

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1901 Session of 2011

INTRODUCED BY EVERETT, AUMENT, BAKER, BOBACK, CAUSER, FLECK, GEIST, GINGRICH, GRELL, GROVE, HICKERNELL, KAUFFMAN, M. K. KELLER, METCALFE, MILLER, MILNE, RAPP, REICHLEY, ROSS, SWANGER, VULAKOVICH AND BROOKS, OCTOBER 18, 2011

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, JUNE 29, 2012

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," in grounds and buildings, further
6 providing for work to be done under contract let on bids and
7 exceptions. IN PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR
8 DEFINITIONS, FOR BACKGROUND CHECKS OF PROSPECTIVE EMPLOYEES
9 AND CONVICTION OF EMPLOYEES OF CERTAIN OFFENSES AND FOR
10 COLLECTION OF IDENTIFYING INFORMATION OF STUDENTS ATTENDING
11 INSTITUTIONS OF HIGHER EDUCATION; PROVIDING FOR ADJUSTMENTS
12 BASED ON CONSUMER PRICE INDEX AND FOR KEYSTONE EXAMS; IN
13 SCHOOL DISTRICTS, FURTHER PROVIDING FOR MORATORIUM ON CERTAIN
14 DATA COLLECTION SYSTEMS AND DATA SETS; IN SCHOOL FINANCES,
15 PROVIDING FOR REOPENING OF 2012-2013 BUDGET AND FOR
16 INTERGOVERNMENTAL AGREEMENTS FOR SCHOOL SECURITY AND SAFETY;
17 IN GROUNDS AND BUILDINGS, PROVIDING FOR LIMITATION ON NEW
18 APPLICATIONS FOR THE DEPARTMENT OF EDUCATION'S APPROVAL OF
19 PUBLIC SCHOOL BUILDING PROJECTS AND FURTHER PROVIDING FOR
20 WORK TO BE DONE UNDER CONTRACT LET ON BIDS AND EXCEPTION; IN
21 BOOKS, FURNITURE AND SUPPLIES, FURTHER PROVIDING FOR PURCHASE
22 OF SUPPLIES; IN DISTRICT SUPERINTENDENTS AND ASSISTANT
23 DISTRICT SUPERINTENDENTS, FURTHER PROVIDING FOR ELIGIBILITY
24 AND FOR MANNER OF ELECTION OR APPROVAL, PROVIDING FOR
25 PERFORMANCE REVIEW AND FURTHER PROVIDING FOR ELECTION OF
26 ASSISTANT DISTRICT SUPERINTENDENTS, FOR TERM AND SALARY OF
27 ASSISTANTS, FOR COMMISSIONS AND FOR REMOVAL; IN PROFESSIONAL
28 EMPLOYEES, FURTHER PROVIDING FOR RATING SYSTEM AND FOR CAUSES
29 FOR SUSPENSION; IN PUPILS AND ATTENDANCE, FURTHER PROVIDING
30 FOR LIABILITY FOR TUITION AND ENFORCEMENT OF PAYMENT AND FOR



1 SCHOOL LUNCH AND BREAKFAST REIMBURSEMENT; IN SAFE SCHOOLS,  
2 FURTHER PROVIDING FOR REGULATIONS; ADDING A REQUIREMENT  
3 RELATING TO CARDIOPULMONARY RESUSCITATION; PROVIDING FOR OPEN  
4 CAMPUS INITIATIVES; IN HIGH SCHOOLS, FURTHER PROVIDING FOR  
5 ATTENDANCE IN OTHER DISTRICTS; PROVIDING FOR DISCLOSURE BY ←  
6 SCHOOL ENTITIES OF CERTAIN INTERSCHOLASTIC ATHLETIC  
7 OPPORTUNITY INFORMATION; REENACTING AND AMENDING PROVISIONS  
8 RELATING TO SCHOOL BOARDS AND EDUCATIONAL EMPOWERMENT; IN  
9 COMMUNITY COLLEGES, FURTHER PROVIDING FOR FINANCIAL PROGRAM,  
10 REIMBURSEMENT OF PAYMENTS; IN THADDEUS STEVENS COLLEGE OF  
11 TECHNOLOGY, FURTHER PROVIDING FOR CONTRACTS FOR CONSTRUCTION,  
12 REPAIR, RENOVATION OR MAINTENANCE; IN STATE SYSTEM OF HIGHER  
13 EDUCATION, FURTHER PROVIDING FOR PROJECT CONTRACTS AND FOR  
14 POWERS AND DUTIES OF INSTITUTION PRESIDENTS; IN SCHOOL  
15 DISTRICTS OF THE FIRST CLASS, FURTHER PROVIDING FOR  
16 SUPERINTENDENTS OF SCHOOLS OR BUILDINGS AND OF SUPPLIES; IN  
17 FUNDING FOR PUBLIC LIBRARIES, PROVIDING FOR STATE AND FOR  
18 FISCAL YEAR 2012-2013; IN REIMBURSEMENTS BY COMMONWEALTH AND  
19 BETWEEN SCHOOL DISTRICTS, PROVIDING FOR BASIC EDUCATION  
20 FUNDING FOR 2011-2012 SCHOOL YEAR, FURTHER PROVIDING FOR  
21 PAYMENTS TO INTERMEDIATE UNITS AND FOR SPECIAL EDUCATION  
22 PAYMENTS TO SCHOOL DISTRICTS, PROVIDING FOR ASSISTANCE TO  
23 SCHOOL DISTRICTS CERTIFIED AS EDUCATION EMPOWERMENT  
24 DISTRICTS, FURTHER PROVIDING FOR PENNSYLVANIA ACCOUNTABILITY  
25 GRANTS AND PROVIDING FOR TARGETED INDUSTRY CLUSTER  
26 CERTIFICATE SCHOLARSHIP PROGRAM; AND MAKING EDITORIAL  
27 CHANGES.

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

30 ~~Section 1. Section 751(a) of the act of March 10, 1949~~ ←  
31 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~  
32 ~~amended May 4, 1990 (P.L.164, No.38), is amended to read:~~

33 ~~Section 751. Work to be Done Under Contract Let on Bids;~~  
34 ~~Exception. (a) All construction, reconstruction, repairs,~~  
35 ~~maintenance or work of any nature, including the introduction of~~  
36 ~~plumbing, heating and ventilating, or lighting systems, upon any~~  
37 ~~school building or upon any school property, or upon any~~  
38 ~~building or portion of a building leased under the provisions of~~  
39 ~~section 703.1, made by any school district, where the entire~~  
40 ~~cost, value, or amount of such construction, reconstruction,~~  
41 ~~repairs, maintenance or work, including labor and material,~~  
42 ~~shall exceed ten thousand dollars (\$10,000), shall be done under~~  
43 ~~separate contracts to be entered into by such school district~~

1 ~~with the lowest responsible bidder, upon proper terms, after due~~  
2 ~~public notice has been given asking for competitive bids.~~  
3 ~~Whenever a board of school directors shall approve the use of a~~  
4 ~~prefabricated unit, complete in itself, for a school building or~~  
5 ~~other proper structure to be erected upon school property, the~~  
6 ~~board of school directors may have prepared appropriate~~  
7 ~~specifications detailing the size and material desired in a~~  
8 ~~particular prefabricated unit, including all utilities such as~~  
9 ~~plumbing, heating and ventilating, and electrical work, and may~~  
10 ~~advertise for a single bid on all the work and award the~~  
11 ~~contract therefor to the lowest responsible bidder: Provided,~~  
12 ~~That if due to an emergency a school plant or any part thereof~~  
13 ~~becomes unusable competitive bids for repairs or replacement may~~  
14 ~~be solicited from at least three responsible bidders, and upon~~  
15 ~~the approval of any of these bids by [the Secretary of~~  
16 ~~Education,] the board of school directors, the school district~~  
17 ~~may proceed at once to make the necessary repairs or~~  
18 ~~replacements in accordance with the terms of said approved bid~~  
19 ~~or bids; and Provided further, That the school district shall~~  
20 ~~notify the Secretary of Education in a form and manner~~  
21 ~~determined by the Secretary of Education that an emergency has~~  
22 ~~occurred and a bid has been selected under the emergency process~~  
23 ~~provided for in this section.~~

24 \* \* \*

25 ~~Section 2. This act shall take effect in 60 days.~~ ←

26 SECTION 1. SECTION 102 OF THE ACT OF MARCH 10, 1949 (P.L.30, ←  
27 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY  
28 ADDING A DEFINITION TO READ:

29 SECTION 102. DEFINITIONS.--WHEN USED IN THIS ACT THE  
30 FOLLOWING WORDS AND PHRASES SHALL HAVE THE FOLLOWING MEANINGS:

1 \* \* \*

2 "KEYSTONE EXAM." AN ASSESSMENT DEVELOPED OR CAUSED TO BE  
3 DEVELOPED BY THE DEPARTMENT OF EDUCATION PURSUANT TO 22 PA. CODE  
4 § 4.51(F) (RELATING TO STATE ASSESSMENT SYSTEM).

5 \* \* \*

6 SECTION 2. SECTION 111 HEADING, (A.1), (E), (F.1), (F.2),  
7 (H), (I) AND (J) OF THE ACT, AMENDED OR ADDED JULY 11, 2006  
8 (P.L.1092, NO.114) AND JUNE 30, 2011 (P.L.112, NO.24), ARE  
9 AMENDED TO READ:

10 SECTION 111. [BACKGROUND CHECKS OF] CRIMINAL HISTORY OF  
11 EMPLOYES AND PROSPECTIVE EMPLOYES; CONVICTION OF [EMPLOYES OF]  
12 CERTAIN OFFENSES.--\* \* \*

13 (A.1) BEGINNING APRIL 1, 2007, THIS SECTION SHALL APPLY TO  
14 ALL CURRENT AND PROSPECTIVE EMPLOYES OF PUBLIC AND PRIVATE  
15 SCHOOLS, INTERMEDIATE UNITS AND AREA VOCATIONAL-TECHNICAL  
16 SCHOOLS, INCLUDING, BUT NOT LIMITED TO, TEACHERS, SUBSTITUTES,  
17 JANITORS, CAFETERIA WORKERS, INDEPENDENT CONTRACTORS AND THEIR  
18 EMPLOYES, EXCEPT THOSE EMPLOYES AND INDEPENDENT CONTRACTORS AND  
19 THEIR EMPLOYES WHO HAVE NO DIRECT CONTACT WITH CHILDREN.

20 (1) BEGINNING APRIL 1, 2007, THIS SECTION SHALL APPLY TO BUS  
21 DRIVERS EMPLOYED OR OFFERED EMPLOYMENT BY A SCHOOL DISTRICT,  
22 PRIVATE SCHOOL, NONPUBLIC SCHOOL, INTERMEDIATE UNIT OR AREA  
23 VOCATIONAL-TECHNICAL SCHOOL OR BY AN INDEPENDENT CONTRACTOR.

24 (2) BEGINNING APRIL 1, 2007, THIS SECTION SHALL APPLY TO  
25 STUDENT TEACHERS AND STUDENT TEACHER CANDIDATES ASSIGNED TO ALL  
26 PUBLIC AND PRIVATE SCHOOLS, INTERMEDIATE UNITS AND AREA  
27 VOCATIONAL-TECHNICAL SCHOOLS.

28 (3) FOR PURPOSES OF THIS SECTION, "STUDENT TEACHER" OR  
29 "STUDENT TEACHER CANDIDATE" SHALL MEAN AN INDIVIDUAL  
30 PARTICIPATING IN A CLASSROOM TEACHING, INTERNSHIP, CLINICAL OR

1 FIELD EXPERIENCE WHO, AS PART OF A PROGRAM FOR THE INITIAL OR  
2 ADVANCED PREPARATION OF PROFESSIONAL EDUCATORS, PERFORMS  
3 CLASSROOM TEACHING OR ASSISTS IN THE EDUCATION PROGRAM IN A  
4 PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT OR AREA VOCATIONAL-  
5 TECHNICAL SCHOOL UNDER THE SUPERVISION OF EDUCATOR PREPARATION  
6 PROGRAM FACULTY.

7 (4) PRIOR TO A STUDENT TEACHER OR STUDENT TEACHER  
8 CANDIDATE'S PARTICIPATION IN ANY CLASSROOM TEACHING, INTERNSHIP,  
9 CLINICAL OR FIELD EXPERIENCE, [THAT CANDIDATE] THE STUDENT  
10 TEACHER OR STUDENT TEACHER CANDIDATE SHALL PROVIDE TO THE  
11 ADMINISTRATOR OF HIS OR HER EDUCATOR PREPARATION PROGRAM ALL  
12 CRIMINAL HISTORY RECORD INFORMATION REQUIRED OF AN EMPLOYE OR  
13 PROSPECTIVE EMPLOYE WHO IS SUBJECT TO THIS SECTION.

14 (5) [THE] A STUDENT TEACHER OR STUDENT TEACHER CANDIDATE MAY  
15 NOT PARTICIPATE IN ANY CLASSROOM TEACHING, INTERNSHIP, CLINICAL  
16 OR FIELD EXPERIENCE IF THIS SECTION WOULD PROHIBIT AN EMPLOYE OR  
17 PROSPECTIVE EMPLOYE SUBJECT TO THIS SECTION FROM BEING EMPLOYED  
18 UNDER THOSE CIRCUMSTANCES.

19 (6) DURING THE COURSE OF A STUDENT TEACHER OR STUDENT  
20 TEACHER CANDIDATE'S PARTICIPATION IN AN EDUCATOR PREPARATION  
21 PROGRAM, THE ADMINISTRATOR OF THE STUDENT TEACHER OR STUDENT  
22 TEACHER CANDIDATE'S EDUCATOR PREPARATION PROGRAM SHALL MAINTAIN  
23 A COPY OF THE CRIMINAL HISTORY RECORD INFORMATION THAT WAS  
24 PROVIDED BY THE STUDENT TEACHER OR STUDENT TEACHER CANDIDATE.  
25 THE PENALTY PROVISIONS OF SUBSECTION (G) SHALL BE APPLICABLE TO  
26 THE ADMINISTRATOR OF A STUDENT TEACHER OR STUDENT TEACHER  
27 CANDIDATE'S EDUCATOR PREPARATION PROGRAM.

28 (7) IF A STUDENT TEACHER OR STUDENT TEACHER CANDIDATE IS  
29 CONTINUOUSLY ENROLLED IN AN EDUCATOR PREPARATION PROGRAM, THE  
30 CRIMINAL HISTORY RECORD INFORMATION INITIALLY SUBMITTED BY

1 [THAT] THE STUDENT TEACHER OR STUDENT TEACHER CANDIDATE TO THAT  
2 PROGRAM SHALL REMAIN VALID DURING THAT PERIOD OF ENROLLMENT,      
3 SUBJECT TO THE REQUIREMENTS OF SUBSECTION (J). IF A STUDENT  
4 TEACHER OR STUDENT TEACHER CANDIDATE'S ENROLLMENT IN AN EDUCATOR  
5 PREPARATION PROGRAM IS INTERRUPTED OR IF [THAT] THE STUDENT  
6 TEACHER OR STUDENT TEACHER CANDIDATE TRANSFERS TO ANOTHER  
7 EDUCATOR PREPARATION PROGRAM, THE STUDENT TEACHER OR STUDENT  
8 TEACHER CANDIDATE SHALL PROVIDE TO THE ADMINISTRATOR OF HIS OR  
9 HER EDUCATOR PREPARATION PROGRAM ALL CRIMINAL HISTORY RECORD  
10 INFORMATION REQUIRED OF AN EMPLOYE WHO IS SUBJECT TO THIS  
11 SECTION.

12 \* \* \*

13 (E) NO PERSON SUBJECT TO THIS ACT SHALL BE EMPLOYED OR  
14 REMAIN EMPLOYED IN A PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT  
15 OR AREA VOCATIONAL-TECHNICAL SCHOOL WHERE [THE] A REPORT OF  
16 CRIMINAL HISTORY RECORD INFORMATION OR A FORM SUBMITTED BY AN  
17 EMPLOYE UNDER SUBSECTION (J) INDICATES THE [APPLICANT] PERSON  
18 HAS BEEN CONVICTED OF ANY OF THE FOLLOWING OFFENSES:

19 (1) AN OFFENSE UNDER ONE OR MORE OF THE FOLLOWING PROVISIONS  
20 OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES:

21 CHAPTER 25 (RELATING TO CRIMINAL HOMICIDE).

22 SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).

23 SECTION 2709.1 (RELATING TO STALKING).

24 SECTION 2901 (RELATING TO KIDNAPPING).

25 SECTION 2902 (RELATING TO UNLAWFUL RESTRAINT).

26 SECTION 2910 (RELATING TO LURING A CHILD INTO A MOTOR  
27 VEHICLE OR STRUCTURE).

28 SECTION 3121 (RELATING TO RAPE).

29 SECTION 3122.1 (RELATING TO STATUTORY SEXUAL ASSAULT).

30 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL

1 INTERCOURSE) .

2 SECTION 3124.1 (RELATING TO SEXUAL ASSAULT) .

3 SECTION 3124.2 (RELATING TO INSTITUTIONAL SEXUAL  
4 ASSAULT) .

5 SECTION 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT) .

6 SECTION 3126 (RELATING TO INDECENT ASSAULT) .

7 SECTION 3127 (RELATING TO INDECENT EXPOSURE) .

8 SECTION 3129 (RELATING TO SEXUAL INTERCOURSE WITH  
9 ANIMAL) .

10 SECTION 4302 (RELATING TO INCEST) .

11 SECTION 4303 (RELATING TO CONCEALING DEATH OF CHILD) .

12 SECTION 4304 (RELATING TO ENDANGERING WELFARE OF  
13 CHILDREN) .

14 SECTION 4305 (RELATING TO DEALING IN INFANT CHILDREN) .

15 A FELONY OFFENSE UNDER SECTION 5902(B) (RELATING TO  
16 PROSTITUTION AND RELATED OFFENSES) .

17 SECTION 5903(C) OR (D) (RELATING TO OBSCENE AND OTHER  
18 SEXUAL MATERIALS AND PERFORMANCES) .

19 SECTION 6301(A) (1) (RELATING TO CORRUPTION OF MINORS) .

20 SECTION 6312 (RELATING TO SEXUAL ABUSE OF CHILDREN) .

21 SECTION 6318 (RELATING TO UNLAWFUL CONTACT WITH MINOR) .

22 SECTION 6319 (RELATING TO SOLICITATION OF MINORS TO  
23 TRAFFIC DRUGS) .

24 SECTION 6320 (RELATING TO SEXUAL EXPLOITATION OF  
25 CHILDREN) .

26 (2) AN OFFENSE DESIGNATED AS A FELONY UNDER THE ACT OF APRIL  
27 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE,  
28 DRUG, DEVICE AND COSMETIC ACT."

29 (3) AN OFFENSE SIMILAR IN NATURE TO THOSE CRIMES LISTED IN  
30 CLAUSES (1) AND (2) UNDER THE LAWS OR FORMER LAWS OF THE UNITED

1 STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE,  
2 THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A  
3 FOREIGN NATION, OR UNDER A FORMER LAW OF THIS COMMONWEALTH.

4 (F.1) (1) IF [THE] A REPORT OF CRIMINAL HISTORY RECORD  
5 INFORMATION OR A FORM SUBMITTED BY AN EMPLOYE UNDER SUBSECTION  
6 (J) INDICATES THE PERSON HAS BEEN CONVICTED OF AN OFFENSE GRADED  
7 AS A FELONY OFFENSE OF THE FIRST, SECOND OR THIRD DEGREE OTHER  
8 THAN [THOSE] ONE OF THE OFFENSES ENUMERATED UNDER SUBSECTION  
9 (E), THE PERSON SHALL BE ELIGIBLE FOR CONTINUED OR PROSPECTIVE  
10 EMPLOYMENT ONLY IF A PERIOD OF TEN YEARS HAS ELAPSED FROM THE  
11 DATE OF EXPIRATION OF THE SENTENCE FOR THE OFFENSE.

12 (2) IF [THE CONVICTION IS FOR] A REPORT OF CRIMINAL HISTORY  
13 RECORD INFORMATION OR A FORM SUBMITTED BY AN EMPLOYE UNDER  
14 SUBSECTION (J) INDICATES THE PERSON HAS BEEN CONVICTED OF AN  
15 OFFENSE GRADED AS A MISDEMEANOR OF THE FIRST DEGREE, OTHER THAN  
16 ONE OF THE OFFENSES ENUMERATED IN SUBSECTION (E), THE PERSON  
17 SHALL BE ELIGIBLE FOR CONTINUED OR PROSPECTIVE EMPLOYMENT ONLY  
18 IF A PERIOD OF FIVE YEARS HAS ELAPSED FROM THE DATE OF  
19 EXPIRATION OF THE SENTENCE FOR THE OFFENSE.

20 (3) IF THE REPORT OF CRIMINAL HISTORY RECORD INFORMATION OR  
21 A FORM SUBMITTED BY AN EMPLOYE UNDER SUBSECTION (J) INDICATES  
22 THE PERSON HAS BEEN CONVICTED MORE THAN ONCE FOR AN OFFENSE  
23 UNDER 75 PA.C.S. § 3802(A), (B), (C) OR (D) (RELATING TO DRIVING  
24 UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND THE  
25 OFFENSE IS GRADED AS A MISDEMEANOR OF THE FIRST DEGREE UNDER 75  
26 PA.C.S. § 3803 (RELATING TO GRADING), THE PERSON SHALL BE  
27 ELIGIBLE FOR CURRENT OR PROSPECTIVE EMPLOYMENT ONLY IF A PERIOD  
28 OF THREE YEARS HAS ELAPSED FROM THE DATE OF EXPIRATION OF THE  
29 SENTENCE FOR THE MOST RECENT OFFENSE.

30 (F.2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO



1 INTERFERE WITH THE ABILITY OF A PUBLIC OR PRIVATE SCHOOL,  
2 INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL TO MAKE  
3 EMPLOYMENT, DISCIPLINE OR TERMINATION DECISIONS, PROVIDED THAT  
4 THIS SUBSECTION SHALL NOT BE CONSTRUED TO CONFLICT WITH  
5 SUBSECTION (E), (F.1) OR (J) (6).

6 \* \* \*

7 (H) [ANY] SUBJECT TO THE REQUIREMENTS OF SUBSECTION (J), ANY  
8 PERSON WHO HAS ONCE OBTAINED THE INFORMATION REQUIRED UNDER  
9 [THIS SECTION] SUBSECTIONS (B), (C) AND (C.1) MAY TRANSFER TO OR  
10 PROVIDE SERVICES TO ANOTHER SCHOOL IN THE SAME DISTRICT, DIOCESE  
11 OR RELIGIOUS JUDICATORY OR ESTABLISHED AND SUPERVISED BY THE  
12 SAME ORGANIZATION AND SHALL NOT BE REQUIRED TO OBTAIN ADDITIONAL  
13 REPORTS BEFORE MAKING SUCH TRANSFER.

14 (I) NOTWITHSTANDING SUBSECTIONS (B), (C) AND (C.1), AND  
15 SUBJECT TO THE REQUIREMENTS OF SUBSECTION (J), ADMINISTRATORS,  
16 BEFORE APRIL 1, 2007, MAY EMPLOY IN-STATE APPLICANTS ON A  
17 PROVISIONAL BASIS FOR A SINGLE PERIOD NOT TO EXCEED THIRTY (30)  
18 DAYS AND MAY EMPLOY OUT-OF-STATE APPLICANTS ON A PROVISIONAL  
19 BASIS FOR A SINGLE PERIOD NOT TO EXCEED NINETY (90) DAYS AND,  
20 AFTER MARCH 31, 2007, MAY EMPLOY ANY APPLICANTS ON A PROVISIONAL  
21 BASIS FOR A SINGLE PERIOD NOT TO EXCEED NINETY (90) DAYS, EXCEPT  
22 DURING A LAWFUL STRIKE PROCEEDING UNDER THE PROVISIONS OF THE  
23 ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE "PUBLIC  
24 EMPLOYE RELATIONS ACT," PROVIDED THAT ALL OF THE FOLLOWING  
25 CONDITIONS ARE MET:

26 (1) THE APPLICANT HAS APPLIED FOR THE INFORMATION REQUIRED  
27 UNDER SUBSECTION (B) AND, WHERE APPLICABLE, UNDER SUBSECTION (C)  
28 OR (C.1) AND THE APPLICANT PROVIDES A COPY OF THE APPROPRIATE  
29 COMPLETED REQUEST FORMS TO THE ADMINISTRATOR;

30 (2) THE ADMINISTRATOR HAS NO KNOWLEDGE OF INFORMATION

1 PERTAINING TO THE APPLICANT WHICH WOULD DISQUALIFY HIM FROM  
2 EMPLOYMENT PURSUANT TO SUBSECTION (E) OR (F.1);

3 (3) THE APPLICANT SWEARS OR AFFIRMS IN WRITING THAT HE IS  
4 NOT DISQUALIFIED FROM EMPLOYMENT PURSUANT TO SUBSECTION (E) OR  
5 (F.1);

6 (4) IF THE INFORMATION OBTAINED PURSUANT TO SUBSECTION (B),  
7 (C) OR (C.1) REVEALS THAT THE APPLICANT IS DISQUALIFIED FROM  
8 EMPLOYMENT PURSUANT TO SUBSECTION (E) OR (F.1), THE APPLICANT  
9 SHALL BE SUSPENDED AND SUBJECT TO TERMINATION PROCEEDINGS AS  
10 PROVIDED FOR BY LAW; AND

11 (5) THE ADMINISTRATOR REQUIRES THAT THE APPLICANT NOT BE  
12 PERMITTED TO WORK ALONE WITH CHILDREN AND THAT THE APPLICANT  
13 WORK IN THE IMMEDIATE VICINITY OF A PERMANENT EMPLOYEE.

14 (J) (1) THE DEPARTMENT SHALL DEVELOP A STANDARDIZED FORM TO  
15 BE USED BY CURRENT AND PROSPECTIVE EMPLOYEES OF PUBLIC AND  
16 PRIVATE SCHOOLS, INTERMEDIATE UNITS AND AREA VOCATIONAL-  
17 TECHNICAL SCHOOLS FOR THE WRITTEN REPORTING BY CURRENT AND  
18 PROSPECTIVE EMPLOYEES OF ANY ARREST OR CONVICTION FOR AN OFFENSE  
19 ENUMERATED UNDER [SUBSECTION (E)] SUBSECTIONS (E) AND (F.1). THE  
20 FORM SHALL PROVIDE A SPACE IN WHICH A CURRENT OR PROSPECTIVE  
21 EMPLOYEE WHO HAS NOT BEEN CONVICTED OF OR ARRESTED FOR ANY SUCH  
22 OFFENSE WILL RESPOND "NO CONVICTION" AND "NO ARREST." THE FORM  
23 ALSO SHALL PROVIDE THAT FAILURE TO ACCURATELY REPORT ANY ARREST  
24 OR CONVICTION FOR AN OFFENSE ENUMERATED UNDER SUBSECTION (E) OR  
25 (F.1) SHALL SUBJECT THE CURRENT OR PROSPECTIVE EMPLOYEE TO  
26 CRIMINAL PROSECUTION UNDER 18 PA.C.S. § 4904 (RELATING TO  
27 UNSWORN FALSIFICATION TO AUTHORITIES). THE DEPARTMENT SHALL  
28 PUBLISH THE FORM ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE AND  
29 IN THE PENNSYLVANIA BULLETIN.

30 (2) [WITHIN NINETY (90) DAYS OF THE EFFECTIVE DATE OF THIS

1 SUBSECTION, ALL CURRENT] ALL CURRENT AND PROSPECTIVE EMPLOYES OF  
2 A PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT OR AREA  
3 VOCATIONAL-TECHNICAL SCHOOL SHALL COMPLETE THE FORM DESCRIBED IN  
4 CLAUSE (1), INDICATING WHETHER OR NOT THEY HAVE BEEN ARRESTED  
5 FOR OR CONVICTED OF AN OFFENSE ENUMERATED UNDER [SUBSECTION (E)]  
6 SUBSECTIONS (E) AND (F.1), PROVIDED THAT ANY CURRENT EMPLOYEE WHO ←  
7 COMPLETED THE FORM ON OR BEFORE DECEMBER 27, 2011, IN COMPLIANCE  
8 WITH CLAUSES (1) AND (2) ON THAT DATE AND WHO HAS NOT BEEN  
9 ARRESTED FOR OR CONVICTED OF AN OFFENSE ENUMERATED UNDER  
10 SUBSECTIONS (E) AND (F.1) SHALL NOT BE REQUIRED TO COMPLETE AN  
11 ADDITIONAL FORM UNDER THIS SUBSECTION.

12 (3) IF, AS REQUIRED IN CLAUSE (2), [AN] A CURRENT OR  
13 PROSPECTIVE EMPLOYEE REFUSES TO SUBMIT THE FORM DESCRIBED IN  
14 CLAUSE (1), THE ADMINISTRATOR OR OTHER PERSON RESPONSIBLE FOR  
15 EMPLOYMENT DECISIONS IN A SCHOOL OR OTHER INSTITUTION SHALL  
16 IMMEDIATELY REQUIRE THE CURRENT OR PROSPECTIVE EMPLOYEE TO SUBMIT  
17 TO THE ADMINISTRATOR A CURRENT REPORT OF CRIMINAL HISTORY RECORD  
18 INFORMATION AS REQUIRED UNDER SUBSECTIONS (A.1), (B) AND (C.1).

19 (4) IF THE ARREST OR CONVICTION FOR AN OFFENSE ENUMERATED  
20 UNDER SUBSECTION (E) OR (F.1) OCCURS AFTER THE EFFECTIVE DATE OF  
21 THIS SUBSECTION, THE CURRENT OR PROSPECTIVE EMPLOYEE SHALL  
22 PROVIDE THE ADMINISTRATOR OR DESIGNEE WITH WRITTEN NOTICE  
23 UTILIZING THE FORM PROVIDED FOR IN CLAUSE (1) NOT LATER THAN  
24 SEVENTY-TWO (72) HOURS AFTER AN ARREST OR CONVICTION.

25 (5) IF AN ADMINISTRATOR OR OTHER PERSON RESPONSIBLE FOR  
26 EMPLOYMENT DECISIONS IN A SCHOOL OR OTHER INSTITUTION HAS A  
27 REASONABLE BELIEF THAT [AN] A CURRENT OR PROSPECTIVE EMPLOYEE WAS  
28 ARRESTED OR HAS A CONVICTION FOR AN OFFENSE REQUIRED TO BE  
29 REPORTED UNDER CLAUSE (2) OR (4) AND THE EMPLOYEE OR PROSPECTIVE  
30 EMPLOYEE HAS NOT NOTIFIED THE ADMINISTRATOR AS REQUIRED UNDER

1 THIS SECTION, THE ADMINISTRATOR OR OTHER PERSON RESPONSIBLE FOR  
2 EMPLOYMENT DECISIONS IN A SCHOOL OR OTHER INSTITUTION SHALL  
3 IMMEDIATELY REQUIRE THE CURRENT OR PROSPECTIVE EMPLOYE TO SUBMIT  
4 TO THE ADMINISTRATOR A CURRENT REPORT OF CRIMINAL HISTORY RECORD  
5 INFORMATION AS REQUIRED UNDER SUBSECTIONS (A.1), (B) AND (C.1).  
6 THE COST OF THE CRIMINAL BACKGROUND CHECK SHALL BE BORNE BY THE  
7 EMPLOYING ENTITY.

8 (6) [(I) AN] A CURRENT OR PROSPECTIVE EMPLOYE WHO WILLFULLY  
9 FAILS TO DISCLOSE A CONVICTION OR AN ARREST FOR AN OFFENSE  
10 ENUMERATED UNDER [SUBSECTION (E) (1)] THIS SECTION SHALL BE  
11 SUBJECT TO DISCIPLINE UP TO AND INCLUDING TERMINATION OR DENIAL  
12 OF EMPLOYMENT AND MAY BE SUBJECT TO CRIMINAL PROSECUTION UNDER  
13 18 PA.C.S. § 4904 (RELATING TO UNSWORN FALSIFICATION TO  
14 AUTHORITIES).

15 [(II) AN EMPLOYE WHO WILLFULLY FAILS TO DISCLOSE A  
16 CONVICTION OF ANY OTHER OFFENSE REQUIRED TO BE REPORTED BY THIS  
17 SECTION MAY BE SUBJECT TO DISCIPLINE AND MAY BE SUBJECT TO  
18 CRIMINAL PROSECUTION UNDER 18 PA.C.S. § 4904.]

