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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 178 Session of 2017

INTRODUCED BY DAY, STAATS, KAVULICH, DRISCOLL, CONKLIN, SAYLOR, O'NEILL, DONATUCCI, D. COSTA, MARSICO, WARD, GABLER, PEIFER, R. BROWN, KORTZ, PHILLIPS-HILL, BARBIN, MICCARELLI, ROE AND JOZWIAK, JANUARY 23, 2017

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES, OCTOBER 18, 2017

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in preliminary provisions, further providing for Keystone Exams and providing for Every Student Succeeds Act State Plan Review; in school directors, providing for school director training programs; in school district financial recovery, further providing for additional criteria and providing for financial administrator in financial watch school district; in grounds and buildings, further providing for limitation on new applications for Department of Education approval of public school building projects; in district superintendents and assistant district superintendents, further providing for reports, for manner of election or approval and for term and salary of assistants; in professional employees, further providing for causes for suspension, for persons to be suspended and for appeals to superintendent of public instruction; in certification of teachers, further providing for granting provisional college certificates and for evaluation of applications for certification; in pupils and attendance, further providing for nonprofit school food program; in drug and alcohol recovery high school pilot program, further providing for establishment of drug and alcohol recovery high school pilot program, for scope of program and selection of students, for establishment and payment of tuition, for term of drug and alcohol recovery high school pilot program and for reporting; in terms and courses of study, further providing for fire and emergency evacuation drills, for alcohol, chemical and

tobacco abuse program and for agriculture education and providing for Commission for Agricultural Education Excellence; IN CHARTER SCHOOLS, PROVIDING FOR MULTIPLE CHARTER SCHOOL ORGANIZATIONS; in community colleges, further providing for financial program and reimbursement of payments and repealing provisions relating to annual report; in rural regional college for underserved counties, further providing for establishment; IN EDUCATIONAL TAX CREDITS, FURTHER PROVIDING FOR LIMITATIONS; in transfers of credits between institutions of higher education, further providing for definitions, for duties of public institutions of higher education and for Transfer and Articulation Oversight Committee; in funding for public libraries, providing for State aid for fiscal year 2017-2018; in reimbursements by Commonwealth and between school districts, further providing for definitions, for student-weighted basic education funding, for payments to intermediate units, for assistance to school districts declared to be in financial recovery status or identified for financial watch status and for Ready-to-Learn Block Grant; in State Board of Education, further providing for powers and duties of the board; further providing for the applicability of Act 2016-138; and making editorial changes. <--

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

Section 1. Section 121(b)(1) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended February 3, 2016 (P.L.1, No.1), is amended to read:

Section 121. Keystone Exams.--* * *

(b) The following shall apply:

(1) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code § 4.24 (relating to high school graduation requirements), 4.51 (relating to State assessment system) or 4.51c (relating to project-based assessment) or any statute or regulation to the contrary, the use of the Keystone Exams as a graduation requirement or as a benchmark for the need for participation in a project-based assessment shall be delayed until the [2018-2019] 2019-2020 school year.

* * *

Section 2. The act is amended by adding sections to read:

Section 126. Every Student Succeeds Act State Plan Review.--

(a) ~~A new State~~ STATE plan SUBMISSIONS shall be developed by the department under section 1111 of the Elementary and Secondary Education Act of 1965 (Public Law 89-110, 20 U.S.C. § 6311), as amended by the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802), and submitted to the General Assembly as follows: <--

(1) The department shall develop ~~the~~ State plan SUBMISSIONS with timely and meaningful consultation with the chair and minority chair of the Education Committee of the Senate and the chair and minority chair of the Education Committee of the House of Representatives, with opportunity for input into the ~~plan's~~ STATE PLAN SUBMISSION'S formation. Consultation shall occur with regard to the initiatives that are newly created or that retain or modify existing law ~~and~~ OR regulation with regard to the following: <--

(i) The use and format of student academic assessments, adjustments or alternatives to existing student academic assessments.

(ii) Ongoing parental involvement in assessment and accountability measures.

(iii) Teacher evaluation and accountability.

(iv) Low-performing school assessment and improvement.

(v) Vocational and career education academic assessments, pathways and standards.

(vi) Comparability and fairness in assessments of school districts, intermediate units, area vocational-technical schools, charter schools and cyber charter schools.

(vii) School district or school building performance measures.

(viii) Contracting standards with regard to a third-party

provision of the assessments or evaluations provided for in the State plan.

(2) The department shall not ~~submit an initial~~ MAKE A State plan SUBMISSION to the United States Secretary of Education until the Education Committee of the Senate and the Education Committee of the House of Representatives have been provided at least fifteen (15) days, prior to the date of submission, to review and comment on the State plan SUBMISSION. The department shall present the ~~initial~~ State plan SUBMISSION at a joint hearing of the Education Committee of the Senate and the Education Committee of the House of Representatives, if requested. <--

~~(3) Any future State plan submissions shall require the department to present the details of the submission at a joint hearing of the Education Committee of the Senate and the Education Committee of the House of Representatives, if requested. The department shall provide the committees with at least fifteen (15) days to review and comment on the State plan prior to any submission.~~ <--

~~(4) The initial~~ (3) ANY State plan submission ~~and any future submissions~~ by the department shall include the comments submitted by the Education Committee of the Senate and the Education Committee of the House of Representatives. <--

~~(5)~~ (4) The department shall report on a quarterly basis to the Education Committee of the Senate and the Education Committee of the House of Representatives regarding the progress toward implementation of the State plan and its components. <--

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

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

"State plan." The State plan prepared by the department for the Commonwealth to implement, and submitted to the United States Secretary of Education for approval as provided in, section 1111 of the Elementary and Secondary Education Act of 1965. The term includes:

(1) A provision within the State plan that is an election by the department to retain and modify an existing law or regulation and a provision that will necessitate the enactment of laws or the promulgation of regulations.

(2) A revision of the State plan which is:

(i) required by the United States Secretary of Education based on Federal law or its regulations;

(ii) pursued under a waiver process authorized under Federal law; or

(iii) required by a Federal reauthorization.

Section 328. School Director Training Programs.--(a) Beginning in the 2018-2019 school year and in each school year thereafter, the following shall apply:

(1) Each newly elected or appointed school director shall complete, during the first year of the school director's first term, a training program made available by the Department of Education, in consultation with a Statewide organization representing school directors and a Statewide organization representing school business officials, pertaining to the skills and knowledge necessary to serve as a school director. The training program shall consist of a minimum of four (4) hours of instruction, including, at a minimum, information regarding the following:

(i) Instruction and academic programs.

(ii) Personnel.

(iii) Fiscal management.

(iv) Operations.

(v) Governance.

(vi) Ethics and open meetings, to include the requirements under 65 Pa.C.S. Pt. II (relating to accountability).

(2) Within one (1) year after each reelection or reappointment to the board of school directors, each school director shall complete an advanced training program made available by the Department of Education in consultation with a Statewide organization representing school directors and a Statewide organization representing school business officials. The advanced training program shall consist of a minimum of two (2) hours of instruction, including information on relevant changes to Federal and State public school law and regulations, fiscal management and other information deemed appropriate by the Department of Education to enable the school director to serve effectively.

(3) The training programs required under this subsection shall be made available by the Department of Education at no cost to school districts or school directors. The Department of Education shall approve alternative training programs that fulfill the requirements of this subsection which may be provided by school districts, intermediate units, postsecondary institutions or Statewide education organizations. The department shall post on its publicly accessible Internet website all alternative training programs approved under this paragraph.

(4) This subsection shall apply to members of a school

reform commission established under section 696, provided that the training programs provided to members of a school reform commission shall include information regarding sections 693 and 696 and other information deemed appropriate to enable a member of a school reform commission to serve effectively.

(b) Beginning in the 2018-2019 school year, and in each school year thereafter, the following shall apply:

(1) Each newly appointed trustee of a charter school entity shall complete, within the trustee's first year of service, a training program made available by the Department of Education, in consultation with Statewide organizations representing charter school entities, pertaining to the skills and knowledge necessary to serve as a charter school entity trustee. The training program shall consist of a minimum of four (4) hours of instruction, including, at a minimum, the information listed in subsection (a)(1) and information concerning Article XVII-A.

(2) During the fifth year of a trustee's service on the board of trustees and every four (4) years thereafter, each trustee shall complete an advanced training program made available by the Department of Education in consultation with Statewide organizations representing charter school entities. The advanced training program shall consist of a minimum of two (2) hours of instruction, including information on relevant changes to Federal and State public school law and regulations, including Article XVII-A, fiscal management and other information deemed appropriate by the Department of Education to enable the trustee to serve effectively.

(3) The training programs required under this subsection shall be made available by the Department of Education at no cost to charter school entities or charter school entity

trustees. The Department of Education shall approve alternative training programs that fulfill the requirements of this subsection which may be provided by charter school entities, school districts, intermediate units, postsecondary institutions, Statewide organizations representing charter school entities or other Statewide education organizations. The department shall post on its publicly accessible Internet website all alternative training programs approved under this paragraph.

(c) The Department of Education or any other entity providing training programs under this section shall examine options for making the training programs available through online or other distance learning media or through regional-based training.

(d) As used in this section, "charter school entity" shall mean a charter school, regional charter school or cyber charter school.

Section 3. Section 694-A of the act, added July 13, 2016 (P.L.716, No.86), is amended to read:

Section 694-A. Additional criteria.

(a) Notification to school districts and plan.--

(1) The secretary shall notify each school district that receives educational access program funding that is equal to or greater than $2,000,000 in any one fiscal year, and $4,000,000 in any one fiscal year beginning with the 2017-2018 fiscal year, that the school district has been identified for financial watch status.

(2) A school district identified for financial watch status under this subsection shall receive technical assistance as a financial watch district from the department

as provided for in section 611-A(b) and shall develop a plan to improve the school district's finances based on the technical assistance provided by the department for approval by the secretary. The plan shall be submitted to the secretary no later than 180 days after the school district has been identified for financial watch status under this subsection.

(3) Each year after the initial submission of the plan, until the secretary determines otherwise, a school district subject to this subsection shall submit a report to the secretary outlining the status of the school district's plan, meet with the secretary or a designee of the secretary to review the report and the status of the school district's finances and hold an annual public hearing regarding the plan.

(b) Publication of plan.--A copy of the school district's approved plan and any subsequent annual reports to the secretary shall be posted on the publicly accessible Internet website of the school district and transmitted to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives.

(c) Nonapplicability.--The duty to submit an annual plan under subsection (a)(2) and (3) shall not apply to a school district that has been placed under the supervision of a financial administrator under section 695-A.

Section 4. The act is amended by adding a section to read:

Section 695-A. Financial administrator in financial watch school district.

(a) Appointment of financial administrator.--A school district that has been identified for financial watch status under section 694-A and, in the 2017-2018 fiscal year or any fiscal year thereafter, receives educational access program funding shall be placed under the supervision of a financial administrator. The financial administrator:

(1) Shall be appointed by the Governor from a list of at least three names submitted by the President pro tempore of the Senate within 30 days of the effective date of this section.

(2) Must possess knowledge and experience in such areas as business administration, budget development or fiscal management and facilities management.

(3) Shall be considered a Commonwealth employee.

(4) Shall be paid by the department for actual and necessary expenses incurred in the performance of the duties as a financial administrator and a reasonable salary, as determined by the secretary.

(b) Powers and duties of the financial administrator.--The financial administrator shall:

(1) Have complete access to the school district finances and may engage an independent audit of the school district at any time.

