

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 757 Session of 2023

INTRODUCED BY STEFANO, JUNE 5, 2023

SENATOR MARTIN, APPROPRIATIONS, RE-REPORTED AS AMENDED, AUGUST 30, 2023

AN ACT

1 ~~Amending the act of April 9, 1929 (P.L.343, No.176), entitled~~ <--
2 ~~"An act relating to the finances of the State government;~~
3 ~~providing for cancer control, prevention and research, for~~
4 ~~ambulatory surgical center data collection, for the Joint~~
5 ~~Underwriting Association, for entertainment business~~
6 ~~financial management firms, for private dam financial~~
7 ~~assurance and for reinstatement of item vetoes; providing for~~
8 ~~the settlement, assessment, collection, and lien of taxes,~~
9 ~~bonus, and all other accounts due the Commonwealth, the~~
10 ~~collection and recovery of fees and other money or property~~
11 ~~due or belonging to the Commonwealth, or any agency thereof,~~
12 ~~including escheated property and the proceeds of its sale,~~
13 ~~the custody and disbursement or other disposition of funds~~
14 ~~and securities belonging to or in the possession of the~~
15 ~~Commonwealth, and the settlement of claims against the~~
16 ~~Commonwealth, the resettlement of accounts and appeals to the~~
17 ~~courts, refunds of moneys erroneously paid to the~~
18 ~~Commonwealth, auditing the accounts of the Commonwealth and~~
19 ~~all agencies thereof, of all public officers collecting~~
20 ~~moneys payable to the Commonwealth, or any agency thereof,~~
21 ~~and all receipts of appropriations from the Commonwealth,~~
22 ~~authorizing the Commonwealth to issue tax anticipation notes~~
23 ~~to defray current expenses, implementing the provisions of~~
24 ~~section 7(a) of Article VIII of the Constitution of~~
25 ~~Pennsylvania authorizing and restricting the incurring of~~
26 ~~certain debt and imposing penalties; affecting every~~
27 ~~department, board, commission, and officer of the State~~
28 ~~government, every political subdivision of the State, and~~
29 ~~certain officers of such subdivisions, every person,~~
30 ~~association, and corporation required to pay, assess, or~~
31 ~~collect taxes, or to make returns or reports under the laws~~
32 ~~imposing taxes for State purposes, or to pay license fees or~~
33 ~~other moneys to the Commonwealth, or any agency thereof,~~
34 ~~every State depository and every debtor or creditor of the~~

1 ~~Commonwealth," in 2022-2023 budget implementation, further~~
2 ~~providing for Department of Education.~~
3 AMENDING THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), ENTITLED <--
4 "AN ACT RELATING TO THE FINANCES OF THE STATE GOVERNMENT;
5 PROVIDING FOR CANCER CONTROL, PREVENTION AND RESEARCH, FOR
6 AMBULATORY SURGICAL CENTER DATA COLLECTION, FOR THE JOINT
7 UNDERWRITING ASSOCIATION, FOR ENTERTAINMENT BUSINESS
8 FINANCIAL MANAGEMENT FIRMS, FOR PRIVATE DAM FINANCIAL
9 ASSURANCE AND FOR REINSTATEMENT OF ITEM VETOES; PROVIDING FOR
10 THE SETTLEMENT, ASSESSMENT, COLLECTION, AND LIEN OF TAXES,
11 BONUS, AND ALL OTHER ACCOUNTS DUE THE COMMONWEALTH, THE
12 COLLECTION AND RECOVERY OF FEES AND OTHER MONEY OR PROPERTY
13 DUE OR BELONGING TO THE COMMONWEALTH, OR ANY AGENCY THEREOF,
14 INCLUDING ESCHEATED PROPERTY AND THE PROCEEDS OF ITS SALE,
15 THE CUSTODY AND DISBURSEMENT OR OTHER DISPOSITION OF FUNDS
16 AND SECURITIES BELONGING TO OR IN THE POSSESSION OF THE
17 COMMONWEALTH, AND THE SETTLEMENT OF CLAIMS AGAINST THE
18 COMMONWEALTH, THE RESETTLEMENT OF ACCOUNTS AND APPEALS TO THE
19 COURTS, REFUNDS OF MONEYS ERRONEOUSLY PAID TO THE
20 COMMONWEALTH, AUDITING THE ACCOUNTS OF THE COMMONWEALTH AND
21 ALL AGENCIES THEREOF, OF ALL PUBLIC OFFICERS COLLECTING
22 MONEYS PAYABLE TO THE COMMONWEALTH, OR ANY AGENCY THEREOF,
23 AND ALL RECEIPTS OF APPROPRIATIONS FROM THE COMMONWEALTH,
24 AUTHORIZING THE COMMONWEALTH TO ISSUE TAX ANTICIPATION NOTES
25 TO DEFRAY CURRENT EXPENSES, IMPLEMENTING THE PROVISIONS OF
26 SECTION 7 (A) OF ARTICLE VIII OF THE CONSTITUTION OF
27 PENNSYLVANIA AUTHORIZING AND RESTRICTING THE INCURRING OF
28 CERTAIN DEBT AND IMPOSING PENALTIES; AFFECTING EVERY
29 DEPARTMENT, BOARD, COMMISSION, AND OFFICER OF THE STATE
30 GOVERNMENT, EVERY POLITICAL SUBDIVISION OF THE STATE, AND
31 CERTAIN OFFICERS OF SUCH SUBDIVISIONS, EVERY PERSON,
32 ASSOCIATION, AND CORPORATION REQUIRED TO PAY, ASSESS, OR
33 COLLECT TAXES, OR TO MAKE RETURNS OR REPORTS UNDER THE LAWS
34 IMPOSING TAXES FOR STATE PURPOSES, OR TO PAY LICENSE FEES OR
35 OTHER MONEYS TO THE COMMONWEALTH, OR ANY AGENCY THEREOF,
36 EVERY STATE DEPOSITORY AND EVERY DEBTOR OR CREDITOR OF THE
37 COMMONWEALTH," IN TREASURY DEPARTMENT, ESTABLISHING THE
38 PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP PROGRAM
39 AND THE PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP
40 FUND; IN BONUS AND TAX REPORTS AND RETURNS AND REPORTS AND
41 RECORDS RELATING TO TAX COLLECTIONS, FURTHER PROVIDING FOR
42 CONFIDENTIAL INFORMATION; IN TAX CREDITS, FURTHER PROVIDING
43 FOR DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; IN
44 2022-2023 BUDGET IMPLEMENTATION, FURTHER PROVIDING FOR
45 DEPARTMENT OF EDUCATION; AND MAKING A REPEAL.

46 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

47 (1) THE INTENT OF THIS ACT IS TO PROVIDE FOR THE
48 IMPLEMENTATION OF THE 2023-2024 COMMONWEALTH BUDGET.

49 (2) THE CONSTITUTION OF PENNSYLVANIA CONFERS NUMEROUS
50 EXPRESS DUTIES UPON THE GENERAL ASSEMBLY, INCLUDING THE
51 PASSAGE OF A BALANCED BUDGET FOR THE COMMONWEALTH.

52 (3) SECTION 24 OF ARTICLE III OF THE CONSTITUTION OF

1 PENNSYLVANIA REQUIRES THE GENERAL ASSEMBLY TO ADOPT ALL
2 APPROPRIATIONS FOR THE OPERATION OF GOVERNMENT IN THIS
3 COMMONWEALTH, REGARDLESS OF THEIR SOURCE. THE SUPREME COURT
4 HAS REPEATEDLY AFFIRMED THAT "IT IS FUNDAMENTAL WITHIN
5 PENNSYLVANIA'S TRIPARTITE SYSTEM THAT THE GENERAL ASSEMBLY
6 ENACTS THE LEGISLATION ESTABLISHING THOSE PROGRAMS WHICH THE
7 STATE PROVIDES FOR ITS CITIZENS AND APPROPRIATES THE FUNDS
8 NECESSARY FOR THEIR OPERATION."

9 (4) PURSUANT TO SECTION 13 OF ARTICLE VIII OF THE
10 CONSTITUTION OF PENNSYLVANIA, THE GENERAL ASSEMBLY IS
11 EXPLICITLY REQUIRED TO ADOPT A BALANCED COMMONWEALTH BUDGET.
12 GIVEN THE UNPREDICTABILITY AND POTENTIAL INSUFFICIENCY OF
13 REVENUE COLLECTIONS, VARIOUS CHANGES IN STATE LAW RELATING TO
14 SOURCES OF REVENUE, THE COLLECTION OF REVENUE AND THE
15 IMPLEMENTATION OF STATUTES WHICH IMPACT REVENUE MAY BE
16 REQUIRED TO DISCHARGE THIS CONSTITUTIONAL OBLIGATION.

