

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1800 Session of 2019

INTRODUCED BY TURZAI, ROTHMAN, REESE, LEWIS, RYAN, PUSKARIC, HELM, GLEIM, OWLETT, SCHMITT, O'NEAL, RAPP, PICKETT, KAIL, JONES, M. K. KELLER, KAUFFMAN, MOUL, KEEFER, BERNSTINE, HICKERNELL, MILLARD, ROAE, GREINER, TOPPER, FEE, ZIMMERMAN, JAMES, GABLER, STAATS, KLUNK, GROVE, GILLEN, NELSON AND MENTZER, SEPTEMBER 25, 2019

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 18, 2019

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in school district financial
6 recovery, providing for duties of receivers in certain
7 districts.

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

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding a
12 section to read:

13 Section 677-A. Duties of receivers in certain districts.

14 (a) General rule.--If a receiver is appointed in a school
15 district of the second class that is located, IN WHOLE, in a <--
16 city of the third class within a county of the third class, the
17 receiver shall create a program of tuition grants as provided
18 under this section.

1 (b) Tuition grants.--A receiver shall establish a program of
2 tuition grants to provide for the education of students who
3 reside within the boundaries of the school district and attend
4 or will attend a nonpublic school or a participating public
5 school in a school district. The receiver may not limit the
6 number of tuition grants available. The receiver shall use funds
7 received from the Commonwealth for educational purposes to
8 establish a program of tuition grants to provide for the
9 education of students who reside within the boundaries of the
10 school district. The following apply:

11 (1) The grant amount shall be equal to or greater than
12 50% of the amount received by the school district under
13 ~~section~~ SECTIONS 2502.53, 2509.5 AND 2599.6 for the prior <--
14 school year divided by the school district's average daily
15 membership.

16 (2) A student who receives a tuition grant under this
17 section shall be included in the school district's average
18 daily membership. A student may not be included in the
19 average daily membership of a participating school district.

20 (c) Commonwealth match for tuition grants.--The following
21 apply:

22 (1) The Commonwealth shall provide a matching tuition
23 grant equal to 50% of the amount received by the school
24 district under ~~section~~ SECTIONS 2502.53, 2509.5 AND 2599.6 <--
25 for the prior school year DIVIDED BY THE SCHOOL DISTRICT'S <--
26 AVERAGE DAILY MEMBERSHIP for each student who receives a
27 tuition grant under subsection (b).

28 (2) The Commonwealth matching grant and tuition grant
29 shall be reduced on a pro rata basis if the school district
30 grant plus the Commonwealth matching grant exceed the amount

1 of tuition and fees charged by the nonpublic school or the
2 participating public school. THE COMBINED AMOUNT OF THE <--
3 COMMONWEALTH MATCHING GRANT, TUITION GRANT AND ANY ADDITIONAL
4 FINANCIAL ASSISTANCE MAY NOT EXCEED THE TUITION AND FEES
5 CHARGED BY THE NONPUBLIC SCHOOL OR THE PARTICIPATING PUBLIC
6 SCHOOL.

7 (d) Guidelines and process.--

8 (1) The receiver shall develop and establish guidelines
9 for the program of tuition grants, including:

10 (i) An application form and approval process.

11 (ii) Standards for verification of the accuracy of
12 application information.

13 (iii) Standards for confirmation of attendance by a
14 student who receives a tuition grant.

15 (iv) Requirements for grant checks, including
16 requiring restrictive endorsement of grant checks by
17 parents to the school chosen by the parents.

18 (v) A process for pro rata refunds of grants for
19 students who withdraw during the school year.

20 (vi) Criteria for when grants must be refunded to
21 the school district.

22 (vii) A process for participating public schools to
23 accept students in the program of tuition grants.

24 (viii) Reasonable deadline dates for submission of
25 grant applications.

26 (2) The receiver shall announce the award of grants no
27 later than August 1, 2020, and each August 1 thereafter for
28 the school year in which the grants will be utilized. Upon
29 receipt of written confirmation of enrollment from the
30 student's school of choice, grants shall be paid to the

1 parents of the student by a check that may only be endorsed
2 to the selected school. THE RECEIVER SHALL ESTABLISH A
3 PAYMENT SCHEDULE OF ONE OR MORE PAYMENTS TO THE PARENTS. THE
4 NONPUBLIC SCHOOL OR PARTICIPATING PUBLIC SCHOOL SHALL ACCEPT
5 PAYMENTS FROM THE PARENTS BASED ON THIS PAYMENT SCHEDULE.