(2) Utilize the expertise of the department or hire technical staff as necessary to assist in the development of the financial improvement plan.

(c) Financial improvement plan development.--The financial administrator shall develop a financial improvement plan in

consultation with the secretary that includes:

(1) Performance goals, benchmarks and timetables to improve the financial performance and ensure fiscal solvency of the school district.

(2) Cash flow analysis.

(3) Projections of revenues and expenditures for the current year and next five years, both assuming the continuation of present operations and as impacted by measures included in the plan.

(4) Annual training for members of the board of school directors, to include no less than 10 hours in school finance and policy provided by a Statewide organization specializing in school finance and administration and approved by the financial administrator.

(5) Facility maintenance and improvement.

(d) Financial improvement plan requirements.--The financial administrator shall review existing school policy and procedure and may require changes to be included in the financial improvement plan regarding:

(1) Accounting and automation procedures.

(2) Permanent staffing levels.

(3) Performance goals that administrative staff must meet for contract renewal.

(4) Changes in school district policy.

(5) Sale, lease, conveyance, assignment or disposition of school district assets.

(6) Consolidation of existing school buildings, existing noninstructional programs or other school district services.

(7) Greater use of intermediate unit programs.

(e) Plan approval.--When the financial administrator

completes the financial improvement plan, the financial administrator shall submit the plan to the secretary for approval and provide a copy to the board of school directors. Within 45 days of submission of the plan, the secretary shall approve or disapprove the plan. If the secretary disapproves the plan, the secretary shall include suggested revisions to the plan that will allow for the plan to be resubmitted and approved.

(f) Report of final financial improvement plan.--When the financial improvement plan is approved by the secretary, the financial administrator and the secretary shall present the plan to the board of school directors at a public meeting and transmit copies of the plan to the Governor and the chair and minority chair of the Appropriations Committee of the Senate, the chair and minority chair of the Education Committee of the Senate, the chair and minority chair of the Appropriations Committee of the House of Representatives and the chair and minority chair of the Education Committee of the House of Representatives. The school district shall post the final financial improvement plan and any subsequent revision on the school district's publicly accessible Internet website.

(g) Implementation of financial improvement plan.--

(1) The board of school directors shall reopen the school district's budget and revise its budget and other policies to reflect the financial improvement plan. Future budgets and policies shall adhere to the financial improvement plan as determined by the financial administrator.

(2) At any time, the financial administrator may make revisions to the plan as necessary with the approval of the

secretary.

(h) Noncompliance with financial improvement plan.--If the financial administrator and the secretary determine that the board of school directors has not complied with the provisions of the plan, the financial administrator shall assume the authority of the ~~school~~ board of SCHOOL directors, except for the authority to levy taxes under section 507, and implement the provisions of the financial improvement plan in consultation with the secretary. <--

(i) Removal from financial watch status.--The financial administrator, upon consultation with the secretary, PROVIDED THAT THE SCHOOL DISTRICT HAS DEMONSTRATED THE ABILITY TO MAINTAIN A STRUCTURALLY BALANCED BUDGET, may remove the school district from financial watch status and, at that time, the provisions of this section shall no longer apply to the school district. <--

Section 5. Sections 732.1(a), 1006, 1073(b), 1077(b), 1124, 1125.1 and 1131 of the act are amended to read:

Section 732.1. Limitation on New Applications for Department of Education Approval of Public School Building Projects.--(a) For the 2012-2013 fiscal year [and the], 2013-2014 fiscal year and 2017-2018 fiscal year, the Department of Education shall not accept or approve new school building construction or reconstruction project applications. [Completed school building construction or reconstruction project applications received by the Department of Education by October 1, 2012, are not subject to this provision.]

* * *

Section 1006. Reports.--Every district superintendent shall [annually, on or before the first Monday of August, forward to

the Superintendent of Public Instruction the reports of the several school districts under his supervision, and shall accompany the same with such extended report of the public schools under his supervision as he may think proper, suggesting such improvements or changes in the public school system as he may see fit to suggest. He shall further] furnish to the [Superintendent of Public Instruction] Secretary of Education, whenever required so to do, such additional reports and information as the [Superintendent of Public Instruction] Secretary of Education may request.

Section 1073. Manner of Election or Approval.--* * *

(b) At a [regular] public meeting of the board of school directors occurring at least [one hundred fifty (150)] ninety (90) days prior to the expiration date of the term of office of the district superintendent, the agenda shall include an item requiring affirmative action by five or more members of the board of school directors to notify the district superintendent that the board intends to retain him for a further term of three (3) to five (5) years or that another or other candidates will be considered for the office. In the event that the board fails to take such action at a [regular] public meeting of the board of school directors occurring at least [one hundred fifty (150)] ninety (90) days prior to the expiration date of the term of office of the district superintendent, [he shall continue in office for a further term of similar length to that] the term of office which he is currently serving[.] shall be extended one time for a one (1) year period, upon the conclusion of which the term of office shall terminate unless the board has taken action prior to the end of the one (1) year extension to retain the district superintendent for a further term as provided in this

subsection. The notification shall not prevent the superintendent from being considered for or appointed to a further term of office notwithstanding the consideration of other candidates.

* * *

Section 1077. Term and Salary of Assistants.--* * *

(b) At a [regular] public meeting of the board of school directors occurring at least [one hundred fifty (150)] ninety (90) days prior to the expiration date of the term of office of the assistant district superintendent, the agenda shall include an item requiring affirmative action by five (5) or more members of the board of school directors to notify the assistant district superintendent that the board intends to retain him for a further term extending through the term of the school district superintendent or of three (3) to five (5) years or instead that another or other candidates will be considered for the office. In the event that the board fails to take such action at a [regular] public meeting of the board of school directors occurring at least [one hundred fifty (150)] ninety (90) days prior to the expiration date of the term of office of the assistant district superintendent, [he shall continue in office for a further term of similar length to that] the term of office which he is currently serving[.] shall be extended one time for a one (1) year period, upon the conclusion of which the term of office shall terminate unless the board has taken action prior to the end of the one (1) year extension to retain the assistant district superintendent for a further term as provided in this subsection. The notification shall not prevent the assistant district superintendent from being considered for or appointed to a further term of office notwithstanding the consideration of

other candidates.

Section 1124. Causes for Suspension.--(a) Any board of school directors may suspend the necessary number of professional employes, for any of the causes hereinafter enumerated:

(1) substantial decrease in pupil enrollment in the school district;

(2) curtailment or alteration of the educational program on recommendation of the superintendent and on concurrence by the board of school directors, as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Department of [Public Instruction] Education;

(3) consolidation of schools, whether within a single district, through a merger of districts, or as a result of joint board agreements, when such consolidation makes it unnecessary to retain the full staff of professional employes; [or]

(4) when new school districts are established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, and when such reorganization makes it unnecessary to retain the full staff of professional employes[.]; or

(5) economic reasons that require a reduction in professional employes.

(a.1) The following apply:

(1) A school district may not use an employe's compensation in determining which professional employes to suspend, but shall use the procedures in section 1125.1 to determine the order in which professional employes are suspended.

(2) A chief school administrator or other administrator who

knowingly approves a suspension that violates paragraph (1) shall have a letter from the Secretary of Education indicating the violation included as part of the individual's permanent employment record.

(b) Notwithstanding an existing or future provision in a collective bargaining agreement or other similar employment contract to the contrary, suspension of a professional employe due to the curtailment or alteration of the educational program as set forth in subsection (a)(2) may be effectuated without the approval of the curtailment or alteration of the educational program by the Department of Education, provided that, where an educational program is altered or curtailed as set forth in subsection (a)(2), the school district shall notify the Department of Education of the actions taken pursuant to subsection (a)(2). The Department of Education shall post all notifications received from a school district pursuant to this subsection on the Department of Education's publicly accessible Internet website.

(c) The following shall apply in the case of a suspension pursuant to subsection (a)(5) in which a board of school directors suspends professional employes who are assigned to provide instruction directly to students:

(1) A board of school directors may suspend the necessary number of professional employes assigned to provide instruction directly to students only if the board of school directors also suspends at least an equal percentage proportion of administrative staff.

(2) The Secretary of Education may grant a board of school directors a waiver of paragraph (1) if all of the following apply:

(i) The Secretary of Education determines that the school district's operations are already sufficiently streamlined or the suspension of administrative staff pursuant to paragraph (1) would cause harm to school stability and student programs.

(ii) The Secretary of Education submits the determination to the State Board of Education.

(iii) The State Board of Education approves the determination by a majority of its members.

(3) Any five administrative staff positions selected by the board of school directors, one of whom shall be the business manager of the school district or another staff member with the primary responsibility of managing the business operations of the school district, shall be exempt from the requirements of paragraph (1).

(d) A board of school directors may suspend professional employes pursuant to subsection (a)(5) only if all of the following apply:

(1) The board of school directors approves the proposed suspensions by a majority vote of all school directors at a public meeting of the board of school directors.

(2) No later than sixty (60) days prior to the date of adoption of a final budget, the board of school directors has adopted a resolution of intent to suspend professional employes in the following fiscal year, which shall set forth the following:

(i) The economic conditions of the school district making the proposed suspensions necessary and how those economic conditions will be alleviated by the proposed suspensions, including:

(A) The total cost savings expected to result from the

proposed suspensions.

(B) A description of other cost-saving actions taken by the board of school directors, if any.

(C) The projected expenditures of the school district for the following fiscal year with and without the proposed suspensions.

(D) The projected total revenues of the school district for the following fiscal year.

(ii) The number and percentage of employes to be suspended who are professional employes assigned to provide instruction directly to students.

(iii) The number and percentage of employes to be suspended who are administrative staff.

(iv) The number and percentage of employes to be suspended who are professional employes who are not assigned to provide instruction directly to students and who are not administrative staff.

(v) The impact of the proposed suspensions on academic programs to be offered to students following the proposed suspensions, as well as the impact on academic programs to be offered to students if the proposed suspensions are not undertaken, compared to the current school year, and the actions, if any, that will be taken to minimize the impact on student achievement.

(e) Following the 2021-2022 school year, the Legislative Budget and Finance Committee shall conduct a study of the effectiveness of the provisions of subsections (a)(5), (c) and (d) and section 1125.1, including whether these provisions of law are being used effectively by school districts to improve school district efficiency and the impact of these provisions on

programs offered to students, as well as the impact on programs that would have been offered to students if these provisions had not been enacted, if such information is available, and shall deliver a written report of its findings to the Governor, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives by December 31, 2022.

(f) The following apply:

(1) A collective bargaining agreement negotiated by a school district and an exclusive representative of professional employes in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," after the effective date of this subsection may not prohibit the suspension of professional employes for economic reasons other than as provided for in this section.

(2) A provision in any agreement or contract in effect on the effective date of this subsection that prohibits the suspension of professional employes for economic reasons in conflict with this section shall be discontinued in any new or renewed agreement or contract or during the period of status quo following an expired contract.

Section 1125.1. Persons to be Suspended.--(a) Professional employes shall be suspended under section 1124 [(relating to causes for suspension) in inverse order of seniority within the school entity of current employment. Approved leaves of absence shall not constitute a break in service for purposes of computing seniority for suspension purposes.] in the following order, within the area of certification required by law for the professional employe's current position:

(1) Each professional employe who received, on the professional employe's two most recent annual performance evaluations, consecutive ratings that are considered unsatisfactory pursuant to section 1123 shall be suspended first.