17 (5) SECTION 11 OF ARTICLE III OF THE CONSTITUTION OF
18 PENNSYLVANIA REQUIRES THE ADOPTION OF A GENERAL APPROPRIATION
19 ACT THAT EMBRACES "NOTHING BUT APPROPRIATIONS." WHILE ACTUAL
20 ITEMS OF APPROPRIATION CAN BE CONTAINED IN A GENERAL
21 APPROPRIATION ACT, THE ACHIEVEMENT AND IMPLEMENTATION OF A
22 COMPREHENSIVE BUDGET INVOLVES MORE THAN SUBJECTS OF
23 APPROPRIATIONS AND DOLLAR AMOUNTS. ULTIMATELY, THE BUDGET HAS
24 TO BE BALANCED UNDER SECTION 13 OF ARTICLE VIII OF THE
25 CONSTITUTION OF PENNSYLVANIA. THIS MAY NECESSITATE CHANGES TO
26 SOURCES OF FUNDING AND ENACTMENT OF STATUTES TO ACHIEVE FULL
27 COMPLIANCE WITH THESE CONSTITUTIONAL PROVISIONS.

28 (6) FOR THE REASONS UNDER PARAGRAPHS (1), (2), (3), (4)
29 AND (5), IT IS THE INTENT OF THE GENERAL ASSEMBLY THROUGH
30 THIS ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE 2023-2024

1 COMMONWEALTH BUDGET.

2 (7) EVERY PROVISION OF THIS ACT RELATES TO THE
3 IMPLEMENTATION OF THE OPERATING BUDGET OF THE COMMONWEALTH
4 FOR THIS FISCAL YEAR, ADDRESSING IN VARIOUS WAYS THE FISCAL
5 OPERATIONS, REVENUES AND POTENTIAL LIABILITIES OF THE
6 COMMONWEALTH. TO THAT END, THIS ACT IS INTENDED TO IMPLEMENT
7 THE 2023-2024 COMMONWEALTH BUDGET WITHOUT SPECIFICALLY
8 APPROPRIATING PUBLIC MONEY FROM THE GENERAL FUND. THIS ACT
9 PROVIDES ACCOUNTABILITY FOR SPENDING AND MAKES TRANSFERS OR
10 OTHER CHANGES NECESSARY TO IMPACT THE AVAILABILITY OF REVENUE
11 IN ORDER TO MEET THE REQUIREMENTS OF SECTION 13 OF ARTICLE
12 VIII OF THE CONSTITUTION OF PENNSYLVANIA AND TO IMPLEMENT THE
13 ACT OF AUGUST 3, 2023 (P.L. , NO.1A), KNOWN AS THE GENERAL
14 APPROPRIATION ACT OF 2023.

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

17 ~~Section 1. Section 1723 F.1(5) (ii) of the act of April 9, <--~~
18 ~~1929 (P.L.343, No.176), known as The Fiscal Code, added July 11,~~
19 ~~2022 (P.L.540, No.54), is amended to read:~~

20 ~~Section 1723 F.1. Department of Education.~~

21 ~~The following shall apply to appropriations to the Department~~
22 ~~of Education:~~

23 * * *

24 ~~(5) From money appropriated for Pennsylvania Chartered~~
25 ~~Schools for Deaf and Blind Children, the following apply:~~

26 * * *

27 ~~(ii) \$1,000,000 is included for capital related~~
28 ~~costs and deferred maintenance to be divided equally~~
29 ~~between each [approved private] school.~~

30 * * *

1 ~~Section 2. The amendment of section 1723 F.1(5)(ii) of the~~
2 ~~act shall apply retroactively to July 1, 2022.~~

3 ~~Section 3. This act shall take effect immediately.~~

4 SECTION 1. ARTICLE III OF THE ACT OF APRIL 9, 1929 (P.L.343, <--
5 NO.176), KNOWN AS THE FISCAL CODE, IS AMENDED BY ADDING A
6 SUBARTICLE HEADING IMMEDIATELY AFTER THE ARTICLE HEADING TO
7 READ:

8 SUBARTICLE A

9 GENERAL PROVISIONS

10 SECTION 2. ARTICLE III OF THE ACT IS AMENDED BY ADDING A
11 SUBARTICLE TO READ:

12 SUBARTICLE B

13 PENNSYLVANIA AWARD FOR STUDENT

14 SUCCESS SCHOLARSHIP PROGRAM

15 SECTION 321. SCOPE OF SUBARTICLE.

16 THIS SUBARTICLE RELATES TO THE PENNSYLVANIA AWARD FOR STUDENT
17 SUCCESS SCHOLARSHIP PROGRAM.

18 SECTION 322. DEFINITIONS.

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

22 "APPLICANT." A PARENT WHO APPLIES FOR PARTICIPATION IN THE
23 PROGRAM UNDER SECTION 324 ON BEHALF OF AN ELIGIBLE STUDENT.

24 "ATTENDANCE BOUNDARY." AS DEFINED IN SECTION 2002-B OF THE
25 ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC
26 SCHOOL CODE OF 1949.

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

29 "ELIGIBLE STUDENT." A SCHOOL-AGE CHILD WHO:

30 (1) IS A RESIDENT OF THIS COMMONWEALTH.

1 (2) HAS NOT RECEIVED A HIGH SCHOOL DIPLOMA.

2 (3) RESIDES, AS DETERMINED UNDER SECTION 1302 OF THE
3 PUBLIC SCHOOL CODE OF 1949, WITHIN THE ATTENDANCE BOUNDARY OF
4 A LOW-ACHIEVING SCHOOL OR RESIDED, AS DETERMINED UNDER
5 SECTION 1302 OF THE PUBLIC SCHOOL CODE OF 1949, WITHIN THE
6 ATTENDANCE BOUNDARY OF A LOW-ACHIEVING SCHOOL AT THE TIME THE
7 STATE TREASURY RECEIVED WRITTEN CONFIRMATION THAT THE CHILD
8 ACCEPTED AN OFFER OF ENROLLMENT UNDER SECTION 324.

9 (4) LIVES IN A HOUSEHOLD WITH A HOUSEHOLD INCOME BELOW
10 250% OF THE FEDERAL POVERTY GUIDELINES OR LIVED IN A
11 HOUSEHOLD WITH A HOUSEHOLD INCOME BELOW 250% OF THE FEDERAL
12 POVERTY GUIDELINES AT THE TIME THE STATE TREASURY RECEIVED
13 WRITTEN CONFIRMATION THAT THE CHILD ACCEPTED AN OFFER OF
14 ENROLLMENT UNDER SECTION 324.

15 (5) SATISFIES ONE OF THE FOLLOWING:

16 (I) ATTENDED A PUBLIC SCHOOL IN THIS COMMONWEALTH IN
17 THE PRECEDING SCHOOL YEAR.

18 (II) RECEIVED A SCHOLARSHIP FROM THE PROGRAM IN THE
19 PRECEDING SCHOOL YEAR.

20 (III) WILL ATTEND KINDERGARTEN FOR THE FIRST TIME IN
21 THE NEXT SCHOOL YEAR.

22 "FUND." THE PENNSYLVANIA AWARD FOR STUDENT SUCCESS
23 SCHOLARSHIP FUND ESTABLISHED IN SECTION 328.

24 "KINDERGARTEN." A ONE-YEAR FORMAL EDUCATIONAL PROGRAM,
25 WHETHER PART TIME OR FULL TIME, THAT OCCURS DURING THE SCHOOL
26 YEAR IMMEDIATELY PRIOR TO FIRST GRADE.

27 "LOW-ACHIEVING SCHOOL." AS DEFINED IN SECTION 2002-B OF THE
28 PUBLIC SCHOOL CODE OF 1949.

