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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1067 Session of  
2007

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INTRODUCED BY MANN, BEYER, BRENNAN AND SAMUELSON, APRIL 18, 2007

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SENATOR ARMSTRONG, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, JULY 4, 2008

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AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," ~~further providing for transfer of~~ <—  
6 ~~records.~~ IN PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR <—  
7 BACKGROUND CHECKS OF PROSPECTIVE EMPLOYEES AND CONVICTION OF  
8 EMPLOYEES OF CERTAIN OFFENSES AND PROHIBITING CERTAIN  
9 REGULATIONS FOR THE 2008-2009 SCHOOL YEAR; IN SCHOOL  
10 FINANCES, FURTHER PROVIDING FOR ANNUAL BUDGET, ADDITIONAL OR  
11 INCREASED APPROPRIATIONS AND TRANSFER OF FUNDS; IN PUPILS AND  
12 ATTENDANCE, PROVIDING FOR CLASSROOM PLACEMENT OF TWINS AND  
13 HIGHER ORDER MULTIPLES AND PARENTAL DISCRETION; IN SAFE  
14 SCHOOLS, FURTHER PROVIDING FOR OFFICE FOR SAFE SCHOOLS,  
15 PROVIDING FOR POLICY RELATING TO BULLYING, AND FURTHER  
16 PROVIDING FOR TRANSFER OF RECORDS; IN EDUCATIONAL SUPPORT  
17 SERVICES AND EDUCATIONAL ASSISTANCE PROGRAMS, FURTHER  
18 PROVIDING FOR EDUCATIONAL ASSISTANCE PROGRAM; IN EARLY  
19 LEARNING PROGRAMS, FURTHER PROVIDING FOR DEFINITIONS; IN HIGH  
20 SCHOOLS, ESTABLISHING THE VIRTUAL HIGH SCHOOL STUDY  
21 COMMISSION; IN CHARTER SCHOOLS, FURTHER PROVIDING FOR  
22 REQUIREMENTS, FOR TERM AND FORM OF CHARTER, FOR FACILITIES,  
23 FOR ENROLLMENT, FOR TRANSPORTATION AND FOR CAUSES FOR  
24 NONRENEWAL OR TERMINATION; IN EDUCATION EMPOWERMENT, FURTHER  
25 PROVIDING FOR BOARD OF SCHOOL DIRECTORS, FOR EDUCATION  
26 EMPOWERMENT DISTRICTS AND FOR MANDATE WAIVER PROGRAM; IN  
27 COMMUNITY COLLEGES, FURTHER PROVIDING FOR FINANCIAL PROGRAM  
28 AND REIMBURSEMENT OF PAYMENTS; IN DISRUPTIVE STUDENT  
29 PROGRAMS, FURTHER PROVIDING FOR DEFINITIONS AND FOR  
30 APPLICATIONS; IN SYSTEM OF HIGHER EDUCATION, FURTHER  
31 PROVIDING FOR ANNUAL REPORT; IN EDUCATIONAL IMPROVEMENT TAX  
32 CREDIT, FURTHER PROVIDING FOR DEFINITIONS, FOR TAX CREDITS

1 AND FOR LIMITATIONS AND PROVIDING FOR STATE-RELATED  
2 UNIVERSITY REPORTING; IN SCHOOL DISTRICTS OF THE FIRST CLASS,  
3 FURTHER PROVIDING FOR BOARD OF PUBLIC EDUCATION AND  
4 ADDITIONAL DUTIES; IN FUNDING FOR PUBLIC LIBRARIES, PROVIDING  
5 FOR STATE AID FOR FISCAL YEAR 2008-2009; IN REIMBURSEMENTS BY  
6 COMMONWEALTH AND BETWEEN SCHOOL DISTRICTS, FURTHER PROVIDING  
7 FOR DEFINITIONS AND FOR FUNDING FOR PARTNERSHIP SCHOOLS,  
8 PROVIDING FOR BASIC EDUCATION FUNDING FOR STUDENT ACHIEVEMENT  
9 AND FOR ACCOUNTABILITY TO COMMONWEALTH TAXPAYERS FURTHER  
10 PROVIDING FOR PAYMENTS TO INTERMEDIATE UNITS, FOR SPECIAL  
11 EDUCATION PAYMENTS TO SCHOOL DISTRICTS, FOR COMMONWEALTH  
12 REIMBURSEMENTS FOR CHARTER AND CYBER CHARTER SCHOOLS AND FOR  
13 PENNSYLVANIA ACCOUNTABILITY GRANTS.

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

16 ~~Section 1. Section 1305 A of the act of March 10, 1949~~ <—  
17 ~~(P.L.30, No.14), known as the Public School Code of 1949, added~~  
18 ~~June 30, 1995 (P.L.220, No.26), is amended to read:~~

19 ~~Section 1305 A. Transfer of Records. Whenever a pupil~~  
20 ~~transfers to another school entity or nonpublic school, a~~  
21 ~~certified copy of the student's disciplinary record shall be~~  
22 ~~transmitted to the school entity or nonpublic school to which~~  
23 ~~the pupil has transferred. The school entity or nonpublic school~~  
24 ~~to which the student has transferred should request the record.~~  
25 ~~The sending school entity or nonpublic school shall have ten~~  
26 ~~(10) days from receipt of the request to supply a certified copy~~  
27 ~~of the student's disciplinary record. The requirements of this~~  
28 ~~section apply as well to transfers between schools within the~~  
29 ~~same school entity.~~

30 ~~Section 2. Section 1729 A(j) of the act, added June 19, 1997~~ <—  
31 ~~(P.L.225, No.22), is amended to read:~~

32 ~~Section 1729 A. Causes for Nonrenewal or Termination. \* \* \*~~

33 ~~(j) When a charter is revoked or is not renewed, a student~~  
34 ~~who attended the charter school shall apply to another public~~  
35 ~~school in the student's school district of residence. Normal~~  
36 ~~application deadlines will be disregarded under these~~

1 ~~circumstances. All student records maintained by the charter~~  
2 ~~school shall be forwarded to the student's district of~~  
3 ~~residence[.] within ten (10) days of the revocation or~~  
4 ~~nonrenewal of the charter.~~

5 ~~Section 3-2. This act shall take effect in 60 days.~~ <—

6 SECTION 1. SECTION 111(B) AND (C.1) OF THE ACT OF MARCH 10, <—  
7 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,  
8 AMENDED DECEMBER 19, 1990 (P.L.1362, NO.211) AND JULY 20, 2007  
9 (P.L.278, NO.45), ARE AMENDED AND THE SECTION IS AMENDED BY  
10 ADDING A SUBSECTION TO READ:

11 SECTION 111. BACKGROUND CHECKS OF PROSPECTIVE EMPLOYES;  
12 CONVICTION OF EMPLOYES OF CERTAIN OFFENSES.--\* \* \*

13 (B) ADMINISTRATORS OF PUBLIC AND PRIVATE SCHOOLS,  
14 INTERMEDIATE UNITS AND AREA VOCATIONAL-TECHNICAL SCHOOLS SHALL  
15 REQUIRE PROSPECTIVE EMPLOYES TO SUBMIT WITH THEIR EMPLOYMENT  
16 APPLICATION, PURSUANT TO 18 PA.C.S. CH.91 (RELATING TO CRIMINAL  
17 HISTORY RECORD INFORMATION), A REPORT OF CRIMINAL HISTORY RECORD  
18 INFORMATION FROM THE PENNSYLVANIA STATE POLICE OR A STATEMENT  
19 FROM THE PENNSYLVANIA STATE POLICE THAT THE STATE POLICE CENTRAL  
20 REPOSITORY CONTAINS NO SUCH INFORMATION RELATING TO THAT PERSON.  
21 SUCH REPORT OF CRIMINAL HISTORY RECORD INFORMATION [SHALL BE  
22 LIMITED TO THAT WHICH IS DISSEMINATED PURSUANT TO 18 PA.C.S. §  
23 9121(B)(2) (RELATING TO GENERAL REGULATIONS) AND] SHALL BE NO  
24 MORE THAN ONE (1) YEAR OLD. AN APPLICANT MAY SUBMIT A COPY OF  
25 THE REQUIRED INFORMATION WITH THE APPLICATION FOR EMPLOYMENT.  
26 ADMINISTRATORS SHALL MAINTAIN A COPY OF THE REQUIRED INFORMATION  
27 [AND SHALL REQUIRE EACH APPLICANT TO PRODUCE THE ORIGINAL  
28 DOCUMENT PRIOR TO EMPLOYMENT]. ADMINISTRATORS SHALL REQUIRE  
29 CONTRACTORS TO PRODUCE [THE ORIGINAL DOCUMENT] A REPORT OF  
30 CRIMINAL HISTORY RECORD INFORMATION FOR EACH PROSPECTIVE EMPLOYEE

1 OF SUCH CONTRACTOR PRIOR TO EMPLOYMENT. A COPY OF THE REPORT OF  
2 CRIMINAL HISTORY RECORD INFORMATION FROM THE PENNSYLVANIA STATE  
3 POLICE SHALL BE MADE AVAILABLE TO THE APPLICANT IN A MANNER  
4 PRESCRIBED BY THE DEPARTMENT OF EDUCATION.

5 (C.1) BEGINNING APRIL 1, 2007, ADMINISTRATORS SHALL [REQUIRE  
6 THE APPLICANT TO SUBMIT WITH] MAINTAIN ON FILE WITH THE  
7 APPLICATION FOR EMPLOYMENT A COPY OF THE FEDERAL CRIMINAL  
8 HISTORY RECORD IN A MANNER PRESCRIBED BY THE DEPARTMENT OF  
9 EDUCATION. AT A MINIMUM, THE DEPARTMENT OF EDUCATION SHALL  
10 PRESCRIBE A METHOD FOR APPLICANTS TO SUBMIT A SET OF  
11 FINGERPRINTS TO BE TRANSMITTED TO THE FEDERAL BUREAU OF  
12 INVESTIGATION FOR FEDERAL CRIMINAL HISTORY RECORD INFORMATION  
13 PURSUANT TO THE [FEDERAL BUREAU OF INVESTIGATION APPROPRIATION  
14 OF TITLE II OF PUBLIC LAW 92-544, 86 STAT. 1115. WHEN THE  
15 APPLICANT PROVIDES A COPY OF THE] APPLICABLE FEDERAL LAW. THE  
16 FEDERAL CRIMINAL HISTORY RECORD[, IT] INFORMATION REPORT SHALL  
17 BE NO MORE THAN ONE (1) YEAR OLD. ADMINISTRATORS SHALL MAINTAIN  
18 A COPY OF THE REQUIRED INFORMATION AND SHALL REQUIRE EACH  
19 APPLICANT TO [PRODUCE] SECURE A FEDERAL CRIMINAL HISTORY RECORD  
20 INFORMATION REPORT THAT MAY NOT BE MORE THAN ONE (1) YEAR OLD AT  
21 THE TIME OF EMPLOYMENT. [THE ORIGINAL] A COPY OF THE FEDERAL  
22 CRIMINAL HISTORY RECORD [SHALL BE RETURNED TO THE APPLICANT]  
23 INFORMATION REPORT SHALL BE MADE AVAILABLE TO THE APPLICANT IN A  
24 MANNER PRESCRIBED BY THE DEPARTMENT OF EDUCATION.

25 (C.2) THE PROVISIONS OF 18 PA.C.S. § 9121(B)(2) (RELATING TO  
26 GENERAL REGULATIONS) SHALL NOT APPLY IF THE REQUEST IS MADE  
27 PURSUANT TO THIS SECTION.

28 \* \* \*

29 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:  
30 SECTION 117. PROHIBITION OF CERTAIN REGULATIONS FOR THE

1 2008-2009 FISCAL YEAR.--NOTWITHSTANDING ANY PROVISION OF LAW TO  
2 THE CONTRARY, IN THE 2008-2009 FISCAL YEAR, A REGULATION TO  
3 CHANGE OR ESTABLISH HIGH SCHOOL GRADUATION REQUIREMENTS SHALL  
4 NOT BE FURTHER PROMULGATED, APPROVED OR PROPOSED.

5 SECTION 3. SECTION 687(J) OF THE ACT, AMENDED JULY 20, 2007  
6 (P.L.278, NO.45), IS AMENDED TO READ:

7 SECTION 687. ANNUAL BUDGET; ADDITIONAL OR INCREASED  
8 APPROPRIATIONS; TRANSFER OF FUNDS.--\* \* \*

9 (J) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT, THE  
10 BOARD OF SCHOOL DIRECTORS OF EACH SCHOOL DISTRICT MAY REOPEN ITS  
11 2003-2004 BUDGET, ITS 2004-2005 BUDGET, ITS 2005-2006 BUDGET,  
12 ITS 2006-2007 BUDGET [OR], ITS 2007-2008 BUDGET OR ITS 2008-2009  
13 BUDGET TO REFLECT ANY STATE ALLOCATIONS FOR FISCAL YEAR 2003-  
14 2004, FISCAL YEAR 2004-2005, FISCAL YEAR 2005-2006, FISCAL YEAR  
15 2006-2007 [OR], FISCAL YEAR 2007-2008 OR FISCAL YEAR 2008-2009  
16 PROVIDED BY THE GENERAL ASSEMBLY THROUGH THIS ACT.

17 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

18 SECTION 1310.1. CLASSROOM PLACEMENT OF TWINS OR HIGHER ORDER  
19 MULTIPLES; PARENTAL DISCRETION.--(A) FOR THE 2008-2009 SCHOOL  
20 YEAR AND EACH SCHOOL YEAR THEREAFTER, A PARENT OR GUARDIAN OF  
21 TWINS OR HIGHER ORDER MULTIPLES IN THE SAME GRADE LEVEL AT THE  
22 SAME SCHOOL MAY REQUEST THAT THEIR CHILDREN BE PLACED IN THE  
23 SAME CLASSROOM OR IN SEPARATE CLASSROOMS. THE SCHOOL MAY  
24 RECOMMEND CLASSROOM PLACEMENT TO THE PARENTS AND PROVIDE  
25 PROFESSIONAL EDUCATION ADVICE TO THE PARENTS TO ASSIST THEM IN  
26 MAKING THE BEST DECISION FOR THEIR CHILDREN'S EDUCATION. EXCEPT  
27 AS PROVIDED IN SUBSECTIONS (B) AND (C), A SCHOOL SHALL PROVIDE  
28 THE CLASSROOM PLACEMENT OF TWINS OR HIGHER ORDER MULTIPLES  
29 REQUESTED BY THE CHILDREN'S PARENT OR GUARDIAN, UNLESS, AFTER  
30 CONSULTATION WITH THE SCHOOL DISTRICT SUPERINTENDENT OR THE

1 SUPERINTENDENT'S DESIGNEE, THE PRINCIPAL DETERMINES THAT  
2 ALTERNATIVE PLACEMENT IS NECESSARY. THE PARENT OR GUARDIAN MUST  
3 REQUEST THE CLASSROOM PLACEMENT NO LATER THAN TEN (10) DAYS  
4 AFTER THE FIRST DAY OF EACH SCHOOL YEAR OR TEN (10) DAYS AFTER  
5 THE FIRST DAY OF ATTENDANCE OF THE CHILDREN DURING A SCHOOL YEAR  
6 IF THE CHILDREN ARE ENROLLED IN THE SCHOOL AFTER THE SCHOOL YEAR  
7 COMMENCES.

8 (B) IF THE PRINCIPAL OF THE SCHOOL, IN CONSULTATION WITH THE  
9 TEACHER OF EACH CLASSROOM IN WHICH THE TWINS OR HIGHER ORDER  
10 MULTIPLES ARE PLACED, DETERMINES THAT THE REQUESTED CLASSROOM  
11 PLACEMENT IS DISRUPTIVE TO THE CLASSROOM, THE PRINCIPAL MAY  
12 DETERMINE THE APPROPRIATE CLASSROOM PLACEMENT FOR THE SIBLINGS.

13 (C) A SCHOOL DISTRICT IS NOT REQUIRED TO PLACE TWINS OR  
14 HIGHER ORDER MULTIPLES IN SEPARATE CLASSROOMS IF THE REQUEST  
15 WOULD REQUIRE THE SCHOOL DISTRICT TO ADD AN ADDITIONAL CLASS TO  
16 THE GRADE LEVEL OF THE SIBLINGS.

17 (D) A PARENT MAY APPEAL THE PRINCIPAL'S CLASSROOM PLACEMENT  
18 OF TWINS OR HIGHER ORDER MULTIPLES IN THE MANNER PROVIDED BY  
19 SCHOOL DISTRICT POLICY.

20 (E) FOR PURPOSES OF THIS SECTION, "HIGHER ORDER MULTIPLES"  
21 MEANS TRIPLETS, QUADRUPLETS, QUINTUPLETS OR LARGER GROUPS OF  
22 SIBLINGS RESULTING FROM THE SAME DELIVERY.

23 SECTION 5. SECTION 1302-A(C) OF THE ACT, AMENDED JUNE 26,  
24 1999 (P.L.394, NO.36), IS AMENDED TO READ:

25 SECTION 1302-A. OFFICE FOR SAFE SCHOOLS.-- \* \* \*

26 (C) IN ADDITION TO THE POWERS AND DUTIES SET FORTH UNDER  
27 SUBSECTION (A), THE OFFICE IS AUTHORIZED TO MAKE TARGETED GRANTS  
28 TO SCHOOLS TO FUND PROGRAMS WHICH ADDRESS SCHOOL VIOLENCE,  
29 INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING PROGRAMS:

30 (1) CONFLICT RESOLUTION OR DISPUTE MANAGEMENT.

1 (2) PEER HELPERS PROGRAMS.

2 (3) RISK ASSESSMENT, SAFETY-RELATED OR VIOLENCE PREVENTION  
3 CURRICULA.

4 (4) CLASSROOM MANAGEMENT.

5 (5) STUDENT CODES OF CONDUCT.

6 (6) TRAINING TO UNDERTAKE A DISTRICTWIDE ASSESSMENT OF RISK  
7 FACTORS THAT INCREASE THE LIKELIHOOD OF PROBLEM BEHAVIORS AMONG  
8 STUDENTS.

9 (7) DEVELOPMENT AND IMPLEMENTATION OF RESEARCH-BASED  
10 VIOLENCE PREVENTION PROGRAMS THAT ADDRESS RISK FACTORS TO REDUCE  
11 INCIDENTS OF PROBLEM BEHAVIORS AMONG STUDENTS INCLUDING, BUT NOT  
12 LIMITED TO, BULLYING.

13 (8) COMPREHENSIVE, DISTRICTWIDE SCHOOL SAFETY AND VIOLENCE  
14 PREVENTION PLANS.

15 (9) SECURITY PLANNING, PURCHASE OF SECURITY-RELATED  
16 TECHNOLOGY WHICH MAY INCLUDE METAL DETECTORS, PROTECTIVE  
17 LIGHTING, SURVEILLANCE EQUIPMENT, SPECIAL EMERGENCY  
18 COMMUNICATIONS EQUIPMENT, ELECTRONIC LOCKSETS, DEADBOLTS AND  
19 THEFT CONTROL DEVICES AND TRAINING IN THE USE OF SECURITY-  
20 RELATED TECHNOLOGY. SECURITY PLANNING AND PURCHASE OF SECURITY-  
21 RELATED TECHNOLOGY SHALL BE BASED ON SAFETY NEEDS IDENTIFIED BY  
22 THE SCHOOL ENTITY'S BOARD OF DIRECTORS.

23 (10) INSTITUTION OF STUDENT, STAFF AND VISITOR  
24 IDENTIFICATION SYSTEMS.

25 (11) ESTABLISHMENT OR ENHANCEMENT OF SCHOOL SECURITY  
26 PERSONNEL, INCLUDING SCHOOL RESOURCE OFFICERS.

27 (12) PROVISION OF SPECIALIZED STAFF AND STUDENT TRAINING  
28 PROGRAMS, INCLUDING TRAINING FOR STUDENT ASSISTANCE PROGRAM TEAM  
29 MEMBERS IN ELEMENTARY, MIDDLE AND HIGH SCHOOLS IN THE REFERRAL  
30 OF STUDENTS AT RISK OF VIOLENT BEHAVIOR TO APPROPRIATE

1 COMMUNITY-BASED SERVICES, INCLUDING MENTAL HEALTH SERVICES.

2 (13) ALTERNATIVE EDUCATION PROGRAMS PROVIDED FOR IN ARTICLE  
3 XIX-C.

4 (14) COUNSELING SERVICES FOR STUDENTS ENROLLED IN  
5 ALTERNATIVE EDUCATION PROGRAMS.

6 \* \* \*

7 SECTION 6. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

8 SECTION 1303.1-A. POLICY RELATING TO BULLYING.--(A) NO  
9 LATER THAN JANUARY 1, 2009, EACH SCHOOL ENTITY SHALL ADOPT A  
10 POLICY OR AMEND ITS EXISTING POLICY RELATING TO BULLYING AND  
11 INCORPORATE THE POLICY INTO THE SCHOOL ENTITY'S CODE OF STUDENT  
12 CONDUCT REQUIRED UNDER 22 PA. CODE § 12.3(C) (RELATING TO SCHOOL  
13 RULES). THE POLICY SHALL DELINEATE DISCIPLINARY CONSEQUENCES FOR  
14 BULLYING AND MAY PROVIDE FOR PREVENTION, INTERVENTION AND  
15 EDUCATION PROGRAMS, PROVIDED THAT NO SCHOOL ENTITY SHALL BE  
16 REQUIRED TO ESTABLISH A NEW POLICY UNDER THIS SECTION IF ONE  
17 CURRENTLY EXISTS AND REASONABLY FULFILLS THE REQUIREMENTS OF  
18 THIS SECTION. THE POLICY SHALL IDENTIFY THE APPROPRIATE SCHOOL  
19 STAFF PERSON TO RECEIVE REPORTS OF INCIDENTS OF ALLEGED  
20 BULLYING.

21 (B) EACH SCHOOL ENTITY SHALL MAKE THE POLICY AVAILABLE ON  
22 ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE, IF AVAILABLE, AND IN  
23 EVERY CLASSROOM. EACH SCHOOL ENTITY SHALL POST THE POLICY AT A  
24 PROMINENT LOCATION WITHIN EACH SCHOOL BUILDING WHERE SUCH  
25 NOTICES ARE USUALLY POSTED. EACH SCHOOL ENTITY SHALL ENSURE THAT  
26 THE POLICY AND PROCEDURES FOR REPORTING BULLYING INCIDENTS ARE  
27 REVIEWED WITH STUDENTS WITHIN NINETY (90) DAYS AFTER THEIR  
28 ADOPTION AND THEREAFTER AT LEAST ONCE EACH SCHOOL YEAR.