(2) After suspending professional employes under paragraph (1), each professional employe who received, on the professional employe's two most recent annual performance evaluations, one rating that is considered unsatisfactory pursuant to section 1123 and one rating that is considered satisfactory pursuant to section 1123 shall be suspended second.

(3) After suspending professional employes pursuant to paragraph (2), each professional employe who received, on the professional employe's two most recent annual performance evaluations, consecutive ratings which are considered satisfactory pursuant to section 1123 and which are either consecutive ratings of "proficient" or a combination of one rating of "proficient" or "distinguished" and one rating of "needs improvement" pursuant to section 1123 shall be suspended third.

(4) After suspending professional employes pursuant to paragraph (3), each professional employe who received, on the professional employe's two most recent annual performance evaluations, consecutive ratings which are considered satisfactory pursuant to section 1123, and which are consecutive ratings of "distinguished" or a combination of one rating of "proficient" and one rating of "distinguished" pursuant to section 1123 shall be suspended last.

(a.1) When more professional employes receive the same overall performance rating than there are suspensions, seniority

within the school entity and within the area of certification required by law for the professional employe's current position shall be used to determine suspensions among professional employes with the same overall performance rating on the professional employe's two most recent annual performance evaluations pursuant to section 1123. An approved leave of absence shall not constitute a break in service for purposes of computing seniority for suspension purposes.

(a.2) Seniority shall continue to accrue during suspension and all approved leaves of absence.

(b) Where there is or has been a consolidation of schools, departments or programs, all professional employes shall retain the seniority rights they had prior to the reorganization or consolidation.

[(c) A school entity shall realign its professional staff so as to insure that more senior employes are provided with the opportunity to fill positions for which they are certificated and which are being filled by less senior employes.]

(d) The following apply:

(1) No suspended employe shall be prevented from engaging in another occupation during the period of suspension.

(2) Suspended professional employes or professional employes demoted for the reasons set forth in section 1124 shall be reinstated [on the basis of their seniority within the school entity.] in the following order, within the area of certification required by law for the vacancy being filled and within the school entity:

(i) Professional employes suspended pursuant to subsection (a)(4) shall be reinstated first, on the basis of their seniority within the school entity.

(ii) After reinstating professional employes under subclause (i), professional employes suspended pursuant to subsection (a)(3) shall be reinstated second, on the basis of their seniority within the school entity.

(iii) After reinstating professional employes under subclause (ii), professional employes suspended pursuant to subsection (a)(2) shall be reinstated third, on the basis of their seniority within the school entity.

(iv) After reinstating professional employes under subclause (iii), professional employes suspended pursuant to subsection (a)(1) shall be reinstated last, on the basis of their seniority within the school entity.

No new appointment shall be made while there is such a suspended or demoted professional employe available who is properly certificated to fill such vacancy. For the purpose of this subsection, positions from which professional employes are on approved leaves of absence shall also be considered temporary vacancies.

(3) To be considered available a suspended professional employe must annually report to the governing board in writing his current address and his intent to accept the same or similar position when offered.

(4) A suspended employe enrolled in a college program during a period of suspension and who is recalled shall be given the option of delaying his return to service until the end of the current semester.

(e) Nothing contained in [section 1125.1(a) through (d)] this section shall be construed to:

(1) limit the cause for which a temporary professional employe may be suspended; or

(2) supersede or preempt any provisions of a collective bargaining agreement negotiated by a school entity and an exclusive representative of the employes in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act"; however, no agreement shall prohibit the right of a professional employe who is not a member of a bargaining unit from retaining seniority rights under the provisions of this act.

(f) A decision to suspend in accordance with this section shall be considered an adjudication within the meaning of the "Local Agency Law."

(g) The following apply:

(1) No collective bargaining agreement negotiated by a school district and an exclusive representative of the employes in accordance with the "Public Employe Relations Act" after the effective date of this subsection shall provide for suspending, reinstating or realigning professional employes based on seniority other than as provided for in this section.

(2) Upon the expiration, amendment or adoption of any agreement or contract, a provision that provides for suspending, reinstating or realigning professional employes based on seniority in conflict with section 1124 or this section shall be discontinued in any new or renewed agreement or contract or during the period of status quo following an expired contract.

Section 1131. Appeals to [Superintendent of Public Instruction] Secretary of Education.--In case the professional employe concerned considers himself or herself aggrieved by the action of the board of school directors, an appeal by petition, setting forth the grounds for such appeal, may be taken to the [Superintendent of Public Instruction] Secretary of Education at

Harrisburg. Such appeal shall be filed within [thirty (30)] fifteen (15) days after receipt by registered mail of the written notice of the decision of the board. A copy of such appeal shall be served by registered mail on the secretary of the school board.

The [Superintendent of Public Instruction] Secretary of Education shall fix a day and time for hearing, which shall be not sooner than ten (10) days nor more than thirty (30) days after presentation of such petition, and shall give written notice to all parties interested.

The [Superintendent of Public Instruction] Secretary of Education shall review the official transcript of the record of the hearing before the board, and may hear and consider such additional testimony as he may deem advisable to enable him to make a proper order. At said hearing the litigants shall have the right to be heard in person or by counsel or both.

After hearing and argument and reviewing all the testimony filed or taken before him, the [Superintendent of Public Instruction] Secretary of Education shall enter such order, either affirming or reversing the action of the board of school directors, as to him appears just and proper.

Section 6. Section 1204 of the act, amended July 13, 2016 (P.L.716, No.86), is amended to read:

Section 1204. Granting Provisional College Certificates.-- The Secretary of Education may grant a provisional college certificate to every person who presents to the Department of Education satisfactory evidence of good moral character, and of being a graduate of an approved college or university, who has completed such work in education as may be required by the standards of the State Board of Education, and to every person

who presents to the Department of Education satisfactory evidence of good moral character, and of being a graduate of music, with the degree of bachelor of music of an approved college or university, who has during such musical course completed the prescribed number of hours of professional studies, which certificate shall entitle the individual to teach for three annual school terms, and may be renewed for one additional three-year period in accordance with standards to be established by the State Board of Education. The Department of Education shall process an application for provisional college certification submitted by an individual who is a member of the United States Armed Forces, including a reserve component or National Guard, or a veteran, or the spouse of the member of the United States Armed Forces or the spouse of the veteran, within fourteen (14) days of the date the department received the completed application. For the purposes of this section, the term "veteran" shall mean an individual who has served in the United States Armed Forces, including a reserve component or National Guard, and who was discharged or released from such service under conditions other than dishonorable.

Section 7. Sections 1216 and 1337(d) of the act are amended to read:

Section 1216. Evaluation of Applications for Certification.--(a) All applications for certification shall be evaluated in their entirety. The Department of Education shall notify the applicant if the application is incomplete and include a listing of all materials or information needed to complete the application. The applicant's pending application shall remain open for one year following the date of such notification. No letter of denial of certification shall be

issued unless all deficiencies in the application are stated in the letter of denial.

(b) The grade point average used by the department in evaluating the grade point average requirements for certification pursuant to 22 Pa. Code § 354.24 (relating to academic performance) shall be as follows:

(1) For applicants whose initial preparation culminated in a bachelor's degree or higher prior to October 7, 2000, the grade point average in effect on the date of application for certification.

(2) For applicants whose initial preparation culminates in a bachelor's degree or higher on or after October 7, 2000, the grade point average in effect on the date of graduation.

(c) A teacher preparation program approved by the Department of Education shall recommend applicants for certification who meet either of the standards for grade point average set forth in 22 Pa. Code § 354.33(5) or (6) (relating to professional competency).

(d) (1) A teacher preparation program approved by the Department of Education shall not require a student enrolled in the program to obtain a passing score on an assessment administered pursuant to 22 Pa. Code § 49.18 (relating to assessment) as a condition of program completion or graduation or include the student's score on the assessment as a component of a student's grade in any course, provided that the observational assessment of professional knowledge and practice may be included as a component of a student's student teaching grade.

(2) Subject to section 1207.3(a), a teacher preparation program approved by the Department of Education shall not

include a student's score on the assessment of basic skills administered pursuant to 22 Pa. Code § 49.18 as a component of a student's grade in any course.

(3) For purposes of this paragraph:

(i) "Assessment" shall include the assessment of general knowledge, the assessment of professional knowledge and practice or the assessment of subject matter as such terms are defined in 22 Pa. Code § 49.1 (relating to definitions).

(ii) "Assessment of basic skills" shall have the meaning given in 22 Pa. Code § 49.1.

(iii) "Assessment of professional knowledge and practice" shall have the meaning given in 22 Pa. Code § 49.1.

Section 1337. Nonprofit School Food Program.--* * *

(d) Boards of School Directors.

(1) Pursuant to any power of boards of school directors to operate or provide for the operation of school food programs in schools under their jurisdiction, boards of school directors may use therefore funds disbursed to them under the provisions of this section, gifts and other funds, received from sale of school food under such programs.

(2) Regardless of whether a student has money to pay for a school meal or owes money for school meals, each board of school directors shall establish a requirement for schools under its jurisdiction to provide a school food program meal to a student who requests one, unless the student's parent or guardian has specifically provided written directive to the school to withhold a school meal.

(3) Each board of school directors shall require schools under its jurisdiction to comply with the following when a student owes money for five or more school meals:

(i) The school shall make at least two attempts to reach the student's parent or guardian and have the parent or guardian apply for participation in the school food program.

(ii) The school may offer assistance with applying for participation in the school food program.

(4) Each board of school directors shall:

(i) Require schools under its jurisdiction to direct communications regarding money owed by a student for school meals to the student's parent or guardian and not to the student.

(ii) Permit schools under its jurisdiction to contact the student's parent or guardian by means of a letter addressed to the parent or guardian that is delivered by the student.

(5) Each board of school directors shall prohibit schools under its jurisdiction from implementing the following:

(i) Publicly identifying or stigmatizing a student who cannot pay for a school meal or who owes money for school meals.

(ii) Requiring a student who cannot pay for a school meal to perform chores or other work to pay for the school meal. This subclause shall not apply if chores or other work are required of all students regardless of the student's inability to pay for the school meal.

(iii) Requiring a student to discard a school meal after it was served to the student due to the student's inability to pay for the school meal or the amount of money owed by the student for earlier school meals.

* * *

Section 8. Sections 1402-A(b), 1403-A(a), 1405-A(a), 1406-A and 1407-A of the act, added July 13, 2016 (P.L.716, No.86), are amended to read:

Section 1402-A. Establishment of Drug and Alcohol Recovery High School Pilot Program.

* * *

(b) Designation.--[Within 60 days of the effective date of this section] Not later than ~~August 7,~~ NOVEMBER 1, 2017, the <-- Secretary of Education, in consultation with the Department of Drug and Alcohol Programs, shall:

(1) Designate[, through a request for proposal process,] a facility that satisfies all of the following to serve as the recovery high school for purposes of the program:

(i) Is licensed as a private academic school under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.

(ii) Is located in a school district of the first class.

(iii) [Has experience providing drug and alcohol recovery services] Is currently operating as a recovery high school.

(iv) Has adopted and follows accreditation standards and best practices set forth by the Association of Recovery Schools.

(v) Has been a member of the Association of Recovery Schools during the 2016-2017 school year.

(2) Post notice of the designation on the department's publicly accessible Internet website.

Section 1403-A. Scope of program and selection of students.

(a) Maximum participation.--Beginning in the [2016-2017] 2017-2018 school year, a maximum of 20 students in grades 9 through 12 may be enrolled in the recovery high school under the program at any one time.