19 SECTION 3. SECTION 118(A) (1) OF THE ACT, ADDED JUNE 30, 2011  
20 (P.L.112, NO.24), IS AMENDED TO READ:

21 SECTION 118. COLLECTION OF IDENTIFYING INFORMATION OF  
22 STUDENTS ATTENDING INSTITUTIONS OF HIGHER EDUCATION.--(A) THE  
23 FOLLOWING PROVISIONS SHALL APPLY TO THE DEPARTMENT OF  
24 EDUCATION'S COLLECTION OF IDENTIFYING INFORMATION OF STUDENTS:

25 (1) THE DEPARTMENT MAY COLLECT IDENTIFYING INFORMATION OF  
26 STUDENTS ONLY IF:

27 (I) THE DEPARTMENT IS SPECIFICALLY REQUIRED TO DO SO UNDER  
28 FEDERAL STATUTE OR REGULATION OR UNDER ANOTHER PROVISION OF THIS  
29 ACT; OR

30 (II) THE INFORMATION IS VOLUNTARILY PROVIDED BY AN

1 INSTITUTION OF HIGHER EDUCATION.

2 \* \* \*

3 SECTION 4. SECTION 119 OF THE ACT, ADDED NOVEMBER 3, 2011  
4 (P.L.400, NO.97), IS REPEALED:

5 [SECTION 119. ADJUSTMENTS BASED ON CONSUMER PRICE INDEX.--  
6 ADJUSTMENTS TO THE BASE AMOUNTS SHALL BE MADE AS FOLLOWS:

7 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DETERMINE THE  
8 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR ALL URBAN  
9 CONSUMERS: ALL ITEMS (CPI-U) FOR THE UNITED STATES CITY AVERAGE  
10 AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF  
11 LABOR STATISTICS, FOR THE TWELVE-MONTH PERIOD ENDING SEPTEMBER  
12 30, 2012, AND FOR EACH SUCCESSIVE TWELVE-MONTH PERIOD  
13 THEREAFTER.

14 (2) IF THE DEPARTMENT DETERMINES THAT THERE IS NO POSITIVE  
15 PERCENTAGE CHANGE, THEN NO ADJUSTMENT TO THE BASE AMOUNTS SHALL  
16 OCCUR FOR THE RELEVANT TIME PERIOD.

17 (3) (I) IF THE DEPARTMENT DETERMINES THAT THERE IS A  
18 POSITIVE PERCENTAGE CHANGE IN THE FIRST YEAR THAT THE  
19 DETERMINATION IS MADE UNDER PARAGRAPH (1), THE POSITIVE  
20 PERCENTAGE CHANGE SHALL BE MULTIPLIED BY EACH BASE AMOUNT, AND  
21 THE PRODUCTS SHALL BE ADDED TO THE BASE AMOUNTS, RESPECTIVELY,  
22 AND THE SUMS SHALL BE PRELIMINARY ADJUSTED AMOUNTS.

23 (II) THE PRELIMINARY ADJUSTED AMOUNTS SHALL BE ROUNDED TO  
24 THE NEAREST ONE HUNDRED DOLLARS (\$100) TO DETERMINE THE FINAL  
25 ADJUSTED BASE AMOUNTS.

26 (4) IN EACH SUCCESSIVE YEAR IN WHICH THERE IS A POSITIVE  
27 PERCENTAGE CHANGE IN THE CPI-U FOR THE UNITED STATES CITY  
28 AVERAGE, THE POSITIVE PERCENTAGE CHANGE SHALL BE MULTIPLIED BY  
29 THE MOST RECENT PRELIMINARY ADJUSTED AMOUNTS, AND THE PRODUCTS  
30 SHALL BE ADDED TO THE PRELIMINARY ADJUSTED AMOUNT OF THE PRIOR

1 YEAR TO CALCULATE THE PRELIMINARY ADJUSTED AMOUNTS FOR THE  
2 CURRENT YEAR. THE SUMS THEREOF SHALL BE ROUNDED TO THE NEAREST  
3 ONE HUNDRED DOLLARS (\$100) TO DETERMINE THE NEW FINAL ADJUSTED  
4 BASE AMOUNTS.

5 (5) THE DETERMINATIONS AND ADJUSTMENTS REQUIRED UNDER THIS  
6 SECTION SHALL BE MADE IN THE PERIOD BETWEEN OCTOBER 1 AND  
7 NOVEMBER 15 OF THE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS  
8 SECTION AND ANNUALLY BETWEEN OCTOBER 1 AND NOVEMBER 15 OF EACH  
9 YEAR THEREAFTER.

10 (6) THE FINAL ADJUSTED BASE AMOUNTS AND NEW FINAL ADJUSTED  
11 BASE AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL BECOME  
12 EFFECTIVE JANUARY 1 FOR THE CALENDAR YEAR FOLLOWING THE YEAR IN  
13 WHICH THE DETERMINATION REQUIRED UNDER PARAGRAPH (1) IS MADE.

14 (7) THE DEPARTMENT SHALL PUBLISH NOTICE IN THE PENNSYLVANIA  
15 BULLETIN PRIOR TO JANUARY 1 OF EACH CALENDAR YEAR OF THE ANNUAL  
16 PERCENTAGE CHANGE DETERMINED UNDER PARAGRAPH (1) AND THE  
17 UNADJUSTED OR FINAL ADJUSTED BASE AMOUNTS DETERMINED UNDER  
18 PARAGRAPHS (3) AND (4) AT WHICH COMPETITIVE BIDDING IS REQUIRED  
19 AND WRITTEN OR TELEPHONIC PRICE QUOTATIONS ARE REQUIRED,  
20 RESPECTIVELY, FOR THE CALENDAR YEAR BEGINNING THE FIRST DAY OF  
21 JANUARY AFTER PUBLICATION OF THE NOTICE. THE NOTICE SHALL  
22 INCLUDE A WRITTEN AND ILLUSTRATIVE EXPLANATION OF THE  
23 CALCULATIONS PERFORMED BY THE DEPARTMENT IN ESTABLISHING THE  
24 UNADJUSTED OR FINAL ADJUSTED BASE AMOUNTS UNDER THIS SECTION FOR  
25 THE ENSUING CALENDAR YEAR.

26 (8) THE ANNUAL INCREASE IN THE PRELIMINARY ADJUSTED BASE  
27 AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL NOT EXCEED  
28 THREE PERCENT (3%).]

29 SECTION 5. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:  
30 SECTION 120. ADJUSTMENTS BASED ON CONSUMER PRICE INDEX.--

1 ADJUSTMENTS TO THE BASE AMOUNTS SHALL BE MADE AS FOLLOWS:

2 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DETERMINE THE  
3 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR ALL URBAN  
4 CONSUMERS: ALL ITEMS (CPI-U) FOR THE UNITED STATES CITY AVERAGE  
5 AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF  
6 LABOR STATISTICS, FOR THE TWELVE-MONTH PERIOD ENDING SEPTEMBER  
7 30, 2012, AND FOR EACH SUCCESSIVE TWELVE-MONTH PERIOD  
8 THEREAFTER.

9 (2) IF THE DEPARTMENT OF LABOR AND INDUSTRY DETERMINES THAT  
10 THERE IS NO POSITIVE PERCENTAGE CHANGE, THEN NO ADJUSTMENT TO  
11 THE BASE AMOUNTS SHALL OCCUR FOR THE RELEVANT TIME PERIOD.

12 (3) (I) IF THE DEPARTMENT OF LABOR AND INDUSTRY DETERMINES  
13 THAT THERE IS A POSITIVE PERCENTAGE CHANGE IN THE FIRST YEAR  
14 THAT THE DETERMINATION IS MADE UNDER PARAGRAPH (1), THE POSITIVE  
15 PERCENTAGE CHANGE SHALL BE MULTIPLIED BY EACH BASE AMOUNT, AND  
16 THE PRODUCTS SHALL BE ADDED TO THE BASE AMOUNTS, RESPECTIVELY,  
17 AND THE SUMS SHALL BE PRELIMINARY ADJUSTED AMOUNTS.

18 (II) THE PRELIMINARY ADJUSTED AMOUNTS SHALL BE ROUNDED TO  
19 THE NEAREST ONE HUNDRED DOLLARS (\$100) TO DETERMINE THE FINAL  
20 ADJUSTED BASE AMOUNTS.

21 (4) IN EACH SUCCESSIVE YEAR IN WHICH THERE IS A POSITIVE  
22 PERCENTAGE CHANGE IN THE CPI-U FOR THE UNITED STATES CITY  
23 AVERAGE, THE POSITIVE PERCENTAGE CHANGE SHALL BE MULTIPLIED BY  
24 THE MOST RECENT PRELIMINARY ADJUSTED AMOUNTS, AND THE PRODUCTS  
25 SHALL BE ADDED TO THE PRELIMINARY ADJUSTED AMOUNT OF THE PRIOR  
26 YEAR TO CALCULATE THE PRELIMINARY ADJUSTED AMOUNTS FOR THE  
27 CURRENT YEAR. THE SUMS THEREOF SHALL BE ROUNDED TO THE NEAREST  
28 ONE HUNDRED DOLLARS (\$100) TO DETERMINE THE NEW FINAL ADJUSTED  
29 BASE AMOUNTS.

30 (5) THE DETERMINATIONS AND ADJUSTMENTS REQUIRED UNDER THIS

1 SECTION SHALL BE MADE IN THE PERIOD BETWEEN OCTOBER 1 AND  
2 NOVEMBER 15, 2012, AND ANNUALLY BETWEEN OCTOBER 1 AND NOVEMBER  
3 15 OF EACH YEAR THEREAFTER.

4 (6) THE FINAL ADJUSTED BASE AMOUNTS AND NEW FINAL ADJUSTED  
5 BASE AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL BECOME  
6 EFFECTIVE JANUARY 1 FOR THE CALENDAR YEAR FOLLOWING THE YEAR IN  
7 WHICH THE DETERMINATION REQUIRED UNDER PARAGRAPH (1) IS MADE.

8 (7) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL PUBLISH  
9 NOTICE IN THE PENNSYLVANIA BULLETIN PRIOR TO JANUARY 1 OF EACH  
10 CALENDAR YEAR OF THE ANNUAL PERCENTAGE CHANGE DETERMINED UNDER  
11 PARAGRAPH (1) AND THE UNADJUSTED OR FINAL ADJUSTED BASE AMOUNTS  
12 DETERMINED UNDER PARAGRAPHS (3) AND (4) AT WHICH COMPETITIVE  
13 BIDDING IS REQUIRED AND WRITTEN OR TELEPHONIC PRICE QUOTATIONS  
14 ARE REQUIRED, RESPECTIVELY, FOR THE CALENDAR YEAR BEGINNING THE  
15 FIRST DAY OF JANUARY AFTER PUBLICATION OF THE NOTICE. THE NOTICE  
16 SHALL INCLUDE A WRITTEN AND ILLUSTRATIVE EXPLANATION OF THE  
17 CALCULATIONS PERFORMED BY THE DEPARTMENT OF LABOR AND INDUSTRY  
18 IN ESTABLISHING THE UNADJUSTED OR FINAL ADJUSTED BASE AMOUNTS  
19 UNDER THIS SECTION FOR THE ENSUING CALENDAR YEAR.

20 (8) THE ANNUAL INCREASE IN THE PRELIMINARY ADJUSTED BASE  
21 AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL NOT EXCEED  
22 THREE PERCENT (3%).

23 SECTION 121. KEYSTONE EXAMS.--SUBJECT TO ANNUAL  
24 APPROPRIATION, NOT LATER THAN THE 2020-2021 SCHOOL YEAR, THE  
25 DEPARTMENT OF EDUCATION SHALL DEVELOP AND IMPLEMENT KEYSTONE  
26 EXAMS IN THE FOLLOWING SUBJECTS: ALGEBRA I; LITERATURE; BIOLOGY;  
27 ENGLISH COMPOSITION; ALGEBRA II; GEOMETRY; UNITED STATES  
28 HISTORY; CHEMISTRY; CIVICS AND GOVERNMENT; AND WORLD HISTORY.  
29 THE STATE BOARD OF EDUCATION SHALL PROMULGATE REGULATIONS,  
30 SUBJECT TO THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS



1 THE "REGULATORY REVIEW ACT," NECESSARY TO IMPLEMENT THIS  
2 SECTION.

3 SECTION 6. SECTION 221.1(A) OF THE ACT, ADDED JUNE 30, 2011  
4 (P.L.112, NO.24), IS AMENDED TO READ:

5 SECTION 221.1. MORATORIUM ON CERTAIN DATA COLLECTION SYSTEMS  
6 AND DATA SETS.--(A) FOR THE SCHOOL YEARS 2011-2012 AND  
7 2012-2013, THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF  
8 PUBLIC WELFARE SHALL SUSPEND THE COLLECTION OF DATA THROUGH  
9 PENNSYLVANIA'S ENTERPRISE TO LINK INFORMATION FOR CHILDREN  
10 ACROSS NETWORK (PELICAN) AND THE PENNSYLVANIA INFORMATION  
11 MANAGEMENT SYSTEM (PIMS) EXCEPT AS FOLLOWS:

12 (1) INFORMATION REQUIRED TO MEET FEDERAL MANDATES IN THE  
13 FOLLOWING:

14 (I) THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965  
15 (PUBLIC LAW 89-10, 20 U.S.C. § 6301 ET SEQ.).

16 (II) THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (PUBLIC  
17 LAW 91-230, 20 U.S.C. § 1400 ET SEQ.).

18 (III) THE EDUCATIONAL TECHNICAL ASSISTANCE ACT OF 2002  
19 (PUBLIC LAW 107-279, 116 STAT. 1975).

20 (IV) TITLE VI OF THE AMERICA COMPETES ACT OR THE AMERICA  
21 CREATING OPPORTUNITIES TO MEANINGFULLY PROMOTE EXCELLENCE IN  
22 TECHNOLOGY, EDUCATION, AND SCIENCE ACT (PUBLIC LAW 110-69, 121  
23 STAT. 572).

24 (V) THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009  
25 (PUBLIC LAW 111-5, 123 STAT. 115).

26 (VI) THE HEAD START ACT (PUBLIC LAW 97-35, 42 U.S.C. § 9831  
27 ET SEQ.).

28 (VII) THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990  
29 (PUBLIC LAW 101-508, 42 U.S.C. § 9858 ET SEQ.).

30 (VIII) THE SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C. §

1 301 ET SEQ.) .

2 (IX) ANY DATA PURSUANT TO OTHER FEDERAL REQUIREMENTS AND TO  
3 MEET ELIGIBILITY REQUIREMENTS FOR FEDERAL FUNDS.

4 (2) PENNSYLVANIA VALUE-ADDED ASSESSMENT SYSTEM (PVAAS),  
5 INCLUDING ANY REVISIONS OR IMPROVEMENTS MADE TO THE SYSTEM.

6 (3) INFORMATION REQUIRED BY THE DEPARTMENT OF PUBLIC WELFARE  
7 TO SUPERVISE, LICENSE OR REGISTER A CHILD-CARE PROVIDER UNDER  
8 ARTICLES IX AND X OF THE ACT OF JUNE 13, 1967 (P.L.31, NO.21),  
9 KNOWN AS THE "PUBLIC WELFARE CODE."

10 (4) INFORMATION RELATING TO BACKGROUND CHECKS REQUIRED IN  
11 SECTION 111 AND IN 23 PA.C.S. §§ 6344 (RELATING TO INFORMATION  
12 RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL) AND 6344.1  
13 (RELATING TO INFORMATION RELATING TO FAMILY DAY-CARE HOME  
14 RESIDENTS) .

15 (5) INFORMATION NECESSARY FOR ALL PAYMENTS OR REIMBURSEMENT  
16 BY THE COMMONWEALTH.

17 (6) INFORMATION REQUIRED TO BE REPORTED PURSUANT TO ARTICLE  
18 XIII-A OF THIS ACT.

19 (7) INFORMATION WHICH IS VOLUNTARILY PROVIDED BY AN  
20 INSTITUTION OF HIGHER EDUCATION.

21 \* \* \*

22 SECTION 7. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

23 SECTION 616. REOPENING OF 2012-2013 BUDGET.--NOTWITHSTANDING  
24 ANY OTHER PROVISIONS OF LAW, A BOARD OF SCHOOL DIRECTORS OF A  
25 SCHOOL DISTRICT MAY REOPEN ITS 2012-2013 BUDGET TO REFLECT THE  
26 FOLLOWING:

27 (1) FEDERAL AND STATE ALLOCATIONS FOR FISCAL YEARS 2011-2012  
28 AND 2012-2013 PROVIDED BY THE ACT OF JUNE , 2012 (P.L. ,  
29 NO. ) , KNOWN AS THE GENERAL APPROPRIATION ACT OF 2012; AND

30 (2) ANY INCREASE IN LOCAL REVENUE ALLOCATIONS THAT RESULT

1 FROM OTHER LEGISLATION ENACTED BY THE GENERAL ASSEMBLY DURING  
2 THE 2011 REGULAR SESSION.

3 SECTION 617. INTERGOVERNMENTAL AGREEMENTS FOR SCHOOL  
4 SECURITY AND SAFETY.--THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL  
5 DISTRICT MAY ENTER INTO AGREEMENTS WITH OTHER POLITICAL  
6 SUBDIVISIONS TO PROVIDE FOR THE SAFETY AND SECURITY OF THE  
7 SCHOOL. THE BOARD OF SCHOOL DIRECTORS MAY USE SCHOOL FUNDS TO  
8 SHARE COSTS WITH MUNICIPALITIES AND COUNTIES FOR SUCH EXPENSES  
9 AS BENEFITS AND SALARIES OF SCHOOL RESOURCE OFFICERS AND  
10 PROBATION OFFICERS. SUCH OFFICERS ARE NOT REQUIRED TO BE  
11 EMPLOYES OF THE SCHOOL DISTRICT AND MAY BE EMPLOYES OF OTHER  
12 POLITICAL SUBDIVISIONS.

13 SECTION 732.1. LIMITATION ON NEW APPLICATIONS FOR DEPARTMENT  
14 OF EDUCATION APPROVAL OF PUBLIC SCHOOL BUILDING PROJECTS.--(A)  
15 FOR THE 2012-2013 FISCAL YEAR, THE DEPARTMENT OF EDUCATION SHALL  
16 NOT ACCEPT OR APPROVE NEW SCHOOL BUILDING CONSTRUCTION OR  
17 RECONSTRUCTION PROJECT APPLICATIONS. COMPLETED SCHOOL BUILDING  
18 CONSTRUCTION OR RECONSTRUCTION PROJECT APPLICATIONS RECEIVED BY  
19 THE DEPARTMENT OF EDUCATION BY OCTOBER 1, 2012, ARE NOT SUBJECT  
20 TO THIS PROVISION.

21 (B) THE DEPARTMENT OF EDUCATION SHALL, IN CONSULTATION WITH  
22 SCHOOL DISTRICT OFFICIALS AND THE GENERAL ASSEMBLY, CONDUCT A  
23 REVIEW OF THE DEPARTMENT OF EDUCATION'S CURRENT PROCESS THROUGH  
24 WHICH PUBLIC SCHOOL BUILDING PROJECTS ARE REVIEWED AND APPROVED  
25 FOR COMMONWEALTH REIMBURSEMENT. THE REVIEW SHALL INCORPORATE AN  
26 ANALYSIS OF IMPACTING LOCAL FACTORS INCLUDING, BUT NOT LIMITED  
27 TO, TAX EFFORT AND BUILDING REQUIREMENTS, AND SHALL MAKE  
28 RECOMMENDATIONS TO THE CHAIR AND MINORITY CHAIR OF THE  
29 APPROPRIATIONS COMMITTEE OF THE SENATE, THE CHAIR AND MINORITY  
30 CHAIR OF THE EDUCATION COMMITTEE OF THE SENATE, THE CHAIR AND

1 MINORITY CHAIR OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF  
2 REPRESENTATIVES AND THE CHAIR AND MINORITY CHAIR OF THE  
3 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES BY MAY 1,  
4 2013.

5 SECTION 8. SECTIONS 751(A), (A.1), (B) AND (F) AND 807.1 OF  
6 THE ACT, AMENDED NOVEMBER 3, 2011 (P.L.400, NO.97), ARE AMENDED  
7 AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO READ:

8 SECTION 751. WORK TO BE DONE UNDER CONTRACT LET ON BIDS;  
9 EXCEPTION.--[(A) ALL CONSTRUCTION, RECONSTRUCTION, REPAIRS,  
10 MAINTENANCE OR WORK OF ANY NATURE, INCLUDING THE INTRODUCTION OF  
11 PLUMBING, HEATING AND VENTILATING, OR LIGHTING SYSTEMS, UPON ANY  
12 SCHOOL BUILDING OR UPON ANY SCHOOL PROPERTY, OR UPON ANY  
13 BUILDING OR PORTION OF A BUILDING LEASED UNDER THE PROVISIONS OF  
14 SECTION 703.1, MADE BY ANY SCHOOL DISTRICT, WHERE THE ENTIRE  
15 COST, VALUE, OR AMOUNT OF SUCH CONSTRUCTION, RECONSTRUCTION,  
16 REPAIRS, MAINTENANCE OR WORK, INCLUDING LABOR AND MATERIAL,  
17 SHALL EXCEED A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED  
18 DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 119,  
19 SHALL BE DONE UNDER SEPARATE CONTRACTS TO BE ENTERED INTO BY  
20 SUCH SCHOOL DISTRICT WITH THE LOWEST RESPONSIBLE BIDDER, UPON  
21 PROPER TERMS, AFTER DUE PUBLIC NOTICE HAS BEEN GIVEN ASKING FOR  
22 COMPETITIVE BIDS. WHENEVER A BOARD OF SCHOOL DIRECTORS SHALL  
23 APPROVE THE USE OF A PREFABRICATED UNIT, COMPLETE IN ITSELF, FOR  
24 A SCHOOL BUILDING OR OTHER PROPER STRUCTURE TO BE ERECTED UPON  
25 SCHOOL PROPERTY, THE BOARD OF SCHOOL DIRECTORS MAY HAVE PREPARED  
26 APPROPRIATE SPECIFICATIONS DETAILING THE SIZE AND MATERIAL  
27 DESIRED IN A PARTICULAR PREFABRICATED UNIT, INCLUDING ALL  
28 UTILITIES SUCH AS PLUMBING, HEATING AND VENTILATING, AND  
29 ELECTRICAL WORK, AND MAY ADVERTISE FOR A SINGLE BID ON ALL THE  
30 WORK AND AWARD THE CONTRACT THEREFOR TO THE LOWEST RESPONSIBLE

1 BIDDER: PROVIDED, THAT IF DUE TO AN EMERGENCY A SCHOOL PLANT OR  
2 ANY PART THEREOF BECOMES UNUSABLE COMPETITIVE BIDS FOR REPAIRS  
3 OR REPLACEMENT MAY BE SOLICITED FROM AT LEAST THREE RESPONSIBLE  
4 BIDDERS, AND UPON THE APPROVAL OF ANY OF THESE BIDS BY THE  
5 SECRETARY OF EDUCATION, THE BOARD OF SCHOOL DIRECTORS MAY  
6 PROCEED AT ONCE TO MAKE THE NECESSARY REPAIRS OR REPLACEMENTS IN  
7 ACCORDANCE WITH THE TERMS OF SAID APPROVED BID OR BIDS.

8 (A.1) WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM AT LEAST  
9 THREE QUALIFIED AND RESPONSIBLE CONTRACTORS SHALL BE REQUESTED  
10 BY THE BOARD OF SCHOOL DIRECTORS FOR ALL CONTRACTS THAT EXCEED A  
11 BASE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000), SUBJECT TO  
12 ADJUSTMENT UNDER SECTION 119, BUT ARE LESS THAN THE AMOUNT  
13 REQUIRING ADVERTISEMENT AND COMPETITIVE BIDDING, OR, IN LIEU OF  
14 PRICE QUOTATIONS, A MEMORANDUM SHALL BE KEPT ON FILE SHOWING  
15 THAT FEWER THAN THREE QUALIFIED CONTRACTORS EXIST IN THE MARKET  
16 AREA WITHIN WHICH IT IS PRACTICABLE TO OBTAIN QUOTATIONS. A  
17 WRITTEN RECORD OF TELEPHONIC PRICE QUOTATIONS SHALL BE MADE AND  
18 SHALL CONTAIN AT LEAST THE DATE OF THE QUOTATION, THE NAME OF  
19 THE CONTRACTOR AND THE CONTRACTOR'S REPRESENTATIVE, THE  
20 CONSTRUCTION, RECONSTRUCTION, REPAIR, MAINTENANCE OR WORK WHICH  
21 WAS THE SUBJECT OF THE QUOTATION AND THE PRICE. WRITTEN PRICE  
22 QUOTATIONS, WRITTEN RECORDS OF TELEPHONIC PRICE QUOTATIONS AND  
23 MEMORANDA SHALL BE RETAINED FOR A PERIOD OF THREE YEARS.]

24 (A.2) ALL CONSTRUCTION, RECONSTRUCTION, REPAIRS, MAINTENANCE  
25 OR WORK OF ANY NATURE, INCLUDING THE INTRODUCTION OF PLUMBING,  
26 HEATING AND VENTILATING, OR LIGHTING SYSTEMS, UPON ANY SCHOOL  
27 BUILDING OR UPON ANY SCHOOL PROPERTY, OR UPON ANY BUILDING OR  
28 PORTION OF A BUILDING LEASED UNDER THE PROVISIONS OF SECTION  
29 703.1, MADE BY ANY SCHOOL DISTRICT, WHERE THE ENTIRE COST,  
30 VALUE, OR AMOUNT OF SUCH CONSTRUCTION, RECONSTRUCTION, REPAIRS,

1 MAINTENANCE OR WORK, INCLUDING LABOR AND MATERIAL, SHALL EXCEED  
2 A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS  
3 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 120, SHALL BE  
4 DONE UNDER SEPARATE CONTRACTS TO BE ENTERED INTO BY SUCH SCHOOL  
5 DISTRICT WITH THE LOWEST RESPONSIBLE BIDDER, UPON PROPER TERMS,  
6 AFTER DUE PUBLIC NOTICE HAS BEEN GIVEN ASKING FOR COMPETITIVE  
7 BIDS. WHENEVER A BOARD OF SCHOOL DIRECTORS SHALL APPROVE THE USE  
8 OF A PREFABRICATED UNIT, COMPLETE IN ITSELF, FOR A SCHOOL  
9 BUILDING OR OTHER PROPER STRUCTURE TO BE ERECTED UPON SCHOOL  
10 PROPERTY, THE BOARD OF SCHOOL DIRECTORS MAY HAVE PREPARED  
11 APPROPRIATE SPECIFICATIONS DETAILING THE SIZE AND MATERIAL  
12 DESIRED IN A PARTICULAR PREFABRICATED UNIT, INCLUDING ALL  
13 UTILITIES SUCH AS PLUMBING, HEATING AND VENTILATING, AND  
14 ELECTRICAL WORK, AND MAY ADVERTISE FOR A SINGLE BID ON ALL THE  
15 WORK AND AWARD THE CONTRACT THEREFOR TO THE LOWEST RESPONSIBLE  
16 BIDDER: PROVIDED, THAT IF DUE TO AN EMERGENCY A SCHOOL PLANT OR  
17 ANY PART THEREOF BECOMES UNUSABLE COMPETITIVE BIDS FOR REPAIRS  
18 OR REPLACEMENT MAY BE SOLICITED FROM AT LEAST THREE RESPONSIBLE  
19 BIDDERS, AND UPON THE APPROVAL OF ANY OF THESE BIDS BY THE BOARD  
20 OF SCHOOL DIRECTORS, THE SCHOOL DISTRICT MAY PROCEED AT ONCE TO  
21 MAKE THE NECESSARY REPAIRS OR REPLACEMENTS IN ACCORDANCE WITH  
22 THE TERMS OF SAID APPROVED BID OR BIDS; AND PROVIDED FURTHER,  
23 THAT THE SCHOOL DISTRICT SHALL NOTIFY THE SECRETARY OF EDUCATION  
24 IN A FORM AND MANNER DETERMINED BY THE SECRETARY OF EDUCATION  
25 THAT AN EMERGENCY HAS OCCURRED AND A BID HAS BEEN SELECTED UNDER  
26 THE EMERGENCY PROCESS PROVIDED FOR IN THIS SECTION.

27 (A.3) WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM AT LEAST  
28 THREE QUALIFIED AND RESPONSIBLE CONTRACTORS SHALL BE REQUESTED  
29 BY THE BOARD OF SCHOOL DIRECTORS FOR ALL CONTRACTS THAT EXCEED A  
30 BASE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000), SUBJECT TO

1 ADJUSTMENT UNDER SECTION 120, BUT ARE LESS THAN THE AMOUNT  
2 REQUIRING ADVERTISEMENT AND COMPETITIVE BIDDING, OR, IN LIEU OF  
3 PRICE QUOTATIONS, A MEMORANDUM SHALL BE KEPT ON FILE SHOWING  
4 THAT FEWER THAN THREE QUALIFIED CONTRACTORS EXIST IN THE MARKET  
5 AREA WITHIN WHICH IT IS PRACTICABLE TO OBTAIN QUOTATIONS. A  
6 WRITTEN RECORD OF TELEPHONIC PRICE QUOTATIONS SHALL BE MADE AND  
7 SHALL CONTAIN AT LEAST THE DATE OF THE QUOTATION, THE NAME OF  
8 THE CONTRACTOR AND THE CONTRACTOR'S REPRESENTATIVE, THE  
9 CONSTRUCTION, RECONSTRUCTION, REPAIR, MAINTENANCE OR WORK WHICH  
10 WAS THE SUBJECT OF THE QUOTATION AND THE PRICE. WRITTEN PRICE  
11 QUOTATIONS, WRITTEN RECORDS OF TELEPHONIC PRICE QUOTATIONS AND  
12 MEMORANDA SHALL BE RETAINED FOR A PERIOD OF THREE YEARS.

13       [(B) THE BOARD OF SCHOOL DIRECTORS IN ANY SCHOOL DISTRICT  
14 MAY PERFORM ANY CONSTRUCTION, RECONSTRUCTION, REPAIRS, OR WORK  
15 OF ANY NATURE, WHERE THE ENTIRE COST OR VALUE, INCLUDING LABOR  
16 AND MATERIAL, IS LESS THAN A BASE AMOUNT OF TEN THOUSAND DOLLARS  
17 (\$10,000), SUBJECT TO ADJUSTMENT UNDER SECTION 119, BY ITS OWN  
18 MAINTENANCE PERSONNEL. THE BOARD OF SCHOOL DIRECTORS IN ANY  
19 SCHOOL DISTRICT MAY AUTHORIZE THE SECRETARY OF THE BOARD OR  
20 OTHER EXECUTIVE TO AWARD CONTRACTS FOR CONSTRUCTION,  
21 RECONSTRUCTION, REPAIRS, OR WORK OF ANY NATURE, WHERE THE ENTIRE  
22 COST OR VALUE, INCLUDING LABOR AND MATERIAL, SUBJECT TO  
23 ADJUSTMENT UNDER SECTION 119, IS A BASE AMOUNT OF EIGHTEEN  
24 THOUSAND FIVE HUNDRED DOLLARS (\$18,500) OR LESS, WITHOUT  
25 SOLICITING COMPETITIVE BIDS, SUBJECT, HOWEVER, TO THE PROVISIONS  
26 OF SUBSECTION (A.1).]

27       (B.1) THE BOARD OF SCHOOL DIRECTORS IN ANY SCHOOL DISTRICT  
28 MAY PERFORM ANY CONSTRUCTION, RECONSTRUCTION, REPAIRS, OR WORK  
29 OF ANY NATURE, WHERE THE ENTIRE COST OR VALUE, INCLUDING LABOR  
30 AND MATERIAL, IS LESS THAN A BASE AMOUNT OF TEN THOUSAND DOLLARS

1 (\$10,000), SUBJECT TO ADJUSTMENT UNDER SECTION 120, BY ITS OWN  
2 MAINTENANCE PERSONNEL. THE BOARD OF SCHOOL DIRECTORS IN ANY  
3 SCHOOL DISTRICT MAY AUTHORIZE THE SECRETARY OF THE BOARD OR  
4 OTHER EXECUTIVE TO AWARD CONTRACTS FOR CONSTRUCTION,  
5 RECONSTRUCTION, REPAIRS, OR WORK OF ANY NATURE, WHERE THE ENTIRE  
6 COST OR VALUE, INCLUDING LABOR AND MATERIAL, SUBJECT TO  
7 ADJUSTMENT UNDER SECTION 120, IS A BASE AMOUNT OF EIGHTEEN  
8 THOUSAND FIVE HUNDRED DOLLARS (\$18,500) OR LESS, WITHOUT  
9 SOLICITING COMPETITIVE BIDS, SUBJECT, HOWEVER, TO THE PROVISIONS  
10 OF SUBSECTION (A.3).

