

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 795 Session of 2023

INTRODUCED BY J. WARD, A. WILLIAMS, STEFANO, COLEMAN, LAUGHLIN, PHILLIPS-HILL, PENNYCUICK, MARTIN, ARGALL, MASTRIANO, AUMENT, ROTHMAN, REGAN, DiSANTO, DUSH, GEBHARD, HUTCHINSON AND YAW, JUNE 15, 2023

SENATOR ARGALL, EDUCATION, AS AMENDED, MAY 7, 2024

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," ~~establishing the Lifeline Scholarship~~ <--
6 ~~Program and the Lifeline Scholarship Fund.~~ ESTABLISHING THE <--
7 PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP PROGRAM.

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 an <--
12 ~~article~~ ARTICLES to read: <--

13 ~~ARTICLE XVII E~~ <--
14 ~~LIFELINE SCHOLARSHIP PROGRAM~~

15 ~~Section 1701 E. Scope of article.~~

16 ~~This article relates to the Lifeline Scholarship Program.~~

17 ~~Section 1702 E. Definitions.~~

18 ~~The following words and phrases when used in this article~~
19 ~~shall have the meanings given to them in this section unless the~~

1 ~~context clearly indicates otherwise:~~

2 ~~"Applicant." A parent who applies for participation in the~~
3 ~~program under section 1704 E on behalf of an eligible student.~~

4 ~~"Attendance boundary." As defined in section 2002 B.~~

5 ~~"Department." The Department of Education of the~~
6 ~~Commonwealth.~~

7 ~~"Eligible student." A school age child who:~~

8 ~~(1) Has not received a high school diploma.~~

9 ~~(2) Resides within the attendance boundary of a low~~
10 ~~achieving school as determined under section 1302 upon~~
11 ~~initial application under section 1704 E(b)(1).~~

12 ~~(3) Satisfies one of the following:~~

13 ~~(i) Attended a public school in this Commonwealth in~~
14 ~~the preceding school year.~~

15 ~~(ii) Received a scholarship from the program in the~~
16 ~~preceding school year.~~

17 ~~(iii) Will attend kindergarten for the first time in~~
18 ~~the next school year.~~

19 ~~"Fund." The Lifeline Scholarship Fund established in section~~
20 ~~1708 E.~~

21 ~~"Kindergarten." A one year formal educational program,~~
22 ~~whether part time or full time, that occurs during the school~~
23 ~~year immediately prior to first grade.~~

24 ~~"Lifeline scholarship account." A spending account~~
25 ~~established and administered by the State Treasury, and~~
26 ~~controlled by a parent for a scholarship recipient, that may be~~
27 ~~used for tuition, school related fees and special education~~
28 ~~services fees to attend a participating nonpublic school.~~

29 ~~"Low achieving school." As defined in section 2002 B.~~

30 ~~"Nonpublic school." A nonprofit school, other than a public~~

1 ~~school, located in this Commonwealth where a resident of this~~
2 ~~Commonwealth may legally fulfill the compulsory attendance~~
3 ~~requirements of this act.~~

4 ~~"Parent." An individual who is a resident of this~~
5 ~~Commonwealth and:~~

6 ~~(1) has legal custody or guardianship of an eligible~~
7 ~~student; or~~

8 ~~(2) keeps in the individual's home an eligible student~~
9 ~~and supports the student gratis as if the student were a~~
10 ~~lineal descendant of the individual.~~

11 ~~"Participating nonpublic school." A nonpublic school~~
12 ~~offering a program of instruction for kindergarten through grade~~
13 ~~twelve, or a combination of grades, that notifies the State~~
14 ~~Treasury of the nonpublic school's desire to participate in the~~
15 ~~program and provides certification to the State Treasury that~~
16 ~~the nonpublic school meets the criteria under section 1711-E.~~

17 ~~"Program." The Lifeline Scholarship Program established~~
18 ~~under section 1703-E(a).~~

19 ~~"Public school." A school operated by a school district, an~~
20 ~~intermediate unit, area career and technical school, a charter~~
21 ~~school, regional charter school or cyber charter school.~~

22 ~~"Resident school district." The school district in which an~~
23 ~~eligible student resides.~~

24 ~~"Scholarship." A scholarship that is awarded to an eligible~~
25 ~~student under the program.~~

26 ~~"Scholarship recipient." An eligible student that is awarded~~
27 ~~a scholarship under the program.~~

28 ~~"School age child." A child enrolling in kindergarten or in~~
29 ~~grade one through grade twelve.~~

30 ~~"School related fee." A fee charged by a participating~~

1 ~~nonpublic school to all students for books, instructional~~
2 ~~materials, technology equipment and services, uniforms,~~
3 ~~activities and concurrent enrollment programs under Article XVI~~
4 ~~B.~~

5 ~~"Special education services fee." A fee charged by a~~
6 ~~participating nonpublic school for special education services~~
7 ~~for a student with special needs as agreed to by the parent and~~
8 ~~the participating nonpublic school.~~

9 ~~"State Treasury." The Treasury Department of the~~
10 ~~Commonwealth.~~

11 ~~"Student with special needs." A child who is subject to an~~
12 ~~individualized education program under 20 U.S.C. Ch. 33~~
13 ~~(relating to education of individuals with disabilities) and 22~~
14 ~~Pa. Code Ch. 14 (relating to special education services and~~
15 ~~programs).~~

16 ~~Section 1703 E. Lifeline Scholarship Program.~~

17 ~~(a) Establishment. Beginning with the 2023-2024 school~~
18 ~~year, the Lifeline Scholarship Program is established as a~~
19 ~~program in the State Treasury to provide scholarships to help~~
20 ~~eligible students pay tuition, school related fees and special~~
21 ~~education services fees for attendance at a participating~~
22 ~~nonpublic school.~~

23 ~~(b) Notice to parents.~~

24 ~~(1) No later than July 15, 2023, and within 15 days of~~
25 ~~receipt of a notice under section 2010 B each year~~
26 ~~thereafter, a school district with at least one school~~
27 ~~designated as a low achieving school shall notify the parent~~
28 ~~of a student who is attending or residing within the~~
29 ~~attendance boundary of a low achieving school during the~~
30 ~~school year of the school's designation.~~

1 ~~(2) The notice shall be in a form provided by the State~~
2 ~~Treasury, in consultation with the department, and shall~~
3 ~~provide the following information regarding the program:~~

4 ~~(i) A description of the program.~~

5 ~~(ii) Instructions for obtaining information about~~
6 ~~applying for a scholarship under the program.~~

7 ~~(iii) A list of schools in the school district that~~
8 ~~have been designated as low achieving schools.~~