29 (C) EACH SCHOOL ENTITY SHALL REVIEW ITS POLICY EVERY THREE  
30 (3) YEARS AND ANNUALLY PROVIDE THE OFFICE WITH A COPY OF ITS



1 POLICY RELATING TO BULLYING, INCLUDING INFORMATION RELATED TO  
2 THE DEVELOPMENT AND IMPLEMENTATION OF ANY BULLYING PREVENTION,  
3 INTERVENTION AND EDUCATION PROGRAMS. THE INFORMATION REQUIRED  
4 UNDER THIS SUBSECTION SHALL BE ATTACHED TO OR MADE PART OF THE  
5 ANNUAL REPORT REQUIRED UNDER SECTION 1303-A(B).

6 (D) IN ITS POLICY RELATING TO BULLYING ADOPTED OR MAINTAINED  
7 UNDER SUBSECTION (A), A SCHOOL ENTITY SHALL NOT BE PROHIBITED  
8 FROM DEFINING BULLYING IN SUCH A WAY AS TO ENCOMPASS ACTS THAT  
9 OCCUR OUTSIDE A SCHOOL SETTING IF THOSE ACTS MEET THE  
10 REQUIREMENTS CONTAINED IN SUBSECTION (E)(1), (3) AND (4). IF A  
11 SCHOOL ENTITY REPORTS ACTS OF BULLYING TO THE OFFICE IN  
12 ACCORDANCE WITH SECTION 1303-A(B), IT SHALL REPORT ALL INCIDENTS  
13 THAT QUALIFY AS BULLYING UNDER THE ENTITY'S ADOPTED DEFINITION  
14 OF THAT TERM.

15 (E) FOR PURPOSES OF THIS ARTICLE, "BULLYING" SHALL MEAN AN  
16 INTENTIONAL ELECTRONIC, WRITTEN, VERBAL OR PHYSICAL ACT, OR A  
17 SERIES OF ACTS:

- 18 (1) DIRECTED AT ANOTHER STUDENT OR STUDENTS;
- 19 (2) WHICH OCCURS IN A SCHOOL SETTING;
- 20 (3) THAT IS SEVERE, PERSISTENT OR PERVASIVE; AND
- 21 (4) THAT HAS THE EFFECT OF DOING ANY OF THE FOLLOWING:
  - 22 (I) SUBSTANTIALLY INTERFERING WITH A STUDENT'S EDUCATION;
  - 23 (II) CREATING A THREATENING ENVIRONMENT; OR
  - 24 (III) SUBSTANTIALLY DISRUPTING THE ORDERLY OPERATION OF THE
  - 25 SCHOOL; AND

26 "SCHOOL SETTING" SHALL MEAN IN THE SCHOOL, ON SCHOOL GROUNDS,  
27 IN SCHOOL VEHICLES, AT A DESIGNATED BUS STOP OR AT ANY ACTIVITY  
28 SPONSORED, SUPERVISED OR SANCTIONED BY THE SCHOOL.

29 SECTION 6.1. SECTION 1305-A OF THE ACT, ADDED JUNE 30, 1995  
30 (P.L.220, NO.26), IS AMENDED TO READ:

1 SECTION 1305-A. TRANSFER OF RECORDS.--WHENEVER A PUPIL  
2 TRANSFERS TO ANOTHER SCHOOL ENTITY OR NONPUBLIC SCHOOL, A  
3 CERTIFIED COPY OF THE STUDENT'S DISCIPLINARY RECORD SHALL BE  
4 TRANSMITTED TO THE SCHOOL ENTITY OR NONPUBLIC SCHOOL TO WHICH  
5 THE PUPIL HAS TRANSFERRED. THE SCHOOL ENTITY OR NONPUBLIC SCHOOL  
6 TO WHICH THE STUDENT HAS TRANSFERRED SHOULD REQUEST THE RECORD.  
7 THE SENDING SCHOOL ENTITY OR NONPUBLIC SCHOOL SHALL HAVE TEN  
8 (10) DAYS FROM RECEIPT OF THE REQUEST TO SUPPLY A CERTIFIED COPY  
9 OF THE STUDENT'S DISCIPLINARY RECORD. THE REQUIREMENTS OF THIS  
10 SECTION APPLY AS WELL TO TRANSFERS BETWEEN SCHOOLS WITHIN THE  
11 SAME SCHOOL ENTITY.

12 SECTION 7. SECTION 1512-C(G) OF THE ACT, AMENDED JULY 20,  
13 2007 (P.L.278, NO.45), IS AMENDED AND THE SECTION IS AMENDED BY  
14 ADDING A SUBSECTION TO READ:

15 SECTION 1512-C. EDUCATIONAL ASSISTANCE PROGRAM.

16 \* \* \*

17 (G) EDUCATIONAL ASSISTANCE FUNDING.--

18 (1) DURING THE 2003-2004, 2004-2005, 2005-2006, 2006-  
19 2007 [AND], 2007-2008 AND 2008-2009 SCHOOL YEARS, THE  
20 DEPARTMENT SHALL PROVIDE EACH ELIGIBLE SCHOOL ENTITY WITH  
21 EDUCATIONAL ASSISTANCE FUNDING CALCULATED BY:

22 (I) DIVIDING THE NUMBER OF PENNSYLVANIA SYSTEM OF  
23 SCHOOL ASSESSMENT TESTS ADMINISTERED IN THE ELIGIBLE  
24 SCHOOL ENTITY ON WHICH STUDENTS SCORED BELOW PROFICIENT  
25 IN READING OR MATHEMATICS BY THE TOTAL NUMBER OF  
26 PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT TESTS  
27 ADMINISTERED IN THE ELIGIBLE SCHOOL ENTITY IN READING AND  
28 MATHEMATICS DURING THE 2002-2003 SCHOOL YEAR.

29 (II) MULTIPLYING THE QUOTIENT FROM SUBPARAGRAPH (I)  
30 BY THE AVERAGE DAILY MEMBERSHIP OF THE ELIGIBLE SCHOOL

1 ENTITY DURING THE 2002-2003 SCHOOL YEAR.

2 (III) MULTIPLYING THE PRODUCT FROM SUBPARAGRAPH (II)  
3 BY THE DOLLAR VALUE OF FUNDS APPROPRIATED TO THE  
4 DEPARTMENT OF EDUCATION FOR THE EDUCATIONAL ASSISTANCE  
5 PROGRAM IN THE 2004-2005 FISCAL YEAR.

6 (IV) DIVIDING THE PRODUCT FROM SUBPARAGRAPH (III) BY  
7 THE SUM OF THE PRODUCTS OF SUBPARAGRAPH (II) FOR ALL  
8 ELIGIBLE SCHOOL ENTITIES THAT QUALIFY FOR GRANT FUNDS  
9 UNDER THIS PARAGRAPH.

10 (1.1) DURING THE 2005-2006, 2006-2007 [AND] 2007-2008  
11 AND 2008-2009 SCHOOL YEARS, THE DEPARTMENT SHALL PROVIDE EACH  
12 SCHOOL ENTITY WITH AT LEAST ONE SCHOOL THAT HAS FAILED TO  
13 ACHIEVE ITS 2005 MATHEMATICS PROFICIENCY TARGET OR ITS 2005  
14 READING PROFICIENCY TARGET WITH EDUCATIONAL ASSISTANCE  
15 FUNDING FOR THE SUPPORT OF TUTORING SERVICES TO ELIGIBLE  
16 STUDENTS ENROLLED IN SEVENTH THROUGH TWELFTH GRADES. SUCH  
17 FUNDING SHALL BE CALCULATED AS FOLLOWS:

18 (I) DIVIDING THE NUMBER OF PENNSYLVANIA SYSTEM OF  
19 SCHOOL ASSESSMENT TESTS ADMINISTERED IN THE ELIGIBLE  
20 SCHOOL ENTITY TO ELEVENTH GRADE STUDENTS ON WHICH SUCH  
21 STUDENTS SCORED BELOW THE 2005 READING OR MATHEMATICS  
22 PROFICIENCY TARGET BY THE TOTAL NUMBER OF PENNSYLVANIA  
23 SYSTEM OF SCHOOL ASSESSMENT TESTS ADMINISTERED IN THE  
24 ELIGIBLE SCHOOL ENTITY TO ELEVENTH GRADE STUDENTS IN  
25 READING AND MATHEMATICS DURING THE 2003-2004 SCHOOL YEAR.

26 (II) MULTIPLYING THE QUOTIENT FROM SUBPARAGRAPH (I)  
27 BY THE AVERAGE DAILY MEMBERSHIP OF THE ELIGIBLE SCHOOL  
28 ENTITY DURING THE 2004-2005 SCHOOL YEAR.

29 (III) MULTIPLYING THE PRODUCT FROM SUBPARAGRAPH (II)  
30 BY THE DIFFERENCE BETWEEN THE DOLLAR VALUE OF FUNDS

1 APPROPRIATED TO THE DEPARTMENT FOR THE EDUCATIONAL  
2 ASSISTANCE PROGRAM IN THE 2004-2005 FISCAL YEAR AND THE  
3 DOLLAR VALUE OF FUNDS APPROPRIATED TO THE DEPARTMENT FOR  
4 THE EDUCATIONAL ASSISTANCE PROGRAM IN THE 2007-2008  
5 FISCAL YEAR.

6 (IV) DIVIDING THE PRODUCT FROM SUBPARAGRAPH (III) BY  
7 THE SUM OF THE PRODUCTS OF SUBPARAGRAPH (II) FOR ALL  
8 ELIGIBLE SCHOOL ENTITIES THAT QUALIFY FOR GRANT FUNDS  
9 UNDER THIS PARAGRAPH.

10 (2) THE AMOUNT OF EDUCATIONAL ASSISTANCE FUNDING  
11 PROVIDED UNDER THIS ARTICLE SHALL BE LIMITED TO FUNDS  
12 APPROPRIATED FOR THIS PURPOSE.

13 \* \* \*

14 (J) PRO RATA DISTRIBUTION.--FOR THE 2008-2009 FISCAL YEAR,  
15 IF INSUFFICIENT FUNDS ARE APPROPRIATED TO MAKE COMMONWEALTH  
16 PAYMENTS PURSUANT TO THIS SECTION, SUCH PAYMENTS SHALL BE MADE  
17 ON A PRO RATA BASIS.

18 SECTION 8. THE DEFINITION OF "ELIGIBLE PROVIDER" IN SECTION  
19 1511-D OF THE ACT, ADDED JULY 20, 2007 (P.L.278, NO.45), IS  
20 AMENDED TO READ:

21 SECTION 1511-D. DEFINITIONS.

22 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBARTICLE  
23 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
24 CONTEXT CLEARLY INDICATES OTHERWISE:

25 \* \* \*

26 "ELIGIBLE PROVIDER." ANY OF THE FOLLOWING ENTITIES IF THE  
27 ENTITY COMPLIES WITH ALL QUALITY PROGRAM STANDARDS ESTABLISHED  
28 BY THE DEPARTMENT OF EDUCATION:

29 (1) A SCHOOL DISTRICT.

30 (2) A HEAD START PROGRAM.

1 (3) A NURSERY SCHOOL LICENSED UNDER THE ACT OF JANUARY  
2 28, 1988 (P.L.24, NO.11), KNOWN AS THE PRIVATE ACADEMIC  
3 SCHOOLS ACT.

4 (4) [A] ONE OF THE FOLLOWING:

5 (I) PRIOR TO JULY 1, 2009, A CHILD DAY CARE CENTER  
6 OR A GROUP DAY CARE HOME THAT HAS MET OR EXCEEDED THE  
7 STANDARDS OF STAR 2 UNDER THE KEYSTONE STARS QUALITY  
8 RATING SYSTEM ESTABLISHED BY THE DEPARTMENT OF PUBLIC  
9 WELFARE.

10 (II) AFTER JUNE 30, 2009, A CHILD DAY CARE CENTER OR  
11 A GROUP DAY CARE HOME THAT HAS MET OR EXCEEDED THE  
12 STANDARDS OF STAR 3 UNDER THE KEYSTONE STARS QUALITY  
13 RATING SYSTEM ESTABLISHED BY THE DEPARTMENT OF PUBLIC  
14 WELFARE. ANY APPROVED PROVIDER UNDER THIS SUBPARAGRAPH  
15 WHICH HAS APPLIED FOR A STAR 3 RATING AND WHICH  
16 APPLICATION HAS NOT BEEN APPROVED OR REJECTED BY THE  
17 DEPARTMENT AS OF JUNE 30, 2009, SHALL REMAIN ELIGIBLE FOR  
18 THE PROGRAM UNTIL SUCH APPLICATION IS REJECTED.

19 \* \* \*

20 SECTION 9. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

21 SECTION 1615. VIRTUAL HIGH SCHOOL STUDY COMMISSION.--(A)  
22 THE VIRTUAL HIGH SCHOOL STUDY COMMISSION IS ESTABLISHED WITHIN  
23 THE DEPARTMENT OF EDUCATION TO EXAMINE THE FEASIBILITY AND COSTS  
24 ASSOCIATED WITH CREATING A STATE-OPERATED, INTERNET-BASED HIGH  
25 SCHOOL, TO BE KNOWN AS THE PENNSYLVANIA VIRTUAL HIGH SCHOOL,  
26 WHICH WOULD PROVIDE SECONDARY STUDENTS THROUGHOUT THIS  
27 COMMONWEALTH WITH ACCESS TO A WIDE RANGE OF LEARNING SERVICES TO  
28 INCLUDE, AT A MINIMUM:

29 (1) EXPANDED CURRICULAR OFFERINGS SUCH AS HIGHER LEVEL  
30 MATHEMATICS AND SCIENCE COURSES, FOREIGN LANGUAGE COURSES AND

1 ADVANCED PLACEMENT COURSES.

2 (2) INCREASED OPTIONS FOR CONCURRENT ENROLLMENT IN HIGHER  
3 EDUCATION.

4 (3) SCHOLASTIC APTITUDE TESTING PREPARATION PROGRAMS.

5 (4) SUMMER ENRICHMENT AND TUTORING COURSES.

6 (5) INCREASED INSTRUCTIONAL OPTIONS FOR AT-RISK STUDENTS,  
7 HOME-BOUND AND ALTERNATIVE EDUCATION STUDENTS.

8 (6) EXPANDED OFFERINGS FOR GIFTED AND TALENTED STUDENTS.

9 (7) ESTABLISHMENT OF LINKAGES BETWEEN STUDENTS AND  
10 PROSPECTIVE EMPLOYERS INCLUDING THOSE OFFERING HIGH SCHOOL  
11 INTERNSHIPS AND APPRENTICESHIPS.

12 (8) ESTABLISHMENT OF PROGRAMS OR SERVICES TO OFFER STUDENTS  
13 AT RISK OF DROPPING OUT OR WHO HAVE DROPPED OUT AN OPPORTUNITY  
14 TO OBTAIN A HIGH SCHOOL DIPLOMA.

15 (B) THE VIRTUAL HIGH SCHOOL STUDY COMMISSION SHALL CONSIST  
16 OF THE FOLLOWING MEMBERS:

17 (1) THE MAJORITY CHAIRMAN AND THE MINORITY CHAIRMAN OF THE  
18 EDUCATION COMMITTEE OF THE SENATE AND THE MAJORITY CHAIRMAN AND  
19 THE MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF  
20 REPRESENTATIVES.

21 (2) TWO MEMBERS OF THE SENATE, ONE EACH TO BE CHOSEN BY THE  
22 PRESIDENT PRO TEMPORE AND MINORITY LEADER OF THE SENATE.

23 (3) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, ONE EACH TO  
24 BE CHOSEN BY THE MAJORITY LEADER AND MINORITY LEADER OF THE  
25 HOUSE OF REPRESENTATIVES.

26 (4) THE SECRETARY OF EDUCATION OR A DESIGNEE.

27 (5) THE CHAIRMAN OF THE STATE BOARD OF EDUCATION OR A  
28 DESIGNEE WHO IS A MEMBER OF THE STATE BOARD OF EDUCATION.

29 (6) THE CHANCELLOR OF THE STATE SYSTEM OF HIGHER EDUCATION  
30 OR A DESIGNEE.

1       (7) THE PRESIDENTS OF EACH OF THE COMMONWEALTH'S FOUR STATE-  
2 RELATED UNIVERSITIES OR THEIR DESIGNEES.

3       (8) THE PRESIDENT OF THE PENNSYLVANIA COMMISSION FOR  
4 COMMUNITY COLLEGES OR A DESIGNEE.

5       (9) THE PRESIDENT OF THE ASSOCIATION OF INDEPENDENT COLLEGES  
6 AND UNIVERSITIES OF PENNSYLVANIA OR A DESIGNEE.

7       (10) THE PRESIDENT OF THE PENNSYLVANIA ASSOCIATION OF SCHOOL  
8 ADMINISTRATORS OR A DESIGNEE.

9       (11) THE PRESIDENT OF THE PENNSYLVANIA ASSOCIATION OF  
10 ELEMENTARY AND SECONDARY SCHOOL PRINCIPALS OR A DESIGNEE.

11       (12) THE PRESIDENT OF THE PENNSYLVANIA ASSOCIATION OF  
12 INTERMEDIATE UNITS OR A DESIGNEE.

13       (13) THE PRESIDENT OF THE PENNSYLVANIA ASSOCIATION OF RURAL  
14 AND SMALL SCHOOLS OR A DESIGNEE.

15       (14) THE PRESIDENT OF THE PENNSYLVANIA LEAGUE OF URBAN  
16 SCHOOLS OR A DESIGNEE.

17       (15) THE PRESIDENT OF THE PENNSYLVANIA FEDERATION OF  
18 TEACHERS OR A DESIGNEE.

19       (16) THE PRESIDENT OF THE PENNSYLVANIA STATE EDUCATION  
20 ASSOCIATION OR A DESIGNEE.

21       (17) THE PRESIDENT OF THE PENNSYLVANIA SCHOOL BOARDS  
22 ASSOCIATION OR A DESIGNEE.

23       (18) THE PRESIDENT OF THE PENNSYLVANIA PARENT TEACHER  
24 ASSOCIATION OR A DESIGNEE.

25       (19) THE PRESIDENT OF THE PENNSYLVANIA CHAMBER OF BUSINESS  
26 AND INDUSTRY OR A DESIGNEE.

27       (20) TWO REPRESENTATIVES OF PENNSYLVANIA'S BROADBAND CABLE  
28 INDUSTRY; ONE EACH TO BE SELECTED BY THE PRESIDENT PRO TEMPORE  
29 OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

30       (21) TWO CHIEF EXECUTIVE OFFICERS OF CYBER CHARTER SCHOOLS

1 APPROVED PURSUANT TO SUBDIVISION (C) OF ARTICLE XVII-A, SELECTED  
2 BY THE PENNSYLVANIA COALITION OF CHARTER SCHOOLS FROM AMONG  
3 CYBER CHARTER SCHOOLS APPROVED PURSUANT TO SUBDIVISION (C) OF  
4 ARTICLE XVII-A.

5 MEMBERS OF THE COMMISSION SHALL BE APPOINTED WITHIN FORTY-FIVE  
6 (45) DAYS OF THE EFFECTIVE DATE OF THIS SECTION.

7 (C) ANY VACANCY ON THE VIRTUAL HIGH SCHOOL STUDY COMMISSION  
8 SHALL BE FILLED BY THE ORIGINAL APPOINTING OFFICER OR AGENCY.

9 (D) THE VIRTUAL HIGH SCHOOL STUDY COMMISSION SHALL SELECT A  
10 CHAIRMAN AND VICE CHAIRMAN FROM AMONG ITS MEMBERSHIP AT AN  
11 ORGANIZATIONAL MEETING. THE ORGANIZATIONAL MEETING SHALL TAKE  
12 PLACE NO LATER THAN NINETY (90) DAYS FOLLOWING THE EFFECTIVE  
13 DATE OF THIS SECTION.

14 (E) THE VIRTUAL HIGH SCHOOL STUDY COMMISSION SHALL HOLD  
15 MEETINGS AT THE CALL OF THE CHAIRMAN. THE COMMISSION MAY ALSO  
16 HOLD PUBLIC HEARINGS ON THE MATTERS TO BE CONSIDERED BY THE  
17 COMMISSION AT LOCATIONS THROUGHOUT THIS COMMONWEALTH. ALL  
18 MEETINGS AND PUBLIC HEARINGS OF THE COMMISSION SHALL BE DEEMED  
19 PUBLIC MEETINGS FOR THE PURPOSE OF 65 PA.C.S. CH. 7 (RELATING TO  
20 OPEN MEETINGS).

21 (F) SIXTEEN (16) MEMBERS OF THE VIRTUAL HIGH SCHOOL STUDY  
22 COMMISSION SHALL CONSTITUTE A QUORUM AT ANY MEETING. EACH MEMBER  
23 OF THE COMMISSION MAY DESIGNATE ANOTHER PERSON TO REPRESENT THAT  
24 MEMBER AT MEETINGS OF THE COMMISSION.

25 (G) VIRTUAL HIGH SCHOOL STUDY COMMISSION MEMBERS SHALL  
26 RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE  
27 REIMBURSED FOR ALL NECESSARY TRAVEL AND OTHER REASONABLE  
28 EXPENSES INCURRED IN CONNECTION WITH THE PERFORMANCE OF THEIR  
29 DUTIES AS MEMBERS.

30 (H) (1) THE VIRTUAL HIGH SCHOOL STUDY COMMISSION MAY EMPLOY



1 TECHNICAL AND CLERICAL STAFF AS IT DEEMS NECESSARY TO CARRY OUT  
2 ITS RESPONSIBILITIES UNDER THIS SECTION.

3 (2) THE DEPARTMENT OF EDUCATION SHALL PROVIDE ADMINISTRATIVE  
4 SUPPORT, OFFICE SPACE AND ANY OTHER ASSISTANCE REQUIRED BY THE  
5 COMMISSION TO CARRY OUT ITS DUTIES UNDER THIS ACT.

6 (3) WHENEVER POSSIBLE, THE COMMISSION SHALL UTILIZE THE  
7 SERVICES AND EXPERTISE OF EXISTING PERSONNEL AND STAFF OF STATE  
8 GOVERNMENT AND TO THIS END THE GOVERNOR, THE PRESIDENT PRO  
9 TEMPORE OF THE SENATE AND MINORITY LEADER OF THE SENATE AND THE  
10 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER  
11 OF THE HOUSE OF REPRESENTATIVES SHALL MAKE SUCH PERSONNEL AND  
12 STAFF AVAILABLE TO THE COMMISSION TO THE FULLEST EXTENT  
13 COMMENSURATE WITH THE PERFORMANCE OF THEIR OTHER DUTIES.