11 \* \* \*

12 [(F) NO BOARD OF SCHOOL DIRECTORS SHALL EVADE THE PROVISIONS  
13 OF THIS SECTION AS TO ADVERTISING FOR BIDS OR PURCHASING  
14 MATERIALS OR CONTRACTING FOR SERVICES PIECEMEAL FOR THE PURPOSE  
15 OF OBTAINING PRICES UNDER A BASE AMOUNT OF EIGHTEEN THOUSAND  
16 FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER  
17 SECTION 119, UPON TRANSACTIONS WHICH SHOULD, IN THE EXERCISE OF  
18 REASONABLE DISCRETION AND PRUDENCE, BE CONDUCTED AS ONE  
19 TRANSACTION AMOUNTING TO MORE THAN A BASE AMOUNT OF EIGHTEEN  
20 THOUSAND FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT  
21 UNDER SECTION 119. THIS PROVISION IS INTENDED TO MAKE UNLAWFUL  
22 THE PRACTICE OF EVADING ADVERTISING REQUIREMENTS BY MAKING A  
23 SERIES OF PURCHASES OR CONTRACTS EACH FOR LESS THAN THE  
24 ADVERTISING REQUIREMENT PRICE, OR BY MAKING SEVERAL SIMULTANEOUS  
25 PURCHASES OR CONTRACTS EACH BELOW SAID PRICE, WHEN IN EITHER  
26 CASE THE TRANSACTION INVOLVED SHOULD HAVE BEEN MADE AS ONE  
27 TRANSACTION FOR ONE PRICE.]

28 (G) NO BOARD OF SCHOOL DIRECTORS SHALL EVADE THE PROVISIONS  
29 OF THIS SECTION AS TO ADVERTISING FOR BIDS OR PURCHASING  
30 MATERIALS OR CONTRACTING FOR SERVICES PIECEMEAL FOR THE PURPOSE



1 OF OBTAINING PRICES UNDER A BASE AMOUNT OF EIGHTEEN THOUSAND  
2 FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER  
3 SECTION 120, UPON TRANSACTIONS WHICH SHOULD, IN THE EXERCISE OF  
4 REASONABLE DISCRETION AND PRUDENCE, BE CONDUCTED AS ONE  
5 TRANSACTION AMOUNTING TO MORE THAN A BASE AMOUNT OF EIGHTEEN  
6 THOUSAND FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT  
7 UNDER SECTION 120. THIS PROVISION IS INTENDED TO MAKE UNLAWFUL  
8 THE PRACTICE OF EVADING ADVERTISING REQUIREMENTS BY MAKING A  
9 SERIES OF PURCHASES OR CONTRACTS EACH FOR LESS THAN THE  
10 ADVERTISING REQUIREMENT PRICE, OR BY MAKING SEVERAL SIMULTANEOUS  
11 PURCHASES OR CONTRACTS EACH BELOW SAID PRICE, WHEN IN EITHER  
12 CASE THE TRANSACTION INVOLVED SHOULD HAVE BEEN MADE AS ONE  
13 TRANSACTION FOR ONE PRICE.

14 SECTION 807.1. PURCHASE OF SUPPLIES.--[(A) ALL FURNITURE,  
15 EQUIPMENT, TEXTBOOKS, SCHOOL SUPPLIES AND OTHER APPLIANCES FOR  
16 THE USE OF THE PUBLIC SCHOOLS, COSTING, SUBJECT TO ADJUSTMENT  
17 UNDER SECTION 119, A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE  
18 HUNDRED DOLLARS (\$18,500) OR MORE SHALL BE PURCHASED BY THE  
19 BOARD OF SCHOOL DIRECTORS ONLY AFTER DUE ADVERTISEMENT AS  
20 HEREINAFTER PROVIDED. SUPPLIES COSTING, SUBJECT TO ADJUSTMENT  
21 UNDER SECTION 119, A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE  
22 HUNDRED DOLLARS (\$18,500) OR MORE SHALL BE PURCHASED BY THE  
23 BOARD OF SCHOOL DIRECTORS ONLY AFTER PUBLIC NOTICE HAS BEEN  
24 GIVEN BY ADVERTISEMENT ONCE A WEEK FOR THREE (3) WEEKS IN NOT  
25 LESS THAN TWO (2) NEWSPAPERS OF GENERAL CIRCULATION. IN ANY  
26 DISTRICT WHERE NO NEWSPAPER IS PUBLISHED, SAID NOTICE MAY, IN  
27 LIEU OF SUCH PUBLICATION, BE POSTED IN AT LEAST FIVE (5) PUBLIC  
28 PLACES.

29 (A.1) WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM AT LEAST  
30 THREE QUALIFIED AND RESPONSIBLE VENDORS SHALL BE REQUESTED BY

1 THE BOARD OF SCHOOL DIRECTORS FOR ALL PURCHASES OF SUPPLIES THAT  
2 EXCEED A BASE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000), SUBJECT  
3 TO ADJUSTMENT UNDER SECTION 119, BUT ARE LESS THAN THE AMOUNT  
4 REQUIRING ADVERTISEMENT AND COMPETITIVE BIDDING, OR, IN LIEU OF  
5 PRICE QUOTATIONS, A MEMORANDUM SHALL BE KEPT ON FILE SHOWING  
6 THAT FEWER THAN THREE QUALIFIED VENDORS EXIST IN THE MARKET AREA  
7 WITHIN WHICH IT IS PRACTICABLE TO OBTAIN QUOTATIONS. A WRITTEN  
8 RECORD OF TELEPHONIC PRICE QUOTATIONS SHALL BE MADE AND SHALL  
9 CONTAIN AT LEAST THE DATE OF THE QUOTATION, THE NAME OF THE  
10 VENDOR AND THE VENDOR'S REPRESENTATIVE, THE SUPPLIES WHICH WERE  
11 THE SUBJECT OF THE QUOTATION AND THE PRICE OF THE SUPPLIES.  
12 WRITTEN PRICE QUOTATIONS, WRITTEN RECORDS OF TELEPHONIC PRICE  
13 QUOTATIONS AND MEMORANDA SHALL BE RETAINED FOR A PERIOD OF THREE  
14 YEARS.]

15 (A.2) ALL FURNITURE, EQUIPMENT, TEXTBOOKS, SCHOOL SUPPLIES  
16 AND OTHER APPLIANCES FOR THE USE OF THE PUBLIC SCHOOLS COSTING,  
17 SUBJECT TO ADJUSTMENT UNDER SECTION 120, A BASE AMOUNT OF  
18 EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500) OR MORE SHALL  
19 BE PURCHASED BY THE BOARD OF SCHOOL DIRECTORS ONLY AFTER DUE  
20 ADVERTISEMENT AS HEREINAFTER PROVIDED. SUPPLIES COSTING, SUBJECT  
21 TO ADJUSTMENT UNDER SECTION 120, A BASE AMOUNT OF EIGHTEEN  
22 THOUSAND FIVE HUNDRED DOLLARS (\$18,500) OR MORE SHALL BE  
23 PURCHASED BY THE BOARD OF SCHOOL DIRECTORS ONLY AFTER PUBLIC  
24 NOTICE HAS BEEN GIVEN BY ADVERTISEMENT ONCE A WEEK FOR THREE (3)  
25 WEEKS IN NOT LESS THAN TWO (2) NEWSPAPERS OF GENERAL  
26 CIRCULATION. IN ANY DISTRICT WHERE NO NEWSPAPER IS PUBLISHED,  
27 SAID NOTICE MAY, IN LIEU OF SUCH PUBLICATION, BE POSTED IN AT  
28 LEAST FIVE (5) PUBLIC PLACES.

29 (A.3) WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM AT LEAST  
30 THREE QUALIFIED AND RESPONSIBLE VENDORS SHALL BE REQUESTED BY

1 THE BOARD OF SCHOOL DIRECTORS FOR ALL PURCHASES OF SUPPLIES THAT  
2 EXCEED A BASE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000), SUBJECT  
3 TO ADJUSTMENT UNDER SECTION 120, BUT ARE LESS THAN THE AMOUNT  
4 REQUIRING ADVERTISEMENT AND COMPETITIVE BIDDING, OR, IN LIEU OF  
5 PRICE QUOTATIONS, A MEMORANDUM SHALL BE KEPT ON FILE SHOWING  
6 THAT FEWER THAN THREE (3) QUALIFIED VENDORS EXIST IN THE MARKET  
7 AREA WITHIN WHICH IT IS PRACTICABLE TO OBTAIN QUOTATIONS. A  
8 WRITTEN RECORD OF TELEPHONIC PRICE QUOTATIONS SHALL BE MADE AND  
9 SHALL CONTAIN AT LEAST THE DATE OF THE QUOTATION, THE NAME OF  
10 THE VENDOR AND THE VENDOR'S REPRESENTATIVE, THE SUPPLIES WHICH  
11 WERE THE SUBJECT OF THE QUOTATION AND THE PRICE OF THE SUPPLIES.  
12 WRITTEN PRICE QUOTATIONS, WRITTEN RECORDS OF TELEPHONIC PRICE  
13 QUOTATIONS AND MEMORANDA SHALL BE RETAINED FOR A PERIOD OF THREE  
14 YEARS.

15 [(B) THE BOARD OF SCHOOL DIRECTORS SHALL ACCEPT THE BID OF  
16 THE LOWEST RESPONSIBLE BIDDER, KIND, QUALITY, AND MATERIAL BEING  
17 EQUAL, BUT SHALL HAVE THE RIGHT TO REJECT ANY AND ALL BIDS, OR  
18 SELECT A SINGLE ITEM FROM ANY BID. THE BOARD OF SCHOOL DIRECTORS  
19 IN ANY DISTRICT MAY AUTHORIZE OR APPOINT THE SECRETARY OF THE  
20 BOARD OR OTHER EXECUTIVE AS PURCHASING AGENT FOR THE DISTRICT,  
21 WITH AUTHORITY TO PURCHASE SUPPLIES THAT COST A BASE AMOUNT OF  
22 LESS THAN EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500),  
23 SUBJECT TO ADJUSTMENT UNDER SECTION 119.]

24 (B.1) THE BOARD OF SCHOOL DIRECTORS SHALL ACCEPT THE BID OF  
25 THE LOWEST RESPONSIBLE BIDDER, KIND, QUALITY, AND MATERIAL BEING  
26 EQUAL, BUT SHALL HAVE THE RIGHT TO REJECT ANY AND ALL BIDS, OR  
27 SELECT A SINGLE ITEM FROM ANY BID. THE BOARD OF SCHOOL DIRECTORS  
28 IN ANY DISTRICT MAY AUTHORIZE OR APPOINT THE SECRETARY OF THE  
29 BOARD OR OTHER EXECUTIVE AS PURCHASING AGENT FOR THE DISTRICT,  
30 WITH AUTHORITY TO PURCHASE SUPPLIES THAT COST A BASE AMOUNT OF

1 LESS THAN EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500),  
2 SUBJECT TO ADJUSTMENT UNDER SECTION 120.

3 (C) THE FOLLOWING SHALL BE EXEMPT FROM THE ABOVE PROVISIONS:  
4 MAPS, MUSIC, GLOBES, CHARTS, EDUCATIONAL FILMS, FILMSTRIPS,  
5 PREPARED TRANSPARENCIES AND SLIDES, PRE-RECORDED MAGNETIC TAPES  
6 AND DISC RECORDINGS, TEXTBOOKS, GAMES, TOYS, PREPARED KITS,  
7 FLANNEL BOARD MATERIALS, FLASH CARDS, MODELS, PROJECTUALS AND  
8 TEACHER DEMONSTRATION DEVICES NECESSARY FOR SCHOOL USE.

9 [(D) NO BOARD OF SCHOOL DIRECTORS SHALL EVADE THE PROVISIONS  
10 OF THIS SECTION AS TO ADVERTISING FOR BIDS OR PURCHASING  
11 MATERIALS PIECEMEAL FOR THE PURPOSE OF OBTAINING PRICES UNDER  
12 THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS  
13 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 119, UPON  
14 TRANSACTIONS WHICH SHOULD, IN THE EXERCISE OF REASONABLE  
15 DISCRETION AND PRUDENCE, BE CONDUCTED AS ONE TRANSACTION  
16 AMOUNTING TO MORE THAN A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE  
17 HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION  
18 119. THIS PROVISION IS INTENDED TO MAKE UNLAWFUL THE PRACTICE OF  
19 EVADING ADVERTISING REQUIREMENTS BY MAKING A SERIES OF PURCHASES  
20 OR CONTRACTS EACH FOR LESS THAN THE ADVERTISING REQUIREMENT  
21 PRICE, OR BY MAKING SEVERAL SIMULTANEOUS PURCHASES OR CONTRACTS  
22 EACH BELOW SAID PRICE, WHEN IN EITHER CASE THE TRANSACTION  
23 INVOLVED SHOULD HAVE BEEN MADE AS ONE TRANSACTION FOR ONE  
24 PRICE.]

25 (E) NO BOARD OF SCHOOL DIRECTORS SHALL EVADE THE PROVISIONS  
26 OF THIS SECTION AS TO ADVERTISING FOR BIDS OR PURCHASING  
27 MATERIALS PIECEMEAL FOR THE PURPOSE OF OBTAINING PRICES UNDER  
28 THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS  
29 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 120, UPON  
30 TRANSACTIONS WHICH SHOULD, IN THE EXERCISE OF REASONABLE

1 DISCRETION AND PRUDENCE, BE CONDUCTED AS ONE TRANSACTION  
2 AMOUNTING TO MORE THAN A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE  
3 HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION  
4 120. THIS PROVISION IS INTENDED TO MAKE UNLAWFUL THE PRACTICE OF  
5 EVADING ADVERTISING REQUIREMENTS BY MAKING A SERIES OF PURCHASES  
6 OR CONTRACTS EACH FOR LESS THAN THE ADVERTISING REQUIREMENT  
7 PRICE, OR BY MAKING SEVERAL SIMULTANEOUS PURCHASES OR CONTRACTS  
8 EACH BELOW SAID PRICE, WHEN IN EITHER CASE THE TRANSACTION  
9 INVOLVED SHOULD HAVE BEEN MADE AS ONE TRANSACTION FOR ONE PRICE.

10 SECTION 9. SECTION 1003 OF THE ACT ~~IS AMENDED BY ADDING A~~ ←  
11 ~~SUBSECTION~~, AMENDED JUNE 30, 2011 (P.L.112, NO.24), IS AMENDED ←  
12 TO READ:

13 SECTION 1003. ELIGIBILITY.--\*-\*-\*(A) EXCEPT AS OTHERWISE ←  
14 PROVIDED IN [SUBSECTION (B)] SUBSECTIONS (B) AND (B.1), NO  
15 PERSON SHALL RECEIVE A LETTER OF ELIGIBILITY OR BE ELECTED OR  
16 APPOINTED AS A DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT  
17 SUPERINTENDENT, UNLESS--

18 (1) HE HOLDS A DIPLOMA FROM A COLLEGE OR OTHER INSTITUTION  
19 APPROVED BY THE DEPARTMENT OF EDUCATION;

20 (2) HE HAS HAD SIX (6) YEARS' SUCCESSFUL TEACHING  
21 EXPERIENCE, NOT LESS THAN THREE OF WHICH SHALL HAVE BEEN IN A  
22 SUPERVISORY OR ADMINISTRATIVE CAPACITY;

23 (3) HE HAS COMPLETED IN A COLLEGE OR UNIVERSITY A GRADUATE  
24 PROGRAM IN EDUCATION APPROVED BY THE DEPARTMENT OF EDUCATION  
25 THAT INCLUDES THE PENNSYLVANIA SCHOOL LEADERSHIP STANDARDS UNDER  
26 SECTION 1217. COMPLETION OF THE PROGRAM SHALL NOT BE SUBJECT TO  
27 WAIVER UNDER SECTION 1714-B UNLESS THE CANDIDATE PROVIDES TO THE  
28 SECRETARY OF EDUCATION EVIDENCE THAT THE CANDIDATE HAS  
29 SUCCESSFULLY COMPLETED AN EQUIVALENT LEADERSHIP DEVELOPMENT  
30 PROGRAM THAT ADDRESSES THE SCHOOL LEADERSHIP STANDARDS UNDER

1 SECTION 1217.

2 (4) PROVIDED THAT IN SCHOOL DISTRICTS OF THE FIRST CLASS,  
3 FIVE (5) YEARS OF ADMINISTRATIVE EXPERIENCE AT THE LEVEL OF  
4 ASSISTANT, ASSOCIATE OR DEPUTY SUPERINTENDENT, MAY BE  
5 SUBSTITUTED FOR PRESCRIBED GRADUATE ADMINISTRATIVE COURSES, AND  
6 WHICH SHALL BE THE RESPONSIBILITY OF THE SECRETARY OF EDUCATION  
7 TO REVIEW THESE EQUIVALENCES TO CONFORM WITH STATE BOARD  
8 REGULATIONS.

9 (B) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (A), A  
10 PERSON SHALL BE ELIGIBLE FOR ELECTION OR APPOINTMENT AS A  
11 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT IF  
12 HE HOLDS A GRADUATE DEGREE FROM AN ACCREDITED HIGHER EDUCATION  
13 INSTITUTION IN BUSINESS [OR FINANCE], FINANCE OR MANAGEMENT AND  
14 HAS AT LEAST FOUR (4) YEARS OF RELEVANT EXPERIENCE IN BUSINESS,  
15 FINANCE OR MANAGEMENT.

16 (B.1) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (A), A  
17 PERSON SHALL BE ELIGIBLE FOR ELECTION OR APPOINTMENT AS A  
18 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT IF  
19 HE HOLDS A JURIS DOCTORATE DEGREE FROM AN ACCREDITED LAW SCHOOL  
20 AND HAS AT LEAST FOUR (4) YEARS OF RELEVANT EXPERIENCE IN LAW.  
21 THIS SUBSECTION SHALL EXPIRE THREE (3) YEARS FROM THE EFFECTIVE  
22 DATE OF THIS SUBSECTION. A PERSON WHO IS ISSUED A COMMISSION BY  
23 THE DEPARTMENT BASED ON SATISFACTION OF THE REQUIREMENTS OF THIS  
24 SUBSECTION MAY RETAIN HIS COMMISSION AFTER THE EXPIRATION OF  
25 THIS SUBSECTION.

26 ~~(B.1)~~ (B.2) THE DEPARTMENT SHALL, UPON REQUEST IN A FORM AND ←  
27 MANNER AS PRESCRIBED BY THE DEPARTMENT AND MADE AVAILABLE ON THE  
28 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE, CONFIRM THAT  
29 AN INDIVIDUAL SATISFIES THE REQUIREMENTS OF SUBSECTION (B) OR ←  
30 (B.1) AND THAT THE INDIVIDUAL IS ELIGIBLE FOR ELECTION OR

1 APPOINTMENT AS A DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT  
2 SUPERINTENDENT. UPON A SCHOOL DISTRICT'S HIRING OF AN INDIVIDUAL  
3 WHO SATISFIES THE REQUIREMENTS OF SUBSECTION (B) OR (B.1), THE ←  
4 DEPARTMENT SHALL ISSUE THE INDIVIDUAL A COMMISSION.

5 \* \* \*

6 (C) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 1205.1(F), ←  
7 1205.2(N.1) AND 1205.5(H), A PERSON ELECTED OR APPOINTED AS A ←  
8 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT FOR  
9 THE FIRST TIME IN THIS COMMONWEALTH UNDER SUBSECTION (B) OR  
10 (B.1) SHALL SUCCESSFULLY COMPLETE A LEADERSHIP DEVELOPMENT  
11 PROGRAM THAT MEETS THE PENNSYLVANIA SCHOOL LEADERSHIP STANDARDS  
12 UNDER SECTION 1217.

13 SECTION 10. SECTION 1073 OF THE ACT, AMENDED JANUARY 14,  
14 1970 (1969 P.L.468, NO.192) AND JANUARY 16, 1974 (P.L.1, NO.1),  
15 IS AMENDED TO READ:

16 SECTION 1073. MANNER OF ELECTION OR APPROVAL.--(A) THE  
17 BOARD OF SCHOOL DIRECTORS OF EACH SCHOOL DISTRICT[, EXCEPT IN  
18 SCHOOL DISTRICTS OF THE FIRST CLASS,] SHALL MEET AT ITS REGULAR  
19 PLACE OF MEETING, DURING THE LAST YEAR OF THE TERM OF THE  
20 DISTRICT SUPERINTENDENT OR AT ANY OTHER TIME WHEN A VACANCY  
21 SHALL OCCUR IN THE OFFICE OF DISTRICT SUPERINTENDENT, AT AN HOUR  
22 PREVIOUSLY FIXED BY THE BOARD. THE SECRETARY OF EACH BOARD OF  
23 SCHOOL DIRECTORS SHALL MAIL TO EACH MEMBER THEREOF AT LEAST FIVE  
24 DAYS BEFOREHAND, A NOTICE OF THE TIME, PLACE AND PURPOSE OF SUCH  
25 MEETING. AT SUCH MEETING THE BOARD SHALL ELECT OR APPROVE A  
26 PROPERLY QUALIFIED DISTRICT SUPERINTENDENT TO ENTER INTO A  
27 CONTRACT TO SERVE A TERM OF [FROM] THREE TO FIVE YEARS FROM THE  
28 FIRST DAY OF JULY NEXT FOLLOWING HIS ELECTION OR FROM A TIME  
29 MUTUALLY AGREED UPON BY THE DULY ELECTED DISTRICT SUPERINTENDENT  
30 AND THE BOARD OF SCHOOL DIRECTORS. THE CONTRACT SHALL BE SUBJECT

1 TO THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE  
2 "RIGHT-TO-KNOW LAW."

3 (B) AT A REGULAR MEETING OF THE BOARD OF SCHOOL DIRECTORS  
4 OCCURRING AT LEAST ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE  
5 EXPIRATION DATE OF THE TERM OF OFFICE OF THE DISTRICT  
6 SUPERINTENDENT, THE AGENDA SHALL INCLUDE AN ITEM REQUIRING  
7 AFFIRMATIVE ACTION BY FIVE OR MORE MEMBERS OF THE BOARD OF  
8 SCHOOL DIRECTORS TO NOTIFY THE DISTRICT SUPERINTENDENT THAT THE  
9 BOARD INTENDS TO RETAIN HIM FOR A FURTHER TERM OF [FROM] THREE  
10 (3) TO FIVE (5) YEARS OR THAT ANOTHER OR OTHER CANDIDATES WILL  
11 BE CONSIDERED FOR THE OFFICE. IN THE EVENT THAT THE BOARD FAILS  
12 TO TAKE SUCH ACTION AT A REGULAR MEETING OF THE BOARD OF SCHOOL  
13 DIRECTORS OCCURRING AT LEAST ONE HUNDRED FIFTY (150) DAYS PRIOR  
14 TO THE EXPIRATION DATE OF THE TERM OF OFFICE OF THE DISTRICT  
15 SUPERINTENDENT, HE SHALL CONTINUE IN OFFICE FOR A FURTHER TERM  
16 OF SIMILAR LENGTH TO THAT WHICH HE IS SERVING.

17 (D) THE TERM OF OFFICE OR COMMISSION OF A DISTRICT  
18 SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT SHALL NOT BE  
19 SHORTENED BY REASON OF THE FACT THAT THE DISTRICT IN WHICH HE  
20 SERVES SHALL [BE COME] BECOME PART OF A JOINT SCHOOL, OR BY  
21 REASON OF THE FACT THAT THE DISTRICT IN WHICH HE SERVES SHALL  
22 BECOME A PART OF A NEW SCHOOL DISTRICT ESTABLISHED AS THE RESULT  
23 OF REORGANIZATION OF SCHOOL DISTRICTS PURSUANT TO ARTICLE II.,  
24 SUBDIVISION (I) OR SECTION 224 OF THIS ACT. ANY DISTRICT  
25 SUPERINTENDENT, ASSISTANT DISTRICT SUPERINTENDENT OR SUPERVISING  
26 PRINCIPAL NOT SELECTED AS THE DISTRICT SUPERINTENDENT OF THE  
27 JOINT SCHOOL OR NEWLY ESTABLISHED SCHOOL DISTRICT IN WHICH THE  
28 DISTRICT HE SERVES BECOMES A PART SHALL BE ASSIGNED TO A  
29 POSITION OR OFFICE FOR WHICH HE IS ELIGIBLE: PROVIDED, HOWEVER,  
30 THAT IN A NEW SCHOOL DISTRICT REORGANIZED UNDER ARTICLE II.,



1 SUBDIVISION (I) OR SECTION 224 OF THIS ACT, HE SHALL BE ASSIGNED  
2 TO A POSITION OR OFFICE WHICH IS ADMINISTRATIVE OR SUPERVISORY  
3 IN NATURE ONLY, BUT THERE SHALL BE NO REDUCTION IN SALARY UNTIL  
4 THE EXPIRATION OF HIS COMMISSION. THEREAFTER, UNLESS ELECTED TO  
5 AN OFFICE REQUIRING A COMMISSION HE SHALL HAVE THE STATUS OF A  
6 PROFESSIONAL EMPLOYE: PROVIDED, THAT THE BOARD OF SCHOOL  
7 DIRECTORS MAY ADJUST THE SALARY ACCORDING TO THE CLASSIFICATION  
8 OF THE POSITION TO WHICH HE MAY BE ASSIGNED, AND THAT THE PERIOD  
9 OF SERVICE AS A COMMISSIONED DISTRICT SUPERINTENDENT, ASSISTANT  
10 DISTRICT SUPERINTENDENT OR ASSOCIATE SUPERINTENDENT SHALL BE  
11 COUNTED AS TIME SERVED AS A PROFESSIONAL EMPLOYE IN DETERMINING  
12 HIS SENIORITY RIGHTS.

13 (E) THE FOLLOWING SHALL APPLY:

14 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO  
15 INDIVIDUAL SHALL BE EMPLOYED AS A DISTRICT SUPERINTENDENT OR  
16 ASSISTANT DISTRICT SUPERINTENDENT BY A SCHOOL DISTRICT EXCEPT  
17 PURSUANT TO A WRITTEN CONTRACT OF EMPLOYMENT EXPRESSLY STATING  
18 THE TERMS AND CONDITIONS OF EMPLOYMENT.

19 (2) A CONTRACT FOR THE EMPLOYMENT OF A DISTRICT  
20 SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT SHALL DO ALL  
21 OF THE FOLLOWING:

22 (I) CONTAIN THE MUTUAL AND COMPLETE AGREEMENT BETWEEN THE  
23 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT AND  
24 THE BOARD OF SCHOOL DIRECTORS WITH RESPECT TO THE TERMS AND  
25 CONDITIONS OF EMPLOYMENT.

26 (II) CONSISTENT WITH STATE BOARD OF EDUCATION CERTIFICATION  
27 REQUIREMENTS, SPECIFY THE DUTIES, RESPONSIBILITIES, JOB  
28 DESCRIPTION AND PERFORMANCE EXPECTATIONS, INCLUDING PERFORMANCE  
29 STANDARDS AND ASSESSMENTS PROVIDED FOR UNDER SECTION 1073.1.

30 (III) INCORPORATE ALL PROVISIONS RELATING TO COMPENSATION

1 AND BENEFITS TO BE PAID TO OR ON BEHALF OF THE DISTRICT  
2 SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT.

3 (IV) SPECIFY THE TERM OF EMPLOYMENT AND STATE THAT THE  
4 CONTRACT SHALL TERMINATE IMMEDIATELY, EXCEPT AS OTHERWISE  
5 PROVIDED UNDER THIS SECTION, UPON THE EXPIRATION OF THE TERM  
6 UNLESS THE CONTRACT IS ALLOWED TO RENEW AUTOMATICALLY UNDER  
7 SUBSECTION (B).

8 (V) SPECIFY THE TERMINATION, BUYOUT AND SEVERANCE  
9 PROVISIONS, INCLUDING ALL POSTEMPLOYMENT COMPENSATION AND THE  
10 PERIOD OF TIME IN WHICH THE COMPENSATION SHALL BE PROVIDED.  
11 TERMINATION, BUYOUT AND SEVERANCE PROVISIONS MAY NOT BE MODIFIED  
12 DURING THE COURSE OF THE CONTRACT OR IN THE EVENT A CONTRACT IS  
13 TERMINATED PREMATURELY.

14 (VI) CONTAIN PROVISIONS RELATING TO OUTSIDE WORK THAT MAY BE  
15 PERFORMED, IF ANY.

16 (VII) STATE THAT ANY MODIFICATION TO THE CONTRACT MUST BE IN  
17 WRITING.

18 (VIII) STATE THAT THE CONTRACT SHALL BE GOVERNED BY THE LAWS  
19 OF THIS COMMONWEALTH.

20 (IX) LIMIT COMPENSATION FOR UNUSED SICK LEAVE IN NEW  
21 EMPLOYMENT CONTRACTS ENTERED INTO AFTER THE EFFECTIVE DATE OF  
22 THIS SUBSECTION FOR DISTRICT SUPERINTENDENTS OR ASSISTANT  
23 DISTRICT SUPERINTENDENTS WHO HAVE NO PRIOR EXPERIENCE AS A  
24 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT TO  
25 THE MAXIMUM COMPENSATION FOR UNUSED SICK LEAVE UNDER THE SCHOOL  
26 DISTRICT'S ADMINISTRATOR COMPENSATION PLAN UNDER SECTION 1164 IN  
27 EFFECT AT THE TIME OF THE CONTRACT.

28 (X) LIMIT TRANSFERRED SICK LEAVE FROM PREVIOUS EMPLOYMENT TO  
29 NOT MORE THAN THIRTY (30) DAYS IN NEW EMPLOYMENT CONTRACTS AFTER  
30 THE EFFECTIVE DATE OF THIS SUBSECTION FOR DISTRICT

1 SUPERINTENDENTS OR ASSISTANT DISTRICT SUPERINTENDENTS WHO HAVE  
2 NO PRIOR EXPERIENCE AS A DISTRICT SUPERINTENDENT OR ASSISTANT  
3 DISTRICT SUPERINTENDENT.

4 (XI) SPECIFY POSTRETIREMENT BENEFITS AND THE PERIOD OF TIME  
5 IN WHICH THE BENEFITS SHALL BE PROVIDED.

6 (3) NO AGREEMENT BETWEEN THE BOARD OF SCHOOL DIRECTORS AND A  
7 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT FOR  
8 A NEGOTIATED SEVERANCE OF EMPLOYMENT PRIOR TO THE END OF THE  
9 SPECIFIED CONTRACT TERM SHALL PROVIDE FOR SEVERANCE COMPENSATION  
10 TO THE DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT  
11 SUPERINTENDENT, INCLUDING THE REASONABLE VALUE OF ANY NONCASH  
12 SEVERANCE BENEFITS OR POSTEMPLOYMENT BENEFITS NOT OTHERWISE  
13 ACCRUING UNDER THE CONTRACT OR PURSUANT TO LAW, THAT:

14 (I) IF THE AGREEMENT TAKES EFFECT TWO (2) YEARS OR MORE  
15 PRIOR TO THE END OF THE SPECIFIED CONTRACT TERM, EXCEEDS THE  
16 EQUIVALENT OF ONE (1) YEAR'S COMPENSATION AND BENEFITS OTHERWISE  
17 DUE UNDER THE CONTRACT.

18 (II) IF THE AGREEMENT TAKES EFFECT LESS THAN TWO (2) YEARS  
19 PRIOR TO THE END OF THE SPECIFIED CONTRACT TERM, EXCEEDS THE  
20 EQUIVALENT OF ONE-HALF OF THE TOTAL COMPENSATION AND BENEFITS  
21 DUE UNDER THE CONTRACT FOR THE REMAINDER OF THE TERM.