* * *

Section 1405-A. Establishment and payment of tuition.

(a) Tuition rate.--No later than June 30 of each year, the department shall establish a per-student regular education tuition rate for each student enrolled in the recovery high school under the program, provided that the recovery high school may not set a per-student regular education tuition rate for students enrolled in the recovery high school who are not participants in the program that is lower than the per-student regular education tuition rate established for students enrolled in the recovery high school under the program. The per-student regular education tuition rate for students enrolled in the recovery high school under the program shall be determined as follows:

(1) For the [2016-2017] 2017-2018 school year, the per-student regular education tuition rate for each student enrolled in the recovery high school under the program shall be $20,000.

(2) Beginning in the [2017-2018] 2018-2019 school year, and in each school year thereafter, annual adjustments to the amount set forth in paragraph (1) shall be made as follows:

(i) The Department of Labor and Industry shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12-month period ending September 30, [2016] 2017, and for each successive 12-month period thereafter.

(ii) If the Department of Labor and Industry determines that there is no positive percentage change,

then no adjustment to the amount set forth in paragraph (1) shall occur for the relevant time period.

(iii) The following apply:

(A) If the Department of Labor and Industry determines that there is a positive percentage change in the first year that the determination is made under subparagraph (i), the positive percentage change shall be multiplied by the amount set forth in paragraph (1), and the product shall be added to the amount set forth in paragraph (1), and the sum shall be the preliminary adjusted per-student tuition rate.

(B) The preliminary adjusted per-student tuition rate shall be rounded to the nearest $100 to determine the final adjusted per-student tuition rate.

(iv) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary per-student tuition rate, and the product shall be added to the preliminary adjusted per-student tuition rate of the prior year to calculate the preliminary adjusted per-student tuition rate for the current year. The sum thereof shall be rounded to the nearest $100 to determine the new final adjusted per-student tuition rate.

(v) The determinations and adjustments required under this subparagraph shall be made in the period between April 1, [2017] 2018, and April 30, [2017] 2018, and annually between April 1 and April 30 of each year thereafter.

(vi) The final adjusted per-student tuition rates obtained under subparagraphs (iii) and (iv) shall become effective July 1 for the school year following the year in which the determination required under this paragraph is made.

(vii) The department shall publish notice in the Pennsylvania Bulletin prior to July 1 of each year of the annual percentage change determined under subparagraph (i) and the unadjusted or final adjusted per-student tuition rate determined under subparagraphs (iii) and (iv) for the school year following the year in which the per-student tuition rate is determined. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted per-student tuition rate under this section for the ensuing calendar year.

(viii) The annual increase in the preliminary adjusted per-student tuition rate determined under subparagraphs (iii) and (iv) shall not exceed 3%.

* * *

Section 1406-A. Term of Drug and Alcohol Recovery High School Pilot Program.

(a) Enrollment of new students.--Unless the program is permanently established by action of the General Assembly, the recovery high school shall not enroll new students under the program after June 30, [2020] 2021.

(b) Continued enrollment.--If the program is not permanently established by action of the General Assembly on or before June 30, [2020] 2021, a student enrolled in the recovery high school under the program as of June 30, [2020] 2021, may remain

enrolled in the recovery high school under the program until the earlier of the following:

(1) The student's graduation from the recovery high school.

(2) The student's withdrawal from the recovery high school.

(3) The student's completion of four years of enrollment in the recovery high school under the program.

Section 1407-A. Reporting.

(a) Report by recovery high school.--By August 31, [2018] 2019, and by August 31 of each year thereafter, the recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report concerning the program. The report shall include, but not be limited to, all of the following, subject to the requirements of the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and to the extent such reporting does not reveal identifying information concerning any individual student:

(1) The number of students who:

(i) Enrolled in the recovery high school under the program for the preceding reporting period.

(ii) Requested enrollment in the recovery high school under the program but were denied participation in

the program for the preceding reporting period.

(iii) Enrolled in the recovery high school but who were not participants in the program for the preceding reporting period.

(2) The number and percentage of students enrolled in the recovery high school during the previous reporting period to whom each of the following apply, reported separately based on whether or not the students were participants in the program:

(i) Earned a high school diploma from the recovery high school.

(ii) Withdrew from the recovery high school and requested transfer of educational records to another school.

(iii) Withdrew from the recovery high school without requesting transfer of educational records to another school.

(iv) Maintained enrollment in the recovery high school in good standing.

(3) A narrative description of the academic outcomes for students enrolled in the recovery high school, including aggregate assessment results, reported separately based on whether or not the students were participants in the program.

(4) A narrative description of student success in managing issues concerning drug or alcohol abuse or addiction, reported separately based on whether or not the students were participants in the program.

(5) Recommendations for improvements to the program.

(6) Any information regarding the program that the recovery high school determines would be useful to the

General Assembly, the Department of Education and the Department of Drug and Alcohol Programs in determining whether changes to the program are necessary and whether the program should be continued.

(b) Report by Department of Education and Department of Drug and Alcohol Programs.--By December 31, [2019] 2020, the Department of Education and the Department of Drug and Alcohol Programs, jointly, shall submit to the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report assessing the success of the program and making recommendations regarding the possible extension and expansion of the program, including a proposed timeline for any potential expansion.

Section 9. Sections 1517, 1547 and 1549 of the act are amended to read:

Section 1517. Fire and Emergency Evacuation Drills.--(a) [In] Except as provided under subsection (a.1), in all [public schools] school buildings of school entities where fire-escapes, appliances for the extinguishment of fires, or proper and sufficient exits in case of fire or panic, either or all, are required by law to be maintained, fire drills shall be periodically conducted, not less than one a month, by the teacher or teachers in charge, under rules and regulations to be promulgated by the [district superintendent] chief school administrator under whose supervision such [schools] school

entities are. In such fire drills the pupils and teachers shall be instructed in, and made thoroughly familiar with, the use of the fire-escapes, appliances and exits. The drill shall include the actual use thereof, and the complete removal of the pupils and teachers, in an expeditious and orderly manner, by means of fire-escapes and exits, from the building to a place of safety on the ground outside.

(a.1) Within ninety (90) days of the commencement of the school year after the effective date of this subsection and within ninety (90) days of the commencement of each school year thereafter, each school entity may conduct one school security drill per school year in each school building in place of a fire drill required under subsection (a). All of the following shall apply:

(1) The school security drill may be conducted while the school entity is in session and students are present under policies adopted by the chief school administrator.

(2) The chief school administrator or a designee shall oversee the instruction and training of students and school employees in the procedures to be used in the school security drill.

(3) The chief school administrator shall notify and request assistance from the local law enforcement agency and emergency management agency before conducting the school security drill.

(4) The chief school administrator shall provide notice of the school security drill in advance to parents and legal guardians of the students attending the school building for which the school security drill is scheduled.

(b) [District superintendents] Chief school administrators are hereby required to see that the provisions of this section

are faithfully carried out in the [schools] school entities over which they have charge.

(c) Any person who violates or fails to comply with the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500), or to undergo imprisonment in the county jail for not less than (10) days or more than sixty (60) days, or both.

(d) All [schools] school entities using or contracting for school buses for the transportation of school children shall conduct on school grounds two emergency evacuation drills on buses during each school year, the first to be conducted during the first week of the first school term and the second during the month of March, and at such other times as the chief school administrator may require. Each such drill shall include the practice and instruction concerning the location, use and operation of emergency exit doors and fire extinguishers and the proper evacuation of buses in the event of fires or accidents.

Bus operators shall be provided with proper training and instructions to enable them to carry out the provisions of this subsection and may be required to attend classes and drills in connection therewith.

(e) On or before the tenth day of April of each year, each [district superintendent] chief school administrator shall certify to the Department of [Public Instruction] Education that the emergency evacuation drills and school security drills herein required have been [held] conducted in accordance with this section.

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

"Chief school administrator" shall mean the superintendent of a school district, superintendent of an area vocational-technical school, executive director of an intermediate unit or chief executive officer of a charter school or regional charter school.

"School entity" shall mean an area vocational-technical school, school district, intermediate unit, charter school or regional charter school.

"School security drill" shall mean a planned exercise, other than a fire drill or natural disaster drill, designed to practice procedures to respond to an emergency situation that may include, but is not limited to, an act of terrorism, armed intruder situation or other violent threat.

Section 1547. Alcohol, Chemical and Tobacco Abuse Program.--(a) Beginning with school year 1991-1992 and each year thereafter, each public school student shall receive mandatory instruction in alcohol, chemical and tobacco abuse in every year in every grade from kindergarten through grade twelve. The instruction shall be integrated within the health course of study required in accordance with the State Board of Education regulations. In grades where health is offered, instruction may also be integrated into other appropriate courses of study. In grades where health is not offered, instruction shall be integrated into an appropriate curriculum requirement as listed in 22 Pa. Code [§ 5.4(b).] §§ 4.21 (relating to elementary education: primary and intermediate levels), 4.22 (relating to middle level education) and 4.23 (relating to high school education).

(1) This instruction:

(i) Shall be age appropriate.

(ii) Shall be sequential in method of study.

(iii) Shall discourage the use of alcohol, tobacco and controlled substances.

(iv) Shall communicate that the use of illicit drugs and the improper use of legally obtained drugs is wrong.

(2) School districts may utilize any appropriate public or private materials, personnel and other resources in developing and implementing this program of instruction. The Department of ~~Health, [Office] Department~~ HEALTH[, OFFICE] AND THE DEPARTMENT <-- of Drug and Alcohol Programs, JOINTLY, shall make available <-- information about appropriate curriculum materials upon request of a school district. In developing its alcohol, chemical and tobacco abuse instructional program, each school district shall consult with the single county authority designated by the Department of [Health] Drug and Alcohol Programs to provide drug and alcohol services in the school district's area.

(a.1) Beginning with the 2018-2019 school year, for students in grades six through twelve, the instruction required under subsection (a) shall include instruction related to the prevention of opioid abuse, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, including heroin. Not later than the beginning of the 2018-2019 school year, the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs shall develop jointly a model curriculum for this purpose and each department shall post the model curriculum on its publicly accessible Internet website. The model curriculum developed under this subsection shall be revised when necessary to ensure that the model curriculum provides the most current information. In providing the

instruction required under this subsection, a school district may, but shall not be required to, use the model curriculum.

(b) Each school district is hereby authorized to develop and offer programs relating to alcohol, chemical and tobacco abuse for parents of students enrolled in the public schools. If a school district does develop such programs, they shall be developed in consultation with the single county authority designated by the Department of [Health] Drug and Alcohol Programs to provide drug and alcohol services in the school district's area. Such programs shall be offered at no cost to parents.

(c) The Secretary of Education, in consultation with the Secretary of Health and the Secretary of Drug and Alcohol Programs, shall develop curriculum guidelines for instruction on alcohol, chemical and tobacco abuse and the laws governing their use and misuse. These guidelines shall encourage the inclusion of the following elements where appropriate in the instruction:

(1) Detailed factual information regarding the physiological, psychological, sociological and legal aspects of substance abuse.

(2) Detailed information regarding the availability of help and assistance for students and their families with alcohol, chemical and tobacco dependency problems.

(3) The goals of quality education as set forth in 22 Pa. Code [§ 5.13(f)] (relating to education).

(4) Skills needed to evaluate advertisements for and media portrayals of alcohol, chemical and tobacco products.