14 (1) THE VIRTUAL HIGH SCHOOL STUDY COMMISSION SHALL HAVE THE  
15 FOLLOWING POWERS AND DUTIES:

16 (1) MEETING WITH ALL SEGMENTS OF THE BASIC AND HIGHER  
17 EDUCATION COMMUNITIES, REPRESENTATIVES OF THE STATE'S BUSINESS  
18 AND LABOR COMMUNITIES AND INTERNET SERVICE PROVIDERS OPERATING  
19 WITHIN THIS COMMONWEALTH TO DISCUSS THEIR POTENTIAL INVOLVEMENT  
20 IN THE OPERATION OF A STATE VIRTUAL HIGH SCHOOL PROGRAM.

21 (2) MEETING WITH CURRENT OPERATORS OF INTERNET-BASED  
22 EDUCATIONAL PROGRAMS OPERATING WITHIN THIS COMMONWEALTH  
23 INCLUDING THOSE OPERATED BY SCHOOL DISTRICTS, INTERMEDIATE UNITS  
24 AND BLENDED SCHOOL PROGRAMS.

25 (3) REVIEWING STATE-OPERATED VIRTUAL HIGH SCHOOL PROGRAMS  
26 ALREADY IN OPERATION THROUGHOUT THE UNITED STATES.

27 (4) EVALUATING AND MAKING RECOMMENDATIONS ON THE FOLLOWING:

28 (1) AN AGENCY OR INSTITUTION TO BE RESPONSIBLE FOR  
29 ADMINISTRATION OF THE SCHOOL AND OVERSIGHT OF DAY-TO-DAY  
30 OPERATIONS.

1        (II) COURSES TO BE OFFERED, INCLUDING HOW THEY WILL BE  
2 DETERMINED AND ASSESSED.

3        (III) FACULTY, INCLUDING SALARIES, CERTIFICATION, TRAINING,  
4 PROFESSIONAL DEVELOPMENT AND EVALUATION.

5        (IV) POLICIES FOR AWARDING OF CREDITS.

6        (V) ASSURING MAXIMUM ACCESSIBILITY TO HIGH SCHOOL STUDENTS  
7 IN ALL GEOGRAPHIC LOCATIONS.

8        (VI) STUDENT ENROLLMENT, VERIFICATION OF ATTENDANCE AND  
9 PERFORMANCE ASSESSMENT.

10       (VII) PROGRAM ACCOUNTABILITY.

11       (VIII) METHODS FOR FUNDING, INCLUDING COST ESTIMATES.

12       (IX) INTERNET FILTERING, BLOCKING AND OTHER SECURITY ISSUES.

13       (X) INTELLECTUAL PROPERTY ISSUES SUCH AS PATENTS, COPYRIGHTS  
14 AND TRADEMARKS.

15       (XI) ADAPTATION AND ACCESSIBILITY FOR STUDENTS WITH  
16 DISABILITIES.

17       (XII) SUCH OTHER ISSUES AS IT DEEMS APPROPRIATE.

18       (J) THE VIRTUAL HIGH SCHOOL STUDY COMMISSION SHALL ISSUE A  
19 REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR, THE  
20 PRESIDENT PRO TEMPORE OF THE SENATE AND MINORITY LEADER OF THE  
21 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE  
22 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE MAJORITY  
23 CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE  
24 SENATE AND THE MAJORITY CHAIRMAN AND MINORITY CHAIRMAN OF THE  
25 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES NO LATER  
26 THAN DECEMBER 31, 2009.

27       SECTION 10. SECTION 1715-A OF THE ACT IS AMENDED BY ADDING A  
28 CLAUSE TO READ:

29       SECTION 1715-A. CHARTER SCHOOL REQUIREMENTS.--CHARTER  
30 SCHOOLS SHALL BE REQUIRED TO COMPLY WITH THE FOLLOWING

1 PROVISIONS:

2 \* \* \*

3 (12) A PERSON WHO SERVES AS AN ADMINISTRATOR FOR A CHARTER  
4 SCHOOL SHALL NOT RECEIVE COMPENSATION FROM ANOTHER CHARTER  
5 SCHOOL OR FROM A COMPANY THAT PROVIDES MANAGEMENT OR OTHER  
6 SERVICES TO ANOTHER CHARTER SCHOOL. THE TERM "ADMINISTRATOR"  
7 SHALL INCLUDE THE CHIEF EXECUTIVE OFFICER OF A CHARTER SCHOOL  
8 AND ALL OTHER EMPLOYEES OF A CHARTER SCHOOL WHO BY VIRTUE OF  
9 THEIR POSITIONS EXERCISE MANAGEMENT OR OPERATIONAL OVERSIGHT  
10 RESPONSIBILITIES. A PERSON WHO SERVES AS AN ADMINISTRATOR FOR A  
11 CHARTER SCHOOL SHALL BE A PUBLIC OFFICIAL UNDER 65 PA.C.S. CH.  
12 11 (RELATING TO ETHICS STANDARDS AND FINANCIAL DISCLOSURE). A  
13 VIOLATION OF THIS CLAUSE SHALL CONSTITUTE A VIOLATION OF 65  
14 PA.C.S. § 1103(A) (RELATING TO RESTRICTED ACTIVITIES), AND THE  
15 VIOLATOR SHALL BE SUBJECT TO THE PENALTIES IMPOSED UNDER THE  
16 JURISDICTION OF THE STATE ETHICS COMMISSION.

17 SECTION 11. SECTION 1720-A OF THE ACT, ADDED JUNE 19, 1997  
18 (P.L.225, NO.22), IS AMENDED TO READ:

19 SECTION 1720-A. TERM AND FORM OF CHARTER.--(A) UPON  
20 APPROVAL OF A CHARTER APPLICATION UNDER SECTION 1717-A, A  
21 WRITTEN CHARTER SHALL BE DEVELOPED WHICH SHALL CONTAIN THE  
22 PROVISIONS OF THE CHARTER APPLICATION AND WHICH SHALL BE SIGNED  
23 BY THE LOCAL BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT, BY  
24 THE LOCAL BOARDS OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT IN THE  
25 CASE OF A REGIONAL CHARTER SCHOOL OR BY THE CHAIRMAN OF THE  
26 APPEAL BOARD PURSUANT TO SECTION 1717-A(I)(5) AND THE BOARD OF  
27 TRUSTEES OF THE CHARTER SCHOOL. THIS WRITTEN CHARTER, WHEN DULY  
28 SIGNED BY THE LOCAL BOARD OF SCHOOL DIRECTORS OF A SCHOOL  
29 DISTRICT, OR BY THE LOCAL BOARDS OF SCHOOL DIRECTORS OF A SCHOOL  
30 DISTRICT IN THE CASE OF A REGIONAL CHARTER SCHOOL, AND THE

1 CHARTER SCHOOL'S BOARD OF TRUSTEES, SHALL ACT AS LEGAL  
2 AUTHORIZATION FOR THE ESTABLISHMENT OF A CHARTER SCHOOL. THIS  
3 WRITTEN CHARTER SHALL BE LEGALLY BINDING ON BOTH THE LOCAL BOARD  
4 OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT AND THE CHARTER  
5 SCHOOL'S BOARD OF TRUSTEES. [THE] EXCEPT AS OTHERWISE PROVIDED  
6 IN SUBSECTION (B), THE CHARTER SHALL BE FOR A PERIOD OF NO LESS  
7 THAN THREE (3) NOR MORE THAN FIVE (5) YEARS AND MAY BE RENEWED  
8 FOR FIVE (5) YEAR PERIODS UPON REAUTHORIZATION BY THE LOCAL  
9 BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT OR THE APPEAL  
10 BOARD. A CHARTER WILL BE GRANTED ONLY FOR A SCHOOL ORGANIZED AS  
11 A PUBLIC, NONPROFIT CORPORATION.

12 (B) (1) NOTWITHSTANDING SUBSECTION (A), A GOVERNING BOARD  
13 OF A SCHOOL DISTRICT OF THE FIRST CLASS MAY RENEW A CHARTER FOR  
14 A PERIOD OF ONE (1) YEAR IF THE BOARD OF SCHOOL DIRECTORS  
15 DETERMINES THAT THERE IS INSUFFICIENT DATA CONCERNING THE  
16 CHARTER SCHOOL'S ACADEMIC PERFORMANCE TO ADEQUATELY ASSESS THAT  
17 PERFORMANCE AND DETERMINES THAT AN ADDITIONAL YEAR OF  
18 PERFORMANCE DATA WOULD YIELD SUFFICIENT DATA TO ASSIST THE  
19 GOVERNING BOARD IN ITS DECISION WHETHER TO RENEW THE CHARTER FOR  
20 A PERIOD OF FIVE (5) YEARS.

21 (2) A ONE-YEAR RENEWAL PURSUANT TO PARAGRAPH (1) SHALL NOT  
22 BE CONSIDERED AN ADJUDICATION AND MAY NOT BE APPEALED TO THE  
23 STATE CHARTER SCHOOL APPEAL BOARD.

24 (3) A GOVERNING BOARD OF A SCHOOL DISTRICT OF THE FIRST  
25 CLASS DOES NOT HAVE THE AUTHORITY TO RENEW A CHARTER FOR  
26 SUCCESSIVE ONE (1) YEAR PERIODS.

27 SECTION 12. SECTIONS 1722-A AND 1723-A OF THE ACT ARE  
28 AMENDED BY ADDING SUBSECTIONS TO READ:

29 SECTION 1722-A. FACILITIES.--\* \* \*

30 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A

1 SCHOOL DISTRICT OF THE FIRST CLASS MAY, IN ITS DISCRETION,  
2 PERMIT A CHARTER SCHOOL TO OPERATE ITS SCHOOL AT MORE THAN ONE  
3 LOCATION.

4 SECTION 1723-A. ENROLLMENT.--\* \* \*

5 (D) (1) ENROLLMENT OF STUDENTS IN A CHARTER SCHOOL OR CYBER  
6 CHARTER SCHOOL SHALL NOT BE SUBJECT TO A CAP OR OTHERWISE  
7 LIMITED BY ANY PAST OR FUTURE ACTION OF A BOARD OF SCHOOL  
8 DIRECTORS, A BOARD OF CONTROL ESTABLISHED UNDER ARTICLE XVII-B,  
9 A SPECIAL BOARD OF CONTROL ESTABLISHED UNDER SECTION 692 OR ANY  
10 OTHER GOVERNING AUTHORITY, UNLESS AGREED TO BY THE CHARTER  
11 SCHOOL OR CYBER CHARTER SCHOOL AS PART OF A WRITTEN CHARTER  
12 PURSUANT TO SECTION 1720-A.

13 (2) THE PROVISIONS OF THIS SUBSECTION SHALL APPLY TO A  
14 CHARTER SCHOOL OR CYBER CHARTER SCHOOL REGARDLESS OF WHETHER THE  
15 CHARTER WAS APPROVED PRIOR TO OR IS APPROVED SUBSEQUENT TO THE  
16 EFFECTIVE DATE OF THIS SUBSECTION.

17 SECTION 13. SECTION 1726-A(A) OF THE ACT, AMENDED JULY 11,  
18 2006 (P.L.1092, NO.114), IS AMENDED TO READ:

19 SECTION 1726-A. TRANSPORTATION.--(A) STUDENTS WHO ATTEND A  
20 CHARTER SCHOOL LOCATED IN THEIR SCHOOL DISTRICT OF RESIDENCE, A  
21 REGIONAL CHARTER SCHOOL OF WHICH THE SCHOOL DISTRICT IS A PART  
22 OR A CHARTER SCHOOL LOCATED OUTSIDE DISTRICT BOUNDARIES AT A  
23 DISTANCE NOT EXCEEDING TEN (10) MILES BY THE NEAREST PUBLIC  
24 HIGHWAY SHALL BE PROVIDED FREE TRANSPORTATION TO THE CHARTER  
25 SCHOOL BY THEIR SCHOOL DISTRICT OF RESIDENCE ON SUCH DATES AND  
26 PERIODS THAT THE CHARTER SCHOOL IS IN REGULAR SESSION WHETHER OR  
27 NOT TRANSPORTATION IS PROVIDED ON SUCH DATES AND PERIODS TO  
28 STUDENTS ATTENDING SCHOOLS OF THE DISTRICT. TRANSPORTATION IS  
29 NOT REQUIRED FOR ELEMENTARY STUDENTS, INCLUDING KINDERGARTEN  
30 STUDENTS, RESIDING WITHIN ONE AND ONE-HALF (1.5) MILES OR FOR

1 SECONDARY STUDENTS RESIDING WITHIN TWO (2) MILES OF THE NEAREST  
2 PUBLIC HIGHWAY FROM THE CHARTER SCHOOL IN WHICH THE STUDENTS ARE  
3 ENROLLED UNLESS THE ROAD OR TRAFFIC CONDITIONS ARE SUCH THAT  
4 WALKING CONSTITUTES A HAZARD TO THE SAFETY OF THE STUDENTS WHEN  
5 SO CERTIFIED BY THE DEPARTMENT OF TRANSPORTATION, EXCEPT THAT IF  
6 THE SCHOOL DISTRICT PROVIDES TRANSPORTATION TO THE PUBLIC  
7 SCHOOLS OF THE SCHOOL DISTRICT FOR ELEMENTARY STUDENTS,  
8 INCLUDING KINDERGARTEN STUDENTS, RESIDING WITHIN ONE AND ONE-  
9 HALF (1.5) MILES OR FOR SECONDARY STUDENTS RESIDING WITHIN TWO  
10 (2) MILES OF THE NEAREST PUBLIC HIGHWAY UNDER NONHAZARDOUS  
11 CONDITIONS, TRANSPORTATION SHALL ALSO BE PROVIDED TO CHARTER  
12 SCHOOLS UNDER THE SAME CONDITIONS. DISTRICTS PROVIDING  
13 TRANSPORTATION TO A CHARTER SCHOOL OUTSIDE THE DISTRICT AND, FOR  
14 THE 2007-2008 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER,  
15 DISTRICTS PROVIDING TRANSPORTATION TO A CHARTER SCHOOL WITHIN  
16 THE DISTRICT, SHALL BE ELIGIBLE FOR PAYMENTS UNDER SECTION  
17 2509.3 FOR EACH PUBLIC SCHOOL STUDENT TRANSPORTED.

18 \* \* \*

19 SECTION 14. SECTION 1729-A OF THE ACT IS AMENDED BY ADDING A  
20 SUBSECTION TO READ:

21 SECTION 1729-A. CAUSES FOR NONRENEWAL OR TERMINATION.--\* \* \*

22 (A.1) WHEN A CHARTER SCHOOL LOCATED IN A SCHOOL DISTRICT OF  
23 THE FIRST CLASS IS IN CORRECTIVE ACTION STATUS AND SEEKS RENEWAL  
24 OF ITS CHARTER, IF THE GOVERNING BODY OF THE SCHOOL DISTRICT OF  
25 THE FIRST CLASS RENEWS THE CHARTER, IT MAY PLACE SPECIFIC  
26 CONDITIONS IN THE CHARTER THAT REQUIRE THE CHARTER SCHOOL TO  
27 MEET SPECIFIC STUDENT PERFORMANCE TARGETS WITHIN STATED PERIODS  
28 OF TIME SUBJECT TO THE FOLLOWING:

29 (I) THE PERFORMANCE TARGETS AND THE PERIODS OF TIME IN WHICH  
30 THE PERFORMANCE TARGETS MUST BE MET SHALL BE REASONABLE.

1       (II) THE PLACEMENT OF CONDITIONS IN A CHARTER AS SPECIFIED  
2 IN THIS SUBSECTION SHALL NOT BE CONSIDERED AN ADJUDICATION AND  
3 MAY NOT BE APPEALED TO THE STATE CHARTER SCHOOL APPEAL BOARD.

4       (III) IF THE CHARTER SCHOOL FAILS TO MEET THE PERFORMANCE  
5 TARGETS WITHIN THE STATED PERIOD OF TIME, SUCH FAILURE SHALL BE  
6 SUFFICIENT CAUSE FOR REVOCATION OF THE CHARTER.

7       \* \* \*

8       SECTION 15. SECTION 1704-B(C) OF THE ACT, ADDED JULY 11,  
9 2006 (P.L.1092, NO.114), IS AMENDED BY ADDING A PARAGRAPH TO  
10 READ:

11       SECTION 1704-B. BOARD OF SCHOOL DIRECTORS.--\* \* \*

12       (C) \* \* \*

13       (4.1) IN ADDITION TO POWERS ENUMERATED IN THIS ACT, A SCHOOL  
14 DISTRICT DESIGNATED AS A COMMONWEALTH PARTNERSHIP SCHOOL  
15 DISTRICT MAY DISPOSE OF UNUSED AND UNNECESSARY LANDS AND  
16 BUILDINGS, IF SUCH BUILDINGS ARE IN EXCESS OF TWENTY-FIVE (25)  
17 YEARS OF AGE, IN THE FOLLOWING MANNER NOTWITHSTANDING THE  
18 PROVISIONS OF SECTION 707 OF THIS ACT:

19       (I) BY NEGOTIATED SALE, PROVIDED THE DISTRICT HAS AN  
20 AFFIDAVIT OF AT LEAST THREE (3) PERSONS WHO ARE FAMILIAR WITH  
21 THE VALUE OF REAL ESTATE IN THE LOCALITY IN WHICH THE LANDS AND  
22 BUILDINGS PROPOSED TO BE SOLD ARE LOCATED, WHO HAVE EXAMINED THE  
23 PROPERTY AND SET FORTH A VALUE FOR THE PROPERTY AND WHO OPINE  
24 THAT THE CONSIDERATION FOR THE PROPERTY IS EQUAL TO OR BETTER  
25 THAN THAT WHICH COULD BE RECEIVED BY SEALED BID. THE SALE PRICE  
26 SHALL NOT BE LESS THAN THE HIGHEST VALUE SET FORTH IN THE THREE  
27 (3) AFFIDAVITS.

28       (II) BY ENTERING INTO AGREEMENTS WITH AN URBAN REDEVELOPMENT  
29 AUTHORITY ORGANIZED UNDER THE ACT OF MAY 24, 1945 (P.L.991,  
30 NO.385), KNOWN AS THE URBAN REDEVELOPMENT LAW, UNDER WHICH THE

1 DISTRICT MAY CONVEY PROPERTY TO THE AUTHORITY FOR THE PURPOSE OF  
2 THE AUTHORITY FACILITATING THE CONVEYANCE OF THE PROPERTY  
3 CONSISTENT WITH THE GOALS OF THE SCHOOL DISTRICT AND THE  
4 AUTHORITY.

5 \* \* \*

6 SECTION 16. SECTION 1705-B(H) OF THE ACT, AMENDED JULY 11,  
7 2006 (P.L.1092, NO.114) AND JULY 20, 2007 (P.L.278, NO.45), IS  
8 AMENDED TO READ:

9 SECTION 1705-B. EDUCATION EMPOWERMENT DISTRICTS.--\* \* \*

10 (H) (1) A SCHOOL DISTRICT UNDER A DECLARATION OF DISTRESS  
11 PURSUANT TO SECTION 691(A) AND CERTIFIED AS AN EDUCATION  
12 EMPOWERMENT DISTRICT SHALL BE OPERATED BY A SPECIAL BOARD OF  
13 CONTROL ESTABLISHED UNDER SECTION 692. A BOARD OF CONTROL  
14 ESTABLISHED UNDER THIS SECTION SHALL BE ABOLISHED UPON THE  
15 APPOINTMENT OF A SPECIAL BOARD OF CONTROL UNDER SECTION 692.

16 (2) FOR A SCHOOL DISTRICT UNDER A DECLARATION OF DISTRESS  
17 PURSUANT TO SECTION 691(A) AND CERTIFIED AS AN EDUCATION  
18 EMPOWERMENT DISTRICT, THE SPECIAL BOARD OF CONTROL ESTABLISHED  
19 UNDER SECTION 692 SHALL HAVE THE POWERS AND DUTIES OF A SPECIAL  
20 BOARD OF CONTROL UNDER SECTION 692 AND THE POWERS AND DUTIES  
21 CONTAINED IN SECTION 1706-B.

22 (3) FOR A SCHOOL DISTRICT WITH A HISTORY OF LOW TEST  
23 PERFORMANCE THAT IS CERTIFIED AS DISTRESSED FOR A MINIMUM PERIOD  
24 OF TWO (2) YEARS UNDER SECTIONS 691 AND 692, THE DEPARTMENT  
25 SHALL WAIVE THE INCLUSION OF THE SCHOOL DISTRICT ON THE  
26 EDUCATION EMPOWERMENT LIST UNDER SECTION 1703-B(A) AND  
27 IMMEDIATELY CERTIFY THE SCHOOL DISTRICT AS AN EDUCATION  
28 EMPOWERMENT DISTRICT.

29 (4) THE DEPARTMENT MAY UTILIZE UP TO \$4,500,000 OF  
30 UNDISTRIBUTED FUNDS NOT EXPENDED, ENCUMBERED OR COMMITTED FROM



1 APPROPRIATIONS FOR GRANTS AND SUBSIDIES MADE TO THE DEPARTMENT  
2 TO ASSIST SCHOOL DISTRICTS CERTIFIED AS AN EDUCATION EMPOWERMENT  
3 DISTRICT UNDER PARAGRAPH (3). THERE IS HEREBY ESTABLISHED A  
4 RESTRICTED ACCOUNT FROM WHICH PAYMENTS UNDER THIS PARAGRAPH  
5 SHALL BE PAID. FUNDS SHALL BE TRANSFERRED BY THE SECRETARY OF  
6 THE BUDGET TO THE RESTRICTED ACCOUNT TO THE EXTENT NECESSARY TO  
7 MAKE PAYMENTS UNDER THIS PARAGRAPH. FUNDS IN THE RESTRICTED  
8 ACCOUNT ARE HEREBY APPROPRIATED TO CARRY OUT THE PURPOSES OF  
9 THIS PARAGRAPH. THE SUBSIDY PAYMENT FROM THIS ACCOUNT SHALL BE  
10 UTILIZED TO SUPPLEMENT THE OPERATIONAL BUDGET OF THE ELIGIBLE  
11 SCHOOL DISTRICTS. THIS PARAGRAPH SHALL APPLY TO FISCAL YEARS  
12 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-  
13 2006, 2006-2007 [AND], 2007-2008 AND 2008-2009 AND SHALL EXPIRE  
14 JUNE 30, [2008] 2009.

15 SECTION 17. SECTION 1714-B OF THE ACT IS AMENDED BY ADDING A  
16 SUBSECTION TO READ:

17 SECTION 1714-B. MANDATE WAIVER PROGRAM.--\* \* \*

18 (G.1) (1) THE DEPARTMENT OF EDUCATION SHALL ESTABLISH A  
19 TASK FORCE TO INVESTIGATE THE IMPACT ON TAXPAYERS OF MANDATE  
20 WAIVERS GRANTED FOR SECTIONS 751 AND 751.1.