22 SECTION 11. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

23 SECTION 1073.1. PERFORMANCE REVIEW.-- (A) IN ADDITION TO ANY  
24 OTHER REQUIREMENTS PROVIDED FOR UNDER THIS ACT, THE EMPLOYMENT  
25 CONTRACT FOR A DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT  
26 SUPERINTENDENT SHALL INCLUDE OBJECTIVE PERFORMANCE STANDARDS  
27 MUTUALLY AGREED TO IN WRITING BY THE BOARD OF SCHOOL DIRECTORS  
28 AND THE DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT  
29 SUPERINTENDENT. THE OBJECTIVE PERFORMANCE STANDARDS MAY BE BASED

1 UPON THE FOLLOWING:

2 (1) ACHIEVEMENT OF ANNUAL MEASURABLE OBJECTIVES ESTABLISHED  
3 BY THE SCHOOL DISTRICT;

4 (2) ACHIEVEMENT ON PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT  
5 (PSSA) TESTS;

6 (3) ACHIEVEMENT ON KEYSTONE EXAMS;

7 (4) STUDENT GROWTH AS MEASURED BY THE PENNSYLVANIA VALUE-  
8 ADDED ASSESSMENT SYSTEM;

9 (5) ATTRITION RATES OR GRADUATION RATES;

10 (6) FINANCIAL MANAGEMENT STANDARDS;

11 (7) STANDARDS OF OPERATIONAL EXCELLENCE; OR

12 (8) ANY ADDITIONAL CRITERIA DEEMED RELEVANT AND MUTUALLY  
13 AGREED TO BY THE BOARD OF SCHOOL DIRECTORS AND THE DISTRICT  
14 SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT.

15 (B) THE BOARD OF SCHOOL DIRECTORS SHALL CONDUCT A FORMAL  
16 WRITTEN PERFORMANCE ASSESSMENT OF THE DISTRICT SUPERINTENDENT  
17 AND ASSISTANT DISTRICT SUPERINTENDENT ANNUALLY. A TIME FRAME FOR  
18 THE ASSESSMENT SHALL BE INCLUDED IN THE CONTRACT.

19 (B.1) THE BOARD OF SCHOOL DIRECTORS SHALL POST THE MUTUALLY  
20 AGREED TO OBJECTIVE PERFORMANCE STANDARDS CONTAINED IN THE  
21 CONTRACT ON THE SCHOOL DISTRICT'S PUBLICLY ACCESSIBLE INTERNET  
22 WEBSITE. UPON COMPLETION OF THE ANNUAL PERFORMANCE ASSESSMENT,  
23 THE BOARD OF SCHOOL DIRECTORS SHALL POST THE DATE OF THE  
24 ASSESSMENT AND WHETHER OR NOT THE DISTRICT SUPERINTENDENT AND  
25 ASSISTANT DISTRICT SUPERINTENDENT HAVE MET THE AGREED TO  
26 OBJECTIVE PERFORMANCE STANDARDS ON THE SCHOOL DISTRICT'S  
27 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

28 (C) THE STATE BOARD OF EDUCATION MAY PROMULGATE REGULATIONS  
29 PURSUANT TO THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS  
30 THE "REGULATORY REVIEW ACT," IN ORDER TO IMPLEMENT THIS SECTION.

1 SECTION 12. SECTIONS 1076 AND 1077 OF THE ACT, AMENDED  
2 JANUARY 16, 1974 (P.L.1, NO.1), ARE AMENDED TO READ:

3 SECTION 1076. ELECTION OF ASSISTANT DISTRICT  
4 SUPERINTENDENTS[, EXCEPT IN DISTRICTS FIRST CLASS].--[EXCEPT IN  
5 DISTRICTS OF THE FIRST CLASS, ASSISTANT] ASSISTANT DISTRICT  
6 SUPERINTENDENTS SHALL BE CHOSEN BY A MAJORITY VOTE OF ALL THE  
7 MEMBERS OF THE BOARD OF SCHOOL DIRECTORS OF THE DISTRICT, FOR A  
8 TERM OF [FROM] THREE TO FIVE YEARS UPON THE NOMINATION BY THE  
9 DISTRICT SUPERINTENDENT.

10 SECTION 1077. TERM AND SALARY OF ASSISTANTS.--(A) ASSISTANT  
11 DISTRICT SUPERINTENDENTS MAY SERVE THROUGH THE TERM OF THE  
12 DISTRICT SUPERINTENDENT, OR ENTER A CONTRACT FOR A TERM OF  
13 [FROM] THREE TO FIVE YEARS AT SALARIES PAID BY THE DISTRICT, AND  
14 FIXED BY A MAJORITY VOTE OF THE WHOLE BOARD OF SCHOOL DIRECTORS  
15 PRIOR TO THEIR ELECTION. THE CONTRACT SHALL BE SUBJECT TO THE  
16 ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE "RIGHT-TO-  
17 KNOW LAW."

18 (B) AT A REGULAR MEETING OF THE BOARD OF SCHOOL DIRECTORS  
19 OCCURRING AT LEAST ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE  
20 EXPIRATION DATE OF THE TERM OF OFFICE OF THE ASSISTANT DISTRICT  
21 SUPERINTENDENT, THE AGENDA SHALL INCLUDE AN ITEM REQUIRING  
22 AFFIRMATIVE ACTION BY FIVE (5) OR MORE MEMBERS OF THE BOARD OF  
23 SCHOOL DIRECTORS TO NOTIFY THE ASSISTANT DISTRICT SUPERINTENDENT  
24 THAT THE BOARD INTENDS TO RETAIN HIM FOR A FURTHER TERM OF  
25 [FROM] THREE (3) TO FIVE (5) YEARS OR THAT ANOTHER OR OTHER  
26 CANDIDATES WILL BE CONSIDERED FOR THE OFFICE. IN THE EVENT THAT  
27 THE BOARD FAILS TO TAKE SUCH ACTION AT A REGULAR MEETING OF THE  
28 BOARD OF SCHOOL DIRECTORS OCCURRING AT LEAST ONE HUNDRED FIFTY  
29 (150) DAYS PRIOR TO THE EXPIRATION DATE OF THE TERM OF OFFICE OF  
30 THE ASSISTANT DISTRICT SUPERINTENDENT, HE SHALL CONTINUE IN

1 OFFICE FOR A FURTHER TERM OF SIMILAR LENGTH TO THAT WHICH HE IS  
2 SERVING.

3 SECTION 13. SECTION 1078 OF THE ACT, AMENDED JANUARY 14,  
4 1970 (1969 P.L.468, NO.192), IS AMENDED TO READ:

5 SECTION 1078. COMMISSIONS.--DISTRICT SUPERINTENDENTS AND  
6 ASSISTANT DISTRICT SUPERINTENDENTS SHALL BE COMMISSIONED BY THE  
7 [SUPERINTENDENT OF PUBLIC INSTRUCTION] SECRETARY OF EDUCATION.

8 SECTION 14. SECTION 1080 OF THE ACT IS AMENDED TO READ:

9 SECTION 1080. REMOVAL.--(A) DISTRICT SUPERINTENDENTS AND  
10 ASSISTANT DISTRICT SUPERINTENDENTS MAY BE REMOVED FROM OFFICE  
11 AND HAVE THEIR CONTRACTS TERMINATED, AFTER HEARING, BY A  
12 MAJORITY VOTE OF THE BOARD OF SCHOOL DIRECTORS OF THE DISTRICT,  
13 FOR NEGLECT OF DUTY, INCOMPETENCY, INTEMPERANCE, OR IMMORALITY,  
14 OF WHICH HEARING NOTICE OF AT LEAST ONE WEEK HAS BEEN SENT BY  
15 MAIL TO THE ACCUSED, AS WELL AS TO EACH MEMBER OF THE BOARD OF  
16 SCHOOL DIRECTORS.

17 (B) THE BOARD OF SCHOOL DIRECTORS SHALL PUBLICLY DISCLOSE AT  
18 THE NEXT REGULARLY SCHEDULED MONTHLY MEETING THE REMOVAL OF A  
19 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT  
20 FROM OFFICE UNDER SUBSECTION (A).

21 (C) PROCEEDINGS UNDER THIS SECTION SHALL BE HELD UNDER 2  
22 PA.C.S. CH. 5 SUBCH. B (RELATING TO PRACTICE AND PROCEDURE OF  
23 LOCAL AGENCIES).

24 SECTION 14.1. SECTION 1123 OF THE ACT, AMENDED MARCH 29, ←  
25 1996 (P.L.47, NO.16), IS AMENDED TO READ:

26 SECTION 1123. RATING SYSTEM.--(A) IN DETERMINING WHETHER A  
27 PROFESSIONAL EMPLOYEE SHALL BE DISMISSED FOR INCOMPETENCY OR  
28 UNSATISFACTORY TEACHING PERFORMANCE AS PROVIDED FOR IN SECTION  
29 1122(A) OF THIS ACT, AND IN RATING [THE SERVICES OF A TEMPORARY  
30 PROFESSIONAL EMPLOYEE, THE PROFESSIONAL EMPLOYEE OR TEMPORARY

1 PROFESSIONAL EMPLOYE SHALL BE RATED BY AN APPROVED RATING SYSTEM  
2 WHICH SHALL GIVE DUE CONSIDERATION TO PERSONALITY, PREPARATION,  
3 TECHNIQUE, AND PUPIL REACTION, IN ACCORDANCE WITH STANDARDS AND  
4 REGULATIONS FOR SUCH SCORING AS DEFINED BY RATING CARDS TO BE  
5 PREPARED BY THE DEPARTMENT OF EDUCATION, AND TO BE REVISED, FROM  
6 TIME TO TIME, BY THE DEPARTMENT OF EDUCATION WITH THE  
7 COOPERATION AND ADVICE OF A COMMITTEE APPOINTED BY THE SECRETARY  
8 OF EDUCATION, INCLUDING REPRESENTATION FROM DISTRICT  
9 SUPERINTENDENTS OF SCHOOLS, CLASSROOM TEACHERS, SCHOOL  
10 DIRECTORS, SCHOOL SUPERVISORS, PARENTS OF SCHOOL-AGE CHILDREN  
11 ENROLLED IN A PUBLIC SCHOOL, A REPRESENTATIVE FROM A COLLEGE OR  
12 DEPARTMENT OF EDUCATION WITHIN A HIGHER EDUCATION INSTITUTION  
13 LOCATED WITHIN THIS COMMONWEALTH, AND SUCH OTHER GROUPS OR  
14 INTERESTS AS THE SECRETARY OF EDUCATION MAY DEEM APPROPRIATE.  
15 RATING SHALL BE DONE BY OR UNDER THE SUPERVISION OF THE  
16 SUPERINTENDENT OF SCHOOLS OR, IF SO DIRECTED BY HIM, THE SAME  
17 MAY BE DONE BY AN ASSISTANT SUPERINTENDENT, A SUPERVISOR, OR A  
18 PRINCIPAL, WHO HAS SUPERVISION OVER THE WORK OF THE PROFESSIONAL  
19 EMPLOYE OR TEMPORARY PROFESSIONAL EMPLOYE WHO IS BEING RATED:  
20 PROVIDED, THAT NO UNSATISFACTORY RATING SHALL BE VALID UNLESS  
21 APPROVED BY THE DISTRICT SUPERINTENDENT.] PROFESSIONAL EMPLOYES  
22 AND TEMPORARY PROFESSIONAL EMPLOYES, ALL PROFESSIONAL EMPLOYES  
23 AND TEMPORARY PROFESSIONAL EMPLOYES SHALL BE RATED THROUGH THE  
24 USE OF AN APPROVED RATING TOOL DEVELOPED BY THE SECRETARY OF  
25 EDUCATION IN CONSULTATION WITH EDUCATION EXPERTS, PARENTS OF  
26 SCHOOL-AGE CHILDREN ENROLLED IN A PUBLIC SCHOOL, TEACHERS AND  
27 ADMINISTRATORS, INCLUDING RESEARCH AND COLLABORATION CONDUCTED  
28 BY THE DEPARTMENT.

29 (B) FOR PROFESSIONAL EMPLOYES AND TEMPORARY PROFESSIONAL  
30 EMPLOYES WHO SERVE AS CLASSROOM TEACHERS, THE FOLLOWING SHALL

1 APPLY:

2 (1) BEGINNING IN THE 2013-2014 SCHOOL YEAR, THE EVALUATION  
3 OF THE EFFECTIVENESS OF PROFESSIONAL EMPLOYES AND TEMPORARY  
4 PROFESSIONAL EMPLOYES SERVING AS CLASSROOM TEACHERS SHALL GIVE  
5 DUE CONSIDERATION TO THE FOLLOWING:

6 (I) CLASSROOM OBSERVATION AND PRACTICE MODELS THAT ARE  
7 RELATED TO STUDENT ACHIEVEMENT IN EACH OF THE FOLLOWING AREAS:

8 (A) PLANNING AND PREPARATION.

9 (B) CLASSROOM ENVIRONMENT.

10 (C) INSTRUCTION.

11 (D) PROFESSIONAL RESPONSIBILITIES.

12 (II) STUDENT PERFORMANCE, WHICH SHALL COMPRISE FIFTY PER  
13 CENTUM (50%) OF THE OVERALL RATING OF THE PROFESSIONAL EMPLOYE  
14 OR TEMPORARY PROFESSIONAL EMPLOYE SERVING AS A CLASSROOM TEACHER  
15 AND SHALL BE BASED UPON MULTIPLE MEASURES OF STUDENT  
16 ACHIEVEMENT. THE FIFTY PER CENTUM (50%) SHALL BE COMPRISED OF  
17 THE FOLLOWING:

18 (A) FIFTEEN PER CENTUM (15%) BUILDING LEVEL DATA INCLUDING,  
19 BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

20 (I) STUDENT PERFORMANCE ON ASSESSMENTS.

21 (II) VALUE-ADDED ASSESSMENT SYSTEM DATA MADE AVAILABLE BY  
22 THE DEPARTMENT UNDER SECTION 221.

23 (III) GRADUATION RATE AS REPORTED TO THE DEPARTMENT UNDER  
24 SECTION 222.

25 (IV) PROMOTION RATE.

26 (V) ATTENDANCE RATE AS REPORTED TO THE DEPARTMENT UNDER  
27 SECTION 2512.

28 (VI) ADVANCED PLACEMENT COURSE PARTICIPATION.

29 (VII) SCHOLASTIC APTITUDE TEST AND PRELIMINARY SCHOLASTIC  
30 APTITUDE TEST DATA.



1 (B) FIFTEEN PER CENTUM (15%) TEACHER SPECIFIC DATA  
2 INCLUDING, BUT NOT LIMITED TO, STUDENT ACHIEVEMENT ATTRIBUTABLE  
3 TO A SPECIFIC TEACHER AS MEASURED BY ALL OF THE FOLLOWING:

4 (I) STUDENT PERFORMANCE ON ASSESSMENTS.

5 (II) VALUE-ADDED ASSESSMENT SYSTEM DATA MADE AVAILABLE BY  
6 THE DEPARTMENT UNDER SECTION 221.

7 (III) PROGRESS IN MEETING THE GOALS OF STUDENT  
8 INDIVIDUALIZED EDUCATION PLANS REQUIRED UNDER THE INDIVIDUALS  
9 WITH DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. §  
10 1400 ET SEQ.).

11 (IV) LOCALLY DEVELOPED SCHOOL DISTRICT RUBRICS.

12 (C) TWENTY PER CENTUM (20%) ELECTIVE DATA INCLUDING MEASURES  
13 OF STUDENT ACHIEVEMENT THAT ARE LOCALLY DEVELOPED AND SELECTED  
14 BY THE SCHOOL DISTRICT FROM A LIST APPROVED BY THE DEPARTMENT  
15 AND PUBLISHED IN THE PENNSYLVANIA BULLETIN BY JUNE 30 OF EACH  
16 YEAR INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

17 (I) DISTRICT-DESIGNED MEASURES AND EXAMINATIONS.

18 (II) NATIONALLY RECOGNIZED STANDARDIZED TESTS.

19 (III) INDUSTRY CERTIFICATION EXAMINATIONS.

20 (IV) STUDENT PROJECTS PURSUANT TO LOCAL REQUIREMENTS.

21 (V) STUDENT PORTFOLIOS PURSUANT TO LOCAL REQUIREMENTS.

22 (2) (I) NO LATER THAN JUNE 30, 2013, THE DEPARTMENT SHALL  
23 DEVELOP, ISSUE AND PUBLISH IN THE PENNSYLVANIA BULLETIN A RATING  
24 TOOL FOR PROFESSIONAL EMPLOYEES AND TEMPORARY PROFESSIONAL  
25 EMPLOYEES SERVING AS CLASSROOM TEACHERS THAT IS CONSISTENT WITH  
26 THIS SUBSECTION AND INCLUDES THE WEIGHTS GIVEN TO THE MULTIPLE  
27 MEASURES OF STUDENT PERFORMANCE CONTAINED IN CLAUSE (1) (II).

28 (II) FOLLOWING PUBLICATION, THE RATING TOOL DEVELOPED UNDER  
29 THIS SUBSECTION SHALL BE USED IN THE RATING OF ALL PROFESSIONAL  
30 EMPLOYEES AND TEMPORARY PROFESSIONAL EMPLOYEES SERVING AS

1 CLASSROOM TEACHERS.

2 (III) AFTER JUNE 30, 2013, ANY CHANGES TO THE RATING TOOL  
3 DEVELOPED UNDER THIS SUBSECTION SHALL BE MADE BY THE STATE BOARD  
4 OF EDUCATION THROUGH REGULATIONS PROMULGATED UNDER THE ACT OF  
5 JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE "REGULATORY REVIEW  
6 ACT."

7 (C) FOR PROFESSIONAL EMPLOYES AND TEMPORARY PROFESSIONAL  
8 EMPLOYES SERVING AS PRINCIPALS, THE FOLLOWING SHALL APPLY:

9 (1) BEGINNING IN THE 2014-2015 SCHOOL YEAR, PRINCIPAL  
10 EFFECTIVENESS SHALL BE MEASURED USING A RATING TOOL DESIGNED  
11 SPECIFICALLY FOR PROFESSIONAL EMPLOYES AND TEMPORARY  
12 PROFESSIONAL EMPLOYES SERVING AS PRINCIPALS WHICH SHALL GIVE DUE  
13 CONSIDERATION TO THE FOLLOWING:

14 (I) PLANNING AND PREPARATION.

15 (II) SCHOOL ENVIRONMENT.

16 (III) DELIVERY OF SERVICE.

17 (IV) PROFESSIONAL DEVELOPMENT.

18 (V) STUDENT PERFORMANCE, PURSUANT TO CLAUSE (2).

19 (2) STUDENT PERFORMANCE SHALL BE MEASURED AS PROVIDED IN  
20 SUBSECTION (B) (1) (II) FOR PROFESSIONAL EMPLOYES AND TEMPORARY  
21 PROFESSIONAL EMPLOYES SUPERVISED BY THE PRINCIPAL AND SHALL  
22 COMPRISE FIFTY PER CENTUM (50%) OF THE PRINCIPAL'S OVERALL  
23 RATING. THE FIFTY PER CENTUM (50%) SHALL BE COMPRISED OF THE  
24 FOLLOWING:

25 (A) FIFTEEN PER CENTUM (15%) BUILDING LEVEL DATA, INCLUDING,  
26 BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

27 (I) STUDENT PERFORMANCE ON ASSESSMENTS.

28 (II) VALUE-ADDED ASSESSMENT SYSTEM DATA MADE AVAILABLE BY  
29 THE DEPARTMENT UNDER SECTION 221.

30 (III) GRADUATION RATE AS REPORTED TO THE DEPARTMENT UNDER

1 SECTION 222.

2 (IV) PROMOTION RATE.

3 (V) ATTENDANCE RATE AS REPORTED TO THE DEPARTMENT UNDER  
4 SECTION 2512.

5 (VI) ADVANCED PLACEMENT COURSE PARTICIPATION.

6 (VII) SCHOLASTIC APTITUDE TEST AND PRELIMINARY SCHOLASTIC  
7 APTITUDE TEST DATA.

8 (B) FIFTEEN PER CENTUM (15%) CORRELATION DATA BASED ON  
9 TEACHER LEVEL MEASURES.

10 (C) TWENTY PER CENTUM (20%) ELECTIVE DATA INCLUDING MEASURES  
11 OF STUDENT ACHIEVEMENT THAT ARE LOCALLY DEVELOPED AND SELECTED  
12 BY THE SCHOOL DISTRICT FROM A LIST APPROVED BY THE DEPARTMENT  
13 AND PUBLISHED IN THE PENNSYLVANIA BULLETIN BY JUNE 30 EACH YEAR,  
14 WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

15 (I) DISTRICT-DESIGNED MEASURES AND EXAMINATIONS.

16 (II) NATIONALLY RECOGNIZED STANDARDIZED TESTS.

17 (III) INDUSTRY CERTIFICATION EXAMINATIONS.

18 (IV) STUDENT PROJECTS PURSUANT TO LOCAL REQUIREMENTS.

19 (V) STUDENT PORTFOLIOS PURSUANT TO LOCAL REQUIREMENTS.

20 (3) (I) NO LATER THAN JUNE 30, 2014, THE DEPARTMENT SHALL  
21 DEVELOP, ISSUE AND PUBLISH IN THE PENNSYLVANIA BULLETIN A RATING  
22 TOOL FOR PROFESSIONAL EMPLOYEES AND TEMPORARY PROFESSIONAL  
23 EMPLOYEES SERVING AS PRINCIPALS THAT IS CONSISTENT WITH THIS  
24 SUBSECTION AND INCLUDES THE WEIGHTS GIVEN TO THE MULTIPLE  
25 MEASURES OF STUDENT PERFORMANCE CONTAINED IN CLAUSE (2).

26 (II) FOLLOWING PUBLICATION, THE RATING TOOL DEVELOPED UNDER  
27 THIS SUBSECTION SHALL BE USED IN THE RATING OF ALL PRINCIPALS  
28 SUPERSEDING ALL OTHER RATING CARDS AND FORMS USED PREVIOUSLY.

29 (III) AFTER JUNE 30, 2014, ANY CHANGES TO THE RATING TOOL  
30 DEVELOPED UNDER THIS SUBSECTION SHALL BE MADE BY THE STATE BOARD

1 OF EDUCATION THROUGH REGULATIONS PROMULGATED UNDER THE  
2 "REGULATORY REVIEW ACT."

3 (D) FOR NONTEACHING PROFESSIONAL EMPLOYEES, THE FOLLOWING  
4 SHALL APPLY:

5 (1) BEGINNING IN THE 2014-2015 SCHOOL YEAR, NONTEACHING  
6 PROFESSIONAL EMPLOYEES SHALL BE EVALUATED USING A RATING TOOL  
7 DESIGNED SPECIFICALLY FOR NONTEACHING PROFESSIONAL EMPLOYEES  
8 WHICH SHALL GIVE DUE CONSIDERATION TO THE FOLLOWING:

9 (I) PLANNING AND PREPARATION.

10 (II) EDUCATIONAL ENVIRONMENT.

11 (III) DELIVERY OF SERVICE.

12 (IV) PROFESSIONAL DEVELOPMENT.

13 (V) STUDENT PERFORMANCE OF ALL STUDENTS IN THE SCHOOL  
14 BUILDING IN WHICH THE NONTEACHING PROFESSIONAL EMPLOYEE IS  
15 EMPLOYED WHICH SHALL COMPRISE TWENTY PER CENTUM (20%) OF THE  
16 OVERALL RATING OF NONTEACHING PROFESSIONAL EMPLOYEES AND  
17 TEMPORARY PROFESSIONAL EMPLOYEES.

18 (2) (I) NO LATER THAN JUNE 30, 2014, THE DEPARTMENT SHALL  
19 DEVELOP, ISSUE AND PUBLISH IN THE PENNSYLVANIA BULLETIN A RATING  
20 TOOL FOR NONTEACHING PROFESSIONAL EMPLOYEES THAT IS CONSISTENT  
21 WITH THIS SUBSECTION AND INCLUDES THE WEIGHTS GIVEN TO THE  
22 MULTIPLE MEASURES OF STUDENT PERFORMANCE CONTAINED IN CLAUSE  
23 (1) (V).

24 (II) FOLLOWING PUBLICATION, THE RATING TOOL DEVELOPED UNDER  
25 THIS SUBSECTION SHALL BE USED IN THE RATING OF ALL NONTEACHING  
26 PROFESSIONAL EMPLOYEES.

27 (III) AFTER JUNE 30, 2014, ANY SUBSEQUENT CHANGES TO THE  
28 RATING TOOL DEVELOPED UNDER THIS PARAGRAPH SHALL BE MADE BY THE  
29 STATE BOARD OF EDUCATION THROUGH REGULATIONS PROMULGATED UNDER  
30 THE "REGULATORY REVIEW ACT."

1 (E) NOTWITHSTANDING SUBSECTIONS (B), (C) AND (D),  
2 PROFESSIONAL EMPLOYES AND TEMPORARY PROFESSIONAL EMPLOYES  
3 SERVING AS CLASSROOM TEACHERS, PRINCIPALS AND NONTEACHING  
4 PROFESSIONAL EMPLOYES MAY BE EVALUATED THROUGH THE USE OF A  
5 RATING TOOL DEVELOPED BY AN INDIVIDUAL SCHOOL DISTRICT,  
6 INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL THAT THE  
7 DEPARTMENT HAS APPROVED AS MEETING OR EXCEEDING THE MEASURES OF  
8 EFFECTIVENESS ESTABLISHED UNDER THIS SECTION.

9 (F) (1) EACH RATING TOOL DEVELOPED OR APPROVED UNDER THIS  
10 SECTION SHALL IDENTIFY THE OVERALL PERFORMANCE RATING OF THE  
11 PROFESSIONAL EMPLOYES AND TEMPORARY PROFESSIONAL EMPLOYES  
12 SERVING AS CLASSROOM TEACHERS, PRINCIPALS AND NONTEACHING  
13 PROFESSIONAL EMPLOYES AS ONE OF THE FOLLOWING:

14 (I) DISTINGUISHED.

15 (II) PROFICIENT.

16 (III) NEEDS IMPROVEMENT.

17 (IV) FAILING.

18 (2) AN OVERALL PERFORMANCE RATING OF EITHER "DISTINGUISHED"  
19 OR "PROFICIENT" SHALL BE CONSIDERED SATISFACTORY.

20 (3) AN OVERALL PERFORMANCE RATING OF "NEEDS IMPROVEMENT"  
21 SHALL BE CONSIDERED SATISFACTORY, EXCEPT THAT ANY SUBSEQUENT  
22 OVERALL RATING OF "NEEDS IMPROVEMENT" ISSUED BY THE SAME  
23 EMPLOYER WITHIN TEN (10) YEARS OF THE FIRST OVERALL PERFORMANCE  
24 RATING OF "NEEDS IMPROVEMENT" WHERE THE EMPLOYEE IS IN THE SAME  
25 CERTIFICATION SHALL BE CONSIDERED UNSATISFACTORY.

26 (4) AN OVERALL PERFORMANCE RATING OF "FAILING" SHALL BE  
27 CONSIDERED UNSATISFACTORY.

28 (5) AN OVERALL PERFORMANCE RATING OF "NEEDS IMPROVEMENT" OR  
29 "FAILING" SHALL REQUIRE THE EMPLOYEE TO PARTICIPATE IN A  
30 PERFORMANCE IMPROVEMENT PLAN. NO EMPLOYEE SHALL BE RATED "NEEDS

1 IMPROVEMENT" OR "FAILING" BASED SOLELY UPON STUDENT TEST SCORES.

2 (6) THE DEPARTMENT SHALL DEVELOP A RATING SCALE TO REFLECT  
3 STUDENT PERFORMANCE MEASURES AND EMPLOYE OBSERVATION RESULTS AND  
4 ESTABLISH OVERALL SCORE RANGES FOR EACH OF THE FOUR RATING  
5 CATEGORIES CONTAINED IN CLAUSE (1).

6 (G) UPON PUBLICATION IN THE PENNSYLVANIA BULLETIN OF A  
7 RATING TOOL DEVELOPED UNDER THIS SECTION, THE RATING CARDS SET  
8 FORTH IN 22 PA. CODE § 351.21 (RELATING TO RATING FORM) AND ANY  
9 ALTERNATIVE RATING FORMS APPROVED PURSUANT TO 22 PA. CODE CH.  
10 351 (RELATING TO TEACHER TENURE HEARINGS) PRIOR TO THE  
11 IMPLEMENTATION OF THIS SECTION SHALL BE DISCONTINUED FOR USE IN  
12 THE EVALUATION OF PROFESSIONAL AND TEMPORARY PROFESSIONAL  
13 EMPLOYES.

14 (H) THE FOLLOWING SHALL APPLY TO THE RATINGS OF ALL  
15 PROFESSIONAL EMPLOYES AND TEMPORARY PROFESSIONAL EMPLOYES:

16 (1) ALL RATINGS SHALL BE COMPLETED USING THE RATING TOOLS  
17 DEVELOPED OR APPROVED UNDER THIS SECTION.

18 (2) PROFESSIONAL EMPLOYES SHALL BE RATED AT LEAST ANNUALLY  
19 AND TEMPORARY PROFESSIONAL EMPLOYES SHALL BE RATED AT LEAST  
20 TWICE ANNUALLY.

21 (3) RATINGS SHALL BE PERFORMED BY OR UNDER THE SUPERVISION  
22 OF THE CHIEF SCHOOL ADMINISTRATOR OR, IF SO DIRECTED BY THE  
23 CHIEF SCHOOL ADMINISTRATOR, BY AN ASSISTANT ADMINISTRATOR, A  
24 SUPERVISOR OR A PRINCIPAL WHO HAS SUPERVISION OVER THE WORK OF  
25 THE PROFESSIONAL EMPLOYE OR TEMPORARY PROFESSIONAL EMPLOYE BEING  
26 RATED, PROVIDED THAT NO UNSATISFACTORY RATING SHALL BE VALID  
27 UNLESS APPROVED BY THE CHIEF SCHOOL ADMINISTRATOR.

28 (4) NO EMPLOYE SHALL BE DISMISSED UNDER SECTION 1122 UNLESS  
29 THE EMPLOYE HAS BEEN PROVIDED A COMPLETED RATING TOOL PROVIDED  
30 FOR UNDER THIS SECTION, WHICH INCLUDES A DESCRIPTION BASED UPON

1 CLASSROOM OBSERVATIONS OF DEFICIENCIES IN PRACTICE SUPPORTED BY  
2 DETAILED ANECDOTAL RECORDS THAT JUSTIFY THE UNSATISFACTORY  
3 RATING.

4 (I) ALL SCHOOL DISTRICTS, INTERMEDIATE UNITS AND AREA  
5 VOCATIONAL-TECHNICAL SCHOOLS SHALL PROVIDE TO THE DEPARTMENT THE  
6 AGGREGATE RESULTS OF ALL PROFESSIONAL EMPLOYE AND TEMPORARY  
7 PROFESSIONAL EMPLOYEE, PRINCIPAL AND NONTEACHING PROFESSIONAL  
8 EMPLOYEE EVALUATIONS.

9 (J) (1) ANY RATING TOOL DEVELOPED BY THE DEPARTMENT OF  
10 EDUCATION UNDER THIS SECTION SHALL BE EXEMPT FROM:

11 (I) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT OF JULY  
12 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE "COMMONWEALTH  
13 DOCUMENTS LAW."

14 (II) SECTION 204(B) OF THE ACT OF OCTOBER 15, 1980 (P.L.950,  
15 NO.164), KNOWN AS THE "COMMONWEALTH ATTORNEYS ACT."

16 (III) THE "REGULATORY REVIEW ACT."

17 (2) THIS SUBSECTION SHALL NOT APPLY TO ANY CHANGES MADE TO A  
18 RATING TOOL OR NEW RATING TOOL DEVELOPED BY THE STATE BOARD OF  
19 EDUCATION PURSUANT TO SUBSECTIONS (B) (2) (III), (C) (3) (III) AND  
20 (D) (2) (III).

21 (K) THE STATE BOARD OF EDUCATION MAY DEVELOP STANDARDS OR  
22 REGULATIONS CONSISTENT WITH THIS SECTION.

23 (L) (1) THE DEPARTMENT'S DUTY TO DEVELOP A RATING TOOL  
24 UNDER SUBSECTION (B) (2) SHALL EXPIRE ON JUNE 30, 2013.

25 (2) THE DEPARTMENT'S DUTY TO DEVELOP RATING TOOLS UNDER  
26 SUBSECTIONS (C) (3) AND (D) (2) SHALL EXPIRE ON JUNE 30, 2014.

