January, fifteen percent (15%) of the estimated amount due; in March, fifteen percent (15%) of the estimated amount due; and in June, the balance due, determined by subtracting the payments made during July, September, November, January and March from the special education payment earned by the school district.

(d) During the 1992-1993 school year, each school district shall be paid:

(1) an amount to be determined by multiplying one thousand dollars (\$1,000) by fifteen percent (15%) of its average daily membership; and

(2) an amount to be determined by multiplying eleven thousand five hundred forty dollars (\$11,540) by one percent (1%) of its average daily membership.

((d) added June 7, 1993, P.L.49, No.16)

(e) During the 1993-1994 school year, each school district shall be paid:

(1) an amount to be determined by multiplying one thousand twenty-five dollars (\$1,025) by fifteen percent (15%) of its average daily membership; and

(2) an amount to be determined by multiplying twelve thousand dollars (\$12,000) by one percent (1%) of its average daily membership.

((e) added June 7, 1993, P.L.49, No.16)

(f) The Secretary of Education shall develop a definition of severely classified exceptional students by September 20, 1996. This definition may include the primary exceptionality, level of intervention, type of support and related services requirements elements currently collected through the PennData

system. This definition shall not include students who are institutionalized, in approved private school placements, in detention home programs, in mentally gifted programs or in early intervention programs operated under the provisions of the act of December 19, 1990 (P.L.1372, No.212), known as the "Early Intervention Services System Act." This definition shall be submitted to the majority chairman and the minority chairman of the Appropriations Committee and the Education Committee of the Senate and the majority chairman and the minority chairman of the Appropriations Committee and the Education Committee of the House of Representatives for review and comment no later than September 20, 1996. No sooner than fifteen (15) days and not later than thirty (30) days after submission of the proposed definition to the committees, the Secretary of Education shall approve a definition of severely classified exceptional students. ((f) amended July 11, 1996, P.L.633, No.107)

(g) The Secretary of Education shall modify the PennData system to collect for each school district an average daily membership count of those exceptional students classified as severe. The Secretary of Education shall use the approved definition of severely classified exceptional students in the development of the PennData report "Representation of Students with Severe Disabilities in Special Education." The Secretary of Education shall provide the 1994-1995 PennData report "Representation of Students with Severe Disabilities in Special Education" detailing the average daily membership by category of exceptionality for each school district for the 1994-1995 academic year to the majority chairman and the minority chairman of the Appropriations Committee and the Education Committee of the Senate and the majority chairman and the minority chairman of the Appropriations Committee and the Education Committee of the House of Representatives by February 1, 1997, and shall annually thereafter provide the PennData report "Representation of Students with Severe Disabilities in Special Education" detailing the average daily membership by category of exceptionality for each school district for the current school year to the committees by the first day of February of each year. ((g) amended July 11, 1996, P.L.633, No.107)

(h) During the 1994-1995 school year, each school district shall be paid:

(1) an amount to be determined by multiplying fifteen percent (15%) of its school age average daily membership by one thousand thirty-five dollars (\$1,035); and

(2) an amount to be determined by multiplying one percent (1%) of its school age average daily membership by twelve thousand five hundred dollars (\$12,500).

((h) added June 30, 1995, P.L.220, No.26)

(i) During the 1995-1996 school year, each school district shall be paid:

(1) an amount to be determined by multiplying fifteen percent (15%) of its school age average daily membership by one thousand forty dollars (\$1,040); and

(2) an amount to be determined by multiplying one percent (1%) of its school age average daily membership by thirteen thousand dollars (\$13,000).

((i) added June 30, 1995, P.L.220, No.26)

(j) (1) During the 1994-1995 school year, up to ten million five hundred thousand dollars (\$10,500,000) of the funds appropriated to the Department of Education for special education shall provide supplemental funding for special education to school districts which operate special education programs and whose net special education expenditure rate

exceeds one hundred fifty percent (150%) of the Statewide special education expenditure rate with the special education expenditure rate being determined by dividing net special education expenditures by total education expenditures as determined by the Secretary of Education. Such payments shall be in an amount to be determined by the Secretary of Education and shall be made pursuant to the payment schedule established in subsection (c).

(2) During the 1995-1996 school year, up to five million two hundred fifty thousand dollars (\$5,250,000) of the funds appropriated to the Department of Education for special education shall provide supplemental funding pursuant to this subsection as determined by the Secretary of Education. Such payments shall be in an amount equal to fifty percent (50%) of the amounts paid to districts eligible under clause (1) during the 1994-1995 school year and shall be made pursuant to the payment schedule established in subsection (c).

(3) During the 1996-1997 school year, up to two million six hundred twenty-five thousand dollars (\$2,625,000) of the funds appropriated to the Department of Education for special education shall provide supplemental funding pursuant to this subsection as determined by the Secretary of Education. Such payments shall be in an amount equal to twenty-five percent (25%) of the amounts paid to districts eligible under this subsection during the 1994-1995 school year and shall be made pursuant to the payment schedule established in subsection (c).

((j) added June 30, 1995, P.L.220, No.26)

(k) During the 1996-1997 school year, each school district shall be paid:

(1) an amount to be determined by multiplying fifteen percent (15%) of its school-age average daily membership by one thousand one hundred fifteen dollars (\$1,115); and

(2) an amount to be determined by multiplying one percent (1%) of its school-age average daily membership by thirteen thousand one hundred twenty-five dollars (\$13,125). No district shall, however, receive less than the amount received during the 1995-1996 school year under subsection (i).

((k) added July 11, 1996, P.L.633, No.107)

(l) During the 1997-1998 school year, each school district shall be paid:

(1) an amount to be determined by multiplying fifteen percent (15%) of its school-age average daily membership by one thousand one hundred fifty dollars (\$1,150); and

(2) an amount to be determined by multiplying one percent (1%) of its school-age average daily membership by thirteen thousand four hundred fifty dollars (\$13,450).

((l) added June 25, 1997, P.L.297, No.30)

(m) During the 1997-1998 school year, up to ten million one hundred seven thousand dollars (\$10,107,000) of the funds appropriated to the Department of Education for special education shall be available to provide supplemental funding for special education to school districts which operate special education programs. Only school districts that qualify under the provisions of subsection (n) will be eligible to receive this supplemental special education funding. ((m) added June 25, 1997, P.L.297, No.30)

(n) School districts will qualify for supplemental payments under subsection (m) if:

(1) (i) the school district's special education expenditures for the 1994-1995 school year, as a percentage of the sum of the school district's 1994-1995 school year expenditures for regular education, vocational-technical

education and special education, are equal to or greater than the special education expenditures of all school districts for the 1994-1995 school year, as a percentage of the sum of the 1994-1995 school year expenditures of all school districts for regular education, vocational-technical education and special education; and

(ii) the school district's market value/income aid ratio for the 1996-1997 school year is equal to or greater than .6000; and

(iii) the school district's equalized millage for the 1994-1995 school year is equal to or greater than 21.0; or

(2) The school district satisfies the criterion set forth in clause (1)(i), does not satisfy the criterion set forth in clause (1)(ii) but the school district's equalized millage for the 1994-1995 school year is equal to or greater than 25.2; or

(3) The school district does not satisfy the criteria of clause (1) or (2) but does satisfy the following:

(i) the number of children in low-income families in 1995 is equal to or greater than fifteen percent (15%) of the school district's 1995-1996 school year average daily membership; and

(ii) the school district's market value/income aid ratio for the 1996-1997 school year is equal to or greater than .7000.

((n) added June 25, 1997, P.L.297, No.30)

(o) Qualifying school districts will receive an additional twenty percent (20%) of the amount calculated at subsection (1)(1). This amount shall be paid pursuant to the payment schedule established in subsection (c). During the 1997-1998 school year, however, no school district shall receive less payment under subsections (l) and (m) than the amount of the payments the school district received during the 1996-1997 school year under subsections (j)(3) and (k). ((o) added June 25, 1997, P.L.297, No.30)

(p) During the 1998-1999 school year, each school district shall be paid:

(1) an amount to be determined by multiplying fifteen percent (15%) of its school-age average daily membership by one thousand two hundred sixty dollars (\$1,260); and

(2) an amount to be determined by multiplying one percent (1%) of its school-age average daily membership by thirteen thousand nine hundred fifty-five dollars (\$13,955).

((p) added Apr. 27, 1998, P.L.270, No.46)

(q) During the 1998-1999 school year, a portion of the funds appropriated to the Department of Education for special education shall be available to provide supplemental funding for special education to school districts which operate special education programs. Only school districts that qualify under the provisions of subsection (r) will be eligible to receive this supplemental special education funding. ((q) added Apr. 27, 1998, P.L.270, No.46)

(r) School districts will qualify for supplemental payments under subsection (q) if:

(1) (i) the school district's special education expenditures for the 1995-1996 school year as a percentage of the sum of the school district's 1995-1996 school year expenditures for regular education, vocational-technical education and special education is equal to or greater than the special education expenditures of all school districts for the 1995-1996 school year as a percentage of the sum of the 1995-1996 school year expenditures of all school districts for regular education, vocational-technical education and special education; and

(ii) the school district's market value/income aid ratio for the 1997-1998 school year is equal to or greater than six thousand ten-thousandths (0.6000); and

(iii) the school district's equalized millage for the 1995-1996 school year is equal to or greater than twenty-one (21); or

(2) The school district satisfies the criterion set forth in clause (1)(i), does not satisfy the criterion set forth in clause (1)(ii) but the school district's equalized millage for the 1995-1996 school year is equal to or greater than twenty-five (25); or

(3) The school district does not satisfy the criteria of clause (1) or (2) but does satisfy the following:

(i) the number of school-age children in low-income families as defined in section 2501(21) for calendar year 1996 is equal to or greater than thirteen percent (13%) of the school district's 1996-1997 school year average daily membership; and

(ii) the school district's market value/income aid ratio for the 1997-1998 school year is equal to or greater than five thousand five hundred ten thousandths (0.5500).

((r) added Apr. 27, 1998, P.L.270, No.46)

(s) Qualifying school districts will receive an additional twenty percent (20%) of the amount calculated at subsection (p)(1). This amount shall be paid pursuant to the payment schedule established in subsection (c). During the 1998-1999 school year, however, no school district shall receive less payment under subsections (p) and (r) than the amount of the payments the school district received during the 1997-1998 school year under subsections (l) and (m). ((s) added Apr. 27, 1998, P.L.270, No.46)

(t) Additionally, during the 1998-1999 school year, each school district of the first class or first class A belonging to an intermediate unit the boundary of which is coterminous with that of the school district shall receive a proportionate share of ten million three hundred thousand dollars (\$10,300,000) based on the amount received by its coterminous intermediate unit for the cost of operating and administering classes or schools for students with exceptionalities as approved by the Department of Education for the 1990-1991 school year. This amount will be added to the school district's payment under subsection (q). Provided, however, that during the 1998-1999 school year, no school district of the first class or first class A will receive less payment under this subsection and subsection (q) than the amount of the payments the school district's coterminous intermediate unit received during the 1997-1998 school year under section 2509.1(d)(3). ((t) added Apr. 27, 1998, P.L.270, No.46)

(u) During the 1999-2000 school year, each school district shall be paid:

(1) an amount to be determined by multiplying fifteen percent (15%) of its school-age average daily membership by one thousand three hundred fifteen dollars (\$1,315); and

(2) an amount to be determined by multiplying one percent (1%) of its school-age average daily membership by fourteen thousand five hundred thirty-five dollars (\$14,535).

((u) added June 26, 1999, P.L.394, No.36)

(v) During the 1999-2000 school year, a portion of the funds appropriated to the Department of Education for special education shall be available to provide supplemental funding for special education to school districts which operate special education programs. Only school districts that qualify under the provisions of subsection (w) shall be eligible to receive

the supplemental special education funding. ((v) added June 26, 1999, P.L.394, No.36)

(w) School districts shall qualify for supplemental payments under subsection (v) if:

(1) (i) The school district's special education expenditures for the 1996-1997 school year as a percentage of the sum of the school district's 1996-1997 school year expenditures for regular education, vocational-technical education and special education is equal to or greater than the special education expenditures of all school districts for the 1996-1997 school year as a percentage of the sum of the 1996-1997 school year expenditures of all school districts for regular education, vocational-technical education and special education;

(ii) the school district's market value/income aid ratio for the 1998-1999 school year is equal to or greater than five thousand four hundred ten thousandths (0.5400); and

(iii) the school district's equalized millage for the 1996-1997 school year is equal to or greater than sixteen and one half (16.5); or

(2) The school district satisfies the criterion set forth in clause (1)(i), does not satisfy the criterion set forth in clause (1)(ii), but the school district's equalized millage for the 1996-1997 school year is equal to or greater than twenty and six tenths (20.6).

(3) The school district does not satisfy the criteria of clause (1) or (2) but does satisfy the following:

(i) the number of school-age children in low-income families as defined in section 2501(21) for calendar year 1997 is equal to or greater than ten percent (10%) of the school district's 1997-1998 school year average daily membership; and

(ii) the school district's market value/income aid ratio for the 1998-1999 school year is equal to or greater than five thousand four hundred ten thousandths (0.5400).

((w) added June 26, 1999, P.L.394, No.36)

(x) Qualifying school districts shall receive an additional twenty percent (20%) of the amount calculated in subsection (u)(1). The amount shall be paid pursuant to the payment schedule established in subsection (c). ((x) added June 26, 1999, P.L.394, No.36)

(y) Additionally, during the 1999-2000 school year, each school district of the first class or first class A belonging to an intermediate unit the boundary of which is coterminous with that of the school district shall receive a proportionate share of ten million three hundred thousand dollars (\$10,300,000) based on the amount received by its coterminous intermediate unit for the cost of operating and administering classes or schools for students with exceptionalities as approved by the department for the 1990-1991 school year. This amount shall be added to the school district's payment under subsection (v): Provided, however, That during the 1999-2000 school year, no school district of the first class or first class A shall receive less payment under this subsection and subsection (v) than the amount of the payments the school district's coterminous intermediate unit received during the 1997-1998 school year under section 2509.1(d)(3). ((y) added June 26, 1999, P.L.394, No.36)

(z) During the 1999-2000 school year, a school district with an incidence rate of mildly and severely disabled students greater than one hundred thirty percent (130%) of the Statewide average incidence rate of mildly and severely disabled students shall qualify to receive a supplemental payment, as specified

in this subsection, from funds appropriated to the department for special education. A school district's incidence rate of mildly and severely disabled students shall be calculated by dividing the school district's 1997 child count of students with disabilities collected and reported under sections 611(d)(2) and 618(a) of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. §§ 1411(d)(2) and 1418(a)) and 34 CFR 300.750 by the school district's 1997-1998 total enrollment reported to the department. The Statewide average incidence rate of mildly and severely disabled students shall be calculated by dividing the Statewide total 1997 child count of students with disabilities for all school districts by the 1997-1998 Statewide total enrollment for all school districts. The payment to a qualifying school district shall be calculated as follows: (1) subtract one hundred thirty percent (130%) of the Statewide average incidence rate from the school district's incidence rate; (2) multiply the difference obtained in paragraph (1) by the school district's 1998-1999 school year average daily membership; and (3) multiply the product obtained in paragraph (2) by one thousand three hundred fifteen dollars (\$1,315). ((z) added June 26, 1999, P.L.394, No.36)

(aa) For the 1999-2000 school year, the sum of payments to school districts received under subsections (u), (v), (y) and (z) must be greater than or equal to one hundred and two percent (102%) of the payments school districts for the 1998-1999 school year under subsections (p), (q) and (t). ((aa) added June 26, 1999, P.L.394, No.36)

(bb) During the 2000-2001 school year, each school district shall be paid the amount it received during the 1999-2000 school year under subsections (u), (v), (y), (z) and (aa). ((bb) added May 10, 2000, P.L.44, No.16)

(cc) During the 2000-2001 school year, thirty-one million nine hundred thousand dollars (\$31,900,000) of the funds appropriated to the Department of Education for special education shall be used to provide supplemental funding for special education to all school districts. The supplemental funding to each school district is calculated as follows: multiply the school district's 2000-2001 market value/income aid ratio times sixteen per centum (16%) of its 1999-2000 average daily membership; multiply this product times thirty-one million nine hundred thousand dollars (\$31,900,000); divide the resultant product by the sum of the products of the 2000-2001 market value/income aid ratio times sixteen per centum (16%) of the 1999-2000 average daily membership for all school districts. ((cc) added May 10, 2000, P.L.44, No.16)

(dd) Supplemental payments shall be as follows:

(1) School districts shall qualify for additional supplemental payments if all of the following apply:

(i) The school district's special education expenditures for the 1997-1998 school year, as a percentage of the sum of the school district's 1997-1998 school year expenditures for regular education, vocational-technical education and special education, is equal to or greater than the special education expenditures of all school districts for the 1997-1998 school year, as a percentage of the sum of the 1997-1998 school year expenditures of all school districts for regular education, vocational-technical education and special education.

(ii) The school district's equalized millage for the 1997-1998 school year is equal to or greater than twenty-one and one-tenth (21.1).

(iii) The district does not meet all of the following criteria:

(A) The school district's special education expenditures for the 1997-1998 school year, as a percentage of the sum of the school district's 1997-1998 school year expenditures for regular education, vocational-technical education and special education, is equal to or greater than the special education expenditures of all school districts for the 1997-1998 school year, as a percentage of the sum of the 1997-1998 school year expenditures of all school districts for regular education, vocational-technical education and special education.

(B) The school district's market value/income aid ratio for the 1999-2000 school year is equal to or greater than five thousand four hundred ten thousandths (0.5400).

(C) The school district's equalized millage for the 1997-1998 school year is equal to or greater than sixteen and nine-tenths (16.9).

(2) Qualifying school districts shall receive twenty per cent (20%) of the amount calculated by multiplying fifteen per cent (15%) of its school age average daily membership by one thousand three hundred eighty dollars (\$1,380), and the amount shall be paid pursuant to the payment schedule established in subsection (c).

((dd) added May 10, 2000, P.L.44, No.16)

(ee) During the 2000-2001 school year, a school district with an incidence rate of mildly and severely disabled students greater than one hundred twenty-five per cent (125%) of the Statewide average incidence rate of mildly and severely disabled students shall qualify to receive a supplemental payment, as specified in this subsection, from funds appropriated to the Department of Education for special education. A school district's incidence rate of mildly and severely disabled students shall be calculated by dividing the school district's 1998 child count of students with disabilities collected and reported under sections 611(d)(2) and 618(a) of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. §§ 1411(d)(2) and 1418(a)) and 34 CFR 300.750 (relating to annual report of children served--report requirement) by the school district's 1998-1999 total enrollment reported to the Department of Education. The Statewide average incidence rate of mildly and severely disabled students shall be calculated by dividing the Statewide total 1998 child count of students with disabilities for all school districts by the 1998-1999 Statewide total enrollment for all school districts. The payment to a qualifying school district shall be calculated as follows:

(1) subtract one hundred twenty-five per cent (125%) of the Statewide average incidence rate from the school district's incidence rate;

(2) multiply the difference obtained in clause (1) by the school district's 1999-2000 school year average daily membership; and

(3) multiply the product obtained in clause (2) by one thousand three hundred eighty dollars (\$1,380).

((ee) added May 10, 2000, P.L.44, No.16)

(ff) For the 2000-2001 school year, the sum of payments school districts receive under subsections (bb), (cc), (dd) and (ee) must be greater than or equal to one hundred and five per cent (105%) of the payments to school districts for the 1999-2000 school year under subsections (u), (v), (y), (z) and (aa). ((ff) added May 10, 2000, P.L.44, No.16)

(gg) During the 2001-2002 school year, each school district shall be paid the amount it received during the 2000-2001 school

year under subsections (bb), (cc), (dd), (ee) and (ff). ((gg) added May 17, 2001, P.L.4, No.4)

(hh) During the 2001-2002 school year, sixty-four million nine hundred thousand dollars (\$64,900,000) of the funds appropriated to the Department of Education for special education shall be used to provide supplemental funding for special education to all school districts. The supplemental funding shall be calculated as follows: multiply each school district's 2001-2002 market value/income aid ratio by sixteen per centum (16%) of the 2000-2001 average daily membership and multiply this product by sixty-four million nine hundred thousand dollars (\$64,900,000) and divide the resultant product by the sum of the products of the 2001-2002 market value income aid ratio multiplied by sixteen per centum (16%) of the 2000-2001 average daily membership for all school districts. ((hh) added May 17, 2001, P.L.4, No.4)

(ii) During the 2001-2002 school year, a school district with an incidence rate of mildly and severely disabled students greater than one hundred twenty-five per centum (125%) of the Statewide average incidence rate of mildly and severely disabled students shall qualify to receive a supplemental payment, as specified in this subsection, from funds appropriated to the Department of Education for special education. A school district's incidence rate of mildly and severely disabled students shall be calculated by dividing the school district's 1999 child count of students with disabilities collected and reported under sections 611(d)(2) and 618(a) of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. §§ 1411(d)(2) and 1418(a)) and 34 CFR 300.750 (relating to annual report of children served--report requirement) by the school district's 1999-2000 total enrollment, including students attending public charter schools, reported to the Department of Education. The Statewide average incidence rate of mildly and severely disabled students shall be calculated by dividing the Statewide total 1999 child count of students with disabilities for all school districts by the 1999-2000 Statewide total enrollment, including students attending public charter schools, for all school districts. The payment to a qualifying school district shall be calculated as follows:

(1) subtract one hundred twenty-five per centum (125%) of the Statewide average incidence rate from the school district's incidence rate;

(2) multiply the difference obtained in clause (1) by the school district's 2000-2001 school year average daily membership; and

(3) multiply the product obtained in clause (2) by one thousand six hundred fifty dollars (\$1,650).

((ii) added May 17, 2001, P.L.4, No.4)

(jj) For the 2001-2002 school year, each school district shall receive additional funding as necessary so that the sum of the payments school districts receive under subsections (gg), (hh), (ii) and this subsection is greater than or equal to one hundred five per centum (105%) of the payments to school districts for the 2000-2001 school year under subsections (bb), (cc), (dd), (ee) and (ff). ((jj) added May 17, 2001, P.L.4, No.4)

(kk) For the 2002-2003 school year, each school district shall receive additional funding as necessary so that the payments school districts receive are equal to one hundred one and five tenths per centum (101.5%) of the payments to school districts for the 2001-2002 school year under subsections (gg), (hh), (ii) and (jj). ((kk) added June 29, 2002, P.L.524, No.88)

(ll) During the 2003-2004 school year, each school district shall be paid the amount it received during the 2002-2003 school year under subsection (kk). ((ll) added Dec. 23, 2003, P.L.304, No.48)

(mm) During the 2003-2004 school year, thirty-six million one hundred forty-nine thousand five hundred eighty-seven dollars (\$36,149,587) of the funds appropriated to the Department of Education for special education shall be used to provide supplemental funding for special education to all school districts. The supplemental funding shall be calculated as follows:

(1) multiply each school district's 2003-2004 market value/income aid ratio by sixteen per centum (16%) of its 2002-2003 average daily membership;

(2) multiply the product from paragraph (1) by thirty-six million one hundred forty-nine thousand five hundred eighty-seven dollars (\$36,149,587); and

(3) divide the resultant product from paragraph (2) by the sum of the products of the 2003-2004 market value/income aid ratio multiplied by sixteen per centum (16%) of the 2002-2003 average daily membership for all school districts.

((mm) added Dec. 23, 2003, P.L.304, No.48)

(nn) During the 2004-2005 school year, each school district shall be paid the amount it received during the 2003-2004 school year under subsections (ll) and (mm). ((nn) added July 4, 2004, P.L.536, No.70)

(oo) During the 2004-2005 school year, eighteen million, four hundred eighty thousand, seven hundred eighty-one dollars (\$18,480,781) of the funds appropriated to the Department of Education for special education shall be used to provide supplemental funding for special education to school districts.

(1) Each school district shall receive a funding supplement calculated as follows:

(i) multiply each school district's 2004-2005 market value/income aid ratio by sixteen percent (16%) of its 2003-2004 average daily membership;

(ii) multiply the product from clause (i) by sixteen million, seven hundred thousand dollars (\$16,700,000); and

(iii) divide the resultant product from clause (ii) by the sum of the products of the 2004-2005 market value/income aid ratio multiplied by sixteen per cent (16%) of the 2003-2004 average daily membership for all school districts.

(2) Each school district for which the supplement under paragraph (1) provides an amount less than two per cent (2%) of the sum of the amounts provided under subsections (ll) and (mm) shall receive additional funding as necessary so that the sum of the amounts provided under paragraph (1) and this paragraph equals two per cent (2%) of the sum of the amounts provided under subsections (ll) and (mm).

((oo) added July 4, 2004, P.L.536, No.70)

(pp) During the 2005-2006 school year, each school district shall be paid the amount it received during the 2004-2005 school year under subsections (nn) and (oo). ((pp) added July 13, 2005, P.L.226, No.46)

(qq) (1) During the 2005-2006 school year, twenty-one million one hundred forty-one thousand four hundred forty-three dollars (\$21,141,443) of the funds appropriated to the Department of Education for special education shall be used to provide supplemental funding for special education to school districts under this subsection.

(2) Each school district shall receive a funding supplement calculated as follows:

(i) multiply each school district's 2005-2006 market value/income aid ratio by sixteen percent (16%) of its 2004-2005 average daily membership;

(ii) multiply the product from subclause (i) by twenty million dollars (\$20,000,000); and

(iii) divide the resultant product from subclause (ii) by the sum of the products of the 2005-2006 market value/income aid ratio multiplied by sixteen percent (16%) of the 2004-2005 average daily membership for all school districts.

(3) Each school district for which the supplement under clause (2) provides an amount less than two percent (2%) of the sum of the amounts provided under subsections (nn) and (oo) shall receive additional funding as necessary so that the sum of the amounts provided under clause (2) and this clause equals two percent (2%) of the sum of the amounts provided under subsections (nn) and (oo).

((qq) added July 13, 2005, P.L.226, No.46)

(rr) During the 2006-2007 school year, each school district shall be paid the amount it received during the 2005-2006 school year under subsections (pp) and (qq). ((rr) added July 11, 2006, P.L.1092, No.114)

(ss) During the 2006-2007 school year, twenty-two million four hundred sixty-two thousand and one hundred twenty dollars (\$22,462,120) of the funds appropriated to the Department of Education for special education shall be used to provide supplemental funding for special education to all school districts. Each school district shall receive a funding supplement calculated as follows:

(1) Multiply each school district's 2006-2007 market value/income aid ratio by sixteen percent (16%) of its 2005-2006 average daily membership.

(2) Multiply the product from paragraph (1) by twenty million nine hundred forty-three thousand and four hundred ninety-eight dollars (\$20,943,498).

(3) Divide the resultant product from paragraph (2) by the sum of the products of the 2006-2007 market value/income aid ratio multiplied by sixteen percent (16%) of the 2005-2006 average daily membership for all school districts.

((ss) added July 11, 2006, P.L.1092, No.114)

(tt) Each school district shall receive an inflation index supplement as necessary so that the amounts under subsection (ss) and this subsection equal three and nine-tenths percent (3.9%) multiplied by each school district's 2006-2007 market value/income aid ratio of the amount in subsection (rr). ((tt) added July 11, 2006, P.L.1092, No.114)

(uu) Each school district for which the sum of the supplements under subsections (ss) and (tt) provides an amount less than two percent (2%) of the amount provided under subsection (rr) shall receive additional funding as necessary so that the sum of the amounts provided under subsections (ss), (tt) and this subsection equals two percent (2%) of the amount provided under subsection (rr). ((uu) added July 11, 2006, P.L.1092, No.114)

(vv) During the 2007-2008 school year, each school district shall be paid the amount it received during the 2006-2007 school year under subsections (rr), (ss), (tt) and (uu). ((vv) added July 20, 2007, P.L.278, No.45)

(ww) During the 2007-2008 school year, twenty-seven million six hundred eighty-two thousand one hundred and ninety-three dollars (\$27,682,193) of the funds appropriated to the Department of Education for special education shall be used to provide supplemental funding for special education to all school

districts. Each school district shall receive a funding supplement calculated as follows:

(1) multiply each school district's 2007-2008 market value/income aid ratio by sixteen percent (16%) of its 2006-2007 average daily membership;

(2) multiply the product from paragraph (1) by twenty-seven million dollars (\$27,000,000); and

(3) divide the resultant product from paragraph (2) by the sum of the products of the 2007-2008 market value/income aid ratio multiplied by sixteen percent (16%) of the 2006-2007 average daily membership for all school districts.

((ww) added July 20, 2007, P.L.278, No.45)

((xx) Each school district shall receive an inflation index supplement as necessary so that the amounts under subsection (ww) and this subsection equal three and four-tenths percent (3.4%) multiplied by each school district's 2007-2008 market value/income aid ratio of the amount in subsection (vv). ((xx) added July 20, 2007, P.L.278, No.45)

((yy) Each school district for which the sum of the supplements under subsections (ww) and (xx) provides an amount less than two percent (2%) of the amount provided under subsection (vv) shall receive additional funding as necessary so that the sum of the amounts provided under subsections (ww), (xx) and this subsection equals two percent (2%) of the amount provided under subsection (vv). ((yy) added July 20, 2007, P.L.278, No.45)

((zz) (1) During the 2008-2009 school year, each school district shall be paid the amount it received during the 2007-2008 school year under subsections (vv), (ww), (xx) and (yy).

(2) During the 2008-2009 school year, twenty-seven million eight hundred four thousand fourteen dollars (\$27,804,014) of the funds appropriated to the Department of Education for special education shall be used to provide supplemental funding for special education to all school districts. Each school district shall receive a funding supplement calculated as follows:

(i) multiply each school district's 2008-2009 market value/income aid ratio by sixteen percent (16%) of its 2007-2008 average daily membership;

(ii) multiply the product from subparagraph (i) by twenty-six million seven hundred thousand six dollars (\$26,700,006); and

(iii) divide the resultant product from subparagraph (ii) by the sum of the products of the 2008-2009 market value/income aid ratio multiplied by sixteen percent (16%) of the 2007-2008 average daily membership for all school districts.

(3) Each school district shall receive an inflation index supplement as necessary so that the amounts under paragraph (2) and this paragraph equal four and four tenths percent (4.4%) multiplied by each school district's 2008-2009 market value/income aid ratio of the amount in paragraph (1).

(4) Each school district for which the sum of the supplements under paragraphs (2) and (3) provides an amount less than two percent (2%) of the amount provided under paragraph (1) shall receive additional funding as necessary so that the sum of the amounts provided under paragraphs (2) and (3) and this paragraph equals two percent (2%) of the amount provided under paragraph (1).