21 (2) THE TASK FORCE SHALL COLLECT, EXAMINE AND ANALYZE DATA  
22 FROM COMPLETED SCHOOL CONSTRUCTION PROJECTS FINANCED WITH STATE  
23 FUNDS.

24 (3) THE TASK FORCE SHALL BE MADE UP OF THE FOLLOWING  
25 MEMBERS:

26 (I) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION  
27 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN  
28 OF THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR A  
29 MEMBER OF THE RESPECTIVE COMMITTEES DESIGNATED BY THE CHAIRMAN.

30 (II) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE LABOR AND

1 INDUSTRY COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY  
2 CHAIRMAN OF THE LABOR RELATIONS COMMITTEE OF THE HOUSE OF  
3 REPRESENTATIVES OR A MEMBER OF THE RESPECTIVE COMMITTEES  
4 DESIGNATED BY THE CHAIRMAN.

5 (III) THE SECRETARY OF EDUCATION OR A DESIGNEE, WHO SHALL  
6 SERVE AS THE CHAIRMAN OF THE TASK FORCE.

7 (IV) THE SECRETARY OF THE BUDGET OR A DESIGNEE.

8 (V) THE SECRETARY OF LABOR AND INDUSTRY OR A DESIGNEE.

9 (4) THE TASK FORCE SHALL PRESENT ITS REPORT, INCLUDING ANY  
10 LEGISLATIVE RECOMMENDATIONS, TO THE GENERAL ASSEMBLY AND THE  
11 GOVERNOR WITHIN SIX (6) MONTHS OF THE EFFECTIVE DATE OF THIS  
12 SECTION.

13 \* \* \*

14 SECTION 18. SECTION 1913-A(B)(1.6) AND (1.7) OF THE ACT,  
15 ADDED JULY 13, 2005 (P.L.226, NO.46), ARE AMENDED TO READ:

16 SECTION 1913-A. FINANCIAL PROGRAM; REIMBURSEMENT OF  
17 PAYMENTS.--\* \* \*

18 (B) \* \* \*

19 (1.6) FOR THE 2006-2007 FISCAL YEAR AND EACH FISCAL YEAR  
20 THEREAFTER, THE PAYMENT FOR A COMMUNITY COLLEGE SHALL CONSIST OF  
21 THE FOLLOWING:

22 (I) EACH COMMUNITY COLLEGE SHALL RECEIVE AN AMOUNT EQUAL TO  
23 THE REIMBURSEMENT FOR OPERATING COSTS, BASE SUPPLEMENT AND  
24 GROWTH SUPPLEMENT AMOUNTS IT RECEIVED IN THE IMMEDIATELY  
25 PRECEDING FISCAL YEAR.

26 (II) EACH COMMUNITY COLLEGE SHALL RECEIVE AN ECONOMIC  
27 DEVELOPMENT STIPEND AS CALCULATED UNDER CLAUSE (1.7). THE AMOUNT  
28 AVAILABLE FOR ECONOMIC DEVELOPMENT STIPENDS SHALL INCREASE EACH  
29 YEAR BY THE PERCENT INCREASE IN THE STATE APPROPRIATION FOR  
30 PAYMENT OF APPROVED OPERATING EXPENSES OF COMMUNITY COLLEGES AND

1 MAY INCLUDE ANY OTHER PRIVATE OR PUBLIC FUNDS APPROPRIATED OR  
2 OTHERWISE MADE AVAILABLE TO THE DEPARTMENT OF EDUCATION FOR THAT  
3 PURPOSE.

4 (III) EACH COMMUNITY COLLEGE SHALL RECEIVE A BASE SUPPLEMENT  
5 DETERMINED BY:

6 (A) SUBTRACTING THE TOTAL AMOUNT OF FUNDS DETERMINED UNDER  
7 SUBCLAUSES (I) AND (II) FROM THE STATE APPROPRIATION FOR PAYMENT  
8 OF APPROVED OPERATING EXPENSES OF COMMUNITY COLLEGES;

9 (B) DIVIDING THE PAYMENT UNDER SUBCLAUSE (I) BY THE SUM OF  
10 THE AMOUNTS DETERMINED FOR ALL COMMUNITY COLLEGES UNDER  
11 SUBCLAUSE (I); AND

12 (C) MULTIPLYING THE QUOTIENT FROM PARAGRAPH (B) BY AN AMOUNT  
13 EQUAL TO SEVENTY-FIVE PERCENT (75%) OF THE AMOUNT DETERMINED  
14 UNDER PARAGRAPH (A).

15 (IV) EACH COMMUNITY COLLEGE WITH AN EQUIVALENT FULL-TIME  
16 ENROLLMENT IN CREDIT, NONCREDIT AND WORKFORCE DEVELOPMENT  
17 COURSES FOR THE YEAR PRIOR TO THE IMMEDIATELY PRECEDING YEAR  
18 GREATER THAN ITS EQUIVALENT FULL-TIME ENROLLMENT IN CREDIT,  
19 NONCREDIT AND WORKFORCE DEVELOPMENT COURSES FOR THE SECOND YEAR  
20 PRIOR TO THE IMMEDIATELY PRECEDING YEAR SHALL RECEIVE A GROWTH  
21 SUPPLEMENT AMOUNT DETERMINED BY:

22 (A) SUBTRACTING ITS EQUIVALENT FULL-TIME ENROLLMENT IN  
23 CREDIT, NONCREDIT AND WORKFORCE DEVELOPMENT COURSES FOR THE  
24 SECOND YEAR PRIOR TO THE IMMEDIATELY PRECEDING YEAR FROM ITS  
25 EQUIVALENT FULL-TIME ENROLLMENT IN CREDIT, NONCREDIT AND  
26 WORKFORCE DEVELOPMENT COURSES FOR THE YEAR PRIOR TO THE  
27 IMMEDIATELY PRECEDING YEAR;

28 (B) DIVIDING THE DIFFERENCE FROM PARAGRAPH (A) BY THE SUM OF  
29 THE DIFFERENCES FROM PARAGRAPH (A) FOR ALL COMMUNITY COLLEGES;  
30 AND

1 (C) MULTIPLYING THE AMOUNT FROM PARAGRAPH (B) BY AN AMOUNT  
2 EQUAL TO TWENTY-FIVE PERCENT (25%) OF THE AMOUNT DETERMINED  
3 UNDER SUBCLAUSE (III)(A).

4 SECONDARY SENIOR HIGH SCHOOL STUDENTS ENROLLED IN CREDIT-  
5 BEARING, NONREMEDIAL COLLEGE COURSES SHALL BE INCLUDED IN THE  
6 CALCULATION UNDER PARAGRAPH (A). CALCULATIONS UNDER THIS  
7 SUBCLAUSE SHALL BE BASED UPON THE AUDITED FINANCIAL STATEMENTS  
8 SUBMITTED BY A COMMUNITY COLLEGE PURSUANT TO SUBSECTION (K.1).

9 (1.7) THE PAYMENT FOR A COMMUNITY COLLEGE SHALL INCLUDE AN  
10 ECONOMIC DEVELOPMENT STIPEND WHICH SHALL CONSIST OF THE  
11 FOLLOWING:

12 (I) FOR THE 2005-2006 FISCAL YEAR, EACH COMMUNITY COLLEGE  
13 SHALL RECEIVE AN AMOUNT EQUAL TO THE REIMBURSEMENT FOR THE 2004-  
14 2005 FISCAL YEAR AS DETERMINED UNDER CLAUSE (1.4)(III) AND UNDER  
15 SECTION 1501 OF THE ACT OF DECEMBER 18, 2001 (P.L.949, NO.114),  
16 KNOWN AS THE "WORKFORCE DEVELOPMENT ACT." THIS AMOUNT SHALL BE  
17 DETERMINED BASED UPON THE MIDYEAR REBUDGET SUBMITTED BY A  
18 COMMUNITY COLLEGE IN FEBRUARY 2005.

19 (II) FOR THE 2006-2007 FISCAL YEAR AND EACH FISCAL YEAR  
20 THEREAFTER, EACH COMMUNITY COLLEGE SHALL RECEIVE, SUBJECT TO THE  
21 PROVISIONS OF SUBCLAUSE (III), AN AMOUNT DETERMINED BY:

22 (A) ADDING THE FOLLOWING:

23 (I) THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED IN  
24 HIGH-PRIORITY AND HIGH-INSTRUCTIONAL-COST OCCUPATION PROGRAMS AT  
25 THE COMMUNITY COLLEGE MULTIPLIED BY 1.50;

26 (II) THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED IN  
27 HIGH-PRIORITY OCCUPATION PROGRAMS AT THE COMMUNITY COLLEGE  
28 MULTIPLIED BY 1.25; AND

29 (III) THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED  
30 IN NONCREDIT WORKFORCE DEVELOPMENT COURSES AT THE COMMUNITY

1 COLLEGE.

2 (B) DIVIDING THE TOTAL FROM PARAGRAPH (A) BY THE SUM OF THE  
3 TOTALS FROM PARAGRAPH (A) FOR ALL COMMUNITY COLLEGES.

4 (C) MULTIPLYING THE AMOUNT FROM PARAGRAPH (B) BY THE AMOUNT  
5 ALLOCATED FOR THE ECONOMIC DEVELOPMENT STIPEND PURSUANT TO  
6 CLAUSE (1.6)(II).

7 [THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS SHALL BE DETERMINED  
8 BASED UPON THE FINAL MIDYEAR REBUDGET SUBMITTED BY A COMMUNITY  
9 COLLEGE FOR THE PRIOR FISCAL YEAR. SUCH REBUDGET SHALL BE  
10 SUBMITTED, AS REQUIRED BY THE DEPARTMENT OF EDUCATION, NO LATER  
11 THAN MAY 31, 2006, AND MAY 31 OF EACH YEAR THEREAFTER.]

12 (D) APPLYING THE FOLLOWING:

13 (I) FOR THE 2006-2007 FISCAL YEAR, FOR THE FIRST, SECOND AND  
14 THIRD QUARTER PAYMENTS MADE IN THE 2007-2008 FISCAL YEAR, AND  
15 FOR THE FIRST AND SECOND QUARTER PAYMENTS MADE IN THE 2008-2009  
16 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE NUMBER OF FULL-  
17 TIME EQUIVALENT STUDENTS SHALL BE DETERMINED BASED UPON THE  
18 FINAL MIDYEAR REBUDGET SUBMITTED BY A COMMUNITY COLLEGE FOR THE  
19 PRIOR FISCAL YEAR. SUCH REBUDGET SHALL BE SUBMITTED, AS REQUIRED  
20 BY THE DEPARTMENT OF EDUCATION, NO LATER THAN MAY 31, 2006, AND  
21 MAY 31 OF EACH YEAR THEREAFTER.

22 (II) FOR THE 2007-2008 FISCAL YEAR, THE DEPARTMENT OF  
23 EDUCATION SHALL PROVIDE THE FOURTH QUARTER PAYMENT TO EACH  
24 COMMUNITY COLLEGE UNDER THIS SUBCLAUSE BASED UPON THE NUMBER OF  
25 FULL-TIME EQUIVALENT STUDENTS ENROLLED IN HIGH-PRIORITY AND  
26 HIGH-INSTRUCTIONAL-COST OCCUPATION PROGRAMS, HIGH-PRIORITY  
27 OCCUPATION PROGRAMS AND NONCREDIT WORKFORCE DEVELOPMENT COURSES  
28 FOR THE 2006-2007 FISCAL YEAR, AS VERIFIED IN THE AUDITED  
29 FINANCIAL STATEMENT REQUIRED UNDER SUBSECTION (K.1).

30 (III) FOR THE 2008-2009 FISCAL YEAR AND EACH FISCAL YEAR

1 THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL PROVIDE THE THIRD  
2 AND FOURTH QUARTER PAYMENTS TO EACH COMMUNITY COLLEGE UNDER THIS  
3 SUBCLAUSE BASED UPON THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS  
4 ENROLLED IN HIGH-PRIORITY AND HIGH-INSTRUCTIONAL-COST OCCUPATION  
5 PROGRAMS, HIGH-PRIORITY OCCUPATION PROGRAMS AND NONCREDIT  
6 WORKFORCE DEVELOPMENT COURSES FOR THE IMMEDIATELY PRECEDING  
7 FISCAL YEAR, AS VERIFIED IN THE AUDITED FINANCIAL STATEMENT  
8 REQUIRED UNDER SUBSECTION (K.1).

9 (III) FOR THE 2006-2007 AND 2007-2008 FISCAL YEARS, THE  
10 FOLLOWING SHALL APPLY:

11 (A) FULL-TIME EQUIVALENT STUDENTS ENROLLED IN STIPEND  
12 ADVANCED TECHNOLOGY PROGRAMS SHALL BE COUNTED AS FULL-TIME  
13 EQUIVALENT STUDENTS ENROLLED IN HIGH-PRIORITY AND HIGH-  
14 INSTRUCTIONAL-COST OCCUPATION PROGRAMS FOR THE PURPOSE OF THE  
15 CALCULATION IN SUBCLAUSE (II).

16 (B) FULL-TIME EQUIVALENT STUDENTS ENROLLED IN STIPEND  
17 STATEWIDE PROGRAMS SHALL BE COUNTED AS FULL-TIME EQUIVALENT  
18 STUDENTS ENROLLED IN HIGH-PRIORITY OCCUPATION PROGRAMS FOR THE  
19 PURPOSE OF THE CALCULATION IN SUBCLAUSE (II).

20 (C) FULL-TIME EQUIVALENT STUDENTS ENROLLED IN OTHER STIPEND  
21 OCCUPATIONAL PROGRAMS AND WORKFORCE DEVELOPMENT COURSES SHALL BE  
22 COUNTED AS FULL-TIME EQUIVALENT STUDENTS ENROLLED IN NONCREDIT  
23 WORKFORCE DEVELOPMENT COURSES FOR THE PURPOSE OF THE CALCULATION  
24 IN SUBCLAUSE (II).

25 (D) FOR REIMBURSEMENT FOR ANY SEMESTER THAT BEGINS ON OR  
26 AFTER JANUARY 1, 2006, THIS SUBCLAUSE SHALL ONLY APPLY FOR  
27 STUDENTS WHO WERE ENROLLED IN SUCH PROGRAMS DURING THE FALL 2005  
28 SEMESTER.

29 \* \* \*

30 SECTION 19. THE DEFINITION OF "APPLICANT" IN SECTION 1901-  
20070H1067B4199

1 C(2) OF THE ACT, ADDED JUNE 25, 1997 (P.L.297, NO.30), IS  
2 AMENDED TO READ:

3 SECTION 1901-C. DEFINITIONS.--FOR PURPOSES OF THIS ARTICLE,  
4 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

5 \* \* \*

6 (2) "APPLICANT." A SCHOOL DISTRICT [OR], A COMBINATION OF  
7 SCHOOL DISTRICTS [WHICH] OR A CHARTER SCHOOL THAT PROVIDES AN  
8 ALTERNATIVE EDUCATION PROGRAM WITHIN OR TO A CHARTERING SCHOOL  
9 DISTRICT OR SCHOOL DISTRICTS AS THE CENTRAL MISSION OF ITS  
10 CHARTER AND THAT APPLIES FOR FUNDS UNDER THIS ARTICLE.

11 \* \* \*

12 SECTION 20. SECTION 1902-C OF THE ACT IS AMENDED BY ADDING A  
13 CLAUSE TO READ:

14 SECTION 1902-C. APPLICATIONS.--APPLICANTS SHALL SUBMIT  
15 APPLICATIONS AT THE TIME, IN THE MANNER AND CONTAINING OR  
16 ACCOMPANIED BY SUCH INFORMATION AS THE DEPARTMENT MAY PRESCRIBE  
17 BUT, IN ANY CASE, SHALL DOCUMENT THE FOLLOWING:

18 \* \* \*

19 (9) WHERE THE APPLICANT IS A CHARTER SCHOOL THAT PROVIDES AN  
20 ALTERNATIVE EDUCATION PROGRAM WITHIN OR TO A CHARTERING SCHOOL  
21 DISTRICT OR SCHOOL DISTRICTS AS THE CENTRAL MISSION OF ITS  
22 CHARTER, WRITTEN SUPPORT FOR THE APPLICATION FROM THE CHARTERING  
23 SCHOOL DISTRICT.

24 SECTION 21. SECTION 2017-A OF THE ACT, AMENDED JULY 1, 1985  
25 (P.L.103, NO.31), IS AMENDED TO READ:

26 SECTION 2017-A. ANNUAL REPORT.--(A) AN ANNUAL REPORT SHALL  
27 BE SUBMITTED IN ELECTRONIC FORMAT BY EACH INSTITUTION TO THE  
28 [GOVERNOR AND THE APPROPRIATIONS AND EDUCATION COMMITTEES OF THE  
29 SENATE AND HOUSE OF REPRESENTATIVES] DEPARTMENT OF EDUCATION AND  
30 THE JOINT STATE GOVERNMENT COMMISSION WHICH SHALL INCLUDE DATA

1 FOR ALL PROGRAMS OF THE INSTITUTION. EACH SUCH REPORT, TO BE  
2 SUBMITTED PRIOR TO SEPTEMBER 1, SHALL COVER THE 12-MONTH PERIOD  
3 BEGINNING WITH THE SUMMER TERM OF THE PRECEDING YEAR AND SHALL  
4 INCLUDE:

5 (1) THE FOLLOWING COUNTS AND DISTRIBUTIONS FOR EACH TERM  
6 DURING THE PERIOD:

7 (I) THE DEFINITIONS AND NUMBERS OF FACULTY MEMBERS EMPLOYED  
8 FULL TIME, OF FACULTY MEMBERS EMPLOYED PART TIME, OF FULL-TIME  
9 STUDENTS ENROLLED IN GRADUATE COURSES, OF FULL-TIME STUDENTS  
10 ENROLLED IN UNDERGRADUATE COURSES, OF PART-TIME STUDENTS  
11 ENROLLED IN GRADUATE COURSES, AND OF PART-TIME STUDENTS ENROLLED  
12 IN UNDERGRADUATE COURSES.

13 (II) THE TOTAL NUMBERS OF UNDERGRADUATE STUDENT CREDIT  
14 HOURS, DIVIDED INTO LOWER DIVISION AND UPPER DIVISION COURSE  
15 LEVELS, AND OF GRADUATE STUDENT CREDIT HOURS DIVIDED INTO THREE  
16 COURSE LEVELS--MASTER'S, FIRST PROFESSIONAL AND DOCTORAL.

17 (III) THE NUMBER OF DIFFERENT COURSES SCHEDULED BY LEVEL OF  
18 INSTRUCTION AND THE NUMBER OF SECTIONS OF INDIVIDUAL INSTRUCTION  
19 SCHEDULED BY LEVEL OF INSTRUCTION, EACH FURTHER SUBDIVIDED BY  
20 TWO DIGIT CLASSIFICATION OF INSTRUCTIONAL PROGRAM (CIP)  
21 CATEGORIES OF INSTRUCTIONAL PROGRAMS OF HIGHER EDUCATION AS  
22 DEFINED BY THE NATIONAL CENTER FOR EDUCATION STATISTICS, UNITED  
23 STATES DEPARTMENT OF EDUCATION.

24 (IV) THE NUMBER OF TERMS SCHEDULED AND THE DATES THEREOF.

25 (2) FOR THE SUMMER TERM AND THE FOLLOWING ACADEMIC YEAR IN  
26 TOTAL AND FOR EACH TWO DIGIT CIP PROGRAM CATEGORY, A  
27 CLASSIFICATION OF FACULTY MEMBERS OR OTHER PROFESSIONAL EMPLOYEES  
28 BY TITLE, INCLUDING: PROFESSOR, ASSOCIATE PROFESSOR, ASSISTANT  
29 PROFESSOR, INSTRUCTOR, LECTURER, RESEARCH ASSOCIATE, LIBRARIAN  
30 AND ACADEMIC ADMINISTRATOR; FACULTY MEMBERS OR OTHER



1 PROFESSIONAL EMPLOYES UNDER EACH TITLE TO BE SUBDIVIDED BY TYPE  
2 OF ASSIGNMENT: TEACHING AND NONTEACHING, AND EACH SUCH SET OF  
3 FACULTY MEMBERS OR OTHER PROFESSIONAL EMPLOYES TO BE FURTHER  
4 SUBDIVIDED BY TYPE OF EMPLOYMENT: FULL TIME OR PART TIME; AND  
5 THE FOLLOWING AGGREGATES FOR EACH SUBDIVIDED CLASSIFICATION:

6 (I) THE NUMBER OF FACULTY AND OTHER PROFESSIONAL EMPLOYES  
7 AND THEIR FULL-TIME EQUIVALENCE IN INSTRUCTIONAL AND  
8 NONINSTRUCTIONAL FUNCTIONS.

9 (II) THE SUM OF CREDITS ASSIGNED TO UNDERGRADUATE CLASSROOM  
10 COURSES AND THE SUM OF CREDITS ASSIGNED TO GRADUATE CLASSROOM  
11 COURSES TAUGHT, DIVIDED INTO LOWER DIVISION, UPPER DIVISION,  
12 MASTER'S, FIRST PROFESSIONAL AND DOCTORAL COURSE LEVELS.

13 (III) THE SUM OF CREDITS ASSIGNED TO UNDERGRADUATE  
14 INDIVIDUAL INSTRUCTION COURSES AND THE SUM OF CREDITS ASSIGNED  
15 TO GRADUATE INDIVIDUAL INSTRUCTION COURSES TAUGHT, DIVIDED INTO  
16 LOWER DIVISION, UPPER DIVISION, MASTER'S, FIRST PROFESSIONAL AND  
17 DOCTORAL COURSE LEVELS.

18 (IV) THE SUM OF UNDERGRADUATE CLASSROOM STUDENT CREDIT HOURS  
19 AND THE SUM OF GRADUATE CLASSROOM STUDENT CREDIT HOURS  
20 GENERATED, DIVIDED INTO LOWER DIVISION, UPPER DIVISION,  
21 MASTER'S, FIRST PROFESSIONAL AND DOCTORAL COURSE LEVELS.

22 (V) THE SUM OF UNDERGRADUATE INDIVIDUAL INSTRUCTION STUDENT  
23 CREDIT HOURS AND THE SUM OF GRADUATE INDIVIDUAL INSTRUCTION  
24 STUDENT CREDIT HOURS GENERATED, DIVIDED INTO LOWER DIVISION,  
25 UPPER DIVISION, MASTER'S, FIRST PROFESSIONAL AND DOCTORAL COURSE  
26 LEVELS.

27 (VI) THE TOTAL SALARY PAID FOR INSTRUCTIONAL FUNCTIONS AND  
28 FOR NONINSTRUCTIONAL FUNCTIONS AND THE AMOUNT OF THIS SALARY  
29 PAID FOR EACH OF THESE FUNCTIONS FROM UNIVERSITY FUNDS, FEDERAL  
30 FUNDS AND OTHER FUNDS.