(5) Detailed instruction on the need for and the role of lawful authority and law-abiding behavior, including interaction with members of the legal and justice community.

(d) The following apply:

(1) Beginning with the 1991-1992 school year and each year thereafter, the Secretary of Education, in consultation with the Secretary of Health and the Secretary of Drug and Alcohol Programs, shall make available, to all school districts and intermediate units, in-service training programs based upon the instruction requirements established in subsection (a) and the curriculum guidelines established in subsection (c). The programs shall provide preparation for the teaching of mandated instruction in alcohol, chemical and tobacco abuse. The in-service programs may utilize the single county authorities designated by the Department of [Health] Drug and Alcohol Programs or such other institutions, agencies or persons as the Secretary of Education or the Secretary of Health deems appropriate.

(2) Beginning with the 2018-2019 school year, the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs shall develop jointly and shall make available to all school districts and nonpublic schools in-service training programs based upon the instruction requirements established under subsection (a.1) and the model curriculum developed under subsection (a.1). The in-service training programs developed under this subsection shall be revised when necessary to ensure that the in-service training programs provide the most current information.

(e) The following apply:

(1) Beginning with the 1991-1992 school year, each school district shall provide, as part of its in-service training, programs on alcohol, drugs, tobacco and dangerous controlled substances for all instructors whose teaching responsibilities

include courses of study in which mandated instruction concerning alcohol, chemical and tobacco abuse is integrated. To comply with this requirement, a school district may utilize the programs made available by the Department of Education or use other alternative programs.

(2) Beginning with the 2018-2019 school year and every three (3) years thereafter, each school district shall provide, as part of its in-service training, programs based upon the instruction requirements established under subsection (a.1) for all instructors whose teaching responsibilities include courses of study in which such mandated instruction is integrated. To comply with this requirement, a school district may utilize the in-service training programs made available under subsection (d)(2).

(f) The governing board of each intermediate unit in which a nonpublic school is located shall have the authority and the duty to loan to all students attending nonpublic schools within the intermediate unit all educational materials developed by [either] the Department of Education [or], the Department of Health or the Department of Drug and Alcohol Programs, pursuant to this act for the instruction of public school students on the nature and effects of drugs, alcohol, tobacco and dangerous controlled substances. Local school boards need not expend funds which are not provided by either the Federal or State Government for drug education programs for the use or loan of these materials. A nonpublic school may utilize the in-service training programs made available by the Department of Education through the intermediate unit.

(g) On or before June 1, 1991, the Secretary of Education shall recommend to the General Assembly a plan to require and

assist each school district to establish and maintain a program to provide appropriate counseling and support services to students who experience problems related to the use of drugs, alcohol and dangerous controlled substances.

[(h) On or before June 1, 1992, the Secretary of Education shall report to the General Assembly concerning the 1991-1992 school year activities of the Department of Education pertaining to the provisions of this section and concerning proposed 1992-1993 school year activities of the Department of Education pertaining to this section.]

(g.1) Beginning in the 2018-2019 school year, and each school year thereafter, professional educators who complete in-service training under this section may apply such in-service training toward their continuing professional education requirements under section 1205.2.

(h.1) By September 1, 2020, and by September 1 of every fifth year thereafter, the Department of Education, in consultation with the Department of Health and the Department of Drug and Alcohol Programs, shall report to the General Assembly concerning the preceding school year activities of the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs pertaining to the provisions of this section. The report shall include:

(1) A description of efforts by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs to assist school districts in providing the instruction required under subsections (a) and (a.1), including efforts to develop and post the model curriculum required under subsection (a.1) and to develop and make available the in-service training programs required under subsection (d)(2).

(2) An evaluation of the effectiveness of the instruction required under subsections (a) and (a.1) and of curriculum materials and in-service training programs developed by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs under this section in reducing the use of alcohol, tobacco and other drugs, including prescription opioids, by students.

(i) The State Board of Education shall adopt rules and regulations necessary for the implementation of this section.

Section 1549. Agricultural Education.--(a) The General Assembly declares it is the purpose of this section to:

(1) Require the department to develop and disseminate agricultural education materials for school entities or private or nonpublic kindergartens, elementary or secondary schools in this Commonwealth. The materials shall incorporate agricultural concepts into the basic school curricula and shall be designed to educate the general student population about the importance of the agriculture industry and the role of agriculture in the students' lives.

(2) Encourage the agricultural education efforts of other agencies where appropriate, including, but not limited to, those of the county conservation districts, the Cooperative Extension Service of The Pennsylvania State University, the University of Pennsylvania Veterinary School, the Department of Agriculture, the Department of Environmental [Resources] Protection, the Department of [Community Affairs] Community and Economic Development, the State System of Higher Education and the Department of Transportation.

(b) The department shall have the power and its duty shall be to:

(1) Provide, in conjunction with the Department of Agriculture, resource information to educators and public and private schools and organizations on agricultural education.

(2) Provide, in conjunction with the Department of Agriculture, for the development and distribution to school entities or private or nonpublic kindergartens, elementary or secondary schools in this Commonwealth materials on agricultural education. Such materials may include instruction on issues related to agriculture, including, but not limited to, food safety, forestry, pesticides, farmland preservation, waste management, wetlands, nutrient management, food production and food processing, animal health and statutory and regulatory protections of the right to farm.

(3) Identify, recognize and establish, in conjunction with the Department of Agriculture, awards for exemplary agricultural education curricula developed in Commonwealth schools.

(4) Use local school district occupational advisory committees, as well as the facilities and equipment of the Department of Agriculture, to serve as the conduit to bring youth and adult education programs into communities and schools, focusing on agricultural industry issues of importance to this Commonwealth.

(5) Maintain, in conjunction with the Department of Agriculture, an inventory of agricultural education materials, programs and resources available in Commonwealth agencies.

[(c) The secretary shall prepare and submit, in conjunction with the Department of Agriculture, an annual report to the Governor and the General Assembly on the status of agricultural education in this Commonwealth. The report shall outline agricultural education programs and achievements, highlight new

initiatives and recommend future program needs.

(d) (1) The Secretary of Education shall consult, at least annually, with the Secretary of Agriculture and a cross section of the agriculture and education communities to:

(i) Assess the trends and needs in agricultural education.

(ii) Consider the manner in which any funds are used to support agricultural education activities.

(iii) Make recommendations to the Governor and the General Assembly regarding legislative or regulatory changes to improve agricultural education, pursuant to the preparation and submittal of the report required by subsection (c).

(2) When consulting with a cross section of the agriculture and education communities, the secretary shall consider seeking comments from individuals named in lists submitted by the State Council on Farm Organizations, the Agricultural Awareness Foundation and the Pennsylvania Vocational-Agricultural Teachers Association. Such lists may include, but not be limited to:

(i) Farmers.

(ii) Representatives of the agricultural processing and agricultural marketing industries.

(iii) Faculty members of the College of Agricultural Sciences of the Commonwealth's land-grant university.

(iv) Faculty members from a State System of Higher Education institution, each of whom shall have background in or knowledge of agricultural education.

(v) A teacher of vocational agriculture.

(vi) A teacher involved in agricultural education other than vocational agriculture.

(vii) An administrator of a school entity which conducts an agricultural education program.

(viii) A member of a local school district occupational advisory committee.

(ix) Members of the public who are knowledgeable about agricultural education.]

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

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

["Farmer." Any person who engages in the accepted activities, practices and procedures year after year to produce and prepare for market poultry, livestock and their products or in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and whose operation is conducted on not less than ten contiguous acres in area or, if less than ten contiguous acres in area, has an anticipated yearly gross income of at least ten thousand dollars ($10,000).]

"School entity." A public school district, intermediate unit or area vocational-technical school.

"Secretary." The Secretary of Education of the Commonwealth.

Section 10. The act is amended by adding ~~a section~~ SECTIONS <-- to read:

Section 1549.1. Commission for Agricultural Education Excellence.--(a) There is established a Commission for Agricultural Education Excellence as a departmental administrative commission under the concurrent authority of the Department of Agriculture and the Department of Education with all the powers and duties generally vested in and imposed upon the commissions under the act of April 9, 1929 (P.L.177,

No.175), known as "The Administrative Code of 1929."

(b) The commission shall assist in developing a Statewide plan for agricultural education and coordinate the implementation of related agricultural education programming with the Department of Agriculture and the Department of Education.

(c) The commission shall be administratively housed within the Department of Agriculture and shall be staffed and supported by the Department of Agriculture and the Department of Education, as provided under this section.

(d) In order for the commission to fulfill its duties and exercise its authority under this section, an agreement shall be executed between the Department of Agriculture, the Department of Education and the commission, which shall define and delineate the role and responsibility of each agency in assisting the commission in fulfilling its duties under this section.

(e) In order for the commission to fulfill its duties and exercise its authority under this section, the Department of Agriculture, the Department of Education and the commission shall cooperate with each other in the use of staff, land, buildings, quarters, facilities and equipment.

(f) The commission shall consist of the following members:

(1) The Secretary of Education, or a designee.

(2) The Secretary of Agriculture, or a designee.

(3) The following members jointly appointed by the Secretary of Education and the Secretary of Agriculture from lists submitted by the President pro tempore of the Senate and the Speaker of the House of Representatives, in consultation with the Majority Leader and Minority Leader of the Senate and the

Majority Leader and Minority Leader of the House of Representatives:

(i) Two farmers.

(ii) A representative of the agricultural processing and agricultural marketing industries.

(iii) Two representatives of agricultural sciences, not more than one of whom shall be a faculty member of the College of Agricultural Sciences of The Pennsylvania State University.

(iv) A representative of the State System of Higher Education with a background in or knowledge of agricultural education.

(v) Two teachers of vocational agriculture, one from a career and technical center and one from a school district.

(vi) A representative of a community college with a background in or knowledge of agricultural education.

(vii) An administrator of a school entity which conducts an agricultural education program.

(viii) A member of a school district occupational advisory committee.

(ix) Two members of the business community with knowledge of agricultural education.

(g) To the extent practicable, from members initially appointed, an equal number shall draw lots to serve for a term of three years, for a term of two years and for a term of one year. Thereafter, all members shall be appointed for a term of three years.

(h) The chairmanship of the commission shall rotate on an annual basis between the Secretary of Agriculture and the Secretary of Education, with the Secretary of Education chairing the first annual rotation.

(i) The commission shall keep a record of its official actions and may perform acts and promulgate policies, procedures and guidelines as may be necessary.

(j) A majority of members of the commission shall constitute a quorum.

(k) The members of the commission shall not receive compensation or reimbursement for services.

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

(1) Develop a model for Statewide curriculum for agricultural education programs based on high priority occupations.

(2) Consult with the Transfer and Articulation Oversight Committee and school entities to facilitate articulation agreements with postsecondary institutions of higher education.

(3) Provide support and technical assistance to supervised agricultural experience programs based on student needs.

(4) Provide support and coordination for Statewide and local activities related to FFA programs.

(5) Investigate, review and issue an annual report on the status of agricultural education required under subsection (m).

(m) By May 1, 2018, and by May 1 of each year thereafter, the commission shall submit a report to the Governor and the General Assembly on the status of agricultural education in this Commonwealth. The report shall:

(1) Outline agricultural education programs and achievements.

(2) Assess the trends and needs in secondary and both formal and informal postsecondary agricultural education and training.

(3) Investigate and assess work force trends of the

agriculture and food industry.

(4) Assess and make programming recommendations for meeting the training needs for individuals not pursuing formal postsecondary education.

(5) Consider the manner in which funds are used to support agricultural education activities.