29 "NONPUBLIC SCHOOL." A NONPROFIT SCHOOL, OTHER THAN A PUBLIC
30 SCHOOL, LOCATED IN THIS COMMONWEALTH WHERE A RESIDENT OF THIS

1 COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY ATTENDANCE
2 REQUIREMENTS OF THE PUBLIC SCHOOL CODE OF 1949.

3 "PARENT." AN INDIVIDUAL WHO IS A RESIDENT OF THIS
4 COMMONWEALTH AND:

5 (1) HAS LEGAL CUSTODY OR GUARDIANSHIP OF AN ELIGIBLE
6 STUDENT; OR

7 (2) KEEPS IN THE INDIVIDUAL'S HOME AN ELIGIBLE STUDENT
8 AND SUPPORTS THE STUDENT GRATIS AS IF THE STUDENT WERE A
9 LINEAL DESCENDANT OF THE INDIVIDUAL.

10 "PARTICIPATING NONPUBLIC SCHOOL." A NONPUBLIC SCHOOL
11 OFFERING A PROGRAM OF INSTRUCTION FOR KINDERGARTEN THROUGH GRADE
12 TWELVE, OR A COMBINATION OF GRADES, THAT NOTIFIES THE STATE
13 TREASURY OF THE NONPUBLIC SCHOOL'S DESIRE TO PARTICIPATE IN THE
14 PROGRAM AND PROVIDES CERTIFICATION TO THE STATE TREASURY THAT
15 THE NONPUBLIC SCHOOL MEETS THE CRITERIA UNDER SECTION 331.

16 "PASS SCHOLARSHIP ACCOUNT." A SPENDING ACCOUNT ESTABLISHED
17 AND ADMINISTERED BY THE STATE TREASURY, AND DIRECTED BY A PARENT
18 FOR A SCHOLARSHIP RECIPIENT, THAT MAY BE USED FOR TUITION,
19 SCHOOL-RELATED FEES AND SPECIAL EDUCATION SERVICES FEES TO
20 ATTEND A PARTICIPATING NONPUBLIC SCHOOL.

21 "PROGRAM." THE PENNSYLVANIA AWARD FOR STUDENT SUCCESS
22 SCHOLARSHIP PROGRAM ESTABLISHED UNDER SECTION 323(A).

23 "PUBLIC SCHOOL." A SCHOOL OPERATED BY A SCHOOL DISTRICT, AN
24 INTERMEDIATE UNIT, AREA CAREER AND TECHNICAL SCHOOL, A CHARTER
25 SCHOOL, REGIONAL CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

26 "RESIDENT SCHOOL DISTRICT." THE SCHOOL DISTRICT IN WHICH AN
27 ELIGIBLE STUDENT RESIDES.

28 "SCHOLARSHIP." A SCHOLARSHIP THAT IS AWARDED TO AN ELIGIBLE
29 STUDENT UNDER THE PROGRAM.

30 "SCHOLARSHIP RECIPIENT." AN ELIGIBLE STUDENT THAT IS AWARDED

1 A SCHOLARSHIP UNDER THE PROGRAM.

2 "SCHOOL-AGE CHILD." A CHILD ENROLLING IN KINDERGARTEN OR IN
3 GRADE ONE THROUGH GRADE TWELVE.

4 "SCHOOL-RELATED FEE." A FEE CHARGED BY A PARTICIPATING
5 NONPUBLIC SCHOOL TO ALL STUDENTS FOR BOOKS, INSTRUCTIONAL
6 MATERIALS, TECHNOLOGY EQUIPMENT AND SERVICES, UNIFORMS,
7 ACTIVITIES AND CONCURRENT ENROLLMENT PROGRAMS UNDER ARTICLE XVI-
8 B OF THE PUBLIC SCHOOL CODE OF 1949.

9 "SCHOOL YEAR." A SCHOOL TERM AS DEFINED IN SECTION 102 OF
10 THE PUBLIC SCHOOL CODE OF 1949.

11 "SPECIAL EDUCATION SERVICES FEE." A FEE CHARGED BY A
12 PARTICIPATING NONPUBLIC SCHOOL FOR SPECIAL EDUCATION SERVICES
13 FOR A STUDENT WITH SPECIAL NEEDS AS AGREED TO BY THE PARENT AND
14 THE PARTICIPATING NONPUBLIC SCHOOL.

15 "STATE TREASURY." THE TREASURY DEPARTMENT OF THE
16 COMMONWEALTH.

17 "STUDENT WITH SPECIAL NEEDS." A CHILD WHO IS SUBJECT TO AN
18 INDIVIDUALIZED EDUCATION PROGRAM UNDER 20 U.S.C. CH. 33
19 (RELATING TO EDUCATION OF INDIVIDUALS WITH DISABILITIES) AND 22
20 PA. CODE CH. 14 (RELATING TO SPECIAL EDUCATION SERVICES AND
21 PROGRAMS).

22 SECTION 323. PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP
23 PROGRAM.

24 (A) ESTABLISHMENT.--BEGINNING WITH THE 2024-2025 SCHOOL
25 YEAR, THE PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP
26 PROGRAM IS ESTABLISHED AS A PROGRAM IN THE STATE TREASURY TO
27 PROVIDE SCHOLARSHIPS TO HELP ELIGIBLE STUDENTS PAY TUITION,
28 SCHOOL-RELATED FEES AND SPECIAL EDUCATION SERVICES FEES FOR
29 ATTENDANCE AT A PARTICIPATING NONPUBLIC SCHOOL. THE PROGRAM MAY
30 BE REFERRED TO AS THE PASS SCHOLARSHIP PROGRAM.

1 (B) NOTICE TO PARENTS.--

2 (1) WITHIN 15 DAYS OF RECEIPT OF A NOTICE UNDER SECTION
3 2010-B OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS
4 THE PUBLIC SCHOOL CODE OF 1949, A SCHOOL DISTRICT WITH AT
5 LEAST ONE SCHOOL DESIGNATED AS A LOW-ACHIEVING SCHOOL SHALL
6 NOTIFY THE PARENT OF A STUDENT WHO IS ATTENDING OR RESIDING
7 WITHIN THE ATTENDANCE BOUNDARY OF A LOW-ACHIEVING SCHOOL
8 DURING THE SCHOOL YEAR OF THE SCHOOL'S DESIGNATION.

9 (2) THE NOTICE SHALL BE IN A FORM PROVIDED BY THE STATE
10 TREASURY, IN CONSULTATION WITH THE DEPARTMENT, AND SHALL
11 PROVIDE THE FOLLOWING INFORMATION REGARDING THE PROGRAM:

12 (I) A DESCRIPTION OF THE PROGRAM.

13 (II) INSTRUCTIONS FOR OBTAINING INFORMATION ABOUT
14 APPLYING FOR A SCHOLARSHIP UNDER THE PROGRAM.

15 (III) A LIST OF SCHOOLS IN THE SCHOOL DISTRICT THAT
16 HAVE BEEN DESIGNATED AS LOW-ACHIEVING SCHOOLS.

17 (IV) NOTICE OF THE PARENT'S RESPONSIBILITIES
18 REGARDING APPLICATION TO A PARTICIPATING NONPUBLIC SCHOOL
19 IF THE PARENT SEEKS TO ENROLL AN ELIGIBLE STUDENT IN A
20 PARTICIPATING NONPUBLIC SCHOOL.

21 (3) THE NOTICE SHALL BE POSTED ON THE SCHOOL DISTRICT'S
22 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

23 (C) NOTICE TO STATE TREASURY.--A SCHOOL DISTRICT REQUIRED TO
24 SUBMIT A NOTICE TO PARENTS UNDER SUBSECTION (B) SHALL PROVIDE
25 THE STATE TREASURY WITH A LIST OF STUDENTS WHOSE PARENTS WERE
26 PROVIDED THE NOTICE. THE NOTIFICATION SHALL BE MADE IN A MANNER
27 AND FORM ESTABLISHED BY THE STATE TREASURY.
28 SECTION 324. APPLICATION.

29 (A) APPLICATION FORM.--BY MARCH 1, 2024, THE STATE TREASURY
30 SHALL DEVELOP AN APPLICATION FORM THAT CAN BE ACCESSED FROM AND

1 SUBMITTED ELECTRONICALLY ON THE STATE TREASURY'S PUBLICLY
2 ACCESSIBLE INTERNET WEBSITE.

3 (B) APPLICATION AND APPROVAL PROCESS.--

4 (1) BY APRIL 1, 2024, AND BY APRIL 1 OF EACH YEAR
5 THEREAFTER, THE APPLICANT MAY APPLY TO THE STATE TREASURY FOR
6 A SCHOLARSHIP FOR THE FOLLOWING SCHOOL YEAR ACCORDING TO
7 GUIDELINES DEVELOPED BY THE STATE TREASURY UNDER SECTION 329.
8 AN APPLICATION SHALL BE APPROVED BY THE STATE TREASURY IF THE
9 STUDENT MEETS THE ELIGIBILITY REQUIREMENTS OF THIS
10 SUBARTICLE.