1 (3) FOR EACH TERM OF THE PERIOD COVERED FOR EACH FACULTY  
2 MEMBER EMPLOYED FULL TIME IDENTIFIED BY TWO DIGIT CIP PROGRAM  
3 CATEGORY AND TITLE, THE REPORT SHALL CONTAIN AN ANALYSIS OF THE  
4 AVERAGE HOURS PER WEEK SPENT IN UNIVERSITY-RELATED ACTIVITIES,  
5 STATING SPECIFICALLY HOURS SPENT IN UNDERGRADUATE CLASSROOM  
6 CONTACT AND GRADUATE CLASSROOM CONTACT, HOURS SPENT IN  
7 PREPARATION, HOURS SPENT IN RESEARCH AND HOURS SPENT IN PUBLIC  
8 SERVICE.

9 (B) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (A), EACH  
10 REPORT COVERING THE 12-MONTH PERIOD SHALL INCLUDE FOR ALL  
11 PROGRAMS OF THE INSTITUTION:

12 (1) MINIMUM NUMBER OF CREDITS REQUIRED FOR A BACCALAUREATE  
13 DEGREE AND FOR A MASTER'S DEGREE.

14 (2) NUMBER OF BACHELOR'S DEGREES, MASTER'S DEGREES, FIRST  
15 PROFESSIONAL DEGREES AND DOCTORAL DEGREES AWARDED IN THE THREE  
16 PREVIOUS YEARS AND THOSE ESTIMATED FOR THAT YEAR.

17 (C) THE JOINT STATE GOVERNMENT COMMISSION SHALL DEVELOP A  
18 STATISTICAL COMPARISON ANALYSIS RECOGNIZING DIFFERENCES IN  
19 MISSIONS FROM THE REPORTS MADE UNDER THIS SECTION. THE  
20 COMPARISON SHALL BE PROVIDED TO THE EDUCATION COMMITTEE OF THE  
21 SENATE AND THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE  
22 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
23 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
24 FOUR STATE REGIONAL LIBRARIES. THE COMPARATIVE ANALYSIS SHALL BE  
25 POSTED ON THE JOINT STATE GOVERNMENT COMMISSION'S INTERNET  
26 WEBSITE FOR A PERIOD OF NO LESS THAN FIVE (5) YEARS FROM THE  
27 DATE OF SUBMISSION.

28 (D) EACH REPORT SUBMITTED UNDER SUBSECTION (A) SHALL BE  
29 POSTED BY THE DEPARTMENT OF EDUCATION ON ITS INTERNET WEBSITE  
30 FOR A PERIOD OF NO LESS THAN FIVE (5) YEARS FROM THE DATE OF

1 SUBMISSION.

2 SECTION 22. THE DEFINITION OF "BUSINESS FIRM" IN SECTION  
3 2002-B OF THE ACT, AMENDED JULY 11, 2006 (P.L.1092, NO.114), IS  
4 AMENDED AND THE SECTION IS AMENDED BY ADDING A DEFINITION TO  
5 READ:

6 SECTION 2002-B. DEFINITIONS.

7 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
8 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
9 CONTEXT CLEARLY INDICATES OTHERWISE:

10 "BUSINESS FIRM." AN ENTITY AUTHORIZED TO DO BUSINESS IN THIS  
11 COMMONWEALTH AND SUBJECT TO TAXES IMPOSED UNDER ARTICLE III, IV,  
12 VI, VII, [VII-A,] VIII, [VIII-A,] IX OR XV OF THE ACT OF MARCH  
13 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971.  
14 THIS TERM INCLUDES A PASS-THROUGH ENTITY.

15 \* \* \*

16 "PASS-THROUGH ENTITY." A PARTNERSHIP AS DEFINED IN SECTION  
17 301(N.0) OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE  
18 TAX REFORM CODE OF 1971, OR A PENNSYLVANIA S CORPORATION AS  
19 DEFINED IN SECTION 301(N.1) OF THE TAX REFORM CODE OF 1971.

20 \* \* \*

21 SECTION 23. SECTION 2005-B OF THE ACT, AMENDED DECEMBER 23,  
22 2003 (P.L.304, NO.48) AND JULY 4, 2004 (P.L.536, NO.70), IS  
23 AMENDED TO READ:

24 SECTION 2005-B. TAX CREDIT.

25 (A) SCHOLARSHIP OR EDUCATIONAL IMPROVEMENT ORGANIZATIONS.--  
26 IN ACCORDANCE WITH SECTION 2006-B(A), THE DEPARTMENT OF REVENUE  
27 SHALL GRANT A TAX CREDIT AGAINST ANY TAX DUE UNDER ARTICLE III,  
28 IV, VI, VII, [VII-A,] VIII, [VIII-A,] IX OR XV OF THE ACT OF  
29 MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF  
30 1971, TO A BUSINESS FIRM PROVIDING PROOF OF A CONTRIBUTION TO A

1 SCHOLARSHIP ORGANIZATION OR EDUCATIONAL IMPROVEMENT ORGANIZATION  
2 IN THE TAXABLE YEAR IN WHICH THE CONTRIBUTION IS MADE WHICH  
3 SHALL NOT EXCEED 75% OF THE TOTAL AMOUNT CONTRIBUTED DURING THE  
4 TAXABLE YEAR BY THE BUSINESS FIRM. SUCH CREDIT SHALL NOT EXCEED  
5 [\$200,000] \$300,000 ANNUALLY PER BUSINESS FIRM FOR CONTRIBUTIONS  
6 MADE TO SCHOLARSHIP ORGANIZATIONS OR EDUCATIONAL IMPROVEMENT  
7 ORGANIZATIONS.

8 (B) ADDITIONAL AMOUNT.--THE DEPARTMENT OF REVENUE SHALL  
9 GRANT A TAX CREDIT OF UP TO 90% OF THE TOTAL AMOUNT CONTRIBUTED  
10 DURING THE TAXABLE YEAR IF THE BUSINESS FIRM PROVIDES A WRITTEN  
11 COMMITMENT TO PROVIDE THE SCHOLARSHIP ORGANIZATION OR  
12 EDUCATIONAL IMPROVEMENT ORGANIZATION WITH THE SAME AMOUNT OF  
13 CONTRIBUTION FOR TWO CONSECUTIVE TAX YEARS. THE BUSINESS FIRM  
14 MUST PROVIDE THE WRITTEN COMMITMENT UNDER THIS SUBSECTION TO THE  
15 DEPARTMENT AT THE TIME OF APPLICATION.

16 (C) PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATIONS.--IN  
17 ACCORDANCE WITH SECTION 2006-B(A), THE DEPARTMENT OF REVENUE  
18 SHALL GRANT A TAX CREDIT AGAINST ANY TAX DUE UNDER ARTICLE III,  
19 IV, VI, VII, [VII-A,] VIII, [VIII-A,] IX OR XV OF THE "TAX  
20 REFORM CODE OF 1971" TO A BUSINESS FIRM PROVIDING PROOF OF A  
21 CONTRIBUTION TO A PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATION IN  
22 THE TAXABLE YEAR IN WHICH THE CONTRIBUTION IS MADE WHICH SHALL  
23 BE EQUAL TO 100% OF THE FIRST \$10,000 CONTRIBUTED DURING THE  
24 TAXABLE YEAR BY THE BUSINESS FIRM, AND WHICH SHALL NOT EXCEED  
25 90% OF THE REMAINING AMOUNT CONTRIBUTED DURING THE TAXABLE YEAR  
26 BY THE BUSINESS FIRM. SUCH CREDIT SHALL NOT EXCEED [\$100,000]  
27 \$150,000 ANNUALLY PER BUSINESS FIRM FOR CONTRIBUTIONS MADE TO  
28 PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATIONS.

29 (D) COMBINATION OF TAX CREDITS.--A BUSINESS FIRM MAY RECEIVE  
30 TAX CREDITS FROM THE DEPARTMENT OF REVENUE IN ANY TAX YEAR FOR

1 ANY COMBINATION OF CONTRIBUTIONS UNDER SUBSECTION (A) OR (B) OR  
2 (C). IN NO CASE MAY A BUSINESS FIRM RECEIVE TAX CREDITS IN ANY  
3 TAX YEAR IN EXCESS OF [\$200,000] \$300,000 FOR CONTRIBUTIONS  
4 UNDER SUBSECTIONS (A) AND (B). IN NO CASE SHALL A BUSINESS FIRM  
5 RECEIVE TAX CREDITS IN ANY TAX YEAR IN EXCESS OF [\$100,000]  
6 \$150,000 FOR CONTRIBUTIONS UNDER SUBSECTION (C).

7 (E) PASS-THROUGH ENTITY.--

8 (1) IF A PASS-THROUGH ENTITY DOES NOT USE ALL APPROVED  
9 TAX CREDITS UNDER SECTION 2005-B, IT MAY ELECT IN WRITING,  
10 ACCORDING TO PROCEDURES ESTABLISHED BY THE DEPARTMENT OF  
11 REVENUE, TO TRANSFER ALL OR A PORTION OF THE CREDIT TO  
12 SHAREHOLDERS, MEMBERS OR PARTNERS IN PROPORTION TO THE SHARE  
13 OF THE ENTITY'S DISTRIBUTIVE INCOME TO WHICH THE SHAREHOLDER,  
14 MEMBER OR PARTNER IS ENTITLED.

15 (2) A PASS-THROUGH ENTITY AND A SHAREHOLDER, MEMBER OR  
16 PARTNER OF A PASS-THROUGH ENTITY SHALL NOT CLAIM THE CREDIT  
17 UNDER THIS SECTION FOR THE SAME CONTRIBUTION.

18 (3) A SHAREHOLDER, MEMBER OR PARTNER OF A PASS-THROUGH  
19 ENTITY TO WHOM A CREDIT IS TRANSFERRED UNDER THIS SECTION  
20 SHALL IMMEDIATELY CLAIM THE CREDIT IN THE TAXABLE YEAR IN  
21 WHICH THE TRANSFER IS MADE. THE SHAREHOLDER, MEMBER OR  
22 PARTNER MAY NOT CARRY FORWARD, CARRY BACK, OBTAIN A REFUND OF  
23 OR SELL OR ASSIGN THE CREDIT.

24 (F) RESTRICTION ON APPLICABILITY OF CREDITS.--NO CREDITS  
25 GRANTED UNDER THIS SECTION SHALL BE APPLIED AGAINST ANY TAX  
26 WITHHELD BY AN EMPLOYER FROM AN EMPLOYEE UNDER ARTICLE III OF  
27 THE TAX REFORM CODE OF 1971.

28 (G) TIME OF APPLICATION FOR CREDITS.--

29 (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3), THE  
30 DEPARTMENT MAY ACCEPT APPLICATIONS FOR TAX CREDITS AVAILABLE

1 DURING A FISCAL YEAR NO EARLIER THAN JULY 1 OF EACH FISCAL  
2 YEAR.

3 (2) THE APPLICATION OF ANY BUSINESS FIRM FOR TAX CREDITS  
4 AVAILABLE DURING A FISCAL YEAR AS PART OF THE SECOND YEAR OF  
5 A TWO-YEAR COMMITMENT MAY BE ACCEPTED NO EARLIER THAN MAY 15  
6 PRECEDING THE FISCAL YEAR.

7 (3) THE APPLICATION UNDER SUBSECTION (A) OF ANY PASS-  
8 THROUGH ENTITY FOR APPROVAL OF SINGLE-YEAR TAX CREDITS  
9 AVAILABLE DURING A FISCAL YEAR AGAINST THE TAXES IMPOSED  
10 UNDER ARTICLE III OF THE TAX REFORM CODE OR UNDER SUBSECTION  
11 (B) FOR APPROVAL OF CREDITS AGAINST SUCH TAXES FOR THE FIRST  
12 YEAR OF A TWO-YEAR COMMITMENT MAY BE ACCEPTED BY THE  
13 DEPARTMENT NO EARLIER THAN THE FIRST BUSINESS DAY FOLLOWING  
14 JULY 7 OF THE FISCAL YEAR.

15 SECTION 24. SECTION 2006-B(C) OF THE ACT, AMENDED DECEMBER  
16 23, 2003 (P.L.304, NO.48), IS AMENDED TO READ:

17 SECTION 2006-B. LIMITATIONS.

18 \* \* \*

19 (C) TAX LIABILITY.--[A]

20 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), A TAX CREDIT  
21 GRANTED FOR ANY ONE TAXABLE YEAR MAY NOT EXCEED THE TAX  
22 LIABILITY OF A BUSINESS FIRM.

23 (2) IN THE CASE OF A CREDIT GRANTED TO A PASS-THROUGH  
24 ENTITY WHICH ELECTS TO TRANSFER THE CREDIT ACCORDING TO  
25 SECTION 2005-B(E), A TAX CREDIT GRANTED FOR ANY ONE TAXABLE  
26 YEAR AND TRANSFERRED TO A SHAREHOLDER, MEMBER OR PARTNER MAY  
27 NOT EXCEED THE TAX LIABILITY OF THE SHAREHOLDER, MEMBER OR  
28 PARTNER.

29 \* \* \*

30 SECTION 25. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

1 ARTICLE XX-D

2 STATE-RELATED UNIVERSITY REPORTING

3 SECTION 2001-D. DEFINITIONS.

4 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
5 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
6 CONTEXT CLEARLY INDICATES OTHERWISE:

7 "ACADEMIC AND ADMINISTRATIVE SUPPORT UNITS." ANY  
8 ORGANIZATIONAL ENTITY, AS DEFINED IN THE ORGANIZATIONAL MANUAL  
9 OF THE UNIVERSITY, THAT REPORTS DIRECTLY TO THE PRESIDENT OF THE  
10 UNIVERSITY, CHIEF ACADEMIC OFFICER OR VICE PRESIDENT, INCLUDING  
11 THE OFFICE OF THE PRESIDENT, CHIEF ACADEMIC OFFICER AND VICE  
12 PRESIDENT.

13 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE  
14 COMMONWEALTH.

15 "EXPENDITURES." DISBURSEMENTS OR PAYMENTS OF STATE  
16 APPROPRIATIONS, TUITION AND FEES SUPPORTING OPERATIONAL,  
17 EDUCATIONAL OR OTHER GENERAL CATEGORIES OF EXPENSES AS DEFINED  
18 IN: THE GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AS PRESCRIBED  
19 BY THE NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY BUSINESS  
20 OFFICERS, THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC  
21 ACCOUNTANTS, OR BY THEIR SUCCESSORS, OR BY ANY OTHER RECOGNIZED  
22 AUTHORITATIVE BODY; THE "COMMONWEALTH OF PENNSYLVANIA BUDGET  
23 INSTRUCTIONS FOR THE STATE SYSTEM OF HIGHER EDUCATION, STATE-  
24 RELATED UNIVERSITIES AND NON-STATE-RELATED COLLEGES AND  
25 UNIVERSITIES"; AND, THE FINANCIAL REPORTING POLICIES AND  
26 STANDARDS PROMULGATED BY THE COMMONWEALTH OF PENNSYLVANIA AND BY  
27 THE FEDERAL GOVERNMENT THAT APPLY TO THE PENNSYLVANIA STATE  
28 UNIVERSITY.

29 "REVENUE." ALL STATE APPROPRIATIONS, TUITION AND FEES.

30 "STATE-RELATED INSTITUTION." THE PENNSYLVANIA STATE

1 UNIVERSITY, THE UNIVERSITY OF PITTSBURGH, TEMPLE UNIVERSITY,  
2 LINCOLN UNIVERSITY AND THEIR BRANCH CAMPUSES.

3 SECTION 2002-D. REPORTING GUIDELINES.

4 IN ANY YEAR A STATE-RELATED INSTITUTION RECEIVES A  
5 NONPREFERRED APPROPRIATION, A REPORT SHALL BE SUBMITTED IN  
6 ELECTRONIC FORMAT TO THE DEPARTMENT AND THE JOINT STATE  
7 GOVERNMENT COMMISSION AND SHALL INCLUDE DATA FOR ALL PROGRAMS.  
8 THE REPORT, TO BE SUBMITTED PRIOR TO SEPTEMBER 1, SHALL COVER  
9 THE 12-MONTH PERIOD BEGINNING WITH THE SUMMER TERM OF THE  
10 PRECEDING YEAR AND SHALL INCLUDE:

11 (1) THE FOLLOWING COUNTS AND DISTRIBUTIONS FOR EACH TERM  
12 DURING THE PERIOD:

13 (I) THE DEFINITIONS AND NUMBERS OF FACULTY MEMBERS  
14 EMPLOYED FULL TIME, OF FACULTY MEMBERS EMPLOYED PART  
15 TIME, OF FULL-TIME STUDENTS ENROLLED IN GRADUATE COURSES,  
16 OF FULL-TIME STUDENTS ENROLLED IN UNDERGRADUATE COURSES,  
17 OF PART-TIME STUDENTS ENROLLED IN GRADUATE COURSES AND OF  
18 PART-TIME STUDENTS ENROLLED IN UNDERGRADUATE COURSES.

19 (II) THE TOTAL NUMBERS OF UNDERGRADUATE STUDENT  
20 CREDIT HOURS, DIVIDED INTO LOWER DIVISION AND UPPER  
21 DIVISION COURSE LEVELS, AND OF GRADUATE STUDENT CREDIT  
22 HOURS, DIVIDED INTO THREE COURSE LEVELS: MASTER'S, FIRST  
23 PROFESSIONAL AND DOCTORAL.

24 (III) THE NUMBER OF DIFFERENT COURSES SCHEDULED BY  
25 LEVEL OF INSTRUCTION AND THE NUMBER OF SECTIONS OF  
26 INDIVIDUAL INSTRUCTION SCHEDULED BY LEVEL OF INSTRUCTION,  
27 EACH FURTHER SUBDIVIDED BY TWO-DIGIT CLASSIFICATION OF  
28 INSTRUCTIONAL PROGRAM (CIP) CATEGORIES OF INSTRUCTIONAL  
29 PROGRAMS OF HIGHER EDUCATION AS DEFINED BY THE NATIONAL  
30 CENTER FOR EDUCATION STATISTICS, UNITED STATES DEPARTMENT



1           OF EDUCATION.

2           (IV) THE NUMBER OF TERMS SCHEDULED AND THE DATES  
3           THEREOF.

4           (2) FOR THE SUMMER TERM AND THE FOLLOWING ACADEMIC YEAR  
5           IN TOTAL AND FOR EACH TWO-DIGIT CIP PROGRAM CATEGORY, A  
6           CLASSIFICATION OF FACULTY MEMBERS OR OTHER PROFESSIONAL  
7           EMPLOYEES BY TITLE, INCLUDING: PROFESSOR, ASSOCIATE  
8           PROFESSOR, ASSISTANT PROFESSOR, INSTRUCTOR, LECTURER,  
9           RESEARCH ASSOCIATE, LIBRARIAN AND ACADEMIC ADMINISTRATOR;  
10          FACULTY MEMBERS OR OTHER PROFESSIONAL EMPLOYEES UNDER EACH  
11          TITLE TO BE SUBDIVIDED BY TYPE OF ASSIGNMENT: TEACHING AND  
12          NONTEACHING; AND EACH SUCH SET OF FACULTY MEMBERS OR OTHER  
13          PROFESSIONAL EMPLOYEES TO BE FURTHER SUBDIVIDED BY TYPE OF  
14          EMPLOYMENT: FULL-TIME OR PART-TIME; AND THE FOLLOWING  
15          AGGREGATES FOR EACH SUCH SUBDIVIDED CLASSIFICATION:

16           (I) THE NUMBER OF FACULTY AND OTHER PROFESSIONAL  
17           EMPLOYEES AND THEIR FULL-TIME EQUIVALENCE IN  
18           INSTRUCTIONAL AND NONINSTRUCTIONAL FUNCTIONS.

19           (II) THE SUM OF CREDITS ASSIGNED TO UNDERGRADUATE  
20           CLASSROOM COURSES AND THE SUM OF CREDITS ASSIGNED TO  
21           GRADUATE CLASSROOM COURSES TAUGHT, DIVIDED INTO LOWER  
22           DIVISION, UPPER DIVISION, MASTER'S, FIRST PROFESSIONAL  
23           AND DOCTORAL COURSE LEVELS.

24           (III) THE SUM OF CREDITS ASSIGNED TO UNDERGRADUATE  
25           INDIVIDUAL INSTRUCTION COURSES AND THE SUM OF CREDITS  
26           ASSIGNED TO GRADUATE INDIVIDUAL INSTRUCTION COURSES  
27           TAUGHT, DIVIDED INTO LOWER DIVISION, UPPER DIVISION,  
28           MASTER'S, FIRST PROFESSIONAL AND DOCTORAL COURSE LEVELS.

29           (IV) THE SUM OF UNDERGRADUATE CLASSROOM STUDENT  
30           CREDIT HOURS AND THE SUM OF GRADUATE CLASSROOM STUDENT

1 CREDIT HOURS GENERATED, DIVIDED INTO LOWER DIVISION,  
2 UPPER DIVISION, MASTER'S, FIRST PROFESSIONAL AND DOCTORAL  
3 COURSE LEVELS.

4 (V) THE SUM OF UNDERGRADUATE INDIVIDUAL INSTRUCTION  
5 STUDENT CREDIT HOURS AND THE SUM OF GRADUATE INDIVIDUAL  
6 INSTRUCTION STUDENT CREDIT HOURS GENERATED, DIVIDED INTO  
7 LOWER DIVISION, UPPER DIVISION, MASTER'S, FIRST  
8 PROFESSIONAL AND DOCTORAL COURSE LEVELS.

9 (VI) THE TOTAL SALARY PAID FOR INSTRUCTIONAL  
10 FUNCTIONS AND FOR NONINSTRUCTIONAL FUNCTIONS AND THE  
11 AMOUNT OF THIS SALARY PAID FOR EACH OF THESE FUNCTIONS  
12 FROM UNIVERSITY FUNDS, FEDERAL FUNDS AND OTHER FUNDS.

13 (3) FOR EACH TERM OF THE PERIOD COVERED FOR EACH FACULTY  
14 MEMBER EMPLOYED FULL TIME IDENTIFIED BY TWO-DIGIT CIP PROGRAM  
15 CATEGORY AND TITLE, THE REPORT SHALL CONTAIN AN ANALYSIS OF  
16 THE AVERAGE HOURS PER WEEK SPENT IN UNIVERSITY-RELATED  
17 ACTIVITIES, STATING SPECIFICALLY HOURS SPENT IN UNDERGRADUATE  
18 CLASSROOM CONTACT AND GRADUATE CLASSROOM CONTACT, HOURS SPENT  
19 IN PREPARATION, HOURS SPENT IN RESEARCH AND HOURS SPENT IN  
20 PUBLIC SERVICE.