(6) Highlight new initiatives and recommend future program needs.

(7) Make recommendations to the Governor and the General Assembly regarding legislative or regulatory changes to improve agricultural education.

(n) The Department of Agriculture and the Department of Education shall provide staff to assist the commission with the commission's duties. The Department of Agriculture and the Department of Education shall provide an executive director who shall oversee elementary, secondary, postsecondary and adult agricultural education activities in this Commonwealth and shall serve as the director of outreach for the commission and staff who may be employed on or after the effective date of this section and who shall be assigned within either agency as follows:

(1) A curriculum specialist to assist school entities in developing agricultural education curricula and integrating national agriculture, food and natural resource standards into elementary and secondary curricula.

(2) A program approval specialist to assist school entities with the program approval process for agricultural education established by the Department of Education and serve as a liaison between the Department of Education and school entities for data collection.

(3) An FFA program specialist to oversee State-related FFA activities and implement initiatives for local agricultural education program success.

(4) A work force development specialist to identify career pathways in the agricultural and food industries and promote agriculture and food careers among students and adult job seekers.

(5) An agricultural education support specialist to provide support to the staff of the commission.

(o) The implementation of this section shall be subject to funds appropriated by the General Assembly to the Department of Education or the Department of Agriculture, and the funds shall be used to carry out the purposes of this section. The Department of Education and the Department of Agriculture may accept grants and donations from all public and private sources, including the Federal Government, to pay for costs incurred for the implementation and continuance of the provisions of this section.

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

"Commission." The Commission for Agricultural Education Excellence established under this section.

"Farmer." A person who engages in activities, practices and procedures to produce and prepare for market poultry, livestock and their products or who engages in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and whose operation is conducted on not less than ten contiguous acres in area or, if less than ten contiguous acres in area, has an

anticipated yearly gross income of at least ten thousand dollars ($10,000).

"FFA." A career and technical student organization that encourages leadership, personal growth and career success through agricultural education.

"School entity." A public school district, intermediate unit or area vocational-technical school.

SECTION 1729.2-A. MULTIPLE CHARTER SCHOOL ORGANIZATIONS.-- <-- (A) ESTABLISHMENT SHALL BE AS FOLLOWS:

(1) SUBJECT TO THE REQUIREMENTS OF THIS SECTION AND 15 PA.C.S. PT. II SUBPT. C (RELATING TO NONPROFIT CORPORATIONS), TWO (2) OR MORE CHARTER SCHOOLS MAY CONSOLIDATE INTO A MULTIPLE CHARTER SCHOOL ORGANIZATION IF BOTH OF THE FOLLOWING APPLY:

(I) THE DEPARTMENT APPROVES THE CONSOLIDATION AS PROPOSED IN THE APPLICATION FORM SUBMITTED TO THE DEPARTMENT PURSUANT TO SUBSECTION (C). IF THE DEPARTMENT DOES NOT APPROVE OR DISAPPROVE THE PROPOSED CONSOLIDATION WITHIN FORTY-FIVE (45) DAYS AFTER RECEIPT OF THE APPLICATION, THE DEPARTMENT WILL BE DEEMED TO HAVE APPROVED THE CONSOLIDATION.

(II) EACH SCHOOL DISTRICT THAT GRANTED THE INITIAL CHARTER OF ANY CHARTER SCHOOL INCLUDED IN THE PROPOSED CONSOLIDATION APPROVES, BY A MAJORITY VOTE OF THE LOCAL BOARD OF SCHOOL DIRECTORS, A RESOLUTION APPROVING THE CONSOLIDATION AS PROPOSED IN THE APPLICATION SUBMITTED TO THE LOCAL BOARD OF SCHOOL DIRECTORS PURSUANT TO SUBSECTION (C). IF A LOCAL BOARD OF SCHOOL DIRECTORS DOES NOT ADOPT A RESOLUTION UNDER THIS CLAUSE APPROVING OR REJECTING THE PROPOSED CONSOLIDATION WITHIN FORTY-FIVE (45) DAYS AFTER RECEIPT OF THE APPLICATION, THE SCHOOL DISTRICT WILL BE DEEMED TO HAVE APPROVED THE CONSOLIDATION.

(2) THE MULTIPLE CHARTER SCHOOL ORGANIZATION SHALL BE:

(I) GRANTED LEGAL AUTHORITY TO OPERATE TWO (2) OR MORE INDIVIDUAL CHARTER SCHOOLS UNDER THE OVERSIGHT OF A SINGLE BOARD OF TRUSTEES AND A CHIEF ADMINISTRATOR WHO SHALL OVERSEE AND MANAGE THE OPERATION OF THE INDIVIDUAL CHARTER SCHOOLS UNDER ITS ORGANIZATION; AND

(II) SUBJECT TO ALL OF THE REQUIREMENTS OF THIS ARTICLE UNLESS OTHERWISE PROVIDED FOR UNDER THIS SECTION.

(3) NOTHING UNDER THIS SECTION SHALL BE CONSTRUED TO AFFECT OR CHANGE THE TERMS OR CONDITIONS OF ANY INDIVIDUAL CHARTER PREVIOUSLY GRANTED THAT IS CONSOLIDATED UNDER THIS SECTION, INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION OF A SCHOOL DISTRICT TO PROVIDE TRANSPORTATION FOR STUDENTS ENROLLED IN AN INDIVIDUAL CHARTER SCHOOL WITHIN A MULTIPLE CHARTER SCHOOL ORGANIZATION.

(B) (1) A CHARTER SCHOOL THAT, WITHIN EITHER OF THE MOST RECENT TWO (2) SCHOOL YEARS, HAS FAILED TO MEET ANY OF THE FOLLOWING SHALL NOT BE ELIGIBLE TO CONSOLIDATE WITH ANOTHER CHARTER SCHOOL:

(I) REQUIREMENTS FOR STUDENT PERFORMANCE SET FORTH IN 22 PA. CODE CH. 4 (RELATING TO ACADEMIC STANDARDS AND ASSESSMENT).

(II) ACCEPTED STANDARDS OF FISCAL MANAGEMENT OR AUDIT REQUIREMENTS.

(III) A SCHOOL PERFORMANCE PROFILE SCORE THAT IS AMONG THE TOP TWENTY-FIFTH PERCENTILE OF PENNSYLVANIA CHARTER SCHOOLS AS MEASURED BY THE SCHOOL PERFORMANCE PROFILE FOR THE MOST RECENT YEAR FOR WHICH A SCHOOL PERFORMANCE PROFILE SCORE IS AVAILABLE.

(2) A CHARTER SCHOOL THAT HAS FAILED TO MEET ANY OF THE REQUIREMENTS OF PARAGRAPH (1) MAY CONSOLIDATE IF THE CONSOLIDATION INCLUDES A CHARTER SCHOOL DEMONSTRATING THAT IT HAS SATISFIED SUCH REQUIREMENTS FOR THE MOST RECENT TWO (2)

SCHOOL YEARS.

(C) WITHIN NINETY (90) DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL DEVELOP AND ISSUE A STANDARD APPLICATION FORM THAT MULTIPLE CHARTER SCHOOL ORGANIZATION APPLICANTS MUST SUBMIT TO THE DEPARTMENT AND TO THE LOCAL BOARD OF SCHOOL DIRECTORS OF EACH SCHOOL DISTRICT THAT GRANTED THE INITIAL CHARTER OF ANY CHARTER SCHOOL INCLUDED IN THE PROPOSED CONSOLIDATION. THE APPLICATION FORM SHALL CONTAIN THE FOLLOWING INFORMATION:

(1) THE NAME OF THE MULTIPLE CHARTER SCHOOL ORGANIZATION.

(2) THE NAMES OF THE CHARTER SCHOOLS SEEKING CONSOLIDATION UNDER THIS SECTION.

(3) A COPY OF THE APPROVED CHARTER OF EACH CHARTER SCHOOL SEEKING TO CONSOLIDATE UNDER THIS SECTION.

(4) AN ORGANIZATIONAL CHART CLEARLY PRESENTING THE PROPOSED GOVERNANCE STRUCTURE OF THE MULTIPLE CHARTER SCHOOL ORGANIZATION, INCLUDING LINES OF AUTHORITY AND REPORTING BETWEEN THE BOARD OF TRUSTEES, CHIEF ADMINISTRATOR, ADMINISTRATORS, STAFF AND ANY EDUCATIONAL MANAGEMENT SERVICE PROVIDER THAT WILL PLAY A ROLE IN PROVIDING MANAGEMENT SERVICES TO THE CHARTER SCHOOLS UNDER ITS JURISDICTION.

(5) A CLEAR DESCRIPTION OF THE ROLES AND RESPONSIBILITIES FOR THE BOARD OF TRUSTEES, CHIEF ADMINISTRATOR, ADMINISTRATORS AND ANY OTHER ENTITIES, INCLUDING A CHARTER SCHOOL FOUNDATION, SHOWN IN THE ORGANIZATIONAL CHART.

(6) A CLEAR DESCRIPTION OF THE METHOD FOR THE APPOINTMENT OR ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES.

(7) STANDARDS FOR BOARD OF TRUSTEES PERFORMANCE, INCLUDING COMPLIANCE WITH ALL APPLICABLE LAWS, REGULATIONS AND TERMS OF THE CHARTER.

(8) ENROLLMENT PROCEDURES FOR EACH INDIVIDUAL CHARTER SCHOOL INCLUDED IN ITS CHARTER.

(9) ANY OTHER INFORMATION AS DEEMED NECESSARY BY THE DEPARTMENT.

(D) A MULTIPLE CHARTER SCHOOL ORGANIZATION MAY:

(1) PARTICIPATE IN THE ASSESSMENT SYSTEM IN THE SAME MANNER IN WHICH A SCHOOL DISTRICT PARTICIPATES, WITH ITS INDIVIDUAL CHARTER SCHOOLS PARTICIPATING IN THE ASSESSMENT SYSTEM IN THE SAME MANNER AS INDIVIDUAL SCHOOLS WITHIN SCHOOL DISTRICTS. ALL DATA GATHERED FOR PURPOSES OF EVALUATION SHALL BE GATHERED IN THE SAME MANNER IN WHICH DATA IS GATHERED IN THE CASE OF SCHOOL DISTRICTS AND INDIVIDUAL SCHOOLS WITHIN SCHOOL DISTRICTS. NOTHING IN THIS PARAGRAPH SHALL ALTER THE MANNER IN WHICH CHARTER SCHOOL PERFORMANCE ON ASSESSMENTS IS MEASURED AS REQUIRED UNDER THE EVERY STUDENT SUCCEEDS ACT (PUBLIC LAW 114-95, 129 STAT. 1802), OR ITS SUCCESSOR FEDERAL STATUTE.

(2) ADD EXISTING CHARTER SCHOOLS TO ITS ORGANIZATION BY OBTAINING THE APPROVAL OF THE DEPARTMENT AND OF THE LOCAL BOARD OF SCHOOL DIRECTORS THAT GRANTED THE INITIAL CHARTER OF EACH CHARTER SCHOOL PROPOSED TO BE ADDED UNDER SUBSECTION (A)(1).

(3) ALLOW STUDENTS ENROLLED IN AN INDIVIDUAL CHARTER SCHOOL TO MATRICULATE TO ANOTHER INDIVIDUAL CHARTER SCHOOL UNDER ITS OVERSIGHT SO AS TO COMPLETE A COURSE OF INSTRUCTION IN AN EDUCATIONAL INSTITUTION FROM KINDERGARTEN THROUGH GRADE TWELVE OR OTHERWISE IN THE BEST INTERESTS OF THE STUDENT.