9 ~~(iv) Notice of the parent's responsibilities~~
10 ~~regarding application to a participating nonpublic school~~
11 ~~if the parent seeks to enroll an eligible student in a~~
12 ~~participating nonpublic school.~~

13 ~~(3) The notice shall be posted on the school district's~~
14 ~~publicly accessible Internet website.~~

15 ~~(c) Notice to State Treasurer. A school district required~~
16 ~~to submit a notice to parents under subsection (b) shall provide~~
17 ~~the State Treasurer with a list of students whose parents were~~
18 ~~provided the notice.~~

19 ~~Section 1704 E. Application.~~

20 ~~(a) Application form. By July 15, 2023, the State Treasury~~
21 ~~shall develop an application form that can be accessed from and~~
22 ~~submitted electronically on the State Treasury's publicly~~
23 ~~accessible Internet website.~~

24 ~~(b) Application and approval process.~~

25 ~~(1) By July 31, 2023, and by April 1 of each year~~
26 ~~thereafter, the applicant may apply to the State Treasury for~~
27 ~~a scholarship for the following school year according to~~
28 ~~guidelines developed by the State Treasury under section~~
29 ~~1709 E. An application shall be approved by the State~~
30 ~~Treasury if the student meets the eligibility requirements of~~

1 ~~this article.~~

2 ~~(2) By August 9, 2023, and by May 1 of each year~~
3 ~~thereafter, the State Treasury shall notify the applicant~~
4 ~~whether a scholarship will be awarded for the following~~
5 ~~school year.~~

6 ~~(3) For the 2023-2024 school year, scholarships shall be~~
7 ~~awarded on a first come, first served basis considering money~~
8 ~~available in the fund.~~

9 ~~(4) For the 2024-2025 school year and each school year~~
10 ~~thereafter, priority for scholarships shall be given to prior~~
11 ~~year scholarship recipients. New applicants shall be awarded~~
12 ~~a scholarship on a first come, first served basis considering~~
13 ~~money available in the fund.~~

14 ~~(5) Upon notification by the State Treasury that a~~
15 ~~scholarship has been awarded, the applicant shall apply for~~
16 ~~enrollment of the scholarship recipient directly to the~~
17 ~~participating nonpublic school under an application procedure~~
18 ~~developed by the participating nonpublic school.~~

19 ~~(6) By August 16, 2023, and by June 1 each year~~
20 ~~thereafter, a participating nonpublic school shall provide~~
21 ~~written confirmation to the State Treasury of scholarship~~
22 ~~recipients who have accepted an offer of enrollment for the~~
23 ~~following school year and provide the State Treasury with the~~
24 ~~amounts to be charged to the scholarship recipient for~~
25 ~~tuition, school-related fees and special education services~~
26 ~~fees.~~

27 ~~Section 1705-E. Agreement.~~

28 ~~(a) Authorization. Upon approval of an application, the~~
29 ~~State Treasury shall enter into an agreement with the applicant.~~
30 ~~The agreement shall provide the following:~~

1 ~~(1) The scholarship recipient shall enroll in a~~
2 ~~participating nonpublic school for the school year for which~~
3 ~~the agreement applies.~~

4 ~~(2) A certain sum of money shall be deposited into a~~
5 ~~lifeline scholarship account under section 1706-E on behalf~~
6 ~~of the scholarship recipient.~~

7 ~~(3) The money in the lifeline scholarship account may be~~
8 ~~expended only as authorized under this article.~~

9 ~~(4) The parent shall notify the State Treasury if the~~
10 ~~scholarship recipient no longer resides in this Commonwealth~~
11 ~~or withdraws or is forced to withdraw from the participating~~
12 ~~nonpublic school within 15 days of the change of residency or~~
13 ~~withdrawal.~~

14 ~~(b) Term of agreement. Except as otherwise provided under~~
15 ~~this article, an agreement entered into under subsection (a)~~
16 ~~shall be valid for one school year.~~

17 ~~(c) Termination.~~

18 ~~(1) An agreement entered into under subsection (a) may~~
19 ~~be terminated early by the parent for any reason.~~

20 ~~(2) An agreement entered into under subsection (a) shall~~
21 ~~be terminated by the State Treasury for the following~~
22 ~~reasons:~~

23 ~~(i) The parent is found to have engaged in~~
24 ~~fraudulent misuse of the lifeline scholarship account. In~~
25 ~~such case, the scholarship recipient shall be ineligible~~
26 ~~for future participation in the program. The parent may~~
27 ~~appeal the State Treasury's decision regarding~~
28 ~~termination and student eligibility within 30 days of~~
29 ~~issuance of the decision. The appeal shall be governed by~~
30 ~~2 Pa.C.S. Chs. 1 (relating to general provisions), 5~~

1 ~~(relating to practice and procedure) and 7 (relating to~~
2 ~~judicial review).~~

3 ~~(ii) The scholarship recipient no longer resides in~~
4 ~~this Commonwealth.~~

5 ~~(iii) The scholarship recipient withdraws or is~~
6 ~~forced to withdraw from a participating nonpublic school~~
7 ~~prior to the completion of the school year.~~

8 ~~(3) If an agreement is terminated early under this~~
9 ~~subsection, the following shall apply:~~

10 ~~(i) All available money in the lifeline scholarship~~
11 ~~account shall revert to the fund.~~

12 ~~(ii) The participating nonpublic school shall repay~~
13 ~~to the State Treasury for deposit into the fund the full~~
14 ~~amount of the scholarship payment, reduced on a pro rata~~
15 ~~basis by the tuition, school related fees and special~~
16 ~~education services fees owed for the portion of the~~
17 ~~school year in which the scholarship recipient was~~
18 ~~enrolled.~~

19 ~~(iii) The participating nonpublic school may not~~
20 ~~require a parent to reimburse the participating nonpublic~~
21 ~~school for the amount of the scholarship returned to the~~
22 ~~State Treasury.~~

23 ~~(d) Renewal. An agreement entered into under subsection (a)~~
24 ~~may be renewed for each school year for the same student.~~

25 ~~(e) Multiple agreements. A parent may enter into separate~~
26 ~~agreements under subsection (a) for each child of the parent who~~
27 ~~is a scholarship recipient.~~

28 ~~(f) Explanation. Upon entering into an agreement under~~
29 ~~subsection (a) or renewing an agreement under subsection (d),~~
30 ~~the State Treasury shall provide the parent with a written~~

1 ~~explanation of the authorized uses of the money in the lifeline~~
2 ~~scholarship account.~~