11 (1.1) A RENEWAL APPLICATION SHALL BE APPROVED BY THE
12 STATE TREASURY IF THE STUDENT MEETS THE ELIGIBILITY
13 REQUIREMENTS OF THIS SUBARTICLE, NOTWITHSTANDING THE
14 RESIDENCE AND INCOME CRITERIA SPECIFIED IN PARAGRAPHS (3) AND
15 (4) OF THE DEFINITION OF "ELIGIBLE STUDENT" IN SECTION 322.

16 (2) BY MAY 1, 2024, AND BY MAY 1 OF EACH YEAR
17 THEREAFTER, THE STATE TREASURY SHALL NOTIFY THE APPLICANT
18 WHETHER A SCHOLARSHIP WILL BE AWARDED FOR THE FOLLOWING
19 SCHOOL YEAR.

20 (3) FOR THE 2024-2025 SCHOOL YEAR, SCHOLARSHIPS SHALL BE
21 AWARDED ON A FIRST-COME, FIRST-SERVED BASIS CONSIDERING MONEY
22 AVAILABLE IN THE FUND.

23 (4) FOR THE 2025-2026 SCHOOL YEAR AND EACH SCHOOL YEAR
24 THEREAFTER, PRIORITY FOR SCHOLARSHIPS SHALL BE GIVEN TO PRIOR
25 YEAR SCHOLARSHIP RECIPIENTS. NEW APPLICANTS SHALL BE AWARDED
26 A SCHOLARSHIP ON A FIRST-COME, FIRST-SERVED BASIS CONSIDERING
27 MONEY AVAILABLE IN THE FUND.

28 (5) UPON NOTIFICATION BY THE STATE TREASURY THAT A
29 SCHOLARSHIP HAS BEEN AWARDED, THE APPLICANT SHALL APPLY FOR
30 ENROLLMENT OF THE SCHOLARSHIP RECIPIENT DIRECTLY TO THE

1 PARTICIPATING NONPUBLIC SCHOOL UNDER AN APPLICATION PROCEDURE
2 DEVELOPED BY THE PARTICIPATING NONPUBLIC SCHOOL.

3 (6) BY JUNE 1, 2024, AND BY JUNE 1 EACH YEAR THEREAFTER,
4 A PARTICIPATING NONPUBLIC SCHOOL SHALL PROVIDE WRITTEN
5 CONFIRMATION TO THE STATE TREASURY OF SCHOLARSHIP RECIPIENTS
6 WHO HAVE ACCEPTED AN OFFER OF ENROLLMENT FOR THE FOLLOWING
7 SCHOOL YEAR AND PROVIDE THE STATE TREASURY WITH THE AMOUNTS
8 TO BE CHARGED TO THE SCHOLARSHIP RECIPIENT FOR TUITION,
9 SCHOOL-RELATED FEES AND SPECIAL EDUCATION SERVICES FEES. THE
10 NOTIFICATION SHALL BE MADE IN A MANNER AND FORM ESTABLISHED
11 BY THE STATE TREASURY.

12 (7) THE STATE TREASURY MAY ESTABLISH A WAITING LIST FOR
13 ELIGIBLE STUDENTS WITH APPROVED APPLICATIONS AND WHO DID NOT
14 RECEIVE AWARDS DUE TO AVAILABILITY OF MONEY IN THE FUND AND,
15 IF, AFTER JULY 1, 2024, AND BY JULY 1 EACH YEAR THEREAFTER,
16 ADDITIONAL MONEY IS AVAILABLE IN THE FUND FOR SCHOLARSHIPS,
17 MAY AWARD SCHOLARSHIPS TO THE ELIGIBLE STUDENTS ON A FIRST-
18 COME, FIRST-SERVED BASIS.

19 SECTION 325. AGREEMENT.

20 (A) AUTHORIZATION.--UPON RECEIPT OF WRITTEN CONFIRMATION
21 THAT THE SCHOLARSHIP RECIPIENT HAS ACCEPTED AN OFFER OF
22 ENROLLMENT UNDER SECTION 324, THE STATE TREASURY SHALL ENTER
23 INTO OR RENEW AN AGREEMENT WITH THE APPLICANT. THE AGREEMENT
24 SHALL PROVIDE THE FOLLOWING:

25 (1) THE SCHOLARSHIP RECIPIENT SHALL ENROLL IN A
26 PARTICIPATING NONPUBLIC SCHOOL FOR THE SCHOOL YEAR FOR WHICH
27 THE AGREEMENT APPLIES.

28 (2) A CERTAIN SUM OF MONEY SHALL BE DEPOSITED INTO A
29 PASS SCHOLARSHIP ACCOUNT UNDER SECTION 326 ON BEHALF OF THE
30 SCHOLARSHIP RECIPIENT.

1 (3) THE MONEY IN THE PASS SCHOLARSHIP ACCOUNT MAY BE
2 EXPENDED ONLY AS AUTHORIZED UNDER THIS SUBARTICLE.

3 (4) THE PARENT SHALL NOTIFY THE STATE TREASURY IF THE
4 SCHOLARSHIP RECIPIENT NO LONGER RESIDES IN THIS COMMONWEALTH
5 OR WITHDRAWS OR IS FORCED TO WITHDRAW FROM THE PARTICIPATING
6 NONPUBLIC SCHOOL WITHIN 15 DAYS OF THE CHANGE OF RESIDENCY OR
7 WITHDRAWAL.

8 (B) TERM OF AGREEMENT.--EXCEPT AS OTHERWISE PROVIDED UNDER
9 THIS SUBARTICLE, AN AGREEMENT ENTERED INTO UNDER SUBSECTION (A)
10 SHALL BE VALID FOR ONE SCHOOL YEAR.

11 (C) TERMINATION.--

12 (1) AN AGREEMENT ENTERED INTO UNDER SUBSECTION (A) MAY
13 BE TERMINATED EARLY BY THE PARENT FOR ANY REASON.

14 (2) AN AGREEMENT ENTERED INTO UNDER SUBSECTION (A) SHALL
15 BE TERMINATED BY THE STATE TREASURY FOR THE FOLLOWING
16 REASONS:

17 (I) THE PARENT IS FOUND TO HAVE ENGAGED IN
18 FRAUDULENT MISUSE OF THE PASS SCHOLARSHIP ACCOUNT. IN
19 SUCH CASE, THE SCHOLARSHIP RECIPIENT SHALL BE INELIGIBLE
20 FOR FUTURE PARTICIPATION IN THE PROGRAM. THE PARENT MAY
21 APPEAL THE STATE TREASURY'S DECISION REGARDING
22 TERMINATION AND STUDENT ELIGIBILITY WITHIN 30 DAYS OF
23 ISSUANCE OF THE DECISION. THE APPEAL SHALL BE GOVERNED BY
24 2 PA.C.S. CHS. 1 (RELATING TO GENERAL PROVISIONS), 5
25 (RELATING TO PRACTICE AND PROCEDURE) AND 7 (RELATING TO
26 JUDICIAL REVIEW).

27 (II) THE SCHOLARSHIP RECIPIENT NO LONGER RESIDES IN
28 THIS COMMONWEALTH.

29 (III) THE SCHOLARSHIP RECIPIENT WITHDRAWS OR IS
30 FORCED TO WITHDRAW FROM A PARTICIPATING NONPUBLIC SCHOOL

1 PRIOR TO THE COMPLETION OF THE SCHOOL YEAR.

2 (3) IF AN AGREEMENT IS TERMINATED EARLY UNDER THIS
3 SUBSECTION, THE FOLLOWING SHALL APPLY:

4 (I) ALL AVAILABLE MONEY IN THE PASS SCHOLARSHIP
5 ACCOUNT SHALL REVERT TO THE FUND.

6 (II) THE PARTICIPATING NONPUBLIC SCHOOL SHALL REPAY
7 TO THE STATE TREASURY FOR DEPOSIT INTO THE FUND THE FULL
8 AMOUNT OF THE SCHOLARSHIP PAYMENT, REDUCED ON A PRO RATA
9 BASIS BY THE TUITION, SCHOOL RELATED FEES AND SPECIAL
10 EDUCATION SERVICES FEES OWED FOR THE PORTION OF THE
11 SCHOOL YEAR IN WHICH THE SCHOLARSHIP RECIPIENT WAS
12 ENROLLED.