(E) A MULTIPLE CHARTER SCHOOL ORGANIZATION SHALL BE REGARDED AS THE HOLDER OF THE CHARTER OF EACH INDIVIDUAL CHARTER SCHOOL UNDER ITS OVERSIGHT AND EACH PREVIOUSLY OR SUBSEQUENTLY AWARDED CHARTER SHALL BE SUBJECT TO NONRENEWAL OR REVOCATION BY THE LOCAL BOARD OF SCHOOL DIRECTORS THAT GRANTED THE INITIAL CHARTER

IN ACCORDANCE WITH THIS ACT. THE NONRENEWAL OR REVOCATION OF THE CHARTER OF AN INDIVIDUAL CHARTER SCHOOL UNDER THE OVERSIGHT OF A MULTIPLE CHARTER SCHOOL ORGANIZATION SHALL NOT AFFECT THE STATUS OF A CHARTER AWARDED FOR ANY OTHER INDIVIDUAL CHARTER SCHOOL UNDER THE OVERSIGHT OF THE MULTIPLE CHARTER SCHOOL ORGANIZATION.

(F) APPEALS SHALL BE AS FOLLOWS:

(1) THE APPEAL BOARD SHALL HAVE THE EXCLUSIVE REVIEW OF AN APPEAL BY AN APPLICANT FOR CONSOLIDATION, WITH RESPECT TO THE REJECTION OF A PROPOSED CONSOLIDATION BY EITHER THE DEPARTMENT OR A SCHOOL DISTRICT.

(2) IN CONSIDERING AN APPEAL UNDER THIS SECTION, THE APPEAL BOARD SHALL:

(I) REVIEW THE DECISION MADE BY EITHER THE DEPARTMENT OR THE SCHOOL DISTRICT ON THE RECORD AS CERTIFIED BY THE ENTITY THAT MADE THE DECISION BEING APPEALED, PROVIDED THAT THE APPEAL BOARD MAY ALLOW THE DEPARTMENT, A SCHOOL DISTRICT OR THE APPLICANT FOR CONSOLIDATION TO SUPPLEMENT THE RECORD IF THE SUPPLEMENTAL INFORMATION WAS PREVIOUSLY UNAVAILABLE.

(II) MEET TO OFFICIALLY REVIEW THE CERTIFIED RECORD NO LATER THAN THIRTY (30) DAYS AFTER THE DATE OF FILING THE APPEAL.

(III) ISSUE A WRITTEN DECISION AFFIRMING OR DENYING THE APPEAL NO LATER THAN SIXTY (60) DAYS FOLLOWING ITS REVIEW OF THE CERTIFIED RECORD.

(IV) MAKE ITS DECISION BASED ON WHETHER THE PROPOSED CONSOLIDATION SATISFIES THE REQUIREMENTS OF SUBSECTIONS (B) AND (C).

(3) THE SECRETARY SHALL RECUSE HIMSELF FROM ALL APPEALS OF DECISIONS BY THE DEPARTMENT AND SHALL NOT PARTICIPATE IN A HEARING, DELIBERATION OR VOTE ON ANY APPEAL OF A DECISION MADE BY THE DEPARTMENT.

(4) ALL DECISIONS OF THE APPEAL BOARD SHALL BE SUBJECT TO APPELLATE REVIEW BY THE COMMONWEALTH COURT. IN THE EVENT OF AN APPEAL OF A DECISION BY THE APPEAL BOARD TO THE COMMONWEALTH COURT, THE DECISION OF THE APPEAL BOARD SHALL BE STAYED ONLY UPON ORDER OF THE APPEAL BOARD, THE COMMONWEALTH COURT OR THE PENNSYLVANIA SUPREME COURT.

(G) FOR PURPOSES OF THIS SECTION, THE TERM "CHARTER SCHOOL" SHALL INCLUDE A REGIONAL CHARTER SCHOOL.

Section 11. Section 1913-A(b)(1.8) of the act is amended and paragraph (1.6) is amended by adding a subparagraph to read:

Section 1913-A. Financial Program; Reimbursement of Payments.--* * *

(b) * * *

(1.6) For the 2006-2007 fiscal year and each fiscal year thereafter, the payment for a community college shall consist of the following:

* * *

(x) For the 2017-2018 fiscal year, each community college shall receive the following:

(A) For operating costs, an amount equal to the amounts received in fiscal year 2016-2017 under subclause (ix)(A) and (C).

(B) For the economic development stipend, an amount equal to the amount received in fiscal year 2016-2017 under subclause (ix)(B).

* * *

[(1.8) (i) The Department of Education shall annually approve high-priority and high-instructional-cost occupation programs, high-priority occupation programs and noncredit workforce development courses.

(ii) In order to qualify as a high-priority and high-instructional-cost occupation program, the program must:

(A) Provide training:

(I) in a high-priority occupation as defined by the Center for Workforce Information and Analysis within the Department of Labor and Industry; or

(II) in an occupation designed to meet regional workforce needs as documented through collaboration with one or more employers.

(B) Bear an instructional cost to the community college, per full-time-equivalent student, of at least one hundred thirty percent (130%) of the average cost per full-time-equivalent student enrolled in the community college's credit courses. Instructional costs shall be defined by the Department of Education and may include personnel, equipment, curricula and other costs necessary for the program.

(iii) In order to qualify as a high-priority occupation program or a noncredit workforce development course, the high-priority occupation program or noncredit workforce development course must:

(A) provide training in a high-priority occupation as defined by the Center for Workforce Information and Analysis within the Department of Labor and Industry; or

(B) provide training in an occupation designed to meet regional workforce needs as documented through collaboration with one or more employers.

(iv) In order to qualify under subclause (ii)(A)(II) or (iii)(B), the community college shall submit an application to the Department of Education. The application shall contain:

(A) Evidence of collaboration with one or more employers.

(B) Information as to the nature of the proposed program.

(C) Evidence as to how the program will increase workforce opportunities for participants.

(v) The Department of Education shall:

(A) Determine the form and manner by which applications are to be submitted under subclause (iv).

(B) Approve or reject applications received pursuant to subclause (iv) within twenty (20) days of receipt of a completed application; otherwise, such applications will be deemed approved.

(C) Annually publish guidelines listing criteria and establishing the approval process for programs and courses under this clause.]

* * *

Section 11.1. Section 1918-A of the act is repealed:

[Section 1918-A. Annual Report.--(a) No later than January 1, 2006, the Department of Education shall, in consultation with the community colleges, complete development of a format for collecting uniform data relative to the operations of community colleges. The data shall be used in making an annual report to the Governor and the chairmen and minority chairmen of the Appropriations and Education Committees of the Senate and the chairmen and minority chairmen of the Appropriations and Education Committees of the House of Representatives. The report and the data shall be made available to the Governor and the committees via electronic transmission. The report shall cover the immediately preceding academic year and shall include, but not be limited to:

(1) Demographic and program data, including information on full-time and part-time faculty and student enrollments, in

total and within curricular areas, dual enrollment participation, credit hours taught by faculty, distance learning courses offered, articulation agreements with higher education institutions, numbers and courses with fewer than twenty (20) students and numbers and courses with more than fifty (50) students.

(2) Student progress and achievement measures, including retention rates, first-time, full-time graduation rates after two, three and four years, passing rates on certification and licensure examinations, number of students employed within one year of program completion and placement into additional education or employment in the student's field of study.

(3) Economic and workforce development measures, including employer satisfaction, customized job training offerings, employment status and numbers of businesses and organizations served.

(b) Where available, data shall be disaggregated by categories, including gender, race and age.

(c) The Department of Education, in consultation with the community colleges, shall annually review the uniform data collection format and make any revisions deemed necessary.

(d) Reports required under this section shall be submitted prior to September 1, 2006, and September 1 of each year thereafter.]

Section 12. ~~Section~~ SECTIONS 1906-G(a)(1) AND 2006-B(A) of the act, added July 13, 2016 (P.L.716, No.86), ~~is~~ ARE amended to read: <--

Section 1906-G. Establishment.

(a) General rule.--No later than December 31, 2016, the board of trustees appointed under section 1905-G shall submit to

the secretary a proposed rural regional college plan in such form and containing such information as the secretary may require. In addition to other information which may be required by the secretary, the plan shall include the following:

(1) A designation of the name of the proposed rural regional college which shall be the "Rural Regional College of " or " Rural Regional [College."] College"; except that the board of trustees of the rural regional college may later change the college's name or adopt a fictitious name for the purpose of conducting business under 54 Pa.C.S. Ch. 3 (relating to fictitious names).

* * *

SECTION 2006-B. LIMITATIONS. <--

(A) AMOUNT.--

(1) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS APPROVED FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO SCHOLARSHIP ORGANIZATIONS, EDUCATIONAL IMPROVEMENT ORGANIZATIONS AND PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATIONS SHALL NOT EXCEED [$125,000,000] $135,000,000 IN A FISCAL YEAR.

(I) NO LESS THAN [$75,000,000] $85,000,000 OF THE TOTAL AGGREGATE AMOUNT SHALL BE USED TO PROVIDE TAX CREDITS FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO SCHOLARSHIP ORGANIZATIONS.

(II) NO LESS THAN $37,500,000 OF THE TOTAL AGGREGATE AMOUNT SHALL BE USED TO PROVIDE TAX CREDITS FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO EDUCATIONAL IMPROVEMENT ORGANIZATIONS.

(III) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS APPROVED FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO PRE-

KINDERGARTEN SCHOLARSHIP ORGANIZATIONS SHALL NOT EXCEED $12,500,000 IN A FISCAL YEAR.

(2) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS APPROVED FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO OPPORTUNITY SCHOLARSHIP ORGANIZATIONS SHALL NOT EXCEED $50,000,000 IN A FISCAL YEAR.

* * *

Section 13. (Reserved).

Section 14. Section 2001-C of the act is amended by adding definitions to read:

Section 2001-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Advanced Placement Program." A program authorized by the college board that allows a student to study college-level subjects while enrolled in high school and to receive advanced placement and college credit for earning a qualified score on the course-related Advanced Placement Program exam.

* * *

"College-Level Examination Program." A set of standardized tests developed by the college board for various subjects, and on which a qualifying score can be used to earn college credit.

* * *

"Credit for prior learning." College-level credit granted toward the award of a postsecondary degree or certificate for experiential learning that can be demonstrated through various means of assessment to be the equivalent of learning gained through formal collegiate instruction, including an Advanced Placement Program exam, International Baccalaureate Diploma

Program exam, a College-Level Examination Program exam and Dantes Subject Standardized Tests.

"Dantes Subject Standardized Tests." A set of subject exams approved by the American Council on Education that tests knowledge of both lower-level and upper-level college material.

* * *

"International Baccalaureate Diploma Program." An academically challenging two-year precollege diploma program comprised of three core requirements and six academic subject areas with final examinations that prepare students, 16 to 19 years of age, for higher education and life in a global society.

* * *

Section 15. Section 2002-C of the act is amended by adding a subsection to read:

Section 2002-C. Duties of public institutions of higher education.

* * *

(d) Credit for prior learning.--Each public institution of higher education shall do all of the following:

(1) Adopt and make public uniform standards for determining academic credit for prior learning as outlined in paragraph (4) within 18 months of the effective date of this subsection.