3 ~~Section 1706 E. Lifeline scholarship account.~~

4 ~~(a) Establishment. If an agreement is entered into under~~
5 ~~section 1705 E(a), the State Treasury shall establish a lifeline~~
6 ~~scholarship account for the scholarship recipient. The lifeline~~
7 ~~scholarship account shall be administered by the State Treasury~~
8 ~~in accordance with this article.~~

9 ~~(b) Deposit.~~

10 ~~(1) Upon establishment of a lifeline scholarship~~
11 ~~account, the State Treasurer shall deposit a sum of money for~~
12 ~~the applicable school year in the scholarship account for the~~
13 ~~scholarship recipient in accordance with this section.~~

14 ~~(2) For the 2023 2024 school year, the sum shall be as~~
15 ~~follows:~~

16 ~~(i) for a student in half day kindergarten, \$2,500;~~

17 ~~(ii) for a student in full day kindergarten through~~
18 ~~grade eight, \$5,000;~~

19 ~~(iii) for a student in grade nine through grade~~
20 ~~twelve, \$10,000; or~~

21 ~~(iv) for a student with special needs regardless of~~
22 ~~grade level, \$15,000.~~

23 ~~(3) Beginning with the 2024 2025 school year, and each~~
24 ~~school year thereafter, the amounts in paragraph (2) shall be~~
25 ~~increased by the greater of the average percentage increase~~
26 ~~in the index as defined in section 302 of the act of June 27,~~
27 ~~2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer~~
28 ~~Relief Act, for all school districts for the prior school~~
29 ~~year and the percentage increase in the appropriation for~~
30 ~~basic education for the prior fiscal year. The State Treasury~~

~~shall calculate the increases on an annual basis and shall submit a notice of the increases to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin.~~

~~(c) Installments. The State Treasury shall deposit the money for each scholarship into a lifeline scholarship account on a schedule determined by the State Treasury in consultation with the department.~~

~~(d) Payments to participating nonpublic schools. A parent may direct payments from the lifeline scholarship account to a participating nonpublic school on behalf of the scholarship recipient via an electronic money transfer system developed by the State Treasury under section 1709-E.~~

~~Section 1707 E. Qualified education expenses.~~

~~(a) General rule. Money deposited into a lifeline scholarship account may be used only to pay for the following qualified expenses incurred by or associated with the scholarship recipient:~~

~~(1) Tuition required by a participating nonpublic school.~~

~~(2) School related fees.~~

~~(3) Special education services fees.~~

~~(b) Prohibition. A participating nonpublic school that receives a payment for qualified education expenses authorized under subsection (a) may not refund, rebate or otherwise directly share any portion of the payment with the parent who made the payment.~~

~~(c) Tax consequences and status of awards.~~

~~(1) The money in a lifeline scholarship account is not taxable income to the parent or scholarship recipient under~~

1 ~~State law.~~

2 ~~(2) An award made to, or payment from, a lifeline~~
3 ~~scholarship account may not be construed to be an~~
4 ~~appropriation or financial assistance to a participating~~
5 ~~nonpublic school.~~

6 ~~Section 1708 E. Lifeline Scholarship Fund.~~

7 ~~(a) Establishment. The Lifeline Scholarship Fund is~~
8 ~~established in the State Treasury. All interest and earnings~~
9 ~~received from investment or deposit of the money in the fund~~
10 ~~shall be paid into the fund and used for the purposes authorized~~
11 ~~by this article. Any unexpended money and interest or earnings~~
12 ~~on the money in the fund may not be transferred or revert to the~~
13 ~~General Fund but shall remain in the fund.~~

14 ~~(b) Funding. The fund shall consist of money that is~~
15 ~~appropriated, given, granted or donated by the Commonwealth or~~
16 ~~any other government or private agency or person for the purpose~~
17 ~~established under this article.~~

18 ~~(c) Continuing appropriation. The money in the fund is~~
19 ~~appropriated on a continuing basis to the State Treasury for the~~
20 ~~purpose of administering this article.~~

21 ~~Section 1709 E. Duties of State Treasury.~~

22 ~~(a) General rule. The State Treasury shall:~~

23 ~~(1) Develop guidelines, in consultation with the~~
24 ~~department, as necessary for the administration of this~~
25 ~~article.~~

26 ~~(2) Make payments to lifeline scholarship accounts as~~
27 ~~provided in this article.~~

28 ~~(3) Develop a system that enables a parent to direct~~
29 ~~payment to a participating nonpublic school in accordance~~
30 ~~with this article.~~

1 ~~(4) Develop a process by which a nonpublic school may~~
2 ~~inform the State Treasury of the nonpublic school's interest~~
3 ~~to participate in the program and demonstrate compliance with~~
4 ~~the requirements of this article.~~

5 ~~(5) Ensure that eligible students and their parents are~~
6 ~~informed annually of the participating nonpublic schools in~~
7 ~~the program by posting a list of participating nonpublic~~
8 ~~schools on the State Treasury's publicly accessible Internet~~
9 ~~website by July 31, 2023, and by April 1 of each year~~
10 ~~thereafter.~~

11 ~~(b) Third party administration. The State Treasury may~~
12 ~~contract with a third party to administer the program.~~

13 ~~Section 1710-E. Duties of Auditor General.~~

14 ~~The Auditor General may:~~

15 ~~(1) Conduct a random audit of lifeline scholarship~~
16 ~~accounts.~~

17 ~~(2) Refer cases of suspected fraudulent misuse of~~
18 ~~lifeline scholarship accounts to the Inspector General for~~
19 ~~investigation. If the investigation results in a finding that~~
20 ~~risks to the level of criminal activity, the Inspector~~
21 ~~General shall refer the matter to the appropriate law~~
22 ~~enforcement agency for prosecution.~~

23 ~~(3) Notify the State Treasury of cases of suspected~~
24 ~~fraudulent misuse that are referred to the Inspector General.~~

25 ~~Section 1711-E. Duties of participating nonpublic schools.~~

26 ~~(a) Notification requirement. A nonpublic school that~~
27 ~~desires to participate in the program shall notify the State~~
28 ~~Treasury by a date and in a manner established by the State~~
29 ~~Treasury. The notification shall include certification by the~~
30 ~~nonpublic school that:~~

1 ~~(1) The nonpublic school is a nonprofit entity exempt~~
2 ~~from Federal taxation under 26 U.S.C. § 501(c)(3) (relating~~
3 ~~to exemption from tax on corporations, certain trusts, etc.).~~

4 ~~(2) The nonpublic school complies with the~~
5 ~~nondiscrimination policies specified in 42 U.S.C. § 1981~~
6 ~~(relating to equal rights under the law).~~

7 ~~(3) The nonpublic school complies with the provisions of~~
8 ~~sections 111 and 111.1.~~