(5) For the 2008-2009 fiscal year, if insufficient funds are appropriated to make Commonwealth payments pursuant to paragraphs (2), (3) and (4), such payments shall be made on a

pro rata basis. The amounts pro rated shall be the sum of the payments made under paragraphs (2), (3) and (4).

((zz) added July 9, 2008, P.L.846, No.61)

((aaa) During the 2009-2010 through the 2013-2014 school years, each school district shall be paid the amount it received during the 2008-2009 school year under subsection (zz). If insufficient funds are appropriated, the payments shall be made on a pro rata basis. ((aaa) amended July 9, 2013, P.L.408, No.59)

((bbb) (1) During the 2016-2017 school year and each school year thereafter, each school district shall receive an amount equal to the amount it received for the 2013-2014 school year under subsection (aaa) and a student-based allocation. The total amount available to distribute to school districts through the student-based allocation shall equal the difference between the amount allocated for special education payments for school districts and the sum of the amounts received under subsection (aaa) for the 2013-2014 school year to all school districts. The student-based allocation for each school district shall be calculated as follows:

(i) Multiply the sum of the school district's weighted special education student headcount and its sparsity/size adjustment calculated under paragraph (2)(v) by its market value/income aid ratio and its equalized millage multiplier calculated under paragraph (2)(vi).

(ii) Multiply the product under subparagraph (i) by the total amount available for the student-based allocation.

(iii) Divide the product under subparagraph (ii) by the sum of the products under subparagraph (i) for all school districts.

(2) For the purposes of paragraph (1)(i):

(i) The weighted special education student headcount for each school district shall be the sum of the following:

(A) The number of special education students who reside in the school district for which the annual expenditure is in Category 1 multiplied by one and fifty-one hundredths (1.51).

(B) The number of special education students who reside in the school district for which the annual expenditure is in Category 2 multiplied by three and seventy-seven hundredths (3.77).

(C) The number of special education students who reside in the school district for which the annual expenditure is in Category 3 multiplied by seven and forty-six hundredths (7.46).

(ii) The sparsity ratio shall be calculated for each school district as follows:

(A) Divide the school district's average daily membership per square mile by the Commonwealth's average daily membership per square mile.

(B) Multiply the quotient under clause (A) by one-half (0.5).

(C) Subtract the product under clause (B) from one (1).

(iii) The size ratio for each school district shall be calculated as follows:

(A) Divide the school district's average daily membership by the average of the average daily membership of all school districts.

(B) Multiply the quotient under clause (A) by one-half (0.5).

(C) Subtract the product under clause (B) from one (1).

(iv) The sparsity/size ratio for each school district shall be calculated by adding forty percent (40%) of the sparsity ratio and sixty percent (60%) of the size ratio.

(v) The sparsity/size adjustment for qualifying school districts with a sparsity/size ratio greater than the sparsity/size ratio that represents the seventieth percentile of the sparsity/size ratio for all school districts shall be calculated as follows:

(A) Divide the school district's sparsity/size ratio by the sparsity/size ratio that represents the seventieth percentile of the sparsity/size ratio for all school districts.

(B) Subtract one (1) from the quotient under clause (A).

(C) Multiply the remainder under clause (B) by one-half (0.5).

(D) Multiply the product under clause (C) by the school district's weighted special education student headcount.

(vi) The equalized millage multiplier for each school district shall be calculated as follows:

(A) For a school district with an equalized millage rate greater than or equal to the equalized millage rate that represents the seventieth percentile of the equalized millage rate of all school districts, the school district's equalized millage multiplier shall be one (1).

(B) For a school district with an equalized millage rate less than the equalized millage rate that represents the seventieth percentile of the equalized millage rate of all school districts, the school district's equalized millage multiplier shall be calculated by dividing the school district's equalized millage rate by the equalized millage rate that represents the seventieth percentile of the equalized millage rate of all school districts.

(vii) The dollar ranges for the annual expenditure amounts designated as Category 1, Category 2 and Category 3 under subparagraph (i) shall be based on the information reported to the department under section 1372(8). For the purposes of subparagraph (i), Category 3 shall be the sum of the students reported in Categories 3A and 3B under section 1372(8).

(viii) The data used to calculate the weighted special education student headcount under subparagraph (i) shall be based on information from the most recent year for which data is available as determined by the Department of Education. The data used to calculate the provisions under subparagraphs (ii), (iii) and (vi) shall be averaged for the three most recent years for which data is available as determined by the Department of Education.

((bbb) added July 13, 2016, P.L.716, No.86)

(2509.5 amended July 9, 1992, P.L.392, No.85)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Compiler's Note: Section 34 of Act 61 of 2008, which added section 2509.5(zz), provided that Act 61 shall apply retroactively to July 1 2008.

Section 2509.6. Average Cost Guarantee.--(a) For the 1991-1992 school year, the dollars available to school districts for operating and administering classes for exceptional children shall be guaranteed at eight thousand five hundred five dollars (\$8,505) per average daily membership for special education programs and services offered by school districts during the 1990-1991 school year and ten thousand two hundred ninety dollars (\$10,290) per average daily membership for special education programs and services offered by the intermediate unit during the 1990-1991 school year.

(b) The dollars available to school districts for operating and administering classes for exceptional children shall be the sum of the following: total average daily membership for students receiving special education multiplied by the tuition charge pursuant to section 2561, plus the amount calculated pursuant to sections 2509(f) and 2509.5(b) and three times the district's payment to the Commonwealth for noninstitutionalized children's programs pursuant to section 2509.1(f).

(c) If the actual dollars available to a school district, as calculated pursuant to subsection (b), are less than the total guaranteed dollars available to a school district pursuant to subsection (a), then the Commonwealth shall pay to such school district funds equal to the amount of the difference between the total guaranteed dollars available pursuant to subsection (a) and the actual dollars available pursuant to subsection (b).

(2509.6 amended July 9, 1992, P.L.392, No.85)

Section 2509.7. Minimum Guarantee.--For the 1991-1992 school year, each intermediate unit, in the aggregate, including the intermediate unit and its member school districts, shall receive at least a three and five-tenths percent (3.5%) increase in the aggregate revenue for special education over the aggregate cash amount available from the Commonwealth for special education during the 1990-1991 school year. The intermediate unit shall meet with its constituent school districts to develop a plan for the expenditure or distribution of the funds provided by this section for the purpose of the provision of special education programs and services. These funds may not be expended or distributed by the intermediate unit until a majority of the boards of directors of the constituent school districts have approved such expenditures or distribution. If the amount received under the provisions of this section is less than ten thousand dollars (\$10,000), such amount may be retained by the intermediate unit for the purpose of providing special education programs or services without the approval of its constituent school districts. For the purpose of computing the revenue available for the guarantee in this section, the Commonwealth shall include funds allocated pursuant to sections 2509(f) and 2509.5(b), plus an amount equal to three times the school district payment to the Commonwealth pursuant to section 2509.1(b) and the funds allocated pursuant to sections 2509.1(c), (d) and (f) and 2509.6.

(2509.7 added Aug. 5, 1991 P.L.219, No.25)

Section 2509.8. Extraordinary Special Education Program Expenses.--(a) The Department of Education shall, for the 1991-1992 school year, the 1994-1995 school year and each school year thereafter, set aside one percent (1%) of the State special education appropriation for extraordinary expenses to be incurred in providing a special education program or service to one or more students with disabilities as approved by the Secretary of Education.

(b) (1) Subject to the limitation in clause (2), the Department of Education shall, for the 1992-1993 and 1993-1994 school years, set aside two percent (2%) of the State special education appropriation for extraordinary expenses incurred in providing special education programs or services to one or more students with disabilities as approved by the Secretary of Education.

(2) In the 1992-1993 school year, only one-half of the two percent (2%) set aside may be expended immediately, and the other one-half of the amount set aside shall not be expended until all authorized expenditures under sections 2509, 2509.1,

2509.5, 2509.9 and 2509.10 have been made to the qualified school entities.

(c) The Secretary of Education shall establish guidelines for the application, approval, distribution and expenditure of these funds and shall report annually to the General Assembly on such expenditures.

(d) For the 2000-2001 school year through the 2002-2003 school year, the Department of Education shall set aside two percent (2%) of the special education appropriation for extraordinary expenses incurred in providing a special education program or service to one or more students with disabilities as approved by the Secretary of Education. ((d) amended Dec. 23, 2003, P.L.304, No.48)

(e) For the 2003-2004 school year through the 2013-2014 school year, the Department of Education shall set aside one percent (1%) of the special education appropriation for extraordinary expenses incurred in providing a special education program or service to one or more students with disabilities as approved by the Secretary of Education. Such special education program or service shall include, but not be limited to, the transportation of students with disabilities; services related to occupational therapy, physical therapy, speech and language, hearing impairments or visual impairments; or training in orientation and mobility for children who are visually impaired or blind. ((e) amended July 13, 2016, P.L.716, No.86)

(f) (i) For the 2016-2017 school year and each school year thereafter, an amount equal to one percent (1%) of the special education appropriation shall be distributed to school districts and charter schools for extraordinary expenses incurred in providing a special education program or service to one or more students with disabilities as approved by the Secretary of Education. Such special education program or service shall include, but not be limited to, the transportation of students with disabilities; services related to occupational therapy, physical therapy, speech and language, hearing impairments or visual impairments; or training in orientation and mobility for children who are visually impaired or blind.

(ii) Funds distributed to a school district or charter school under this subsection shall be allocated for students for which expenses are incurred on an annual basis that are equal to or greater than seventy-five thousand dollars (\$75,000) as follows:

(A) For a student for whom expenses are equal to or greater than seventy-five thousand dollars (\$75,000) and less than or equal to one hundred thousand dollars (\$100,000), subtract the State subsidies paid on behalf of the student to the school district or, for a student enrolled in a charter school, the charter school payment received by the charter school where the child is enrolled from the expense incurred for the student and multiply the difference by the school district's or charter school's market value/personal income aid ratio.

(B) For a student for which expenses are greater than one hundred thousand dollars (\$100,000), subtract the State subsidies paid on behalf of the student to the school district or, for a student enrolled in a charter school, the charter school payment received by the charter school where the child is enrolled from the expense incurred for the student.

(iii) No school district or charter school shall in any school year receive an amount under subclause (i) which exceeds the total amount of funding available multiplied by the percentage equal to the greatest percentage of the State's

special education students enrolled in a school district or charter school.

((f) added July 13, 2016, P.L.716, No.86)

(2509.8 amended June 30, 1995, P.L.220, No.26)

Section 2509.9. Special Education Payments to Intermediate Units and School Districts for 1992-1993.--Notwithstanding any provision of this act to the contrary, special education payments during the period from July 1, 1992, through December 31, 1992, shall be made in the following manner:

(1) Payments to intermediate units shall be equal to amounts payable under section 2509.1(d) and shall be made in accordance with the schedule under section 2509.1(e) during the 1992-1993 school year.

(2) Payments to school districts shall be equal to those paid to school districts on account of special education services and paid during the 1991-1992 school year in accordance with the schedule under section 2509.5(c), excluding those payments made under section 2509(f).

(2509.9 amended June 7, 1993, P.L.49, No.16)

Section 2509.10. Special Education Payment Adjustments for 1992-1993 School Year.--Payments to each school district pursuant to section 2509.9 and pursuant to court orders shall be applied to the amounts payable to such school district pursuant to section 2509.5(d). Payments pursuant to section 2509.9 and pursuant to court orders to each intermediate unit which is coterminous with a school district shall be applied to the amounts payable to the school district pursuant to section 2509.5(d) and to the intermediate unit pursuant to section 2509.1(b.1), (c) and (d). Payments pursuant to section 2509.9 and pursuant to court orders to each intermediate unit which is not coterminous with a school district shall be applied to the amounts payable to such intermediate unit pursuant to section 2509.1(c). Each intermediate unit which is not coterminous with a school district shall return to the Department of Education any funds received pursuant to section 2509.9 and pursuant to court orders that exceed the amounts payable to such intermediate unit pursuant to section 2509.1(c).

(2509.10 added June 7, 1993, P.L.49, No.16)

Section 2509.11. Eligible Young Children.--(a) Beginning with the 1997-1998 school year, programming for children over the age established for an eligible young child as defined in this section shall be paid for from funds appropriated under sections 2509, 2509.1 and 2509.5 and their successor provisions. Funds appropriated for early intervention services for eligible young children shall not be used for this programming.

(b) As used in this section, "eligible young child" shall mean a child who is younger than the earliest admission age to a school district's kindergarten program for children five (5) years of age; or when no kindergarten program is provided, the admission age for beginners; and at least three (3) years of age and who meets any of the following criteria:

(1) The child has any of the following physical or mental disabilities: autism/pervasive developmental disorder, serious emotional disturbance, neurological impairment, deafness/hearing impairment, specific learning disability, mental retardation, multi-handicap, other health impairment, physical disability, speech impairment or blindness/visual impairment.

(2) The child is considered to have a developmental delay as defined by regulations of the State Board of Education and the standards of the Department of Education.

(2509.11 added June 25, 1997, P.L.297, No.30)

Section 2509.12. Special Education Community Support Services.--For the 2006-2007 school year and each school year thereafter, the Department of Education shall set aside from the annual special education appropriation five hundred sixty-three thousand dollars (\$563,000) for community support services for students with disabilities. This amount is not to be included in the base calculations of the special education program components.

(2509.12 added July 11, 2006, P.L.1092, No.114)

Section 2509.13. Special Education Funding for Student Achievement and Instruction of Eligible Students.--(a) (1)

The Department of Education shall utilize the funds under section 2509.8(e) in order to meet, to the extent that funds are available, extraordinary special education expenses not anticipated through the special education funding formula. School districts and charter and cyber charter schools may apply for resources through the fund under procedures established by the Department of Education. The Department of Education shall make payments from the fund in response to the applications.

(2) The Department of Education shall issue a comprehensive annual report documenting use of the fund to the General Assembly and shall provide public access to the report.

(3) As used in this subsection, "extraordinary special education expenses" shall mean expenses that result from needs and circumstances of an eligible student with significant disabilities which are not ordinarily present in a typical special education service and program delivery system and which have costs exceeding the school district or charter or cyber charter school funding for special education, in order to provide the student with an appropriate education in the least restrictive environment.

(b) (1) To the extent that funds are appropriated any year by the General Assembly, the Department of Education shall establish and implement a competitive grant program for school districts and charter schools meeting the following criteria:

(i) Providing instruction within the regular classroom at least eighty percent (80%) of the school day for at least sixty-five percent (65%) of eligible students, as averaged for the two (2) most recent school years for which data is available or increasing the number of eligible students receiving instruction within the regular classroom by at least fifteen percent (15%) in the most recent school year for which data is available.

(ii) In the most recent school year for which data is available, performance by eligible students on State academic assessments in reading and math, averaged for the entire district, meeting State standards for adequate yearly progress by any method approved by the Federal and State governments, such as by meeting the annual target, the confidence interval or the safe harbor target or by appeal.

(iii) Implementing programs or services that serve as a model of excellence for meeting high standards for inclusion and student achievement through quality special education.

(2) The Department of Education shall develop guidelines for the administration of the grant program established under this subsection, which shall be allocated to school districts and charter schools on a competitive basis.

(3) The Department of Education shall issue an annual report to the General Assembly documenting use of the grants issued under paragraph (1) and shall provide public access to the report.

(4) Nothing under paragraph (1) or any other provision of this act shall alter Federal or State law regarding the protections provided to an eligible student for receiving education in the least restrictive environment or shall alter the legal authority of individualized education program teams to make appropriate program and placement decisions for eligible students in accordance with the individualized education program developed for each eligible student.

(2509.13 added Apr. 25, 2013, P.L.12, No.3)

Compiler's Note: Section 4 of Act 3 of 2013 provided that the Secretary of Education shall propose regulations for promulgation by the State Board of Education which implement section 2509.13.

Section 2509.14. Special Education Funding for Eligible Students with Disabilities in Cost Category 3.--(2509.14 repealed July 10, 2014, P.L.1053, No.126)

Compiler's Note: Section 4 of Act 3 of 2013 provided that the Secretary of Education shall propose regulations for promulgation by the State Board of Education which implement section 2509.14.

Section 2509.15. Special Education Accountability.--(a)

(1) The Department of Education shall determine the form and manner in which school districts shall submit a special education plan and revisions, updates and amendments to the special education plan under this section. The special education plan shall be consistent with other existing plans and reports required by the Department of Education to the greatest extent possible. Special education plans shall be written in a manner that is easy to use and understand by parents and the public, including a general summary.

(2) The Department of Education shall:

(i) review the special education plans and revisions, updates and amendments;

(ii) provide recommendations and technical assistance to school districts;

(iii) approve or disapprove the plan within ninety (90) calendar days of receipt;

(iv) provide a written explanation when disapproving a plan; and

(v) provide guidance related to plan resubmission.

(3) The Department of Education shall approve a special education plan and revisions, updates and amendments that in the determination of the Department of Education:

(i) meet the requirements of this section;

(ii) address the academic and developmental challenges for eligible students identified in the school district's most recent student achievement results and pursuant to performance indicators;

(iii) describe programs and strategies that are most likely to improve student outcomes in the school district; and

(iv) describe policies of the school district to ensure that a student identified as having a disability is no longer identified as such if the student no longer qualifies under 22 Pa. Code Ch. 14 (relating to special education services and programs), or any successor regulation.

(4) Upon disapproving a school district's special education plan, update or revision submitted under this section, the Department of Education may withhold the portion of the annual State increase in special education funding which exceeds the

index until a written special education plan, update or revision is approved.

(5) The Secretary of Education shall involve as appropriate in special education monitoring, support, intervention, technical assistance and special education plan review by the Department of Education, the staff in relevant offices, bureaus and divisions of the Department of Education, as well as any other resources as appropriate.

(b) (1) Pursuant to the timetable set forth in section 218, each school district receiving an increase in its State special education funding allocation of more than the index shall update its special education plan by attaching the district's special education expenditures as reported on the annual financial reports and shall submit the updates and revisions to the Department of Education for approval under subsection (a). The Department of Education shall allow a district to meet the requirements of this section by adding the information as an appendix to the existing plan.

(2) School districts shall use State funds for programs and supports that expressly benefit eligible students educated in the least restrictive environment in accordance with Federal and State law and contribute to achievement of performance indicators.

(3) The Department of Education shall identify resources for programs and supports that benefit eligible students and contribute to achievement of performance indicators and address the following areas or related areas:

- (i) curricula adaptation;
- (ii) coteaching;
- (iii) assistive technology;
- (iv) school-wide positive behavior supports;
- (v) supplementary aids and services;
- (vi) professional development;
- (vii) reading services and supports;
- (viii) caseload management for special education teachers and related services personnel; and
- (ix) placing and serving eligible students in regular classrooms with supports in accordance with the individualized education program developed for each eligible student.

(4) The Department of Education shall make the resources identified in paragraph (3) available to all educational entities in this Commonwealth.

(c) Accountability for the effective use of resources to meet student needs shall also be provided in the following ways:

(1) The Department of Education shall issue to the General Assembly a comprehensive annual report on special education funding, special education plans, the implementation of 22 Pa. Code § 14.104 (relating to special education plans) and other special education accountability issues for public school entities serving eligible students and this Commonwealth.

(2) Upon disapproving a school district's special education plan, update or revision, the Department of Education may withhold the portion of the annual State increase in special education funding which exceeds the index until a written special education plan, update or revision is approved.

(3) (i) The Department of Education shall:

(A) review and monitor implementation of all special education plans, such as compliance with subsection (b) and 22 Pa. Code § 14.104;

(B) provide support, intervention and technical assistance in school districts failing to meet student needs based on

performance indicators or failing to comply with subsection (b);

(C) post on its Internet website each school district's progress on meeting student needs based on performance indicators; and

(D) determine whether to withhold up to five percent (5%) of all State special education funding for school districts identified under this clause while the identified problems remain unresolved.

(ii) If the Department of Education determines that a school district is making substantial progress toward resolving the identified problems, it shall restore the withheld funding retroactively and continue to monitor the district for an additional two (2) years.

(4) (i) To discourage the inappropriate overidentification of children for special education, the Department of Education shall automatically conduct a thorough review of the special education plan of any school district with a substantially higher ratio of eligible students in the district to its average daily membership for all students than the State average, as established by the Department of Education, and of any district where the ratio of eligible students in the school district to its average daily membership for all students in the most recent school year for which data is available has increased by more than ten percent (10%) over the previous year or of any district where the ratio has increased by an annual average of more than five percent (5%) during the most recent five-year period. The Department of Education may take remedial action, including withholding up to five percent (5%) of all State special education funding, if the Department of Education determines that a school district has overidentified children for special education.

(ii) Nothing in this paragraph or any other provision of this act shall be construed to alter Federal or State law regarding the protections provided to an eligible student for receiving education in the least restrictive environment or alter the legal authority of individualized education program teams to make appropriate program and placement decisions for eligible students in accordance with the individualized education program developed for each eligible student.

(d) In rendering a decision or determining remedial action under this section, the Department of Education shall consider extraordinary circumstances which a school district subject to review is experiencing, including a substantial reduction in Federal or State funds or other factors beyond the control of the school district. The Department of Education shall issue to any affected school district a notice specifying the Department of Education's decisions and actions under this section and the rationale for the decisions and actions. A school district may file a written response to the Department of Education about the Department of Education's decisions and actions regarding the district made under this section. The written response must be submitted to the Department of Education within thirty (30) calendar days of the Department of Education's notice or within thirty (30) calendar days of receiving the notice, whichever is later. The Department of Education shall consider the written response, consult with the school district and, within thirty (30) calendar days after receiving the written response, issue a written decision addressing the concerns and claims made in the written response, explaining the judgment of the Department of Education in response to these concerns and claims and specifying the

opportunity to appeal this matter to the Secretary of Education for a hearing under 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action) and 1 Pa. Code Pt. II (relating to general rules of administrative practice and procedure). If requested, the Secretary of Education shall convene a hearing within thirty (30) calendar days after receipt of a school district's hearing request. The Secretary of Education shall render a written hearing decision within thirty (30) calendar days following the hearing.

(e) The Department of Education shall provide public access to the decisions, actions and reports made under this section.

(f) Nothing under this section shall supersede or preempt any provisions of a collective bargaining agreement between a school entity and an employee organization in effect on the effective date of this section.

(g) The requirements of this section shall be waived until the General Assembly appropriates special education funding above the amount of special education funding in the base year, and on the effective date of the appropriation the requirements of this section shall apply for that school year and for each school year thereafter.

(2509.15 added Apr. 25, 2013, P.L.12, No.3)

Compiler's Note: Section 4 of Act 3 of 2013 provided that the Secretary of Education shall propose regulations for promulgation by the State Board of Education which implement section 2509.15.

Section 2509.16. Data Collection.--Using existing resources and data systems as well as nationally accepted accounting and modeling standards, the Department of Education shall collect data necessary for accurate functioning of a special education formula developed under section 122, including, but not limited to, data necessary for the calculations related to Cost Category 1, Cost Category 2 and Cost Category 3 as part of the formula developed by the commission. The Department of Education shall begin collecting such data upon the effective date of this section.

(2509.16 added Apr. 25, 2013, P.L.12, No.3)

Compiler's Note: Section 4 of Act 3 of 2013 provided that the Secretary of Education shall propose regulations for promulgation by the State Board of Education which implement section 2509.16.

Section 2509.17. Protections.--Nothing under the provisions of this act shall alter Federal or State law regarding the protections provided to an eligible student for receiving education in the least restrictive environment or shall alter the legal authority of individualized education program teams to make appropriate program and placement decisions for eligible students in accordance with the individualized education program developed for each eligible student.

(2509.17 added Apr. 25, 2013, P.L.12, No.3)

Compiler's Note: Section 4 of Act 3 of 2013 provided that the Secretary of Education shall propose regulations for promulgation by the State Board of Education which implement section 2509.17.

Section 2510. Payments on Account of Extension Classes and Instruction of Home Bound Children.--(2510 repealed Feb. 1, 1966, 1965 P.L.1642, No.580)

Section 2510.1. Payments on Account of Homebound Children.--Every school district, regardless of classification, shall be paid by the Commonwealth for the school year 1966-1967, and for each school year thereafter, on account of the instruction of homebound children, an amount determined by multiplying the mandated minimum hourly rate for instructing homebound children by the district's aid ratio. Payments made to school districts for the instruction of homebound children shall only be made to the extent funds are appropriated for this purpose.

(2510.1 amended June 30, 2011, P.L.112, No.24)

Section 2510.2. Assistance to School Districts Certified as Education Empowerment Districts.--For the 2012-2013 fiscal year, the Department of Education may utilize up to \$4,500,000 of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the Department of Education to assist school districts certified on or before June 30, 2010, as an education empowerment district under section 1705-B(h)(3). The funds shall be transferred by the Secretary of the Budget to a restricted account as necessary to make payments under this section and, when transferred, are hereby appropriated to carry out the provisions of this section.

(2510.2 added June 30, 2012, P.L.684, No.82)

Section 2510.3. Assistance to School Districts Declared to be in Financial Recovery Status or Identified for Financial Watch Status.--(a) For the 2013-2014 and 2016-2017 fiscal years, the Department of Education may utilize up to four million five hundred thousand dollars (\$4,500,000) of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the Department of Education to assist school districts declared to be in financial recovery status under section 621-A or identified for financial watch status under section 611-A. The funds shall be transferred by the Secretary of the Budget to a restricted account as necessary to make payments under this section and, when transferred, are hereby appropriated to carry out the provisions of this section.

(b) For the 2013-2014 fiscal year, the amount of seven million five hundred thousand dollars (\$7,500,000) of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the Department of Education shall be transferred to the Financial Recovery School District Transitional Loan Account to make loans as provided under section 681-A.

(2510.3 amended July 13, 2016, P.L.716, No.86)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Section 2511. Payments on Account of Closed Schools.--(2511 repealed June 12, 1968, P.L.192, No.96)

Section 2511.1. Payments on Account of Obligations to State Public School Building Authority.--(2511.1 repealed Mar. 22, 1956, 1955 P.L.1315, No.417)

Section 2512. Certificates of Attendance Data.--On or before the first day of July of every year, each school district, with respect to area technical schools, shall file a certificate with the Superintendent of Public Instruction in such form as he may prescribe and on blanks to be furnished by him, showing attendance data for all pupils during the preceding school term, classified into such groups as the Superintendent of Public Instruction shall direct, together with such other information

as the Superintendent of Public Instruction shall require, in order to enable him to properly administer the provisions of this act relating to reimbursements by the Commonwealth.

(2512 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2513. Certificates of Teacher Data.--On or before the first day of November of each year, each school district, with respect to area technical schools, shall file a certificate with the Superintendent of Public Instruction in such form as he may prescribe and on blanks to be furnished by him, showing the number of full-time teachers, supervisors, principals and other full-time members of the teaching and supervisory staffs, the number thereof employed in elementary schools, and the number employed respectively in three (3) and four (4) year junior high schools, the certificates held by each, and the compensation paid each for the current school year, and showing further the number of part-time teachers, supervisors, and principals employed in extension schools and classes established as herein provided, the certificates held by each, and the compensation paid each during the preceding school year.

(2513 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2513.1. Certificates of Expenditures for Vocational Schools.--On or before the tenth day of July of each year, the school directors of each district shall present to the Superintendent of Public Instruction a statement of the amount expended during the school year previous to such first day of July for instruction in approved local or joint vocational industrial, vocational homemaking, vocational distributive occupational or vocational agricultural schools or departments. On the basis of such a statement the Superintendent of Public Instruction, as the executive officer of the State Board for Vocational Education, shall pay such school districts and joint school districts such reimbursement for the previous school year as is provided for in this act.

(2513.1 added May 9, 1949, P.L.939, No.263)

Section 2514. Certificates of Assessed Valuations.--On or before the first day of July of every year, the board of revision of taxes of counties of the first class, the board of property assessment appeals and review of counties of the second class, the board for the assessment and revision of taxes of counties of the third class, and the county commissioners of all other counties, shall file a certificate with the Superintendent of Public Instruction, in such form as he may prescribe and on blanks to be furnished by him, showing the assessed valuation of all real property in each school district in the county on which the taxes for the then current year are levied.

Section 2514.1. Personal Income Valuation Information and Determinations.--(a) The Secretary of Revenue shall, on or before January 31 of each year commencing in 1981, supply to each school district a listing of the names and addresses of each person who has filed a State income tax return with the Department of Revenue for the tax year preceding the immediate prior year and has designated thereon a code or identification number indicating that the taxpayer was a resident of the school district at the close of the tax year for which the return was filed. Within twenty (20) days of receipt of the list, each school district shall report to the Secretary of Revenue in writing in such form as the secretary shall prescribe any claimed corrections to the list as of December 31 of the tax year for which the returns were filed, specifying the basis for each claim. Should the school district claim that any address listed properly should be carried upon the list of another

school district, the reporting school district shall notify the other school district of its claim, and a copy of the notice shall accompany the report hereby required. Within ten (10) days of receipt of the notice, the other school district may notify the Secretary of Revenue in writing in such form as the secretary shall prescribe of its nonconcurrence with the claim made by the reporting school district, specifying the basis for its nonconcurrence. Failure to report or notify the Secretary of Revenue of any claimed correction or nonconcurrence as herein provided shall be deemed a concurrence.

(b) Upon receipt of the reports and notices provided for in subsection (a), the Secretary of Revenue, with the cooperation of the Secretary of Education, shall cause them to be reviewed, make such adjustments or corrections as he may deem necessary and appropriate, and based upon the corrected list, shall make his determination of the valuation of total taxable income to be certified to the Secretary of Education. The certified determination shall be final and not subject to further review or appeal with respect to the tax year involved.

(b.1) Each school district which receives a listing of taxpayers pursuant to subsection (a) shall, upon receipt of a written request from any municipality within the school district, share a copy of the listing with the requesting municipality. This information shall be used by a municipality solely to verify the accuracy of the municipality's tax rolls. Each school district which complies with the provisions of this subsection shall be entitled to reasonable expenses and reimbursement for making the listing available to the municipality. The provisions of subsection (a) with regard to claimed corrections shall not apply to municipalities. ((b.1) added July 10, 1987, P.L.286, No.50)

(c) Provision by the Department of Revenue of the list of the names and addresses and school identification code or number to the school districts and use thereof by the school districts or municipalities for the purposes of this section shall be deemed an official use and not a violation of subsection (f) of section 353 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," but the use or disclosure of the contents of any list by any person for any purpose other than that set forth by this section or as otherwise permitted by law shall be unlawful and in violation of section 353(f) of the "Tax Reform Code of 1971." ((c) amended July 10, 1987, P.L.286, No.50)

(2514.1 amended Feb. 4, 1982, P.L.1, No.1)

Section 2515. Ascertainment of Amounts Required; Apportionment.--The Superintendent of Public Instruction shall ascertain and determine the amount of funds required to meet each payment to school districts, intermediate units and vocational school districts which become due and payable within each fiscal year, on the data and material contained in the certificates which school districts, intermediate units and vocational school districts are required to file with the superintendent at such time as he shall determine. The superintendent shall apportion and allot the same to and among the respective districts and intermediate units. The amount paid to any district or intermediate unit within any fiscal year shall be computed on the data and information contained in the certificates required to be filed each year, as herein provided. Each district's valuation to be used for purposes of computing its standard reimbursement fraction for the school year 1949-1950 and thereafter or for purposes of computing the aid ratio for the school year 1966-1967, and thereafter, shall

be the valuation placed upon its taxable real property by the State Tax Equalization Board.