27 (M) NO COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BY A  
28 SCHOOL DISTRICT AND AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES  
29 IN ACCORDANCE WITH THE ACT OF JULY 23, 1970 (P.L.563, NO.195),  
30 KNOWN AS THE "PUBLIC EMPLOYEE RELATIONS ACT," AFTER THE EFFECTIVE

1 DATE OF THIS SUBSECTION SHALL PROVIDE FOR A RATING SYSTEM OTHER  
2 THAN AS PROVIDED FOR IN THIS SECTION. A PROVISION IN ANY  
3 AGREEMENT OR CONTRACT IN EFFECT ON THE EFFECTIVE DATE OF THIS  
4 SUBSECTION THAT PROVIDES FOR A RATING SYSTEM IN CONFLICT WITH  
5 THIS SECTION SHALL BE DISCONTINUED IN ANY NEW OR RENEWED  
6 AGREEMENT OR CONTRACT OR DURING THE PERIOD OF STATUS QUO  
7 FOLLOWING AN EXPIRED CONTRACT.

8 (N) THE REQUIREMENTS OF THIS SECTION SHALL APPLY TO ALL  
9 SCHOOL DISTRICTS, INTERMEDIATE UNITS AND AREA VOCATIONAL-  
10 TECHNICAL SCHOOLS.

11 (O) FOR PURPOSES OF THIS SECTION:

12 (1) THE TERM "ASSESSMENT" SHALL MEAN THE PENNSYLVANIA SYSTEM  
13 OF SCHOOL ASSESSMENT TEST, THE KEYSTONE EXAM, AN EQUIVALENT  
14 LOCAL ASSESSMENT OR ANOTHER TEST ESTABLISHED BY THE STATE BOARD  
15 OF EDUCATION TO MEET THE REQUIREMENTS OF SECTION  
16 2603-B(D) (10) (I) AND REQUIRED UNDER THE NO CHILD LEFT BEHIND ACT  
17 OF 2001 (PUBLIC LAW 107-110, 115 STAT. 1425) OR ITS SUCCESSOR  
18 STATUTE OR REQUIRED TO ACHIEVE OTHER STANDARDS ESTABLISHED BY  
19 THE DEPARTMENT FOR THE SCHOOL OR SCHOOL DISTRICT UNDER 22 PA.  
20 CODE § 403.3 (RELATING TO SINGLE ACCOUNTABILITY SYSTEM).

21 (2) THE TERM "CHIEF SCHOOL ADMINISTRATOR" SHALL INCLUDE  
22 INDIVIDUALS WHO ARE EMPLOYED AS A SCHOOL DISTRICT  
23 SUPERINTENDENT, AN EXECUTIVE DIRECTOR OF AN INTERMEDIATE UNIT OR  
24 A CHIEF SCHOOL ADMINISTRATOR OF AN AREA VOCATIONAL-TECHNICAL  
25 SCHOOL.

26 (3) THE TERM "CLASSROOM TEACHER" SHALL MEAN A PROFESSIONAL  
27 EMPLOYE OR TEMPORARY PROFESSIONAL EMPLOYE WHO PROVIDES DIRECT  
28 INSTRUCTION TO STUDENTS RELATED TO A SPECIFIC SUBJECT OR GRADE  
29 LEVEL.

30 (4) THE TERM "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF



1 EDUCATION OF THE COMMONWEALTH.

2 (5) THE TERM "EDUCATION SPECIALIST" SHALL HAVE THE MEANING  
3 GIVEN TO IT UNDER THE ACT OF DECEMBER 12, 1973 (P.L.397,  
4 NO.141), KNOWN AS THE "PROFESSIONAL EDUCATOR DISCIPLINE ACT."

5 (6) THE TERM "NONTEACHING PROFESSIONAL EMPLOYE" SHALL MEAN  
6 AN EDUCATION SPECIALIST OR A PROFESSIONAL EMPLOYE OR TEMPORARY  
7 PROFESSIONAL EMPLOYE WHO PROVIDES SERVICES OTHER THAN CLASSROOM  
8 INSTRUCTION.

9 (7) THE TERM "PERFORMANCE IMPROVEMENT PLAN" SHALL MEAN A  
10 PLAN, DESIGNED BY A DISTRICT WITH INPUT OF THE EMPLOYE, THAT MAY  
11 INCLUDE MENTORING, COACHING, RECOMMENDATIONS FOR PROFESSIONAL  
12 DEVELOPMENT AND INTENSIVE SUPERVISION BASED ON THE CONTENTS OF  
13 THE RATING TOOL PROVIDED FOR UNDER THIS SECTION.

14 (8) THE TERM "PRINCIPAL" SHALL INCLUDE A BUILDING PRINCIPAL,  
15 AN ASSISTANT PRINCIPAL, A VICE PRINCIPAL OR A DIRECTOR OF  
16 VOCATIONAL EDUCATION.

17 (P) AN EMPLOYE'S INDIVIDUAL RATING FORM SHALL NOT BE SUBJECT  
18 TO DISCLOSURE UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),  
19 KNOWN AS THE "RIGHT-TO-KNOW LAW."

20 SECTION 15. SECTION 1124 OF THE ACT, AMENDED AUGUST 8, 1963  
21 (P.L.564, NO.299), IS AMENDED TO READ:

22 SECTION 1124. CAUSES FOR SUSPENSION.--(A) ANY BOARD OF  
23 SCHOOL DIRECTORS MAY SUSPEND THE NECESSARY NUMBER OF  
24 PROFESSIONAL EMPLOYES, FOR ANY OF THE CAUSES HEREINAFTER  
25 ENUMERATED:

26 (1) [SUBSTANTIAL] SUBSTANTIAL DECREASE IN PUPIL ENROLLMENT  
27 IN THE SCHOOL DISTRICT;

28 (2) [CURTAILMENT] CURTAILMENT OR ALTERATION OF THE  
29 EDUCATIONAL PROGRAM ON RECOMMENDATION OF THE SUPERINTENDENT[,  
30 CONCURRED IN] AND ON CONCURRENCE BY THE BOARD OF SCHOOL

1 DIRECTORS, [APPROVED BY THE DEPARTMENT OF PUBLIC INSTRUCTION,]  
2 AS A RESULT OF SUBSTANTIAL DECLINE IN CLASS OR COURSE  
3 ENROLLMENTS OR TO CONFORM WITH STANDARDS OF ORGANIZATION OR  
4 EDUCATIONAL ACTIVITIES REQUIRED BY LAW OR RECOMMENDED BY THE  
5 DEPARTMENT OF PUBLIC INSTRUCTION;

6 (3) [CONSOLIDATION] CONSOLIDATION OF SCHOOLS, WHETHER WITHIN  
7 A SINGLE DISTRICT, THROUGH A MERGER OF DISTRICTS, OR AS A RESULT  
8 OF JOINT BOARD AGREEMENTS, WHEN SUCH CONSOLIDATION MAKES IT  
9 UNNECESSARY TO RETAIN THE FULL STAFF OF PROFESSIONAL  
10 EMPLOYES[.]; OR

11 (4) [WHEN] WHEN NEW SCHOOL DISTRICTS ARE ESTABLISHED AS THE  
12 RESULT OF REORGANIZATION OF SCHOOL DISTRICTS PURSUANT TO ARTICLE  
13 II., SUBDIVISION (I) OF THIS ACT, AND WHEN SUCH REORGANIZATION  
14 MAKES IT UNNECESSARY TO RETAIN THE FULL STAFF OF PROFESSIONAL  
15 EMPLOYES.

16 (B) NOTWITHSTANDING AN EXISTING OR FUTURE PROVISION IN A  
17 COLLECTIVE BARGAINING AGREEMENT OR OTHER SIMILAR EMPLOYMENT  
18 CONTRACT TO THE CONTRARY, SUSPENSION OF A PROFESSIONAL EMPLOYEE  
19 DUE TO THE CURTAILMENT OR ALTERATION OF THE EDUCATIONAL PROGRAM  
20 AS SET FORTH IN SUBSECTION (A) (2) MAY BE EFFECTUATED WITHOUT THE  
21 APPROVAL OF THE CURTAILMENT OR ALTERATION OF THE EDUCATIONAL  
22 PROGRAM BY THE DEPARTMENT OF EDUCATION, PROVIDED THAT WHERE AN  
23 EDUCATIONAL PROGRAM IS ALTERED OR CURTAILED AS SET FORTH IN  
24 SUBSECTION (A) (2), THE SCHOOL DISTRICT SHALL NOTIFY THE  
25 DEPARTMENT OF EDUCATION OF THE ACTIONS TAKEN PURSUANT TO  
26 SUBSECTION (A) (2). THE DEPARTMENT OF EDUCATION SHALL POST ALL  
27 NOTIFICATIONS RECEIVED FROM A SCHOOL DISTRICT PURSUANT TO THIS  
28 SUBSECTION ON THE DEPARTMENT OF EDUCATION'S PUBLICLY ACCESSIBLE  
29 INTERNET WEBSITE.

30 SECTION 16. SECTION 1205.1(C) OF THE ACT, AMENDED JUNE 22,

1 2001 (P.L.530, NO.35), IS AMENDED TO READ:

2 SECTION 1205.1. CONTINUING PROFESSIONAL DEVELOPMENT.--\* \* \*

3 (C) THE PROFESSIONAL EDUCATION PLAN OF EACH SCHOOL ENTITY  
4 SHALL BE DESIGNED TO MEET THE EDUCATIONAL NEEDS OF THAT SCHOOL  
5 ENTITY AND ITS PROFESSIONAL EMPLOYEES. A SCHOOL ENTITY SHALL  
6 ANNUALLY REVIEW ITS PLAN TO DETERMINE WHETHER OR NOT IT  
7 CONTINUES TO REFLECT THE NEEDS OF THE SCHOOL ENTITY [AND ITS  
8 STRATEGIC PLAN] AND THE NEEDS OF ITS PROFESSIONAL EMPLOYEES,  
9 STUDENTS AND THE COMMUNITY. THE PLAN SHALL BE AMENDED AS  
10 NECESSARY TO ENSURE THAT THE PLAN MEETS THE REQUIREMENTS OF THIS  
11 SUBSECTION. THE PLAN SHALL SPECIFY THE CONTINUING PROFESSIONAL  
12 EDUCATIONAL COURSES, PROGRAMS, ACTIVITIES AND OTHER LEARNING  
13 EXPERIENCES APPROVED TO MEET CONTINUING PROFESSIONAL DEVELOPMENT  
14 REQUIREMENTS UNDER SECTION 1205.2(C), INCLUDING EFFORTS DESIGNED  
15 TO IMPROVE TEACHER KNOWLEDGE IN SUBJECT AREAS COVERING THE  
16 ACADEMIC STANDARDS LISTED IN 22 PA. CODE CH. 4 (RELATING TO  
17 ACADEMIC STANDARDS AND ASSESSMENT).

18 \* \* \*

19 SECTION 16.1. SECTION 1308 OF THE ACT, AMENDED JUNE 7, 1993  
20 (P.L.49, NO.16), IS AMENDED TO READ:

21 SECTION 1308. LIABILITY FOR TUITION AND ENFORCEMENT OF  
22 PAYMENT.--(A) IN ALL CASES NOT COVERED BY THE PRECEDING SECTION  
23 IF A CHARGE IS MADE BY ANY SCHOOL DISTRICT FOR TUITION FOR THE  
24 INMATES OF ANY SUCH INSTITUTION, THE OFFICERS OF THE INSTITUTION  
25 SHALL SUBMIT TO THE BOARD OF SCHOOL DIRECTORS A SWORN STATEMENT,  
26 SETTING FORTH THE NAMES, AGES, AND SCHOOL DISTRICTS LIABLE FOR  
27 TUITION OF ALL CHILDREN WHO ARE INMATES THEREOF, AND DESIRE TO  
28 ATTEND PUBLIC SCHOOL IN THE DISTRICT. THE DISTRICT IN WHICH THE  
29 INSTITUTION IS LOCATED SHALL OBTAIN A BLANK ACKNOWLEDGING OR  
30 DISCLAIMING RESIDENCE, SIGNED BY THE SECRETARY OF THE SCHOOL

1 DISTRICT IN WHICH THE INSTITUTION DECLARES THE LEGAL RESIDENCE  
2 OF THE CHILD TO BE. IF SAID DISTRICT SHALL FAIL TO FILE SAID  
3 BLANK WITHIN FIFTEEN (15) DAYS FROM THE DATE IT IS SENT TO THE  
4 DISTRICT BY REGISTERED MAIL, THE DISTRICT IN WHICH THE  
5 INSTITUTION IS LOCATED SHALL AGAIN NOTIFY THE DISTRICT OF ITS  
6 FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ACT. IF THE  
7 DISTRICT SHALL FAIL TO COMPLY WITHIN FIFTEEN (15) DAYS FOLLOWING  
8 THE SECOND NOTICE, SAID FAILURES TO RETURN THE BLANK SHALL BE  
9 CONSTRUED AS AN ACKNOWLEDGEMENT OF SAID CHILD'S RESIDENCE. THE  
10 TUITION OF SUCH INMATES AS ARE INCLUDED IN THE SWORN STATEMENT  
11 TO THE BOARD OF SCHOOL DIRECTORS SHALL BE PAID BY THE DISTRICT  
12 OF RESIDENCE OF THE INMATES UPON RECEIPT OF A BILL FROM THE  
13 DISTRICT IN WHICH THE INSTITUTION IS LOCATED SETTING FORTH THE  
14 NAMES, AGES AND TUITION CHARGES OF THE INMATES. THE DISTRICT SO  
15 CHARGED WITH TUITION MAY FILE AN APPEAL WITH THE SECRETARY OF  
16 EDUCATION, IN WHICH IT SHALL BE THE COMPLAINANT AND THE DISTRICT  
17 IN WHICH THE INSTITUTION IS LOCATED THE RESPONDENT. THE DECISION  
18 OF THE SECRETARY OF EDUCATION, AS TO WHICH OF SAID PARTIES IS  
19 RESPONSIBLE FOR TUITION, SHALL BE FINAL.

20 (B) IN THE EVENT THAT THE DISTRICT IN WHICH THE INSTITUTION  
21 IS LOCATED CONTRACTS WITH A THIRD PARTY TO PROVIDE EDUCATIONAL  
22 SERVICES TO CHILDREN WHO ARE INMATES OF THE INSTITUTION, THE  
23 THIRD PARTY MAY SEEK PAYMENT OF TUITION DIRECTLY FROM THE  
24 DISTRICT OF RESIDENCE. THE THIRD PARTY SHALL NOTIFY THE DISTRICT  
25 IN WHICH THE INSTITUTION IS LOCATED OF ITS PAYMENT REQUEST TO  
26 THE DISTRICT OF RESIDENCE AND, IF THE DISTRICT OF RESIDENCE  
27 MAKES PAYMENT TO THE THIRD PARTY, THE THIRD PARTY SHALL NOTIFY  
28 THE DISTRICT IN WHICH THE INSTITUTION IS LOCATED. SUCH PAYMENT  
29 TO THE THIRD PARTY SHALL SATISFY AND EXTINGUISH THE CONTRACTUAL  
30 PAYMENT OBLIGATION OF THE DISTRICT IN WHICH THE INSTITUTION IS

1 LOCATED. THE DISTRICT SO CHARGED WITH TUITION BY THE THIRD PARTY  
2 MAY FILE AN APPEAL WITH THE SECRETARY AS SET FORTH IN SUBSECTION  
3 (A).

4 (C) IF ANY INMATES HAVE BEEN RECEIVED FROM OUTSIDE OF  
5 PENNSYLVANIA, OR IF THE INSTITUTION CANNOT CERTIFY AS TO THEIR  
6 RESIDENCE, THEIR TUITION SHALL BE PAID BY THE INSTITUTION HAVING  
7 THE CARE OR CUSTODY OF SAID CHILDREN, EXCEPT IN THE CASE OF  
8 MEDICALLY INDIGENT CHILDREN HOSPITALIZED IN EXCLUSIVELY  
9 CHARITABLE CHILDREN'S HOSPITALS EXEMPT UNDER SECTION 501(C) (3)  
10 OF THE INTERNAL REVENUE CODE WHICH MAKE NO CHARGES TO ANY OF ITS  
11 PATIENTS NOR ACCEPTS ANY THIRD-PARTY PAYMENTS FOR SERVICES  
12 PROVIDED TO ANY OF ITS PATIENTS. IN SUCH CASES THEIR TUITION  
13 SHALL BE PAID BY THE COMMONWEALTH OUT OF MONEYS APPROPRIATED BY  
14 THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS ACT. ENROLLMENT OF  
15 ANY OUT-OF-STATE STUDENT IN A SCHOOL DISTRICT OR INTERMEDIATE  
16 UNIT PROGRAM SHALL BE CONDITIONED UPON A GUARANTEE, OR ACTUAL  
17 ADVANCE RECEIPT, OF TUITION AND TRANSPORTATION PAYMENT FROM THE  
18 INSTITUTION, FROM THE STUDENT'S HOME STATE OR OUT-OF-STATE  
19 SCHOOL DISTRICT, OR FROM THE OUT-OF-STATE PARTY OR AGENCY WHICH  
20 PLACED THE STUDENT IN THE INSTITUTION, EXCEPT IN THE CASE OF  
21 MEDICALLY INDIGENT CHILDREN HOSPITALIZED IN EXCLUSIVELY  
22 CHARITABLE CHILDREN'S HOSPITALS EXEMPT UNDER SECTION 501(C) (3)  
23 OF THE INTERNAL REVENUE CODE WHICH MAKE NO CHARGES TO ANY OF ITS  
24 PATIENTS NOR ACCEPTS ANY THIRD-PARTY PAYMENTS FOR SERVICES  
25 PROVIDED TO ANY OF ITS PATIENTS WHERE THE COMMONWEALTH IS PAYING  
26 THE TUITION AS OTHERWISE PROVIDED FOR IN THIS PARAGRAPH. IF THE  
27 SECRETARY OF EDUCATION DECIDES THAT THE LEGAL RESIDENCE OF ANY  
28 OF SAID INMATES IS IN PENNSYLVANIA, BUT CANNOT BE FIXED IN A  
29 PARTICULAR DISTRICT, THE COMMONWEALTH SHALL PAY THE TUITION OF  
30 SUCH INMATE OUT OF MONEYS APPROPRIATED TO THE DEPARTMENT OF

1 EDUCATION BY THE GENERAL ASSEMBLY FOR THE MAINTENANCE AND  
2 SUPPORT OF THE PUBLIC SCHOOLS OF THE COMMONWEALTH.

3 SECTION 17. SECTION 1337.1 OF THE ACT, AMENDED OR ADDED MAY  
4 10, 2000 (P.L.44, NO.16) AND JULY 20, 2007 (P.L.278, NO.45), IS  
5 AMENDED TO READ:

6 SECTION 1337.1. SCHOOL LUNCH AND BREAKFAST REIMBURSEMENT.--  
7 (A) SCHOOLS THAT PARTICIPATE IN THE SCHOOL LUNCH PROGRAM SHALL  
8 BE REIMBURSED IN THE FOLLOWING MANNER:

9 (1) SUBJECT TO FUTURE ADJUSTMENTS UNDER CLAUSE (2), EACH  
10 SCHOOL WHICH OFFERS THE SCHOOL LUNCH PROGRAM SHALL RECEIVE A  
11 REIMBURSEMENT OF NO LESS THAN TEN CENTS (10¢) PER LUNCH SERVED,  
12 EXCLUSIVE OF ANY REIMBURSEMENTS UNDER SUBSECTION (C).

13 (2) FOR THE 2000-2001 SCHOOL YEAR AND EACH SCHOOL YEAR  
14 THEREAFTER, REIMBURSEMENTS FOR THE SCHOOL LUNCH PROGRAM SHALL BE  
15 FIXED BY REGULATION OF THE DEPARTMENT OF EDUCATION: PROVIDED,  
16 THAT SUCH REIMBURSEMENTS SHALL BE NO LESS THAN THE AMOUNTS PER  
17 LUNCH SERVED ESTABLISHED BY CLAUSE (1).

18 (B) SCHOOLS THAT PARTICIPATE IN THE SCHOOL BREAKFAST PROGRAM  
19 SHALL BE REIMBURSED IN THE FOLLOWING MANNER:

20 (1) SUBJECT TO FUTURE ADJUSTMENTS UNDER CLAUSE (2), EACH  
21 SCHOOL WHICH OFFERS THE SCHOOL BREAKFAST PROGRAM SHALL RECEIVE A  
22 REIMBURSEMENT OF NO LESS THAN TEN CENTS (10¢) PER BREAKFAST  
23 SERVED.

24 (2) FOR THE 2000-2001 SCHOOL YEAR AND EACH SCHOOL YEAR  
25 THEREAFTER, REIMBURSEMENTS FOR THE SCHOOL BREAKFAST PROGRAM  
26 SHALL BE FIXED BY REGULATION OF THE DEPARTMENT OF EDUCATION:  
27 PROVIDED, THAT SUCH REIMBURSEMENTS SHALL BE NO LESS THAN THE  
28 AMOUNTS PER BREAKFAST SERVED ESTABLISHED BY CLAUSE (1).

29 (C) SCHOOLS THAT PARTICIPATE IN BOTH THE SCHOOL LUNCH  
30 PROGRAM AND THE SCHOOL BREAKFAST PROGRAM SHALL BE PROVIDED WITH

1 THE FOLLOWING INCENTIVE REIMBURSEMENTS:

2 (1) SUBJECT TO FUTURE ADJUSTMENTS UNDER CLAUSE (3), EACH  
3 SCHOOL WHICH OFFERS BOTH A SCHOOL LUNCH PROGRAM UNDER SUBSECTION  
4 (A) AND A SCHOOL BREAKFAST PROGRAM UNDER SUBSECTION (B) WHICH  
5 SERVES LESS THAN OR EQUAL TO TWENTY PER CENTUM (20%) OF ITS  
6 STUDENT ENROLLMENT SHALL RECEIVE AN ADDITIONAL REIMBURSEMENT OF  
7 TWO CENTS (2¢) PER LUNCH SERVED.

8 (2) SUBJECT TO FUTURE ADJUSTMENTS UNDER CLAUSE (3), EACH  
9 SCHOOL WHICH OFFERS A SCHOOL LUNCH PROGRAM UNDER SUBSECTION (A)  
10 AND A SCHOOL BREAKFAST PROGRAM UNDER SUBSECTION (B) WHICH SERVES  
11 MORE THAN TWENTY PER CENTUM (20%) OF ITS STUDENT ENROLLMENT  
12 SHALL RECEIVE AN ADDITIONAL REIMBURSEMENT OF FOUR CENTS (4¢) PER  
13 LUNCH SERVED.

14 (3) FOR THE 2000-2001 SCHOOL YEAR AND EACH SCHOOL YEAR  
15 THEREAFTER, REIMBURSEMENTS FOR THE SCHOOL BREAKFAST INCENTIVE  
16 PROGRAM SHALL BE FIXED BY REGULATION OF THE DEPARTMENT OF  
17 EDUCATION: PROVIDED, THAT SUCH REIMBURSEMENT SHALL BE NO LESS  
18 THAN THE AMOUNTS PER LUNCH SERVED ESTABLISHED BY CLAUSES (1) AND  
19 (2).

20 [(C.1) (1) IN ORDER TO PROMOTE INITIATIVES REGARDING CHILD  
21 HEALTH AND NUTRITION, THE DEPARTMENT SHALL ESTABLISH A SCHOOL  
22 NUTRITION INCENTIVE PROGRAM. THE PROGRAM SHALL PROVIDE A  
23 SUPPLEMENTAL SCHOOL LUNCH AND BREAKFAST REIMBURSEMENT TO ANY  
24 SCHOOL IN A LOCAL EDUCATION AGENCY THAT HAS ADOPTED AND  
25 IMPLEMENTED THE NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGES  
26 AVAILABLE ON EACH SCHOOL CAMPUS PUBLISHED BY THE DEPARTMENT  
27 PURSUANT TO SECTION 1422.3(5).

28 (2) TO QUALIFY, THE LOCAL WELLNESS POLICY ADOPTED BY THE  
29 LOCAL EDUCATION AGENCY PURSUANT TO SECTION 1422.1 MUST INDICATE  
30 ADOPTION OF SUCH GUIDELINES.

1 (3) FOR THE 2007-2008 SCHOOL YEAR AND EACH SCHOOL YEAR  
2 THEREAFTER, SUPPLEMENTAL REIMBURSEMENT SHALL BE PROVIDED TO  
3 SCHOOLS IN QUALIFYING LOCAL EDUCATION AGENCIES AS FOLLOWS:

4 (I) EACH SCHOOL THAT OFFERS THE SCHOOL LUNCH PROGRAM UNDER  
5 SUBSECTION (A) SHALL RECEIVE AN ADDITIONAL REIMBURSEMENT OF ONE  
6 CENT (1¢) PER LUNCH SERVED, EXCLUSIVE OF ANY ADDITIONAL  
7 SUPPLEMENTAL REIMBURSEMENT UNDER SUBCLAUSE (III) OR (IV).

8 (II) EACH SCHOOL THAT OFFERS THE SCHOOL BREAKFAST PROGRAM  
9 UNDER SUBSECTION (B) SHALL RECEIVE AN ADDITIONAL REIMBURSEMENT  
10 OF ONE CENT (1¢) PER BREAKFAST SERVED, EXCLUSIVE OF ANY  
11 ADDITIONAL SUPPLEMENTAL REIMBURSEMENT UNDER SUBCLAUSE (III) OR  
12 (IV).

13 (III) EACH SCHOOL THAT OFFERS BOTH A SCHOOL LUNCH PROGRAM  
14 UNDER SUBSECTION (A) AND A SCHOOL BREAKFAST PROGRAM UNDER  
15 SUBSECTION (B) THAT SERVES BREAKFAST TO LESS THAN OR EQUAL TO  
16 TWENTY PER CENTUM (20%) OF ITS STUDENT ENROLLMENT SHALL RECEIVE  
17 AN ADDITIONAL REIMBURSEMENT OF TWO CENTS (2¢) PER LUNCH SERVED.

18 (IV) EACH SCHOOL THAT OFFERS BOTH A SCHOOL LUNCH PROGRAM  
19 UNDER SUBSECTION (A) AND A SCHOOL BREAKFAST PROGRAM UNDER  
20 SUBSECTION (B) THAT SERVES BREAKFAST TO MORE THAN TWENTY PER  
21 CENTUM (20%) OF ITS STUDENT ENROLLMENT SHALL RECEIVE AN  
22 ADDITIONAL REIMBURSEMENT OF THREE CENTS (3¢) PER LUNCH SERVED.]

23 (D) FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS  
24 SHALL HAVE THE FOLLOWING MEANINGS:

25 "SCHOOL" SHALL HAVE THE SAME MEANING AS GIVEN TO THAT TERM IN  
26 7 CFR 210.2 (RELATING TO DEFINITIONS).

27 "SCHOOL LUNCH PROGRAM" SHALL HAVE THE SAME MEANING AS GIVEN  
28 TO THE TERM "NATIONAL SCHOOL LUNCH PROGRAM" IN 7 CFR 210.2  
29 (RELATING TO DEFINITIONS).

30 "SCHOOL BREAKFAST PROGRAM" SHALL HAVE THE SAME MEANING AS



1 GIVEN TO THAT TERM IN 7 CFR PT. 220 (RELATING TO SCHOOL  
2 BREAKFAST PROGRAM) .

3 SECTION 18. SECTION 1302.1-A(A) OF THE ACT, ADDED NOVEMBER  
4 17, 2010 (P.L.996, NO.104), IS AMENDED TO READ:

5 SECTION 1302.1-A. REGULATIONS.-- (A) WITHIN ONE YEAR OF THE  
6 EFFECTIVE DATE OF THIS SECTION, THE STATE BOARD OF EDUCATION  
7 SHALL PROMULGATE FINAL-OMITTED REGULATIONS PURSUANT TO THE ACT  
8 OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE "REGULATORY  
9 REVIEW ACT," NECESSARY TO IMPLEMENT THIS ARTICLE. THE  
10 REGULATIONS SHALL INCLUDE THE FOLLOWING:

11 (1) A MODEL MEMORANDUM OF UNDERSTANDING BETWEEN SCHOOL  
12 ENTITIES AND LOCAL POLICE DEPARTMENTS. THE MODEL MEMORANDUM OF  
13 UNDERSTANDING SHALL BE REVIEWED ON A BIENNIAL BASIS AND REVISED  
14 WHERE NECESSARY. THE STATE BOARD OF EDUCATION MAY REVISE THE  
15 MODEL MEMORANDUM OF UNDERSTANDING BY PUBLISHING A NOTICE IN THE  
16 PENNSYLVANIA BULLETIN THAT CONTAINS THE COMPLETE REVISED MODEL  
17 MEMORANDUM OF UNDERSTANDING. THE REVISED MODEL MEMORANDUM OF  
18 UNDERSTANDING SHALL BE INCORPORATED INTO THE PENNSYLVANIA CODE  
19 IN PLACE OF THE EXISTING MODEL MEMORANDUM OF UNDERSTANDING.

20 (2) PROTOCOL FOR THE NOTIFICATION OF THE POLICE DEPARTMENT  
21 WHEN AN OFFENSE LISTED UNDER SECTION 1303-A(B) (4.1) OCCURS ON  
22 SCHOOL PROPERTY, WHICH SHALL INCLUDE A REQUIREMENT THAT THE  
23 LOCAL POLICE DEPARTMENT BE NOTIFIED IMMEDIATELY WHEN SUCH AN  
24 OFFENSE OCCURS.

25 (3) PROTOCOL FOR THE NOTIFICATION OF THE POLICE DEPARTMENT  
26 AT THE DISCRETION OF THE CHIEF SCHOOL ADMINISTRATOR REGARDING AN  
27 OFFENSE LISTED UNDER SECTION 1303-A(B) (4.2) OR ANY OTHER OFFENSE  
28 THAT OCCURS ON SCHOOL PROPERTY.

29 (4) PROTOCOL FOR EMERGENCY AND NONEMERGENCY RESPONSE BY THE  
30 POLICE DEPARTMENT, WHICH SHALL INCLUDE A REQUIREMENT THAT THE

1 SCHOOL DISTRICT SHALL SUPPLY THE POLICE DEPARTMENT WITH A COPY  
2 OF THE COMPREHENSIVE DISASTER RESPONSE AND EMERGENCY  
3 PREPAREDNESS PLAN AS REQUIRED BY 35 PA.C.S. § 7701(G) (RELATING  
4 TO DUTIES CONCERNING DISASTER PREVENTION) .

5 (5) PROCEDURES AND PROTOCOLS FOR THE RESPONSE AND HANDLING  
6 OF STUDENTS WITH A DISABILITY, INCLUDING PROCEDURES RELATED TO  
7 STUDENT BEHAVIOR AS REQUIRED BY 22 PA. CODE §§ 14.104 (RELATING  
8 TO SPECIAL EDUCATION PLANS) AND 14.133 (RELATING TO POSITIVE  
9 BEHAVIOR SUPPORT) .

10 \* \* \*

11 SECTION 19. SECTION 1422.1 OF THE ACT, AMENDED NOVEMBER 17,  
12 2010 (P.L.996, NO.104), IS AMENDED TO READ:

13 SECTION 1422.1. LOCAL WELLNESS POLICY.--(A) NOT LATER THAN  
14 THE FIRST DAY OF THE SCHOOL YEAR BEGINNING AFTER JUNE 30, 2006,  
15 EACH LOCAL EDUCATION AGENCY SHALL, PURSUANT TO SECTION 204 OF  
16 THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004 (PUBLIC  
17 LAW 108-265, 118 STAT. 729), ESTABLISH A LOCAL WELLNESS POLICY  
18 FOR SCHOOLS WITHIN THE LOCAL EDUCATION AGENCY.

19 [(B) A LOCAL EDUCATION AGENCY TO WHICH 22 PA. CODE § 4.13  
20 (RELATING TO STRATEGIC PLANS) APPLIES SHALL INCLUDE THE LOCAL  
21 WELLNESS POLICY AS PART OF THE STRATEGIC PLAN REQUIRED UNDER 22  
22 PA. CODE § 4.13.]

23 (C) A LOCAL EDUCATION AGENCY MAY SUBMIT ITS LOCAL WELLNESS  
24 POLICY OR INFORMATION ON OTHER INITIATIVES REGARDING CHILD  
25 HEALTH, NUTRITION, FOOD ALLERGY REACTION MANAGEMENT AND PHYSICAL  
26 EDUCATION TO THE DEPARTMENT OF EDUCATION FOR INCLUSION IN THE  
27 CLEARINGHOUSE ESTABLISHED UNDER SECTION 1422.3(3). [AN UPDATE TO  
28 THE POLICY INFORMATION MAY BE DONE IN CONCERT WITH THE SCHEDULED  
29 SUBMISSION OF THE SCHOOL DISTRICT'S STRATEGIC PLAN AS REQUIRED  
30 UNDER 22 PA. CODE § 4.13.]