21 SECTION 2003-D. ADDITIONAL REPORT REQUIREMENTS.

22 IN ADDITION TO THE REQUIREMENTS IN SECTION 2002-D RELATIVE TO  
23 ANY APPROPRIATION, THE REPORT COVERING THE 12-MONTH PERIOD SHALL  
24 INCLUDE FOR ALL PROGRAMS OF THE UNIVERSITY:

25 (1) MINIMUM NUMBER OF CREDITS REQUIRED FOR A  
26 BACCALAUREATE DEGREE AND FOR A MASTER'S DEGREE.

27 (2) NUMBER OF BACHELOR'S DEGREES, MASTER'S DEGREES,  
28 FIRST PROFESSIONAL DEGREES AND DOCTORAL DEGREES AWARDED FOR  
29 THE PREVIOUS FIVE YEARS AND THOSE ESTIMATES FOR THAT YEAR.

30 SECTION 2004-D. DISCLOSURE.

1       (A) EXPENDITURES.--THE UNIVERSITY SHALL DISCLOSE THE  
2 FOLLOWING:

3           (1) REVENUE AND EXPENDITURE BUDGETS OF THE UNIVERSITY'S  
4 ACADEMIC AND ADMINISTRATIVE SUPPORT UNITS FOR THE CURRENT  
5 FISCAL YEAR.

6           (2) THE ACTUAL REVENUE AND EXPENDITURES FOR THE PRIOR  
7 YEAR IN THE SAME FORMAT AS THE INFORMATION REPORTED UNDER  
8 PARAGRAPH (1).

9           (3) FOR ANY DEFINED PROJECT OR PROGRAM WHICH IS THE  
10 SUBJECT OF A SPECIFIC LINE ITEM APPROPRIATION FROM THE  
11 GENERAL FUND, THE UNIVERSITY SHALL DISCLOSE THE FOLLOWING:

12           (I) REVENUE AND EXPENDITURE BUDGETS OF THE DEFINED  
13 PROGRAM OR PROJECT FOR THE CURRENT FISCAL YEAR.

14           (II) THE ACTUAL REVENUE AND EXPENDITURES OF THE  
15 DEFINED PROGRAM OR PROJECT FOR THE PRIOR YEAR IN THE SAME  
16 FORMAT AS THE INFORMATION REPORTED UNDER PARAGRAPH (1).

17           (4) THE REVENUE AND EXPENDITURES OF ANY AUXILIARY  
18 ENTERPRISE WHICH IS DIRECTLY FUNDED IN WHOLE OR IN PART BY  
19 TUITION OR A STATE APPROPRIATION FOR THE CURRENT FISCAL YEAR.

20       (B) PRIOR FISCAL YEAR.--THE UNIVERSITY SHALL PROVIDE THE  
21 FOLLOWING ADDITIONAL INFORMATION FOR THE PRIOR FISCAL YEAR FOR  
22 EACH ACADEMIC OR ADMINISTRATIVE SUPPORT UNIT, FOR EACH DEFINED  
23 PROJECT OR PROGRAM AND FOR ANY AUXILIARY ENTERPRISE:

24           (1) THE NUMBER OF EMPLOYEES BY ACADEMIC RANK AND BY  
25 CLASSIFICATION THE NUMBER OF ADMINISTRATORS, STAFF, CLERICAL  
26 AND TECHNICAL SERVICE EMPLOYEES.

27           (2) MEDIAN AND MEAN SALARY BY ACADEMIC RANK AND BY  
28 CLASSIFICATION THE MEDIAN AND MEAN SALARIES OF  
29 ADMINISTRATORS, STAFF, CLERICAL AND TECHNICAL SERVICE  
30 EMPLOYEES.

1           (3) NONSALARY COMPENSATION AS A PERCENTAGE OF SALARY.  
2           NONSALARY COMPENSATION SHALL INCLUDE, BUT NOT BE LIMITED TO,  
3           MEDICAL BENEFITS, LIFE INSURANCE BENEFITS, PENSION BENEFITS,  
4           LEAVE BENEFITS, EMPLOYER SOCIAL SECURITY PAYMENTS AND  
5           WORKERS' COMPENSATION BENEFITS.

6           (4) A STATEMENT OF THE UNIVERSITY'S RETIREMENT POLICIES.

7           (5) A POLICY STATEMENT RELATING TO A REDUCTION OF  
8           TUITION FOR EMPLOYEES' FAMILY MEMBERS.

9           (6) A LIST OF PURCHASE OF SERVICE CONTRACTS WHICH EXCEED  
10          \$1,000 BY CATEGORY OF SERVICE, INCLUDING, BUT NOT LIMITED TO,  
11          LEGAL, INSTRUCTIONAL, MANAGEMENT, ACCOUNTING, ARCHITECTURE,  
12          PUBLIC RELATIONS AND MAINTENANCE. THE LIST SHALL CONTAIN THE  
13          NAME AND ADDRESS OF THE CONTRACTOR, A STATEMENT OF THE NATURE  
14          OF THE DUTIES OF THE CONTRACTOR AND THE ACADEMIC AND  
15          ADMINISTRATIVE SUPPORT UNIT FOR WHICH THE DUTIES ARE  
16          PERFORMED. IF A PURCHASE OF SERVICE CONTRACT EXCEEDS 10% OF  
17          THE TOTAL AGGREGATE EXPENDITURE OF THE CONTRACT CATEGORY PER  
18          ACADEMIC OR ADMINISTRATIVE SUPPORT UNIT, THEN THE CONTRACTED  
19          AMOUNT SHALL ALSO BE LISTED.

20          (7) A LIST OF PURCHASE OF GOODS CONTRACTS WHICH EXCEED  
21          \$1,000. THE LIST SHALL CONTAIN THE NAME AND ADDRESS OF THE  
22          CONTRACTOR AND A LIST OF THE GOODS PURCHASED AND THE ACADEMIC  
23          OR ADMINISTRATIVE SUPPORT UNIT FOR WHICH SUCH GOODS WERE  
24          CONTRACTED. IF A PURCHASE OF GOODS CONTRACT EXCEEDS 10% OF  
25          THE TOTAL AGGREGATE EXPENDITURE PER ACADEMIC OR  
26          ADMINISTRATIVE SUPPORT UNIT, THEN THE CONTRACTED AMOUNT SHALL  
27          ALSO BE LISTED.

28          (8) A LIST BY ACADEMIC OR ADMINISTRATIVE SUPPORT UNIT IN  
29          THE AGGREGATE OF THE EXPENSES OF TRAVEL, SUBSISTENCE AND  
30          LODGING, WHETHER PROVIDED OR REIMBURSED.

1        (C) FORMAT.--THE UNIVERSITY SHALL SUBMIT IN ELECTRONIC  
2 FORMAT A REPORT OF THE INFORMATION UNDER SUBSECTIONS (A) AND (B)  
3 TO THE DEPARTMENT AND THE JOINT STATE GOVERNMENT COMMISSION.  
4 EACH SUCH INSTITUTION SHALL MAINTAIN A COPY OF THE REPORT IN THE  
5 INSTITUTION'S LIBRARY AND SHALL SUBMIT A COPY TO EACH OF THE  
6 FOUR STATE REGIONAL LIBRARY RESOURCE CENTERS.

7        (D) TIME FRAME.--A UNIVERSITY'S REPORT REQUIRED TO BE  
8 SUBMITTED UNDER THIS SECTION SHALL BE SUBMITTED WITHIN 180 DAYS  
9 OF THE CLOSE OF THE UNIVERSITY'S CURRENT FISCAL YEAR.

10       (E) MINUTES.--THE UNIVERSITY SHALL MAKE A COPY OF THE  
11 MINUTES OF EACH PUBLIC MEETING OF THE INSTITUTION'S BOARD OF  
12 TRUSTEES, AS WELL AS A COPY OF THE INSTITUTION'S INTEGRATED  
13 POSTSECONDARY EDUCATION DATA SYSTEMS REPORT, AVAILABLE FOR  
14 PUBLIC INSPECTION IN THE INSTITUTION'S LIBRARY.  
15 SECTION 2005-D. COMPARATIVE ANALYSIS AND POSTING BY COMMISSION.

16       THE JOINT STATE GOVERNMENT COMMISSION SHALL DEVELOP A  
17 STATISTICAL COMPARISON ANALYSIS RECOGNIZING DIFFERENCES IN  
18 MISSIONS FROM THE REPORTS MADE UNDER THIS ARTICLE. A MAJORITY OF  
19 THE MEMBERS OF THE COMMISSION MAY REQUEST ADDITIONAL  
20 DOCUMENTATION, EXCEPT FOR SALARY OR IDENTITY OF INDIVIDUALS,  
21 NECESSARY TO COMPLETE THE COMPARATIVE ANALYSIS. THE COMPARISON  
22 SHALL BE PROVIDED TO THE EDUCATION COMMITTEE OF THE SENATE AND  
23 THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE EDUCATION  
24 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE APPROPRIATIONS  
25 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE FOUR STATE  
26 REGIONAL LIBRARIES. THE COMPARATIVE ANALYSIS SHALL BE POSTED ON  
27 THE JOINT STATE GOVERNMENT COMMISSION'S INTERNET WEBSITE FOR A  
28 PERIOD OF NO LESS THAN FIVE YEARS FROM THE DATE OF SUBMISSION.  
29 SECTION 2006-D. POSTING OF REPORTS BY DEPARTMENT.

30       THE REPORTS REQUIRED UNDER THIS ARTICLE SHALL BE POSTED ON

1 THE DEPARTMENT'S INTERNET WEBSITE FOR A PERIOD OF NO LESS THAN  
2 FIVE YEARS FROM THE DATE OF SUBMISSION.

3 SECTION 26. SECTION 2103 OF THE ACT IS AMENDED TO READ:

4 SECTION 2103. BOARD OF PUBLIC EDUCATION; ADDITIONAL  
5 DUTIES.--THE DUTIES OF THE BOARD OF PUBLIC EDUCATION IN  
6 DISTRICTS OF THE FIRST CLASS, IN ADDITION TO THE DUTIES  
7 PRESCRIBED IN THIS ACT, SHALL BE--

8 (1) TO DEFINE THE GENERAL POLICIES OF THE SCHOOL SYSTEM,

9 (2) TO LEGISLATE UPON ALL MATTERS PERTAINING THERETO,

10 (3) TO DETERMINE AND DIRECT ALL EXPENDITURES FOR THE  
11 MAINTENANCE AND IMPROVEMENT OF THE SCHOOL SYSTEM,

12 (4) TO APPOINT THE OFFICERS HEREIN PRESCRIBED AND DEFINE  
13 THEIR DUTIES,

14 (5) TO APPOINT TEACHERS,

15 (6) TO GRANT AND AWARD SCHOLARSHIPS ON A MERIT BASIS,

16 (7) IN GENERAL TO LEGISLATE UPON ALL MATTERS CONCERNING THE  
17 CONDUCT OF THE SCHOOLS SUBJECT TO THE PROVISIONS OF THIS ACT.

18 (8) PROVIDED, THAT NOTWITHSTANDING THE PROVISIONS OF SECTION  
19 1326, THE GOVERNING AUTHORITY OF THE SCHOOL DISTRICT MAY

20 ESTABLISH THE COMPULSORY SCHOOL AGE AT NO EARLIER THAN AGE SIX.

21 THE PROVISIONS OF SECTION 1326 SHALL CONTINUE TO APPLY TO ANY

22 STUDENT ENROLLED IN A PROGRAM UNDER SECTION 1327.1 OR TO ANY

23 STUDENT WHOSE PARENT OR GUARDIAN FILES A NOTICE WITH THE

24 SUPERINTENDENT OF THE SCHOOL DISTRICT OF THE INTENTION TO ENROLL

25 THE STUDENT IN A PROGRAM UNDER SECTION 1327.1.

26 SECTION 27. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

27 SECTION 2317. STATE AID FOR FISCAL YEAR 2008-2009.

28 (A) GENERAL RULE.--EACH LIBRARY SUBJECT TO THE ACT OF JUNE

29 14, 1961 (P.L.324, NO.188), KNOWN AS THE LIBRARY CODE, THAT

30 RECEIVED A STATE AID ALLOCATION FOR FISCAL YEAR 2007-2008 UNDER

1 SECTION 2316 AND WHICH COMPLIES WITH THE STANDARDS CONTAINED IN  
2 THE LIBRARY CODE AND REGULATIONS PROMULGATED UNDER THE LIBRARY  
3 CODE RELATING TO HOURS OF OPERATION, CONTINUING PROFESSIONAL  
4 DEVELOPMENT, COLLECTIONS EXPENDITURES AND ANY OTHER STANDARDS  
5 RELATED TO LIBRARY OPERATIONS AS REQUIRED UNDER SECTION 104 OF  
6 THE LIBRARY CODE SHALL BE ELIGIBLE FOR STATE AID IN FISCAL YEAR  
7 2008-2009.

8 (B) FORMULA.--STATE AID UNDER THIS SECTION SHALL CONSIST OF  
9 THE FOLLOWING:

10 (1) DIVIDE THE SUM OF THE AMOUNT OF FUNDING THAT THE  
11 LIBRARY RECEIVED IN FISCAL YEAR 2007-2008 UNDER SECTION 2316  
12 BY THE TOTAL STATE AID SUBSIDY FOR FISCAL YEAR 2007-2008 AND  
13 MULTIPLY THE QUOTIENT BY THE TOTAL STATE AID SUBSIDY FOR  
14 2008-2009.

15 (2) AFTER DISTRIBUTION OF STATE AID TO LIBRARIES UNDER  
16 THIS SECTION, ANY REMAINING UNALLOCATED FUNDS MAY BE  
17 DISTRIBUTED AT THE DISCRETION OF THE STATE LIBRARIAN.

18 SECTION 28. THE DEFINITION OF "AVERAGE DAILY MEMBERSHIP" IN  
19 SECTION 2501 OF THE ACT, AMENDED FEBRUARY 1, 1966 (1965  
20 P.L.1642, NO.580), IS AMENDED AND THE SECTION IS AMENDED BY  
21 ADDING DEFINITIONS TO READ:

22 SECTION 2501. DEFINITIONS.--FOR THE PURPOSES OF THIS ARTICLE  
23 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

24 \* \* \*

25 (3) "AVERAGE DAILY MEMBERSHIP" SHALL BE COMPUTED IN  
26 ACCORDANCE WITH RULES OF PROCEDURE AS ESTABLISHED BY THE  
27 [SUPERINTENDENT OF PUBLIC INSTRUCTION.] SECRETARY OF EDUCATION.  
28 FOR THE PURPOSE OF CALCULATING THE BASIC EDUCATION FUNDING  
29 ALLOCATION UNDER SECTION 2502.48, THE COMPUTATION SHALL BE  
30 ADJUSTED FOR EACH LEVEL OF INSTRUCTION AS FOLLOWS:

1       (I) HALF-TIME PREKINDERGARTEN AND HALF-TIME KINDERGARTEN:  
2       .50;

3       (II) FULL-TIME PREKINDERGARTEN, FULL-TIME KINDERGARTEN,  
4       ELEMENTARY AND SECONDARY: 1.00.

5       A CHILD ON WHOSE BEHALF PAYMENT IS MADE UNDER SECTION 1514-D  
6       SHALL NOT BE INCLUDED IN THIS CALCULATION.

7       \* \* \*

8       (26) "ACTUAL SPENDING." AN AMOUNT EQUAL TO A SCHOOL  
9       DISTRICT'S TOTAL EXPENDITURES TO INCLUDE GENERAL FUND  
10       EXPENDITURES IN ALL FUNCTIONAL CLASSIFICATIONS, AS DESIGNATED IN  
11       THE MANUAL OF ACCOUNTING AND RELATED FINANCIAL PROCEDURES FOR  
12       PENNSYLVANIA SCHOOL SYSTEMS, EXCEPT FOR:

13       (I) SPECIAL EDUCATION;

14       (II) ADULT EDUCATION;

15       (III) HIGHER EDUCATION;

16       (IV) STUDENT TRANSPORTATION;

17       (V) COMMUNITY SERVICES;

18       (VI) SCHOLARSHIPS AND AWARDS;

19       (VII) FACILITIES ACQUISITION;

20       (VIII) CONSTRUCTION AND IMPROVEMENT SERVICES;

21       (IX) OTHER EXPENDITURES AND FINANCING USES; AND

22       (X) TUITION FROM PATRONS REVENUE.

23       (27) "FUNDING YEAR." THE MOST RECENT SCHOOL YEAR FOR WHICH  
24       ALL SCHOOL DISTRICTS WERE REQUIRED BY THE DEPARTMENT TO SUBMIT  
25       AN ANNUAL FINANCIAL REPORT PRIOR TO THE DATE AN EXECUTIVE BUDGET  
26       WAS PROPOSED.

27       (28) "INDEX." AS ESTABLISHED BY THE DEPARTMENT IN EACH  
28       CALENDAR YEAR FOR THE SUBSEQUENT FISCAL YEAR, THE AVERAGE OF:

29       (I) THAT AMOUNT DETERMINED BY THE DEPARTMENT OF LABOR AND  
30       INDUSTRY IN THE SAME MANNER THAT IT DETERMINES THE AVERAGE



1 WEEKLY WAGE UNDER SECTION 404(E)(2) OF THE ACT OF DECEMBER 5,  
2 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE  
3 "UNEMPLOYMENT COMPENSATION LAW," EXCEPT THAT IT SHALL BE  
4 CALCULATED FOR THE PRECEDING CALENDAR YEAR.

5 (II) THE MOST RECENT OFFICIAL FIGURES REPORTED BY THE UNITED  
6 STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS FOR THE  
7 PREVIOUS TWELVE-MONTH PERIOD BEGINNING JULY 1 AND ENDING JUNE 30  
8 FOR THE EMPLOYMENT COST INDEX SERIES FOR ELEMENTARY AND  
9 SECONDARY SCHOOLS.

10 (29) "LOCATION COST METRIC." AN INDEX OF GEOGRAPHIC COST  
11 DIFFERENCES FOR EACH COUNTY AS PUBLISHED BY THE DEPARTMENT ON  
12 ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE ON FEBRUARY 5, 2008.  
13 THE INDEX SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN NO  
14 LATER THAN THIRTY (30) DAYS AFTER THE EFFECTIVE DATE OF THIS  
15 CLAUSE.

16 (30) "MODIFIED AVERAGE DAILY MEMBERSHIP" OR "MODIFIED ADM."  
17 THE SUM OF THE FOLLOWING PRODUCTS:

18 (I) FIFTY-TWO ONE-HUNDREDTHS (.52) AND THE SCHOOL DISTRICT'S  
19 AVERAGE DAILY MEMBERSHIP IN THE FUNDING YEAR;

20 (II) TWENTY-SIX ONE-HUNDREDTHS (.26) AND THE SCHOOL  
21 DISTRICT'S AVERAGE DAILY MEMBERSHIP IN THE SCHOOL YEAR PRIOR TO  
22 THE FUNDING YEAR;

23 (III) THIRTEEN ONE-HUNDREDTHS (.13) AND THE SCHOOL  
24 DISTRICT'S AVERAGE DAILY MEMBERSHIP TWO (2) SCHOOL YEARS PRIOR  
25 TO THE FUNDING YEAR;

26 (IV) SIX ONE-HUNDREDTHS (0.06) AND THE SCHOOL DISTRICT'S  
27 AVERAGE DAILY MEMBERSHIP THREE (3) SCHOOL YEARS PRIOR TO THE  
28 FUNDING YEAR; AND

29 (V) THREE ONE-HUNDREDTHS (.03) AND THE SCHOOL DISTRICT'S  
30 AVERAGE DAILY MEMBERSHIP FOUR (4) YEARS PRIOR TO THE FUNDING

1 YEAR.

2 SECTION 29. SECTION 2502.46 OF THE ACT IS AMENDED BY ADDING  
3 A PARAGRAPH TO READ:

4 SECTION 2502.46. FUNDING FOR PARTNERSHIP SCHOOLS.--THE  
5 FOLLOWING SHALL APPLY:

6 \* \* \*

7 (5) (I) NO LATER THAN SEPTEMBER 1, 2008, AND EACH SEPTEMBER  
8 1 THEREAFTER, A SCHOOL DISTRICT OF THE FIRST CLASS SHALL FILE A  
9 REPORT WITH THE DEPARTMENT OF EDUCATION CONTAINING THE FOLLOWING  
10 INFORMATION WITH REGARD TO PROGRAMS FUNDED UNDER THIS SECTION  
11 FOR THE IMMEDIATELY PRECEDING SCHOOL YEAR:

12 (A) THE NAME OF EACH SCHOOL WHOSE OPERATION WAS GOVERNED BY  
13 AN AGREEMENT PURSUANT TO PARAGRAPH (1); THE GRADE LEVELS SERVED  
14 AND THE NUMBER OF CHILDREN ATTENDING EACH SCHOOL; AND THE NAME  
15 OF THE PERSON OR PERSONS WITH WHOM THE DISTRICT HAS MADE AN  
16 AGREEMENT FOR THAT SCHOOL'S OPERATIONS.

17 (B) THE TOTAL DOLLAR AMOUNT OF COSTS SPECIFIED IN THE  
18 AGREEMENT EXISTING BETWEEN THE SCHOOL DISTRICT AND EACH PARTNER  
19 TO BE PAID TO THE PARTNER AND THE TERMS AND CONDITIONS SPECIFIED  
20 IN EACH AGREEMENT.

21 (C) THE TOTAL DOLLAR AMOUNT OF COSTS ACTUALLY PAID BY THE  
22 SCHOOL DISTRICT TO EACH PARTNER FOR THE OPERATION OF ITS  
23 PARTNERSHIP SCHOOL OR SCHOOLS.

24 (D) IF A DIFFERENCE EXISTS BETWEEN THE DOLLAR AMOUNTS  
25 REPORTED IN CLAUSE (C) AND THOSE REPORTED IN CLAUSE (B), AN  
26 EXPLANATION FOR THE DIFFERENCE.

27 (E) IF A DIFFERENCE EXISTS BETWEEN THE DOLLAR AMOUNTS  
28 REPORTED IN CLAUSE (C) AND THE DOLLAR AMOUNT REQUIRED TO BE  
29 EXPENDED BY THE DISTRICT PURSUANT TO PARAGRAPH (1), AN  
30 ACCOUNTING OF WHERE THE UNEXPENDED DOLLARS WERE UTILIZED.

1 (II) INCLUDED IN THE REPORT DUE NO LATER THAN SEPTEMBER 1,  
2 2008, SHALL BE THE INFORMATION REQUIRED PURSUANT TO SUBPARAGRAPH  
3 (I)(A) AND (B) AS PROVIDED FOR IN THE FINAL BUDGET ADOPTED BY A  
4 SCHOOL DISTRICT OF THE FIRST CLASS FOR THE 2008-2009 SCHOOL  
5 YEAR.