(2515 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2516. Certification of Amounts.--When the amount payable to each district and board has been ascertained and determined by the Superintendent of Public Instruction, he shall certify the same to the State Treasurer and Auditor General, who shall place the accounts to the credit of the respective districts and boards. The Superintendent of Public Instruction shall transmit to each intermediate unit and to each school district a statement showing the amount which has been apportioned and allotted to each school district and to each intermediate unit for area technical schools under the supervision of intermediate unit executive director or district superintendent.

(2516 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2517. Payments.--(a) The amount apportioned and allotted to each school district shall be divided into three payments and the Secretary of Education shall draw his requisition three times annually upon the State Treasurer in favor of each district for the amount to which it is entitled. The first two payments shall be estimates based on but not to exceed thirty percent (30%) each of the total amount apportioned and allocated to the school district during the previous school year for the same purposes. The final payment shall be the balance of the apportionment due for the applicable school year. Payment thereof shall be made to all school districts on the first day of October, February and June, except any school district whose fiscal year and calendar year are identical at the effective date of this amendatory act shall continue to receive payments as heretofore.

(b) Subsection (a) of this section shall apply to payments to which a school district is entitled under any provision of sections 2502, 2592, 2502.3 or 2502.4 of the act for any school year up to or including 1980-1981.

(c) For the 1981-1982 school year through the 1990-1991 school year, the amount apportioned and allotted to each school district shall be divided into six payments and the Secretary of Education shall draw his requisition six times upon the State Treasurer in favor of each district for the amount to which it is entitled. The first five payments shall be estimates based on but not to exceed fifteen percent (15%) each of the total net amount apportioned and allocated to the school district for the payment year. The final payment shall be the balance of the apportionment due for the applicable school year. Payment thereof shall be made to all school districts on the fourth Thursday of August, October, December, February and April and the first day of June. For the 1991-1992 school year and every school year thereafter, the amount apportioned and allotted to each school district shall be divided into six payments and the Secretary of Education shall draw his requisition six times upon the State Treasurer in favor of each district for the amount to which it is entitled. The first five payments shall be estimates based on but not to exceed fifteen percent (15%) each of the total net amount apportioned and allocated to the school district for the payment year. The final payment shall be the balance of the apportionment due for the applicable school year. Payment thereof shall be made to all school districts on the last Thursday of August, October, December, February and April and the first day of June. ((c) amended Aug. 5, 1991, P.L.219, No.25)

(d) Subsection (c) of this section shall apply to:

(1) All payments to which a school district is entitled under any provision of sections 2502, 2502.3, 2502.4, 2502.8, 2502.9 and 2592 for the school year 1981-1982.

(2) Payments to which a school district is entitled under any provision of sections 2502, 2502.8 and 2502.11 for the school year 1982-1983 and the school year 1983-1984.

(3) Payments to which a school district is entitled under any provision of sections 2502, 2502.8, 2502.11, 2502.13 and 2502.20 for the school year 1984-1985 through the school year 2000-2001.

(4) Payments to which a school district is entitled under any provision of sections 2502, 2502.8, 2502.11, 2502.13, 2502.40 and 2591.1 for the school year 2001-2002 and each school year thereafter.

((d) amended June 29, 2002, P.L.524, No.88)

(e) The Secretary of Education, with the approval of the Governor, may make basic education funding allocation payments to school districts, in advance of the dates set forth in this section to school districts which are financially handicapped, when the secretary deems it necessary to enable the school district to keep their public schools open. ((e) added July 11, 2006, P.L.1092, No.114)

(2517 amended July 1, 1985, P.L.103, No.31)

Section 2518. Forfeitures for Employing Improperly Certified Individuals.--In the event that after the first day of July one thousand nine hundred fifty-one, any school district, or intermediate unit with respect to area technical schools, for a period of two successive years employes the same teacher, who holds only an emergency certificate for any grade or subject which he teaches, or for a period of two successive years, employs in the same position teachers, who hold only an emergency certificate for any grades or subjects which they teach, such school district or board shall forfeit the sum of three hundred dollars (\$300) for each teacher so employed or for each position so filled. No such penalty shall be imposed for any violation of the foregoing provision during the biennium one thousand nine hundred forty-seven--one thousand nine hundred forty-nine. Any school district or intermediate unit with respect to area technical schools that now or hereafter employs any teacher, who does not hold any form of teacher certification to teach in the public schools of this Commonwealth, valid for the subjects or grades in which the teacher is giving instruction, shall forfeit one reimbursement unit for each such teacher employed. Any school district or intermediate unit with respect to area technical schools that employs any person in a supervisory capacity after the first Monday of July, 1962, who has not been certified for such position by the Department of Education, shall forfeit one reimbursement unit for each such person employed: Provided, That there shall not be any forfeiture for any uncertificated person who is employed in a supervisory capacity if such person was in the employ of any school district on or before July 1, 1962. Forfeiture shall apply only to uncertificated persons who are hired in a supervisory capacity after July 1, 1962. Any school district or intermediate unit with respect to area technical schools that employs a substitute after July first, one thousand nine hundred fifty-two, in a position where a vacancy exists for a full year or more, without the specific written approval of the Secretary of Education, shall forfeit one reimbursement unit for each substitute so employed. The Secretary of Education shall deduct such sum or sums from the amount of the

Commonwealth appropriation otherwise due such district or intermediate unit under the provisions of this act.

The foregoing forfeitures of reimbursement units on account of employees uncertificated for the position in which employed, and on account of substitutes, shall not apply in the case of employees in positions after July 1, 1966: Provided, however, That any school district or any county board of school directors with respect to area technical schools that from July 1, 1966, to July 1, 1992, has had in its employ any person in a teaching, specialist, supervisory or administrative capacity who has not been certificated for said position by the Department of Education, or that has had in its employ a substitute in a position where a vacancy exists for a full year or more without the specific written approval of the Secretary of Education, shall forfeit an amount equal to the minimum salary mandated by law for the position less the product of said salary and the aid ratio of the district. Notwithstanding the above, after July 1, 1992, any school district, intermediate unit, area vocational-technical school or other public school in this Commonwealth that has in its employ any person in a position that is subject to the certification requirements of the Department of Education but who has not been certificated for his position by the Department of Education or that has in its employ a substitute in a position where a vacancy exists for a full year or more without the specific written approval of the Secretary of Education shall forfeit an amount equal to six thousand dollars (\$6,000) less the product of six thousand dollars (\$6,000) and the district's market value/income aid ratio. Any exemption from forfeiture by reason of employment on or before July 1, 1962 as provided elsewhere in this section shall not be invalidated by this amendment.

(2518 amended June 7, 1993, P.L.49, No.16)

Section 2519. Withholding Payments for Failure to Pay Minimum Salaries and Increments.--The Superintendent of Public Instruction may refuse to authorize the payment of any amount payable to any school district or intermediate unit for area technical schools for any school year, which the school district or intermediate unit shall at any time fail or refuse to pay to the members of its teaching and supervisory staffs the full amount of the minimum salaries and increments required by law. He may continue to withhold such requisitions until provision has been made by the school district or intermediate unit for the payment of such minimum salaries and increments.

(2519 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2520. Payments on Account of Increase in Number of Pupils and Additional Closed Schools.--(2520 repealed Feb. 1, 1966, 1965 P.L.1642, No.580)

Section 2521. Errors in Certificates.--If any error in any certificate shall occur whereby a school district or intermediate unit with respect to area technical schools would receive more or less of the State appropriation than is justly due to such district or intermediate unit, the intermediate unit executive director or district superintendent shall have authority and hereby is required to forward immediately to the Superintendent of Public Instruction a correct certification, and the Superintendent of Public Instruction shall thereupon make it the basis of the appropriation due said district.

(2521 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2522. Payments to School Treasurer; Use.--The annual State appropriation apportioned and distributed by the Superintendent of Public Instruction to any school district or to any intermediate unit for area technical schools shall be

paid to the treasurer of the school district or to the treasurer of the intermediate unit, and shall be used by the district through its board of school directors for the use of the district for the purposes mentioned in this act or by the intermediate unit for area technical schools.

(2522 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2523. Schools Closed on Account of Contagious Disease, etc.--When any board of school directors or intermediate unit with respect to area technical schools is compelled to close any school or schools on account of any contagious disease, natural disaster or other emergency or for the school year 1979-1980 on account of major construction or renovation to a school building, not including labor disputes involving school employes, and therefor is unable to keep such school or schools open for the minimum term required by this act, the Secretary of Education may pay to such school district or intermediate unit any or all of its share of the annual State appropriation as he deems proper.

(2523 amended June 30, 1980, P.L.279, No.80)

Section 2524. Penalty for Falsifying Reimbursement Reports.--Any officer of any school district or intermediate unit with respect to area technical schools who knowingly falsifies any report or certificate required to be made for the purpose of obtaining any reimbursement under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than three hundred dollars (\$300), nor more than one thousand dollars (\$1000), or undergo imprisonment for a term of not less than one (1) month, nor more than six (6) months, or both, in the discretion of the court.

(2524 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2525. Audio-Visual Libraries and Instructional Materials Centers.--Annually, before the first day of July, every intermediate unit, which operates or participates in the operation of an audio-visual library and instructional materials center, shall submit to the Department of Public Instruction a report of the cost of operating or participating in the operation of such audio-visual library and instructional materials center.

Whenever funds become available from any source whatever for the purpose of (1) making special grants to intermediate units to operate or participate in the operation of audio-visual libraries and instructional materials centers in accordance with policies approved by the State Board of Education, or (2) purchasing mobile units and/or portable exhibits for use in connection with or independently of established audio-visual libraries and instructional materials centers, or either of them, the Department of Public Instruction may expend such funds for such purpose or purposes in amounts to be determined by the Department of Public Instruction in accordance with policies approved by the State Board of Education. This section shall not be construed to authorize the expenditure of any State funds for such purposes unless specifically appropriated by the General Assembly.

(2525 amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2526. Reduction of Payments Prohibited.--Notwithstanding any other provisions of this act, no subsidy payments made pursuant to the provisions of this act for the fiscal year 1981-1982 to any school district shall be reduced because a school district permitted students to matriculate to institutions of higher education prior to graduation to avoid the financial constraints imposed on the

Social Security Insurance Program by section 2210 of the Omnibus Reconciliation Act of August 13, 1981, P.L. 97-35, 95 Stat. 357.

(2526 added May 11, 1982, P.L.396, No.115)

Section 2526.1. Budget Stabilization Plan Progress Report.--(a) A school district of the first class shall submit a budget stabilization plan progress report to the Secretary of Education and the Secretary of the Budget in a manner prescribed by the Secretary of Education no later than October 15, 2007, for the period ending September 30, 2007, and no later than January 15, 2008, for the period ending December 31, 2007.

(b) (1) The Secretary of Education shall approve a report that demonstrates that planned cost reduction measures adopted by a school district of the first class and resulting projected savings included in a budget adopted by a school district of the first class have occurred as scheduled or have been replaced with substitute cost reduction measures that have generated equal savings.

(2) In the case of a report deemed to be unsatisfactory, the Secretary of Education shall disapprove the report and make any necessary recommendations to a school district of the first class.

(3) The Secretary of Education may withhold any State appropriation that may become due to a school district of the first class after the deadline for submitting a budget stabilization plan progress report until such time as a budget stabilization plan progress report is approved pursuant to this subsection.

(c) The Secretary of Education shall provide a copy of any budget stabilization plan progress report submitted by a school district of the first class to the chairman and minority chairman of the Appropriations Committee of the Senate, the chairman and minority chairman of the Appropriations Committee of the House of Representatives, the chairman and minority chairman of the Education Committee of the Senate and the chairman and the minority chairman of the Education Committee of the House of Representatives.

(2526.1 added July 20, 2007, P.L.278, No.45)

(c) Pupil Transportation.

Section 2541. Payments on Account of Pupil Transportation.--(a) School districts shall be paid by the Commonwealth for every school year on account of pupil transportation which, and the means and contracts providing for which, have been approved by the Department of Education, in the cases hereinafter enumerated, an amount to be determined by multiplying the cost of approved reimbursable pupil transportation incurred by the district by the district's aid ratio. In determining the formula for the cost of approved reimbursable transportation, the Secretary of Education may prescribe the methods of determining approved mileages and the utilized passenger capacity of vehicles for reimbursement purposes. For the school year 1998-1999 and each school year thereafter, any school entity which contracts with one or more school entities to provide pupil transportation services shall be reimbursed in accordance with the formula specified by the Department of Education for district-owned vehicles. In addition thereto, the Commonwealth shall pay to each district qualifying a payment for excessive cost of transportation, said amount to be determined by subtracting from the cost of the approved reimbursable transportation the sum of the Commonwealth

transportation payment immediately above, plus the product of one-half mill (0.0005) times the latest market value of the district as determined by the State Tax Equalization Board, provided such amount is not negative. In addition thereto, the Commonwealth shall pay to school districts which own their own vehicles, an annual depreciation charge of ten per centum (10%), to be calculated on the basis of the approved cost at which the district acquired the vehicle for which depreciation is claimed. With respect to vehicles purchased prior to January 1, 1956, the number of depreciation payments shall be limited to ten such payments. With respect to vehicles purchased on or after January 1, 1956, the annual depreciation charge shall not exceed seven hundred dollars (\$700) for such vehicles. The number of annual depreciation charges shall be limited, so that the total amount of such payments shall not exceed the cost of the vehicle as approved by the Department of Education at the time of the purchase. In no case shall the Commonwealth pay, in depreciation charges, more than ten thousand five hundred dollars (\$10,500) for any one vehicle. ((a) amended Dec. 21, 1998, P.L.1194, No.154)

(b) Such payments for pupil transportation shall be made in the following cases:

(1) To school districts of the fourth class and districts of the third class which are located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, to districts of the third class operating schools jointly with districts of the fourth class or with other districts of the third class entitled to payment on account of transportation to merged or union school districts in which one or more of the component districts were heretofore eligible for reimbursement on account of transportation to new school districts composed of two or more former school districts established as a result of reorganization of school districts pursuant to Article II., subdivision (i) of this act and to school districts which were eligible heretofore for reimbursement on account of transportation, for the transportation of elementary school pupils residing within any part of the district last served by any elementary school closed since the first Monday of July, one thousand nine hundred seven, or within a district all of whose schools have been closed, or who are assigned to a training school of a State college, and in each case who reside one and one-half (1 1/2) miles or more from the school to which they are assigned or who reside in areas where the road or traffic conditions are such that walking constitutes a hazard to the safety of the child when so certified by the Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

(2) To school districts of the fourth class and districts of the third class which are located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, to merged or union school districts in which one or more of the component districts were heretofore eligible for reimbursement on account of transportation to new school districts composed of two or more former school districts established as a result of reorganization of school districts pursuant to Article II.,

subdivision (i) of this act and to school districts which were eligible heretofore for reimbursement on account of transportation, for the transportation of any child living more than two (2) miles by the nearest public highway from the nearest school in session, or any child who resides in an area where the road or traffic conditions are such that walking constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety, and to districts of the third class operating schools jointly with districts of the fourth class or with other districts of the third class entitled to payment on account of transportation for the transportation of any child living more than two (2) miles by the nearest public highway from the nearest jointly operated school in session offering the proper grades including pupils who are attending area technical schools or any child who resides in an area where the road or traffic conditions are such that walking constitutes a hazard to the safety of the child when so certified by the Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

(3) To all school districts, for the transportation of physically or mentally handicapped children regularly enrolled in special classes approved by the Department of Education or enrolled in a regular class in which approved educational provisions are made for them.

(4) To all third and fourth class school districts, for pupils transported to and from approved consolidated schools or approved joint consolidated schools living one and one-half miles or more from the school of attendance or residing in areas where the road or traffic conditions are such that walking constitutes a hazard to the safety of the child when so certified by the Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

Consolidated schools or joint consolidated schools shall so long as they are approved by the Secretary of Education as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, condition of admission, expenditures of money, methods and means of transportation and the contracts providing therefor, constitute approved consolidated schools or approved joint consolidated schools.

(5) To all school districts, for pupils transported to and from schools used for the purpose of better gradation.

(6) To all school districts for pupils transported to and from area technical schools.

(7) To all school districts, for the transportation of nonresident children who are placed in the home of a resident, or who are inmates of an orphan asylum or home or a children's home or other institution for the care and training of orphans or other children, and who attend the public schools, and who live two miles or more from the nearest school with the proper grades or residing in areas where the road or traffic conditions are such that walking constitutes a hazard to the safety of the child when so certified by the Department of Transportation. The Department of Transportation shall take into account the

presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

(c) Payments for pupil transportation on account of the school year 1979-1980 and every school year thereafter shall be made only in the following cases:

(1) To all school districts for the transportation to and from school of elementary school pupils, including kindergarten pupils, residing one and one-half (1 1/2) miles or more by the nearest public highway from the school in which the pupils are enrolled and to which transportation is authorized under section 1361 of this act or residing in areas where the road or traffic conditions are such that walking constitutes a hazard to the safety of the child when so certified by the Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils. Such elementary school pupils shall include nonresident children who are placed in the home of a resident, or who are residents of an orphanage, or home or children's home or other institution for the care and training of orphans or other children.

(2) To all school districts for the transportation to and from school of secondary school pupils residing two (2) miles or more by the nearest public highway from the school in which the pupils are enrolled and to which transportation is authorized under section 1361 of this act or residing in areas where the road or traffic conditions are such that walking constitutes a hazard to the safety of the child when so certified by the Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils. Such secondary school pupils shall include nonresident children who are placed in the home of a resident, or who are inmates of an orphan asylum or home or children's home or other institution for the care and training of orphans or other children.

(3) To all school districts for pupils transported to and from approved consolidated schools or approved joint consolidated schools living one and one-half (1 1/2) miles or more from the school of attendance or residing in areas where the road or traffic conditions are such that walking constitutes a hazard to the safety of the child when so certified by the Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

Consolidated schools or joint consolidated schools shall so long as they are approved as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, condition of admission, expenditures of money, methods and means of transportation and the contracts providing therefor, constitute approved consolidated schools or approved joint consolidated schools.

(4) To all school districts for the transportation of exceptional children regularly enrolled in special classes approved by the Department of Education or enrolled in a regular class in which approved educational provisions are made for them.

(5) To all school districts for pupils transported to and from area technical schools.

(d) The Commonwealth shall reimburse the school districts for the school year 1973-1974 and for each year thereafter for the approved reimbursable costs incurred in providing transportation under section 1361 for nonpublic school pupils and under section 1362 for hazardous conditions: Provided, however, That no district shall receive less than fifty percent (50%) of such approved reimbursable costs.

(e) School districts and intermediate units that provide transportation for any eligible young child as defined in section 2509.11 shall receive payments for this expense from funds appropriated under this section and section 2509.1. ((e) added June 25, 1997, P.L.297, No.30)

(f) Effective for the 2007-2008 school year, any school district that is required to transport resident students of a distressed school district pursuant to section 1607(b) shall be reimbursed by the Commonwealth the additional sum of three hundred eighty-five dollars (\$385) for each student reassigned to a school district designated pursuant to section 1607. ((f) amended June 30, 2011, P.L.112, No.24)

(2541 amended Nov. 20, 1979, P.L.465, No.97)

Section 2542. Board and Lodging in Lieu of Transportation.--In any case where the Commonwealth is required to reimburse any school district on account of pupil transportation and the school district, in lieu of such transportation, is authorized to and does pay for suitable board and lodging for any pupil, the Commonwealth shall pay to the school district an amount to be determined by multiplying the cost of such board and lodging by the districts aid ratio: Provided, that in no case shall the Commonwealth's share of the cost exceed one dollar (\$1) per day per pupil for the actual number of days such pupil is in attendance at school, not exceeding five (5) days in any one week.

(2542 amended Feb. 1, 1966, 1965 P.L.1642, No.580)

Section 2543. Sworn Statement of Amount Expended for Reimbursable Transportation; Payment; Withholding.-- Annually, each school district entitled to reimbursement on account of pupil transportation shall provide in a format prescribed by the Secretary of Education, data pertaining to pupil transportation for the prior and current school year. Districts will receive a payment in August equal to ten percent (10%) of the transportation subsidy paid to that school district in the prior year. An additional twenty percent (20%) payment will be provided in the month following receipt of the prior year's data. A twenty-five percent (25%) payment will be forwarded in December to all school districts that have provided current year data. A payment in March will be calculated by totaling all current year transportation payments and subtracting that total from an amount equal to eighty percent (80%) of the projected total transportation reimbursement for the current year. The final payment will occur in June and be calculated by subtracting the total of the first four payments, and any other transportation subsidy adjustments necessary, from the actual current year's total transportation reimbursement. The Department of Education may, for cause specified by it, withhold such reimbursement, in any given case, permanently, or until

the school district has complied with the law or regulations of the State Board of Education.

(2543 amended Aug. 5, 1991, P.L.219, No.25)

(d) All Appropriations.

Section 2551. Unused Appropriations.--At the end of any year, any balance of the State appropriation remaining on hand through forfeiture, or otherwise, shall be added to the State appropriation made up for the ensuing year.

Section 2552. Withholding State Appropriations.--It shall be the duty of the Superintendent of Public Instruction to withhold the payment of all money due any school district out of any appropriation made by the Commonwealth for any purpose, until all reports required by law and due at such time have been filed either with the Department of Public Instruction or other proper authority, whether or not such reports have any bearing on the right to such payment, and until all the school district's records bearing on its rights to reimbursements have been submitted on such uniform forms and in such manner as shall be prescribed by the department. At his discretion, he may, in like manner, withhold any or all appropriations from any district failing or refusing to comply with the laws and regulations of any department of the government of this Commonwealth for preserving the health or safety of pupils enrolled in the public schools.

(2552 amended July 13, 1957, P.L.897, No.396)

Section 2552.1. Effect of Failure to File Reports.--(a)

The Department of Education shall order the forfeiture of three hundred dollars (\$300) per day by a school district, charter school, cyber charter school, area vocational-technical school or intermediate unit that does not submit its annual budget to the Department of Education within thirty (30) days of the submittal date established by the Department of Education. The forfeiture shall continue until a report and annual budget that meet established criteria are submitted. The Department of Education shall deduct the amount of the forfeiture from any and all State payments made to the school district, charter school, cyber charter school, area vocational-technical school or intermediate unit. ((a) amended Nov. 17, 2010, P.L.996, No.104)

(a.1) (1) The Department of Education shall order the following forfeitures against a school district, charter school, cyber charter school, area vocational-technical school or intermediate unit that does not submit its annual financial report to the Department of Education within thirty (30) days of the submittal date established under sections 218 and 921-A:

(i) Three hundred dollars (\$300) per day for the first violation.

(ii) Five hundred dollars (\$500) per day for the second or subsequent violations.

(2) The forfeiture shall continue until a report that meets established criteria is submitted. The Department of Education shall deduct the amount of the forfeiture from any and all State payments made to the school district, charter school, cyber charter school, area vocational-technical school or intermediate unit.

((a.1) added Nov. 17, 2010, P.L.996, No.104)

(b) The Department of Education shall order the forfeiture of three hundred dollars (\$300) per day by a school district, charter school, area vocational-technical school or intermediate unit that does not submit its pupil membership/child accounting

reports within thirty (30) days of the submittal date established by the Department of Education. The forfeiture shall continue until a report that meets established criteria is submitted. The Department of Education shall deduct the amount of the forfeiture from any and all State payments made to the school district, charter school, area vocational-technical school or intermediate unit.

(c) The Secretary of Education may waive the forfeiture requirements under subsection (a) or (b) if the Secretary of Education is satisfied that extenuating circumstances exist.

(d) In addition to the forfeiture provided under subsections (a) and (b) and notwithstanding any other provision of law to the contrary, the Department of Education may initiate the following professional disciplinary actions against a chief school administrator in accordance with the provisions and procedures set forth in the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," for failure to submit the annual financial report and annual budget or pupil membership/child accounting reports within sixty (60) days of the submittal date established by the Department of Education:

(1) Action to suspend for a period of one year the letter of eligibility of a superintendent for the first violation of this subsection.

(2) Action to suspend for a period of one year or revoke the letter of eligibility of a superintendent for the second or subsequent violation of this subsection.

(3) Action to suspend for a period of one year the relevant administrative certificate held by a chief school administrator of a school entity, as the term "school entity" is defined by the "Professional Educator Discipline Act," for the first violation of this subsection.

(4) Action to suspend for a period of one year or revoke the relevant administrative certificate held by a chief school administrator of a school entity, as the term "school entity" is defined by the "Professional Educator Discipline Act," for the second or subsequent violation of this subsection.

(5) In the event that the chief school administrator is not certified/certificated, action to prohibit the individual from being employed in a similar position, including the temporary rescission of any letters of eligibility or waivers to hold such position, for a period of one year for the first violation of this subsection.

(6) In the event that the chief school administrator is not certified/certificated, action to prohibit the individual from being employed in a similar position, including rescission of any letters of eligibility or waivers to hold such position, or temporary rescission of any letters of eligibility or waivers to hold such position for a period of one year, for the second or subsequent violation of this subsection.

(2552.1 added July 13, 2005, P.L.226, No.46)

Compiler's Note: Section 24 of Act 104 of 2010, which amended subsec. (a), provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.

Section 2553. Audits and Verifications of Rights to Reimbursements.--The comptroller of the Department of Public Instruction shall perform regular audits and field audits and, in his discretion, may perform special audits and field audits of accounts of all school districts, examining all records of receipts and expenditures and such facilities, supplies and

materials as may be necessary to verify records of receipts and expenditures, and shall examine and verify allocations of receipts and expenditures among and within programs and reimbursement accounts. The department shall require each school district to submit to the department all of its records bearing on its rights to reimbursements on uniform forms prescribed by the department, and the department shall require each school district to make available all pertinent records and supporting data or materials to the comptroller.

(2553 added July 13, 1957, P.L.897, No.396)

(e) Reimbursements Between School Districts.

Section 2561. Tuition Charges for Pupils of Other Districts.--A school district or vocational school district receiving elementary or high school pupils or vocational or other extension education pupils who are residents of another school district or another vocational school district shall compute the tuition charges as follows:

(1) General. Add the salaries of secretaries, treasurers, auditors, superintendents, the cost of library books, the salaries of librarians, lectures, health, medical, nurse and dental services, the wages of janitors, and other comparable employes, the cost of fuel, water, light and power, telephone rentals and tolls, the cost of maintenance of school plant, including ordinary repairs, but not including alterations or remodeling, the cost of care of school grounds, premiums on fire and workmen's compensation insurance, the cost of attendance at teachers' institutes, and the district's contribution to the retirement fund and social security contribution fund on behalf of the above listed employes incurred for the school year immediately preceding, and divide the sum so obtained by the total number of pupils in average daily membership in the receiving district's public schools during the school year immediately preceding. The quotient so obtained shall be designated the "overhead cost per pupil."

(2) Elementary Tuition Charge. Add the salaries of supervisors, principals, clerks, assistants and teachers employed in the receiving district's elementary schools, the district's contribution to the retirement fund and social security contribution fund on behalf of teachers, supervisors and principals employed in the district's elementary schools, the cost of textbooks, and supplies of the second class used in the district's elementary schools incurred for the school year immediately preceding, and divide the sum so obtained by the total number of pupils in average daily membership in the receiving district's elementary schools during the school year immediately preceding. The quotient so obtained shall be designated as the "instruction cost per elementary pupil." Add to the instruction cost per elementary pupil, the overhead cost per pupil and a rental charge of eight dollars (\$8) per pupil for the use of the receiving district's school plant. For the school years 1952-1953 and 1953-1954 only, but not thereafter, deduct from the amount so obtained the per pupil State appropriation on account of elementary school teaching units. The cost so determined shall be the "tuition charge per elementary pupil."

(3) High School Tuition Charge. Add the salaries of supervisors, principals, clerks, assistants and teachers employed in the receiving district's high schools, the district's contribution to the retirement fund and social security contribution fund on behalf of teachers, supervisors

and principals employed in the district's high schools, the cost of textbooks and supplies of the second class used in the district's high schools incurred for the school year immediately preceding, and divide the sum so obtained by the total number of pupils in average daily membership in the receiving district's high schools during the school year immediately preceding. The quotient so obtained shall be designated as the "instruction cost per high school pupil." Add to the instruction cost per high school pupil the overhead cost per pupil and a rental charge of eighteen dollars (\$18) per pupil for the use of the receiving district's school plant. For the school years 1952-1953 and 1953-1954 only, but not thereafter, deduct from the amount so obtained the per pupil State appropriation on account of high school teaching units. The cost so determined shall be the "tuition charge per high school pupil." Upon the request of the receiving district, the "tuition charge per high school pupil" shall be computed separately for pupils attending junior high school and pupils attending senior high school. ((3) amended July 25, 1963, P.L.281, No.151)

(4) Vocational or Other Extension Tuition Charge. Add the salaries of administrators, supervisors, instructors, clerks and custodians specifically employed in the school district's or vocational school district's annual program of Vocational or other Extension Education, the cost of textbooks, and supplies of the second class issued for the program incurred for the school year immediately preceding. A charge of five cents (.05) per pupil hour of instruction for the district overhead and plant usage. Subtract from the sum so obtained the amount of State appropriation applicable. The remainder shall be designated as the "district cost for vocational or other extension education." Determine the total pupil hours of instruction during the school year immediately preceding, divide the "district cost for vocational or other extension education" by the total pupil hours of instruction. The cost so determined shall be the "vocational or other extension tuition charge per pupil hour of instruction."