1 SECTION 19.1. THE ACT IS AMENDED BY ADDING A SECTION TO  
2 READ:

3 SECTION 1439. CARDIOPULMONARY RESUSCITATION.-- (A) A SCHOOL  
4 ENTITY SHALL HAVE AT EACH SCHOOL, OR IN THE CASE OF A CYBER  
5 CHARTER SCHOOL AT EACH LOCATION, UNDER ITS JURISDICTION, EXCEPT  
6 IN EXTENUATING CIRCUMSTANCES, ONE PERSON CERTIFIED IN THE USE OF  
7 CARDIOPULMONARY RESUSCITATION DURING REGULAR SCHOOL HOURS WHEN  
8 SCHOOL IS IN SESSION AND STUDENTS ARE PRESENT.

9 (B) THE PROVISIONS OF 42 PA.C.S. §§ 8332 (RELATING TO  
10 NONMEDICAL GOOD SAMARITAN CIVIL IMMUNITY) AND 8337.1 (RELATING  
11 TO CIVIL IMMUNITY OF SCHOOL OFFICERS OR EMPLOYEES RELATING TO  
12 EMERGENCY CARE, FIRST AID AND RESCUE) SHALL APPLY TO A PERSON  
13 WHO RENDERS CARDIOPULMONARY RESUSCITATION.

14 (C) AS USED IN THIS SECTION, "SCHOOL ENTITY" MEANS AN AREA  
15 VOCATIONAL-TECHNICAL SCHOOL, A CHARTER SCHOOL, A CYBER CHARTER  
16 SCHOOL, AN INTERMEDIATE UNIT, A NONPUBLIC SCHOOL OR A SCHOOL  
17 DISTRICT.

18 SECTION 20. SECTION 1524(A) OF THE ACT, ADDED DECEMBER 9,  
19 2002 (P.L.1472, NO.187), IS AMENDED TO READ:

20 SECTION 1524. RECOGNITION OF AMERICAN SIGN LANGUAGE  
21 COURSES.-- (A) A STUDENT SHALL RECEIVE CREDIT FOR COMPLETION OF  
22 A COURSE IN AMERICAN SIGN LANGUAGE AT THE HIGH SCHOOL LEVEL  
23 TOWARD THE SATISFACTION OF THE FOREIGN LANGUAGE REQUIREMENTS  
24 INCLUDED IN [A SCHOOL DISTRICT'S STRATEGIC PLAN OR] REQUIREMENTS  
25 FOR GRADUATION ESTABLISHED PURSUANT TO 22 PA. CODE CH. 4  
26 (RELATING TO ACADEMIC STANDARDS AND ASSESSMENT).

27 \* \* \*

28 SECTION 21. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

29 ARTICLE XV-G  
30 OPEN CAMPUS INITIATIVES

1 SECTION 1501-G. LEGISLATIVE INTENT.

2 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ENCOURAGE  
3 COLLABORATIVE PARTNERSHIPS BETWEEN SCHOOL DISTRICTS FOR THE  
4 PURPOSE OF PROVIDING EXPANDED ACCESS TO HIGH-QUALITY CURRICULA  
5 TO STUDENTS IN A COST-EFFECTIVE MANNER THROUGH THE USE OF  
6 TECHNOLOGY.

7 SECTION 1502-G. DEFINITIONS.

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

11 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE  
12 COMMONWEALTH.

13 "NONPARTICIPATING SCHOOL ENTITY." A SCHOOL DISTRICT, WHICH  
14 IS NOT A PARTY TO A COOPERATIVE AGREEMENT BETWEEN SCHOOL  
15 DISTRICTS, A CHARTER SCHOOL, CYBER CHARTER SCHOOL, NONPUBLIC  
16 SCHOOL OR HOME EDUCATION PROGRAM PROVIDED UNDER SECTION 1327.1.

17 "OPEN CAMPUS INITIATIVE." A PROGRAM ESTABLISHED UNDER  
18 SECTION 1503-G.

19 "PARTICIPATING SCHOOL DISTRICT." A SCHOOL DISTRICT WHICH IS  
20 PARTY TO THE COOPERATIVE AGREEMENT BETWEEN SCHOOL DISTRICTS  
21 ESTABLISHING THE OPEN CAMPUS INITIATIVE.

22 SECTION 1503-G. OPEN CAMPUS INITIATIVES.

23 (A) ESTABLISHMENT.--AN OPEN CAMPUS INITIATIVE MAY BE  
24 ESTABLISHED BETWEEN SCHOOL DISTRICTS THROUGH A COOPERATIVE  
25 AGREEMENT.

26 (B) COURSES.--COURSES OF AN OPEN CAMPUS INITIATIVE MAY BE  
27 DELIVERED OUTSIDE OF A SCHOOL BUILDING IN WHOLE OR IN PART USING  
28 TECHNOLOGY THAT MAY INCLUDE THE INTERNET, VIDEO CONFERENCING OR  
29 OTHER ELECTRONIC MEANS.

30 (C) GRADES, CREDIT, PROMOTION AND GRADUATION.--COURSE

1 GRADES, CREDIT, PROMOTION AND GRADUATION POLICIES FOR STUDENTS  
2 PARTICIPATING IN OPEN CAMPUS INITIATIVE COURSES SHALL BE  
3 DETERMINED BY THE SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER  
4 SCHOOL, NONPUBLIC SCHOOL OR EVALUATOR OF A HOME EDUCATION  
5 PROGRAM IN WHICH THE STUDENT IS ENROLLED AND THE COOPERATIVE  
6 AGREEMENT BETWEEN THE PARTICIPATING SCHOOL DISTRICTS.

7 (D) STUDENT ELIGIBILITY REQUIREMENTS.--ELIGIBILITY  
8 REQUIREMENTS FOR STUDENT PARTICIPATION IN OPEN CAMPUS INITIATIVE  
9 COURSES SHALL BE DETERMINED BY THE SCHOOL DISTRICT, CHARTER  
10 SCHOOL, CYBER CHARTER SCHOOL, NONPUBLIC SCHOOL OR SUPERVISOR OF  
11 A HOME EDUCATION PROGRAM IN WHICH EACH STUDENT IS ENROLLED AND  
12 THE COOPERATIVE AGREEMENT BETWEEN THE PARTICIPATING SCHOOL  
13 DISTRICTS.

14 (E) NONPARTICIPATING SCHOOL ENTITIES.--A COOPERATIVE  
15 AGREEMENT BETWEEN PARTICIPATING SCHOOL DISTRICTS MAY PROVIDE FOR  
16 STUDENTS ATTENDING A NONPARTICIPATING SCHOOL ENTITY TO  
17 PARTICIPATE IN AN OPEN CAMPUS INITIATIVE COURSE.

18 (F) COMPULSORY ATTENDANCE REQUIREMENTS.--THE TIME DURING  
19 WHICH A STUDENT PARTICIPATES IN OPEN CAMPUS INITIATIVE COURSES  
20 SHALL BE CONSIDERED TO BE COMPLIANT WITH THE COMPULSORY  
21 ATTENDANCE REQUIREMENTS OF SECTION 1327.

22 (G) STUDENT PARTICIPATION.--THE SCHOOL DISTRICT, CHARTER  
23 SCHOOL, CYBER CHARTER SCHOOL, NONPUBLIC SCHOOL OR HOME EDUCATION  
24 PROGRAM IN WHICH THE STUDENT IS ENROLLED SHALL ENSURE THAT A  
25 STUDENT PARTICIPATING IN OPEN CAMPUS INITIATIVE COURSES IS  
26 OFFERED AT LEAST 990 HOURS OF INSTRUCTION AT THE SECONDARY LEVEL  
27 AND 900 HOURS OF INSTRUCTION AT THE ELEMENTARY LEVEL.

28 (H) TECHNICAL ASSISTANCE.--THE DEPARTMENT SHALL PROVIDE  
29 TECHNICAL ASSISTANCE AS NEEDED TO SCHOOL DISTRICTS ESTABLISHING  
30 AND OPERATING AN OPEN CAMPUS INITIATIVE.

1 SECTION 1504-G. COOPERATIVE AGREEMENTS.

2 (A) CONTENTS.--SCHOOL DISTRICTS DESIRING TO ESTABLISH AND  
3 OPERATE AN OPEN CAMPUS INITIATIVE SHALL DEVELOP AND ENTER INTO A  
4 COOPERATIVE AGREEMENT THAT SHALL, AT A MINIMUM, INCLUDE:

5 (1) A POLICY FOR GRADING, CREDIT AND PROMOTION OF  
6 STUDENTS PARTICIPATING IN OPEN CAMPUS INITIATIVE COURSES.

7 (2) A POLICY FOR PARTICIPATION OF STUDENTS FROM  
8 PARTICIPATING SCHOOL DISTRICTS WHICH SHALL INCLUDE MINIMUM  
9 ACADEMIC AND ATTENDANCE CRITERIA.

10 (3) A POLICY FOR PARTICIPATION OF STUDENTS FROM  
11 NONPARTICIPATING SCHOOL ENTITIES, WHICH INCLUDES A FEE  
12 SCHEDULE FOR DETERMINING TUITION CHARGES FOR COURSES  
13 DELIVERED TO THOSE STUDENTS, IF THE PARTICIPATING SCHOOL  
14 DISTRICTS ALLOW PARTICIPATION OF STUDENTS FROM  
15 NONPARTICIPATING SCHOOL ENTITIES.

16 (4) A POLICY FOR DISCIPLINE AND REMOVAL OF STUDENTS FROM  
17 OPEN CAMPUS INITIATIVE COURSES IN COMPLIANCE WITH STATE LAW  
18 RELATED TO STUDENT DISCIPLINE.

19 (5) INFORMATION ABOUT THE ATTRIBUTION OF STUDENT DATA TO  
20 THE SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER SCHOOL,  
21 NONPUBLIC SCHOOL OR HOME EDUCATION PROGRAM IN WHICH THE  
22 STUDENT IS ENROLLED, INCLUDING STUDENT ASSESSMENT DATA.

23 (6) INFORMATION ABOUT THE SHARING OF COSTS BETWEEN THE  
24 PARTICIPATING SCHOOL DISTRICTS.

25 (7) INFORMATION ABOUT THE USE AND DISTRIBUTION OF  
26 TUITION REVENUE.

27 (8) PROCESSES FOR ADDING AND REMOVING OPEN CAMPUS  
28 INITIATIVE COURSES.

29 (9) PROCESSES FOR TERMINATION OF THE OPEN CAMPUS  
30 INITIATIVE.

1 (B) ADOPTION BY BOARDS OF SCHOOL DIRECTORS.--EACH OPEN  
2 CAMPUS INITIATIVE COOPERATIVE AGREEMENT SHALL BE ADOPTED BY  
3 MAJORITY VOTE OF THE BOARD OF SCHOOL DIRECTORS OF EACH OF THE  
4 PARTICIPATING SCHOOL DISTRICTS.

5 SECTION 1505-G. REIMBURSEMENTS BY THE COMMONWEALTH.

6 FOR THE PURPOSE OF MAKING REIMBURSEMENTS UNDER ARTICLE XXV, A  
7 STUDENT PARTICIPATING IN AN OPEN CAMPUS INITIATIVE SHALL BE  
8 CONSIDERED TO BE ENROLLED IN THE SCHOOL DISTRICT, CHARTER  
9 SCHOOL, CYBER CHARTER SCHOOL, NONPUBLIC SCHOOL OR HOME EDUCATION  
10 PROGRAM WHICH DETERMINES THE STUDENT'S ELIGIBILITY FOR  
11 PARTICIPATION IN THE OPEN CAMPUS INITIATIVE.

12 SECTION 1506-G. PARENTAL AND PUBLIC INFORMATION.

13 ALL POLICIES RELATED TO AN OPEN CAMPUS INITIATIVE SHALL BE  
14 MADE ACCESSIBLE TO PARENTS AND POSTED ON THE PARTICIPATING  
15 SCHOOL DISTRICTS' PUBLICLY ACCESSIBLE INTERNET WEBSITES.

16 SECTION 1507-G. STUDENTS WITH DISABILITIES.

17 NOTHING IN THIS ARTICLE OR IN ANY POLICY OR COOPERATIVE  
18 AGREEMENT DEVELOPED UNDER THIS ARTICLE SHALL CONFLICT WITH:

19 (1) FEDERAL OR STATE LAW REGARDING THE PROTECTIONS  
20 PROVIDED TO A STUDENT WITH A DISABILITY FOR RECEIVING  
21 EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT.

22 (2) THE LEGAL AUTHORITY OF AN INDIVIDUALIZED EDUCATION  
23 PROGRAM TEAM TO MAKE APPROPRIATE PROGRAM AND PLACEMENT  
24 DECISIONS FOR A STUDENT WITH A DISABILITY IN ACCORDANCE WITH  
25 THE STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM.

26 SECTION 1508-G. COLLECTIVE BARGAINING.

27 NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO  
28 SUPERSEDE OR PREEMPT THE RIGHTS, REMEDIES AND PROCEDURES  
29 AFFORDED TO SCHOOL EMPLOYEES OR LABOR ORGANIZATIONS UNDER  
30 FEDERAL OR STATE LAW, INCLUDING THE ACT OF JULY 23, 1970

1 (P.L.563, NO.195), KNOWN AS THE PUBLIC EMPLOYE RELATIONS ACT, OR  
2 ANY PROVISION OF A COLLECTIVE BARGAINING AGREEMENT NEGOTIATED  
3 BETWEEN A SCHOOL ENTITY AND AN EXCLUSIVE REPRESENTATIVE OF THE  
4 EMPLOYEES IN ACCORDANCE WITH THAT ACT.

5 SECTION 22. SECTION 1607(B) OF THE ACT, AMENDED NOVEMBER 23,  
6 2010 (P.L.1350, NO.123), IS AMENDED AND THE SECTION IS AMENDED  
7 BY ADDING A SUBSECTION TO READ:

8 SECTION 1607. ATTENDANCE IN OTHER DISTRICTS.--\* \* \*

9 (B) IF A THIRD CLASS SCHOOL DISTRICT OPERATING UNDER A  
10 SPECIAL BOARD OF CONTROL PURSUANT TO SECTION 692 HAS, WITH THE  
11 APPROVAL OF THE SECRETARY OF EDUCATION, CURTAILED ITS  
12 EDUCATIONAL PROGRAM BY ELIMINATING ITS HIGH SCHOOL AND HAS NOT  
13 ASSIGNED ITS HIGH SCHOOL PUPILS TO ANOTHER SCHOOL DISTRICT AND  
14 PROVIDED ADEQUATE TRANSPORTATION IN A MANNER UNDER SUBSECTION  
15 (A), THE SECRETARY SHALL HAVE THE FOLLOWING AUTHORITY:

16 (1) TO DESIGNATE TWO OR MORE SCHOOL DISTRICTS, WHICH SHALL  
17 ACCEPT ON A TUITION BASIS THE HIGH SCHOOL STUDENTS OF THE  
18 DISTRESSED SCHOOL DISTRICT, SO LONG AS A DESIGNATED SCHOOL  
19 DISTRICT'S BORDER IS NO MORE THAN THREE (3) MILES FROM THE  
20 BORDER OF THE DISTRESSED SCHOOL DISTRICT. THE DESIGNATION UNDER  
21 THIS PARAGRAPH SHALL OCCUR NO LATER THAN THIRTY (30) DAYS AFTER  
22 RECEIVING THE APPROVAL OF THE SECRETARY TO CURTAIL ITS  
23 EDUCATIONAL PROGRAM BY THE ELIMINATION OF ITS HIGH SCHOOL,  
24 PROVIDED, HOWEVER, THAT IF ANY SCHOOL DISTRICT MEETS THE  
25 CRITERIA OF THIS SUBSECTION ON THE EFFECTIVE DATE OF THIS  
26 SUBSECTION, THE DESIGNATION OF SCHOOL DISTRICTS SHALL OCCUR NO  
27 LATER THAN THIRTY (30) DAYS AFTER THE EFFECTIVE DATE OF THIS  
28 SUBSECTION. [NO DESIGNATED SCHOOL DISTRICT SHALL BE ASSIGNED  
29 MORE THAN ONE HUNDRED SIXTY-FIVE (165) STUDENTS FROM THE  
30 DISTRESSED SCHOOL DISTRICT.]



1 (2) TO ESTABLISH A PROCESS FOR THE DISTRESSED SCHOOL  
2 DISTRICT TO USE TO REASSIGN ITS HIGH SCHOOL STUDENTS TO THE  
3 SCHOOL DISTRICTS DESIGNATED UNDER PARAGRAPH (1).

4 (3) TO ESTABLISH THE PER-PUPIL TUITION RATE THAT A SCHOOL  
5 DISTRICT DESIGNATED UNDER PARAGRAPH (1) SHALL RECEIVE FOR EACH  
6 REASSIGNED STUDENT IN A REGULAR OR SPECIAL EDUCATION PROGRAM.  
7 FOR THE 2010-2011 AND 2011-2012 SCHOOL [YEAR AND EACH SCHOOL  
8 YEAR THEREAFTER] YEARS, THE TUITION RATE ESTABLISHED UNDER THIS  
9 PARAGRAPH MAY NOT EXCEED THE PRODUCT OF:

10 (I) THE TUITION RATE ESTABLISHED FOR THE 2007-2008 SCHOOL  
11 YEAR; AND

12 (II) THE GREATER OF:

13 (A) TWO PERCENT (2%); OR

14 (B) THE PERCENTAGE INCREASE IN TOTAL BUDGETED REVENUES  
15 AVAILABLE TO A DISTRESSED SCHOOL DISTRICT.

16 (4) FOR THE 2012-2013 SCHOOL YEAR AND EACH SCHOOL YEAR  
17 THEREAFTER, THE PER PUPIL TUITION RATE THAT A SCHOOL DISTRICT  
18 DESIGNATED UNDER PARAGRAPH (1) SHALL RECEIVE FOR EACH REASSIGNED  
19 STUDENT IN A REGULAR OR SPECIAL EDUCATION PROGRAM SHALL BE THE  
20 GREATER OF TEN THOUSAND DOLLARS (\$10,000) OR THE PRODUCT OF:

21 (I) THE TUITION RATE ESTABLISHED FOR THE PRIOR SCHOOL YEAR;  
22 AND

23 (II) THE GREATER OF:

24 (A) THE PERCENTAGE INCREASE IN TOTAL BUDGETED REVENUES  
25 AVAILABLE TO A DISTRESSED SCHOOL DISTRICT; OR

26 (B) THE INDEX SET PURSUANT TO THE ACT OF JUNE 27, 2006 (1ST  
27 SP.SESS., P.L.1873, NO.1), KNOWN AS THE "TAXPAYER RELIEF ACT,"  
28 FOR THE DISTRESSED SCHOOL DISTRICT.

29 \* \* \*

30 (H.1) FOR THE TWO (2) CONSECUTIVE SCHOOL YEARS FOLLOWING THE

1 EFFECTIVE DATE OF THIS SUBSECTION, A SCHOOL DISTRICT DESIGNATED  
2 UNDER SUBSECTION (B) (1) SHALL RECEIVE AN ADDITIONAL PER-PUPIL  
3 SUM OF FIVE HUNDRED (\$500) DOLLARS FOR STUDENTS REASSIGNED AND  
4 ENTERING GRADES SEVEN, EIGHT AND NINE PURSUANT TO THIS SECTION.  
5 THESE ADDITIONAL FUNDS SHALL BE USED FOR TRANSITION SERVICES TO  
6 STUDENTS, INCLUDING STUDENT MENTORING, TUTORING, EMPLOYE IN-  
7 SERVICE PROGRAMS DESIGNED TO ASSIST TRANSITION STUDENTS AND  
8 SECURITY EXPENDITURES.

9 SECTION 22.1. THE ACT IS AMENDED BY ADDING AN ARTICLE TO  
10 READ: ←

11 ARTICLE XVI-C

12 DISCLOSURE OF INTERSCHOLASTIC

13 ATHLETICS OPPORTUNITIES

14 SECTION 1601-C. SCOPE OF ARTICLE.

15 THIS ARTICLE REQUIRES REPORTING BY SCHOOL ENTITIES OF  
16 ATHLETIC OPPORTUNITIES AFFORDED TO MALE AND FEMALE SECONDARY  
17 SCHOOL STUDENTS.

18 SECTION 1602-C. DEFINITIONS.

19 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
20 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
21 CONTEXT CLEARLY INDICATES OTHERWISE:

22 "ATHLETIC FACILITIES." LOCKER ROOMS, PLAYING FIELDS,  
23 GYMNASIUMS, FIELD HOUSES, ARENAS, ATHLETIC TRAINING ROOMS,  
24 STADIUMS, WEIGHT ROOMS OR ANY OTHER LOCATION USED BY SECONDARY  
25 SCHOOL STUDENTS AND THEIR COACHES FOR SPORTS TRAINING, PRACTICE,  
26 COMPETITION AND COACHING.

27 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE  
28 COMMONWEALTH.

29 "EQUIPMENT AND SUPPLIES." SPORT-SPECIFIC EQUIPMENT AND  
30 SUPPLIES, GENERAL EQUIPMENT AND SUPPLIES, INSTRUCTIONAL DEVICES

1 AND CONDITIONING AND WEIGHT TRAINING EQUIPMENT.

2 "PARTICIPANT." A SECONDARY SCHOOL STUDENT WHO IS:

3 (1) RECEIVING INSTITUTIONALLY SPONSORED SUPPORT NORMALLY  
4 PROVIDED TO ATHLETES COMPETING AT THE INSTITUTION INVOLVED,  
5 SUCH AS COACHING, EQUIPMENT, MEDICAL AND TRAINING ROOM  
6 SERVICES, ON A REGULAR BASIS DURING A SPORT'S SEASON;

7 (2) PARTICIPATING IN ORGANIZED PRACTICE SESSIONS AND  
8 OTHER TEAM MEETINGS AND ACTIVITIES ON A REGULAR BASIS DURING  
9 A SPORT'S SEASON; AND

10 (3) LISTED ON THE TEAM LIST ON THE DAY OF THE TEAM'S  
11 FIRST SCHEDULED COMPETITION, EXCLUDING PRESEASON SCRIMMAGES.

12 "SCHOOL ENTITY." A SCHOOL OF A SCHOOL DISTRICT, JOINT SCHOOL  
13 DISTRICT, AREA VOCATIONAL-TECHNICAL SCHOOL OR CHARTER SCHOOL  
14 THAT PROVIDES INTERSCHOLASTIC ATHLETIC OPPORTUNITIES FOR  
15 SECONDARY SCHOOL STUDENTS.

16 "SECONDARY SCHOOL STUDENT." A STUDENT WHO ATTENDS A SCHOOL  
17 ENTITY IN GRADES 7 THROUGH 12.

18 "TRAVEL." TRANSPORTATION, HOUSING FURNISHED DURING TRAVEL  
19 AND PER DIEM DINING ALLOWANCES.

20 "UNIFORMS." CLOTHING FOR PRACTICE AND GAMES, SUCH AS SHOES,  
21 RAIN GEAR AND WARM-UP SUITS.

22 SECTION 1603-C. DUTY TO DISCLOSE.

23 (A) INFORMATION.--A SCHOOL ENTITY SHALL ANNUALLY SUBMIT  
24 INFORMATION TO THE DEPARTMENT REGARDING INTERSCHOLASTIC ATHLETIC  
25 OPPORTUNITY AND TREATMENT FOR MALE AND FEMALE SECONDARY SCHOOL  
26 STUDENTS FOR THE PRECEDING SCHOOL YEAR.

27 (B) DISCLOSURE FORM.--THE INFORMATION SHALL BE SUBMITTED ON  
28 A DISCLOSURE FORM AND IN A MANNER TO BE ESTABLISHED BY THE  
29 DEPARTMENT.

30 (C) SUBMISSION.--BY OCTOBER 15, 2013, AND OCTOBER 15 OF EACH

1 YEAR THEREAFTER, A SCHOOL ENTITY SHALL SUBMIT TO THE DEPARTMENT  
2 THE COMPLETED DISCLOSURE FORM FOR THE IMMEDIATELY PRECEDING  
3 SCHOOL YEAR.

4 (D) PUBLIC ACCESS.--NO LATER THAN NOVEMBER 1 OF EACH YEAR, A  
5 SCHOOL ENTITY SHALL MAKE A COPY OF THE COMPLETED DISCLOSURE FORM  
6 AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS,  
7 INCLUDING ON ANY PUBLICLY ACCESSIBLE INTERNET WEBSITE OF THE  
8 SCHOOL ENTITY. THE COMPLETED DISCLOSURE FORM SHALL CONSTITUTE A  
9 PUBLIC RECORD SUBJECT TO PUBLIC INSPECTION UNDER THE ACT OF  
10 FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

11 (E) NOTICE TO STUDENTS AND OTHER AFFECTED INDIVIDUALS.--AS  
12 SOON AS THE DISCLOSURE FORM REQUIRED BY THIS SECTION IS  
13 COMPLETED, EACH SCHOOL ENTITY SHALL PROVIDE NOTICE OF ITS  
14 AVAILABILITY FOR REVIEW TO STUDENTS, EDUCATIONAL PERSONNEL,  
15 STUDENT ATHLETES AND PARENTS BY POSTING A NOTICE ON SCHOOL  
16 BULLETIN BOARDS, IN THE SCHOOL NEWSPAPER, ON ANY ELECTRONIC  
17 MAILING LIST OR LIST SERVE, AND BY ANY OTHER MEANS REASONABLY  
18 LIKELY TO PROVIDE SUCH NOTICE.

19 SECTION 1604-C. DEPARTMENT DUTIES.

20 (A) DUTIES.--THE DEPARTMENT SHALL ESTABLISH A DISCLOSURE  
21 FORM FOR THE SUBMISSION OF THE REQUIRED INFORMATION FOR THE  
22 IMMEDIATELY PRECEDING SCHOOL YEAR BY SCHOOL ENTITIES. THE  
23 DEPARTMENT SHALL PROVIDE FOR THE DISTRIBUTION OF THE DISCLOSURE  
24 FORM THROUGH THE DEPARTMENT'S INTERNET WEBSITE AND SHALL PROVIDE  
25 TECHNICAL ASSISTANCE TO SCHOOL ENTITIES.

26 (B) DISCLOSURE FORM INFORMATION.--THE FOLLOWING INFORMATION  
27 SHALL BE COLLECTED FOR ALL SECONDARY SCHOOL STUDENTS IN GRADES 7  
28 THROUGH 12 AND SHALL BE INCLUDED IN THE DISCLOSURE FORM:

29 (1) THE TOTAL NUMBER OF STUDENTS IN EACH SCHOOL ENTITY  
30 AS OF OCTOBER 1 OF THE IMMEDIATELY PRECEDING SCHOOL YEAR,

1 INCLUDING:

2 (I) THE TOTAL NUMBER OF STUDENTS BY GENDER; AND

3 (II) THE TOTAL NUMBER OF MALE STUDENTS BY RACE OR  
4 ETHNICITY AND THE TOTAL NUMBER OF FEMALE STUDENTS BY RACE  
5 OR ETHNICITY.

6 (2) A LISTING BY GENDER OF EACH VARSITY, JUNIOR VARSITY  
7 AND FRESHMAN ATHLETIC TEAM THAT COMPETED IN INTERSCHOLASTIC  
8 ATHLETIC COMPETITION.

9 (3) FOR EACH TEAM IDENTIFIED IN PARAGRAPH (2), THE  
10 FOLLOWING INFORMATION:

11 (I) THE TOTAL NUMBER OF TEAM PARTICIPANTS AS OF THE  
12 DAY OF THE FIRST SCHEDULED COMPETITION FOR EACH TEAM BY  
13 GENDER.

14 (II) THE TOTAL NUMBER OF MALE TEAM PARTICIPANTS BY  
15 RACE OR ETHNICITY AND THE TOTAL NUMBER OF FEMALE TEAM  
16 PARTICIPANTS BY RACE OR ETHNICITY, AS OF THE DAY OF THE  
17 FIRST SCHEDULED COMPETITION FOR EACH TEAM.

18 (III) FOR THE INITIAL SUBMISSION UNDER THIS ARTICLE,  
19 THE SCHOOL YEAR IN WHICH EACH EXISTING INTERSCHOLASTIC  
20 ATHLETIC TEAM WAS ESTABLISHED AND, FOR TEAMS THAT THE  
21 SCHOOL ENTITY SPONSORED IN THE PAST BUT NO LONGER  
22 SPONSORS, THE IDENTITY OF THE TEAM AND THE YEAR IT WAS  
23 ELIMINATED OR DEMOTED FROM INTERSCHOLASTIC COMPETITION.  
24 FOR EACH SUBSEQUENT YEAR, A LISTING OF INTERSCHOLASTIC  
25 ATHLETIC TEAMS THAT WERE NEWLY ESTABLISHED,  
26 REESTABLISHED, ELIMINATED OR DEMOTED FROM INTERSCHOLASTIC  
27 COMPETITION DURING THE REPORTED SCHOOL YEAR.

28 (IV) THE SEASONS DURING WHICH EACH INTERSCHOLASTIC  
29 ATHLETIC TEAM COMPETED.

30 (V) THE TOTAL VALUE OF CONTRIBUTIONS AND PURCHASES

1 MADE ON BEHALF OF EACH TEAM BY BOOSTER CLUBS, ALUMNI AND  
2 ANY OTHER NONSCHOOL SOURCES.

3 (VI) THE TOTAL EXPENDITURES FOR EACH TEAM IN THE  
4 SCHOOL YEAR, INCLUDING A SEPARATE LISTING OF EXPENDITURES  
5 FOR EACH TEAM IN EACH OF THE FOLLOWING CATEGORIES:

6 (A) THE TOTAL AMOUNT OF EXPENDITURES FOR TRAVEL.

7 (B) THE TOTAL AMOUNT OF EXPENDITURES FOR  
8 PURCHASE AND REPLACEMENT OF ATHLETIC UNIFORMS.

9 (C) THE TOTAL AMOUNT OF EXPENDITURES FOR  
10 PURCHASE AND REPLACEMENT OF EQUIPMENT AND SUPPLIES.

11 (D) COMPENSATION OF COACHES, PER SPORT AND PER  
12 SEASON.

13 (E) EXPENDITURES MADE FOR CONSTRUCTION,  
14 RENOVATION, EXPANSION, MAINTENANCE, REPAIR AND RENTAL  
15 OF ATHLETIC FACILITIES. FOR ANY FACILITIES SHARED BY  
16 MULTIPLE TEAMS, EXPENDITURES PER TEAM SHALL BE  
17 CALCULATED EITHER BY DIVIDING EXPENDITURES BY THE  
18 NUMBER OF TEAMS USING THE FACILITY OR PERCENTAGE OF  
19 TIME USED BY EACH TEAM.

20 (F) COMPENSATION OF ATHLETIC TRAINERS PER  
21 ACADEMIC YEAR.

22 (VII) THE TOTAL NUMBER OF ATHLETIC TRAINERS,  
23 INCLUDING THE AMOUNT OF TIME SPENT BY EACH ATHLETIC  
24 TRAINER WITH EACH TEAM.

25 (VIII) THE TOTAL NUMBER OF COACHES PER TEAM BY  
26 EMPLOYMENT STATUS, FULL-TIME, PART-TIME, HEAD AND  
27 ASSISTANT.

28 (IX) THE TOTAL NUMBER OF COMPETITIONS SCHEDULED AND  
29 PLAYED PER TEAM.

30 (X) THE NAME OF THE SCHOOL ENTITY'S TITLE IX

1 COMPLIANCE OFFICER REQUIRED UNDER 34 CFR § 106.8(A)  
2 (RELATING TO DESIGNATION OF RESPONSIBLE EMPLOYEE AND  
3 ADOPTION OF GRIEVANCE PROCEDURES).

4 (C) COPIES.--THE DEPARTMENT SHALL MAKE COPIES OF ALL  
5 SUBMITTED DISCLOSURES AVAILABLE FOR PUBLIC INSPECTION ON THE  
6 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

7 (D) ANNUAL REPORT.--NO LATER THAN JANUARY 15 OF EACH YEAR,  
8 THE DEPARTMENT SHALL PREPARE AND SUBMIT AN ANNUAL REPORT TO THE  
9 GENERAL ASSEMBLY REGARDING THE COMPLIANCE WITH THE DISCLOSURE  
10 REQUIREMENTS OF THIS ARTICLE AND SUMMARIZING THE INFORMATION  
11 SUBMITTED TO IT REGARDING INTERSCHOLASTIC ATHLETIC OPPORTUNITY  
12 FOR AND TREATMENT OF EACH GENDER BY RACE AND ETHNIC GROUP, AND  
13 OTHER SUCH INFORMATION AS THE DEPARTMENT DEEMS RELEVANT.