6 (III) A SCHOOL DISTRICT OF THE FIRST CLASS MAY SUBMIT AN  
7 UPDATED PLAN FOR THE OPERATIONS OF SCHOOLS GOVERNED BY  
8 AGREEMENTS PURSUANT TO THIS SECTION ANTICIPATED FOR THE 2009-  
9 2010 SCHOOL YEAR AT ANY TIME DURING THE 2008-2009 SCHOOL YEAR.

10 (IV) NO LATER THAN THIRTY (30) DAYS AFTER RECEIPT OF THIS  
11 REPORT, A COPY SHALL BE FURNISHED TO THE CHAIRMAN AND MINORITY  
12 CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE  
13 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE  
14 OF THE HOUSE OF REPRESENTATIVES.

15 SECTION 30. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

16 SECTION 2502.48. BASIC EDUCATION FUNDING FOR STUDENT  
17 ACHIEVEMENT.--(A) THE DEPARTMENT OF EDUCATION SHALL CALCULATE A  
18 BASE COST PER STUDENT. FOR THE 2007-2008 SCHOOL YEAR, THE BASE  
19 COST PER STUDENT SHALL BE EIGHT THOUSAND THREE DOLLARS (\$8,003)  
20 INCREASED BY THE 2008-2009 INDEX.

21 (B) THE DEPARTMENT OF EDUCATION SHALL DETERMINE AN ADEQUACY  
22 TARGET FOR EACH SCHOOL DISTRICT BY CALCULATING THE SUM OF THE  
23 FOLLOWING:

24 (1) A BASE COST DETERMINED BY CALCULATING THE PRODUCT OF THE  
25 BASE COST PER STUDENT AND THE SCHOOL DISTRICT'S MODIFIED ADM.

26 (2) A POVERTY SUPPLEMENT DETERMINED BY CALCULATING THE  
27 PRODUCT OF:

28 (I) THE BASE COST PER STUDENT;

29 (II) THE NUMBER OF STUDENTS ENROLLED IN THE SCHOOL DISTRICT  
30 ON OCTOBER 31 OF THE FUNDING YEAR WHO WERE ELIGIBLE FOR FREE OR

1 REDUCED PRICE MEALS UNDER THE SCHOOL LUNCH PROGRAM; AND  
2 (III) FORTY-THREE ONE-HUNDREDTHS (.43).  
3 (3) A DISTRICT SIZE SUPPLEMENT DETERMINED BY CALCULATING THE  
4 MAXIMUM OF ZERO AND THE PRODUCT OF:  
5 (I) THE BASE COST PER STUDENT;  
6 (II) THE SCHOOL DISTRICT'S FUNDING YEAR AVERAGE DAILY  
7 MEMBERSHIP; AND  
8 (III) THE SUM OF FOUR HUNDRED EIGHTY-THREE ONE-THOUSANDTHS  
9 (.483) AND THE PRODUCT OF THE NATURAL LOGARITHM OF THE SCHOOL  
10 DISTRICT'S FUNDING YEAR AVERAGE DAILY MEMBERSHIP AND NEGATIVE  
11 FIVE ONE-HUNDREDTHS (-.05);  
12 (4) AN ENGLISH LANGUAGE LEARNER SUPPLEMENT DETERMINED BY  
13 CALCULATING THE PRODUCT OF:  
14 (I) THE BASE COST PER STUDENT;  
15 (II) THE NUMBER OF ENROLLED STUDENTS IDENTIFIED AS LIMITED  
16 ENGLISH PROFICIENT IN THE FUNDING YEAR IN THE SCHOOL DISTRICT;  
17 AND  
18 (III) THE SUM OF THREE AND SEVEN HUNDRED FIFTY-THREE ONE-  
19 THOUSANDTHS (3.753) AND THE PRODUCT OF THE NATURAL LOGARITHM OF  
20 THE SCHOOL DISTRICT'S FUNDING YEAR AVERAGE DAILY MEMBERSHIP AND  
21 NEGATIVE TWENTY-THREE ONE-HUNDREDTHS (-.23), PROVIDED THAT SUCH  
22 AMOUNT SHALL BE NO LESS THAN ONE AND FORTY-EIGHT ONE-HUNDREDTHS  
23 (1.48) AND NO GREATER THAN TWO AND FORTY-THREE ONE-HUNDREDTHS  
24 (2.43).  
25 (5) AN ADJUSTMENT FOR GEOGRAPHIC PRICE DIFFERENCES  
26 CALCULATED AS FOLLOWS:  
27 (I) ADD THE AMOUNTS UNDER PARAGRAPHS (1), (2), (3) AND (4).  
28 (II) MULTIPLY:  
29 (A) THE SUM UNDER SUBPARAGRAPH (I); BY  
30 (B) THE SCHOOL DISTRICT'S LOCATION COST METRIC.

1       (III) SUBTRACT:

2       (A) THE SUM UNDER SUBPARAGRAPH (I); FROM

3       (B) THE PRODUCT UNDER SUBPARAGRAPH (II).

4       (C) (1) THE DEPARTMENT OF EDUCATION SHALL DETERMINE A STATE

5 FUNDING TARGET FOR EACH SCHOOL DISTRICT BY CALCULATING THE

6 PRODUCT OF:

7       (I) THE DIFFERENCE BETWEEN THE SCHOOL DISTRICT'S ADEQUACY

8 TARGET DETERMINED UNDER SUBSECTION (B) AND ITS ACTUAL SPENDING

9 FOR THE FUNDING YEAR, OR ZERO, WHICHEVER IS GREATER;

10       (II) THE SCHOOL DISTRICT'S MARKET VALUE/INCOME AID RATIO FOR

11 THE SCHOOL YEAR IN WHICH FUNDING OCCURS; AND

12       (III) THE LESSER OF ONE (1) AND THE SCHOOL DISTRICT'S

13 FUNDING YEAR EQUALIZED MILLAGE DIVIDED BY THE EQUALIZED MILLAGE

14 THAT REPRESENTS THE SEVENTY-FIFTH PERCENTILE OF THE EQUALIZED

15 MILLAGE OF ALL SCHOOL DISTRICTS IN THE FUNDING YEAR.

16       (2) IN FURTHERANCE OF THE GENERAL ASSEMBLY'S LONG-STANDING

17 COMMITMENT TO PROVIDING ADEQUATE FUNDING THAT WILL ENSURE

18 EQUITABLE STATE AND LOCAL INVESTMENTS IN PUBLIC EDUCATION AND IN

19 ORDER TO ENABLE STUDENTS TO ATTAIN APPLICABLE FEDERAL AND STATE

20 ACADEMIC STANDARDS, IT IS THE GOAL OF THIS COMMONWEALTH TO

21 REVIEW AND MEET STATE FUNDING TARGETS BY FISCAL YEAR 2013-2014.

22       (D) THE COMMONWEALTH SHALL PAY TO EACH SCHOOL DISTRICT A

23 BASIC EDUCATION FUNDING ALLOCATION FOR THE 2007-2008 SCHOOL YEAR

24 WHICH SHALL CONSIST OF THE FOLLOWING:

25       (1) AN AMOUNT EQUAL TO THE BASIC EDUCATION FUNDING

26 ALLOCATION FOR THE 2006-2007 SCHOOL YEAR UNDER SECTIONS

27 2502.13(M), 2502.47 AND 2504.4(A.3).

28       (2) IF A SCHOOL DISTRICT HAS BEEN DECLARED A COMMONWEALTH

29 PARTNERSHIP SCHOOL DISTRICT UNDER ARTICLE XVII-B, AN AMOUNT

30 EQUAL TO FOUR MILLION DOLLARS (\$4,000,000).

1       (3) (I) FOR A SCHOOL DISTRICT WITH 2006-2007 EQUALIZED  
2 MILLAGE THAT IS GREATER THAN OR EQUAL TO 24.7, WHICH REPRESENTS  
3 THE EIGHTIETH PERCENTILE OF THE EQUALIZED MILLAGE OF ALL SCHOOL  
4 DISTRICTS AS OF THE EFFECTIVE DATE OF THIS SECTION, FOR THE  
5 2007-2008 SCHOOL YEAR, SIXTEEN AND SEVENTY-FIVE ONE HUNDREDTHS  
6 PERCENT (16.75%) OF THE STATE FUNDING TARGET DETERMINED UNDER  
7 SUBSECTION (C).

8       (II) FOR A SCHOOL DISTRICT WITH 2006-2007 EQUALIZED MILLAGE  
9 THAT IS LESS THAN 24.7, WHICH REPRESENTS THE EIGHTIETH  
10 PERCENTILE OF THE EQUALIZED MILLAGE OF ALL SCHOOL DISTRICTS AS  
11 OF THE EFFECTIVE DATE OF THIS SECTION, FOR THE 2007-2008 SCHOOL  
12 YEAR, TEN PERCENT (10%) OF THE STATE FUNDING TARGET DETERMINED  
13 UNDER SUBSECTION (C).

14       (E) THE DEPARTMENT OF EDUCATION SHALL PROVIDE ADDITIONAL  
15 FUNDING FOR THE 2007-2008 SCHOOL YEAR TO ANY SCHOOL DISTRICT  
16 WHERE THE AMOUNT DETERMINED UNDER SUBSECTION (D)(3) PROVIDES AN  
17 AMOUNT LESS THAN THREE PERCENT (3%) OF THE AMOUNT DETERMINED  
18 UNDER SUBSECTION (D)(1). THE AMOUNT OF ADDITIONAL FUNDING SHALL  
19 BE THE AMOUNT REQUIRED SO THAT THE SUM OF SUBSECTION (D)(3) AND  
20 THIS SUBSECTION EQUALS THREE PERCENT (3%) OF THE AMOUNT PROVIDED  
21 UNDER SUBSECTION (D)(1).

22       SECTION 2502.49. ACCOUNTABILITY TO COMMONWEALTH TAXPAYERS.--

23       (A) IN ANY SCHOOL DISTRICT WHERE THE AMOUNT OF BASIC EDUCATION  
24 FUNDING ALLOCATED PURSUANT TO SECTION 2502.48 EXCEEDS THE AMOUNT  
25 OF BASIC EDUCATION FUNDING ALLOCATED TO THE SCHOOL DISTRICT IN  
26 THE PRIOR FISCAL YEAR BY MORE THAN THE INDEX, THE BOARD OF  
27 SCHOOL DIRECTORS SHALL USE ONE HUNDRED PERCENT (100%) OF THE  
28 PORTION OF THE INCREASE THAT EXCEEDS THE INDEX AS FOLLOWS:

29       (1) AT LEAST EIGHTY PERCENT (80%) OF SUCH FUNDS SHALL BE  
30 USED TO OFFER ANY OF THE FOLLOWING FOR THE FIRST TIME OR TO

1 EXPAND ANY OF THE FOLLOWING:

2 (I) PROGRAMS THAT INCREASE THE AMOUNT OF STUDENT  
3 INSTRUCTIONAL TIME, WHICH MAY INCLUDE TUTORING, AN EXTENSION OF  
4 THE SCHOOL DAY OR SCHOOL CALENDAR OR INTENSIVE SUPPORT FOR  
5 STUDENTS WHO HAVE LIMITED ENGLISH PROFICIENCY.

6 (II) IMPLEMENTATION OF NEW CURRICULA OR COURSE OFFERINGS  
7 THAT INCREASE THE NUMBER OF STUDENTS WHO GRADUATE FROM HIGH  
8 SCHOOL PREPARED FOR COLLEGE AND HIGH-SKILL CAREERS.

9 (III) TRAINING OF PROFESSIONAL EMPLOYEES IN THE DELIVERY OF A  
10 CURRICULUM THAT INCREASES THE NUMBER OF STUDENTS WHO GRADUATE  
11 FROM HIGH SCHOOL PREPARED FOR COLLEGE AND HIGH-SKILL CAREERS, IN  
12 STRATEGIES FOR ADDRESSING THE LEARNING NEEDS OF STUDENTS AT RISK  
13 OF ACADEMIC FAILURE OR NEEDING REMEDIATION OR IN STRATEGIES TO  
14 ENSURE THAT STUDENTS STAY IN SCHOOL UNTIL GRADUATION AND  
15 SUCCESSFULLY TRANSITION TO POSTSECONDARY EDUCATION OR THE WORK  
16 FORCE.

17 (IV) REDUCTION OF CLASS SIZE.

18 (V) PREKINDERGARTEN OR FULL-DAY KINDERGARTEN.

19 (VI) INCENTIVES FOR THE MOST EFFECTIVE HIGHLY QUALIFIED  
20 TEACHERS AND PRINCIPALS TO WORK IN A SCHOOL IDENTIFIED FOR  
21 IMPROVEMENT OR CORRECTIVE ACTION.

22 (VII) SCHOOL LIBRARY SERVICES, WHICH MAY INCLUDE THE  
23 EMPLOYMENT OF SCHOOL LIBRARIANS OR ADDITIONAL SCHOOL LIBRARY  
24 STAFF, OR THE PURCHASE OF PRINTED OR ELECTRONIC MATERIALS OR  
25 OTHER RESOURCES FOR THE SCHOOL LIBRARY COLLECTION.

26 (2) NO MORE THAN TEN PERCENT (10%) OF SUCH FUNDS MAY BE USED  
27 TO MAINTAIN EXISTING PROGRAMS THAT MEET THE CRITERIA OF  
28 PARAGRAPH (1) OR FOR ONE-TIME COSTS NECESSARY TO THE DELIVERY OF  
29 INSTRUCTION THAT SHALL INCLUDE BOOKS, MATERIALS OR OTHER  
30 SUPPLIES.

1       (3) NO MORE THAN TEN PERCENT (10%) OF SUCH FUNDS MAY BE USED  
2 FOR OTHER PROGRAMS OR ACTIVITIES THAT ARE ESSENTIAL TO ACHIEVING  
3 OR MAINTAINING ACADEMIC PERFORMANCE TARGETS AND THAT ARE BASED  
4 ON SOUND RESEARCH OR FOR ONE-TIME COSTS NECESSARY TO THE  
5 DELIVERY OF INSTRUCTION THAT SHALL INCLUDE BOOKS, MATERIALS OR  
6 OTHER SUPPLIES.

7       (B) THE FOLLOWING SHALL APPLY:

8       (1) A SCHOOL DISTRICT SUBJECT TO THIS SECTION SHALL SUBMIT A  
9 PLAN TO THE DEPARTMENT OF EDUCATION NO LATER THAN AUGUST 1,  
10 2008, AND NO LATER THAN APRIL 15 OF EACH YEAR THEREAFTER,  
11 DETAILING ITS INTENDED USE OF FUNDS SUBJECT TO THIS SECTION IN  
12 THE SUBSEQUENT FISCAL YEAR. IF A GENERAL APPROPRIATION BILL THAT  
13 INCLUDES BASIC EDUCATION FUNDING FOR THE APPLICABLE FISCAL YEAR  
14 HAS NOT BEEN ENACTED PRIOR TO THE DEADLINE, A SCHOOL DISTRICT  
15 SHALL BASE ITS PLAN ON THE AMOUNT OF BASIC EDUCATION FUNDING  
16 PROPOSED IN AN EXECUTIVE BUDGET AND POSTED ON THE DEPARTMENT'S  
17 INTERNET WEBSITE.

18       (2) THE DEPARTMENT SHALL REVIEW ALL PLANS AND MAY PROVIDE  
19 RECOMMENDATIONS TO SCHOOL DISTRICTS WITHIN FORTY-FIVE (45) DAYS  
20 OF RECEIPT OF THE PLAN.

21       (3) WITHIN NINETY (90) DAYS OF RECEIPT OF A PLAN SUBMITTED  
22 BY A SCHOOL DISTRICT IDENTIFIED FOR WARNING, IMPROVEMENT OR  
23 CORRECTIVE ACTION OR A SCHOOL DISTRICT WITH ONE OR MORE SCHOOLS  
24 IDENTIFIED FOR IMPROVEMENT OR CORRECTIVE ACTION, THE DEPARTMENT  
25 SHALL APPROVE OR DISAPPROVE THE PLAN. THE DEPARTMENT SHALL  
26 PROVIDE A WRITTEN EXPLANATION TO THE BOARD OF SCHOOL DIRECTORS  
27 OF ANY SCHOOL DISTRICT WHOSE PLAN IS DISAPPROVED.

28       (4) A SCHOOL DISTRICT WHOSE PLAN HAS BEEN DISAPPROVED SHALL  
29 AMEND AND RESUBMIT ITS PLAN AS NECESSARY UNTIL APPROVED BY THE  
30 DEPARTMENT.



1       (C) THE DEPARTMENT SHALL APPROVE ANY SCHOOL DISTRICT

2 ACHIEVEMENT PLAN THAT:

3       (1) MEETS THE REQUIREMENTS OF THIS SECTION;

4       (2) ADDRESSES THE ACADEMIC CHALLENGES IDENTIFIED IN THE  
5 SCHOOL DISTRICT'S MOST RECENT STUDENT ACHIEVEMENT RESULTS, WITH  
6 SPECIFIC FOCUS ON INDIVIDUAL SCHOOLS, GRADE LEVELS AND  
7 POPULATIONS OF STUDENTS THAT DEMONSTRATE INADEQUATE LEVELS OF  
8 STUDENT ACHIEVEMENT; AND

9       (3) IN THE DETERMINATION OF THE DEPARTMENT, DESCRIBES  
10 PROGRAMS AND STRATEGIES THAT ARE MOST LIKELY TO IMPROVE STUDENT  
11 ACHIEVEMENT IN THE SCHOOL DISTRICT.

12       (D) FOR ANY SCHOOL DISTRICT WHERE APPROVAL OF A PLAN IS  
13 REQUIRED PURSUANT TO SUBSECTION (B), AND NOTWITHSTANDING ANY  
14 OTHER PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT SHALL  
15 WITHHOLD THE PORTION OF THE INCREASE IN BASIC EDUCATION FUNDING  
16 WHICH EXCEEDS THE INDEX UNTIL SUCH A TIME AS A PLAN IS APPROVED.

17       (E) THE DEPARTMENT OF EDUCATION SHALL:

18       (1) PROVIDE TECHNICAL ASSISTANCE TO ANY SCHOOL DISTRICT UPON  
19 REQUEST FOR THE DEVELOPMENT OF A PLAN PURSUANT TO THIS SECTION.

20       (2) DETERMINE THE FORM AND MANNER IN WHICH SCHOOL DISTRICTS  
21 SHALL SUBMIT A PLAN PURSUANT TO THIS SECTION.

22       (3) REVIEW ALL PLANS SUBMITTED TO THE DEPARTMENT AND APPROVE  
23 OR DISAPPROVE PLANS AS REQUIRED PURSUANT TO THIS SECTION.

24       (F) NOTHING IN THIS SECTION SHALL SUPERSEDE OR PREEMPT ANY  
25 PROVISIONS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN A SCHOOL  
26 ENTITY AND AN EMPLOYE ORGANIZATION IN EFFECT ON THE EFFECTIVE  
27 DATE OF THIS SECTION.

28       SECTION 31. SECTIONS 2509.1 AND 2509.5 OF THE ACT ARE  
29 AMENDED BY ADDING SUBSECTIONS TO READ:

30       SECTION 2509.1. PAYMENTS TO INTERMEDIATE UNITS.--\* \* \*

1       (B.16) UP TO ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS  
2       (\$11,500,000) MAY BE UTILIZED FOR PROGRAMS ADMINISTERED AND  
3       OPERATED BY INTERMEDIATE UNITS DURING THE 2008-2009 SCHOOL YEAR  
4       FOR INSTITUTIONALIZED CHILDREN AS ESTABLISHED IN SUBSECTION  
5       (B.1).

6       \* \* \*

7       SECTION 2509.5. SPECIAL EDUCATION PAYMENTS TO SCHOOL  
8       DISTRICTS.--\* \* \*

9       (ZZ) (1) DURING THE 2008-2009 SCHOOL YEAR, EACH SCHOOL  
10       DISTRICT SHALL BE PAID THE AMOUNT IT RECEIVED DURING THE 2007-  
11       2008 SCHOOL YEAR UNDER SUBSECTIONS (VV), (WW), (XX) AND (YY).

12       (2) DURING THE 2008-2009 SCHOOL YEAR, TWENTY-SEVEN MILLION  
13       EIGHT HUNDRED FOUR THOUSAND FOURTEEN DOLLARS (\$27,804,014) OF  
14       THE FUNDS APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR  
15       SPECIAL EDUCATION SHALL BE USED TO PROVIDE SUPPLEMENTAL FUNDING  
16       FOR SPECIAL EDUCATION TO ALL SCHOOL DISTRICTS. EACH SCHOOL  
17       DISTRICT SHALL RECEIVE A FUNDING SUPPLEMENT CALCULATED AS  
18       FOLLOWS:

19       (I) MULTIPLY EACH SCHOOL DISTRICT'S 2008-2009 MARKET  
20       VALUE/INCOME AID RATIO BY SIXTEEN PERCENT (16%) OF ITS 2007-2008  
21       AVERAGE DAILY MEMBERSHIP;

22       (II) MULTIPLY THE PRODUCT FROM SUBPARAGRAPH (I) BY TWENTY-  
23       SIX MILLION SEVEN HUNDRED THOUSAND AND SIX DOLLARS  
24       (\$26,700,006); AND

25       (III) DIVIDE THE RESULTANT PRODUCT FROM SUBPARAGRAPH (II) BY  
26       THE SUM OF THE PRODUCTS OF THE 2008-2009 MARKET VALUE/INCOME AID  
27       RATIO MULTIPLIED BY SIXTEEN PERCENT (16%) OF THE 2007-2008  
28       AVERAGE DAILY MEMBERSHIP FOR ALL SCHOOL DISTRICTS.

29       (3) EACH SCHOOL DISTRICT SHALL RECEIVE AN INFLATION INDEX  
30       SUPPLEMENT AS NECESSARY SO THAT THE AMOUNTS UNDER PARAGRAPH (2)

1 AND THIS PARAGRAPH EQUAL FOUR AND FOUR TENTHS PERCENT (4.4%)  
2 MULTIPLIED BY EACH SCHOOL DISTRICT'S 2008-2009 MARKET  
3 VALUE/INCOME AID RATIO OF THE AMOUNT IN PARAGRAPH (1).

4 (4) EACH SCHOOL DISTRICT FOR WHICH THE SUM OF THE  
5 SUPPLEMENTS UNDER PARAGRAPHS (2) AND (3) PROVIDES AN AMOUNT LESS  
6 THAN TWO PERCENT (2%) OF THE AMOUNT PROVIDED UNDER PARAGRAPH (1)  
7 SHALL RECEIVE ADDITIONAL FUNDING AS NECESSARY SO THAT THE SUM OF  
8 THE AMOUNTS PROVIDED UNDER PARAGRAPHS (2) AND (3) AND THIS  
9 PARAGRAPH EQUALS TWO PERCENT (2%) OF THE AMOUNT PROVIDED UNDER  
10 PARAGRAPH (1).