(5) A school district shall compute the tuition charges for pupils who are residents of another school district for budgetary purposes at the beginning of each school year, and shall use the expenses of the next preceding school year as a basis for such computation. At the end of each school year, the tuition charges shall again be computed and be based on the actual expenses for the school year immediately preceding and the tuition charges for non-resident pupils shall then be adjusted in accordance with this latter computation. The school district in which the non-resident pupil is a legal resident shall pay the tuition charges in accordance with the computation based upon these actual expenses. ((5) amended June 25, 1997, P.L.297, No.30)

(6) When the public school district administers and delivers the educational services required by this act to a child referred to an institution, pursuant to a proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), at the institution itself, the tuition to be charged to the district of residence of such child shall be one and one-half times the amount determined in accordance with clauses (1) through (5), but not to exceed the actual cost of the educational services provided to such child. ((6) added Dec. 17, 1982, P.L.1378, No.316)

(7) Special Education Tuition Charge. When the receiving district voluntarily receives exceptional children, the receiving district and sending district may agree that the

sending district will pay a special education charge in addition to the applicable tuition charge. Such special education charge shall be an amount as determined by the two school districts. ((7) added June 7, 1993, P.L.49, No.16)

(8) Charter School Tuition Charge. When a charter school established pursuant to Article XVII-A enrolls any eligible student in an approved private school pursuant to section 1376, its "tuition charge per elementary pupil" or its "tuition charge per secondary pupil" shall be calculated in accordance with clauses (1) through (3). ((8) added June 22, 2001, P.L.530, No.35)

(2561 amended Sept. 11, 1959, P.L.873, No.348)

Section 2562. Payments by Districts for Pupils Attending in Other Districts.--For each elementary or high school pupil attending a public school of another district, the receiving district shall bill the sending district, and the sending district shall pay the amount of the tuition charge per elementary pupil, or the tuition charge per high school pupil, as the case may be. In the case of pupils attending the receiving district's public schools for less than a full school term, the tuition charge per elementary or high school pupil shall be prorated by reference to the period of time over which such pupils actually attended the receiving district's schools.

For each vocational or other extension education pupil attending an extension class of another district, the receiving district shall bill the sending district if the attendance is previously approved by the sending district and the sending district shall pay the vocational or other extension tuition charge per pupil hour of instruction for each hour of attendance of each such pupil.

Nothing herein shall prohibit the payment of a tuition for vocational or other extension pupils by a non-resident adult pupil sponsoring agency or employer.

(2562 amended May 29, 1951, P.L.438, No.104)

Section 2563. Certification of Pupils Admitted from Other Districts; Monthly Payments.--The board of school directors in any school district or the board of directors of vocational schools in any vocational school district maintaining an elementary school or a high school or an extension class which is attended by any pupils residing in another district shall, upon admission of such pupils, properly certify to the board of school directors of the school district in which such pupils reside, the names of all such pupils and whether they are attending an elementary school or a high school or an extension class, together with a statement of the tuition charge per elementary pupil and the tuition charge per high school pupil and the vocational or other extension tuition charge per pupil hour of instruction. All such tuition charges shall be paid monthly to the school district or the vocational school district maintaining such elementary school or high school by the school district to which the same was certified.

(2563 amended May 14, 1949, P.L.1365, No.408)

Section 2564. Deductions from State Appropriations.--If any school district wherein a pupil resides, who is entitled by law to attend an elementary school or a high school or an extension class for which extension class tuition has been approved by the sending district in another district, neglects or refuses to pay any such tuition charge, or sewer charge or sewer rental, the Superintendent of Public Instruction is authorized to deduct from any moneys due any such district out of any State appropriation, the amount due from such district to the district

where the pupil attends and pay over said sum to the district entitled thereto.

(2564 amended May 29, 1951, P.L.438, No.104)

Section 2565. Sewer Charge or Rental, Districts Fourth Class.--When any school district of the fourth class receiving pupils from other districts is required by the city, borough or township within which its school building or buildings are located, or any municipality authority operating therein, to pay a service charge for sewer connection or a sewer rental measured by the number of pupils attending such school or schools, such receiving district shall include in its bill for tuition charge to each sending district, and the sending district shall pay, the amount of such per pupil sewer service charge or sewer rental for each pupil sent by the sending district. Such charge shall be in addition to the tuition charge provided for by section two thousand five hundred sixty-two of the act to which this is an amendment. In cases where pupils are sent and the tuition charges paid by the parents or other persons to such receiving districts, the parents or other persons shall pay such per pupil sewer charge or sewer rental.

(2565 added Apr. 21, 1949, P.L.678, No.158)

(f) School Building Rentals and
Sinking Fund Charges.

(Hdg. added Mar. 22, 1956, 1955 P.L.1315, No.417)

Section 2571. Standard Reimbursement Fraction for School Building Rentals and Sinking Fund Charges.--(2571 repealed July 13, 1957, P.L.864, No.391)

Section 2572. State Public School Building Authority and Municipality Authority and Nonprofit Corporation Leases Heretofore Approved.--(a) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings or providing educational equipment under the provisions of the State Public School Building Authority Act for every lease or contract entered into or approved by the Superintendent of Public Instruction prior to August 26, 1953, and to each school district which shall have entered into a lease approved by the Department of Public Instruction prior to August 26, 1953, with a municipality authority or with a non-profit corporation, for the rental of a school building or buildings or providing educational equipment, an amount to be determined by multiplying the school district's capital account reimbursement fraction computed for the year 1967 or aid ratio whichever is larger by the annual rental charge as fixed by the State Public School Building Authority, or by the annual rental or share thereof provided for under its lease with such municipality authority or non-profit corporation, as the case may be.

(b) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the State Public School Building Authority Act for every lease approved by the Department of Public Instruction on or after August 26, 1953, but prior to March 22, 1956, and to each school district which shall have entered into a lease approved by the Department of Public Instruction on or after August 26, 1953, but prior to March 22, 1956, with a municipality authority or with a non-profit corporation for the rental of a school building or buildings, an amount to be determined by multiplying the school district's capital account reimbursement fraction computed for the year 1967 or aid ratio whichever is larger by that portion

of the annual rental charge or share thereof provided for under its lease with the State Public School Building Authority or municipality authority or non-profit corporation, as the case may be, sufficient during the period of the lease to pay the cost of acquiring or constructing the school buildings, the cost of acquiring the land upon which the school buildings are situate and the interest on such cost.

(2572 amended June 12, 1968, P.L.192, No.96)

Section 2573. Municipality Authority and Nonprofit Corporation Leases Heretofore Approved.--(2573 repealed July 13, 1957, P.L.864, No.391)

Section 2574. Approved Reimbursable Rental for Leases Hereafter Approved and Approved Reimbursable Sinking Fund Charges on Indebtedness.--(a) For school building projects for which the general construction contract is awarded subsequent to March 22, 1956, and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of Education prior to March 22, 1956, the Department of Education shall calculate an approved reimbursable rental or approved reimbursable sinking fund charges. Reimbursable sinking fund charges may include charges for temporary indebtedness within constitutional limitations, if the indebtedness is incurred for approved permanent improvements to the school plant including the cost of acquiring a suitable site for a school building, the cost of constructing a new school building, or the cost of providing needed additions or alterations to existing buildings for which no bond issue is provided and for which an approved obligation or obligations other than bonds have been issued and the obligation or obligations are payable within five (5) years from the date of issue of the obligation in equal annual installments.

Nothing in this section or in the Department of Education guidelines shall prohibit a school district from receiving reimbursement for approved building improvements, including the cost of acquiring a suitable site for a school building, the cost of constructing a new school building or the cost of providing needed additions or alterations to existing buildings, if a school district elects not to remove any relocatable or modular classroom utilized after the completion of a building project. The term "relocatable or modular classroom" shall mean a classroom not of a permanent nature which meets the criteria and specifications of the Department of Education.

Approved reimbursable rental or sinking fund charge shall consist of that part of the annual rental or sinking fund charge attributable to--

(1) The cost of acquiring the land upon which the school buildings are situate, the cost of necessary rough grading to permit proper placement of the building upon said land and the cost of sewage treatment plants, as required by the Department of Health, to the extent that such costs are deemed reasonable by the Department of Education and the interest on such costs of acquisition, grading and sewage treatment plants earned subsequent to date the construction contract is awarded, and

(2) The approved building construction cost and the interest on such construction cost.

((a) amended June 30, 2012, P.L.684, No.82)

(b) For new school buildings the approved building construction cost shall be the lesser of

(1) The cost of constructing the school buildings including the cost of essential fixtures and equipment but excluding

architect's fees in excess of six per cent (6%) of the contract price, or

(2) The product of the rated pupil capacity as determined by the Department of Public Instruction at the time the project is approved and (i) one thousand one hundred dollars (\$1100) in the case of elementary schools, (ii) one thousand seven hundred dollars (\$1700) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by one thousand one hundred dollars (\$1100) and the rated secondary pupil capacity by one thousand seven hundred dollars (\$1700) and dividing the sum by the total rated pupil capacity.

(3) The provisions of clause (2) of subsection (b) hereof shall apply to all school building projects for which the general construction contract is awarded prior to July 1, 1966, and for approved school building projects for which a lease was approved by the Department of Public Instruction prior to July 1, 1966. For school buildings for which the general construction contract is awarded subsequent to July 1, 1966 and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of Public Instruction prior to July 1, 1966, the product of the rated pupil capacity as determined by the Department of Public Instruction at the time the project is approved and (i) two thousand three hundred dollars (\$2300) in the case of elementary schools, (ii) three thousand dollars (\$3000) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by two thousand three hundred dollars (\$2300) and the rated secondary pupil capacity by three thousand dollars (\$3000) and dividing the sum by the total rated pupil capacity. ((3) amended June 12, 1968, P.L.192, No.96)

(3.1) For school buildings for which the general construction contract is awarded subsequent to July 1, 1984, and for approved school building projects for which the general construction contract was awarded but for which a lease or general obligation bond resolution was not approved by the Department of Education prior to July 1, 1984, the product of the rated pupil capacity as determined by the Department of Education at the time the project is approved and (i) three thousand nine hundred dollars (\$3,900) in the case of elementary schools, (ii) five thousand one hundred dollars (\$5,100) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by three thousand nine hundred dollars (\$3,900) and the rated secondary pupil capacity by five thousand one hundred dollars (\$5,100) and dividing the sum by the total rated pupil capacity. ((3.1) added July 10, 1987, P.L.286, No.50)

(4) For school buildings for which the general construction contract is awarded subsequent to January 1, 2005, and for approved school building projects for which the general construction contract was awarded but for which a lease or general obligation bond resolution was not approved by the Department of Education prior to January 1, 2005, the product of the rated pupil capacity as determined by the Department of Education at the time the project is approved and (i) four thousand seven hundred dollars (\$4,700) in the case of elementary schools, (ii) six thousand two hundred dollars (\$6,200) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by

multiplying the rated elementary pupil capacity by four thousand seven hundred dollars (\$4,700) and the rated secondary pupil capacity by six thousand two hundred dollars (\$6,200) and dividing the sum by the total rated pupil capacity. ((4) added July 13, 2005, P.L.226, No.46)

(b.1) For school buildings constructed and based on an approved school facility design received from the Department of Education's school facility design clearinghouse, for which the general construction contract is awarded subsequent to January 1, 2005, and for approved school building projects for which the general construction contract was awarded but for which a lease or general obligation bond resolution was not approved by the Department of Education prior to January 1, 2005, the approved building construction cost shall additionally include the product of the rated pupil capacity as determined by the Department of Education at the time the project is approved and (i) four hundred seventy dollars (\$470) in the case of elementary schools, (ii) six hundred twenty dollars (\$620) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by four hundred seventy dollars (\$470) and the rated secondary pupil capacity by six hundred twenty dollars (\$620) and dividing the sum by the total rated pupil capacity. ((b.1) added July 13, 2005, P.L.226, No.46)

(c) For additions or alterations to existing buildings approved building construction cost shall be the lesser of

(1) The cost of constructing the additions or alterations including the cost of essential fixtures and equipment but excluding architect's fees in excess of six per cent (6%) of the contract price, or

(2) The difference obtained by subtracting the appraisal value of the existing building from the product of rated pupil capacity of the altered or expanded building as determined by the Department of Public Instruction at the time the project is approved and (i) one thousand one hundred dollars (\$1100) in the case of elementary schools, (ii) one thousand seven hundred dollars (\$1700) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity of the altered or expanded building by one thousand one hundred dollars (\$1100) and the rated secondary pupil capacity of the altered or expanded building by one thousand seven hundred dollars (\$1700) and dividing the sum by the total rated pupil capacity of the altered or expanded building.

Appraisal value shall be the valuation made immediately before the additions or alterations are begun by three competent appraisers, one appointed by the school authorities, one by the Superintendent of Public Instruction, and the third by the other two.

(3) The provisions of clause (2) of subsection (c) hereof shall apply to all school building projects for which the general construction contract is awarded prior to July 1, 1966 and for approved school building projects for which a lease was approved by the Department of Public Instruction prior to July 1, 1966. For school buildings for which the general construction contract is awarded subsequent to July 1, 1966 and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of Public Instruction prior to July 1, 1966, the difference obtained by subtracting the appraisal value of the existing building from the product of rated pupil capacity of

the altered or expanded building as determined by the Department of Public Instruction at the time the project is approved and (i) two thousand three hundred dollars (\$2300) in the case of elementary schools, (ii) three thousand dollars (\$3000) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity of the altered or expanded building by two thousand three hundred dollars (\$2300) and the rated secondary pupil capacity of the altered or expanded building by three thousand dollars (\$3000) and dividing the sum by the total rated pupil capacity of the altered or expanded building.

Appraisal value shall be the valuation made immediately before the additions or alterations are begun by three competent appraisers, one appointed by the school authorities, one by the Superintendent of Public Instruction, and the third by the other two.

((3) amended June 12, 1968, P.L.192, No.96)

(3.1) For school buildings for which the general construction contract is awarded subsequent to July 1, 1984, and for approved school building projects for which the general construction contract was awarded but for which a lease or general obligation bond resolution was not approved by the Department of Education prior to July 1, 1984, the difference obtained by subtracting the appraisal value of the existing building from the product of the rated pupil capacity of the altered or expanded building as determined by the Department of Education at the time the project is approved and (i) three thousand nine hundred dollars (\$3,900) in the case of elementary schools, (ii) five thousand one hundred dollars (\$5,100) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by three thousand nine hundred dollars (\$3,900) and the rated secondary pupil capacity by five thousand one hundred dollars (\$5,100) and dividing the sum by the total rated pupil capacity of the altered or expanded building. ((3.1) added July 10, 1987, P.L.286, No.50)

(4) For school buildings for which the general construction contract is awarded subsequent to January 1, 2005, and for approved school building projects for which the general construction contract was awarded but for which a lease or general obligation bond resolution was not approved by the Department of Education prior to January 1, 2005, the difference obtained by subtracting the appraisal value of the existing building from the product of the rated pupil capacity of the altered or expanded building as determined by the Department of Education at the time the project is approved and (i) four thousand seven hundred dollars (\$4,700) in the case of elementary schools, (ii) six thousand two hundred dollars (\$6,200) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by four thousand seven hundred dollars (\$4,700) and the rated secondary pupil capacity by six thousand two hundred dollars (\$6,200) and dividing the sum by the total rated pupil capacity of the altered or expanded building. ((4) added July 13, 2005, P.L.226, No.46)

(c.1) If the Commonwealth makes any payment under section 2575.1 of this act on account of a preliminary payment by a school district on the approved building construction cost, the amount of the preliminary payments by the school district shall be subtracted from the amount of the approved building

construction cost for the purpose of calculating the approved reimbursable rental on projects undertaken pursuant to sections 783, 790 or 791 of this act. ((c.1) amended Sept. 12, 1961, P.L.1268, No.555)

(c.2) If the Commonwealth makes a payment of fifty per cent (50%) under section 2574.1 of this act on account of the approved cost of the acquisition of a site for a school building, the amount payable under this section on account of the approved cost of site acquisition shall be reduced by fifty per cent 50%. ((c.2) added Sept. 12, 1961, P.L.1268, No.555)

(c.3) For school buildings for which the general construction contract is awarded on or after January 1, 2005, and for approved school building projects for which the general construction contract was awarded but for which a lease or general obligation bond resolution was not approved by the Department of Education prior to January 1, 2005, and where the general construction contract alters or adds to an existing school building, the approved building construction cost shall additionally include the difference obtained by subtracting the appraisal value of the existing building from the product of the rated pupil capacity of the altered or expanded building as determined by the Department of Education at the time the project is approved and (i) four hundred seventy dollars (\$470) in the case of elementary schools, (ii) six hundred twenty dollars (\$620) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by four hundred seventy dollars (\$470) and the rated secondary pupil capacity by six hundred twenty dollars (\$620) and dividing the sum by the total rated pupil capacity. ((c.3) added July 13, 2005, P.L.226, No.46)

(c.4) For school buildings for which the general construction contract is awarded on or after January 1, 2005, and for approved school building projects for which the general construction contract was awarded but for which a lease or general obligation bond resolution was not approved by the Department of Education prior to January 1, 2005, and where the school building receives a silver, gold or platinum certification from the United States Green Building Council's Leadership in Energy and Environmental Design Green Building Rating System or two, three or four Globes under the Green Building Initiative's Green Globes Green Building Rating System on or after January 1, 2005, the Department of Education shall adjust the approved building construction cost to additionally include the product of the rated pupil capacity as determined by the Department of Education at the time the project is approved and (i) four hundred seventy dollars (\$470) in the case of elementary schools, (ii) six hundred twenty dollars (\$620) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by four hundred seventy dollars (\$470) and the rated secondary pupil capacity by six hundred twenty dollars (\$620) and dividing the sum by the total rated pupil capacity. The Department of Education in consultation with the Governor's Green Government Council shall issue guidelines to carry out this section. ((c.4) amended July 11, 2006, P.L.1092, No.114)

(c.5) Reimbursement for an approved school construction project shall not exceed total project costs. ((c.5) added July 13, 2005, P.L.226, No.46)

(c.6) If a school district receives reimbursement for a school construction project under this section, the school

district, upon request by the Department of Education, shall do all of the following:

(i) Provide information required by the department to determine whether the school construction project meets criteria established by the department for certification as an approved school facility design for purposes of the department's school facility design clearinghouse.

(ii) Authorize the department, in its discretion, to certify the school construction project as an approved school facility design and to include information about the certified project in the department's school facility design clearinghouse.

((c.6) added July 11, 2006, P.L.1092, No.114)

(d) For purposes of calculating the amount of rental reimbursement the approved reimbursable rental for a school project constructed for two or more school districts shall annually be apportioned among the participating districts on the basis of the proportion which the valuation of each district as certified by the state tax equalization board during the preceding school year bears to the total valuation of all participating districts. In special cases where the best interests of the Commonwealth and of the school districts will be better served by permitting the districts to establish for themselves some method other than market valuation as the basis for determining their respective shares of the annual lease rental, the Superintendent of Public Instruction may issue a special order approving such method of sharing the rental and authorizing that the rental reimbursement for that particular project shall be calculated on the basis of the proportionate share of rental actually paid by each district. ((d) amended Nov. 30, 1959, P.L.1601, No.579)

(e) For area vocational-technical school and technical institute projects leased subsequent to July 1, 1964, by or for lease to a board of school directors authorized to operate such a school, the Department of Education shall calculate an approved reimbursable rental charge.

For area vocational-technical school and technical institute projects constructed or purchased subsequent to July 1, 1964, by a board of school directors authorized to operate such a school, the Department of Education may calculate an approved reimbursable sinking fund charge.

Approved reimbursable rental or sinking fund charge shall consist of that part of the annual rental or sinking fund attributable to:

(1) Cost of acquiring land and preparing it for use to the extent that such costs are deemed reasonable by the Department of Education and the interest on such cost of acquisition, cost of preparation and the cost of sewage treatment and the interest on such cost.

(2) Machinery, apparatus, furniture and equipment and all other necessary expenses and interest charges, but excluding architects' fees in excess of six percent of the construction cost.

The approved building construction cost and the interest on such construction cost shall not exceed the product of the rated full-time pupil capacity, as determined by the Department of Education at the time the project is approved and two thousand two hundred dollars (\$2,200).

The provisions of the foregoing paragraph shall apply to all school building projects for which the general construction contract is awarded prior to July 1, 1966, and for approved school building projects for which a lease was approved by the Department of Education prior to July 1, 1966. For school

buildings for which the general construction contract is awarded subsequent to July 1, 1966, and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of Education prior to July 1, 1966, the approved building construction cost and the interest on such construction cost shall not exceed the product of the rated full-time pupil capacity, as determined by the Department of Education at the time the project is approved, and three thousand seven hundred dollars (\$3700).

For school buildings for which the general construction contract is awarded subsequent to July 1, 1984, and for approved school building projects for which the general construction contract was awarded but for which a lease or general obligation bond resolution was not approved by the Department of Education prior to July 1, 1984, the approved building construction cost and the interest on such construction cost shall not exceed the product of the rated full-time pupil capacity, as determined by the Department of Education at the time the project is approved, and six thousand three hundred dollars (\$6,300).

For school buildings for which the general construction contract is awarded subsequent to January 1, 2005, and for approved school building projects for which the general construction contract was awarded but for which a lease or general obligation bond resolution was not approved by the Department of Education prior to January 1, 2005, the approved building construction cost shall not exceed the product of the rated full-time pupil capacity, as determined by the Department of Education at the time the project is approved, and seven thousand six hundred dollars (\$7,600).

The Department of Education shall not approve the expenditure of any funds borrowed or obtained by the sale of bonds by any authority, nonprofit corporation, profit corporation, company or individual for construction of area vocational-technical schools or technical institutes for bleachers, athletic field, lighting equipment or apparatus used to promote and conduct interscholastic athletics.

((e) amended July 13, 2005, P.L.226, No.46)

(f) For the purchase of any building, reimbursement shall be computed in the same manner as for constructed school buildings. ((f) amended July 9, 1992, P.L.403, No.88)

(2574 added Mar. 22, 1956, 1955 P.L.1315, No.417)

Compiler's Note: See section 34 of Act 82 of 2012 in the appendix to this act for special provisions relating to applicability.

Section 2574.1. Payments on Account of Building Site Costs.--Whenever any school district acquires a site for a school building in advance of its need and in accordance with a long range master plan for school building construction approved by the Department of Education to the extent that the cost of the acquisition shall be deemed reasonable by the Department of Education, the Commonwealth shall pay, in the year of such acquisition, one hundred percent (100%) of the reimbursement due the district under applicable laws in force at that time for the cost of acquisition. If such site is not thereafter used by the district for school building purposes, within a period of ten years from date of purchase, the amounts paid to the district under this section shall be returned to the Commonwealth by the district within two years of the end of such ten year period of non-user. If such amounts are not so returned within such two year period, Commonwealth moneys

due and payable to the district by the Department of Education as a subsidy or reimbursement for any purpose shall first be withheld in the amount of the moneys owed the Commonwealth by the district under this section and credited as returned in full hereunder before any part of such Commonwealth reimbursement or subsidy is paid to the district. The district shall not be required to return the funds it received if the district can demonstrate in its long range plan that the site will still be needed for a school building, even though the site may be used temporarily by a political subdivision, or agency thereof, for public purposes. If the district conveys or transfers the site to another party, the district shall repay the amount it was reimbursed and appropriate interest, as determined by the department.

(2574.1 amended July 10, 1986, P.L.1270, No.117)

Section 2574.2. Approved Reimbursable Annual Rental for Leases of Buildings and Facilities for School Use.--For extended leases of buildings and facilities for school use authorized under the provisions of section 703.1 which have been approved by the Secretary of Education, the Department of Education shall calculate an approved reimbursable annual rental charge.

Approved reimbursable annual rental for such approved leases of building facilities constructed for school use shall be the lesser of (i) the product of the annual rental payable under the provisions of the approved lease agreement times the ratio of the pupil scheduled area to the architectural area, or (ii) the product of the rated pupil capacity as determined by the Department of Education at the time of initial lease times one hundred sixty dollars (\$160) for elementary schools, two hundred twenty dollars (\$220) for secondary schools, or two hundred seventy dollars (\$270) for area vocational-technical schools.

Annual approved rental payable for approved leases of existing facilities altered for school use shall be the lesser of (i) the product of the annual rental payable under the provisions of the approved lease agreement times the ratio of the pupil scheduled area to the architectural area, or (ii) the product of the rated pupil capacity, as determined by the Department of Education at the time of initial lease, times one hundred twelve dollars (\$112) for elementary, one hundred fifty-four dollars (\$154) for secondary, or one hundred eighty-nine dollars (\$189) for area vocational-technical schools.

(2574.2 added Dec. 6, 1972, P.L.1445, No.323)

Section 2574.3. Approved Reimbursable Annual Rental for Leases of Buildings or Portions of Buildings for Charter School Use.--(a) For leases of buildings or portions of buildings for charter school use which have been approved by the Secretary of Education on or after July 1, 2001, the Department of Education shall calculate an approved reimbursable annual rental charge. Approved reimbursable annual rental for such approved leases of buildings or portions of buildings for charter school use shall be the lesser of (i) the annual rental payable under the provisions of the approved lease agreement, or (ii) the product of the enrollment, as determined by the Department of Education, times one hundred sixty dollars (\$160) for elementary schools, two hundred twenty dollars (\$220) for secondary schools or two hundred seventy dollars (\$270) for area vocational-technical schools. The Commonwealth shall pay annually for the school year 2001-2002 and each school year thereafter to each charter school which leases with the approval of the Department of Education buildings or portions of buildings for charter school use under these provisions an

amount determined by multiplying the aid ratio of the charter school by the approved reimbursable annual rental.

(b) Nothing in this section shall require a charter school that has been converted from an existing public school under Article XVII-A to make rental payments to a school district.

(2574.3 added June 22, 2001, P.L.530, No.35)

Section 2575. Payments on Account of Leases Hereafter Approved and on Account of Sinking Fund Charges on Indebtedness for School Buildings Hereafter Constructed.--(a) The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the Public School Building Authority Act, the Municipality Authority Act, section 758 of the Public School Code of 1949, or section 791 of the Public School Code of 1949, on account of buildings for which the lease is approved on or after March 22, 1956, or through the incurring of indebtedness by the issuance of general obligation bonds on account of buildings for which the general construction contract is awarded on or after March 22, 1956, an amount to be determined by multiplying the district's capital account reimbursement fraction computed for the year 1967 or aid ratio whichever is larger by the approved reimbursable rental or approved reimbursable sinking fund charge.

(b) The Commonwealth shall pay, annually, to each school district which constructs, purchases or leases with the approval of the Department of Public Instruction an area vocational-technical school building or technical institute building or which shares in the construction, purchase or lease of such building or buildings under provisions of the Public School Building Authority Act, the Municipality Authority Act, section 758 of the Public School Code of 1949, or section 791 of the Public School Code of 1949, or other agency, or through the incurring of indebtedness by the issuance of general obligation bonds, an amount to be determined by multiplying the district's aid ratio or fifty per cent, whichever is more, by the approved reimbursable rental approved reimbursable sinking fund charge multiplied by the district's proportionate share of such rental sinking fund charge.

(2575 amended June 12, 1968, P.L.192, No.96)

Section 2575.1. Payments on Account of Building Costs.--(a) The Commonwealth shall pay to any school district making a preliminary payment on account of the approved building construction or approved renovation cost as authorized by section 783 or by clause (4) of section 790 or by clause (5) of section 791 of this act, an amount determined by multiplying the district's capital account reimbursement fraction computed for the year 1967 or aid ratio whichever is larger by the amount of the payment made by the school district.

(b) Whenever any school district provides the full payment on account of approved building construction or approved renovation cost without incurring debt, or without assuming a lease, the Commonwealth shall pay to such school district an amount determined by multiplying the district's capital account reimbursement fraction computed for the year 1967 or aid ratio whichever is larger by the amount of the payment made by the school district.

(c) The payment required by this section shall be made for the year in which the school district made its payment on account of the approved building construction or approved renovation cost.

(2575.1 amended July 9, 1992, P.L.392, No.85)

Section 2575.2. Payments on Account of Approved Rental for Leases of Buildings and Facilities for School Use.--The Commonwealth shall pay, annually, for the school year 1972-73 and each school year thereafter to each school district which leases with the approval of the Department of Education buildings and facilities for school use under the provisions of section 703.1, an amount to be determined by multiplying the district's aid ratio by the approved reimbursable annual rental.

In the case of districts eligible under density factor the minimum annual payment shall be no less than fifty per centum (50%) of the approved reimbursable annual rental.

(2575.2 added Dec. 6, 1972, P.L.1445, No.323)

Section 2576. Approval of Department of Public Instruction.--(a) No payment shall be made to any school district on account of any lease entered into with the State Public School Building Authority or any municipality authority or nonprofit corporation under section 758 of this act or any profit or nonprofit corporation, partnership, association or person under section 791 of this act or on account of sinking fund charges on indebtedness for school buildings unless such lease or sinking fund charge is approved by the Department of Public Instruction. Except as hereinafter provided, the Department of Public Instruction may give its approval to any lease heretofore or hereafter entered into and to any payments on account of sinking fund charges on indebtedness for school buildings if it shall find in the case of all school districts, except school districts of the first class, first class A and second class which are not part of a county-wide plan, that the leased project or the project for which the indebtedness is incurred, is in conformance with county-wide plans prepared by the county board of school directors and approved pursuant to the standards of the State Board of Education for the orderly development of improved attendance areas and administrative units and for the improved housing of public schools in the Commonwealth, and in the case of all school districts, that the school building will conform with standards and regulations prescribed by the department with respect to educational and architectural design, building materials, fixtures and equipment, location, usefulness for community activities, safety, comfort and convenience, and that the school district or school districts which incur the indebtedness or to which the project is to be leased will have the ability to meet from current revenues the rental or sinking fund charge or their respective shares of rental or sinking fund charge and to defray the cost of their respective shares of the cost of operation and maintenance of the project. ((a) amended Oct. 21, 1965, P.L.601, No.312)

(b) The department shall have the right to disapprove or approve with reservation a lease because of any failure on the part of the authority or school district to comply with the provisions of the laws of the Commonwealth relating to such authority or nonprofit corporation or profit or nonprofit corporation, partnership, association or person or school district only to such extent as will prevent the school district from paying a greater sum as rental because of such noncompliance with law. For that purpose, the department may require a modification of the lease if not at that time executed or may approve the lease with the reservation that the department will pay the reimbursement on that amount only which would have been determined by reason of the lower rental.

(c) The Department of Public Instruction shall not approve any project for which Commonwealth reimbursement is sought

unless an inspection has been made by the department of the location and adequacy of existing school facilities and the determination made that existing facilities are inadequate in terms of prevailing educational standards.