9 ~~(b) Prohibition. A participating nonpublic school may not~~
10 ~~charge a lifeline scholarship recipient a tuition rate, student~~
11 ~~related fees or special education services fees that are higher~~
12 ~~than the rates the participating nonpublic school would have~~
13 ~~charged to a student who had not received a lifeline~~
14 ~~scholarship.~~

15 ~~(c) Construction.~~

16 ~~(1) For purposes of this article, a participating~~
17 ~~nonpublic school shall be autonomous and is not an agent of~~
18 ~~the State Treasury, the department or the Commonwealth.~~

19 ~~(2) Neither the State Treasury, the department nor other~~
20 ~~State agency may regulate the educational program of a~~
21 ~~participating nonpublic school that accepts money from a~~
22 ~~scholarship recipient beyond what is necessary to administer~~
23 ~~the program.~~

24 ~~Section 1712 E. Bar of certain participating nonpublic schools.~~

25 ~~(a) General rule. The State Treasury may bar a nonpublic~~
26 ~~school from participation in the program if State Treasury~~
27 ~~establishes that the nonpublic school has:~~

28 ~~(1) routinely failed to comply with the requirements~~
29 ~~established in section 1711 E; or~~

30 ~~(2) failed to provide a scholarship recipient with the~~

~~educational services funded by the recipient's lifeline scholarship account.~~

~~(b) Notice. If the State Treasury bars a nonpublic school from participation in the program, the State Treasury shall, after any appeal is concluded and the State Treasury's decision is upheld under subsection (c), post the decision on the State Treasury's publicly accessible Internet website.~~

~~(c) Appeal. A nonpublic school may appeal the State Treasury's decision to bar its participation in the program within 30 days of issuance of the decision. The appeal shall be governed by 2 Pa.C.S. Chs. 1 (relating to general provisions), 5 (relating to practice and procedure) and 7 (relating to judicial review).~~

~~Section 1713 E. Duties of resident school districts.~~

~~A resident school district shall provide a participating nonpublic school that has admitted a scholarship recipient with a complete copy of the scholarship recipient's school record within 10 days of the receipt of notice from the participating nonpublic school of the scholarship recipient's enrollment.~~

~~Section 1714 E. Report.~~

~~(a) Duty to prepare and submit. Beginning January 31, 2025, and each January 31 thereafter, the State Treasury, in consultation with the department, shall prepare and submit to the General Assembly an annual report on the program.~~

~~(b) Contents. The report shall include the following:~~

~~(1) The total number of applications received for the program.~~

~~(2) The total number of applications received for the program, by resident school district.~~

~~(3) The total number of applications approved for the~~

1 ~~program.~~

2 ~~(4) The total number of applications approved for the~~
3 ~~program, by resident school district.~~

4 ~~(5) The total number of lifeline scholarship accounts~~
5 ~~terminated early.~~

6 ~~(6) The total number of lifeline scholarship accounts~~
7 ~~investigated for fraud by the Inspector General.~~

8 ~~(7) The total number of scholarships awarded to students~~
9 ~~attending half day kindergarten.~~

10 ~~(8) The total number of scholarships awarded to students~~
11 ~~attending full day kindergarten through grade eight.~~

12 ~~(9) The total number of scholarships awarded to students~~
13 ~~attending grade nine through grade twelve.~~

14 ~~(10) The total dollar amount of scholarships awarded.~~

15 ~~(11) The total number of applications not approved due~~
16 ~~to lack of funding.~~

17 ~~(12) The cost of administration of the program.~~

18 ~~(13) Other information the department and the State~~
19 ~~Treasury deem helpful to the General Assembly.~~

20 ARTICLE XXVII-E

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21 (RESERVED)

22 ARTICLE XVII-F

23 PENNSYLVANIA AWARD FOR STUDENT

24 SUCCESS SCHOLARSHIP PROGRAM

25 SECTION 1701-F. SCOPE OF ARTICLE.

26 THIS ARTICLE RELATES TO THE PENNSYLVANIA AWARD FOR STUDENT
27 SUCCESS SCHOLARSHIP PROGRAM.

28 SECTION 1702-F. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
30 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 "APPLICANT." A PARENT WHO APPLIES FOR PARTICIPATION IN THE
3 PROGRAM UNDER SECTION 1704-F ON BEHALF OF AN ELIGIBLE STUDENT.

4 "ATTENDANCE BOUNDARY." AS DEFINED IN SECTION 2002-B.

5 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
6 COMMONWEALTH.

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

8 (1) IS A RESIDENT OF THIS COMMONWEALTH.

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

10 (3) RESIDES, AS DETERMINED UNDER SECTION 1302, WITHIN
11 THE ATTENDANCE BOUNDARY OF A LOW-ACHIEVING SCHOOL OR RESIDED,
12 AS DETERMINED UNDER SECTION 1302, WITHIN THE ATTENDANCE
13 BOUNDARY OF A LOW-ACHIEVING SCHOOL AT THE TIME THE STATE
14 TREASURY RECEIVED WRITTEN CONFIRMATION THAT THE CHILD
15 ACCEPTED AN OFFER OF ENROLLMENT UNDER SECTION 1704-F.

16 (4) LIVES IN A HOUSEHOLD WITH A HOUSEHOLD INCOME BELOW
17 250% OF THE FEDERAL POVERTY GUIDELINES OR LIVED IN A
18 HOUSEHOLD WITH A HOUSEHOLD INCOME BELOW 250% OF THE FEDERAL
19 POVERTY GUIDELINES AT THE TIME THE STATE TREASURY RECEIVED
20 WRITTEN CONFIRMATION THAT THE CHILD ACCEPTED AN OFFER OF
21 ENROLLMENT UNDER SECTION 1704-F.

22 (5) SATISFIES ONE OF THE FOLLOWING:

23 (I) ATTENDED A PUBLIC SCHOOL IN THIS COMMONWEALTH IN
24 THE PRECEDING SCHOOL YEAR.

25 (II) RECEIVED A SCHOLARSHIP FROM THE PROGRAM IN THE
26 PRECEDING SCHOOL YEAR.

27 (III) WILL ATTEND KINDERGARTEN FOR THE FIRST TIME IN
28 THE NEXT SCHOOL YEAR.

29 "FUND." THE PENNSYLVANIA AWARD FOR STUDENT SUCCESS
30 SCHOLARSHIP FUND ESTABLISHED IN SECTION 1708-F.

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

4 "LOW-ACHIEVING SCHOOL." AS DEFINED IN SECTION 2002-B.

5 "NONPUBLIC SCHOOL." A NONPROFIT SCHOOL, OTHER THAN A PUBLIC
6 SCHOOL, LOCATED IN THIS COMMONWEALTH WHERE A RESIDENT OF THIS
7 COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY ATTENDANCE
8 REQUIREMENTS OF THIS ACT.

