

01hr_AC-CC_ab0837_pt01



Note: The attached information on AB 837 was included with the 2001 AC-CC hearing records but it does not appear that the committee held a hearing on the bill.

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2001-02

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Corrections and Courts (AC-CC)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

Gilbert, Melissa

From: Eleanor Romano [Eromano@pahousegop.com]
Sent: Thursday, January 10, 2002 1:59 PM
To: Melissa.Gilbert@legis.state.wi.us
Subject: Legislation

AB 837
folder

Hi, Missy:

You had called me yesterday requesting a copy of PA legislation dealing with teacher residency. I was talking to Dave Dumeyer, Executive Director of our House Education Committee. It was his feeling that the bill you are looking for is Senate Bill 485 which has been signed into law by the Governor. Unfortunately, the bill is too long to fax so I thought you might want to access it from our web site. It is: www.legis.state.pa.us. Click on "session information" then "electronic bill room" and you can pull up the bill.

Dave said he will be glad to discuss this legislation with you. You can reach him at 717-787-1032.

Thanks.

Eleanor Romano
Representative Stairs' Office
Room 43, East Wing
783-9311
eromano@pahousegop.com

SB 485 By Senators ARMSTRONG, WOZNIAK, COSTA, CORMAN, M. WHITE, MADIGAN,
THOMPSON and LOGAN.

Prior Printer's Nos. 512, 1089, 1223.

Printer's No. 1236.

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for definitions and for classification of school districts; providing for public schools that provide Internet instruction and for national assessment tests; further providing for school directors' business relations with school district, for management information reports, for distressed first class school districts, for instructional equipment, for duty to employ qualified professionals, for continuing professional development, for proof of **residency**, for cost of tuition, for maintenance of certain exceptional children in approved institutions, for agricultural education, for funding for charter schools, for financial program and reimbursement on payments and for additions to or removals from the education empowerment list; providing for the use of certain undistributed funds and for the dissolution of certain community colleges; further providing for teachers' and employees' retirement plans, for payments on account of pupils enrolled in vocational curriculums, for vocational education equipment grants, for community college support and for small district assistance; providing for basic education funding for the 2001-2002 school year; further providing for payments to intermediate units and temporary assistance to school districts losing revenue from reassessments; and providing for approved reimbursable annual rental for leases of buildings and facilities for charter school use.

Referred to FINANCE, Feb. 15, 2001

Reported as committed, March 27, 2001

First consideration, March 27, 2001

Re-referred to APPROPRIATIONS, April 2, 2001

Re-reported as committed, May 21, 2001

Second consideration, with amendments, June 4, 2001

Third consideration and final passage, June 5, 2001 (49-0)

In the House

Referred to FINANCE, June 11, 2001

Reported as committed, June 12, 2001

First consideration, June 12, 2001

Laid on the table, June 12, 2001

Removed from table, June 13, 2001

Second consideration, June 13, 2001

Re-referred to APPROPRIATIONS, June 13, 2001

Re-reported as amended, June 18, 2001

Third consideration and final passage, June 19, 2001 (194-0)

In the Senate

Referred to RULES AND EXECUTIVE NOMINATIONS, June 19, 2001

Re-reported on concurrence, as committed, June 20, 2001

Senate non-concurred in House amendments, June 20, 2001

Senate appoints Senators BRIGHTBILL, RHOADES and SCHWARTZ a committee of conference, June 20, 2001

Conference committee report presented in Senate, June 20, 2001

Conference committee report adopted by Senate, June 20, 2001 (34-15)
(Remarks see Senate Journal Page 775), June 20, 2001

In the House

House insists on its amendments non-concurred in the Senate,
June 20, 2001

House appoints Representatives S. H. SMITH, STAIRS and MUNDY a committee of conference, June 20, 2001

Conference committee report presented in House, June 20, 2001

Conference committee report adopted by House, June 21, 2001 (157-35)
(Remarks see House Journal Page 1586), June 21, 2001

Signed in Senate, June 21, 2001

Signed in House, June 21, 2001
In hands of the Governor, June 22, 2001
Last day for action, July 2, 2001
Approved by the Governor, June 22, 2001
Act No. 35

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 485 Session of
2001

Report of the Committee of Conference

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 485, entitled:
"An act amending the act of March 10, 1949 (P.L.30, No.14), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' further providing for teachers' and employees' retirement plans,"

respectfully submit the following bill as our report:

DAVID J. BRIGHTBILL

JAMES J. RHOADES

ALLYSON Y. SCHWARTZ

(Committee on the part of the Senate.)

SAMUEL H. SMITH

JESS M. STAIRS

PHYLLIS MUNDY

(Committee on the part of the House of Representatives.)

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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," further providing for definitions and
6 for classification of school districts; providing for public
7 schools that provide Internet instruction and for national
8 assessment tests; further providing for school directors'
9 business relations with school district, for management
10 information reports, for distressed first class school
11 districts, for instructional equipment, for duty to employ
12 qualified professionals, for continuing professional
13 development, for proof of residency, for cost of tuition, for
14 maintenance of certain exceptional children in approved
15 institutions, for agricultural education, for funding for
16 charter schools, for financial program and reimbursement on
17 payments and for additions to or removals from the education
18 empowerment list; providing for the use of certain
19 undistributed funds and for the dissolution of certain
20 community colleges; further providing for teachers' and
21 employees' retirement plans, for payments on account of
22 pupils enrolled in vocational curriculums, for vocational
23 education equipment grants, for community college support and
24 for small district assistance; providing for basic education
25 funding for the 2001-2002 school year; further providing for
26 payments to intermediate units and temporary assistance to
27 school districts losing revenue from reassessments; and
28 providing for approved reimbursable annual rental for leases
29 of buildings and facilities for charter school use.