(2576 amended July 11, 1957, P.L.775, No.373)

Section 2577. Limitations on Approval of Projects for Reimbursement Purposes.--(a) ((a) repealed Sept. 12, 1961, P.L.1268, No.555)

(a.1) ((a.1) repealed Feb. 1, 1966, 1965 P.L.1642, No.580)

(b) The Department of Public Instruction shall determine reimbursement eligibility of all projects including projects submitted for approval prior to the effective date of this act in the order of date of filing of applications for project approval with the department, except that in the case of application for area vocational-technical schools, the department may grant priority to such applications in the order in which said applications are received and process them immediately. If a delay in departmental processing of any application on file is occasioned by the applying school district, the department shall proceed to determine reimbursement eligibility of projects next in order, except that in the event of any emergency due to fire, flood, orders from the Department of Labor and Industry to close school buildings or parts thereof where such school buildings or parts thereof are determined to be irreparable and are closed finally by the Department of Labor and Industry, or an act of God, which causes undue hardship beyond the control of the applying school district, the department may grant priority over the eligibility of projects submitted prior to the emergency application: Provided, however, That in cases where priority is granted due to closed schools or parts thereof by orders of the Department of Labor and Industry, the approved reimbursable costs of such projects shall not be included within the aggregate for projects already undertaken or to be undertaken as provided in subsection (a) of this section. ((b) amended Aug. 14, 1963, P.L.1065, No.463)

(c) Unless the general construction contract for any project is awarded within ten months subsequent to the date of approval by the Department of Public Instruction and by any other agency as required by existing law, approval shall be withdrawn, except that when a district shows to the satisfaction of the department that the contract has not been let for reasons beyond its control or that withdrawal of approval would work undue hardship, the department may grant extensions beyond the ten-months period for three periods of ninety days each before approval is withdrawn. Any project for which approval was withdrawn under the provisions of act 417, approved March 22, 1956 (P.L.1315), may be reinstated by the Department of Public Instruction and granted extensions which, together with the time already elapsed, shall not exceed nineteen months beyond the date of approval given by the Department of Public Instruction or any agency as required by existing law. A project for which approval is withdrawn may be resubmitted to the department as a new project. ((c) amended July 3, 1957, P.L.471, No.265)

Section 2578. Payments.--(a) Payments to a school district shall be determined and approved by the Department of Public Instruction. The amount so approved shall be included in and be payable from any future appropriations made to the Department of Public Instruction. Payments to school districts shall be made semi-annually where the districts lease agreement specifies

that lease payments shall be paid semi-annually. ((a) amended Dec. 22, 1959, P.L.1974, No.726)

(b) All payments due school districts by the Commonwealth on account of obligations to the State Public School Building Authority, sinking fund charges, or rentals under leases with municipality authorities, nonprofit corporations or profit or nonprofit corporations, partnerships, associations or persons for building or educational equipment for area technical schools, shall be paid to the intermediate unit operating the school. School districts not originally parties to an agreement with the State Public School Building Authority or a lease with a municipality authority, a nonprofit corporation or a profit or nonprofit corporation, partnership, association or person for buildings or educational equipment for an area technical school but later electing to participate in the operation of the school and agreeing to pay a part of the annual payments due under the agreement or lease shall be entitled to payments by the Commonwealth to the same extent as though they had originally been parties to the agreement or lease. The amount thereof shall be paid to the intermediate unit. No payments shall be made on account of obligations or rentals for buildings or educational equipment for area technical schools unless the schools conform to plans approved by the State Board for Vocational Education. ((b) amended Jan. 14, 1970, 1969 P.L.468, No.192)

Section 2578.1. Payments to School Districts Because of Density Factor.--Beginning with the school year 1965-1966 and in each school year thereafter, to districts eligible under the density factor, payments on leases or sinking fund charges shall be no less than fifty percent (50%) of the approved reimbursable rental or sinking fund charge for a school building project. Such payments shall be made annually, semi-annually or as may otherwise be required by the terms of any agreement entered into by the school district with the approval of the Superintendent of Public Instruction.

(2578.1 amended June 12, 1968, P.L.192, No.96)

Section 2579. Inspection of Projects by Department of Public Instruction.--The Department of Public Instruction shall inspect, during construction, the work performed by or under contract with a municipality authority, nonprofit corporation, profit or nonprofit corporation, partnership, association or person or school district, on all projects for the rental or sinking fund charge of which the Commonwealth will make reimbursement, and shall compel compliance with approved plans.

(2579 amended July 11, 1957, P.L.775, No.373)

Section 2580. Changes in the Amount of Lease Rentals.--Reimbursements to school districts on account of rental payments in excess of the amount specified in the lease between the school districts and the State Public School Building Authority or any municipality authority or nonprofit corporation or profit or nonprofit corporation, partnership, association or person or in the case of refinancing on account of rental payments provided by a renegotiated lease shall be calculated in the same manner as the specified lease rental.

(2580 amended July 11, 1957, P.L.775, No.373)

(g) Payments to Joint School Boards
or Joint School Committees.

(Hdg. added Nov. 30, 1959, P.L.1595, No.575)

Section 2585. Payments to Joint School Boards or Joint School Committees.--Whenever a joint school board or a joint

school committee, or any of its officers or employees, renders any service or performs any act, function or duty for which school districts are entitled to receive payments authorized by this article, the Commonwealth of Pennsylvania or any of its departments authorized by this article to make payments to school districts, may, upon request of the school districts which have established the joint school board or joint school committee, and the submission of information and reports otherwise required by this article to be filed or presented to the Commonwealth of Pennsylvania or any of its departments or to the officer who heads any such department, make the payments directly to the joint school board or joint school committee in lieu of making the payments to the school districts which have established the joint school board or joint school committee. Payments to the joint school boards and joint school committees shall be subject to withholding of payments and forfeiture of payments and all other requirements of this article for payments to school districts by the Commonwealth or its departments.

(2585 added Nov. 30, 1959, P.L.1595, No.575)

(h) Additional Payments.

(Hdg. added Nov. 21, 1959, P.L.1589, No.569)

Section 2591. Additional Payments.--(2591 repealed Feb. 1, 1966, 1965 P.L.1642, No.580)

Section 2591.1. Commonwealth Reimbursements for Charter Schools and Cyber Charter Schools.--(a) For the 2001-2002 school year, the Commonwealth shall pay to each school district with resident students enrolled in a charter school, a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means or a cyber charter school as defined pursuant to Article XVII-A an amount equal to thirty percent (30%) of the total funding required under section 1725-A(a). If insufficient funds are appropriated to make Commonwealth reimbursements under this section, the reimbursements shall be made on a pro rata basis.

(b) For the 2002-2003 school year, the Commonwealth shall pay to each school district that received funding under subsection (a) for the 2001-2002 school year and that had resident students enrolled in a charter school, a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means or a cyber charter school as defined under Article XVII-A during the 2002-2003 school year an amount equal to the lesser of:

(1) the payment received for the 2001-2002 school year pursuant to subsection (a); or

(2) thirty percent (30%) of the total funding required under section 1725-A(a).

(c) For the 2002-2003 school year, the Commonwealth shall pay to each school district that did not receive funding under subsection (a) for the 2001-2002 school year and that had resident students enrolled in a charter school, a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means or a cyber charter school as defined under Article XVII-A during the 2002-2003 school year an amount equal to thirty percent (30%) of the total funding required under section 1725-A(a).

(c.1) (1) For the 2003-2004 school year and each school year thereafter, except as provided under paragraph (2) or (3), the Commonwealth shall pay to each school district with resident students enrolled during the immediately preceding school year

in a charter school, a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means or a cyber charter school as defined under Article XVII-A, an amount equal to thirty percent (30%) of the total funding required under section 1725-A(a).

(2) For the 2006-2007 school year, the payment required under this subsection shall be equal to thirty-two and forty-five hundredths percent (32.45%) of the amount required under section 1725-A(a), where the school district has:

(i) average daily membership of resident students enrolled in a charter school, a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means or a cyber charter school as defined under Article XVII-A equal to or greater than twelve percent (12%) of the school district's 2006-2007 average daily membership;

(ii) a 2007-2008 market value/income aid ratio of equal to or greater than six thousand ten thousandths (.6000); and

(iii) made payments equal to or greater than one million dollars (\$1,000,000) as required under section 1725-A(a).

(3) For the 2007-2008 school year and each school year thereafter, the payment required under this subsection shall be equal to forty-one and ninety-six hundredths per centum (41.96%) of the amount required under section 1725-A(a), where the school district has:

(i) 2007-2008 average daily membership of resident students enrolled in a charter school, a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means or a cyber charter school as defined under Article XVII-A equal to or greater than twelve per centum (12%) of the school district's 2007-2008 average daily membership;

(ii) a 2008-2009 market value/income aid ratio of equal to or greater than six thousand ten thousandths (.6000); and

(iii) made payments equal to or greater than one million dollars (\$1,000,000) as required under section 1725-A(a).

(d) (1) For the fiscal year 2003-2004 and each fiscal year thereafter, if insufficient funds are appropriated to make Commonwealth payments pursuant to this section, such payments shall be made on a pro rata basis.

(2) For fiscal year 2007-2008, when determining if sufficient funds are available, the Department of Education shall include in the calculation two million dollars (\$2,000,000) in addition to the funds appropriated to the Department of Education for this purpose.

(2591.1 amended July 9, 2008, P.L.846, No.61)

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 2591.1, provided that Act 61 shall apply retroactively to July 1 2008.

Section 2592. Guaranteed Payment.--(2592 repealed July 22, 1983, P.L.104, No.31)

Section 2593. Responsibility for Vocational Programs.--(a) Commencing on July 1, 1982, the department shall not deduct from any Commonwealth payments to school districts the payments owed by such school districts on account of programs in the school year 1981-1982, or any school year thereafter, notwithstanding the provisions of section 2508.2 of the act to the contrary.

(b) It shall be the responsibility of every school district to comply with all provisions of the act and of regulations of the State Board of Education and standards of the department

promulgated hereunder with regard to the provision of vocational education programs and to make such financing arrangements as it deems proper with area vocational-technical schools in order so to comply.

(2593 added May 11, 1982, P.L.396, No.115)

Section 2594. Special Payments on Account of Minimum Salary Increases.--(a) For the school year 1988-1989 and each school year thereafter beginning before the expiration of the term of any contract or agreement effective on or before the effective date of this section between a public employer and a public employe or employe organization pursuant to the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," each school district, intermediate unit and area vocational-technical school which elects to increase minimum salaries pursuant to section 1142.1 shall be paid in the manner provided in subsection (b), in addition to any other payments to which it is entitled, a special payment to cover the cost of implementing section 1142.1.

(b) For the school year 1988-1989, the amount paid to each school district, intermediate unit and area vocational-technical school shall be the difference between the salary paid to each full-time teacher at the beginning of the school term 1988-1989 that is less than eighteen thousand five hundred dollars (\$18,500) and an amount equal to eighteen thousand five hundred dollars (\$18,500). For the school year 1989-1990 and each school year thereafter, the amount paid shall be the difference between the salary payable to each full-time teacher at the beginning of the school term under the terms of the contract or agreement in effect on the effective date of this section which is less than eighteen thousand five hundred dollars (\$18,500) and an amount equal to eighteen thousand five hundred dollars (\$18,500). The amount so calculated shall be paid to each qualifying school district, intermediate unit and area vocational-technical school by the Department of Education during each school year for which each school district, intermediate unit and area vocational-technical school qualifies out of the funds appropriated to the department for this purpose.

(c) For each school year for which a school district, intermediate unit and area vocational-technical school qualifies for a special payment under subsection (a), the entire employer's share of contributions to the Public School Employe's Retirement Fund and Social Security attributable to the salary increase implemented pursuant to section 1142.1 shall be paid for each school district, intermediate unit and area vocational-technical school out of funds appropriated to the Department of Education for such purposes.

(2594 added Oct. 20, 1988, P.L.827, No.110)

Section 2595. School Performance Incentives.--(a) The purpose of this section is to establish a program of school performance incentives to reward significant educational improvements and the maintenance of high levels of achievement and effort, to encourage accountability programs with school districts, to evoke further school performance improvement and to foster collegial participation by school employes in improving school performance.

(b) Any public elementary school, secondary school or area vocational-technical school is eligible to participate in the school performance program.

(c) (1) School performance will be determined by improvements in student accomplishment or maintenance of high standards using the following criteria:

(i) student achievement as measured by performance on assessments developed by the department or by the State Board of Education through regulation and pursuant to this act;

(ii) graduation rates as measured by the increase in the proportion of students continuing their education in grades nine through twelve;

(iii) attendance rates as measured by an increase in the proportion of students attending school on a regular basis;

(iv) rates of employment related to the training received by area vocational-technical school graduates until such time as an occupational competency testing program is established and which meets the measurement requirements in this section; or

(v) maintenance of high standards in any of the criteria in paragraphs (i), (iii) or (iv) for a period of three (3) consecutive school years beginning with the 1997-1998 school year. In order to receive an award for maintenance of high standards, a school must achieve and maintain a minimum high baseline as established by the Department of Education.

(2) Improvements in school performance or maintenance of high standards shall be calculated on performance levels comparing the assessment results from one school year to the average of two or more years, as determined by the Department of Education.

(3) All data submissions from the schools shall be subject to audit, and any incentive payment amounts subsequently determined to be excessive due to inappropriate data shall be deducted from subsequent basic education funding payments.

(4) The Secretary of Education shall monitor and evaluate the criteria for selection of schools and shall annually determine and publish the required level of performance improvement or maintenance of high standards for schools to be awarded incentive payments.

(d) The Secretary of Education shall award on account of each school that meets the required level of performance improvement or maintenance of high standards an amount determined by multiplying the number of students in the school by the fixed amount per student established annually when the appropriation for the school performance incentives funding is established. All awards shall be limited to funds appropriated for this purpose. The incentive awards will be distributed to the school districts based on the number of students enrolled in the qualifying school October 1 of the school year in which the criteria for the award was met. Each school performance incentive payment shall be made in a single payment, and the Secretary of Education shall draw his requisition upon the State Treasurer in favor of each school district with qualifying schools.

(e) (1) Incentive funds shall be paid to the school district for use only by schools which qualify pursuant to subsection (c). Payments received by school districts with qualifying schools may be applied to one or more of the following uses:

(i) Instructional equipment and materials, including, but not limited to, textbooks, library holdings, laboratory equipment and supplies; computers, software, telecommunications equipment and support services; facilities and support services for distance learning and staff development.

(ii) Initiatives which involve parents and families in the school.

(iii) Assistance in the introduction or advancement of curricular and instructional improvements.

(iv) Other uses reasonably expected to improve school performance or to enhance teaching and learning in the school.

(v) At least fifty percent (50%) of the amount received must be spent on the planning, delivery and assessment of the school's instructional program, including staff development for these purposes.

(vi) No more than twenty-five percent (25%) of the total received for the qualifying school shall be for direct payments to the professional employees of the school.

(2) Uses of incentive funds, as provided in clause (1) of this subsection, in each school shall be determined by a committee chaired by the principal of the school and composed of teachers, support personnel, parents, community and business representatives.

(f) Incentive funds provided pursuant to this section shall be used to supplement and not to supplant any other sources of funds for the operation of qualifying schools and the instructional program of such schools.

(f.1) Up to three million dollars (\$3,000,000) of the allocation for school performance funding under this section may be used to fund an incentive program for School District Performance Measures (SDPM) to be based upon the individual performance of employees of a school district.

(1) School districts shall apply annually for an SDPM award in a format established by the Department of Education.

(2) The Department of Education shall review school district professional teacher accountability plans that contain differentiated rewards and sanctions based on individual job performance.

(3) The Department of Education shall review the submitted school district accountability plans and rate them for impact on the individual employee according to financial and programmatic measures, including compensation and training and other rewards and sanctions.

(4) The Department of Education shall use the total impact of each plan times the number of professional staff affected in the school district to award SDPM incentive grants to school districts.

(5) If the amount for awards under this subsection exceeds the amount allocated for that purpose, the awards shall be reduced to reflect the amount allocated.

((f.1) amended June 29, 2002, P.L.524, No.88)

(f.2) Pursuant to guidelines issued by the Department of Education, up to ten percent (10%) of the allocation for school performance funding under this section may be used by the department to establish an incentive program to reward school entities that show improved academic performance as evidenced by an increase in the percentage of students who score at or above the level of proficiency set by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) and who are in disaggregated groups, including the following:

(1) Economically disadvantaged students.

(2) Students from major racial and ethnic groups.

(3) Students with disabilities.

(4) Students with limited English proficiency.

((f.2) added June 29, 2002, P.L.524, No.88 and amended Dec. 9, 2002, P.L.1472, No.187)

(g) (1) Each school district with one or more schools receiving a school performance incentive payment shall report to the Secretary of Education no later than October 31 of the fiscal year following the year in which such funds were expended on the use of the funds, the results of the use of such funds

and the maintenance of the fiscal effort on behalf of the qualified school buildings of such school districts. Reports by school districts, as provided for in this subsection, shall be submitted in a form determined by the Secretary of Education.

(2) The Secretary of Education shall file a report by the end of 1998-1999 fiscal year and annually thereafter with the Education Committee of the Senate and the Education Committee of the House of Representatives a report on the operation of the school performance incentives program provided for herein, including any recommendations for changes in the selection criteria.

(h) Nothing contained in this section shall be construed to supersede or preempt any provisions of a collective bargaining agreement negotiated by a school and the employee organization district, intermediate unit or area vocational-technical school that is in effect on the effective date of this section.

(2595 amended May 10, 2000, P.L.44, No.16)

Compiler's Note: Section 17 of Act 16 of 2000, which amended section 2595, provided that the amendment shall apply to the appropriations for performance incentives for the fiscal year 1999-2000 and each fiscal year thereafter.

Section 2596. Special Study on the Revenue Impact of Out-of-State Tax Credits.--(a) The Department of Education shall undertake a special study to assess the revenue impact on Pennsylvania school districts of residents who work in bordering states. Particular emphasis shall be placed on districts meeting the following criteria:

(1) Districts that levy a local earned income tax under the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act"; and

(2) Districts that include as resident taxpayers individuals who are subject to state and/or local income taxes at their out-of-State place of employment and who, therefore, claim tax credits in Pennsylvania as a result of these levies.

(b) The assessment shall include:

(1) Identification of all districts which meet the above criteria.

(2) Compilation of data indicating, on a per district basis, the number of resident taxpayers claiming a tax credit for out-of-State payments.

(3) Analysis of the individual taxpayer data in order to assess the effect on the local and State revenues for each affected school district.

(c) The Secretary of Education shall present a report summarizing the results of this study to the Chairman and the Minority Chairman of the House Education Committee and the Chairman and the Minority Chairman of the Senate Education Committee no later than April 1, 1989.

(2596 added Oct. 20, 1988, P.L.827, No.110)

Section 2597. Distance Learning Grants.--(2597 repealed June 25, 1997, P.L.297, No.30)

Section 2597.1 Education Mentoring and School Dropout Prevention Programs.--The General Assembly finds and declares that large numbers of students need additional support in order to be successful in school, graduate and become productive citizens of this Commonwealth and that too many students leave school without the benefits of positive adult role models, career goals or skills needed to support strong families and communities. It is the intent of this section and sections 2597.2 through 2597.6 to promote the development of educational

mentoring programs to provide positive adult role models to students, establish a dropout prevention grant program to reduce the number of school dropouts and to promote the collection of information on dropouts for the purpose of developing local programs designed to prevent current students from dropping out.

(2597.1 added June 25, 1997, P.L.297, No.30)

Section 2597.2. Program Established.--The Department of Education shall establish education mentoring and school dropout prevention programs.

(2597.2 added June 25, 1997, P.L.297, No.30)

Section 2597.3. Eligible Grant Applicants.--Applications for grants may be submitted by school districts and nonprofit community-based organizations. Community-based organizations must demonstrate that the program will operate in collaboration with a school district, intermediate unit or area vocational-technical school.

(2597.3 added June 25, 1997, P.L.297, No.30)

Section 2597.4. Program Requirements.--Services and programs may be provided to students in grades kindergarten through twelve. Services and programs shall include the following:

(1) Education Mentoring Program. This program is to establish planned activities to build sustained relationships between students and adult mentors. Mentors are to be recruited from various sources, including business, professional, religious, higher education, senior citizen organizations and the local community. Program components are to include:

- (i) Screening and assignment of mentors.
- (ii) Orientation and training of mentors.
- (iii) Ongoing supervision and support.
- (iv) Matching mentors with students.
- (v) Follow-up activities.

(2) Dropout Prevention Programs. Services and programs shall include the following:

- (i) Academic coursework.
- (ii) Remedial education.
- (iii) Other courses required for graduation.
- (iv) Vocational education and school-to-work transition.
- (v) Programs of employment and training and related services, counseling and assessment.
- (vi) Involvement of parents and guardians of students and individuals enrolled in dropout prevention programs.
- (vii) Public information and outreach activities.
- (viii) Human, social and community services.
- (ix) Mentoring.
- (x) Partnerships with business.
- (xi) Community service.
- (xii) Antitruancy and attendance improvement strategies.
- (xiii) Peer mediation and conflict resolution programs.

(2597.4 added June 25, 1997, P.L.297, No.30)

Section 2597.5. Criteria for Awarding Grants.--(a) In awarding grants, the Secretary of Education shall be guided by the criteria set forth in subsections (b) and (c).

(b) Education mentoring is to be measured by the anticipated results for new programs of education mentoring or actual results for existing programs which:

- (1) Reflect satisfactory improvements in academic achievement.
- (2) Result in improvements in transition into post-secondary education, job training and employment among mentored students.
- (3) Result in reductions in truancy, disciplinary referrals and dropout rates of students enrolled in mentoring programs.

(4) Demonstrate a significant need for mentoring services in terms of numbers of students requiring mentors.

(5) Demonstrate the cost-effective use of State funding.

(6) Demonstrate maximum use of local resources to maximize the numbers of students served by the mentoring program.

(c) Dropout prevention is to be measured by:

(1) The extent to which dropout rates in the school district exceed the Statewide average dropout rate.

(2) The program effectiveness in prior years if the grant application is intended to provide funding for programs already in existence, expressed in terms of:

(i) A decline in both the number and percentage of students leaving school prior to graduation.

(ii) Improvement in the promotion rate, attendance rate and academic achievement of students enrolled in the program.

(3) The anticipated results of new programs, expressed in terms of:

(i) A decline in both the number and percentage of students leaving school prior to graduation.

(ii) Improvement in the promotion rate, attendance rate and academic achievement of students enrolled in the program.

(4) The extent to which the school district program is linked to those of other relevant service providers, such as literacy councils, area vocational-technical schools, post-secondary educational and training institutions, private industry councils, social service agencies and community-based organizations.

(5) The number of dropouts in the school district.

(2597.5 added June 25, 1997, P.L.297, No.30)

Section 2597.6. Duties and Responsibilities of the Secretary of Education.--(a) The Secretary of Education shall develop applications for grants and make them available to school districts and nonprofit community-based organizations, shall develop any regulations, guidelines or standards required for the implementation of this act and shall review all grant applications and make grants from funds appropriated for this purpose.

(b) The Secretary of Education shall prepare a report by the first day of February of each year which must, at a minimum, contain the following:

(1) Number of students leaving school without graduating.

(2) Grade levels at the time of their withdrawal from school.

(3) Age at the time of their withdrawal from school.

(4) Reasons for withdrawing from school.

(5) The post-withdrawal activities of individuals who left school prior to graduation.

(6) Numbers of students enrolled in dropout prevention and mentoring programs.

(7) An evaluation of programs provided in the prior school year and their effectiveness.

(c) Notwithstanding any provision to the contrary, no one school district or a combination of a school district and a community organization shall receive more than ten percent (10%) of the total funds available under this program established by the Secretary of Education in any one school year to provide services within a single school district.

(2597.6 added June 25, 1997, P.L.297, No.30)

Section 2598. Charter School Grants.--(2598 repealed Apr. 27, 1998, P.L.270, No.46)

Section 2599. Administrative/Instructional Consolidation Incentives.--(a) The purpose of this section is to establish

a program of incentives to school entities to encourage greater efficiency in the management of schools and the consolidation of administrative and instructional programming.

(b) Any school district, area vocational-technical school, intermediate unit or joint school is eligible to participate in the consolidation incentives program and shall be considered a school entity for the purposes of this section.

(c) Funding will be provided only to programs which have the participation of two or more school entities. Funding will be provided for programs which are initiated after July 1, 1998.

(d) (1) Funding will be provided through a competitive request for proposal process. Proposals will be evaluated by a team of Department of Education and nondepartment personnel. The evaluations will be completed and funds awarded in the second semester of the school year following the submission of a proposal.

(2) Funds may be awarded for two years. School entities may be awarded up to fifty percent (50%) of the savings the first year. The award in the second year may be up to one-half of the amount of the first year's award.

(3) The Department of Education will establish general criteria for qualifying for these funds:

(i) for rating purposes, savings will be calculated as a percentage of the applicable part of the budgets of the entities involved in the consolidation;

(ii) the Department of Education will establish multiple categories to allow for awards based on the size and variety of proposals;

(iii) awards for consolidation of administrative services must result in the reduction of the overall administrative complements of the participating entities;

(iv) awards for consolidation of instructional staff must result in the reduction of the overall staffing complement of the participating entities or the participating school entities not hiring additional personnel.

(4) All data submissions from the school entities shall be subject to audit, and any incentive payments subsequently determined to be excessive due to inappropriate data will be deducted from subsequent basic education funding payments.

(5) Incentive funds shall be paid to school entities for use in consolidated programs.

(6) Nothing contained in this section shall be construed to supersede or preempt any provisions of a collective bargaining agreement negotiated by a school district, intermediate unit or area vocational-technical school and the employe organization that is in effect on the effective date of this section.

(2599 added Apr. 27, 1998, P.L.270, No.46)

Section 2599.1. Multipurpose Service Center Grant Program.--(a) The Department of Education may administer a grant program to assist multipurpose service centers in the delivery of certain services to displaced homemakers and single parents in accordance with department guidelines.

(b) (1) To the extent that funds are available, grants shall be awarded to multipurpose service centers that offer job counseling, job training, financial management, employment referral and any other services that the department may require. Priority in the award of grants shall be afforded to those multipurpose service centers that received State assistance during the 1998-1999 fiscal year.

(2) Qualified multipurpose service centers shall apply for grants in the form and manner required by the department.

(c) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Displaced homemaker" or "single parent." An individual who:

(1) Has worked in the home, providing unpaid household services for family members.

(2) Is underemployed.

(3) Has had or is having difficulty securing employment.

(4) Has been dependent on the income of another family member but is no longer supported by such income, has been dependent on government assistance or is supported as the parent of minor children by government assistance or other support.

"Multipurpose service center." A community-based organization, school district, joint school district or intermediate unit, postsecondary school, institution of higher learning or area vocational-education school that provides job counseling services; job training, education and placement services; financial management services, outreach information services with respect to Federal and State employment and education, health and unemployment assistance programs to displaced homemakers and single parents.

(2599.1 added June 29, 2002, P.L.524, No.88)

Section 2599.2. Pennsylvania Accountability Grants.--(a) Beginning with the 2004-2005 fiscal year, the department shall establish a program of annual accountability grants for the benefit of students enrolled in each of the Commonwealth's school districts.

(b) The grant shall be used by a school district to attain or maintain academic performance targets. Funds obtained under this section may be used for any of the following:

(1) Establishing, maintaining or expanding a quality pre-kindergarten program aligned with the current academic standards contained in 22 Pa. Code Ch. 4 (relating to academic standards and assessment).

(2) Establishing, maintaining or expanding a quality full-day kindergarten program aligned with the current academic standards contained in 22 Pa. Code Ch. 4. Such programs shall be kept open for five hours each day for the full school term as provided in section 1501. The board of school directors of a school district may offer a full-day kindergarten program to children who are between four and six years old.

(3) Establishing, maintaining or expanding a class size reduction program. Such class size reduction program shall appoint and assign a minimum of one teacher for every 17 students or two teachers for every 35 students enrolled in a kindergarten, first, second or third grade classroom. All teachers appointed and assigned to teach kindergarten, first, second or third grade shall be certified in accordance with 22 Pa. Code Ch. 49 (relating to certification of professional personnel) or its successors. The department shall establish guidelines to assure that no school district satisfies the requirements of this paragraph by making a reduction in, and subsequent increase to, current teacher complement. For purposes of this paragraph, the phrase "one teacher for every 17 students or two teachers for every 35 students enrolled in a kindergarten, first, second or third grade classroom" shall refer to the number of teachers conducting a class at any one time in a classroom containing the applicable number of students.

(4) Establishing, expanding or maintaining programs that promote the availability, coordination, integration and utilization of social and health services, associated resources

and ancillary resources to meet the needs of children and families in addressing issues that may serve to limit student academic achievement.

(5) Notwithstanding the provisions of Article XV-C, providing tutoring assistance during the normal school day and hours of the school district, provided that the tutoring is in addition to and does not interfere with a student's regularly scheduled classroom instruction times and does not supplant services required in a student's individualized education program.

(6) Improving the academic performance of subgroups identified under section 1111(b) of the No Child Left Behind Act of 2001.

(7) Establishing, expanding or maintaining programs to assist in the building of strong science and applied-knowledge skills.

(8) Providing additional programs for continuing professional education that may include any of the following: training in mathematics, science and literacy-specific curriculum and instructional strategies; training in school-wide improvement planning; analysis of student achievement data, including student work and the implications for classroom practice; observing and studying exemplary school and classroom practices; implementing school-wide programs and classroom management strategies designed to improve student conduct; using technology to boost student achievement; conducting transition planning and curriculum alignment across schools and grade levels; or implementing secondary strategies to increase student engagement and personalize learning.

(9) Establishing, expanding or maintaining math and literacy coaching programs within schools to improve math and reading instruction.

(10) Providing financial incentives to highly qualified, tenured teachers to work in the most academically challenged schools in a school district or providing financial incentives to aid in the recruitment of certificated teachers in mathematics, science, language arts or English as a second language to work in the most academically challenged schools in a school district.

(10.1) Establishing, expanding or maintaining a career awareness program.

(10.2) Purchasing materials or extending service hours for school libraries.

(11) Providing such other programs or activities that the board of school directors of a school district determines are essential to achieving or maintaining academic performance targets through the year 2014.

(12) Establishing, expanding or maintaining programs for instruction on world languages in the elementary grades, either in immersion classrooms or as separate periods of instruction.

(13) Establishing, expanding or maintaining programs to strengthen high school curricula by creating rigorous college and career preparatory programs, increasing academic achievement, offering additional advanced placement courses, providing school-based counseling and providing professional development.

(14) Establishing, expanding or maintaining programs to provide intensive teacher training, professional development opportunities and teaching resources to elementary level science teachers.

((b) amended July 9, 2008, P.L.846, No.61)

(b.1) No subcontract between a school district and a nonprofit organization entered into for the provision of a program or services pursuant to this section may abrogate provisions of a collective bargaining agreement between the nonprofit organization and its employees. ((b.1) added July 13, 2005, P.L.226, No.46)

(b.2) (1) If, for the 2007-2008 school year, the amount of funding that a school district receives under subsection (d.2) exceeds the amount of the grant that it received during the 2006-2007 school year, the school district shall use its additional funds to establish or expand the full-day kindergarten program under subsection (b)(2).