14 SECTION 1605-C. REGULATIONS.

15 THE DEPARTMENT MAY PROMULGATE RULES, REGULATIONS OR STANDARDS  
16 TO ADMINISTER THIS ARTICLE.

17 SECTION ~~22.1~~ 22.2. SECTION 1704-B HEADING AND (C) OF THE ←  
18 ACT, AMENDED OR ADDED JULY 11, 2006 (P.L.1092, NO.114) AND JULY  
19 9, 2008 (P.L.846, NO.61), ARE REENACTED AND AMENDED TO READ:

20 SECTION 1704-B. BOARD OF SCHOOL DIRECTORS OF COMMONWEALTH  
21 PARTNERSHIP SCHOOL DISTRICTS.--\* \* \*

22 (C) (1) IN ADDITION TO ALL CURRENT RIGHTS, POWERS,  
23 PRIVILEGES, PREROGATIVES AND DUTIES, A BOARD OF SCHOOL DIRECTORS  
24 OF A SCHOOL DISTRICT THAT HAS BEEN PLACED ON THE EMPOWERMENT  
25 LIST ON OR AFTER JUNE 30, 2006, DUE TO THE DESIGNATION BY THE  
26 SECRETARY AS A COMMONWEALTH PARTNERSHIP SCHOOL DISTRICT SHALL  
27 HAVE THE POWER TO CANCEL OR RENEGOTIATE ANY CONTRACT, OTHER THAN  
28 COLLECTIVE BARGAINING AGREEMENTS, FOR THE PURPOSE OF MAKING  
29 NECESSARY ECONOMIES IN THE OPERATION OF THE SCHOOLS WITHIN THE  
30 SCHOOL DISTRICT; ELIMINATE NONPROFESSIONAL POSITIONS FOR

1 SERVICES NONESSENTIAL FOR THE OPERATION OF THE SCHOOL DISTRICT;  
2 OR ENTER INTO AGREEMENTS WITH INDIVIDUALS, FOR-PROFIT OR  
3 NONPROFIT ORGANIZATIONS FOR THE OPERATION OF SCHOOL BUILDINGS OR  
4 GROUPS OF SCHOOL BUILDINGS OR FOR THE PROVISION OF EDUCATIONAL  
5 OR OTHER TYPES OF SERVICES TO OR FOR THE SCHOOL DISTRICT.

6 (2) THE SUPERINTENDENT SHALL BE RESPONSIBLE FOR THE  
7 IMPLEMENTATION OF A SYSTEM OF PERFORMANCE REVIEW OF SCHOOL  
8 ADMINISTRATORS, AS APPROVED BY THE BOARD OF SCHOOL DIRECTORS.  
9 ADMINISTRATOR PERFORMANCE SHALL BE EVALUATED ON THE BASIS OF  
10 ABILITIES AND EFFECTIVENESS TO MANAGE THE OPERATION OF THE  
11 SCHOOL FACILITIES AND STAFF, MANAGE RESOURCES, PROVIDE  
12 INSTRUCTIONAL LEADERSHIP, IMPLEMENT AND ADMINISTER THE SCHOOL  
13 BUDGET AND PROMOTE AND MAINTAIN A POSITIVE EDUCATIONAL LEARNING  
14 ENVIRONMENT.

15 (3) BASED UPON AN UNSATISFACTORY REVIEW AND EVALUATION OF A  
16 SCHOOL ADMINISTRATOR ARISING FROM THE IMPLEMENTATION OF THE  
17 PROGRAM ESTABLISHED IN PARAGRAPH (2), A BOARD OF SCHOOL  
18 DIRECTORS MAY REASSIGN, TRANSFER OR SUSPEND THE SCHOOL  
19 ADMINISTRATOR WITHOUT REGARD TO SECTION 1125.1 OR 1151.

20 (4) BASED UPON AN UNSATISFACTORY REVIEW AND EVALUATION OF A  
21 SCHOOL ADMINISTRATOR ARISING FROM THE IMPLEMENTATION OF THE  
22 PROGRAM ESTABLISHED IN PARAGRAPH (2), A BOARD OF SCHOOL  
23 DIRECTORS MAY DISMISS THE SCHOOL ADMINISTRATOR PURSUANT TO THE  
24 PROCEDURE CONTAINED IN SECTION 1127, PROVIDED THAT THE BOARD OF  
25 SCHOOL DIRECTORS SHALL AFFORD THE SCHOOL ADMINISTRATOR NOTICE  
26 AND AN OPPORTUNITY TO BE HEARD PURSUANT TO 2 PA.C.S. CH. 5  
27 SUBCH. B (RELATING TO PRACTICE AND PROCEDURE OF LOCAL AGENCIES).

28 (4.1) IN ADDITION TO POWERS ENUMERATED IN THIS ACT, A SCHOOL  
29 DISTRICT DESIGNATED AS A COMMONWEALTH PARTNERSHIP SCHOOL  
30 DISTRICT MAY DISPOSE OF UNUSED AND UNNECESSARY LANDS AND



1 BUILDINGS, IF SUCH BUILDINGS ARE IN EXCESS OF TWENTY-FIVE (25)  
2 YEARS OF AGE, IN THE FOLLOWING MANNER, NOTWITHSTANDING THE  
3 PROVISIONS OF SECTION 707 OF THIS ACT:

4 (I) BY NEGOTIATED SALE, PROVIDED THE DISTRICT HAS AN  
5 AFFIDAVIT OF AT LEAST THREE (3) PERSONS WHO ARE FAMILIAR WITH  
6 THE VALUE OF REAL ESTATE IN THE LOCALITY IN WHICH THE LANDS AND  
7 BUILDINGS PROPOSED TO BE SOLD ARE LOCATED, WHO HAVE EXAMINED THE  
8 PROPERTY AND SET FORTH A VALUE FOR THE PROPERTY AND WHO OPINE  
9 THAT THE CONSIDERATION FOR THE PROPERTY IS EQUAL TO OR BETTER  
10 THAN THAT WHICH COULD BE RECEIVED BY SEALED BID. THE SALE PRICE  
11 SHALL NOT BE LESS THAN THE HIGHEST VALUE SET FORTH IN THE THREE  
12 (3) AFFIDAVITS.

13 (II) BY ENTERING INTO AGREEMENTS WITH AN URBAN REDEVELOPMENT  
14 AUTHORITY ORGANIZED UNDER THE ACT OF MAY 24, 1945 (P.L.991,  
15 NO.385), KNOWN AS THE URBAN REDEVELOPMENT LAW, UNDER WHICH THE  
16 DISTRICT MAY CONVEY PROPERTY TO THE AUTHORITY FOR THE PURPOSE OF  
17 THE AUTHORITY FACILITATING THE CONVEYANCE OF THE PROPERTY  
18 CONSISTENT WITH THE GOALS OF THE SCHOOL DISTRICT AND THE  
19 AUTHORITY.

20 (5) [AS USED IN] FOR PURPOSES OF THIS SUBSECTION, ["SCHOOL  
21 ADMINISTRATOR" SHALL HAVE THE SAME MEANING GIVEN TO IT UNDER  
22 SECTION 1164] THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING  
23 MEANINGS:

24 "COMMONWEALTH PARTNERSHIP SCHOOL DISTRICT." A SCHOOL  
25 DISTRICT FOR WHICH THE SECRETARY HAS DETERMINED, ON OR AFTER  
26 JULY 11, 2006, AND NOT LATER THAN SEPTEMBER 9, 2006, ALL OF THE  
27 FOLLOWING:

28 (I) THE SCHOOL DISTRICT HAS EXPERIENCED A DECLINE OF FIFTEEN  
29 PER CENTUM (15%) OR MORE IN STUDENT ENROLLMENT DURING THE  
30 IMMEDIATELY PRECEDING FIVE-YEAR PERIOD.

1 (II) THE SCHOOL DISTRICT HAS EXPERIENCED A LOSS OF REVENUE  
2 DURING THE IMMEDIATELY PRECEDING THREE-YEAR PERIOD DUE TO THE  
3 STATUTORY REMOVAL OF ONE OR MORE OF THE SOURCES OF REVENUE MADE  
4 AVAILABLE PURSUANT TO SECTION 652.1.

5 (III) THE SCHOOL DISTRICT HAS AN EQUALIZED MILLAGE FOR THE  
6 2004-2005 FISCAL YEAR OF GREATER THAN TWENTY-SEVEN (27).

7 "EMPOWERMENT LIST." A LIST PREPARED BY THE DEPARTMENT OF  
8 EDUCATION CONTAINING SCHOOL DISTRICTS THAT FALL BELOW CERTAIN  
9 ACADEMIC ASSESSMENTS AS PROVIDED IN FORMER SECTION 1703-B.

10 "SCHOOL ADMINISTRATOR." AS DEFINED IN SECTION 1164.

11 "SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.

12 [(6) THIS SUBSECTION SHALL EXPIRE JUNE 30, 2012.]

13 SECTION 23. SECTION 1913-A(B) (1.6) (V) OF THE ACT, AMENDED  
14 JUNE 30, 2011 (P.L.112, NO.24), IS AMENDED AND THE CLAUSE IS  
15 AMENDED BY ADDING A SUBCLAUSE 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 \* \* \*

23 (V) SUBCLAUSES (I), (II), (III) AND (IV) SHALL NOT APPLY TO  
24 THE 2011-2012 AND 2012-2013 FISCAL [YEAR] YEARS.

25 \* \* \*

26 (VII) FOR THE 2012-2013 FISCAL YEAR, EACH COMMUNITY COLLEGE  
27 SHALL RECEIVE AN AMOUNT EQUAL TO THE SUM OF THE FOLLOWING:

28 (A) A REIMBURSEMENT FOR OPERATING COSTS DETERMINED BY:

29 (I) DIVIDING THE AMOUNT OF FUNDING THAT THE COMMUNITY  
30 COLLEGE RECEIVED IN FISCAL YEAR 2011-2012 UNDER SUBCLAUSE

1 (VI) (A) BY THE TOTAL AMOUNT OF FUNDING PROVIDED TO COMMUNITY  
2 COLLEGES IN FISCAL YEAR 2011-2012 UNDER SUBCLAUSE (VI) (A); AND  
3 (II) MULTIPLYING THE QUOTIENT UNDER SUBPARAGRAPH (I) BY  
4 \$168,167,000.

5 (B) AN ECONOMIC DEVELOPMENT STIPEND DETERMINED BY:

6 (I) DIVIDING THE AMOUNT OF FUNDING THAT THE COMMUNITY  
7 COLLEGE RECEIVED IN FISCAL YEAR 2011-2012 UNDER SUBCLAUSE (VI)

8 (B) BY THE TOTAL AMOUNT OF FUNDING PROVIDED TO ALL COMMUNITY  
9 COLLEGES IN FISCAL YEAR 2011-2012 UNDER SUBCLAUSE (VI) (B); AND

10 (II) MULTIPLYING THE QUOTIENT UNDER SUBPARAGRAPH (I) BY  
11 \$44,000,000.

12 \* \* \*

13 SECTION 24. SECTIONS 1913-B.1(C) AND 2003-A.1(C) AND (C.1)  
14 OF THE ACT, AMENDED OR ADDED NOVEMBER 3, 2011 (P.L.400, NO.97),  
15 ARE AMENDED AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS  
16 TO READ:

17 SECTION 1913-B.1. CONTRACTS FOR CONSTRUCTION, REPAIR,  
18 RENOVATION OR MAINTENANCE.--\* \* \*

19 [(C) ALL CONTRACTS, OTHER THAN CONTRACTS FOR THE RETENTION  
20 OF ARCHITECTS AND ENGINEERS, AUTHORIZED BY THIS SECTION WHICH  
21 EXCEED A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS  
22 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 119, SHALL BE  
23 ADVERTISED IN THE MANNER PROVIDED BY LAW AND COMPETITIVELY BID  
24 AND AWARDED TO THE LOWEST RESPONSIBLE BIDDER. IN CASE OF  
25 EMERGENCIES AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
26 SECTION TO THE CONTRARY, THE BOARD OF TRUSTEES MAY MAKE OR  
27 AUTHORIZE OTHERS TO MAKE AN EMERGENCY PROCUREMENT WHENEVER A  
28 THREAT EXISTS TO PUBLIC HEALTH, WELFARE OR SAFETY OR  
29 CIRCUMSTANCES OUTSIDE THE CONTROL OF THE COLLEGE AND CREATES AN  
30 URGENCY OF NEED WHICH DOES NOT PERMIT THE DELAY INVOLVED IN

1 USING MORE FORMAL COMPETITIVE METHODS. WHENEVER PRACTICAL, IN  
2 THE CASE OF A PROCUREMENT OF A SUPPLY, AT LEAST TWO (2) BIDS  
3 SHALL BE SOLICITED. A WRITTEN DETERMINATION OF THE BASIS FOR THE  
4 EMERGENCY AND FOR THE SELECTION OF THE PARTICULAR CONTRACTOR  
5 SHALL BE INCLUDED IN THE CONTRACT FILE.]

6 (C.1) ALL CONTRACTS, OTHER THAN CONTRACTS FOR THE RETENTION  
7 OF ARCHITECTS AND ENGINEERS, AUTHORIZED BY THIS SECTION WHICH  
8 EXCEED A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS  
9 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 120, SHALL BE  
10 ADVERTISED IN THE MANNER PROVIDED BY LAW AND COMPETITIVELY BID  
11 AND AWARDED TO THE LOWEST RESPONSIBLE BIDDER. IN CASE OF  
12 EMERGENCIES AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
13 SECTION TO THE CONTRARY, THE BOARD OF TRUSTEES MAY MAKE OR  
14 AUTHORIZE OTHERS TO MAKE AN EMERGENCY PROCUREMENT WHENEVER A  
15 THREAT EXISTS TO PUBLIC HEALTH, WELFARE OR SAFETY OR  
16 CIRCUMSTANCES OUTSIDE THE CONTROL OF THE COLLEGE AND CREATES AN  
17 URGENCY OF NEED WHICH DOES NOT PERMIT THE DELAY INVOLVED IN  
18 USING MORE FORMAL COMPETITIVE METHODS. WHENEVER PRACTICAL, IN  
19 THE CASE OF A PROCUREMENT OF A SUPPLY, AT LEAST TWO (2) BIDS  
20 SHALL BE SOLICITED. A WRITTEN DETERMINATION OF THE BASIS FOR THE  
21 EMERGENCY AND FOR THE SELECTION OF THE PARTICULAR CONTRACTOR  
22 SHALL BE INCLUDED IN THE CONTRACT FILE.

23 \* \* \*

24 SECTION 2003-A.1. PROJECT CONTRACTS.--\* \* \*

25 [(C) ALL CONTRACTS, OTHER THAN CONTRACTS FOR THE RETENTION  
26 OF ARCHITECTS AND ENGINEERS, AUTHORIZED BY THIS SECTION WHICH  
27 EXCEED A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS  
28 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SUBSECTION (C.1), SHALL  
29 BE ADVERTISED IN THE MANNER PROVIDED BY LAW AND COMPETITIVELY  
30 BID AND AWARDED TO THE LOWEST RESPONSIBLE BIDDER. IN CASE OF

1 EMERGENCIES AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
2 SECTION TO THE CONTRARY, THE CHANCELLOR MAY MAKE OR AUTHORIZE  
3 OTHERS TO MAKE AN EMERGENCY PROCUREMENT WHENEVER A THREAT EXISTS  
4 TO PUBLIC HEALTH, WELFARE OR SAFETY OR CIRCUMSTANCES OUTSIDE THE  
5 CONTROL OF THE STATE SYSTEM AND CREATES AN URGENCY OF NEED WHICH  
6 DOES NOT PERMIT THE DELAY INVOLVED IN USING MORE FORMAL  
7 COMPETITIVE METHODS. WHENEVER PRACTICAL, IN THE CASE OF A  
8 PROCUREMENT OF A SUPPLY, AT LEAST TWO (2) BIDS SHALL BE  
9 SOLICITED. A WRITTEN DETERMINATION OF THE BASIS FOR THE  
10 EMERGENCY AND FOR THE SELECTION OF THE PARTICULAR CONTRACTOR  
11 SHALL BE INCLUDED IN THE CONTRACT FILE.

12 (C.1) ADJUSTMENTS SHALL BE MADE AS FOLLOWS:

13 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL CALCULATE THE  
14 AVERAGE ANNUAL PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR  
15 ALL URBAN CONSUMERS: ALL ITEMS (CPI-U) FOR THE UNITED STATES  
16 CITY AVERAGE AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF  
17 LABOR, BUREAU OF LABOR STATISTICS, FOR THE TWELVE-MONTH PERIOD  
18 ENDING SEPTEMBER 30, 2012, AND FOR EACH SUCCESSIVE TWELVE-MONTH  
19 PERIOD THEREAFTER.

20 (1.1) IF THE DEPARTMENT DETERMINES THAT THERE IS NO POSITIVE  
21 PERCENTAGE CHANGE, THEN NO ADJUSTMENT TO THE BASE AMOUNTS SHALL  
22 OCCUR FOR THE RELEVANT TIME PERIOD.

23 (2) THE POSITIVE PERCENTAGE CHANGE, AS DETERMINED IN  
24 ACCORDANCE WITH CLAUSE (1), SHALL BE MULTIPLIED BY THE AMOUNT  
25 APPLICABLE UNDER SUBSECTION (C) FOR THE CURRENT PERIOD, AND THE  
26 PRODUCT THEREOF SHALL BE ADDED TO THE AMOUNT APPLICABLE UNDER  
27 SUBSECTION (C) FOR THE CURRENT PERIOD, WITH THE RESULT ROUNDED  
28 TO THE NEAREST MULTIPLE OF ONE HUNDRED DOLLARS (\$100).

29 (3) THE DETERMINATION REQUIRED UNDER CLAUSE (1) AND THE  
30 CALCULATION ADJUSTMENTS REQUIRED UNDER CLAUSE (2) SHALL BE MADE

1 IN THE PERIOD BETWEEN OCTOBER 1 AND NOVEMBER 15 OF THE YEAR  
2 FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION AND BETWEEN  
3 OCTOBER 1 AND NOVEMBER 15 OF EACH SUCCESSIVE YEAR.

4 (4) THE ADJUSTED AMOUNTS OBTAINED IN ACCORDANCE WITH CLAUSE  
5 (2) SHALL BECOME EFFECTIVE JANUARY 1 FOR THE PERIOD FOLLOWING  
6 THE YEAR IN WHICH THE DETERMINATION REQUIRED UNDER CLAUSE (1) IS  
7 MADE.

8 (5) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL GIVE NOTICE  
9 IN THE PENNSYLVANIA BULLETIN PRIOR TO JANUARY 1 OF EACH CALENDAR  
10 YEAR IN WHICH THE PERCENTAGE CHANGE IS DETERMINED IN ACCORDANCE  
11 WITH CLAUSE (1) OF THE AMOUNTS, WHETHER ADJUSTED OR UNADJUSTED  
12 IN ACCORDANCE WITH CLAUSE (2), AT WHICH COMPETITIVE BIDDING IS  
13 REQUIRED UNDER SUBSECTION (C) FOR THE PERIOD BEGINNING THE FIRST  
14 DAY OF JANUARY AFTER PUBLICATION OF THE NOTICE.

15 (6) THE ANNUAL INCREASE IN THE PRELIMINARY ADJUSTED BASE  
16 AMOUNTS OBTAINED UNDER CLAUSES (3) AND (4) SHALL NOT EXCEED  
17 THREE PERCENT (3%).]

18 (C.2) ALL CONTRACTS, OTHER THAN CONTRACTS FOR THE RETENTION  
19 OF ARCHITECTS AND ENGINEERS, AUTHORIZED BY THIS SECTION WHICH  
20 EXCEED A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS  
21 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SUBSECTION (C.3), SHALL  
22 BE ADVERTISED IN THE MANNER PROVIDED BY LAW AND COMPETITIVELY  
23 BID AND AWARDED TO THE LOWEST RESPONSIBLE BIDDER. IN CASE OF  
24 EMERGENCIES AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
25 SECTION TO THE CONTRARY, THE CHANCELLOR MAY MAKE OR AUTHORIZE  
26 OTHERS TO MAKE AN EMERGENCY PROCUREMENT WHENEVER A THREAT EXISTS  
27 TO PUBLIC HEALTH, WELFARE OR SAFETY OR CIRCUMSTANCES OUTSIDE THE  
28 CONTROL OF THE STATE SYSTEM AND CREATES AN URGENCY OF NEED WHICH  
29 DOES NOT PERMIT THE DELAY INVOLVED IN USING MORE FORMAL  
30 COMPETITIVE METHODS. WHENEVER PRACTICAL, IN THE CASE OF A

1 PROCUREMENT OF A SUPPLY, AT LEAST TWO (2) BIDS SHALL BE  
2 SOLICITED. A WRITTEN DETERMINATION OF THE BASIS FOR THE  
3 EMERGENCY AND FOR THE SELECTION OF THE PARTICULAR CONTRACTOR  
4 SHALL BE INCLUDED IN THE CONTRACT FILE.

5 (C.3) ADJUSTMENTS SHALL BE MADE AS FOLLOWS:

6 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL CALCULATE THE  
7 AVERAGE ANNUAL PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR  
8 ALL URBAN CONSUMERS: ALL ITEMS (CPI-U) FOR THE UNITED STATES  
9 CITY AVERAGE AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF  
10 LABOR, BUREAU OF LABOR STATISTICS, FOR THE TWELVE-MONTH PERIOD  
11 ENDING SEPTEMBER 30, 2012, AND FOR EACH SUCCESSIVE TWELVE-MONTH  
12 PERIOD THEREAFTER.

13 (1.1) IF THE DEPARTMENT OF LABOR AND INDUSTRY DETERMINES  
14 THAT THERE IS NO POSITIVE PERCENTAGE CHANGE, THEN NO ADJUSTMENT  
15 TO THE BASE AMOUNTS SHALL OCCUR FOR THE RELEVANT TIME PERIOD.

16 (2) THE POSITIVE PERCENTAGE CHANGE, AS DETERMINED IN  
17 ACCORDANCE WITH CLAUSE (1), SHALL BE MULTIPLIED BY THE AMOUNT  
18 APPLICABLE UNDER SUBSECTION (C.2) FOR THE CURRENT PERIOD, AND  
19 THE PRODUCT THEREOF SHALL BE ADDED TO THE AMOUNT APPLICABLE  
20 UNDER SUBSECTION (C.2) FOR THE CURRENT PERIOD, WITH THE RESULT  
21 ROUNDED TO THE NEAREST MULTIPLE OF ONE HUNDRED DOLLARS (\$100).

22 (3) THE DETERMINATION REQUIRED UNDER CLAUSE (1) AND THE  
23 CALCULATION ADJUSTMENTS REQUIRED UNDER CLAUSE (2) SHALL BE MADE  
24 IN THE PERIOD BETWEEN OCTOBER 1 AND NOVEMBER 15, 2012, AND  
25 BETWEEN OCTOBER 1 AND NOVEMBER 15 OF EACH SUCCESSIVE YEAR.

26 (4) THE ADJUSTED AMOUNTS OBTAINED IN ACCORDANCE WITH CLAUSE  
27 (2) SHALL BECOME EFFECTIVE JANUARY 1 FOR THE PERIOD FOLLOWING  
28 THE YEAR IN WHICH THE DETERMINATION REQUIRED UNDER CLAUSE (1) IS  
29 MADE.

30 (5) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL GIVE NOTICE

1 IN THE PENNSYLVANIA BULLETIN PRIOR TO JANUARY 1 OF EACH CALENDAR  
2 YEAR IN WHICH THE PERCENTAGE CHANGE IS DETERMINED IN ACCORDANCE  
3 WITH CLAUSE (1) OF THE AMOUNTS, WHETHER ADJUSTED OR UNADJUSTED  
4 IN ACCORDANCE WITH CLAUSE (2), AT WHICH COMPETITIVE BIDDING IS  
5 REQUIRED UNDER SUBSECTION (C.2) FOR THE PERIOD BEGINNING THE  
6 FIRST DAY OF JANUARY AFTER PUBLICATION OF THE NOTICE.

7 (6) THE ANNUAL INCREASE IN THE PRELIMINARY ADJUSTED BASE  
8 AMOUNTS OBTAINED UNDER CLAUSES (3) AND (4) SHALL NOT EXCEED  
9 THREE PERCENT (3%).

10 \* \* \*

11 SECTION 25. SECTION 2010-A(10) OF THE ACT, AMENDED NOVEMBER  
12 3, 2011 (P.L.400, NO.97), IS AMENDED AND THE SECTION IS AMENDED  
13 BY ADDING A PARAGRAPH TO READ:

14 SECTION 2010-A. POWER AND DUTIES OF INSTITUTION  
15 PRESIDENTS.--THE PRESIDENT OF EACH INSTITUTION SHALL BE  
16 APPOINTED BY THE BOARD. THE PRESIDENT SHALL BE THE CHIEF  
17 EXECUTIVE OFFICER OF THAT INSTITUTION. HE SHALL HAVE THE RIGHT  
18 TO ATTEND ALL MEETINGS OF THE COUNCIL OF THAT INSTITUTION AND  
19 SHALL HAVE THE RIGHT TO SPEAK ON ALL MATTERS BEFORE THE COUNCIL  
20 BUT NOT TO VOTE. SUBJECT TO THE STATED AUTHORITY OF THE BOARD  
21 AND THE COUNCIL, EACH PRESIDENT SHALL HAVE THE FOLLOWING POWERS  
22 AND DUTIES:

23 \* \* \*

24 [(10) WITHIN THE LIMITATIONS OF THE OPERATING BUDGET AND  
25 OTHER AVAILABLE FUNDS IN ACCORDANCE WITH THE PROCEDURES  
26 ESTABLISHED BY THE BOARD AND WITH THE APPROVAL OF THE LOCAL  
27 COUNCIL, TO NEGOTIATE AND AWARD ALL CONTRACTS FOR EQUIPMENT,  
28 SERVICES AND SUPPLIES IN EXCESS OF A COST OF A BASE AMOUNT OF  
29 EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO  
30 ADJUSTMENT UNDER SECTION 119, ON A COMPETITIVE BID BASIS AND TO



1 PURCHASE INSTRUCTIONAL, EDUCATIONAL, EXTRACURRICULAR, TECHNICAL,  
2 ADMINISTRATIVE, CUSTODIAL AND MAINTENANCE EQUIPMENT AND SUPPLIES  
3 NOT IN EXCESS OF A COST OF A BASE AMOUNT OF EIGHTEEN THOUSAND  
4 FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER  
5 SECTION 119, WITHOUT COMPETITIVE BIDDING, EXCEPT THAT SUCH ITEMS  
6 SHALL NOT BE BOUGHT IN SERIES TO AVOID THE DOLLAR CEILING.]

7 (10.1) WITHIN THE LIMITATIONS OF THE OPERATING BUDGET AND  
8 OTHER AVAILABLE FUNDS IN ACCORDANCE WITH THE PROCEDURES  
9 ESTABLISHED BY THE BOARD AND WITH THE APPROVAL OF THE LOCAL  
10 COUNCIL, TO NEGOTIATE AND AWARD ALL CONTRACTS FOR EQUIPMENT,  
11 SERVICES AND SUPPLIES IN EXCESS OF A COST OF A BASE AMOUNT OF  
12 EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO  
13 ADJUSTMENT UNDER SECTION 120, ON A COMPETITIVE BID BASIS AND TO  
14 PURCHASE INSTRUCTIONAL, EDUCATIONAL, EXTRACURRICULAR, TECHNICAL,  
15 ADMINISTRATIVE, CUSTODIAL AND MAINTENANCE EQUIPMENT AND SUPPLIES  
16 NOT IN EXCESS OF A COST OF A BASE AMOUNT OF EIGHTEEN THOUSAND  
17 FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER  
18 SECTION 120, WITHOUT COMPETITIVE BIDDING, EXCEPT THAT SUCH ITEMS  
19 SHALL NOT BE BOUGHT IN SERIES TO AVOID THE DOLLAR CEILING.

20 \* \* \*

21 SECTION 26. SECTION 2104 OF THE ACT IS AMENDED TO READ:

22 SECTION 2104. SUPERINTENDENTS OF SCHOOLS OR BUILDINGS AND OF  
23 SUPPLIES.--THE BOARD OF PUBLIC EDUCATION IN EACH SCHOOL DISTRICT  
24 OF THE FIRST CLASS SHALL, WHENEVER A VACANCY IN SAID OFFICE  
25 SHALL OCCUR, APPOINT A DISTRICT SUPERINTENDENT, WHO SHALL BE  
26 DESIGNATED AND KNOWN AS SUPERINTENDENT OF SCHOOLS[, FOR A TERM  
27 OF NOT MORE THAN SIX (6) YEARS]. THE BOARD MAY ALSO APPOINT A  
28 SUPERINTENDENT OF BUILDINGS AND A SUPERINTENDENT OF SUPPLIES.  
29 THE BOARD SHALL PRESCRIBE THE TERMS AND DUTIES AND FIX THE  
30 SALARIES OF EACH OF SUCH EMPLOYES. THEY SHALL BE RESPONSIBLE TO

1 THE BOARD FOR THE CONDUCT OF THEIR RESPECTIVE DEPARTMENTS, SHALL  
2 MAKE ANNUAL REPORTS TO THE BOARD, AND SHALL FROM TIME TO TIME  
3 SUBMIT SUCH PLANS AND SUGGESTIONS FOR THE IMPROVEMENT OF THE  
4 SCHOOLS AND THE SCHOOL SYSTEM AS THEY SHALL DEEM EXPEDIENT OR AS  
5 THE BOARD OF PUBLIC EDUCATION MAY REQUIRE.

6 THE SUPERINTENDENT OF BUILDINGS SHALL BE AN ENGINEER OR  
7 ARCHITECT OF GOOD STANDING IN HIS PROFESSION. THE SUPERINTENDENT  
8 OF BUILDINGS AND THE SUPERINTENDENT OF SUPPLIES SHALL EACH GIVE  
9 SUCH SECURITY FOR THE FAITHFUL PERFORMANCE OF THE DUTIES OF  
10 THEIR RESPECTIVE OFFICES AS THE BOARD OF PUBLIC EDUCATION SHALL  
11 PRESCRIBE.

12 SECTION 27. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:  
13 SECTION 2319. STATE AID FOR FISCAL YEAR 2012-2013.

14 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,  
15 EACH LIBRARY SUBJECT TO THE ACT OF JUNE 14, 1961 (P.L.324,  
16 NO.188), KNOWN AS THE LIBRARY CODE, SHALL BE ELIGIBLE FOR STATE  
17 AID FOR FISCAL YEAR 2012-2013, WHICH SHALL CONSIST OF THE  
18 FOLLOWING:

19 (1) FUNDS APPROPRIATED FOR LIBRARIES SHALL BE  
20 DISTRIBUTED TO EACH LIBRARY UNDER THE FOLLOWING FORMULA:

21 (I) DIVIDE THE AMOUNT OF FUNDING THAT THE LIBRARY  
22 RECEIVED IN FISCAL YEAR 2011-2012 UNDER SECTION 2318, BY  
23 THE TOTAL STATE-AID SUBSIDY FOR FISCAL YEAR 2011-2012.

24 (II) MULTIPLY THE QUOTIENT UNDER SUBPARAGRAPH (I) BY  
25 THE TOTAL STATE-AID SUBSIDY FOR 2012-2013.

26 (2) FOLLOWING DISTRIBUTION OF FUNDS APPROPRIATED FOR  
27 STATE AID TO LIBRARIES UNDER PARAGRAPH (1), ANY REMAINING  
28 FUNDS MAY BE DISTRIBUTED AT THE DISCRETION OF THE STATE  
29 LIBRARIAN.

30 (3) IF FUNDS APPROPRIATED FOR STATE AID TO LIBRARIES IN

1 FISCAL YEAR 2012-2013 ARE LESS THAN FUNDS APPROPRIATED IN  
2 FISCAL YEAR 2002-2003, THE STATE LIBRARIAN MAY WAIVE  
3 STANDARDS AS PRESCRIBED IN SECTION 103 OF THE LIBRARY CODE.

4 (4) (I) EACH LIBRARY SYSTEM RECEIVING STATE AID UNDER  
5 THIS SECTION MAY DISTRIBUTE THE LOCAL LIBRARY SHARE OF  
6 THAT AID IN A MANNER AS DETERMINED BY THE BOARD OF  
7 DIRECTORS OF THE LIBRARY SYSTEM.