13 (III) THE PARTICIPATING NONPUBLIC SCHOOL MAY NOT
14 REQUIRE A PARENT TO REIMBURSE THE PARTICIPATING NONPUBLIC
15 SCHOOL FOR THE AMOUNT OF THE SCHOLARSHIP RETURNED TO THE
16 STATE TREASURY.

17 (D) RENEWAL.--AN AGREEMENT ENTERED INTO UNDER SUBSECTION (A)
18 MAY BE RENEWED FOR EACH SCHOOL YEAR FOR THE SAME STUDENT.

19 (E) MULTIPLE AGREEMENTS.--A PARENT MAY ENTER INTO SEPARATE
20 AGREEMENTS UNDER SUBSECTION (A) FOR EACH CHILD OF THE PARENT WHO
21 IS A SCHOLARSHIP RECIPIENT.

22 (F) EXPLANATION.--UPON ENTERING INTO AN AGREEMENT UNDER
23 SUBSECTION (A) OR RENEWING AN AGREEMENT UNDER SUBSECTION (D),
24 THE STATE TREASURY SHALL PROVIDE THE PARENT WITH A WRITTEN
25 EXPLANATION OF THE AUTHORIZED USES OF THE MONEY IN THE PASS
26 SCHOLARSHIP ACCOUNT AND, A NOTICE THAT STUDENTS WITH
27 DISABILITIES WHO PARTICIPATE IN THE PROGRAM ARE "PARENTALLY
28 PLACED PRIVATE SCHOOL CHILDREN WITH DISABILITIES" UNDER 20
29 U.S.C. § 1412 (RELATING TO STATE ELIGIBILITY) AND AN EXPLANATION
30 OF THE RIGHTS OF PARENTALLY PLACED PRIVATE SCHOOL CHILDREN UNDER

1 20 U.S.C. CH. 33 (RELATING TO EDUCATION OF INDIVIDUALS WITH
2 DISABILITIES) ("INDIVIDUALS WITH DISABILITIES EDUCATION ACT")
3 AND ANY APPLICABLE STATE LAW AND REGULATION.

4 SECTION 326. PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP
5 ACCOUNT.

6 (A) ESTABLISHMENT.--IF AN AGREEMENT IS ENTERED INTO UNDER
7 SECTION 325(A), THE STATE TREASURY SHALL ESTABLISH A
8 PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP ACCOUNT FOR
9 THE SCHOLARSHIP RECIPIENT. THE PASS SCHOLARSHIP ACCOUNT SHALL BE
10 ADMINISTERED BY THE STATE TREASURY IN ACCORDANCE WITH THIS
11 SUBARTICLE.

12 (B) DEPOSIT.--

13 (1) UPON ESTABLISHMENT OF A PASS SCHOLARSHIP ACCOUNT,
14 THE STATE TREASURY SHALL DEPOSIT A SUM OF MONEY FOR THE
15 APPLICABLE SCHOOL YEAR IN THE PASS SCHOLARSHIP ACCOUNT FOR
16 THE SCHOLARSHIP RECIPIENT IN ACCORDANCE WITH THIS SECTION.

17 (2) FOR THE 2024-2025 SCHOOL YEAR, THE SUM SHALL BE AS
18 FOLLOWS:

19 (I) FOR A STUDENT IN HALF-DAY KINDERGARTEN, \$2,500;

20 (II) FOR A STUDENT IN FULL-DAY KINDERGARTEN THROUGH
21 GRADE EIGHT, \$5,000;

22 (III) FOR A STUDENT IN GRADE NINE THROUGH GRADE
23 TWELVE, \$10,000; OR

24 (IV) FOR A STUDENT WITH SPECIAL NEEDS REGARDLESS OF
25 GRADE LEVEL, \$15,000.

26 (3) BEGINNING WITH THE 2025-2026 SCHOOL YEAR, AND EACH
27 SCHOOL YEAR THEREAFTER, THE AMOUNTS IN PARAGRAPH (2) SHALL BE
28 INCREASED BY THE GREATER OF THE AVERAGE PERCENTAGE INCREASE
29 IN THE INDEX AS DEFINED IN SECTION 302 OF THE ACT OF JUNE 27,
30 2006 (1ST SP.SESS., P.L.1873, NO.1), KNOWN AS THE TAXPAYER

1 RELIEF ACT, FOR ALL SCHOOL DISTRICTS FOR THE PRIOR SCHOOL
2 YEAR AND THE PERCENTAGE INCREASE IN THE APPROPRIATION FOR
3 BASIC EDUCATION FOR THE PRIOR FISCAL YEAR. THE STATE TREASURY
4 SHALL CALCULATE THE INCREASES ON AN ANNUAL BASIS AND SHALL
5 SUBMIT A NOTICE OF THE INCREASES TO THE LEGISLATIVE REFERENCE
6 BUREAU FOR PUBLICATION IN THE NEXT AVAILABLE ISSUE OF THE
7 PENNSYLVANIA BULLETIN.

8 (C) INSTALLMENTS.--THE STATE TREASURY SHALL DEPOSIT THE
9 MONEY FOR EACH SCHOLARSHIP INTO A PASS SCHOLARSHIP ACCOUNT ON A
10 SCHEDULE DETERMINED BY THE STATE TREASURY IN CONSULTATION WITH
11 THE DEPARTMENT.

12 (D) PAYMENTS TO PARTICIPATING NONPUBLIC SCHOOLS.--A PARENT
13 MAY DIRECT PAYMENTS FROM THE PASS SCHOLARSHIP ACCOUNT TO A
14 PARTICIPATING NONPUBLIC SCHOOL ON BEHALF OF THE SCHOLARSHIP
15 RECIPIENT VIA AN ELECTRONIC MONEY TRANSFER SYSTEM OR OTHER
16 METHOD APPROVED BY THE STATE TREASURY UNDER SECTION 329.
17 SECTION 327. QUALIFIED EDUCATION EXPENSES.

18 (A) GENERAL RULE.--MONEY DEPOSITED INTO A PASS SCHOLARSHIP
19 ACCOUNT MAY BE USED ONLY TO PAY FOR THE FOLLOWING QUALIFIED
20 EXPENSES INCURRED BY OR ASSOCIATED WITH THE SCHOLARSHIP
21 RECIPIENT:

22 (1) TUITION REQUIRED BY A PARTICIPATING NONPUBLIC
23 SCHOOL.

24 (2) SCHOOL-RELATED FEES.

25 (3) SPECIAL EDUCATION SERVICES FEES.

26 (B) PROHIBITION.--A PARTICIPATING NONPUBLIC SCHOOL THAT
27 RECEIVES A PAYMENT FOR QUALIFIED EDUCATION EXPENSES AUTHORIZED
28 UNDER SUBSECTION (A) MAY NOT REFUND, REBATE OR OTHERWISE
29 DIRECTLY SHARE ANY PORTION OF THE PAYMENT WITH THE PARENT WHO
30 MADE THE PAYMENT.

1 (C) TAX CONSEQUENCES AND STATUS OF AWARDS.--

2 (1) THE MONEY IN A PASS SCHOLARSHIP ACCOUNT IS NOT
3 TAXABLE INCOME TO THE PARENT OR SCHOLARSHIP RECIPIENT UNDER
4 STATE LAW.

5 (2) AN AWARD MADE TO, OR PAYMENT FROM, A PASS
6 SCHOLARSHIP ACCOUNT MAY NOT BE CONSTRUED TO BE AN
7 APPROPRIATION OR FINANCIAL ASSISTANCE TO A PARTICIPATING
8 NONPUBLIC SCHOOL.

9 SECTION 328. PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP
10 FUND.

11 (A) ESTABLISHMENT.--THE PENNSYLVANIA AWARD FOR STUDENT
12 SUCCESS SCHOLARSHIP FUND IS ESTABLISHED IN THE STATE TREASURY.
13 ALL INTEREST AND EARNINGS RECEIVED FROM INVESTMENT OR DEPOSIT OF
14 THE MONEY IN THE FUND SHALL BE PAID INTO THE FUND AND USED FOR
15 SCHOLARSHIPS. ANY UNEXPENDED MONEY AND INTEREST OR EARNINGS ON
16 THE MONEY IN THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE
17 GENERAL FUND BUT SHALL REMAIN IN THE FUND.