11 (5) FOR THE 2008-2009 FISCAL YEAR, IF INSUFFICIENT FUNDS ARE  
12 APPROPRIATED TO MAKE COMMONWEALTH PAYMENTS PURSUANT TO  
13 PARAGRAPHS (2), (3) AND (4), SUCH PAYMENTS SHALL BE MADE ON A  
14 PRO RATA BASIS. THE AMOUNTS PRO RATED SHALL BE THE SUM OF THE  
15 PAYMENTS MADE UNDER PARAGRAPHS (2), (3) AND (4).

16 SECTION 32. SECTION 2591.1 OF THE ACT, AMENDED DECEMBER 23,  
17 2003 (P.L.304, NO.48) AND JULY 20, 2007 (P.L.278, NO.45), IS  
18 AMENDED TO READ:

19 SECTION 2591.1. COMMONWEALTH REIMBURSEMENTS FOR CHARTER  
20 SCHOOLS AND CYBER CHARTER SCHOOLS.--(A) FOR THE 2001-2002  
21 SCHOOL YEAR, THE COMMONWEALTH SHALL PAY TO EACH SCHOOL DISTRICT  
22 WITH RESIDENT STUDENTS ENROLLED IN A CHARTER SCHOOL, A CHARTER  
23 SCHOOL APPROVED UNDER SECTION 1717-A OR 1718-A WHICH PROVIDES  
24 INSTRUCTION THROUGH THE INTERNET OR OTHER ELECTRONIC MEANS OR A  
25 CYBER CHARTER SCHOOL AS DEFINED PURSUANT TO ARTICLE XVII-A AN  
26 AMOUNT EQUAL TO THIRTY PERCENT (30%) OF THE TOTAL FUNDING  
27 REQUIRED UNDER SECTION 1725-A(A). IF INSUFFICIENT FUNDS ARE  
28 APPROPRIATED TO MAKE COMMONWEALTH REIMBURSEMENTS UNDER THIS  
29 SECTION, THE REIMBURSEMENTS SHALL BE MADE ON A PRO RATA BASIS.

30 (B) FOR THE 2002-2003 SCHOOL YEAR, THE COMMONWEALTH SHALL

1 PAY TO EACH SCHOOL DISTRICT THAT RECEIVED FUNDING UNDER  
2 SUBSECTION (A) FOR THE 2001-2002 SCHOOL YEAR AND THAT HAD  
3 RESIDENT STUDENTS ENROLLED IN A CHARTER SCHOOL, A CHARTER SCHOOL  
4 APPROVED UNDER SECTION 1717-A OR 1718-A WHICH PROVIDES  
5 INSTRUCTION THROUGH THE INTERNET OR OTHER ELECTRONIC MEANS OR A  
6 CYBER CHARTER SCHOOL AS DEFINED UNDER ARTICLE XVII-A DURING THE  
7 2002-2003 SCHOOL YEAR AN AMOUNT EQUAL TO THE LESSER OF:

8 (1) THE PAYMENT RECEIVED FOR THE 2001-2002 SCHOOL YEAR  
9 PURSUANT TO SUBSECTION (A); OR

10 (2) THIRTY PERCENT (30%) OF THE TOTAL FUNDING REQUIRED UNDER  
11 SECTION 1725-A(A).

12 (C) FOR THE 2002-2003 SCHOOL YEAR, THE COMMONWEALTH SHALL  
13 PAY TO EACH SCHOOL DISTRICT THAT DID NOT RECEIVE FUNDING UNDER  
14 SUBSECTION (A) FOR THE 2001-2002 SCHOOL YEAR AND THAT HAD  
15 RESIDENT STUDENTS ENROLLED IN A CHARTER SCHOOL, A CHARTER SCHOOL  
16 APPROVED UNDER SECTION 1717-A OR 1718-A WHICH PROVIDES  
17 INSTRUCTION THROUGH THE INTERNET OR OTHER ELECTRONIC MEANS OR A  
18 CYBER CHARTER SCHOOL AS DEFINED UNDER ARTICLE XVII-A DURING THE  
19 2002-2003 SCHOOL YEAR AN AMOUNT EQUAL TO THIRTY PERCENT (30%) OF  
20 THE TOTAL FUNDING REQUIRED UNDER SECTION 1725-A(A).

21 (C.1) (1) FOR THE 2003-2004 SCHOOL YEAR AND EACH SCHOOL  
22 YEAR THEREAFTER, EXCEPT [FOR THE 2006-2007 SCHOOL YEAR] AS  
23 PROVIDED UNDER PARAGRAPH (2) OR (3), THE COMMONWEALTH SHALL PAY  
24 TO EACH SCHOOL DISTRICT WITH RESIDENT STUDENTS ENROLLED DURING  
25 THE IMMEDIATELY PRECEDING SCHOOL YEAR IN A CHARTER SCHOOL, A  
26 CHARTER SCHOOL APPROVED UNDER SECTION 1717-A OR 1718-A WHICH  
27 PROVIDES INSTRUCTION THROUGH THE INTERNET OR OTHER ELECTRONIC  
28 MEANS OR A CYBER CHARTER SCHOOL AS DEFINED UNDER ARTICLE XVII-A,  
29 AN AMOUNT EQUAL TO THIRTY PERCENT (30%) OF THE TOTAL FUNDING  
30 REQUIRED UNDER SECTION 1725-A(A).

1 (2) FOR THE 2006-2007 SCHOOL YEAR, THE PAYMENT REQUIRED  
2 UNDER THIS SUBSECTION SHALL BE EQUAL TO THIRTY-TWO AND FORTY-  
3 FIVE HUNDREDTHS PERCENT (32.45%) OF THE AMOUNT REQUIRED UNDER  
4 SECTION 1725-A(A), WHERE THE SCHOOL DISTRICT HAS:

5 (I) AVERAGE DAILY MEMBERSHIP OF RESIDENT STUDENTS ENROLLED  
6 IN A CHARTER SCHOOL, A CHARTER SCHOOL APPROVED UNDER SECTION  
7 1717-A OR 1718-A WHICH PROVIDES INSTRUCTION THROUGH THE INTERNET  
8 OR OTHER ELECTRONIC MEANS OR A CYBER CHARTER SCHOOL AS DEFINED  
9 UNDER ARTICLE XVII-A EQUAL TO OR GREATER THAN TWELVE PERCENT  
10 (12%) OF THE SCHOOL DISTRICT'S 2006-2007 AVERAGE DAILY  
11 MEMBERSHIP;

12 (II) A 2007-2008 MARKET VALUE/INCOME AID RATIO OF EQUAL TO  
13 OR GREATER THAN SIX THOUSAND TEN THOUSANDTHS (.6000); AND

14 (III) MADE PAYMENTS EQUAL TO OR GREATER THAN ONE MILLION  
15 DOLLARS (\$1,000,000) AS REQUIRED UNDER SECTION 1725-A(A).

16 (3) FOR THE 2007-2008 SCHOOL YEAR AND EACH SCHOOL YEAR  
17 THEREAFTER, THE PAYMENT REQUIRED UNDER THIS SUBSECTION SHALL BE  
18 EQUAL TO FORTY-ONE AND NINETY-SIX HUNDREDTHS PER CENTUM (41.96%)  
19 OF THE AMOUNT REQUIRED UNDER SECTION 1725-A(A), WHERE THE SCHOOL  
20 DISTRICT HAS:

21 (I) 2007-2008 AVERAGE DAILY MEMBERSHIP OF RESIDENT STUDENTS  
22 ENROLLED IN A CHARTER SCHOOL, A CHARTER SCHOOL APPROVED UNDER  
23 SECTION 1717-A OR 1718-A WHICH PROVIDES INSTRUCTION THROUGH THE  
24 INTERNET OR OTHER ELECTRONIC MEANS OR A CYBER CHARTER SCHOOL AS  
25 DEFINED UNDER ARTICLE XVII-A EQUAL TO OR GREATER THAN TWELVE PER  
26 CENTUM (12%) OF THE SCHOOL DISTRICT'S 2007-2008 AVERAGE DAILY  
27 MEMBERSHIP;

28 (II) A 2008-2009 MARKET VALUE/INCOME AID RATIO OF EQUAL TO  
29 OR GREATER THAN SIX THOUSAND TEN THOUSANDTHS (.6000); AND

30 (III) MADE PAYMENTS EQUAL TO OR GREATER THAN ONE MILLION

1 DOLLARS (\$1,000,000) AS REQUIRED UNDER SECTION 1725-A(A).

2 (D) (1) FOR THE FISCAL YEAR 2003-2004 AND EACH FISCAL YEAR  
3 THEREAFTER, IF INSUFFICIENT FUNDS ARE APPROPRIATED TO MAKE  
4 COMMONWEALTH PAYMENTS PURSUANT TO THIS SECTION, SUCH PAYMENTS  
5 SHALL BE MADE ON A PRO RATA BASIS.

6 (2) FOR FISCAL YEAR 2007-2008, WHEN DETERMINING IF  
7 SUFFICIENT FUNDS ARE AVAILABLE, THE DEPARTMENT OF EDUCATION  
8 SHALL INCLUDE IN THE CALCULATION TWO MILLION DOLLARS  
9 (\$2,000,000) IN ADDITION TO THE FUNDS APPROPRIATED TO THE  
10 DEPARTMENT OF EDUCATION FOR THIS PURPOSE.

11 SECTION 33. SECTION 2599.2(B) AND (F) OF THE ACT, ADDED  
12 DECEMBER 23, 2003 (P.L.304, NO.48), ARE AMENDED, SUBSECTION (E)  
13 IS AMENDED BY ADDING A PARAGRAPH AND THE SECTION IS AMENDED BY  
14 ADDING A SUBSECTION TO READ:

15 SECTION 2599.2. PENNSYLVANIA ACCOUNTABILITY GRANTS.--\* \* \*

16 (B) THE GRANT SHALL BE USED BY A SCHOOL DISTRICT TO ATTAIN  
17 OR MAINTAIN ACADEMIC PERFORMANCE TARGETS. FUNDS OBTAINED UNDER  
18 THIS SECTION MAY BE USED FOR ANY OF THE FOLLOWING:

19 (1) ESTABLISHING, MAINTAINING OR EXPANDING A QUALITY PRE-  
20 KINDERGARTEN PROGRAM ALIGNED WITH THE CURRENT ACADEMIC STANDARDS  
21 CONTAINED IN 22 PA. CODE CH. 4 (RELATING TO ACADEMIC STANDARDS  
22 AND ASSESSMENT).

23 (2) ESTABLISHING, MAINTAINING OR EXPANDING A QUALITY FULL-  
24 DAY KINDERGARTEN PROGRAM ALIGNED WITH THE CURRENT ACADEMIC  
25 STANDARDS CONTAINED IN 22 PA. CODE CH. 4. SUCH PROGRAMS SHALL BE  
26 KEPT OPEN FOR FIVE HOURS EACH DAY FOR THE FULL SCHOOL TERM AS  
27 PROVIDED IN SECTION 1501. THE BOARD OF SCHOOL DIRECTORS OF A  
28 SCHOOL DISTRICT MAY OFFER A FULL-DAY KINDERGARTEN PROGRAM TO  
29 CHILDREN WHO ARE BETWEEN FOUR AND SIX YEARS OLD.

30 (3) ESTABLISHING, MAINTAINING OR EXPANDING A CLASS SIZE

1 REDUCTION PROGRAM. SUCH CLASS SIZE REDUCTION PROGRAM SHALL  
2 APPOINT AND ASSIGN A MINIMUM OF ONE TEACHER FOR EVERY 17  
3 STUDENTS OR TWO TEACHERS FOR EVERY 35 STUDENTS ENROLLED IN A  
4 KINDERGARTEN, FIRST, SECOND OR THIRD GRADE CLASSROOM. ALL  
5 TEACHERS APPOINTED AND ASSIGNED TO TEACH KINDERGARTEN, FIRST,  
6 SECOND OR THIRD GRADE SHALL BE CERTIFIED IN ACCORDANCE WITH 22  
7 PA. CODE CH. 49 (RELATING TO CERTIFICATION OF PROFESSIONAL  
8 PERSONNEL) OR ITS SUCCESSORS. THE DEPARTMENT SHALL ESTABLISH  
9 GUIDELINES TO ASSURE THAT NO SCHOOL DISTRICT SATISFIES THE  
10 REQUIREMENTS OF THIS PARAGRAPH BY MAKING A REDUCTION IN, AND  
11 SUBSEQUENT INCREASE TO, CURRENT TEACHER COMPLEMENT. FOR PURPOSES  
12 OF THIS PARAGRAPH, THE PHRASE "ONE TEACHER FOR EVERY 17 STUDENTS  
13 OR TWO TEACHERS FOR EVERY 35 STUDENTS ENROLLED IN A  
14 KINDERGARTEN, FIRST, SECOND OR THIRD GRADE CLASSROOM" SHALL  
15 REFER TO THE NUMBER OF TEACHERS CONDUCTING A CLASS AT ANY ONE  
16 TIME IN A CLASSROOM CONTAINING THE APPLICABLE NUMBER OF  
17 STUDENTS.

18 (4) ESTABLISHING, EXPANDING OR MAINTAINING PROGRAMS THAT  
19 PROMOTE THE AVAILABILITY, COORDINATION, INTEGRATION AND  
20 UTILIZATION OF SOCIAL AND HEALTH SERVICES, ASSOCIATED RESOURCES  
21 AND ANCILLARY RESOURCES TO MEET THE NEEDS OF CHILDREN AND  
22 FAMILIES IN ADDRESSING ISSUES THAT MAY SERVE TO LIMIT STUDENT  
23 ACADEMIC ACHIEVEMENT.

24 (5) NOTWITHSTANDING THE PROVISIONS OF ARTICLE XV-C,  
25 PROVIDING TUTORING ASSISTANCE DURING THE NORMAL SCHOOL DAY AND  
26 HOURS OF THE SCHOOL DISTRICT, PROVIDED THAT THE TUTORING IS IN  
27 ADDITION TO AND DOES NOT INTERFERE WITH A STUDENT'S REGULARLY  
28 SCHEDULED CLASSROOM INSTRUCTION TIMES AND DOES NOT SUPPLANT  
29 SERVICES REQUIRED IN A STUDENT'S INDIVIDUALIZED EDUCATION  
30 PROGRAM.

1 (6) IMPROVING THE ACADEMIC PERFORMANCE OF SUBGROUPS  
2 IDENTIFIED UNDER SECTION 1111(B) OF THE NO CHILD LEFT BEHIND ACT  
3 OF 2001.

4 (7) ESTABLISHING, EXPANDING OR MAINTAINING PROGRAMS TO  
5 ASSIST IN THE BUILDING OF STRONG SCIENCE AND APPLIED-KNOWLEDGE  
6 SKILLS.

7 (8) PROVIDING ADDITIONAL PROGRAMS FOR CONTINUING  
8 PROFESSIONAL EDUCATION THAT MAY INCLUDE ANY OF THE FOLLOWING:  
9 TRAINING IN MATHEMATICS, SCIENCE AND LITERACY-SPECIFIC  
10 CURRICULUM AND INSTRUCTIONAL STRATEGIES; TRAINING IN SCHOOL-WIDE  
11 IMPROVEMENT PLANNING; ANALYSIS OF STUDENT ACHIEVEMENT DATA,  
12 INCLUDING STUDENT WORK AND THE IMPLICATIONS FOR CLASSROOM  
13 PRACTICE; OBSERVING AND STUDYING EXEMPLARY SCHOOL AND CLASSROOM  
14 PRACTICES; IMPLEMENTING SCHOOL-WIDE PROGRAMS AND CLASSROOM  
15 MANAGEMENT STRATEGIES DESIGNED TO IMPROVE STUDENT CONDUCT; USING  
16 TECHNOLOGY TO BOOST STUDENT ACHIEVEMENT; CONDUCTING TRANSITION  
17 PLANNING AND CURRICULUM ALIGNMENT ACROSS SCHOOLS AND GRADE  
18 LEVELS; OR IMPLEMENTING SECONDARY STRATEGIES TO INCREASE STUDENT  
19 ENGAGEMENT AND PERSONALIZE LEARNING.

20 (9) ESTABLISHING, EXPANDING OR MAINTAINING MATH AND LITERACY  
21 COACHING PROGRAMS WITHIN SCHOOLS TO IMPROVE MATH AND READING  
22 INSTRUCTION.

23 (10) PROVIDING FINANCIAL INCENTIVES TO HIGHLY QUALIFIED,  
24 TENURED TEACHERS TO WORK IN THE MOST ACADEMICALLY CHALLENGED  
25 SCHOOLS IN A SCHOOL DISTRICT OR PROVIDING FINANCIAL INCENTIVES  
26 TO AID IN THE RECRUITMENT OF CERTIFICATED TEACHERS IN  
27 MATHEMATICS, SCIENCE, LANGUAGE ARTS OR ENGLISH AS A SECOND  
28 LANGUAGE TO WORK IN THE MOST ACADEMICALLY CHALLENGED SCHOOLS IN  
29 A SCHOOL DISTRICT.

30 (10.1) ESTABLISHING, EXPANDING OR MAINTAINING A CAREER



1 AWARENESS PROGRAM.

2 (10.2) PURCHASING MATERIALS OR EXTENDING SERVICE HOURS FOR  
3 SCHOOL LIBRARIES.

4 (11) PROVIDING SUCH OTHER PROGRAMS OR ACTIVITIES THAT THE  
5 BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT DETERMINES ARE  
6 ESSENTIAL TO ACHIEVING OR MAINTAINING ACADEMIC PERFORMANCE  
7 TARGETS THROUGH THE YEAR 2014.

8 (12) ESTABLISHING, EXPANDING OR MAINTAINING PROGRAMS FOR  
9 INSTRUCTION ON WORLD LANGUAGES IN THE ELEMENTARY GRADES, EITHER  
10 IN IMMERSION CLASSROOMS OR AS SEPARATE PERIODS OF INSTRUCTION.

11 (13) ESTABLISHING, EXPANDING OR MAINTAINING PROGRAMS TO  
12 STRENGTHEN HIGH SCHOOL CURRICULA BY CREATING RIGOROUS COLLEGE  
13 AND CAREER PREPARATORY PROGRAMS, INCREASING ACADEMIC  
14 ACHIEVEMENT, OFFERING ADDITIONAL ADVANCED PLACEMENT COURSES,  
15 PROVIDING SCHOOL-BASED COUNSELING AND PROVIDING PROFESSIONAL  
16 DEVELOPMENT.

17 (14) ESTABLISHING, EXPANDING OR MAINTAINING PROGRAMS TO  
18 PROVIDE INTENSIVE TEACHER TRAINING, PROFESSIONAL DEVELOPMENT  
19 OPPORTUNITIES AND TEACHING RESOURCES TO ELEMENTARY LEVEL SCIENCE  
20 TEACHERS.

21 \* \* \*

22 (D.4) DURING THE 2008-2009 SCHOOL YEAR, THE DEPARTMENT SHALL  
23 PAY TO EACH SCHOOL DISTRICT A PENNSYLVANIA ACCOUNTABILITY GRANT  
24 EQUAL TO THE AMOUNT PAID DURING THE 2007-2008 SCHOOL YEAR UNDER  
25 SUBSECTIONS (D.2) AND (D.3).

26 (E) \* \* \*

27 (7) FOR THE 2008-2009 FISCAL YEAR, IF INSUFFICIENT FUNDS ARE  
28 APPROPRIATED TO MAKE COMMONWEALTH PAYMENTS PURSUANT TO THIS  
29 SECTION, SUCH PAYMENTS SHALL BE MADE ON A PRO RATA BASIS.

30 \* \* \*

1 (F) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES  
2 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

3 "APPLIED KNOWLEDGE." INFORMATION TECHNOLOGY, COMPUTER  
4 EQUIPMENT, EDUCATION SOFTWARE AND RELATED ADVANCED TECHNOLOGIES  
5 NECESSARY TO INCREASE STUDENTS' ACCESS TO WORLDWIDE INFORMATION  
6 AND THEIR EXPERTISE IN THIS REGARD.

7 "CAREER AWARENESS PROGRAM." AN EDUCATIONAL PROGRAM THAT  
8 INTRODUCES STUDENTS TO A VARIETY OF CAREER AND VOCATIONAL  
9 OPTIONS AND INCLUDES SUCH ACTIVITIES AS JOB SHADOWING, FIELD  
10 TRIPS AND TOURS, CAREER DAYS OR THE ADMINISTRATION OF CAREER  
11 ASSESSMENT TESTS AND INVENTORIES.

12 "CAREER DAYS." SPECIAL EVENTS THAT ALLOW STUDENTS TO MEET  
13 WITH EMPLOYERS, CAREER DEVELOPMENT SPECIALISTS, COMMUNITY-BASED  
14 ORGANIZATION REPRESENTATIVES AND POSTSECONDARY EDUCATORS AND ARE  
15 DESIGNED TO ENCOURAGE STUDENTS TO GAIN INFORMATION ABOUT CAREERS  
16 AND JOB OPPORTUNITIES.

17 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE  
18 COMMONWEALTH.

19 "GRANT." A PENNSYLVANIA ACCOUNTABILITY GRANT AWARDED UNDER  
20 THIS SECTION.

21 "HIGHLY QUALIFIED." A HIGHLY QUALIFIED ELEMENTARY TEACHER OR  
22 A HIGHLY QUALIFIED MIDDLE OR SECONDARY TEACHER AS DEFINED IN 22  
23 PA. CODE § 403.2 (RELATING TO DEFINITIONS).

24 "JOB SHADOWING." AS PART OF CAREER EXPLORATION ACTIVITIES IN  
25 LATE MIDDLE AND EARLY HIGH SCHOOL, ACTIVITY OF A STUDENT  
26 FOLLOWING AN EMPLOYE FOR ONE OR MORE DAYS TO LEARN ABOUT A  
27 PARTICULAR OCCUPATION OR INDUSTRY, WHICH ACTIVITY IS INTENDED TO  
28 HELP STUDENTS EXPLORE A RANGE OF CAREER OBJECTIVES AND POSSIBLY  
29 TO SELECT A CAREER PATHWAY.

30 "SCIENCE." A CURRICULAR OFFERING IN SUPPORT OF THE SCIENCE

1 AND TECHNOLOGY CONTENT AREA AS DEFINED IN 22 PA. CODE § 4.12  
2 (RELATING TO ACADEMIC STANDARDS).

3 SECTION 34. THIS ACT SHALL APPLY RETROACTIVELY TO JULY 1,  
4 2008.

5 SECTION 35. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.