9 "PARENT." AN INDIVIDUAL WHO IS A RESIDENT OF THIS
10 COMMONWEALTH AND:

11 (1) HAS LEGAL CUSTODY OR GUARDIANSHIP OF AN ELIGIBLE
12 STUDENT; OR

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

16 "PARTICIPATING NONPUBLIC SCHOOL." A NONPUBLIC SCHOOL
17 OFFERING A PROGRAM OF INSTRUCTION FOR KINDERGARTEN THROUGH GRADE
18 TWELVE, OR A COMBINATION OF GRADES, THAT NOTIFIES THE STATE
19 TREASURY OF THE NONPUBLIC SCHOOL'S DESIRE TO PARTICIPATE IN THE
20 PROGRAM AND PROVIDES CERTIFICATION TO THE STATE TREASURY THAT
21 THE NONPUBLIC SCHOOL MEETS THE CRITERIA UNDER SECTION 1711-F.

22 "PASS SCHOLARSHIP ACCOUNT." A SPENDING ACCOUNT ESTABLISHED
23 AND ADMINISTERED BY THE STATE TREASURY, AND DIRECTED BY A PARENT
24 FOR A SCHOLARSHIP RECIPIENT, THAT MAY BE USED FOR TUITION,
25 SCHOOL-RELATED FEES AND SPECIAL EDUCATION SERVICES FEES TO
26 ATTEND A PARTICIPATING NONPUBLIC SCHOOL.

27 "PROGRAM." THE PENNSYLVANIA AWARD FOR STUDENT SUCCESS
28 SCHOLARSHIP PROGRAM ESTABLISHED UNDER SECTION 1703-F(A).

29 "PUBLIC SCHOOL." A SCHOOL OPERATED BY A SCHOOL DISTRICT, AN
30 INTERMEDIATE UNIT, AREA CAREER AND TECHNICAL SCHOOL, A CHARTER

1 SCHOOL, REGIONAL CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

2 "RESIDENT SCHOOL DISTRICT." THE SCHOOL DISTRICT IN WHICH AN
3 ELIGIBLE STUDENT RESIDES.

4 "SCHOLARSHIP." A SCHOLARSHIP THAT IS AWARDED TO AN ELIGIBLE
5 STUDENT UNDER THE PROGRAM.

6 "SCHOLARSHIP RECIPIENT." AN ELIGIBLE STUDENT THAT IS AWARDED
7 A SCHOLARSHIP UNDER THE PROGRAM.

8 "SCHOOL-AGE CHILD." A CHILD ENROLLING IN KINDERGARTEN OR IN
9 GRADE ONE THROUGH GRADE TWELVE.

10 "SCHOOL-RELATED FEE." A FEE CHARGED BY A PARTICIPATING
11 NONPUBLIC SCHOOL TO ALL STUDENTS FOR BOOKS, INSTRUCTIONAL
12 MATERIALS, TECHNOLOGY EQUIPMENT AND SERVICES, UNIFORMS,
13 ACTIVITIES AND CONCURRENT ENROLLMENT PROGRAMS UNDER ARTICLE XVI-
14 B.

15 "SCHOOL YEAR." A SCHOOL TERM AS DEFINED IN SECTION 102.

16 "SPECIAL EDUCATION SERVICES FEE." A FEE CHARGED BY A
17 PARTICIPATING NONPUBLIC SCHOOL FOR SPECIAL EDUCATION SERVICES
18 FOR A STUDENT WITH SPECIAL NEEDS AS AGREED TO BY THE PARENT AND
19 THE PARTICIPATING NONPUBLIC SCHOOL.

20 "STATE TREASURY." THE TREASURY DEPARTMENT OF THE
21 COMMONWEALTH.

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

27 SECTION 1703-F. PENNSYLVANIA AWARD FOR STUDENT SUCCESS
28 SCHOLARSHIP PROGRAM.

29 (A) ESTABLISHMENT.--BEGINNING WITH THE 2024-2025 SCHOOL
30 YEAR, THE PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP

1 PROGRAM IS ESTABLISHED AS A PROGRAM IN THE STATE TREASURY TO
2 PROVIDE SCHOLARSHIPS TO HELP ELIGIBLE STUDENTS PAY TUITION,
3 SCHOOL-RELATED FEES AND SPECIAL EDUCATION SERVICES FEES FOR
4 ATTENDANCE AT A PARTICIPATING NONPUBLIC SCHOOL. THE PROGRAM MAY
5 BE REFERRED TO AS THE PASS SCHOLARSHIP PROGRAM.

6 (B) NOTICE TO PARENTS.--

7 (1) WITHIN 15 DAYS OF RECEIPT OF A NOTICE UNDER SECTION
8 2010-B, A SCHOOL DISTRICT WITH AT LEAST ONE SCHOOL DESIGNATED
9 AS A LOW-ACHIEVING SCHOOL SHALL NOTIFY THE PARENT OF A
10 STUDENT WHO IS ATTENDING OR RESIDING WITHIN THE ATTENDANCE
11 BOUNDARY OF A LOW-ACHIEVING SCHOOL DURING THE SCHOOL YEAR OF
12 THE SCHOOL'S DESIGNATION.

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

16 (I) A DESCRIPTION OF THE PROGRAM.

17 (II) INSTRUCTIONS FOR OBTAINING INFORMATION ABOUT
18 APPLYING FOR A SCHOLARSHIP UNDER THE PROGRAM.

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

21 (IV) NOTICE OF THE PARENT'S RESPONSIBILITIES
22 REGARDING APPLICATION TO A PARTICIPATING NONPUBLIC SCHOOL
23 IF THE PARENT SEEKS TO ENROLL AN ELIGIBLE STUDENT IN A
24 PARTICIPATING NONPUBLIC SCHOOL.

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

27 (C) NOTICE TO STATE TREASURY.--A SCHOOL DISTRICT REQUIRED TO
28 SUBMIT A NOTICE TO PARENTS UNDER SUBSECTION (B) SHALL PROVIDE
29 THE STATE TREASURY WITH A LIST OF STUDENTS WHOSE PARENTS WERE
30 PROVIDED THE NOTICE. THE NOTIFICATION SHALL BE MADE IN A MANNER

1 AND FORM ESTABLISHED BY THE STATE TREASURY.

2 SECTION 1704-F. APPLICATION.

3 (A) APPLICATION FORM.--BY JUNE 1, 2024, THE STATE TREASURY
4 SHALL DEVELOP AN APPLICATION FORM THAT CAN BE ACCESSED FROM AND
5 SUBMITTED ELECTRONICALLY ON THE STATE TREASURY'S PUBLICLY
6 ACCESSIBLE INTERNET WEBSITE.