18 (B) DEPOSITS.--DEPOSITS IN THE FUND SHALL CONSIST OF THE
19 FOLLOWING:

20 (1) MONEY THAT IS APPROPRIATED, GIVEN, GRANTED OR
21 DONATED BY THE COMMONWEALTH OR ANY OTHER GOVERNMENT OR
22 PRIVATE AGENCY OR PERSON FOR THE PURPOSE ESTABLISHED UNDER
23 THIS SUBARTICLE.

24 (2) \$100,000,000 TRANSFERRED FROM FUNDS RECEIVED UNDER
25 THE AUTHORITY OF ARTICLE III OF THE ACT OF MARCH 4, 1971
26 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971. THIS
27 TRANSFER SHALL OCCUR NO LATER THAN 15 DAYS AFTER THE
28 EFFECTIVE DATE OF THIS SECTION AND EACH AUGUST 1 THEREAFTER.

29 (C) CONTINUING APPROPRIATION.--THE MONEY IN THE FUND IS
30 APPROPRIATED ON A CONTINUING BASIS TO THE STATE TREASURY FOR

1 SCHOLARSHIPS.

2 SECTION 329. DUTIES OF STATE TREASURY.

3 (A) GENERAL RULE.--THE STATE TREASURY SHALL:

4 (1) DEVELOP GUIDELINES, IN CONSULTATION WITH THE
5 DEPARTMENT, AS NECESSARY FOR THE ADMINISTRATION OF THIS
6 SUBARTICLE.

7 (2) MAKE PAYMENTS TO PASS SCHOLARSHIP ACCOUNTS AS
8 PROVIDED IN THIS SUBARTICLE.

9 (3) DEVELOP A SYSTEM THAT ENABLES A PARENT TO DIRECT
10 PAYMENT TO A PARTICIPATING NONPUBLIC SCHOOL IN ACCORDANCE
11 WITH THIS SUBARTICLE.

12 (4) DEVELOP A PROCESS BY WHICH A NONPUBLIC SCHOOL MAY
13 INFORM THE STATE TREASURY OF THE NONPUBLIC SCHOOL'S INTEREST
14 TO PARTICIPATE IN THE PROGRAM AND DEMONSTRATE COMPLIANCE WITH
15 THE REQUIREMENTS OF THIS SUBARTICLE.

16 (5) ENSURE THAT ELIGIBLE STUDENTS AND THEIR PARENTS ARE
17 INFORMED ANNUALLY OF THE PARTICIPATING NONPUBLIC SCHOOLS IN
18 THE PROGRAM BY POSTING A LIST OF PARTICIPATING NONPUBLIC
19 SCHOOLS ON THE STATE TREASURY'S PUBLICLY ACCESSIBLE INTERNET
20 WEBSITE BY APRIL 1, 2024, AND BY APRIL 1 OF EACH YEAR
21 THEREAFTER.

22 (6) AT SUCH TIME AND IN SUCH FORM AND MANNER AS MAY BE
23 DIRECTED BY THE STATE TREASURY, REQUEST AND RECEIVE
24 INFORMATION AND DATA FROM A PUBLIC SCHOOL, RESIDENT SCHOOL
25 DISTRICT, PARTICIPATING NONPUBLIC SCHOOL OR APPLICANT
26 DETERMINED TO BE NECESSARY BY THE STATE TREASURY TO
27 ADMINISTER THIS SUBARTICLE.

28 (B) THIRD-PARTY ADMINISTRATION.--THE STATE TREASURY MAY
29 CONTRACT WITH A THIRD PARTY TO ADMINISTER THE PROGRAM.

30 (C) CONTRACTING.--

1 (1) NOTWITHSTANDING ANY PROVISION OF 62 PA.C.S. PT. I
2 (RELATING TO COMMONWEALTH PROCUREMENT CODE), TO THE CONTRARY
3 AND IN ORDER TO FACILITATE THE PROMPT IMPLEMENTATION OF THIS
4 SUBARTICLE, A CONTRACT MAY BE AWARDED FOR A SUPPLY OR SERVICE
5 WITHOUT COMPETITION IF THE STATE TREASURY DETERMINES IN
6 WRITING THAT THE CONTRACT IS NECESSARY FOR THE IMPLEMENTATION
7 OF ANY PROVISION OF THIS SUBARTICLE AND IS IN THE BEST
8 INTEREST OF THE COMMONWEALTH. THE STATE TREASURY SHALL
9 PROVIDE AND MAKE PUBLICLY AVAILABLE A WRITTEN JUSTIFICATION
10 OF ANY PROCUREMENT UNDER THIS SECTION.

11 (2) PARAGRAPH (1) SHALL EXPIRE NO LATER THAN TWO YEARS
12 FOLLOWING THE ISSUANCE OF THE PROCUREMENT UNDER PARAGRAPH
13 (1). PROCUREMENTS ISSUED AFTER THIS PERIOD SHALL BE ISSUED AS
14 PROVIDED BY LAW.

15 (D) REGULATIONS.--

16 (1) IN ORDER TO FACILITATE THE PROMPT IMPLEMENTATION OF
17 THIS CHAPTER, REGULATIONS DETERMINED TO BE NECESSARY AND
18 PROMULGATED BY THE STATE TREASURY SHALL BE DEEMED TEMPORARY
19 REGULATIONS AND SHALL EXPIRE NO LATER THAN TWO YEARS
20 FOLLOWING THE PUBLICATION OF TEMPORARY REGULATIONS. THE STATE
21 TREASURY MAY PROMULGATE TEMPORARY REGULATIONS NOT SUBJECT TO:

22 (I) SECTION 612 OF THE ACT OF APRIL 9, 1929
23 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF
24 1929.

25 (II) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT
26 OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
27 COMMONWEALTH DOCUMENTS LAW.

28 (III) SECTION 204(B) OF THE ACT OF OCTOBER 15, 1980
29 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS
30 ACT.

1 (IV) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
2 KNOWN AS THE REGULATORY REVIEW ACT.

3 (2) THE AUTHORITY PROVIDED TO THE STATE TREASURY TO
4 ADOPT TEMPORARY REGULATIONS IN THIS SUBSECTION SHALL EXPIRE
5 NO LATER THAN TWO YEARS FOLLOWING THE PUBLICATION OF THE
6 TEMPORARY REGULATIONS. REGULATIONS ADOPTED AFTER THIS PERIOD
7 SHALL BE PROMULGATED AS PROVIDED BY LAW.

8 SECTION 330. DUTIES OF AUDITOR GENERAL.

9 THE AUDITOR GENERAL MAY:

10 (1) CONDUCT A RANDOM AUDIT OF PASS SCHOLARSHIP ACCOUNTS.

11 (2) REFER CASES OF SUSPECTED FRAUDULENT MISUSE OF PASS
12 SCHOLARSHIP ACCOUNTS TO THE INSPECTOR GENERAL FOR
13 INVESTIGATION. IF THE INVESTIGATION RESULTS IN A FINDING THAT
14 RISES TO THE LEVEL OF CRIMINAL ACTIVITY, THE INSPECTOR
15 GENERAL SHALL REFER THE MATTER TO THE APPROPRIATE LAW
16 ENFORCEMENT AGENCY FOR PROSECUTION.

17 (3) NOTIFY THE STATE TREASURY OF CASES OF SUSPECTED
18 FRAUDULENT MISUSE THAT ARE REFERRED TO THE INSPECTOR GENERAL.

19 SECTION 331. DUTIES OF PARTICIPATING NONPUBLIC SCHOOLS.

20 (A) NOTIFICATION REQUIREMENT.--A NONPUBLIC SCHOOL THAT
21 DESIRES TO PARTICIPATE IN THE PROGRAM SHALL NOTIFY THE STATE
22 TREASURY BY A DATE AND IN A MANNER AND FORM ESTABLISHED BY THE
23 STATE TREASURY. THE NOTIFICATION SHALL INCLUDE CERTIFICATION BY
24 THE NONPUBLIC SCHOOL THAT:

25 (1) THE NONPUBLIC SCHOOL IS A NONPROFIT ENTITY EXEMPT
26 FROM FEDERAL TAXATION UNDER 26 U.S.C. § 501(C)(3) (RELATING
27 TO EXEMPTION FROM TAX ON CORPORATIONS, CERTAIN TRUSTS, ETC.).

28 (2) THE NONPUBLIC SCHOOL COMPLIES WITH THE
29 NONDISCRIMINATION POLICIES SPECIFIED IN 42 U.S.C. § 1981
30 (RELATING TO EQUAL RIGHTS UNDER THE LAW).