6 (3) If a student is not enrolled in the school prior to
7 the completion of the school term, the school shall send
8 written notice to the school district.

9 (4) Grants awarded to students under this section shall
10 not:

11 (i) Be considered taxable income for purposes of a
12 local taxing ordinance or for purposes of Article III of
13 the act of March 4, 1971 (P.L.6, No.2), known as the Tax
14 Reform Code of 1971.

15 (ii) Constitute financial assistance or
16 appropriations to any nonpublic school attended by the
17 student.

18 (e) Construction.--Nothing under this section shall be
19 construed to empower the Commonwealth, the receiver or a school
20 district or any of the Commonwealth's, receiver's or school
21 district's agencies or officers to do any of the following:

22 (1) Prescribe the course content or admissions criteria
23 for a religiously affiliated school.

24 (2) Compel a nonpublic school or participating public
25 school to accept or enroll a student.

26 (3) Impose additional requirements on a nonpublic school
27 that are not otherwise authorized by statute.

28 (4) Require a nonpublic school to accept or retain a
29 student if the nonpublic school does not offer programs or is
30 not structured or equipped with the necessary facilities to

1 meet the special needs of the student or does not offer a
2 particular program requested.

3 (f) Participating public schools.--The following apply:

4 (1) A school district may designate a school or schools
5 that will accept students who receive a tuition grant.

6 (2) The receiver shall include a process for a
7 participating public school to accept students in the program
8 of tuition grants, including:

9 (i) The timeline for a school district to elect to
10 participate in accepting students who receive a tuition
11 grant.

12 (ii) Identifying each public school in the school
13 district that will participate.

14 (iii) Identifying the number of students the school
15 district will accept by grade level.

16 (3) A participating school district may agree to accept
17 less than the tuition calculated under section 2561.

18 (g) Financial recovery plan.--After the receiver develops a
19 program of tuition grants under this section, the receiver shall
20 modify the financial recovery plan as necessary to accommodate
21 the program by filing a petition in accordance with section 672-
22 A(b) (5). Within seven days of the filing of the petition, the
23 court of common pleas shall issue a decision approving the
24 petition if the program of tuition grants complies with the
25 requirements of this section. The judge shall not deny the
26 petition for any other reason except that it does not comply
27 with the requirements of this section. If the judge denies the
28 petition, the receiver must revise and resubmit the financial
29 recovery plan within 30 days.

30 (h) Transportation.--A student receiving a tuition grant

1 under this section shall be provided transportation to the
2 nonpublic school or participating public school located within
3 the district boundaries or outside the district boundaries at a
4 distance not exceeding ten miles by the nearest public highway
5 as provided under section 1361.

6 (I) TRANSITION.--THE PROGRAM OF TUITION GRANTS UNDER THIS <--
7 SECTION SHALL CONTINUE IF A SCHOOL DISTRICT EXITS A
8 RECEIVERSHIP. THE DUTIES OF THE RECEIVER UNDER THIS SECTION
9 SHALL TRANSITION TO THE LOCAL BOARD OF SCHOOL DIRECTORS.

10 (J) NOTIFICATION.--NO LATER THAN MARCH 1, 2020, AND EACH
11 MARCH 1 THEREAFTER, THE RECEIVER SHALL SEND WRITTEN NOTIFICATION
12 TO THE PARENTS OF EACH STUDENT WHO IS ELIGIBLE TO RECEIVE A
13 TUITION GRANT UNDER SUBSECTION (B) AND POST ON THE DISTRICT'S
14 PUBLICLY ACCESSIBLE INTERNET WEBSITE ALL OF THE FOLLOWING
15 INFORMATION:

16 (1) A DESCRIPTION OF THE PROGRAM OF TUITION GRANTS.

17 (2) INSTRUCTIONS FOR APPLYING FOR A TUITION GRANT.

18 (3) NOTICE THAT A PARENT MUST DIRECTLY CONTACT A
19 NONPUBLIC SCHOOL OR PARTICIPATING PUBLIC SCHOOL IF THE PARENT
20 SEEKS TO ENROLL THE STUDENT IN A NONPUBLIC SCHOOL OR
21 PARTICIPATING PUBLIC SCHOOL.

22 Section 2. This act shall take effect immediately.