7 (B) APPLICATION AND APPROVAL PROCESS.--

8 (1) BY JULY 1, 2024, AND BY APRIL 1 OF EACH YEAR
9 THEREAFTER, THE APPLICANT MAY APPLY TO THE STATE TREASURY FOR
10 A SCHOLARSHIP FOR THE FOLLOWING SCHOOL YEAR ACCORDING TO
11 GUIDELINES DEVELOPED BY THE STATE TREASURY UNDER SECTION
12 1709-F. AN APPLICATION SHALL BE APPROVED BY THE STATE
13 TREASURY IF THE STUDENT MEETS THE ELIGIBILITY REQUIREMENTS OF
14 THIS ARTICLE.

15 (1.1) A RENEWAL APPLICATION SHALL BE APPROVED BY THE
16 STATE TREASURY IF THE STUDENT MEETS THE ELIGIBILITY
17 REQUIREMENTS OF THIS ARTICLE, NOTWITHSTANDING THE RESIDENCE
18 AND INCOME CRITERIA SPECIFIED IN PARAGRAPHS (3) AND (4) OF
19 THE DEFINITION OF "ELIGIBLE STUDENT" IN SECTION 1702-F.

20 (1.2) THE PARENT MAY APPEAL THE STATE TREASURY'S
21 DECISION REGARDING NONAPPROVAL OF AN APPLICATION. THE APPEAL
22 SHALL BE GOVERNED BY 2 PA.C.S. CHS. 1 (RELATING TO GENERAL
23 PROVISIONS), 5 (RELATING TO PRACTICE AND PROCEDURE) AND 7
24 (RELATING TO JUDICIAL REVIEW).

25 (2) BY JULY 1, 2024, AND BY MAY 1 OF EACH YEAR
26 THEREAFTER, THE STATE TREASURY SHALL NOTIFY THE APPLICANT
27 WHETHER A SCHOLARSHIP WILL BE AWARDED FOR THE FOLLOWING
28 SCHOOL YEAR.

29 (3) FOR THE 2024-2025 SCHOOL YEAR, SCHOLARSHIPS SHALL BE
30 AWARDED ON A FIRST-COME, FIRST-SERVED BASIS CONSIDERING MONEY

1 AVAILABLE IN THE FUND.

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

7 (5) UPON NOTIFICATION BY THE STATE TREASURY THAT A
8 SCHOLARSHIP HAS BEEN AWARDED, THE APPLICANT SHALL APPLY FOR
9 ENROLLMENT OF THE SCHOLARSHIP RECIPIENT DIRECTLY TO THE
10 PARTICIPATING NONPUBLIC SCHOOL UNDER AN APPLICATION PROCEDURE
11 DEVELOPED BY THE PARTICIPATING NONPUBLIC SCHOOL.

12 (6) BY JULY 1, 2024, AND BY JUNE 1 EACH YEAR THEREAFTER,
13 A PARTICIPATING NONPUBLIC SCHOOL SHALL PROVIDE WRITTEN
14 CONFIRMATION TO THE STATE TREASURY OF SCHOLARSHIP RECIPIENTS
15 WHO HAVE ACCEPTED AN OFFER OF ENROLLMENT FOR THE FOLLOWING
16 SCHOOL YEAR AND PROVIDE THE STATE TREASURY WITH THE AMOUNTS
17 TO BE CHARGED TO THE SCHOLARSHIP RECIPIENT FOR TUITION,
18 SCHOOL-RELATED FEES AND SPECIAL EDUCATION SERVICES FEES. THE
19 NOTIFICATION SHALL BE MADE IN A MANNER AND FORM ESTABLISHED
20 BY THE STATE TREASURY.

21 (7) THE STATE TREASURY MAY ESTABLISH A WAITING LIST FOR
22 ELIGIBLE STUDENTS WITH APPROVED APPLICATIONS AND WHO DID NOT
23 RECEIVE AWARDS DUE TO AVAILABILITY OF MONEY IN THE FUND AND,
24 IF, AFTER JULY 1, 2024, AND BY JULY 1 EACH YEAR THEREAFTER,
25 ADDITIONAL MONEY IS AVAILABLE IN THE FUND FOR SCHOLARSHIPS,
26 MAY AWARD SCHOLARSHIPS TO THE ELIGIBLE STUDENTS ON A FIRST-
27 COME, FIRST-SERVED BASIS.

28 SECTION 1705-F. AGREEMENT.

29 (A) AUTHORIZATION.--UPON RECEIPT OF WRITTEN CONFIRMATION
30 THAT THE SCHOLARSHIP RECIPIENT HAS ACCEPTED AN OFFER OF

1 ENROLLMENT UNDER SECTION 1704-F, THE STATE TREASURY SHALL ENTER
2 INTO OR RENEW AN AGREEMENT WITH THE APPLICANT. THE AGREEMENT
3 SHALL PROVIDE THE FOLLOWING:

4 (1) THE SCHOLARSHIP RECIPIENT SHALL ENROLL IN A
5 PARTICIPATING NONPUBLIC SCHOOL FOR THE SCHOOL YEAR FOR WHICH
6 THE AGREEMENT APPLIES.

7 (2) A CERTAIN SUM OF MONEY SHALL BE DEPOSITED INTO A
8 PASS SCHOLARSHIP ACCOUNT UNDER SECTION 1706-F ON BEHALF OF
9 THE SCHOLARSHIP RECIPIENT.

10 (3) THE MONEY IN THE PASS SCHOLARSHIP ACCOUNT MAY BE
11 EXPENDED ONLY AS AUTHORIZED UNDER THIS ARTICLE.

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

17 (B) TERM OF AGREEMENT.--EXCEPT AS OTHERWISE PROVIDED UNDER
18 THIS ARTICLE, AN AGREEMENT ENTERED INTO UNDER SUBSECTION (A)
19 SHALL BE VALID FOR ONE SCHOOL YEAR.

20 (C) TERMINATION.--

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

23 (2) AN AGREEMENT ENTERED INTO UNDER SUBSECTION (A) SHALL
24 BE TERMINATED BY THE STATE TREASURY FOR THE FOLLOWING
25 REASONS:

26 (I) THE PARENT IS FOUND TO HAVE ENGAGED IN
27 FRAUDULENT MISUSE OF THE PASS SCHOLARSHIP ACCOUNT. IN
28 SUCH CASE, THE SCHOLARSHIP RECIPIENT SHALL BE INELIGIBLE
29 FOR FUTURE PARTICIPATION IN THE PROGRAM. THE PARENT MAY
30 APPEAL THE STATE TREASURY'S DECISION REGARDING

1 TERMINATION AND STUDENT ELIGIBILITY WITHIN 30 DAYS OF
2 ISSUANCE OF THE DECISION. THE APPEAL SHALL BE GOVERNED BY
3 2 PA.C.S. CHS. 1 (RELATING TO GENERAL PROVISIONS), 5
4 (RELATING TO PRACTICE AND PROCEDURE) AND 7 (RELATING TO
5 JUDICIAL REVIEW).