(2) Agree to award academic credit for prior learning, which is determined to meet the standards established under section 2004-C(c)(6) and apply the credit toward graduation, unless prohibited by external accreditation or licensure.

(3) Submit to the department interim reports outlining the actions that a public institution of higher education has undertaken or intends to undertake to comply with paragraphs

(1) and (2).

(4) As a member of the Transfer and Articulation Oversight Committee established in section 2004-C:

(i) Consult with the department on a process and timeline, subject to approval by the department, to develop uniform standards for determining academic credit for prior learning, in consultation with faculty and personnel.

(ii) Develop and implement uniform standards for determining academic credit for prior learning, in consultation with faculty and personnel.

(iii) Participate in submitting a status report to the department, the Education Committee of the Senate and the Education Committee of the House of Representatives.

(5) For each academic year, report to the department all of the following:

(i) The total number of students awarded credits for prior learning, including Advanced Placement Program exams, International Baccalaureate Diploma Program exams and College-Level Examination Program exams and Dantes Subject Standardized Tests.

(ii) The total number of credits awarded to students for prior learning, including Advanced Placement Program exams, International Baccalaureate Diploma Program exams and College-Level Examination Program exams and Dantes Subject Standardized Tests.

(iii) The number of credits awarded to matriculating students who present Advanced Placement program, International Baccalaureate Diploma Program and College-Level Examination Program exams and Dantes Subject

Standardized Tests that meet the standards established under section 2004-C(c)(6) and, of those credits, the number of credits applied toward major requirements and the number of credits applied toward elective requirements.

(iv) Any other information related to awarding of credit for prior learning as requested by the department or the Transfer and Articulation Oversight Committee, including the usability of transfer credits.

Section 16. Section 2004-C(c) of the act is amended by adding a paragraph to read:

Section 2004-C. Transfer and Articulation Oversight Committee.

* * *

(c) Duties of Transfer and Articulation Oversight Committee.--The committee shall:

* * *

(6) Within one year of the effective date of this paragraph, develop and implement uniform standards for awarding academic credit for prior learning, in consultation with faculty and personnel for public institutions of higher education and institutions that elect to participate under section 2006-C.

Section 17. The act is amended by adding a section to read:

Section 2321. State aid for fiscal year 2017-2018.

Notwithstanding any other provision of law to the contrary, each library subject to 24 Pa.C.S. Ch. 93 (relating to public library code), shall be eligible for State aid for fiscal year 2017-2018, as follows:

(1) Funds appropriated for libraries shall be distributed to each library under the following formula:

(i) Divide the amount of funding that the library received in fiscal year 2016-2017 under section 2320 by the total State-aid subsidy for fiscal year 2016-2017.

(ii) Multiply the quotient under subparagraph (i) by the total State-aid subsidy for fiscal year 2017-2018.

(2) Following distribution of funds appropriated for State aid to libraries under paragraph (1), any remaining funds may be distributed at the discretion of the State Librarian.

(3) If funds appropriated for State aid to libraries in fiscal year 2017-2018 are less than funds appropriated in fiscal year 2002-2003, the State Librarian may waive standards as prescribed in 24 Pa.C.S. Ch. 93.

(4) Each library system receiving State aid under this section may distribute the local library share of that aid in a manner as determined by the board of directors of the library system.

(5) In the case of a library system that contains a library operating in a city of the second class, changes to the distribution of State aid to the library shall be made by mutual agreement between the library and the library system.

(6) In the event of a change in district library center population prior to the effective date of this section as a result of:

(i) a city, borough, town, township, school district or county moving from one library center to another; or

(ii) a transfer of district library center status to a county library system;

funding of district library center aid shall be paid based on the population of the newly established or reconfigured

district library center.

(7) In the event of a change in direct service area from one library to another, the State Librarian, upon agreement of the affected libraries, may redistribute the local library share of aid to the library currently servicing the area.

Section 17.1. Section 2501 of the act is amended by adding a clause to read:

Section 2501. Definitions.--For the purposes of this article the following terms shall have the following meanings:

* * *

(14.2) "Market value." For purposes of the calculations described in clauses (14) and (14.1), in the fiscal year beginning July 1, 2017, a school district's market value shall not exceed $47,000,000,000 and, in each subsequent fiscal year, the maximum market value shall be increased by the percentage increase in market value for all school districts.

* * *

Section 18. Section 2502.53(c)(5) and (d)(3) of the act, added June 1, 2016 (P.L.252, No.35), are amended and subsection (d) is amended by adding a paragraph to read:

Section 2502.53. Student-Weighted Basic Education Funding.--

* * *

(c) For the purpose of this section:

* * *

(5) The data used to calculate the factors and indexes in this section shall be based on the most recent years for which data is available as determined by the Department of Education[.] and be fixed as of the first day of June preceding the school year in which the allocation occurs. Data fixed on the first day of June shall be revised by the Department of

Education if it is subsequently found to be incorrect.

(d) For purposes of this section:

* * *

(1.1) "Current expenditures" shall mean the General Fund expenditures in functional classifications of instruction, support services and operation of noninstructional services. Beginning with the 2016-2017 school year, "current expenditures" shall mean the General Fund expenditures in functional classifications of instruction, support services and operation of noninstructional services, minus General Fund revenues for tuition from patrons.

* * *

(3) "Local tax-related revenue" shall mean the sum of school district revenues for State property tax reduction allocation, taxes levied and assessed, delinquencies on taxes levied and assessed, revenue from local government units and other local revenues not specified elsewhere, as designated in the Manual of Accounting and Financial Reporting for Pennsylvania Public Schools. Beginning with the 2016-2017 school year, revenues received by a school district from the sales and use tax and the cigarette tax shall be included when determining a school district's local tax-related revenue under this section.

* * *

Section 19. Sections 2509.1(c.2), 2510.3(a) and 2599.6 of the act, amended or added July 13, 2016 (P.L.716, No.86), are amended to read:

Section 2509.1. Payments to Intermediate Units.--* * *

(c.2) The following apply:

(1) For the 2016-2017 and 2017-2018 school [year] years, five and five-tenths percent (5.5%) of the State special

education appropriation shall be paid to intermediate units on account of special education services.

(2) Thirty-five percent (35%) of the amount under paragraph (1) shall be distributed equally among all intermediate units.

(3) Sixty-five percent (65%) of the amount under paragraph (1) shall be distributed to each intermediate unit in proportion to the number of average daily membership of the component school districts of each intermediate unit as compared to the Statewide total average daily membership.

* * *

Section 2510.3. Assistance to School Districts Declared to be in Financial Recovery Status or Identified for Financial Watch Status.--(a) The following apply:

(1) For the 2013-2014 and 2016-2017 fiscal years, the Department of Education may utilize up to four million five hundred thousand dollars ($4,500,000) of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the Department of Education to assist school districts declared to be in financial recovery status under section 621-A or identified for financial watch status under section 611-A . The funds shall be transferred by the Secretary of the Budget to a restricted account as necessary to make payments under this section and, when transferred, are hereby appropriated to carry out the provisions of this section.

(2) For the 2017-2018 fiscal year, the Department of Education may utilize up to five million dollars ($5,000,000) of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the Department of Education to assist school districts declared to be in financial recovery status under section 621-A, identified for

financial watch status under section 611-A or identified for financial watch status under section 694-A; except that the funds must be first utilized to accomplish the provisions contained in section 695-A. The funds shall be transferred by the Secretary of the Budget to a restricted account as necessary to make payments under this section and, when transferred, are hereby appropriated to carry out the provisions of this section.

* * *

Section 2599.6. Ready-to-Learn Block Grant.--(a) For the 2016-2017 and 2017-2018 school [year] years, each school entity shall receive a Ready-to-Learn Block Grant as follows:

(1) An amount equal to the amount the school entity received during the 2013-2014 school year under section 2599.2.

(2) An amount equal to the amount the school entity received during the 2014-2015 school year under section 1722-J(21)(ii) of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(3) An amount equal to the amount the school entity received during the 2015-2016 school year under section 1722-L(21)(i)(C) of The Fiscal Code.

(b) Funding received by a school entity under this section shall be used in accordance with the provisions contained in sections 2599.2 and 1722-J(21)(v) of The Fiscal Code and may be used for integrated student supports.

(c) To be eligible to receive funding under this section, each school entity shall submit a plan for approval to the department outlining how the funding will be used.

(d) Revenues received by a school district under subsection (a)(2) shall not be included in the school district's budgeted total expenditure per average daily membership used to calculate

the amount to be paid to a charter school under section 1725-A(a)(2) and (3).

(e) For the purposes of this section, a "school entity" shall be a school district, charter school, cyber charter school or regional charter school.

Section 20. Section 2603-B(h) and (i) of the act are amended to read:

Section 2603-B. Powers and Duties of the Board.--* * *

(h) Every [five (5)] ten (10) years, the board shall adopt a master plan for higher education which shall be for the guidance of the Governor, the General Assembly, and all institutions of higher education financed wholly or in part from State appropriations. The master plan shall:

(1) define the role of each type of institution (State-owned universities, State-related universities, community colleges, private colleges and universities and off-campus centers of any of these and other institutions authorized to grant degrees) in this Commonwealth;

(2) recommend enrollment levels for each such institution;

(3) recommend methods for governance;

(4) recommend methods for the distribution of State funds among the institutions;

(5) evaluate the status of physical plants and technical equipment and project needs;

(6) evaluate the status of and projection of manpower needs;

(7) evaluate enrollment accessibility to institutions of higher learning by the public; and

(8) otherwise provide for an orderly development of institutions of higher education in this Commonwealth.

(i) Every [five (5)] ten (10) years, the board shall adopt a

master plan for basic education which shall be for the guidance of the Governor, the General Assembly, and all public school entities. The master plan shall consider and make recommendations on the following areas, and any other areas which the board deems appropriate:

(1) school program approval, evaluation and requirements;

(2) school personnel training and certification;

(3) student testing and assessment;

(4) school governance and organization;

(5) curriculum materials development;

(6) school finance;

(7) school buildings and facilities;

(8) transportation;

(9) technical services and support services to local education agencies; and

(10) projected long-range needs of the public school system of this Commonwealth.

* * *

Section 21. Notwithstanding section 10 of the act of November 3, 2016 (P.L.1061, No.138), the act of November 3, 2016 (P.L.1061, No.138), shall apply as follows:

(1) For a public school district, a charter school, a cyber charter school, a regional charter school or an area vocational-technical school, the act of November 3, 2016 (P.L.1061, No.138), shall apply to the 2017-2018 school year and each school year thereafter.

(2) For a nonpublic school, the act of November 3, 2016 (P.L.1061, No.138), shall apply to the 2018-2019 school year and each school year thereafter.

Section 22. The following provisions shall apply

retroactively to July 1, 2017:

(1) The amendment of section 732.1 of the act.

(2) The amendment or addition of section 1913-A(b)(1.6)(x) and (1.8) of the act.

(3) ~~(Reserved).~~ THE AMENDMENT OF SECTION 2006-B(A) OF THE ACT. <--

(4) The addition of section 2321 of the act.

(5) The amendment or addition of section 2502.53(c)(5) and (d)(1.1) and (3) of the act.

(6) The amendment of section 2509.1(c.2) of the act.

(7) The amendment of section 2599.6 of the act.

Section 23. This act shall take effect as follows:

(1) The amendment of section 1337(d) of the act shall take effect in 30 days.

(2) The amendment or addition of sections 1549 and 1549.1 of the act shall take effect in 60 days.

(3) The remainder of this act shall take effect immediately.