(2) The department shall require each school district to certify as part of the plan submitted under subsection (c)(2) whether the school district will use its additional grant funds in compliance with this subsection.

(3) A school district that does one of the following shall forfeit the right to the additional grant funds received in the 2007-2008 school year under subsection (d.2)(2) and (3), and all forfeited funds shall be distributed pursuant to subsection (d.3):

(i) Chooses in the 2007-2008 school year not to establish or expand a full-day kindergarten program consistent with the requirements of this subsection.

(ii) Submits a plan that does not comply with this section.

((b.2) added July 20, 2007, P.L.278, No.45)

(c) (1) No later than April 10, 2004, and April 10, 2005, the department shall notify each school district of the grant amount it will receive under subsection (d). No later than April 10, 2006, the department shall notify each school district of the grant amount it will receive under subsection (d.1).

(1.1) For the 2007-2008 school year, the department shall notify each school district of the programs and activities authorized under subsection (b)(12), (13) and (14) and of its grant amount under subsection (d.3) within fifteen (15) days of the effective date of this paragraph.

(2) Within thirty (30) days of receipt of the notification under paragraph (1), the school district shall submit to the department an accountability grant plan. The plan shall include:

(i) Reference to the programs or activities under subsection (b) for which the grant funds will be used.

(ii) Identification of whether the grant funds will be used to establish, maintain or expand the programs or activities referenced under subparagraph (i).

(iii) A brief description of the programs or activities for which the grant funds will be used.

(2.1) For the 2007-2008 school year, a school district that proposes to use the grant funds for a program or activity not referenced in the accountability grant plan submitted under paragraph (2) shall submit an amended accountability grant plan to the department within thirty (30) days of the effective date of this paragraph. The amended plan shall include the information required under paragraph (2).

(3) (i) Where the accountability grant plan submitted under paragraph (2) proposes to use the grant funds for a program or activity under subsection (b)(11), the department shall have fifteen (15) days from the receipt of the plan to disapprove the use and notify the school district of the reason for the disapproval. Within thirty (30) days of the receipt of notice of disapproval, the school district shall submit a revised accountability grant plan under paragraph (2).

(ii) Where the accountability grant plan submitted under paragraph (2) proposes to use the grant funds for a program or activity under subsection (b)(11) and the school district fails to receive notification from the secretary within fifteen (15) days of receipt that its request has been disapproved, the school district may proceed to implement the proposed programs or activities.

(4) Where the accountability grant plan submitted under paragraph (2) or where the amended accountability grant plan submitted under paragraph (2.1) proposes to use the grant funds for a program or activity under subsection (b)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (12), (13) or (14), the department may, within thirty (30) days from the receipt of the plan, make nonbinding recommendations for alternative utilization of the grant funds.

(5) No later than February 1, 2005, and February 1 of each year thereafter, the department shall submit a report to the majority and minority chairs of the Appropriations and Education Committees of the Senate and to the majority and minority chairs of the Appropriations and Education Committees of the House of Representatives summarizing the operation of the program for that fiscal year. The report shall include:

(i) A description of the operation of the program.

(ii) A summary of the total amount of grant funds paid to school districts.

(iii) A summary of the uses of grant funds to school districts.

(iv) An identification of the number of school districts that used grant funds for each of the programs or activities under subsection (b).

(v) A listing of each school district and the program or activity under subsection (b) for which the grant funds were used.

(vi) An identification of the number of school districts that used grant funds to establish, maintain or expand the program or activity for which the grant funds were used.

(vii) A listing of each school district and whether the grant funds were used to establish, maintain or expand the program or activity for which the grant funds were used.

((c) amended July 20, 2007, P.L.278, No.45)

(d) During the 2004-2005 and 2005-2006 school years, the department shall pay to each school district a Pennsylvania Accountability grant equal to the sum of the amounts calculated under paragraphs (1) and (2) as follows:

(1) Each school district shall receive an amount based on the percentage of its students scoring below proficient on the PSSA tests, calculated as follows:

(i) Divide the number of PSSA tests administered in the school district on which students scored below proficient in reading or mathematics during the 2002-2003 school year by the total number of PSSA tests scored in reading and mathematics in the school district during the 2002-2003 school year.

(ii) Multiply the quotient from subparagraph (i) by the average daily membership of the school district for the 2002-2003 school year.

(iii) Multiply the product from subparagraph (ii) by the market value/income aid ratio of the school district for the 2003-2004 school year.

(iv) Multiply the product from subparagraph (iii) by one hundred fifty million dollars (\$150,000,000).

(v) Divide the product from subparagraph (iv) by the sum of the products of subparagraph (iii) for all school districts.

(2) Each school district shall receive an amount based on the percentage of its students scoring at or above proficient on the PSSA tests, calculated as follows:

(i) Divide the number of PSSA tests administered in the school district on which students scored at or above proficient in reading or mathematics during the 2002-2003 school year by the total number of PSSA tests scored in reading and mathematics in the school district during the 2002-2003 school year.

(ii) Multiply the quotient from subparagraph (i) by the average daily membership of the school district for the 2002-2003 school year.

(iii) Multiply the product from subparagraph (ii) by the market value/income aid ratio of the school district for the 2003-2004 school year.

(iv) Multiply the product from subparagraph (iii) by fifty million dollars (\$50,000,000).

(v) Divide the product from subparagraph (iv) by the sum of the products of subparagraph (iii) for all school districts.

(3) Grants awarded under this section shall be paid to school districts on the last Thursday of July.

((d) amended July 4, 2004, P.L.536, No.70)

(d.1) (1) During the 2006-2007 school year, the department shall pay to each school district a Pennsylvania accountability grant equal to the amount determined in subsection (d) plus the sum of the amounts calculated under paragraphs (2) and (3).

((1) amended July 20, 2007, P.L.278, No.45)

(2) Each school district shall receive an amount based on the percentage of its students scoring below proficient on the PSSA tests administered in grades five, eight and eleven, calculated as follows:

(i) Divide the number of PSSA tests administered in the school district on which students scored below proficient in reading or mathematics during the 2004-2005 school year by the total number of PSSA tests scored in reading and mathematics in the school district during the 2004-2005 school year.

(ii) Multiply the quotient from subparagraph (i) by the average daily membership of the school district for the 2004-2005 school year.

(iii) Multiply the product from subparagraph (ii) by the market value/income aid ratio of the school district for the 2005-2006 school year.

(iv) Multiply the product from subparagraph (iii) by thirty-seven million five hundred thousand dollars (\$37,500,000).

(v) Divide the product from subparagraph (iv) by the sum of the products of subparagraph (iii) for all school districts.

(3) Each school district shall receive an amount based on the percentage of its students scoring at or above proficient on the PSSA tests administered in grades five, eight and eleven, calculated as follows:

(i) Divide the number of PSSA tests administered in the school district on which students scored at or above proficient in reading or mathematics during the 2004-2005 school year by the total number of PSSA tests scored in reading and mathematics in the school district during the 2004-2005 school year.

(ii) Multiply the quotient from subparagraph (i) by the average daily membership of the school district for the 2004-2005 school year.

(iii) Multiply the product from subparagraph (ii) by the market value/income aid ratio of the school district for the 2005-2006 school year.

(iv) Multiply the product from subparagraph (iii) by twelve million five hundred thousand dollars (\$12,500,000).

(v) Divide the product from subparagraph (iv) by the sum of the products of subparagraph (iii) for all school districts.

(4) Grants awarded under this subsection shall be paid to school districts on the last Thursday of July.

((d.1) added July 11, 2006, P.L.1092, No.114)

(d.2) (1) During the 2007-2008 school year, the department shall pay to each school district a Pennsylvania accountability grant equal to the amount determined under subsection (d.1) plus the sum of the amounts calculated under paragraphs (2) and (3).

(2) Each school district shall receive an amount based on the percentage of its students scoring below proficient on PSSA tests administered in the school district, calculated as follows:

(i) Divide the number of PSSA tests administered in the school district on which students scored below proficient in reading or mathematics during the 2005-2006 school year by the total number of PSSA tests scored in reading and mathematics in the school district during the 2005-2006 school year.

(ii) Multiply the quotient from subparagraph (i) by the average daily membership of the school district for the 2005-2006 school year.

(iii) Multiply the product from subparagraph (ii) by the market value/income aid ratio of the school district for the 2006-2007 school year.

(iv) Multiply the product from subparagraph (iii) by eighteen million seven hundred fifty thousand dollars (\$18,750,000).

(v) Divide the product from subparagraph (iv) by the sum of the products of subparagraph (iii) for all school districts.

(3) Each school district shall receive an amount based on the percentage of its students scoring at or above proficient on PSSA tests administered in the school district, calculated as follows:

(i) Divide the number of PSSA tests administered in the school district on which students scored at or above proficient in reading or mathematics during the 2005-2006 school year by the total number of PSSA tests scored in reading and mathematics in the school district during the 2005-2006 school year.

(ii) Multiply the quotient from subparagraph (i) by the average daily membership of the school district for the 2005-2006 school year.

(iii) Multiply the product from subparagraph (ii) by the market value/income aid ratio of the school district for the 2006-2007 school year.

(iv) Multiply the product from subparagraph (iii) by six million two hundred fifty thousand dollars (\$6,250,000).

(v) Divide the product from subparagraph (iv) by the sum of the products of subparagraph (iii) for all school districts.

((d.2) added July 20, 2007, P.L.278, No.45)

(d.3) (1) During the 2007-2008 school year, the department shall pay a Pennsylvania accountability grant supplement from funds subject to distribution pursuant to subsection (b.2)(3) equal to the amount calculated under paragraphs (2), (3), (4) and (5).

(2) Each school district with a 2006-2007 full-day kindergarten average daily membership shall receive an amount based on the percentage of its students scoring below proficient on PSSA tests administered in the school district, calculated as follows:

(i) Divide the number of PSSA tests administered in the school district on which students scored below proficient in reading or mathematics during the 2005-2006 school year by the total number of PSSA tests scored in reading and mathematics in the school district during the 2005-2006 school year.

(ii) Multiply the quotient from subparagraph (i) by the full-day kindergarten estimated average daily membership of the school district for the 2006-2007 school year.

(iii) Multiply the product from subparagraph (ii) by the market value/income aid ratio of the school district for the 2006-2007 school year.

(iv) Multiply the product from subparagraph (iii) by three million seven hundred fifty thousand dollars (\$3,750,000).

(v) Divide the product from subparagraph (iv) by the sum of the products of subparagraph (iii) for all eligible school districts under this paragraph.

(3) Each school district with a 2006-2007 full-day kindergarten average daily membership shall receive an amount based on the percentage of its students scoring at or above proficient on PSSA tests administered in the school district, calculated as follows:

(i) Divide the number of PSSA tests administered in the school district on which students scored at or above proficient in reading or mathematics during the 2005-2006 school year by the total number of PSSA tests scored in reading and mathematics in the school district during the 2005-2006 school year.

(ii) Multiply the quotient from subparagraph (i) by the full-day kindergarten estimated average daily membership of the school district for the 2006-2007 school year.

(iii) Multiply the product from subparagraph (ii) by the market value/income aid ratio of the school district for the 2006-2007 school year.

(iv) Multiply the product from subparagraph (iii) by one million two hundred fifty thousand dollars (\$1,250,000).

(v) Divide the product from subparagraph (iv) by the sum of the products of subparagraph (iii) for all eligible school districts under this paragraph.

(4) Each school district shall receive an amount equal to two percent (2%) of the amount determined pursuant to subsection (d.1).

(5) After amounts have been paid pursuant to paragraphs (2), (3) and (4), any remaining funds subject to distribution pursuant to subsection (b.2)(3) shall be allocated to each school district as follows:

(i) Multiply the school district's 2006-2007 market value/income aid ratio by the number of additional full-day kindergarten students to be enrolled in the newly established or expanded full-day kindergarten program in the school district as indicated in the accountability grant plan submitted under subsection (c).

(ii) Multiply the product from subparagraph (i) by the total amount of forfeited grant funds subject to distribution under this paragraph.

(iii) Divide the product from subparagraph (ii) by the sum of the products from subparagraph (i) of all school districts with additional full-day kindergarten students to be enrolled in newly established or expanded full-day kindergarten programs.

((d.3) added July 20, 2007, P.L.278, No.45)

(d.4) During the 2008-2009 school year, the department shall pay to each school district a Pennsylvania accountability grant equal to the amount paid during the 2007-2008 school year under

subsections (d.2) and (d.3). ((d.4) added July 9, 2008, P.L.846, No.61)

(e) (1) The department shall establish reporting procedures and auditing guidelines to ensure that grant funds are utilized in accordance with subsection (b).

(2) A school district shall maintain separate accounts in its budget to facilitate monitoring the use of the grant funds.

(3) In no case shall a school district use grant funds for administrative costs as defined by the department.

(4) The department shall reduce the amount of a State subsidy payment to a school district by the amount of any grant funds provided under this section if the school district does not utilize the grant funds in accordance with subsection (b) and the accountability grant plan submitted pursuant to subsection (d).

(5) No grant funds may be used directly to increase salaries except as provided for in subsection (b)(10).

(6) No school district may place grant funds received under this section in a reserve account.

(7) For the 2008-2009, 2012-2013 and 2013-2014 fiscal years, if insufficient funds are appropriated to make Commonwealth payments pursuant to this section, such payments shall be made on a pro rata basis. ((7) amended July 9, 2013, P.L.408, No.59)

(8) For the 2010-2011 fiscal year, any funding remaining to be allocated to school districts from the appropriation for Pennsylvania Accountability Grants on or after July 1, 2011, shall be distributed as follows:

(i) Multiply the amount of funding that each school district received from the appropriation before July 1, 2011, by the amount of funding remaining to be allocated to school districts on or after July 1, 2011.

(ii) Divide the product from subparagraph (i) by the sum of the funds allocated from the appropriation to school districts before July 1, 2011.

School districts may expend funds received under this paragraph in fiscal year 2010-2011 or fiscal year 2011-2012 on programs authorized under subsection (b).

((8) added June 30, 2011, P.L.112, No.24)

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Applied knowledge." Information technology, computer equipment, education software and related advanced technologies necessary to increase students' access to worldwide information and their expertise in this regard.

"Career awareness program." An educational program that introduces students to a variety of career and vocational options and includes such activities as job shadowing, field trips and tours, career days or the administration of career assessment tests and inventories.

"Career days." Special events that allow students to meet with employers, career development specialists, community-based organization representatives and postsecondary educators and are designed to encourage students to gain information about careers and job opportunities.

"Department." The Department of Education of the Commonwealth.

"Grant." A Pennsylvania accountability grant awarded under this section.

"Highly qualified." A highly qualified elementary teacher or a highly qualified middle or secondary teacher as defined in 22 Pa. Code § 403.2 (relating to definitions).

"Job shadowing." As part of career exploration activities in late middle and early high school, activity of a student following an employee for one or more days to learn about a particular occupation or industry, which activity is intended to help students explore a range of career objectives and possibly to select a career pathway.

"Science." A curricular offering in support of the science and technology content area as defined in 22 Pa. Code § 4.12 (relating to academic standards).

((f) amended July 9, 2008, P.L.846, No.61)

(2599.2 added Dec. 23, 2003, P.L.304, No.48)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Compiler's Note: Section 34 of Act 61 of 2008, which amended section 2599.2, provided that Act 61 shall apply retroactively to July 1 2008.

Section 2599.3. Statewide Costing-out Study.--(a) The General Assembly directs the State Board of Education to conduct or provide for a comprehensive Statewide costing-out study to arrive at a determination of the basic cost per pupil to provide an education that will permit a student to meet the State's academic standards and assessments.

(b) The study shall consider both adequacy and equity. For the purposes of this subsection, the term "equity" shall mean whether public resources being committed to education are distributed in such a way that all children, regardless of race, gender, ethnicity, disability, socioeconomic status and geography, have an equal opportunity to succeed in school. For purposes of this subsection, the term "adequacy" shall mean whether sufficient resources, both State and local, are being committed to meet established performance standards and assure academic success for all.

(c) The State Board of Education is authorized to hire or retain consultants, utilizing a request for proposal procedure, as necessary to assist in the performance of its duties under this section.

(d) The State Board of Education shall consult with the following leaders in the development of the request for proposals, and the assent of a majority of the following leaders shall be required before the request for proposal shall be released:

(1) The President pro tempore of the Senate or a designee.

(2) The Speaker of the House of Representatives or a designee.

(3) The Minority Leader of the Senate or a designee.

(4) The Minority Leader of the House of Representatives or a designee.

(e) At a minimum the study shall include all of the following:

(1) Determine what educational resources and related expenditures are required to provide a quality primary and secondary education for each student in the Commonwealth's public schools. The study shall include examining exemplary school districts that are high-performing and low-spending school districts. As part of the determination to be conducted under this paragraph, a review shall be conducted of school district tax efforts in support of public schools, including both local and State tax support.

(2) Examine the potential use of geographic cost-of-education indexing in the Commonwealth.

(3) Investigate additional categories of funding that may be necessary to meet needs unique to schools and students, including all of the following:

- (i) Poverty.
- (ii) Limited English proficiency.
- (iii) Students with disabilities.
- (iv) Scarcity and density of population.
- (v) Issues related to the rural, urban or suburban nature of the school district.
- (vi) Issues related to research-based analysis of the difficulty of the educational task.

(4) Study the issue of student population growth and decline to determine the cost impact of both factors.

(f) The State Board of Education shall issue an interim report no later than six months after the date of the signing of a contract entered into under subsection (c) and shall provide a final report of its findings and recommendations to the Governor and the members of the General Assembly no later than one year from the date of the signing of a contract entered into under subsection (c).

(g) Upon receipt of the final report, the Education Committee of the Senate and the Education Committee of the House of Representatives shall promptly review and consider the recommendations of the study and develop legislation as deemed appropriate.

(2599.3 added July 11, 2006, P.L.1092, No.114)

Section 2599.4. Targeted Industry Cluster Certificate Scholarship Program.--(a) The Targeted Industry Cluster Certificate Scholarship Program is established within the Pennsylvania Higher Education Assistance Agency.

(b) The agency may use funds appropriated to provide grants for defraying the necessary expense of residents of this Commonwealth who are eligible students pursuing an eligible course of study at an eligible educational provider.

(c) The agency shall determine and approve student eligibility and educational provider eligibility requirements for the program.

(d) The Department of Education shall consult with the Department of Labor and Industry to identify programs of study that train individuals for areas of immediate workforce need and provide the agency with a list of eligible programs of study.

(e) Grant awards shall be established by the agency based upon available resources.

(2599.4 added June 30, 2012, P.L.684, No.82)

Section 2599.5. Distance Education Program.--(a) The Distance Education Program is established in the agency to approve distance education programs and to provide grants to students who enroll in approved distance education programs.

(b) The agency shall administer and establish guidelines for the distance education program. The agency may collect student and school data to assess the performance of the distance education program, provided that such collection complies with the rights and responsibilities certification document of the Pennsylvania State Grant Program as administered by the agency.

(c) An institution of higher education may submit an application to the agency for approval to participate in the distance education program. The application must be submitted in such form and manner as prescribed by the agency.

(d) The agency shall review requests submitted under subsection (c) and, if the institution meets the criteria

specified in the definitions of "institution of higher education" and "approved distance education program," shall approve the request. The agency shall approve requests related to all academic majors that are eligible under the State grant program.

(e) The agency may award, from funds appropriated, allocated or otherwise made available to it, grants to students who are enrolled in approved distance education programs at participating institutions of higher education. The agency shall establish a policy to ensure that awards are made in a consistent manner throughout the award year.

(f) A student enrolled in an approved distance education program shall submit an application for a State grant from the agency. The application must be submitted in such form and in a manner as prescribed by the agency.

(g) The agency shall review an application submitted under subsection (f) and, based on available resources, if the agency concludes that the applicant has financial need, may award a State grant to the applicant to cover the cost of full-time or at least half-time study in the approved distance education program at an institution of higher education approved for participation in the distance education program.

(h) A grant awarded to a student under subsection (g) may not exceed per award year the amount the student would receive under the State grant program for the same award year.

(i) This section shall apply to academic years 2013-2014 through 2017-2018.

(j) This section shall expire June 30, 2018.

(k) The following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Higher Education Assistance Agency.

"Approved distance education program." A program of study offered by an institution of higher education that is approved by the agency and meets the following criteria:

(i) The program is at least two academic years in length.

(ii) Completion of the program leads to the attainment of a recognized academic credential.

(iii) The program of study shall allow an eligible student to take more than fifty percent (50%) of credits or clock hours through distance education for each payment period in which the eligible student is enrolled.

(iv) The program must be pursued by students on a full-time basis or at least a half-time basis.

"Distance education program." The Distance Education Program established by this section.

"Eligible student." A student who is otherwise eligible for the State grant program, notwithstanding the distance education requirements of the State grant program.

"Institution of higher education." A postsecondary institution that participated in the State grant program as of June 30, 2012, and is domiciled and headquartered with its principal physical location in this Commonwealth.

"Physical location." A location with qualified on-site administrative staff responsible for the overall administrative operation of all educational activities, including, but not limited to, instructional oversight, counseling, advising, library services and maintenance of academic records.

"State grant." A grant or scholarship awarded under the act of January 25, 1966 (1965 P.L.1546, No.541), referred to as the Higher Education Scholarship Law.

(2599.5 added July 9, 2013, P.L.408, No.59)

Compiler's Note: See the preamble to Act 59 of 2013 in the appendix to this act for special provisions relating to legislative findings and declarations.

Section 2599.6. Ready-to-Learn Block Grant.--(a) For the 2016-2017 school year, each school entity shall receive a Ready-to-Learn Block Grant as follows:

(1) An amount equal to the amount the school entity received during the 2013-2014 school year under section 2599.2.

(2) An amount equal to the amount the school entity received during the 2014-2015 school year under section 1722-J(21)(ii) of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(3) An amount equal to the amount the school entity received during the 2015-2016 school year under section 1722-L(21)(i)(C) of The Fiscal Code.

(b) Funding received by a school entity under this section shall be used in accordance with the provisions contained in sections 2599.2 and 1722-J(21)(v) of The Fiscal Code and may be used for integrated student supports.

(c) To be eligible to receive funding under this section, each school entity shall submit a plan for approval to the department outlining how the funding will be used.

(d) Revenues received by a school district under subsection (a)(2) shall not be included in the school district's budgeted total expenditure per average daily membership used to calculate the amount to be paid to a charter school under section 1725-A(a)(2) and (3).

(e) For the purposes of this section, a "school entity" shall be a school district, charter school, cyber charter school or regional charter school.

(2599.6 added July 13, 2016, P.L.716, No.86)

Section 2599.7. Payment of Required Contribution for Public School Employees' Social Security.--Notwithstanding any other provision of law to the contrary, beginning in the 2016-2017 fiscal year and each fiscal year thereafter, each employer shall submit a report to the Department of Education documenting all wages for which payments are calculated under 24 Pa.C.S. § 8329 (relating to payments on account of social security deductions from appropriations) for each quarter by the twentieth day of the month following the end of the quarter. The department shall review the report and, if the department agrees with the amount reported, shall process and submit a payment requisition to the State Treasurer for the amount in order to make a payment to each employer that submitted a timely report on the last Thursday of the month following the submission of the required quarterly reports. An employer that submits an untimely report shall be paid for the amount due by the department in a timely manner after the required documentation has been submitted. The department shall provide a data file for each reporting period detailing the wages reported by each employer and the payments made to the employer from the appropriation and provide an electronic copy to the chairperson of the Appropriations Committee of the Senate and the chairperson of the Appropriations Committee of the House of Representatives.

(2599.7 added July 13, 2016, P.L.716, No.86)

ARTICLE XXV-A.

KEYSTONE EDUCATIONAL ACCOUNTABILITY.

(Art. added Dec. 23, 2003, P.L.304, No.48)

Section 2501-A. Scope.

This article deals with educational accountability.

(2501-A added Dec. 23, 2003, P.L.304, No.48)

Section 2502-A. Purpose.

The purpose of this article is to put in place an assessment system aimed at improving school district management practices and use of resources, as well as to identify potential cost savings, by providing for the establishment of a series of best practices covering a broad range of school district educational and operational programs and services as standards for a periodic financial management practices review of school districts in this Commonwealth. The reviews are intended to:

(1) Increase public confidence in and support for school districts that demonstrate efficient use of taxpayer resources.

(2) Encourage cost savings.

(3) Link financial planning and budgeting to district priorities, including student performance.

(4) Improve school district management and use of resources.

(2502-A added Dec. 23, 2003, P.L.304, No.48)

Section 2503-A. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Review." The best financial management practices review established by this article.

"School board." A board of school directors of a school district.

"Secretary." The Secretary of Education of the Commonwealth.

"Standards." The best financial management practices standards established by the Secretary of Education and promulgated by the State Board of Education pursuant to this article.

"State board." The State Board of Education.

"Team." The local financial management advisory team established pursuant to section 2508-A.

(2503-A added Dec. 23, 2003, P.L.304, No.48)

Section 2504-A. Establishment.

(a) Review system.--The department, in consultation with stakeholders as set forth in subsection (d), shall develop a system for reviewing the financial management practices of school districts in this Commonwealth based on a series of best financial management practices standards adopted for specific areas of district programs and operations.

(b) Resources.--In developing this system, the department shall draw on information garnered through the existing school evaluation services reports.

(c) Advisory committee.--

(1) There is hereby established in the Department of Education an advisory committee consisting of nine members to assist the secretary in carrying out the secretary's duties under this article.

(2) Membership on the committee shall include:

(i) A representative named by an established recognized association representing school administrators.

(ii) A representative named by an established recognized association representing school business officials.

(iii) One representative named by each of the established recognized organizations representing the State's public school employees.

(iv) A representative named by an established recognized organization representing the State's boards of school directors.

(v) A representative named by an established recognized organization representing the State's colleges and universities.

(vi) Three members named by the secretary to include: one representative from an established recognized organization representing the State's business community, one representative of an established recognized taxpayer organization and one member from the general public.

(3) The committee shall:

(i) Consult with the secretary concerning any matter arising under the administration of this article.

(ii) Assist the secretary in complying with the provisions of section 2504-A(d) to include providing lists of experts in various areas on which standards and indicators are being developed pursuant to section 2505-A.

(d) Consultation.--In arriving at its best practices and their indicators, the department shall consult with a wide variety of educational stakeholders, including school district administrators, school business officials, school board members, professional education organizations, taxpayer organizations, legislators and legislative staff and the Office of the Budget. Additionally, the department is to seek advice from corporate and governmental experts in financial best management practices and other states with similar programs.

(e) Regulations.--No later than one year from the effective date of this article, the secretary shall promulgate the best management practices standards as regulations. Due to the urgent need for an expedited but public regulatory process, the State Board, in adopting these regulations, shall follow the procedures set forth in the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, for the promulgation and review of final-omitted regulations.

(2504-A added Dec. 23, 2003, P.L.304, No.48)

Section 2505-A. Best financial management practices standards.

(a) General.--The best financial management practices standards must, at a minimum, instill public confidence by addressing school districts' use of resources, identifying ways that the district may save funds and improving the districts' performance and accountability systems, including public accountability.

(b) Initial development.--To assure these goals are met, best financial management practices standards shall initially be developed for the following areas:

- (1) Management structures.
- (2) Performance accountability.
- (3) Educational service delivery.
- (4) Administrative and instructional technology.
- (5) Personnel systems and benefits.
- (6) Facilities construction.
- (7) Facilities maintenance.
- (8) Transportation.
- (9) Food service operations.

(10) Cost control systems.

(c) Indicators.--To help assess whether a district is meeting these standards, the department shall also develop specific indicators for each best practice. Indicators will represent the kinds of activities a district would undertake if the district were using a particular best practice.

(2505-A added Dec. 23, 2003, P.L.304, No.48)

Section 2506-A. Review process.

(a) Review cycle.--Every school district shall be subject to a best financial management practices review on a continuing six-year cycle. Once the six-year cycle has been completed, reviews shall continue, beginning again with those districts included in the first year of the cycle unless the district has been deemed entitled to a waiver pursuant to section 2507-A(d).

(b) (Reserved). ((b) amended June 30, 2012, P.L.684, No.82)

(c) Private firms.--The department is authorized to contract with a private firm or firms, selected through a formal request-for-proposal process to perform each review, to the extent that funds are provided for this purpose in the General Appropriation Act each year. Any private firm awarded a contract pursuant to this subsection shall have expertise in school district finance.

(d) Self-assessment.--Districts scheduled for review shall initially complete a self-assessment instrument developed by the department which indicates the school district's own evaluation of its performance on each best practice. The self-assessment shall begin no later than 60 days prior to the commencement of the review, with the completed assessment instrument and supporting documentation submitted to the department no later than the date scheduled for commencement of the review of the district.

(e) Public meetings during review.--During the review, the department and the firm conducting the review shall hold at least one advertised public meeting in order to explain the best financial management practices review process and obtain input from students, parents, the business community and other district residents regarding their observations and recommendations about the operations and management of the district.

(f) Information used in review process.--In completing its review and developing the final report, the review team shall use information available through the existing school evaluation services reports.

(g) Completion of review.--Reviews are to be completed within six months after commencement. A final report of the review team is to be issued to the secretary, the Governor, the district and its school board and the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives, the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives within 60 days of completion of the review.

(h) Public meeting after review.--Within 30 days of receipt of the final report of the review, the school board shall hold a public meeting to share the results with residents of the district. Such meeting shall comply with the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).

(i) Publication on World Wide Web.--No later than 15 days after the issuance of the final report by the review team, the department shall publish the district's review on its World

Wide Web site. Prior to publication, the department shall issue a press release informing the public of the availability of this information.

(j) Findings in final report.--The final report shall include findings related to compliance with the standards based on their established indicators; potential cost savings; suggested recommendations for improvement; and, for those districts found not to be in compliance with the standards, a three-year action plan for achieving compliance. This action plan is to be developed in conjunction with officials from the school district.

(2506-A added Dec. 23, 2003, P.L.304, No.48)

Section 2507-A. State certification as a Keystone District.

(a) General rule.--A district that has been determined by the review to be using the best practices shall be certified by the secretary as a Keystone District. Such designation is effective for six years from the certification date or until the next review is completed, whichever is later.

(b) Publication of status.--A district so designated is authorized to publicize its status as a Keystone District on its buildings and in any publications or correspondence it deems appropriate.

(c) Annual verification.--Except as provided in section 2510-A, a district that has been certified pursuant to this section shall annually verify to the secretary that it has made no changes in any of its practices and continues to conform to the best financial management practices standards.