1 (3) THE NONPUBLIC SCHOOL COMPLIES WITH THE PROVISIONS OF
2 SECTIONS 111 AND 111.1 OF THE ACT OF MARCH 10, 1949 (P.L.30,
3 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949.

4 (B) PROHIBITION.--A PARTICIPATING NONPUBLIC SCHOOL MAY NOT
5 CHARGE A PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP
6 RECIPIENT A TUITION RATE, STUDENT-RELATED FEES OR SPECIAL
7 EDUCATION SERVICES FEES THAT ARE HIGHER THAN THE RATES THE
8 PARTICIPATING NONPUBLIC SCHOOL WOULD HAVE CHARGED TO A STUDENT
9 WHO HAD NOT RECEIVED A PENNSYLVANIA AWARD FOR STUDENT SUCCESS
10 SCHOLARSHIP.

11 (C) REPORTING REQUIREMENTS.--

12 (1) EACH PARTICIPATING NONPUBLIC SCHOOL SHALL REPORT IN
13 A MANNER AND FORM DETERMINED BY THE STATE TREASURY, IN
14 CONSULTATION WITH THE DEPARTMENT, INFORMATION REGARDING
15 SCHOLARSHIP RECIPIENTS ENROLLED IN THE PARTICIPATING
16 NONPUBLIC SCHOOL AS FOLLOWS:

17 (I) ENROLLMENT AND DISENROLLMENT.

18 (II) REGULAR ATTENDANCE.

19 (III) CHRONIC ABSENTEEISM.

20 (IV) ACADEMIC PROGRESS AS MEASURED BY ADVANCEMENT TO
21 THE NEXT GRADE LEVEL.

22 (V) INDICATION OF GRADUATION.

23 (VI) CONCURRENT OR DUAL ENROLLMENT COURSE CREDITS.

24 (2) THE STATE TREASURY SHALL REPORT THE INFORMATION
25 REGULARLY TO THE DEPARTMENT ON A SCHEDULE AGREED TO BY THE
26 STATE TREASURY AND THE DEPARTMENT.

27 (D) CONSTRUCTION.--

28 (1) FOR PURPOSES OF THIS SUBARTICLE, A PARTICIPATING
29 NONPUBLIC SCHOOL SHALL BE AUTONOMOUS AND IS NOT AN AGENT OF
30 THE STATE TREASURY, THE DEPARTMENT OR THE COMMONWEALTH.

1 (2) NEITHER THE STATE TREASURY, THE DEPARTMENT NOR OTHER
2 STATE AGENCY MAY REGULATE THE EDUCATIONAL PROGRAM OF A
3 PARTICIPATING NONPUBLIC SCHOOL THAT ACCEPTS MONEY FROM A
4 SCHOLARSHIP RECIPIENT BEYOND WHAT IS NECESSARY TO ADMINISTER
5 THE PROGRAM.

6 SECTION 332. BAR OF CERTAIN PARTICIPATING NONPUBLIC SCHOOLS.

7 (A) GENERAL RULE.--THE STATE TREASURY MAY BAR A NONPUBLIC
8 SCHOOL FROM PARTICIPATION IN THE PROGRAM IF STATE TREASURY
9 ESTABLISHES THAT THE NONPUBLIC SCHOOL HAS:

10 (1) ROUTINELY FAILED TO COMPLY WITH THE REQUIREMENTS
11 ESTABLISHED IN SECTION 331; OR

12 (2) FAILED TO PROVIDE A SCHOLARSHIP RECIPIENT WITH THE
13 EDUCATIONAL SERVICES FUNDED BY THE RECIPIENT'S PASS
14 SCHOLARSHIP ACCOUNT.

15 (B) NOTICE.--IF THE STATE TREASURY BARS A NONPUBLIC SCHOOL
16 FROM PARTICIPATION IN THE PROGRAM, THE STATE TREASURY SHALL,
17 AFTER ANY APPEAL IS CONCLUDED AND THE STATE TREASURY'S DECISION
18 IS UPHELD UNDER SUBSECTION (C), POST THE DECISION ON THE STATE
19 TREASURY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

20 (C) APPEAL.--A NONPUBLIC SCHOOL MAY APPEAL THE STATE
21 TREASURY'S DECISION TO BAR ITS PARTICIPATION IN THE PROGRAM
22 WITHIN 30 DAYS OF ISSUANCE OF THE DECISION. THE APPEAL SHALL BE
23 GOVERNED BY 2 PA.C.S. CHS. 1 (RELATING TO GENERAL PROVISIONS), 5
24 (RELATING TO PRACTICE AND PROCEDURE) AND 7 (RELATING TO JUDICIAL
25 REVIEW).

26 SECTION 333. DUTIES OF RESIDENT SCHOOL DISTRICTS.

27 A RESIDENT SCHOOL DISTRICT SHALL PROVIDE A PARTICIPATING
28 NONPUBLIC SCHOOL THAT HAS ADMITTED A SCHOLARSHIP RECIPIENT WITH
29 A COMPLETE COPY OF THE SCHOLARSHIP RECIPIENT'S SCHOOL RECORD
30 WITHIN 10 DAYS OF THE RECEIPT OF NOTICE FROM THE PARTICIPATING

1 NONPUBLIC SCHOOL OF THE SCHOLARSHIP RECIPIENT'S ENROLLMENT.

2 SECTION 334. REPORT.

3 (A) DUTY TO PREPARE AND SUBMIT.--BEGINNING JANUARY 31, 2025,
4 AND EACH JANUARY 31 THEREAFTER, THE STATE TREASURY, IN
5 CONSULTATION WITH THE DEPARTMENT, SHALL PREPARE AND SUBMIT TO
6 THE GENERAL ASSEMBLY AN ANNUAL REPORT ON THE PROGRAM.

7 (B) CONTENTS.--THE REPORT SHALL INCLUDE THE FOLLOWING:

8 (1) THE TOTAL NUMBER OF APPLICATIONS RECEIVED FOR THE
9 PROGRAM.

10 (2) THE TOTAL NUMBER OF APPLICATIONS RECEIVED FOR THE
11 PROGRAM, BY RESIDENT SCHOOL DISTRICT.

12 (3) THE TOTAL NUMBER OF APPLICATIONS APPROVED FOR THE
13 PROGRAM.

14 (4) THE TOTAL NUMBER OF APPLICATIONS APPROVED FOR THE
15 PROGRAM, BY RESIDENT SCHOOL DISTRICT.

16 (5) THE TOTAL NUMBER OF PASS SCHOLARSHIP ACCOUNTS
17 TERMINATED EARLY.

18 (6) THE TOTAL NUMBER OF PASS SCHOLARSHIP ACCOUNTS
19 INVESTIGATED FOR FRAUD BY THE INSPECTOR GENERAL.

20 (7) THE TOTAL NUMBER OF SCHOLARSHIPS AWARDED TO STUDENTS
21 ATTENDING HALF-DAY KINDERGARTEN.

22 (8) THE TOTAL NUMBER OF SCHOLARSHIPS AWARDED TO STUDENTS
23 ATTENDING FULL-DAY KINDERGARTEN THROUGH GRADE EIGHT.

24 (9) THE TOTAL NUMBER OF SCHOLARSHIPS AWARDED TO STUDENTS
25 ATTENDING GRADE NINE THROUGH GRADE TWELVE.

26 (10) THE TOTAL DOLLAR AMOUNT OF SCHOLARSHIPS AWARDED.

27 (11) THE TOTAL NUMBER OF APPLICATIONS NOT APPROVED DUE
28 TO LACK OF FUNDING.

29 (12) THE COST OF ADMINISTRATION OF THE PROGRAM.