6 (II) THE SCHOLARSHIP RECIPIENT NO LONGER RESIDES IN
7 THIS COMMONWEALTH.

8 (III) THE SCHOLARSHIP RECIPIENT WITHDRAWS OR IS
9 FORCED TO WITHDRAW FROM A PARTICIPATING NONPUBLIC SCHOOL
10 PRIOR TO THE COMPLETION OF THE SCHOOL YEAR.

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

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

15 (II) THE PARTICIPATING NONPUBLIC SCHOOL SHALL REPAY
16 TO THE STATE TREASURY FOR DEPOSIT INTO THE FUND THE FULL
17 AMOUNT OF THE SCHOLARSHIP PAYMENT, REDUCED ON A PRO RATA
18 BASIS BY THE TUITION, SCHOOL RELATED FEES AND SPECIAL
19 EDUCATION SERVICES FEES OWED FOR THE PORTION OF THE
20 SCHOOL YEAR IN WHICH THE SCHOLARSHIP RECIPIENT WAS
21 ENROLLED.

22 (III) THE PARTICIPATING NONPUBLIC SCHOOL MAY NOT
23 REQUIRE A PARENT TO REIMBURSE THE PARTICIPATING NONPUBLIC
24 SCHOOL FOR THE AMOUNT OF THE SCHOLARSHIP RETURNED TO THE
25 STATE TREASURY.

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

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

1 (F) EXPLANATION.--UPON ENTERING INTO AN AGREEMENT UNDER
2 SUBSECTION (A) OR RENEWING AN AGREEMENT UNDER SUBSECTION (D),
3 THE STATE TREASURY SHALL PROVIDE THE PARENT WITH A WRITTEN
4 EXPLANATION OF THE AUTHORIZED USES OF THE MONEY IN THE PASS
5 SCHOLARSHIP ACCOUNT AND, A NOTICE THAT STUDENTS WITH
6 DISABILITIES WHO PARTICIPATE IN THE PROGRAM ARE "PARENTALLY
7 PLACED PRIVATE SCHOOL CHILDREN WITH DISABILITIES" UNDER 20
8 U.S.C. § 1412 (RELATING TO STATE ELIGIBILITY) AND AN EXPLANATION
9 OF THE RIGHTS OF PARENTALLY PLACED PRIVATE SCHOOL CHILDREN UNDER
10 20 U.S.C. CH. 33 (RELATING TO EDUCATION OF INDIVIDUALS WITH
11 DISABILITIES) ("INDIVIDUALS WITH DISABILITIES EDUCATION ACT")
12 AND ANY APPLICABLE STATE LAW AND REGULATION.
13 SECTION 1706-F. PENNSYLVANIA AWARD FOR STUDENT SUCCESS
14 SCHOLARSHIP ACCOUNT.

15 (A) ESTABLISHMENT.--IF AN AGREEMENT IS ENTERED INTO UNDER
16 SECTION 1705-F(A), THE STATE TREASURY SHALL ESTABLISH A
17 PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP ACCOUNT FOR
18 THE SCHOLARSHIP RECIPIENT. THE PASS SCHOLARSHIP ACCOUNT SHALL BE
19 ADMINISTERED BY THE STATE TREASURY IN ACCORDANCE WITH THIS
20 ARTICLE.

21 (B) DEPOSIT.--

22 (1) UPON ESTABLISHMENT OF A PASS SCHOLARSHIP ACCOUNT,
23 THE STATE TREASURY SHALL DEPOSIT A SUM OF MONEY FOR THE
24 APPLICABLE SCHOOL YEAR IN THE PASS SCHOLARSHIP ACCOUNT FOR
25 THE SCHOLARSHIP RECIPIENT IN ACCORDANCE WITH THIS SECTION.

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

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

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

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

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

5 (3) BEGINNING WITH THE 2025-2026 SCHOOL YEAR, AND EACH
6 SCHOOL YEAR THEREAFTER, THE AMOUNTS IN PARAGRAPH (2) SHALL BE
7 INCREASED BY THE GREATER OF THE AVERAGE PERCENTAGE INCREASE
8 IN THE INDEX AS DEFINED IN SECTION 302 OF THE ACT OF JUNE 27,
9 2006 (1ST SP.SESS., P.L.1873, NO.1), KNOWN AS THE TAXPAYER
10 RELIEF ACT, FOR ALL SCHOOL DISTRICTS FOR THE PRIOR SCHOOL
11 YEAR AND THE PERCENTAGE INCREASE IN THE APPROPRIATION FOR
12 BASIC EDUCATION FOR THE PRIOR FISCAL YEAR. THE STATE TREASURY
13 SHALL CALCULATE THE INCREASES ON AN ANNUAL BASIS AND SHALL
14 SUBMIT A NOTICE OF THE INCREASES TO THE LEGISLATIVE REFERENCE
15 BUREAU FOR PUBLICATION IN THE NEXT AVAILABLE ISSUE OF THE
16 PENNSYLVANIA BULLETIN.

17 (C) INSTALLMENTS.--THE STATE TREASURY SHALL DEPOSIT THE
18 MONEY FOR EACH SCHOLARSHIP INTO A PASS SCHOLARSHIP ACCOUNT ON A
19 SCHEDULE DETERMINED BY THE STATE TREASURY IN CONSULTATION WITH
20 THE DEPARTMENT.

21 (D) PAYMENTS TO PARTICIPATING NONPUBLIC SCHOOLS.--A PARENT
22 MAY DIRECT PAYMENTS FROM THE PASS SCHOLARSHIP ACCOUNT TO A
23 PARTICIPATING NONPUBLIC SCHOOL ON BEHALF OF THE SCHOLARSHIP
24 RECIPIENT VIA AN ELECTRONIC MONEY TRANSFER SYSTEM OR OTHER
25 METHOD APPROVED BY THE STATE TREASURY UNDER SECTION 1709-F.
26 SECTION 1707-F. QUALIFIED EDUCATION EXPENSES.