(d) Waiver.--A school district that has been awarded a certification as a Keystone District and which has made annual reports pursuant to subsection (c) shall be granted a waiver from the requirement of undergoing its next scheduled review. Districts granted a waiver under this subsection are not eligible for waiver of the review to be conducted after the one which was waived.

(2507-A added Dec. 23, 2003, P.L.304, No.48)

Section 2508-A. Failure to meet best financial management practices standards.

(a) Action plan.--If the report provided for in section 2506-A finds that the district does not conform to the standards, the report must contain an action plan detailing how the district may meet the standards within three years.

(b) Financial management advisory team.--No less than 60 days following receipt of the report, the school board shall establish a local financial management advisory team. The team shall consist of 11 members as follows:

(1) One member of the school board who may be the president or a designated board member.

(2) The superintendent of the district.

(3) The school business manager or the individual responsible for the fiscal management of the district.

(4) A principal selected by all the principals in the district.

(5) A teacher selected by all the teachers in the district.

(6) Two members of the general public, one of whom shall be a representative of a local taxpayer organization if one exists in the district.

(7) One parent of a student from the district.

(8) Two local representatives of business, at least one of whom must have experience in banking or finance.

(9) A local community leader.

(c) Procedure.--The school board shall establish procedures for selecting the parent, the business and community leaders and members of the general public in order to ensure public awareness of these openings and solicit input from the community.

(d) Chairperson.--The team shall elect a chairperson from among its membership at its first meeting.

(e) Time period.--The team shall be responsible for implementation of the action plan contained in the district's report within a three-year time period.

(f) Technical advisors.--Upon request, the department shall provide, from a list established pursuant to section 2509-A, such technical advisors as may be necessary to assist the team in implementing the action plan.

(g) Second review.--No later than three years after receipt of a report indicating the district is not in compliance with the best financial management practices standards, or earlier upon request of the school board, the department shall conduct a second review to determine if the district is now in compliance. If this second report indicates that the district is now in compliance, it shall be certified as a Keystone District pursuant to section 2507-A and shall fall under all provisions of that section with the next review of the district to take place six years from the date of certification.

(2508-A added Dec. 23, 2003, P.L.304, No.48)
Section 2509-A. Duties of department.

(a) List of experts.--In order to assist those districts that do not initially meet the best financial management practices standards, the department shall establish a list of experts who possess knowledge and experience in such areas as school or business administration, pupil transportation, food services management, budget development, fiscal management, human resources management, educational technology and labor relations.

(b) Technical advisors.--Upon request from a school board, the department shall send into the district technical advisors, chosen from the list established in subsection (a) with expertise in those areas identified in the report as not meeting best financial management practices standards, to work with the team in implementing the district's action plan.

(2509-A added Dec. 23, 2003, P.L.304, No.48)
Section 2510-A. Revocation of certification.

(a) General rule.--The secretary may revoke the Keystone District certification if at any time it determines that a district is no longer complying with the Commonwealth's best financial management practices standards.

(b) Immediate revocation.--Any district certified as a Keystone District which, before its next scheduled review, is deemed to be distressed by the secretary under section 691 or is placed on the education empowerment list provided pursuant to section 1703-B shall immediately have its certification revoked.

(2510-A added Dec. 23, 2003, P.L.304, No.48)
Section 2511-A. Cost savings.

Cost savings resulting from implementation of the best financial practices must be spent at the school and classroom levels for teacher professional development, improving classroom facilities, student supplies, textbooks, classroom technology, school safety or any other instructional activity directly affecting student performance and the learning environment.

(2511-A added Dec. 23, 2003, P.L.304, No.48)

ARTICLE XXVI.
STATE SCHOOL FUND.

Section 2601. How Constituted.--(2601 repealed Mar. 30, 1988, P.L.321, No.43)

Section 2602. Management and Custody.--All real and personal property belonging to the State School Fund shall be wholly under the control and management of the State Board of Education. The net receipts derived in any way from, or on account of, any real or personal property belonging to the State School Fund, and all other moneys accruing to said fund, shall always be promptly paid to the State Treasurer, and kept by him in a separate account, subject to the disposal of the State Board of Education as herein provided. The State Treasurer shall deposit said funds in the properly authorized depositories for State funds, and shall add to such funds the interest received from the depositories for the use of the same. All income derived from any investments of the State School Fund shall be paid to the State Treasurer, and kept deposited as herein provided in a separate account, subject to the order of the State Board of Education. The State Treasurer and his bondsmen shall be responsible for the safekeeping of, and accounting for, said funds, in the same manner and under the same penalties as for the safekeeping of, and accounting for, the other funds of this Commonwealth.

(2602 amended Oct. 21, 1965, P.L.601, No.312)

Section 2603. Investments.--The State Board of Education shall promptly invest, and keep invested as constantly as possible, to the best advantage of the State School Fund, all appropriations, devises, gifts, and other receipts for this purpose, as a permanent State School Fund. Investments of the permanent State School Fund may be made only in bonds properly issued by the Government of the United States, the Commonwealth of Pennsylvania, a school district in this Commonwealth, or in municipal bonds in which savings banks of Pennsylvania are authorized by law to invest their deposits, and all such investments must be first approved by the Auditor General.

Such investments shall be converted into cash whenever necessary to make the payments provided for in this article, and to pay for salaries and wages, purchase of supplies and other necessary and pertinent expenses of administration of this article.

(2603 amended Oct. 21, 1965, P.L.601, No.312)

Section 2604. Use of Fund Appropriation.--In addition to equalizing educational opportunities throughout the Commonwealth, the State Board of Education may expend moneys from the State School Fund of Pennsylvania for the purposes of contractual research projects and any other activities approved by the State Board of Education and deemed necessary for its compliance with this article. Payments shall be made by the State Treasurer on order of the State Board of Education, signed by the chairman of the board. As much of the money in the State School Fund of Pennsylvania, including principal and income, as may be necessary, is specifically appropriated to the State Board of Education to be used for the purposes and in the manner prescribed in this article.

(2604 amended Mar. 30, 1988, P.L.321, No.43)

Section 2605. Payments; How Made.--(2605 repealed Mar. 30, 1988, P.L.321, No.43)

Section 2606. Reports of Condition of Fund.--The State Treasurer shall report to the State Board of Education, at such times as the board requests, the conditions of said fund, and

shall in his annual report make an itemized statement of the receipts, disbursements, and amount on hand of said school fund and its incomes. The State Board of Education shall annually make to the Governor and to the Auditor General a complete detailed report of the condition of said fund, including its receipts, expenditures and investments.

(2606 amended Oct. 21, 1965, P.L.601, No.312)

Section 2607. Refunds of Escheated Estates; Appropriation.--(2607 repealed Mar. 30, 1988, P.L.321, No.43)

ARTICLE XXVI-A.

SURPLUS GRANTS.

(Art. added July 10, 1986, P.L.1270, No.117)

Compiler's Note: Section 2607-A provided that Article XXVI-A shall expire June 30, 1987.

Section 2601-A. Legislative Findings.--(Expired June 30, 1987)

Section 2602-A. Definitions.--(Expired June 30, 1987)

Section 2603-A. Certification of Recipients.--(Expired June 30, 1987)

Section 2604-A. Surplus Grants.--(Expired June 30, 1987)

Section 2605-A. Use of Moneys.--(Expired June 30, 1987)

Section 2606-A. Forfeiture.--(Expired June 30, 1987)

Section 2607-A. Expiration.--(Expired June 30, 1987)

ARTICLE XXVI-B.

THE STATE BOARD OF EDUCATION.

(Art. added Mar. 30, 1988, P.L.321, No.43)

Section 2601-B. Definitions.--When used in this article the following words and phrases shall have the following meanings:

(1) "Board" shall mean the State Board of Education.

(2) "State Board of Education" shall mean the entity known as the State Board of Education and placed within, and made a departmental administrative board of, the Department of Education by section 202 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(2601-B added Mar. 30, 1988, P.L.321, No.43)

Section 2602-B. Membership.--(a) The board shall consist of twenty-one (21) members, ten (10) of whom shall also serve as members of the Council of Basic Education, and ten (10) of whom shall also serve as members of the Council of Higher Education. The member designated by the Governor as chairman of the board shall also service as a member of the Council of Basic Education and of the Council of Higher Education. Except the legislative members, each member shall be appointed by the Governor, by and with the advice and consent of a majority of all the members of the Senate, and shall, except as hereinafter provided, hold office for terms of six (6) years each or until his successor has been appointed and has qualified. An appointment to fill a vacancy shall be for the unexpired term or until his successor has been appointed and has qualified. The chairmen and minority chairmen of the House of Representatives and Senate Education Committees, or their respective designees from such committees, shall serve as ex officio members of the board with full voting privileges and shall serve as members for as long as they hold their respective positions. The Chairman of the Professional Standards and Practices Commission, or a commission member designated by the chairman, created by the act of December 12, 1973 (P.L.397,

No.141), referred to as the Teacher Certification Law, shall be an ex officio member of the board without voting privileges or assignment to either council. Members shall receive no salary but shall be entitled to travel expenses and other necessary expenses incurred in the performance of their duties as members of the board.

(b) Eleven (11) members shall constitute a quorum provided that at least five (5) members serving on each of the councils are present. The affirmative vote of a majority of all the members of the board duly recorded showing how each member voted shall be required in order to take action adopting statements of policy, standards, rules and regulations. The board shall meet at least six (6) times a year at such times and places as it shall determine. Special meetings may be called by the chairman or at the request of a majority of the members of the board.

(c) An appointed member who fails to attend three (3) consecutive board meetings shall forfeit his or her membership on the board, unless the board chairman, upon written request from the member, determines that the member should be excused from a meeting or meetings for reasons of illness or the death of an immediate family member.

(d) (1) The Governor shall designate, to serve at his pleasure, a member as chairman of the board.

(2) The chairman of the board, or a member of the board designated by the chairman, shall be an ex officio member of the Professional Standards and Practices Commission, without voting privileges.

(e) For the purpose of formulating policy proposals applicable to elementary, secondary, vocational-technical education and higher education in this Commonwealth, there shall be two councils, which shall consist of ten (10) members of the board each, the chairman being a member of both councils, and shall be known as the Council of Basic Education and the Council of Higher Education. The Governor shall designate to serve at his pleasure a member serving on each council to act as chairman of the council. Each council shall meet at the call of its chairman or at the request of a majority of the members of the council. The chairman of the board may appoint special joint committees from among the members of the board to formulate policy proposals in those areas which fall within the purview of both of the councils.

(f) Except for the chairman, not more than two (2) members serving on each council shall be employed either in a school system or in the Department of Education. For purposes of this subsection, the State System of Higher Education shall not be considered a school system. Three (3) members of the Council of Higher Education shall be actively employed by an institution of higher education, at least one holding an administrative position and at least one holding a professional position on a faculty of an institution of higher education. At least two (2) members serving on each council shall have had previous experience with vocational-technical education or training.

(g) The Secretary of Education, or his designated representative, shall be the chief executive officer of the board, shall be entitled to attend all meetings of the board and councils, and shall have the right to speak on all matters before the board and the councils but not to vote.

(2602-B added Mar. 30, 1988, P.L.321, No.43)

Section 2603-B. Powers and Duties of the Board.--(a) The board shall have the power, and its duty shall be, to review the statements of policy, standards, rules and regulations

formulated by the Council of Basic Education and the Council of Higher Education, and adopt broad policies and principles, and establish standards governing the educational program of the Commonwealth.

(b) The board and the Secretary of Education shall jointly employ and fix the compensation of such staff as it deems necessary to perform the duties of the board. The board shall be entitled to legal counsel which shall be designated by the Office of General Counsel, which legal counsel shall not also be legal counsel to the Department of Education.

(c) The board shall develop an annual operating budget, including projected operating expenses of the Professional Standards and Practices Commission. It shall include salaries for staff, office materials and equipment, and all expenses for the operation of the board and commission. This budget shall be presented to the Secretary of Education. Upon adoption of the general appropriations act, the department shall notify the board of the amount of its allocation.

(d) The board shall also have the authority and duty to:

(1) approve or disapprove an application for the creation of a new school district, or change in the boundaries of an existing school district;

(2) establish, whenever deemed advisable, committees of professional and technical advisors to assist the councils in performing research studies undertaken by them;

(3) manage and have custody of the State School Fund;

(4) (i) apply for, receive and administer, subject to any applicable regulations or laws of the Federal Government or any agency thereof, any Federal grants, appropriations, allocations and programs for the development of academic facilities on behalf of the Commonwealth, any of its school districts or any institution of higher education, public or private, within this Commonwealth;

(ii) subject to criteria developed by the Secretary of Education and subject to any applicable regulations or laws of the Federal Government or any agency thereof, to develop, alter, amend and submit to the Federal Government State plans for participation in Federal grants, appropriations, allocations and programs for the development of academic facilities and to make regulations, criteria, methods, forms, procedures and to do all other things which may be necessary to make possible the participation of the Commonwealth in such Federal grants, appropriations, allocations and programs for the development of academic facilities;

(iii) hold hearings, issue subpoenas and render decisions as to the priority assigned to any project, or as to any other matter or determination affecting any applicant for Federal grants, appropriations, allocations and programs for the development of academic facilities;

(iv) adopt rules or procedures and prescribe regulations for the submission to it of all matters within its jurisdiction; and

(v) submit, annually, to the Governor, on or before the first Monday of December, a report of its proceedings during that year, together with such recommendations as the board shall deem necessary;

(5) adopt policies under which the Secretary of Education shall approve or disapprove any action of a State-owned university, community college or State-related or State-aided college or university in establishing additional branches or campuses, or in discontinuing branches or campuses;

(6) adopt policies under which the Secretary of Education shall approve or disapprove any action of a State-owned university, community college or State-related or State-aided college or university in establishing new professional schools or upper division programs by two (2) year institutions;

(7) adopt policies under which the Secretary of Education shall approve or disapprove applications by two (2) year institutions to become four (4) year institutions;

(8) adopt policies under which the Secretary of Education shall approve or disapprove the request of any private institution of higher education for admission to State-related or State-aided status, or for eligibility for other State financial support; and

(9) require the submission of long-range plans from all public and private institutions of higher education at the times and in the form requested by the board. Such documents shall be reviewed by the Council of Higher Education and the board in the development of a master plan for higher education as provided in subsection (h) and section 2604-B(c)(1).

(10) (i) Approve or disapprove standards proposed by the department in order to comply with the provisions of the No Child Left Behind Act of 2001 to maintain the eligibility of this Commonwealth to receive Federal funding for education programs. The board shall approve or disapprove the standards within 30 days of submission to the board's office or at its next scheduled meeting, whichever is sooner. Failure of the board to approve or disapprove the standards within the time established under this section shall be deemed an approval of the standards.

(ii) Standards promulgated under this section shall be deposited with the Pennsylvania Bulletin for publication.

(iii) ((iii) expired June 30, 2004. See Act 82 of 2004.)

(iv) ((iv expired June 30, 2004. See Act 48 of 2003.)

((d) amended Dec. 23, 2003, P.L.304, No.48)

(e) With regard to State-owned institutions, approval or disapproval by the Secretary of Education under the provisions of clauses (5) and (6) of subsection (d) shall not be made until after recommendation by the Board of Governors of the State System of Higher Education, whenever such recommendation is deemed necessary or required by law.

(f) No institution of higher education may proceed with any action unless it has been approved by the Secretary of Education under the provisions of clauses (5) through (8) of subsection (d).

(g) With regard to approval by the Secretary of Education under the provisions of clauses (5) through (8) of subsection (d), no action to be financed wholly or in part from State appropriations shall be taken by an institution of higher learning (i) prior to the next fiscal year or until the General Assembly approves the Governor's budget for the next fiscal year, and (ii) prior to the Governor and the Secretary of the Budget being provided with written notification of such approval, including projected five (5) year fiscal analysis and an explanation as to the necessity for the proposed action in relation to the master plan for higher education.

(h) Every five (5) years, the board shall adopt a master plan for higher education which shall be for the guidance of the Governor, the General Assembly, and all institutions of higher education financed wholly or in part from State appropriations. The master plan shall:

(1) define the role of each type of institution (State-owned universities, State-related universities, community colleges,

private colleges and universities and off-campus centers of any of these and other institutions authorized to grant degrees) in this Commonwealth;

- (2) recommend enrollment levels for each such institution;
- (3) recommend methods for governance;
- (4) recommend methods for the distribution of State funds among the institutions;
- (5) evaluate the status of physical plants and technical equipment and project needs;
- (6) evaluate the status of and projection of manpower needs;
- (7) evaluate enrollment accessibility to institutions of higher learning by the public; and
- (8) otherwise provide for an orderly development of institutions of higher education in this Commonwealth.

(i) Every five (5) years, the board shall adopt a master plan for basic education which shall be for the guidance of the Governor, the General Assembly, and all public school entities. The master plan shall consider and make recommendations on the following areas, and any other areas which the board deems appropriate:

- (1) school program approval, evaluation and requirements;
- (2) school personnel training and certification;
- (3) student testing and assessment;
- (4) school governance and organization;
- (5) curriculum materials development;
- (6) school finance;
- (7) school buildings and facilities;
- (8) transportation;
- (9) technical services and support services to local education agencies; and
- (10) projected long-range needs of the public school system of this Commonwealth.

(j) The board shall request from and receive publicly at a scheduled meeting recommendations of the Professional Standards and Practices Commission pertaining to teacher certification, professional practices, accreditation of teacher-education programs and long-range plans affecting these subject areas. When such recommendations are received, the board shall consider and review these recommendations during the development of any statements of policy, guidelines, standards or rules and regulations as they relate to the above subject areas. If such recommendations are not received in a timely fashion, the board may continue to develop and adopt statements of policy, guidelines, standards or rules and regulations in these subject areas.

(k) The board shall make all reasonable rules and regulations necessary to effectuate the purposes of this article and carry out all duties placed upon it by law.

(2603-B added Mar. 30, 1988, P.L.321, No.43)

Compiler's Note: Section 5 of Act 82 of 2004, which reenacted subsection (d)(10)(iii), provided that the reenactment shall apply retroactively to June 30, 2003.

Section 2604-B. Powers and Duties of Council of Basic Education and Council of Higher Education.--(a) The board shall engage in a constant review and appraisal of education in this Commonwealth. The board's evaluation shall take into account such matters as educational objectives, alternative organizational patterns, alternative programs of study, and the operating efficiency of the educational system. The chairman of the board shall refer all studies and investigations to one of its councils as hereinafter provided, and shall receive and

place on the board's agenda the findings and recommendations of the councils for appropriate action by the board.

(b) The Council of Basic Education shall have the power, and its duty shall be to:

(1) develop a master plan for basic education in this Commonwealth, as provided by law, for adoption by the board;

(2) investigate programs, conduct research studies and formulate policy proposals in all educational areas not within the purview of higher education, including, but not limited to:

(i) the creation, merger, consolidation and reorganization of school districts, the establishment of joint schools, area vocational-technical schools and such other administrative organizations as may be provided by law;

(ii) the operation of small high schools, one-room schools, summer schools, extension education programs and such other special schools as may be provided by law;

(iii) the location, design, safety, health and educational features of public school buildings and equipment;

(iv) the transportation of public school pupils, vehicle characteristics and driver qualifications;

(v) admission, attendance, graduation and other separation requirements;

(vi) the education and training of exceptional children;

(vii) the subjects to be taught and the activities to be conducted in elementary, secondary, adult education and other schools; and

(viii) the qualifications for employment of professional personnel in the public schools;

(3) encourage and promote such agricultural, industrial, vocational and technical education programs as the needs of this Commonwealth may, from time to time, require; and

(4) investigate and, if deemed appropriate, make recommendations pertaining to the work of any schools of design, schools of industrial arts or industrial schools to which the General Assembly may make an appropriation.

(c) The Council of Higher Education shall have the power and its duty shall be to:

(1) develop a master plan for higher education in this Commonwealth, including a system of community colleges as provided by law, for adoption by the board;

(2) develop standards for the approval of colleges and universities for the granting of certificates and degrees;

(3) develop standards for all higher education building projects involving the use of State funds or the funds of any Commonwealth instrumentality; and

(4) investigate programs, conduct research studies and formulate policy proposals in all areas pertaining to higher education in this Commonwealth, including a system of community colleges and technical institutes as provided by law.

(2604-B added Mar. 30, 1988, P.L.321, No.43)

Section 2605-B. Reports and Recommendations.--(a) Annually in January, the board shall submit a comprehensive report of its activities to the Governor and the General Assembly together with its recommendations for improvements in education in this Commonwealth. The board's report shall include a statement outlining the expected benefits and projected costs of any recommended course of action. The report shall also include information regarding the ongoing review of the Master Plan for Higher Education and the Master Plan for Basic Education and list any projected changes.

(b) As it deems appropriate and necessary, the board may make reports and requests to the General Assembly on such issues

as, pending legislation, proposed legislation, educational policy, and any other programs or issues of which the board believes the General Assembly should be aware.

(2605-B added Mar. 30, 1988, P.L.321, No.43)

Section 2606-B. Cooperation Between the Board and the Department of Education.--Statements of policy, standards, rules and regulations promulgated by the board shall be binding upon the Department of Education. The department shall submit to the board for approval, modification or rejection, all rules and regulations proposed by the department in the areas under the control of the board. The Department of Education shall furnish upon request of the board such data and information as the board may, from time to time, require, and the department shall provide administrative services for and on behalf of the board for the implementation of the board's statements of policy, standards, rules and regulations.

(2606-B added Mar. 30, 1988, P.L.321, No.43)

ARTICLE XXVI-C INSTITUTIONAL EQUIPMENT GRANTS

(Art. expired June 30, 1989. See Act 110 of 1988.)

Section 2601-C. Definitions.--(2601-C expired June 30, 1989. See Act 110 of 1988.)

Section 2602-C. Certification of Recipients.--(2602-C expired June 30, 1989. See Act 110 of 1988.)

Section 2603-C. Institutional Equipment Grants.--(2603-C expired June 30, 1989. See Act 110 of 1988.)

Section 2604-C. Use of Moneys.--(2604-C expired June 30, 1989. See Act 110 of 1988.)

Section 2605-C. Forfeiture.--(2605-C expired June 30, 1989. See Act 110 of 1988.)

Section 2606-C. Expiration.--(2606-C expired June 30, 1989. See Act 110 of 1988.)

ARTICLE XXVI-D EQUIPMENT GRANTS

(Art. expired June 30, 1990. See Act 43 of 1989.)

Section 2601-D. Definitions.--(2601-D expired June 30, 1990. See Act 43 of 1989.)

Section 2602-D. Certification of Recipients.--(2602-D expired June 30, 1990. See Act 43 of 1989.)

Section 2603-D. Institutional Equipment Grants.--(2603-D expired June 30, 1990. See Act 43 of 1989.)

Section 2604-D. Use of Moneys.--(2604-D expired June 30, 1990. See Act 43 of 1989.)

Section 2605-D. Forfeiture.--(2605-D expired June 30, 1990. See Act 43 of 1989.)

Section 2606-D. Expiration.--(2606-D expired June 30, 1990. See Act 43 of 1989.)

ARTICLE XXVI-E EQUIPMENT GRANTS

(Art. expired June 30, 1991. See Act 211 of 1990.)

Section 2601-E. Definitions.--(2601-E expired June 30, 1991. See Act 211 of 1990.)

Section 2602-E. Certification of Recipients.--(2602-E expired June 30, 1991. See Act 211 of 1990.)

Section 2603-E. Institutional Equipment Grants.--(2603-E expired June 30, 1991. See Act 211 of 1990.)

Section 2604-E. Use of Moneys.--(2604-E expired June 30, 1991. See Act 211 of 1990.)

Section 2605-E. Forfeiture.--(2605-E expired June 30, 1991. See Act 211 of 1990.)

Section 2606-E. Satisfaction of Expenditure Requirements.--(2606-E expired June 30, 1991. See Act 211 of 1990.)

Section 2607-E. Expiration.--(2607-E expired June 30, 1991. See Act 211 of 1990.)

ARTICLE XXVI-F EQUIPMENT GRANTS

(Art. expired June 30, 1992. See Act 25 of 1991.)

Section 2601-F. Definitions.--(2601-F expired June 30, 1992. See Act 25 of 1991.)

Section 2602-F. Certification of Recipients.--(2602-F expired June 30, 1992. See Act 25 of 1991.)

Section 2603-F. Institutional Equipment Grants.--(2603-F expired June 30, 1992. See Act 25 of 1991.)

Section 2604-F. Use of Moneys.--(2604-F expired June 30, 1992. See Act 25 of 1991.)

Section 2605-F. Forfeiture.--(2605-F expired June 30, 1992. See Act 25 of 1991.)

Section 2606-F. Expiration.--(2606-F expired June 30, 1992. See Act 25 of 1991.)

ARTICLE XXVI-G. GRADUATE OPPORTUNITY FUND.

(XXVI-G added June 7, 1993, P.L.49, No.16)

Section 2601-G. Graduate Opportunity Fund.--(a) In addition to any other powers and duties under the act of August 7, 1963 (P.L.549, No.290), referred to as the Pennsylvania Higher Education Assistance Agency Act, the Pennsylvania Higher Education Assistance Agency shall establish and administer a fund to be known as the Graduate Opportunity Fund. The purpose of this fund shall be to provide financial assistance to disadvantaged students who desire to or who are attending graduate school.

(b) The fund may accept donations and contributions from all public and private sources, including the Federal Government and any appropriations by the General Assembly.

(2601-G added June 7, 1993, P.L.49, No.16)

ARTICLE XXVI-H. POST-SECONDARY DEGREES.

(Art. added June 25, 1997, P.L.297, No.30)

Section 2601-H. Power to Confer Degrees.--Notwithstanding the provisions of section 305 of the act of December 19, 1990 (P.L.834, No.198), known as the "GAA Amendments Act of 1990," the Department of Education may grant a certificate of authority to a for-profit corporation as defined in 15 Pa.C.S. (relating to corporations and unincorporated associations) authorizing the conferring of baccalaureate degrees in the arts, science, philosophy or literature, but only upon students who have

completed a college or university course normally covering four (4) years, or such other degrees at the associate, baccalaureate or advanced level as may be specified in the certificate of authority. Certificates of authority under this section shall be granted in accordance with the provisions of 24 Pa.C.S. Ch. 65 (relating to private colleges, universities and seminaries). The qualifications of admission to these four-year courses or to advanced classes in these courses shall be not less than four (4) years of academic or high school preparation, or its equivalent, and shall be subject to the standards promulgated by the State Board of Education.

(2601-H added June 25, 1997, P.L.297, No.30)

ARTICLE XXVI-I.

TEACHER RECRUITMENT ASSISTANCE.

(Art. added Dec. 23, 2003, P.L.304, No.48)

Section 2601-I. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Higher Education Assistance Agency.

"Department." The Department of Education of the Commonwealth.

"Designated Commonwealth rural or academic improvement school district." An eligible rural or academic improvement public school district that the Secretary of Education has certified as having a need for teacher loan forgiveness assistance because of difficulty in attracting qualified teachers.

"Eligible academic school improvement public school district." A public school district that:

(1) has two or more schools identified for improvement or corrective action under section 1116(c)(3) or (10) of the No Child Left Behind Act of 2001;

(2) has been certified as distressed under section 691;

(3) has been certified as an education empowerment district under section 1705-B or 1707-B; or

(4) has been placed on an education empowerment list under section 1703-B.

"Eligible rural public school district." A public school district that has a population of less than 300 per square mile and either:

(1) more than 8% of the pupils in average daily membership are low-income pupils as defined in section 2502.11; or

(2) the market value/income aid ratio as defined in section 2501 is greater than seven-tenths.

"Qualified applicant." A person who meets all of the following criteria:

(1) Is certified by the Department of Education to teach.

(2) Is in the first year of full-time teaching.

(3) Is teaching in a designated Commonwealth rural or academic improvement school district.

(4) Has borrowed through and has a current outstanding balance with the agency-guaranteed Stafford or consolidation loan programs.

"Secretary." The Secretary of Education of the Commonwealth.

(2601-I added Dec. 23, 2003, P.L.304, No.48)

Section 2602-I. Teacher recruitment assistance program.

(a) Purpose.--The program shall provide assistance to designated Commonwealth rural or academic improvement public

school districts in recruiting teachers through a program of teacher loan forgiveness as provided for in this article.

(b) Administration.--The agency shall administer the program and adopt such regulations, policies, procedures and forms as are necessary and not inconsistent with the provisions of this article.

(2602-I added Dec. 23, 2003, P.L.304, No.48)

Section 2603-I. Teacher recruitment assistance.

(a) General rule.--A qualified applicant who is selected in accordance with this article shall be eligible for an award by the agency of a portion of the debt incurred by the applicant through the agency-guaranteed Stafford or consolidation loan programs for the education necessary to be certified to teach in this Commonwealth.

(b) Forgiveness of loan.--For each academic year that the eligible applicant is a full-time teacher in a designated Commonwealth rural or academic improvement public school district, the agency may forgive a proportional part of the applicant's loan over four years of full-time teaching. No more than \$2,500 shall be forgiven in any year and no more than \$10,000 shall be forgiven for any eligible applicant.

(c) Payments.--Shall be made in accordance with procedures established by the agency.

(2603-I added Dec. 23, 2003, P.L.304, No.48)

Section 2604-I. Loan forgiveness awards.

Recipients of teacher recruitment assistance awards shall be those teachers who are certified by the department and who have received a satisfactory rating by the district for the academic year. Each teacher shall be required to submit such documentation of continued eligibility as the agency may require.

(2604-I added Dec. 23, 2003, P.L.304, No.48)

ARTICLE XXVII.

REPEALS.

Section 2701. Specific Repeals.--The following acts and parts of acts and all amendments thereof are hereby repealed to the extent hereinafter specified.

The act, approved the nineteenth day of March, one thousand eight hundred four (Pamphlet Laws 298), entitled "An act to provide for the more effectual education of the children of the poor gratis," absolutely.

The act, approved the twelfth day of April, one thousand eight hundred seventy-eight (Pamphlet Laws 13), entitled "An act to authorize and provide for the payment of additional appropriations to school districts in certain cases," absolutely.

The act, approved the twenty-fifth day of May, one thousand eight hundred eighty-seven (Pamphlet Laws 271), entitled "An act extending the time for which indigent pupils may be taught in institutions for the instruction of the blind in this Commonwealth," absolutely.

The act, approved the sixteenth day of May, one thousand eight hundred ninety-five (Pamphlet Laws 72), entitled "An act to provide for the attendance of children in the schools of this Commonwealth and making an enumeration of children for that purpose; also providing compensation for the assessors making the enumeration and providing penalties for violations of this act," absolutely.

Sections twelve and twenty-one of the act, approved the eighteenth day of June, one thousand eight hundred ninety-five (Pamphlet Laws 203), entitled "An act to provide for the more

effectual protection of the public health in the several municipalities of this Commonwealth," absolutely.