8 (II) IN THE CASE OF A LIBRARY SYSTEM THAT CONTAINS A  
9 LIBRARY OPERATING IN A CITY OF THE SECOND CLASS, CHANGES  
10 TO THE DISTRIBUTION OF STATE AID TO THE LIBRARY SHALL BE  
11 MADE BY MUTUAL AGREEMENT BETWEEN THE LIBRARY AND THE  
12 LIBRARY SYSTEM.

13 (5) IN THE EVENT OF A CHANGE IN DISTRICT LIBRARY CENTER  
14 POPULATION PRIOR TO THE EFFECTIVE DATE OF THIS SECTION AS A  
15 RESULT OF:

16 (I) A CITY, BOROUGH, TOWN, TOWNSHIP, SCHOOL DISTRICT  
17 OR COUNTY MOVING FROM ONE LIBRARY CENTER TO ANOTHER; OR

18 (II) A TRANSFER OF DISTRICT LIBRARY CENTER STATUS TO  
19 A COUNTY LIBRARY SYSTEM,

20 FUNDING OF DISTRICT LIBRARY CENTER AID SHALL BE PAID BASED ON  
21 THE POPULATION OF THE NEWLY ESTABLISHED OR RECONFIGURED  
22 DISTRICT LIBRARY CENTER.

23 SECTION 2502.51. BASIC EDUCATION FUNDING FOR 2011-2012  
24 SCHOOL YEAR.--(A) FOR THE 2011-2012 SCHOOL YEAR, THE  
25 COMMONWEALTH SHALL PAY TO EACH SCHOOL DISTRICT A BASIC EDUCATION  
26 FUNDING ALLOCATION WHICH SHALL CONSIST OF THE FOLLOWING:

27 (1) AN AMOUNT EQUAL TO THE BASIC EDUCATION FUNDING  
28 ALLOCATION FOR THE 2010-2011 SCHOOL YEAR PURSUANT TO SECTION  
29 2502.50.

30 (2) AN ENGLISH LANGUAGE LEARNER HIGH INCIDENCE SUPPLEMENT

1 CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

2 (I) TO QUALIFY FOR THE ENGLISH LANGUAGE LEARNER HIGH  
3 INCIDENCE SUPPLEMENT, A SCHOOL DISTRICT'S 2011-2012 MARKET  
4 VALUE/INCOME AID RATIO MUST BE GREATER THAN SEVEN THOUSAND TEN-  
5 THOUSANDTHS (0.7000) AND ITS ENGLISH LANGUAGE LEARNER  
6 CONCENTRATION MUST BE EQUAL TO OR GREATER THAN SIX PERCENT (6%).

7 (II) THE ENGLISH LANGUAGE LEARNER HIGH INCIDENCE SUPPLEMENT  
8 SHALL BE CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

9 (A) MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010  
10 AVERAGE DAILY MEMBERSHIP BY SEVENTEEN MILLION FOUR HUNDRED FIFTY  
11 THOUSAND DOLLARS (\$17,450,000).

12 (B) DIVIDE THE PRODUCT FROM CLAUSE (A) BY THE SUM OF THE  
13 2009-2010 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING SCHOOL  
14 DISTRICTS.

15 (3) A CHARTER AND CYBER CHARTER SCHOOL EXTRAORDINARY  
16 ENROLLMENT SUPPLEMENT CALCULATED FOR QUALIFYING SCHOOL DISTRICTS  
17 AS FOLLOWS:

18 (I) TO QUALIFY FOR THE CHARTER AND CYBER CHARTER SCHOOL  
19 EXTRAORDINARY ENROLLMENT SUPPLEMENT, A SCHOOL DISTRICT'S  
20 2011-2012 MARKET VALUE/INCOME AID RATIO MUST BE GREATER THAN  
21 EIGHT THOUSAND TEN-THOUSANDTHS (0.8000), ITS 2009-2010 AVERAGE  
22 DAILY MEMBERSHIP MUST BE GREATER THAN FIVE THOUSAND (5,000) AND  
23 ITS CHARTER AND CYBER CHARTER SCHOOL CONCENTRATION MUST BE  
24 GREATER THAN FOURTEEN PERCENT (14%).

25 (II) THE CHARTER AND CYBER CHARTER SCHOOL EXTRAORDINARY  
26 ENROLLMENT SUPPLEMENT SHALL BE CALCULATED FOR QUALIFYING SCHOOL  
27 DISTRICTS AS FOLLOWS:

28 (A) FOR SCHOOL DISTRICTS WITH A CHARTER AND CYBER CHARTER  
29 SCHOOL CONCENTRATION EQUAL TO OR GREATER THAN THIRTY PERCENT  
30 (30%), MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010

1 AVERAGE DAILY MEMBERSHIP BY ONE THOUSAND THREE HUNDRED SEVENTEEN  
2 DOLLARS (\$1,317).

3 (B) FOR SCHOOL DISTRICTS WITH A CHARTER AND CYBER CHARTER  
4 SCHOOL CONCENTRATION LESS THAN THIRTY PERCENT (30%), MULTIPLY  
5 THE QUALIFYING SCHOOL DISTRICT'S 2009-2010 AVERAGE DAILY  
6 MEMBERSHIP BY FIVE HUNDRED DOLLARS (\$500).

7 (4) A SECOND CLASS COUNTY SCHOOL DISTRICT SUPPLEMENT  
8 CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

9 (I) TO QUALIFY FOR THE SECOND CLASS COUNTY SCHOOL DISTRICT  
10 SUPPLEMENT, A SCHOOL DISTRICT MUST BE LOCATED IN A COUNTY OF THE  
11 SECOND CLASS, ITS 2011-2012 MARKET VALUE/INCOME AID RATIO MUST  
12 BE GREATER THAN SIX THOUSAND TEN-THOUSANDTHS (0.6000), ITS  
13 2009-2010 AVERAGE DAILY MEMBERSHIP MUST BE GREATER THAN ONE  
14 THOUSAND (1,000) AND LESS THAN TWO THOUSAND FIVE HUNDRED (2,500)  
15 AND ITS NUMBER OF STUDENTS ELIGIBLE FOR FREE OR REDUCED-PRICE  
16 MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM DURING THE  
17 2010-2011 SCHOOL YEAR MUST BE GREATER THAN ONE THOUSAND FIFTY  
18 (1,050) AND LESS THAN ONE THOUSAND TWO HUNDRED FIFTY (1,250).

19 (II) THE SECOND CLASS COUNTY SCHOOL DISTRICT SUPPLEMENT  
20 SHALL BE CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

21 (A) MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010  
22 AVERAGE DAILY MEMBERSHIP BY ONE MILLION DOLLARS (\$1,000,000).

23 (B) DIVIDE THE PRODUCT FROM CLAUSE (A) BY THE SUM OF THE  
24 2009-2010 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING SCHOOL  
25 DISTRICTS.

26 (5) A SECOND CLASS SCHOOL DISTRICT SUPPLEMENT CALCULATED FOR  
27 QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

28 (I) TO QUALIFY FOR THE SECOND CLASS SCHOOL DISTRICT  
29 SUPPLEMENT, A SCHOOL DISTRICT MUST HAVE BEEN CLASSIFIED AS A  
30 SECOND CLASS SCHOOL DISTRICT DURING THE 2000 CENSUS, IT MUST

1 HAVE RECEIVED STATE REIMBURSEMENTS PURSUANT TO SECTION 2591.1  
2 FOR THE 2009-2010 SCHOOL YEAR IN AN AMOUNT GREATER THAN THREE  
3 MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) AND IT MUST  
4 HAVE A 2009-2010 AVERAGE DAILY MEMBERSHIP GREATER THAN EIGHT  
5 THOUSAND (8,000).

6 (II) THE SECOND CLASS SCHOOL DISTRICT SUPPLEMENT SHALL BE  
7 CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

8 (A) MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010  
9 AVERAGE DAILY MEMBERSHIP BY ONE MILLION DOLLARS (\$1,000,000).

10 (B) DIVIDE THE PRODUCT FROM CLAUSE (A) BY THE SUM OF THE  
11 2009-2010 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING SCHOOL  
12 DISTRICTS.

13 (6) AN INCREASING AID RATIO SUPPLEMENT CALCULATED FOR  
14 QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

15 (I) TO QUALIFY FOR THE INCREASING AID RATIO SUPPLEMENT, A  
16 SCHOOL DISTRICT'S 2011-2012 MARKET VALUE/INCOME AID RATIO MUST  
17 BE GREATER THAN SIX THOUSAND TEN-THOUSANDTHS (0.6000), ITS  
18 2009-2010 AVERAGE DAILY MEMBERSHIP MUST BE GREATER THAN ELEVEN  
19 THOUSAND (11,000), ITS NUMBER OF STUDENTS ELIGIBLE FOR FREE OR  
20 REDUCED-PRICE MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM  
21 DURING THE 2010-2011 SCHOOL YEAR MUST BE GREATER THAN SIX  
22 THOUSAND (6,000) AND ITS MARKET VALUE/INCOME AID RATIO MUST HAVE  
23 INCREASED FROM THE 1991-1992 SCHOOL YEAR TO THE 2011-2012 SCHOOL  
24 YEAR BY MORE THAN SIXTY PERCENT (60%).

25 (II) THE INCREASING AID RATIO SUPPLEMENT SHALL BE CALCULATED  
26 FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

27 (A) MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010  
28 AVERAGE DAILY MEMBERSHIP BY TWO MILLION DOLLARS (\$2,000,000).

29 (B) DIVIDE THE PRODUCT FROM CLAUSE (A) BY THE SUM OF THE  
30 2009-2010 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING SCHOOL

1 DISTRICTS.

2 (7) A PERSONAL INCOME SUPPLEMENT CALCULATED FOR QUALIFYING  
3 SCHOOL DISTRICTS AS FOLLOWS:

4 (I) TO QUALIFY FOR THE PERSONAL INCOME SUPPLEMENT, A SCHOOL  
5 DISTRICT'S 2011-2012 MARKET VALUE/INCOME AID RATIO MUST BE  
6 GREATER THAN FIFTY-TWO HUNDRED TEN-THOUSANDTHS (0.5200) AND LESS  
7 THAN SIX THOUSAND TEN-THOUSANDTHS (0.6000), ITS 2009-2010  
8 AVERAGE DAILY MEMBERSHIP MUST BE GREATER THAN FIVE THOUSAND FIVE  
9 HUNDRED (5,500), ITS 2010-2011 EQUALIZED MILLAGE RATE MUST BE  
10 GREATER THAN TWENTY-TWO (22) AND LESS THAN TWENTY-SIX (26), ITS  
11 ADJUSTED PERSONAL INCOME VALUATION FOR THE 2008 TAX YEAR MUST BE  
12 GREATER THAN SIX HUNDRED FIFTY MILLION DOLLARS (\$650,000,000)  
13 AND ITS NUMBER OF STUDENTS ELIGIBLE FOR FREE OR REDUCED-PRICE  
14 MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM DURING THE  
15 2010-2011 SCHOOL YEAR MUST BE GREATER THAN ONE THOUSAND FIVE  
16 HUNDRED (1,500).

17 (II) THE PERSONAL INCOME SUPPLEMENT SHALL BE CALCULATED FOR  
18 QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

19 (A) FOR EACH SCHOOL DISTRICT WITH AN ADJUSTED PERSONAL  
20 INCOME VALUATION FOR THE 2008 TAX YEAR GREATER THAN EIGHT  
21 HUNDRED MILLION DOLLARS (\$800,000,000), THE PERSONAL INCOME  
22 SUPPLEMENT SHALL BE TWO MILLION DOLLARS (\$2,000,000).

23 (B) FOR EACH SCHOOL DISTRICT WITH AN ADJUSTED PERSONAL  
24 INCOME VALUATION FOR THE 2008 TAX YEAR LESS THAN EIGHT HUNDRED  
25 MILLION DOLLARS (\$800,000,000), THE PERSONAL INCOME SUPPLEMENT  
26 SHALL BE ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000).

27 (8) A SMALL DISTRICT INCREASING AID RATIO SUPPLEMENT  
28 CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

29 (I) TO QUALIFY FOR THE SMALL DISTRICT INCREASING AID RATIO  
30 SUPPLEMENT, A SCHOOL DISTRICT'S 2011-2012 MARKET VALUE/INCOME

1 AID RATIO MUST BE GREATER THAN FIVE THOUSAND TEN-THOUSANDTHS  
2 (0.5000) AND LESS THAN FIFTY-FIVE HUNDRED TEN-THOUSANDTHS  
3 (0.5500), ITS MARKET VALUE/INCOME AID RATIO MUST HAVE INCREASED  
4 FROM THE 1991-1992 SCHOOL YEAR TO THE 2011-2012 SCHOOL YEAR BY  
5 MORE THAN THIRTY PERCENT (30%), AND ITS 2009-2010 AVERAGE DAILY  
6 MEMBERSHIP MUST BE GREATER THAN ONE THOUSAND SEVEN HUNDRED  
7 (1,700) AND LESS THAN ONE THOUSAND EIGHT HUNDRED (1,800).

8 (II) THE SMALL DISTRICT INCREASING AID RATIO SUPPLEMENT  
9 SHALL BE CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

10 (A) MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010  
11 AVERAGE DAILY MEMBERSHIP BY THREE HUNDRED THOUSAND DOLLARS  
12 (\$300,000).

13 (B) DIVIDE THE PRODUCT FROM CLAUSE (A) BY THE SUM OF THE  
14 2009-2010 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING SCHOOL  
15 DISTRICTS.

16 (9) A SMALL DISTRICT SUPPLEMENT CALCULATED FOR QUALIFYING  
17 SCHOOL DISTRICTS AS FOLLOWS:

18 (I) TO QUALIFY FOR THE SMALL DISTRICT SUPPLEMENT, A SCHOOL  
19 DISTRICT'S 2011-2012 MARKET VALUE/INCOME AID RATIO MUST BE  
20 GREATER THAN SEVEN THOUSAND TEN-THOUSANDTHS (0.7000) AND LESS  
21 THAN SEVENTY-FIVE TEN-THOUSANDTHS (0.7500), ITS 2009-2010  
22 AVERAGE DAILY MEMBERSHIP MUST BE GREATER THAN ONE THOUSAND TWO  
23 HUNDRED (1,200) AND LESS THAN ONE THOUSAND THREE HUNDRED (1,300)  
24 AND ITS 2010-2011 EQUALIZED MILLAGE RATE MUST BE GREATER THAN  
25 NINETEEN (19).

26 (II) THE SMALL DISTRICT SUPPLEMENT SHALL BE CALCULATED FOR  
27 QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

28 (A) MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010  
29 AVERAGE DAILY MEMBERSHIP BY TWO HUNDRED FIFTY THOUSAND DOLLARS  
30 (\$250,000).



1 (B) DIVIDE THE PRODUCT FROM CLAUSE (A) BY THE SUM OF THE  
2 2009-2010 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING SCHOOL  
3 DISTRICTS.

4 (B) THE DATA USED TO CALCULATE THE PROVISIONS CONTAINED IN  
5 SUBSECTION (A) (2), (3), (4), (5), (6), (7), (8) AND (9) SHALL BE  
6 BASED ON INFORMATION AVAILABLE TO THE DEPARTMENT OF EDUCATION AS  
7 OF JUNE 30, 2012.

8 (C) FUNDS RECEIVED UNDER SUBSECTION (A) (2) (II) BY A SCHOOL  
9 DISTRICT WITH A 2011-2012 MARKET VALUE/INCOME AID RATIO GREATER  
10 THAN EIGHTY-FIVE HUNDRED TEN-THOUSANDTHS (0.8500) SHALL BE  
11 WITHHELD UNTIL SUCH TIME THAT A SPENDING PLAN PROPOSED BY THE  
12 SCHOOL DISTRICT'S BOARD OF SCHOOL DIRECTORS FOR USE OF THE FUNDS  
13 IS APPROVED BY THE SECRETARY OF EDUCATION IN CONSULTATION WITH  
14 THE LOCAL INTERMEDIATE UNIT.

15 (D) THE FOLLOWING SHALL APPLY:

16 (1) (I) FUNDS RECEIVED BY A SCHOOL DISTRICT UNDER  
17 SUBSECTION (A) (3) (II) (A) SHALL BE USED TO SATISFY JUDGMENTS AND  
18 PAST-DUE ACCOUNTS PAYABLE BEYOND NINETY (90) OR MORE DAYS  
19 INCLUDING HEALTH CARE BENEFITS, PAYMENTS TO CHARTER SCHOOLS,  
20 PAYMENTS TO APPROVED PRIVATE SCHOOLS AND PAYMENTS TO  
21 INTERMEDIATE UNITS.

22 (II) IF ALL JUDGMENTS HAVE BEEN SATISFIED AND PAST-DUE  
23 ACCOUNTS PAID, FUNDS MAY BE USED FOR TIMELY PAYMENT OF HEALTH  
24 CARE BENEFITS, PAYMENTS TO CHARTER SCHOOLS, PAYMENTS TO APPROVED  
25 PRIVATE SCHOOLS, PAYMENTS TO INTERMEDIATE UNITS AND FOR OTHER  
26 EXPENSES APPROVED BY THE SECRETARY OF EDUCATION TO ENSURE THE  
27 FISCAL STABILITY OF THE SCHOOL DISTRICT.

28 (2) NOT LATER THAN AUGUST 31, 2012, THE SCHOOL DISTRICT  
29 SHALL SUBMIT A REPORT TO THE DEPARTMENT OF EDUCATION DETAILING  
30 THE USE OF THE FUNDS RECEIVED UNDER THIS SUBSECTION, INCLUDING

1 SPECIFIC PAYMENT AMOUNTS, SPECIFIC PAYMENT DATES AND THE  
2 ENTITIES RECEIVING PAYMENT.

3 (E) ANY UNDISTRIBUTED FUNDS SHALL BE DEPOSITED IN THE  
4 FINANCIAL RECOVERY SCHOOL DISTRICT TRANSITIONAL LOAN ACCOUNT.

5 (F) FOR THE PURPOSES OF THIS SECTION:

6 (1) THE ENGLISH LANGUAGE LEARNER CONCENTRATION SHALL BE  
7 DETERMINED BY DIVIDING THE SCHOOL DISTRICT'S NUMBER OF ENROLLED  
8 STUDENTS IDENTIFIED AS LIMITED ENGLISH PROFICIENT DURING THE  
9 2009-2010 SCHOOL YEAR BY ITS 2009-2010 AVERAGE DAILY MEMBERSHIP.

10 (2) THE CHARTER AND CYBER SCHOOL CONCENTRATION SHALL BE  
11 DETERMINED BY DIVIDING THE SCHOOL DISTRICT'S 2009-2010 AVERAGE  
12 DAILY MEMBERSHIP ENROLLED IN CHARTER AND CYBER CHARTER SCHOOLS  
13 BY ITS 2009-2010 AVERAGE DAILY MEMBERSHIP.

14 SECTION 28. SECTIONS 2509.1(C.1) AND 2509.5(AAA) OF THE ACT,  
15 ADDED JUNE 30, 2011 (P.L.112, NO.24), ARE AMENDED TO READ:

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

17 (C.1) FOR THE 2011-2012 [SCHOOL YEAR] AND 2012-2013 SCHOOL  
18 YEARS, FIVE AND ONE-HALF PERCENT (5.5%) OF THE STATE SPECIAL  
19 EDUCATION APPROPRIATION SHALL BE PAID TO INTERMEDIATE UNITS ON  
20 ACCOUNT OF SPECIAL EDUCATION SERVICES. OF THIS FIVE AND ONE-HALF  
21 PERCENT (5.5%), THIRTY-FIVE PERCENT (35%) SHALL BE DISTRIBUTED  
22 EQUALLY AMONG ALL INTERMEDIATE UNITS. THE REMAINING SIXTY-FIVE  
23 PERCENT (65%) SHALL BE DISTRIBUTED TO EACH INTERMEDIATE UNIT IN  
24 PROPORTION TO THE NUMBER OF AVERAGE DAILY MEMBERSHIP OF THE  
25 COMPONENT SCHOOL DISTRICTS OF EACH INTERMEDIATE UNIT AS COMPARED  
26 TO THE STATEWIDE TOTAL AVERAGE DAILY MEMBERSHIP.

27 \* \* \*

28 SECTION 2509.5. SPECIAL EDUCATION PAYMENTS TO SCHOOL  
29 DISTRICTS.--\* \* \*

30 (AAA) DURING THE 2009-2010 THROUGH THE [2011-2012] 2012-2013

1 SCHOOL YEARS, EACH SCHOOL DISTRICT SHALL BE PAID THE AMOUNT IT  
2 RECEIVED DURING THE 2008-2009 SCHOOL YEAR UNDER SUBSECTION (ZZ).  
3 IF INSUFFICIENT FUNDS ARE APPROPRIATED, THE PAYMENTS SHALL BE  
4 MADE ON A PRO RATA BASIS.

5 SECTION 29. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

6 SECTION 2510.2. ASSISTANCE TO SCHOOL DISTRICTS CERTIFIED AS  
7 EDUCATION EMPOWERMENT DISTRICTS.--FOR THE 2012-2013 FISCAL YEAR,  
8 THE DEPARTMENT OF EDUCATION MAY UTILIZE UP TO \$4,500,000 OF  
9 UNDISTRIBUTED FUNDS NOT EXPENDED, ENCUMBERED OR COMMITTED FROM  
10 APPROPRIATIONS FOR GRANTS AND SUBSIDIES MADE TO THE DEPARTMENT  
11 OF EDUCATION TO ASSIST SCHOOL DISTRICTS CERTIFIED ON OR BEFORE  
12 JUNE 30, 2010, AS AN EDUCATION EMPOWERMENT DISTRICT UNDER  
13 SECTION 1705-B(H) (3). THE FUNDS SHALL BE TRANSFERRED BY THE  
14 SECRETARY OF THE BUDGET TO A RESTRICTED ACCOUNT AS NECESSARY TO  
15 MAKE PAYMENTS UNDER THIS SECTION AND WHEN TRANSFERRED ARE HEREBY  
16 APPROPRIATED TO CARRY OUT THE PROVISIONS OF THIS SECTION.

17 SECTION 30. SECTION 2574(A) OF THE ACT, AMENDED SEPTEMBER  
18 29, 1959 (P.L.992, NO.407), IS AMENDED TO READ:

19 SECTION 2574. APPROVED REIMBURSABLE RENTAL FOR LEASES  
20 HEREAFTER APPROVED AND APPROVED REIMBURSABLE SINKING FUND  
21 CHARGES ON INDEBTEDNESS.-- (A) FOR SCHOOL BUILDING PROJECTS FOR  
22 WHICH THE GENERAL CONSTRUCTION CONTRACT IS AWARDED SUBSEQUENT TO  
23 MARCH 22, 1956, AND FOR APPROVED SCHOOL BUILDING PROJECTS FOR  
24 WHICH THE GENERAL CONSTRUCTION CONTRACT WAS AWARDED BUT FOR  
25 WHICH A LEASE WAS NOT APPROVED BY THE DEPARTMENT OF [PUBLIC  
26 INSTRUCTION] EDUCATION PRIOR TO MARCH 22, 1956, THE DEPARTMENT  
27 OF [PUBLIC INSTRUCTION] EDUCATION SHALL CALCULATE AN APPROVED  
28 REIMBURSABLE RENTAL OR APPROVED REIMBURSABLE SINKING FUND  
29 CHARGES. REIMBURSABLE SINKING FUND CHARGES MAY INCLUDE CHARGES  
30 FOR TEMPORARY INDEBTEDNESS WITHIN CONSTITUTIONAL LIMITATIONS, IF

1 THE INDEBTEDNESS IS INCURRED FOR APPROVED PERMANENT IMPROVEMENTS  
2 TO THE SCHOOL PLANT INCLUDING THE COST OF ACQUIRING A SUITABLE  
3 SITE FOR A SCHOOL BUILDING, THE COST OF CONSTRUCTING A NEW  
4 SCHOOL BUILDING, OR THE COST OF PROVIDING NEEDED ADDITIONS OR  
5 ALTERATIONS TO EXISTING BUILDINGS FOR WHICH NO BOND ISSUE IS  
6 PROVIDED AND FOR WHICH AN APPROVED OBLIGATION OR OBLIGATIONS  
7 OTHER THAN BONDS HAVE BEEN ISSUED AND THE OBLIGATION OR  
8 OBLIGATIONS ARE PAYABLE WITHIN FIVE (5) YEARS FROM THE DATE OF  
9 ISSUE OF THE OBLIGATION IN EQUAL ANNUAL INSTALLMENTS.

10 NOTHING IN THIS SECTION OR IN THE DEPARTMENT OF EDUCATION  
11 GUIDELINES SHALL PROHIBIT A SCHOOL DISTRICT FROM RECEIVING  
12 REIMBURSEMENT FOR APPROVED BUILDING IMPROVEMENTS, INCLUDING THE  
13 COST OF ACQUIRING A SUITABLE SITE FOR A SCHOOL BUILDING, THE  
14 COST OF CONSTRUCTING A NEW SCHOOL BUILDING OR THE COST OF  
15 PROVIDING NEEDED ADDITIONS OR ALTERATIONS TO EXISTING BUILDINGS,  
16 IF A SCHOOL DISTRICT ELECTS NOT TO REMOVE ANY RELOCATABLE OR  
17 MODULAR CLASSROOM UTILIZED AFTER THE COMPLETION OF A BUILDING  
18 PROJECT. THE TERM "RELOCATABLE OR MODULAR CLASSROOM" SHALL MEAN  
19 A CLASSROOM NOT OF A PERMANENT NATURE WHICH MEETS THE CRITERIA  
20 AND SPECIFICATIONS OF THE DEPARTMENT OF EDUCATION.

21 APPROVED REIMBURSABLE RENTAL OR SINKING FUND CHARGE SHALL  
22 CONSIST OF THAT PART OF THE ANNUAL RENTAL OR SINKING FUND CHARGE  
23 ATTRIBUTABLE TO--

24 (1) THE COST OF ACQUIRING THE LAND UPON WHICH THE SCHOOL  
25 BUILDINGS ARE SITUATE, THE COST OF NECESSARY ROUGH GRADING TO  
26 PERMIT PROPER PLACEMENT OF THE BUILDING UPON SAID LAND AND THE  
27 COST OF SEWAGE TREATMENT PLANTS, AS REQUIRED BY THE DEPARTMENT  
28 OF HEALTH, TO THE EXTENT THAT SUCH COSTS ARE DEEMED REASONABLE  
29 BY THE DEPARTMENT OF [PUBLIC INSTRUCTION] EDUCATION AND THE  
30 INTEREST ON SUCH COSTS OF ACQUISITION, GRADING AND SEWAGE

1 TREATMENT PLANTS EARNED SUBSEQUENT TO DATE THE CONSTRUCTION  
2 CONTRACT IS AWARDED, AND

3 (2) THE APPROVED BUILDING CONSTRUCTION COST AND THE INTEREST  
4 ON SUCH CONSTRUCTION COST.

5 \* \* \*

6 SECTION 31. SECTION 2599.2(E) (7) OF THE ACT, ADDED JULY 9,  
7 2008 (P.L.846, NO.61), IS AMENDED TO READ:

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

9 (E) \* \* \*

10 (7) FOR THE 2008-2009 AND 2012-2013 FISCAL [YEAR] YEARS, IF  
11 INSUFFICIENT FUNDS ARE APPROPRIATED TO MAKE COMMONWEALTH  
12 PAYMENTS PURSUANT TO THIS SECTION, SUCH PAYMENTS SHALL BE MADE  
13 ON A PRO RATA BASIS.

14 \* \* \*

15 SECTION 32. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

16 SECTION 2599.4. TARGETED INDUSTRY CLUSTER CERTIFICATE  
17 SCHOLARSHIP PROGRAM.--(A) THE TARGETED INDUSTRY CLUSTER  
18 CERTIFICATE SCHOLARSHIP PROGRAM IS ESTABLISHED WITHIN THE  
19 PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY.

20 (B) THE AGENCY MAY USE FUNDS APPROPRIATED TO PROVIDE GRANTS  
21 FOR DEFRAYING THE NECESSARY EXPENSE OF RESIDENTS OF THIS  
22 COMMONWEALTH WHO ARE ELIGIBLE STUDENTS PURSUING AN ELIGIBLE  
23 COURSE OF STUDY AT AN ELIGIBLE EDUCATIONAL PROVIDER.

24 (C) THE AGENCY SHALL DETERMINE AND APPROVE STUDENT  
25 ELIGIBILITY AND EDUCATIONAL PROVIDER ELIGIBILITY REQUIREMENTS  
26 FOR THE PROGRAM.

27 (D) THE DEPARTMENT OF EDUCATION SHALL CONSULT WITH THE  
28 DEPARTMENT OF LABOR AND INDUSTRY TO IDENTIFY PROGRAMS OF STUDY  
29 THAT TRAIN INDIVIDUALS FOR AREAS OF IMMEDIATE WORKFORCE NEED AND  
30 PROVIDE THE AGENCY WITH A LIST OF ELIGIBLE PROGRAMS OF STUDY.

1       (E) GRANT AWARDS SHALL BE ESTABLISHED BY THE AGENCY BASED  
2 UPON AVAILABLE RESOURCES.

3       SECTION 33. SECTION 2506-A(B) OF THE ACT, ADDED DECEMBER 23,  
4 2003 (P.L.304, NO.48), IS AMENDED TO READ:

5       SECTION 2506-A. REVIEW PROCESS.

6       \* \* \*

7       (B) [STRATEGIC PLAN.--EACH DISTRICT'S REVIEW SHALL BE  
8 SCHEDULED ONE YEAR PRIOR TO THE DATE REQUIRED FOR FILING OF THE  
9 DISTRICT'S STRATEGIC PLAN UNDER 22 PA. CODE § 4.13 (RELATING TO  
10 STRATEGIC PLANS) OR ITS SUCCESSOR REGULATIONS, EXCEPT THAT ALL  
11 DISTRICTS PLACED ON THE EDUCATION EMPOWERMENT LIST PURSUANT TO  
12 SECTION 1703-B OR DETERMINED TO BE DISTRESSED PURSUANT TO  
13 SECTION 691 AS OF THE EFFECTIVE DATE OF THIS ARTICLE SHALL BE  
14 INCLUDED IN THE INITIAL CYCLE OF SCHOOL DISTRICTS SUBJECT TO A  
15 REVIEW.] (RESERVED).

16       \* \* \*

17       SECTION 34. THIS ACT SHALL APPLY AS FOLLOWS:

18           (1) THE AMENDMENT OR ADDITION OF SECTIONS 1073, 1073.1,  
19 1076, 1077, 1078 AND 1080 OF THE ACT SHALL APPLY TO CONTRACTS  
20 OF DISTRICT SUPERINTENDENTS OR ASSISTANT DISTRICT  
21 SUPERINTENDENTS ENTERED INTO OR RENEWED ON OR AFTER NOVEMBER  
22 1, 2012.

23           (2) TO CONTRACTS AND PURCHASES ADVERTISED ON OR AFTER  
24 JULY 1, 2012, OR IMMEDIATELY, WHICHEVER IS LATER.

25       SECTION 35. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

26           (1) THE AMENDMENT OF SECTION 1308 OF THE ACT SHALL TAKE  
27 EFFECT IN 60 DAYS.

28           (2) THE AMENDMENTS OF SECTION 1439 OF THE ACT SHALL TAKE  
29 EFFECT IN 90 DAYS.

30           (3) THE ADDITION OF ARTICLE XV-G OF THE ACT SHALL TAKE

1 EFFECT IMMEDIATELY.

2 (4) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (5), THE ←  
3 ADDITION OF ARTICLE XVI-C OF THE ACT SHALL TAKE EFFECT IN 60  
4 DAYS.

5 (5) THE ADDITION OF SECTION 1604-C(B) (3) (V) OF THE ACT  
6 SHALL TAKE EFFECT TWO YEARS FROM THE EFFECTIVE DATE OF THIS  
7 SECTION.

8 ~~(3.1)~~ (6) THE REENACTMENT AND AMENDMENT OF SECTION 1704- ←  
9 B HEADING AND (C) OF THE ACT SHALL TAKE EFFECT IMMEDIATELY.

10 ~~(4)~~ (7) SECTION 34 AND THIS SECTION SHALL TAKE EFFECT ←  
11 IMMEDIATELY.

12 ~~(5)~~ (8) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JULY ←  
13 1, 2012, OR IMMEDIATELY, WHICHEVER IS LATER.