27 (A) GENERAL RULE.--MONEY DEPOSITED INTO A PASS SCHOLARSHIP
28 ACCOUNT MAY BE USED ONLY TO PAY FOR THE FOLLOWING QUALIFIED
29 EXPENSES INCURRED BY OR ASSOCIATED WITH THE SCHOLARSHIP
30 RECIPIENT:

1 (1) TUITION REQUIRED BY A PARTICIPATING NONPUBLIC
2 SCHOOL.

3 (2) SCHOOL-RELATED FEES.

4 (3) SPECIAL EDUCATION SERVICES FEES.

5 (B) PROHIBITION.--A PARTICIPATING NONPUBLIC SCHOOL THAT
6 RECEIVES A PAYMENT FOR QUALIFIED EDUCATION EXPENSES AUTHORIZED
7 UNDER SUBSECTION (A) MAY NOT REFUND, REBATE OR OTHERWISE
8 DIRECTLY SHARE ANY PORTION OF THE PAYMENT WITH THE PARENT WHO
9 MADE THE PAYMENT.

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

11 (1) THE MONEY IN A PASS SCHOLARSHIP ACCOUNT IS NOT
12 TAXABLE INCOME TO THE PARENT OR SCHOLARSHIP RECIPIENT UNDER
13 STATE LAW.

14 (2) AN AWARD MADE TO, OR PAYMENT FROM, A PASS
15 SCHOLARSHIP ACCOUNT MAY NOT BE CONSTRUED TO BE AN
16 APPROPRIATION OR FINANCIAL ASSISTANCE TO A PARTICIPATING
17 NONPUBLIC SCHOOL.

18 SECTION 1708-F. PENNSYLVANIA AWARD FOR STUDENT SUCCESS
19 SCHOLARSHIP FUND.

20 (A) ESTABLISHMENT.--THE PENNSYLVANIA AWARD FOR STUDENT
21 SUCCESS SCHOLARSHIP FUND IS ESTABLISHED IN THE STATE TREASURY.
22 ALL INTEREST AND EARNINGS RECEIVED FROM INVESTMENT OR DEPOSIT OF
23 THE MONEY IN THE FUND SHALL BE PAID INTO THE FUND AND USED FOR
24 SCHOLARSHIPS. ANY UNEXPENDED MONEY AND INTEREST OR EARNINGS ON
25 THE MONEY IN THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE
26 GENERAL FUND BUT SHALL REMAIN IN THE FUND.

27 (B) FUNDING.--THE FUND SHALL CONSIST OF MONEY THAT IS
28 APPROPRIATED, GIVEN, GRANTED OR DONATED BY THE COMMONWEALTH OR
29 ANY OTHER GOVERNMENT OR PRIVATE AGENCY OR PERSON FOR THE PURPOSE
30 ESTABLISHED UNDER THIS ARTICLE.

1 (C) CONTINUING APPROPRIATION.--THE MONEY IN THE FUND IS
2 APPROPRIATED ON A CONTINUING BASIS TO THE STATE TREASURY FOR
3 SCHOLARSHIPS.

4 SECTION 1709-F. DUTIES OF STATE TREASURY.

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

6 (1) DEVELOP GUIDELINES, IN CONSULTATION WITH THE
7 DEPARTMENT, AS NECESSARY FOR THE ADMINISTRATION OF THIS
8 ARTICLE.

9 (2) MAKE PAYMENTS TO PASS SCHOLARSHIP ACCOUNTS AS
10 PROVIDED IN THIS ARTICLE.

11 (3) DEVELOP A SYSTEM THAT ENABLES A PARENT TO DIRECT
12 PAYMENT TO A PARTICIPATING NONPUBLIC SCHOOL IN ACCORDANCE
13 WITH THIS ARTICLE.

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

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

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

30 (B) THIRD-PARTY ADMINISTRATION.--THE STATE TREASURY MAY

1 CONTRACT WITH A THIRD PARTY TO ADMINISTER THE PROGRAM.

2 (C) CONTRACTING.--

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

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

17 (D) REGULATIONS.--

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

24 (I) SECTION 612 OF THE ACT OF APRIL 9, 1929
25 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF
26 1929.

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

30 (III) SECTION 204(B) OF THE ACT OF OCTOBER 15, 1980

1 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS
2 ACT.

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

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

10 SECTION 1710-F. DUTIES OF AUDITOR GENERAL.

11 THE AUDITOR GENERAL MAY:

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

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

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

21 SECTION 1711-F. DUTIES OF PARTICIPATING NONPUBLIC SCHOOLS.

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

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

30 (2) THE NONPUBLIC SCHOOL COMPLIES WITH THE

1 NONDISCRIMINATION POLICIES SPECIFIED IN 42 U.S.C. § 1981
2 (RELATING TO EQUAL RIGHTS UNDER THE LAW).

3 (3) THE NONPUBLIC SCHOOL COMPLIES WITH THE PROVISIONS OF
4 SECTIONS 111 AND 111.1.

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

12 (C) REPORTING REQUIREMENTS.--

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

18 (I) ENROLLMENT AND DISENROLLMENT.

19 (II) REGULAR ATTENDANCE.

20 (III) CHRONIC ABSENTEEISM.

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

23 (V) INDICATION OF GRADUATION.

24 (VI) CONCURRENT OR DUAL ENROLLMENT COURSE CREDITS.

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

28 (D) CONSTRUCTION.--

29 (1) FOR PURPOSES OF THIS ARTICLE, A PARTICIPATING
30 NONPUBLIC SCHOOL SHALL BE AUTONOMOUS AND IS NOT AN AGENT OF

1 THE STATE TREASURY, THE DEPARTMENT OR THE COMMONWEALTH.

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

7 SECTION 1712-F. BAR OF CERTAIN PARTICIPATING NONPUBLIC SCHOOLS.

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

11 (1) ROUTINELY FAILED TO COMPLY WITH THE REQUIREMENTS
12 ESTABLISHED IN SECTION 1711-F; OR

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

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

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

27 SECTION 1713-F. DUTIES OF RESIDENT SCHOOL DISTRICTS.

28 A RESIDENT SCHOOL DISTRICT SHALL PROVIDE A PARTICIPATING
29 NONPUBLIC SCHOOL THAT HAS ADMITTED A SCHOLARSHIP RECIPIENT WITH
30 A COMPLETE COPY OF THE SCHOLARSHIP RECIPIENT'S SCHOOL RECORD

1 WITHIN 10 DAYS OF THE RECEIPT OF NOTICE FROM THE PARTICIPATING
2 NONPUBLIC SCHOOL OF THE SCHOLARSHIP RECIPIENT'S ENROLLMENT.
3 SECTION 1714-F. REPORT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (13) OTHER INFORMATION THE STATE TREASURY DEEMS HELPFUL
2 TO THE GENERAL ASSEMBLY.

3 Section 2. This act shall take effect immediately.