The act, approved the twenty-seventh day of June, one thousand eight hundred ninety-five (Pamphlet Laws 395), entitled "An act to prevent the wearing in the public schools of this Commonwealth, by any of the teachers thereof, of any dress, insignia, marks or emblems indicating the fact that such teacher is an adherent or member of any religious order, sect or denomination, and imposing a fine upon the board of directors of any public school permitting the same," absolutely.

The act, approved the twenty-eighth day of June, one thousand eight hundred ninety-five (Pamphlet Laws 410), entitled "An act to authorize the publication of school laws and decisions," absolutely.

The act, approved the twenty-eighth day of June, one thousand eight hundred ninety-five (Pamphlet Laws 412), entitled "An act to authorize and empower the trustees of any State Normal School now established within the Commonwealth of Pennsylvania, or which may hereafter be established, to enter into an agreement with the school directors of any school district by which the pupils of any such school district may be instructed at and in such State Normal School," absolutely.

The act, approved the eighth day of March, one thousand nine hundred one (Pamphlet Laws 49), entitled "An act relating to the study and practice of physical culture in the public schools," absolutely.

The act, approved the twenty-third day of May, one thousand nine hundred seven (Pamphlet Laws 225), entitled "An act providing for the payment of the premiums on bonds of county, city, borough, school district, and township employes," in so far as it confers powers or imposes duties on school districts.

The act, approved the thirteenth day of April, one thousand nine hundred eleven (Pamphlet Laws 63), entitled "An act to promote the consolidation of public schools," absolutely.

The act, approved the twelfth day of May, one thousand nine hundred eleven (Pamphlet Laws 294), entitled "An act to require fire drills in public schools," absolutely.

The act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," absolutely, except validations of past actions contained in any amendment thereof.

The act, approved the first day of May, one thousand nine hundred thirteen (Pamphlet Laws 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," absolutely.

The act, approved the twentieth day of May, one thousand nine hundred thirteen (Pamphlet Laws 226), entitled "An act regulating the reading of the Holy Bible in the public schools of this Commonwealth," absolutely.

The act, approved the thirteenth day of May, one thousand nine hundred fifteen (Pamphlet Laws 311), entitled "An act relating to appeals from the reports of auditors of school districts of the second, third, and fourth classes," absolutely.

The act, approved the twenty-eighth day of May, one thousand nine hundred fifteen (Pamphlet Laws 634), entitled "An act to create in Pennsylvania what shall be known as Bird Day, and requiring all teachers in our public schools, upon that day, to make a special effort in teaching the value of the life-work of birds to our people," absolutely.

The act, approved the first day of June, one thousand nine hundred fifteen (Pamphlet Laws 706), entitled "An act requiring the county commissioners to provide, at the expense of the county, a telephone, typewriter, and stenographer for the use of the county superintendent of schools," absolutely.

The act, approved the tenth day of May, one thousand nine hundred seventeen (Pamphlet Laws 158), entitled "An act to authorize counties, cities, boroughs, towns, townships, school districts, and poor districts to require a bond to protect labor and material-men, and providing for suits thereon by laborers and material-men furnishing labor and material in and about the erection, alteration, addition, and repair of public buildings," in so far as it confers powers or imposes duties on school districts.

The act, approved the sixteenth day of May, one thousand nine hundred nineteen (Pamphlet Laws 196), entitled "An act providing for the time during which pupils may be taught in institutions for the instruction of the blind in this Commonwealth," absolutely.

The act, approved the twenty-third day of May, one thousand nine hundred nineteen (Pamphlet Laws 288), entitled "An act designating Frances Willard Day in the public schools," absolutely.

The act, approved the eighteenth day of June, one thousand nine hundred nineteen (Pamphlet Laws 498), entitled "An act defining consolidation of schools; providing for the establishment and regulation of consolidated schools; and providing for State aid for the transportation of pupils to and from consolidated schools," absolutely.

The act, approved the eighth day of July, one thousand nine hundred nineteen (Pamphlet Laws 764), entitled "An act to provide instruction in citizenship and the principles of the government of the United States of America and of this Commonwealth to foreign born residents of the State of Pennsylvania, in the several counties thereof, who are not required to attend the public schools of this Commonwealth; providing for the appointment of instructors and interpreters; and providing for their compensation, payable by the several counties; and defining the powers and duties of such instructors and the county superintendents of schools," absolutely.

Sections five and seven of the act, approved the eighth day of July, one thousand nine hundred nineteen (Pamphlet Laws 784), entitled "An act empowering cities of the second and third classes, boroughs, and counties, to acquire, maintain, and operate playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers; authorizing school districts to join in the maintenance and operation of said activities; and authorizing the issue of bonds and the levy of taxes for such purposes," in so far as they confer powers or impose duties on school districts.

The act, approved the eighteenth day of July, one thousand nine hundred nineteen (Pamphlet Laws 1044), entitled "An act to assist worthy young men and women graduates of secondary schools of the State to obtain a higher education, and making an appropriation," absolutely.

The act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws 837), entitled "An act authorizing the purchasing or building of residences for principals, teachers, or janitors by school districts of the fourth class," absolutely.

The act, approved the twentieth day of May, one thousand nine hundred twenty-one (Pamphlet Laws 1034), entitled "An act to provide for the payment of moneys to school districts the taxes of which are reduced by the acquisition of lands and property by the Commonwealth for the conservation of water and to prevent flood conditions," absolutely.

The act, approved the twenty-third day of May, one thousand nine hundred twenty-three (Pamphlet Laws 351), entitled "An act to require the teaching of the Constitution of the United States in the public and private schools," in so far as it applies to public schools and State teachers' colleges.

The act, approved the eighteenth day of June, one thousand nine hundred twenty-three (Pamphlet Laws 838), entitled "An act empowering school districts to employ policemen," absolutely.

The act, approved the twenty-seventh day of April, one thousand nine hundred twenty-five (Pamphlet Laws 305), entitled "An act authorizing counties, cities, boroughs, incorporated towns, townships, and school districts to make contracts of insurance with mutual fire insurance companies duly authorized to transact business in the Commonwealth of Pennsylvania," in so far as it confers powers and imposes duties on school districts.

The act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws 492), entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education, for boys and girls who are employed and for adults, as a function of the public schools of this Commonwealth; and to facilitate the proper organization and administration of such extension education," absolutely.

Section seven of the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws 450), entitled, as last amended "An act relating to fires and fire prevention; imposing duties and conferring powers upon the Pennsylvania State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to the Pennsylvania State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings by owners and occupants thereof, including political subdivisions; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the Pennsylvania State Police, and the enforcement of its orders; and prescribing penalties," absolutely.

The act, approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws 738), entitled "An act requiring counties, cities, boroughs, towns, townships, school districts, and poor districts, when fixing rates of taxation in mills, to express such rates also in dollars and cents," in so far as it imposes duties on directors of school districts.

The act, approved the eleventh day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 488), entitled "An act requiring county commissioners to provide, at the expense of the county, telephone, typewriter, and stenographic services for the county superintendent of schools," absolutely.

The act, approved the twenty-second day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 630), entitled "An act providing for the payment of counsel fees out of moneys recovered for counties, townships, boroughs, school districts, or poor districts, upon appeals from the county auditors' settlements of the accounts of public officers," in so far as it relates to school districts.

The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 660), entitled "An act providing for the observance of the birthday of William Penn, Founder of Pennsylvania; and repealing inconsistent legislation," in so far as it relates to public schools and other educational institutions under the Commonwealth.

The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 844), entitled, as amended "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts, vocational school districts, and institution districts to make contracts of life, health, hospitalization, medical services, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," in so far as it relates to school districts.

The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 845), entitled "An act authorizing the publication of advertisements for bids for public works, supplies or equipment in certain publications and journals devoted to information about construction work," in so far as it relates to school districts.

The act, approved the first day of May, one thousand nine hundred thirty-five (Pamphlet Laws 124), entitled "An act authorizing the insurance of deposits of funds, of this Commonwealth and of the political subdivisions thereof, with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured," in so far as it relates to school districts.

The act, approved the fifth day of June, one thousand nine hundred thirty-five (Pamphlet Laws 275), entitled "An act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth," absolutely.

The act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1173), entitled "An act to prohibit discrimination on account of race, creed or color in employment under contracts for public buildings or public works," in so far as it relates to school districts.

The act, approved the nineteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1321), entitled "An act requiring specifications for the construction, alteration, or repair of public works of the Commonwealth, county, municipality, or other subdivisions of the Commonwealth, to contain a provision that the laborers or mechanics employed thereon shall have been residents of this Commonwealth for at least ninety days prior to their employment; and prescribing penalties," in so far as it relates to school districts.

The act, approved the nineteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1349), entitled "An act providing for the purchase and for the distribution of vitamin products, as defined in this act, to certain pupils in the public schools; conferring powers and imposing duties on the Department of Health, the Department of Public Instruction, the

Department of Property and Supplies, school districts, teachers, and medical inspectors of schools; and making an appropriation," absolutely.

The act, approved the sixteenth day of March, one thousand nine hundred thirty-seven (Pamphlet Laws 98), entitled "An act authorizing political subdivisions to stipulate in specifications, upon which contracts for the construction, alteration or repairs of any public work or improvement are entered into, the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated, and for the recovery of such penalties, and their return in certain cases," in so far as it relates to school districts.

The act, approved the first day of July, one thousand nine hundred thirty-seven (Pamphlet Laws 2603), entitled "An act relating to vocational education; creating vocational school districts for the purpose of conducting systems of vocational schools, departments or classes; providing for their government; prescribing their powers and duties; conferring powers and imposing duties on school districts and on the State Board for Vocational Education; and providing for referendum in certain cases," absolutely.

The act, approved the second day of July, one thousand nine hundred thirty-seven (Pamphlet Laws 2721), entitled "An act concerning children under six years of age with defective hearing; imposing duties on the Department of Health, the Department of Public Instruction, on parents, guardians, nurses, and physicians; and placing certain costs on school districts; and making an appropriation," in so far as it confers powers or imposes duties or liabilities on school districts or on the Superintendent of Public Instruction.

Section four of the act, approved the nineteenth day of June, one thousand nine hundred forty-one (Pamphlet Laws 143), entitled "An act designating certain days of each year as Arbor Days and Bird Days, one of which days shall be the ninth day of April, except when the ninth day of April falls on Saturday, Sunday or Good Friday; providing that the week of the ninth of April be proclaimed as Conservation Week, and directing suitable observance of Arbor Days and Bird Days in public schools under the direction of superintendents and teachers," absolutely.

The act, approved the twenty-eighth day of July, one thousand nine hundred forty-one (Pamphlet Laws 560), entitled "An act authorizing and empowering school districts of the first and second class to furnish food, including milk, to undernourished and poor school children in their districts, and providing that the acceptance and distribution of surplus commodities furnished by the Federal Government to such school districts shall not affect or limit the provisions hereof," absolutely.

The act, approved the twenty-eighth day of July, one thousand nine hundred forty-one (Pamphlet Laws 564), entitled "An act providing for the observance of a Bill of Rights Week in the public schools of this Commonwealth," absolutely.

The act, approved the twenty-eighth day of July, one thousand nine hundred forty-one (Pamphlet Laws 565), entitled "An act providing that when inmates of an orphans' home or other children's institution or private home are maintained at the cost of any county, other than a county of the second class, or at the cost of a county institution district, other than in a county of the second class, and attend public school, and are not legal residents of such school district, the county shall

pay their tuition charges and collect the same from the school district liable therefor," absolutely.

The act, approved the first day of August, one thousand nine hundred forty-one (Pamphlet Laws 744), entitled "An act requiring school boards in all school districts, and boards of directors of all vocational school districts, to grant leaves of absence to all school employes who shall volunteer or be called for military or naval service in time of war or during a state of national emergency; preserving certain contracts, salaries, increments, retirement rights, seniority, State contributions and grants to local school boards, eligibility lists, reemployment; authorizing school boards and boards of directors of vocational schools to employ substitutes in place of such employes; requiring school districts and vocational school districts to make additional payments into the School Employes' Retirement Fund; reserving all rights and privileges of employes granted leaves of absence under the provisions herein, and superseding or repealing all contrary laws," absolutely.

The act, approved the first day of June, one thousand nine hundred forty-five (Pamphlet Laws 1222), entitled "An act providing for the complete medical and dental examination of all children of school age, and teachers and other school employes in the public and private elementary and secondary schools of the Commonwealth; and imposing certain duties upon the Department of Health, and the Department of Public Instruction; and making an appropriation," absolutely.

The act, approved the twenty-fourth day of April, one thousand nine hundred forty-seven (Pamphlet Laws 113), entitled "An act to provide for the establishment, maintenance, operation and expansion of non-profit school lunch programs in schools in the Commonwealth of Pennsylvania," absolutely.

The act, approved the thirty-first day of May, one thousand nine hundred forty-seven (Pamphlet Laws 334), entitled "An act requiring that all meetings of legislative bodies of political subdivisions and of boards, commissions and authorities, created by or operating as agencies of political subdivisions at which ordinances, resolutions, rules, regulations and other actions are adopted to be open to the public; permitting the holding of executive sessions from which the public is excluded, but prohibiting the adoption of ordinances, resolutions, rules and regulations at such sessions," in so far as it applies to school districts. (Par. amended May 9, 1949, P.L.939, No.263)

Section 2702. General Repeal.--All other acts and parts of acts inconsistent herewith are hereby repealed.

APPENDIX

----- Supplementary Provisions of Amendatory Statutes -----

1975, DECEMBER 19, P.L.511, NO.150

Section 5. The provisions of this act shall apply to school districts of the first class A only from the first Monday of December following the election of a board of public education in accordance with section 302.1(a) of the "Public School Code of 1949."

Compiler's Note: Act 150 added or amended sections 302.1, 633, 652.1 and 1003 of Act 14.

1982, JUNE 25, P.L.643, NO.182

Section 3. Within 60 days of the passage of this act, any elected Board of Public Education in any school district of the first class A, in addition to its regular annual levies may, by additional ordinance, levy the following taxes for the fiscal years beginning January 1, 1981 and January 1, 1982:

(a) For fiscal year beginning January 1, 1981:

(1) A total tax of 41 mills on the dollar of the total assessment of all property assessed and certified for taxation in the territory constituting the district.

(2) A total tax of 1.5% on wages, salaries, commissions and other earned income of individuals.

(b) For fiscal year beginning January 1, 1982:

(1) A total tax of 36 mills on the dollar of the total assessment of all property assessed and certified for taxation in the territory constituting the district.

(2) A total tax of 1.5% on wages, salaries, commissions and other earned income of individuals.

1997, JUNE 19, P.L.225, NO.22

Section 2. (a) The General Assembly finds and declares as follows:

(1) A well-trained and well-educated work force is essential to the economic well-being of this Commonwealth.

(2) Many of the fastest growing sectors of the economy are in areas which require technical competence and an educational background that includes a solid foundation in the chemical, physical, biological and earth sciences.

(3) Sharing resources is a cost-effective and proven method of ensuring that all of this Commonwealth's school children have access to a high-quality science curriculum that provides hand-on experience with modern and sophisticated scientific and technical equipment to prepare students for the high-technology demands of the 21st century.

(4) Significant opportunities exist for collaboration between the basic education and higher education systems of this Commonwealth to enhance the education of this Commonwealth's school children.

(5) Students need the opportunity to learn science by practicing science. This Commonwealth must graduate students who are more scientifically literate and who are better able to pursue careers and jobs in fields that require such literacy.

(6) Teachers who are the only physics or chemistry teacher in their school need not work in isolation.

(7) Teachers require greater opportunities for professional development in science, including training to incorporate new science equipment into the teaching curricula.

(8) It is therefore the intent of the General Assembly and a purpose of this act to direct the Department of Education to examine the feasibility of establishing the Pennsylvania Science Partnership Program to provide enhanced educational opportunities in the fields of science to this

Commonwealth's school children, especially children attending schools that do not have the financial resources to provide an enriched science curriculum.

(b) The department shall file a report with the Governor and with the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives on the feasibility of establishing a Pennsylvania Science Partnership Program by January 1, 1998. The report shall describe the types of science partnerships created in selected communities of this Commonwealth, to be determined by the Secretary of Education. At a minimum, programs of this type in Philadelphia, Pittsburgh and at Juniata College and Lebanon Valley College shall be examined. The department shall consider the benefits of the partnership and the involvement of school districts, higher education institutions and science museums. The department shall survey school districts to determine the number of elementary and secondary education students participating in various science programs, a detailed breakdown of the costs of these programs and the impact of the programs on the level of scientific knowledge of school children.

(c) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Higher education institution." Any institution of higher education in this Commonwealth authorized to grant collegiate-level degrees and which has received total institutional accreditation by an accrediting agency recognized by the Federal Government, the Department of Education and the State Board of Education.

Compiler's Note: Act 22 added Article XVII-A of Act 14.

Section 3. (a) The sum of \$1,000,000, or as much thereof as may be necessary, is hereby appropriated for the fiscal year July 1, 1997, to June 30, 1998, from the General Fund to the Department of Education to pay for temporary financial assistance under section 1725-A(b) to school districts on behalf of students enrolled in charter schools who attended a nonpublic school in the prior fiscal year.

(b) The sum of \$7,500,000, or as much there of as may be necessary, is hereby appropriated from the General Fund to the Department of Education to pay for transitional funding grants under section 1725-A(c) to school districts. These funds shall lapse June 30, 1999.

(c) The sum of \$4,000,000 of Federal funds available under the Improving America's Schools Act of 1994 (Public Law 103-382, 108 Stat. 3518) is hereby appropriated to the Department of Education for purposes of implementing the provisions of this act. These funds shall lapse June 30, 1998.

Section 4. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 5. This act shall take effect immediately.

1997, JUNE 19, P.L.225, NO.22

Section 26. (a) A school district of the first class shall commence the 1998-1999 school year no later than September 8, 1998, and shall provide school students with a minimum

instructional year as required by section 1501 of the act to be completed no later than June 30, 1999.

(b) All professional employees and other employees of the school district of the first class shall report for duty and fulfill their duties as required by the appropriate contract or work agreement. Any employee of the school district of the first class who fails to comply with the provisions of this section shall be subject to suspension of any certificate for a period of one year, to disciplinary action for illegal work stoppage or to other discipline as provided for in this act.

(c) In addition to the penalties set forth in subsection (b), any employee, administrator or person responsible for unlocking, opening or maintaining a school building who does not fulfill their responsibility or impedes others from fulfilling their responsibilities shall be subject to disciplinary action. In addition, any individual who violates this section who is a member of the Pennsylvania Public School Employees' Retirement System shall be permanently barred from exercising any option for early retirement which may be authorized now or in the future.

1998, APRIL 27, P.L.270, NO.46

Section 26. (a) A school district of the first class shall commence the 1998-1999 school year no later than September 8, 1998, and shall provide school students with a minimum instructional year as required by section 1501 of the act to be completed no later than June 30, 1999.

(b) All professional employees and other employees of the school district of the first class shall report for duty and fulfill their duties as required by the appropriate contract or work agreement. Any employee of the school district of the first class who fails to comply with the provisions of this section shall be subject to suspension of any certificate for a period of one year, to disciplinary action for illegal work stoppage or to other discipline as provided for in this act.

(c) In addition to the penalties set forth in subsection (b), any employee, administrator or person responsible for unlocking, opening or maintaining a school building who does not fulfill their responsibility or impedes others from fulfilling their responsibilities shall be subject to disciplinary action. In addition, any individual who violates this section who is a member of the Pennsylvania Public School Employees' Retirement System shall be permanently barred from exercising any option for early retirement which may be authorized now or in the future.

Compiler's Note: Act 46 added, amended or repealed sections 102, 507, 691, 696, 917.1-A, 919.1-A, 922.1-A, 1317.3, 1548, 1502-A, 1503-A, 1504-A, 1505-A, 1913-A, 2003-A.1, 2006-A, 2010-A, 2501, 2502.13, 2502.30,, 2502.35, 2509.1, 2509.3, 2509.5, 2595, 2598, and 2599.

2010, NOVEMBER 17, P.L.996, NO.104

Section 23. The General Assembly finds and declares, in the enactment of section 1553 of the act, the following:

(1) Criminal acts committed against teenagers by other young persons are a serious problem in this Commonwealth.

(2) Many of the criminal acts take the form of dating violence.

(3) On August 15, 2007, Demi Brae Cuccia, a 16-year-old student at Gateway High School in Monroeville, Allegheny County, was fatally stabbed 16 times by her former boyfriend, who then made an unsuccessful attempt to take his own life.

(4) The 18-year-old person arrested for the brutal attack was convicted of first degree murder and was sentenced to life in prison without parole.

(5) In order to educate teens and their parents regarding teen dating violence, the family of Demi Brae Cuccia has established the Demi Brae Awareness Organization.

(6) Students in our secondary schools should be educated about the dangers of teen dating violence so that other teenagers will not have to share the same fate as Demi Brae Cuccia.

Compiler's Note: Act 104 amended or added sections 218, 221, 222, 921-A, and 921-A, Subdivision (i) of Article XI, Article XI-B, sections 1209, 1302, 1377.2, 1301-A, 1302-A, 1302.1-A, 1303-A, 1414.1, 1418, 1422.1, 1422.3, 1552 and 1553, Article XV-F, sections 1611 and 1722-A, Articles XX-E, XX-F and XX-G and section 2252.1 of Act 14.

2011, JUNE 30, P.L.112, NO.24

Section 42. Nothing in the amendment or addition of sections 1205.1(f) and 1205.2(a), (f) and (n.1) of the act shall be construed to supersede or preempt any provision of a collective bargaining agreement relating to continuing professional development negotiated by a school entity and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act, which is in effect on the effective date of this section.

Section 42.1. For the 2011-2012 fiscal year, the Department of Education may utilize up to \$4,500,000 of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the department to assist school districts certified on or before June 30, 2010, as an education empowerment district under section 1705-B(h)(3) of the act.

Compiler's Note: Act 24 amended, added, deleted or repealed sections 111, 118, 221.1, 223, 615, 703, 731, 731.1, 907-A and 921-A, the heading of Article X and sections 1001, 1003, 1134, 1201, 1203, 1205.1, 1205.2, 1205.5, 1206, 1207.1, 1304, 1376, 1303-A, 1310-A, 1311-A, 1312-A, 1604-A, 1602-B, 1611-B, 1612-B, 1613-B, 1614-B, 1724-A, 1913-A, 2002-C, 2006.1-C, 2318, 2501, 2502.48, 2502.29, 2502.50, 2509.1, 2509.5, 2510.1, 2541 and 2599.1 of Act 14.

2012, APRIL 12, P.L.239, NO.31

Preamble:

The General Assembly finds and declares that:

(1) Motor vehicle accidents are the leading cause of teen fatalities in this Commonwealth.

(2) In 2008, 154 teens between 15 and 19 years of age were killed in motor vehicle accidents in this Commonwealth.

(3) Teen driver education introduces new teen drivers to the hazards of driving and helps to reduce the risk of motor vehicle accidents involving teens.

(4) There is a shortage of professional educators certified by the Department of Education to teach driver education.

(5) Due to extreme financial strain or the lack of professional educators certified by the Department of Education to teach driver education, many school districts in this Commonwealth no longer provide theoretical driver education in the classroom.

(6) In the absence of a professional educator certified by the Department of Education to teach driver education, who is available and willing to teach in the school district, a school district should be permitted to contract with a private driver training instructor or private driver training school to teach theoretical driver education in the classroom.

Compiler's Note: Act 31 amended section 1519 of Act 14.

2012, JUNE 30, P.L.684, NO.82

Section 34. This act shall apply as follows:

(1) The amendment or addition of sections 1073, 1073.1, 1076, 1077, 1078 and 1080 of the act shall apply to contracts of district superintendents or assistant district superintendents entered into or renewed on or after November 1, 2012.

(2) To contracts and purchases advertised on or after July 1, 2012, or immediately, whichever is later.

Compiler's Note: Act 82 amended, added or repealed sections 102, 111, 118, 119, 120, 121, 221.1, 616, 617, 732.1, 751, 807.1, 1003, 1073, 1073.1, 1076, 1077, 1078, 1080, 1123, 1124, 1205.1, 1308, 1337.1, 1302.1-A, 1422.1, 1424 and 1524, Article XV-G, section 1607, Article XVI-C and sections 1704-B, 1913-A, 1913-B.1, 2003-A.1, 2010-A, 2104, 2319, 2502.51, 2509.1, 2509.5, 2510.2, 2574, 2599.2, 2599.4 and 2506-A of Act 14.

2013, JULY 1, P.L.194, NO.33

Section 2. The addition of section 1178(e) of the act shall apply to leaves of absence or military leaves of absence that are granted on or after the effective date of this section.

Compiler's Note: Act 33 amended section 1178.

Section 3. The addition of section 1178(e) shall not:

(1) Create in any member of the Public School Employees' Retirement System or in any other person claiming an interest in the account of any member a contractual right, either expressed or implied, in relation to requirements for qualification of the Public School Employees' Retirement System as a qualified pension plan under the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

(2) Establish compliance with or affect any construction of:

- (i) 38 U.S.C. Ch. 43, known as the Uniformed Services Employment and Reemployment Rights Act.
- (ii) 24 Pa.C.S. Pt. IV or any rules or regulations adopted under 24 Pa.C.S. Pt. IV.

2013, JULY 9, P.L.408, NO.59

Preamble:

The General Assembly finds and declares as follows:

(1) It is the purpose of this act to provide fiscal support for the educational system in the Commonwealth.

(2) Pennsylvania currently has over 3,100 public schools organized into 500 school districts, and those schools educate approximately 1.7 million students every year.

(3) Article III, section 24, of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in the Commonwealth. The Supreme Court has repeatedly affirmed that, "It is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the state provides for its citizens and appropriates the funds necessary for their operation."

(4) Article III, section 11, of the Constitution of Pennsylvania requires the adoption of a general appropriation bill that embraces "nothing but appropriations." While actual appropriations can be contained in a General Appropriation Act, the achievement and implementation of a comprehensive budget involves much more than appropriations. Ultimately, the budget has to be balanced under Article VIII, section 13, of the Constitution of Pennsylvania. This may necessitate changes to sources of funding and enactment of statutes to achieve full compliance with these constitutional provisions.

(5) Therefore, it is the intent of the General Assembly through this act to provide implementation of the 2013-2014 Commonwealth budget as it affects the operations of and funding for our educational system and promotes the health, safety and welfare of our children.

(6) This act will:

(i) Provide a community college funding formula.

(ii) Provide basic education funding for the 2012-2013 school year.

(iii) Provide for special education payments.

(iv) Provide funds for implementing the act of December 12, 1973 (P.L.397, No.141), known as the Professional Educator Discipline Act.

(v) Provide for payment on account of equipment purchased for area vocational-technical schools and technical institutes.

(vi) Remove the health assessment requirement for a teacher's certification to avoid duplicate costs.

(vii) Provide for funding to community education councils.

(viii) Provide funding for financial aid in distance education through the Pennsylvania Higher Education Assistance Agency.

Compiler's Note: Act 59 amended or added section 122, 616.1, 687, 732.1, 1209, 1216.1, 1913-A, 1905-D, 2133, 2502.52, 2508.5, 2509.1, 2509.5, 2510.3, 2599.2 and 2599.5 of Act 14.

2014, JUNE 26, P.L.776, NO.70

Preamble:

The General Assembly finds and declares as follows:

(1) To provide children with an understanding of the importance of the protection of human rights and the potential consequences of unchecked ignorance, discrimination and persecution, it is a matter of high priority that children in this Commonwealth be educated concerning the Holocaust, genocide and other human rights violations.

(2) Therefore, the General Assembly strongly encourages school entities in this Commonwealth to offer instruction in the Holocaust, genocide and other human rights violations.

Compiler's Note: Act 70 added section 1554 of Act 14.

2016, JULY 13, P.L.716, NO.86

Section 20. Of the amount appropriated to the Department of Education for the purpose of regional community college services in section 215 of the act of December 29, 2015 (P.L.621, No.10A), known as the General Appropriation Act of 2015, 40% shall be distributed to a nonprofit organization authorized under Article XIX-G of the act.

Compiler's Note: Act 86 amended or added sections 125, 221.2, 510.2, 689, 694-A, Article VI-B, sections 1154, 1201.1, 1204, 1204.2, 1205.2, 1313.1, 1372, 1376, 1401, 1414.3, 1414.4, 1414.5, 1414.6, 1414.7, 1414.8, Articles XIV-A, XV-H and XV-I, sections 1605, 1703-A, 1724-A, 1725-A, 1855, 1904-A, 1913-A, 1902-C, 1902-E, Articles XIX-G and XX-B, sections 2320, 2509.1, 2509.5, 2509.8, 2510.3, 2599.6 and 2599.7 of Act 14 and repealed Article XVII-E.1 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code and Article XVII-F of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

Section 22. The addition of Article XIX-G of the act is a continuation of former Article XVII-E.1 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code. The following apply:

(1) Except as otherwise provided in Article XIX-G of the act, all activities initiated under former Article XVII-E.1 of The Fiscal Code shall continue and remain in full force and effect and may be completed under Article XIX-G of the act. Orders, regulations, rules and decisions which were made under former Article XVII-E.1 of The Fiscal Code and which are in effect on the effective date of this section shall remain in full force and effect until revoked, vacated or modified under Article XIX-G of the act. Contracts, obligations and collective bargaining agreements entered into under former Article XVII-E.1 of The Fiscal Code are not affected nor impaired by the repeal of former Article XVII-E.1 of The Fiscal Code.

(2) Except as set forth in paragraph (3), any difference in language between Article XIX-G of the act and former Article XVII-E.1 of The Fiscal Code is intended only to conform to the style of the Public School Code of 1949 and is not intended to change or affect the legislative intent,

judicial construction or administration and implementation of former Article XVII-E.1 of The Fiscal Code.

(3) Paragraph (2) does not apply to the addition of the following provisions:

- (i) Sections 1901.1-G and 1901.2-G of the act.
- (ii) The reference to December 31, 2016, in section 1906-G(a) of the act.
- (iii) The phrase "donations from persons" in section 1913-G of the act.

Section 23. The addition of Article XX-B of the act is a continuation of Article XVII-F of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. Except as otherwise provided in Article XX-B of the act, all activities initiated under Article XVII-F of the Tax Reform Code of 1971 shall continue and remain in full force and effect and may be completed under Article XX-B of the act. Orders, regulations, rules and decisions which were made under XVII-F of the Tax Reform Code of 1971 and which are in effect on the effective date of section 21(4) of this act shall remain in full force and effect until revoked, vacated or modified under Article XX-B of the act.