30 (13) OTHER INFORMATION THE STATE TREASURY DEEMS HELPFUL

1 TO THE GENERAL ASSEMBLY.

2 SECTION 3. SECTIONS 731 AND 1604-H(A) OF THE ACT ARE AMENDED
3 TO READ:

4 SECTION 731. CONFIDENTIAL INFORMATION.--EXCEPT AS PROVIDED
5 BY LAW, ANY INFORMATION GAINED BY ANY ADMINISTRATIVE DEPARTMENT,
6 BOARD, OR COMMISSION, AS A RESULT OF ANY RETURNS, REPORTS,
7 CORRESPONDENCE, CLAIMS, INVESTIGATIONS, HEARINGS, CERTIFICATIONS
8 OR VERIFICATIONS REQUIRED OR AUTHORIZED UNDER THE STATUTES OF
9 THE COMMONWEALTH IMPOSING TAXES OR BONUS FOR STATE PURPOSES, OR
10 PROVIDING FOR THE COLLECTION OF THE SAME, PROVIDING FOR CREDITS
11 AS ADMINISTERED BY THE DEPARTMENT OF REVENUE INDEPENDENTLY OR IN
12 CONJUNCTION WITH OTHER AGENCIES OR REVENUE TRANSFERS TO
13 IMPROVEMENT OR ECONOMIC DEVELOPMENT ZONES SHALL BE CONFIDENTIAL
14 EXCEPT FOR OFFICIAL PURPOSES, AND EXCEPT THAT SUCH INFORMATION
15 MAY BE GIVEN TO ANY OTHER STATE OR TO THE GOVERNMENT OF THE
16 UNITED STATES, WHERE SUCH STATE OR THE UNITED STATES BY LAW
17 AUTHORIZES THE FURNISHING OF SIMILAR INFORMATION TO THE
18 COMMONWEALTH OF PENNSYLVANIA. ANY PERSON OR AGENT DIVULGING SUCH
19 INFORMATION SHALL BE DEEMED GUILTY OF A MISDEMEANOR, AND, UPON
20 CONVICTION THEREOF SHALL BE SENTENCED TO PAY A FINE NOT IN
21 EXCESS OF FIVE HUNDRED DOLLARS (\$500.00), OR TO UNDERGO
22 IMPRISONMENT FOR NOT MORE THAN THREE (3) YEARS, OR BOTH, IN THE
23 DISCRETION OF THE COURT.

24 FOR PURPOSES OF THIS SECTION, INFORMATION REGARDING THE
25 AMOUNTS OF REFUNDS OR CREDITS AND THE IDENTITY OF THE PERSONS OR
26 CORPORATIONS ENTITLED THERETO, WHICH IS AVAILABLE FOR PUBLIC
27 INSPECTION UNDER THE PROVISIONS OF THIS ACT, SHALL NOT BE DEEMED
28 CONFIDENTIAL. INFORMATION GAINED AS A RESULT OF RETURNS,
29 REPORTS, CORRESPONDENCE, CLAIMS, INVESTIGATIONS, CERTIFICATIONS
30 OR VERIFICATIONS REQUIRED UNDER ARTICLE XIX-B OF THE ACT OF

1 MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF
2 1971, RELATED TO NEIGHBORHOOD IMPROVEMENT ZONES, SHALL NOT BE
3 DEEMED CONFIDENTIAL.

4 SECTION 1604-H. DEPARTMENT OF COMMUNITY AND ECONOMIC
5 DEVELOPMENT.

6 (A) EDUCATIONAL TAX CREDITS.--[TAX CREDITS AWARDED UNDER
7 ARTICLE XVII-F OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN
8 AS THE TAX REFORM CODE OF 1971, IN FISCAL YEAR 2015-2016 TO A
9 BUSINESS FIRM MAKING AN APPROVED CONTRIBUTION TO A SCHOLARSHIP
10 ORGANIZATION, PREKINDERGARTEN SCHOLARSHIP ORGANIZATION,
11 OPPORTUNITY SCHOLARSHIP ORGANIZATION OR EDUCATIONAL IMPROVEMENT
12 ORGANIZATION MAY BE USED IN THE TAXABLE YEAR IN WHICH A
13 COMPLETED APPLICATION WAS SUBMITTED BY THE BUSINESS FIRM OR THE
14 TAXABLE YEAR IN WHICH THE CONTRIBUTION WAS MADE BY THE BUSINESS
15 FIRM, AS DETERMINED BY THE BUSINESS FIRM.]

16 (1) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS
17 APPROVED UNDER ARTICLE XX-B OF THE ACT OF MARCH 10, 1949
18 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, FOR
19 CONTRIBUTIONS FROM BUSINESS FIRMS TO SCHOLARSHIP
20 ORGANIZATIONS, EDUCATIONAL IMPROVEMENT ORGANIZATIONS AND PRE-
21 KINDERGARTEN SCHOLARSHIP ORGANIZATIONS SHALL NOT EXCEED
22 \$480,000,000 IN A FISCAL YEAR. THE FOLLOWING SHALL APPLY:

23 (I) NO LESS THAN \$355,000,000 OF THE TOTAL AGGREGATE
24 AMOUNT SHALL BE USED TO PROVIDE TAX CREDITS FOR
25 CONTRIBUTIONS FROM BUSINESS FIRMS TO SCHOLARSHIP
26 ORGANIZATIONS.

27 (II) NO LESS THAN \$44,500,000 OF THE TOTAL AGGREGATE
28 AMOUNT SHALL BE USED TO PROVIDE TAX CREDITS FOR
29 CONTRIBUTIONS FROM BUSINESS FIRMS TO EDUCATIONAL
30 IMPROVEMENT ORGANIZATIONS.

1 (III) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS
2 APPROVED FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO PRE-
3 KINDERGARTEN SCHOLARSHIP ORGANIZATIONS SHALL NOT EXCEED
4 \$30,500,000 IN A FISCAL YEAR.

5 (IV) NO LESS THAN \$50,000,000 OF THE TOTAL AGGREGATE
6 AMOUNT SHALL BE USED TO PROVIDE TAX CREDITS FOR
7 CONTRIBUTIONS FROM BUSINESS FIRMS TO INCREASE THE
8 SCHOLARSHIP OR PRE-KINDERGARTEN SCHOLARSHIP BY UP TO
9 \$2,000 OR, IN THE CASE OF A SCHOLARSHIP FOR A STUDENT
10 ATTENDING A SECONDARY SCHOOL, BY UP TO \$4,000, FOR A
11 STUDENT ATTENDING AN ECONOMICALLY DISADVANTAGED SCHOOL,
12 TO THE EXTENT THAT THE TOTAL AMOUNT OF SCHOLARSHIPS, PRE-
13 KINDERGARTEN SCHOLARSHIPS AND OPPORTUNITY SCHOLARSHIPS
14 WILL NOT EXCEED THE LESSER OF \$8,500 OR THE SCHOOL'S
15 TUITION.

16 (2) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS
17 APPROVED UNDER ARTICLE XX-B OF THE PUBLIC SCHOOL CODE OF 1949
18 FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO OPPORTUNITY
19 SCHOLARSHIP ORGANIZATIONS SHALL NOT EXCEED \$75,000,000 IN A
20 FISCAL YEAR.

21 * * *

22 SECTION 4. SECTION 1723-F.1(5)(II) OF THE ACT, ADDED JULY
23 11, 2022 (P.L.540, NO.54), IS AMENDED TO READ:

24 SECTION 1723-F.1. DEPARTMENT OF EDUCATION.

25 THE FOLLOWING SHALL APPLY TO APPROPRIATIONS TO THE DEPARTMENT
26 OF EDUCATION:

27 * * *

28 (5) FROM MONEY APPROPRIATED FOR PENNSYLVANIA CHARTERED
29 SCHOOLS FOR DEAF AND BLIND CHILDREN, THE FOLLOWING APPLY:

30 * * *

1 (II) \$1,000,000 IS INCLUDED FOR CAPITAL-RELATED
2 COSTS AND DEFERRED MAINTENANCE TO BE DIVIDED EQUALLY
3 BETWEEN EACH [APPROVED PRIVATE] SCHOOL.

4 * * *

5 SECTION 5. REPEALS ARE AS FOLLOWS:

6 (1) THE GENERAL ASSEMBLY FINDS THAT THE REPEAL UNDER
7 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE AMENDMENT OF
8 SECTION 1604-H(A) OF THE ACT.

9 (2) SECTION 2006-B(A) OF THE ACT OF MARCH 10, 1949
10 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS
11 REPEALED.

12 SECTION 6. THE AMENDMENT OF SECTION 1723-F.1(5)(II) OF THE
13 ACT SHALL APPLY RETROACTIVELY TO JULY 1, 2022.

14 SECTION 7. ANY REFERENCE IN AN ACT TO FORMER SECTION 2006-
15 B(A) OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE
16 PUBLIC SCHOOL CODE OF 1949, OR TO THE LIMITATIONS IN SECTION
17 2006-B OF THE PUBLIC SCHOOL CODE OF 1949, SHALL BE DEEMED TO BE
18 A REFERENCE TO SECTION 1604-H(A) OF THE ACT.

19 SECTION 8. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.