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

32 Section 1. Section 102(6) of the act of March 10, 1949
33 (P.L.30, No.14), known as the Public School Code of 1949, added
34 May 10, 2000 (P.L.44, No.16), is amended to read:

35 Section 102. Definitions.--When used in this act the
36 following words and phrases shall have the following meanings:

37 * * *

38 (6) "Pennsylvania System of School Assessment test" or "PSSA
39 test" shall mean a test developed and implemented by the
40 Department of Education to determine only academic achievement
41 relating to objective academic standards in the areas of
42 reading, writing, mathematics and science.

43 Section 2. The act is amended by adding a section to read:

1 Section 113. Study of Public Schools that Provide Internet
2 Instruction.--(a) The Department of Education shall conduct a
3 study of public schools that provide instruction primarily
4 through the Internet. The study shall include:

5 (1) a review of academic accountability methods and systems;

6 (2) a summary of governance structures, approval processes
7 and oversight mechanisms of each public school that provides
8 instruction primarily through the Internet;

9 (3) an analysis and verification of the actual and
10 reasonable instructional cost per student for each public school
11 that provides instruction primarily through the Internet; and

12 (4) recommendations regarding funding alternatives.

13 (b) The Department of Education shall prepare a report that
14 includes its findings and recommendations from the study and
15 shall provide the report to the chairman and the minority
16 chairman of the Education Committee of the Senate and the
17 chairman and minority chairman of the Education Committee of the
18 House of Representatives by October 30, 2001.

19 (c) In the event that the report required under subsection
20 (b) is not provided by October 30, 2001, no school district
21 shall pay to any public school that provides instruction
22 primarily through the Internet an amount to exceed two thousand
23 dollars (\$2,000) per resident student enrolled.

24 Section 3. Section 202 of the act, amended December 9, 1980
25 (P.L.1123, No.199) and December 19, 1980 (P.L.1314, No.237), is
26 amended to read:

27 Section 202. Classification.--The several school districts
28 of the Commonwealth are hereby divided into five classes, as
29 follows:

30 Each school district having a population of [one million five

1 hundred thousand (1,500,000)] one million (1,000,000), or more,
2 shall be a school district of the first class;

3 Each school district having a population of [three hundred
4 fifty thousand (350,000)] two hundred fifty thousand (250,000),
5 or more, but of less than [one million five hundred thousand
6 (1,500,000)] one million (1,000,000), shall be a school district
7 of the first class A;

8 Each school district having a population of thirty thousand
9 (30,000), or more, but of less than [three hundred fifty
10 thousand (350,000)] two hundred fifty thousand (250,000), shall
11 be a school district of the second class;

12 Each school district having a population of five thousand
13 (5,000), or more, but of less than thirty thousand (30,000),
14 shall be a school district of the third class.

15 Each school district having a population of less than five
16 thousand (5,000) shall be a school district of the fourth class.

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

18 Section 219. National Assessment Tests.--A school district
19 selected to participate in a national assessment of public
20 school students' education progress authorized by the Federal
21 Department of Education shall administer the assessment.

22 Section 5. Section 324 of the act, amended January 18, 1968
23 (1967 P.L.963, No.429), is amended to read:

24 Section 324. Not to be Employed by or do Business with
25 District; Exceptions.--(a) No school director shall, during the
26 term for which he was elected or appointed, as a private person
27 engaged in any business transaction with the school district in
28 which he is elected or appointed, be employed in any capacity by
29 the school district in which he is elected or appointed, or
30 receive from such school district any pay for services rendered

1 to the district except as provided in this act: Provided, That
2 one who has served as a school director for two consecutive
3 terms, of six years each, may be elected to the position of
4 attorney or solicitor for the board of which he was a member by
5 the unanimous vote of all the other members of the board, and,
6 after resigning his office as school director, shall be entitled
7 to receive such pay for his services as solicitor as the board
8 of school directors may determine: Provided, however, That a
9 school director may be appointed to the position of secretary to
10 the board of a school district of the second class, of which he
11 was a member during the term for which he was elected or
12 appointed upon the unanimous consent of all the other members of
13 the board after resigning his office as school director, and he
14 shall be entitled to receive such pay for his services as
15 secretary as the board of school directors shall determine: And
16 provided further, That one who has served as a school director
17 may, after resigning from office as a school director, be
18 elected to the position of teacher by the board of which he was
19 a member by a vote of at least two-thirds of all other members
20 of the board and shall be entitled to receive such pay for his
21 services as a teacher as the board of school directors may
22 lawfully determine.

23 (b) No school board shall draw, cause to be drawn or accept
24 a specification for any item to be purchased by the school
25 district that would limit the purchase of the item to the firm,
26 corporation, partnership or other business entity of which a
27 school director is an officer, agent or employe and exclude all
28 other persons who could submit quotations or bid on an
29 equivalent item.

30 (c) It shall not be a violation of this section for a school

1 district to contract for the purchase of goods or services from
2 a business with which a school director is associated, to the
3 extent permitted by and in compliance with 65 Pa.C.S. Ch. 11
4 (relating to ethics standards and financial disclosure).

5 Section 6. Section 613 of the act is amended by adding a
6 subsection to read:

7 Section 613. Management Information Reports.--* * *

8 (f) Beginning with the 2001-2002 school year and each school
9 year thereafter, the mandatory reporting requirements of this
10 section shall apply, as prescribed by the department, to area
11 vocational-technical schools, intermediate units and charter
12 schools to the extent that funding is available. Area
13 vocational-technical schools, intermediate units and charter
14 schools shall apply for funding in a form and manner prescribed
15 by the department.

16 Section 7. Section 696(k)(1) of the act is repealed.

17 Section 8. Section 923-A heading, (c) and (d) of the act,
18 amended or added July 12, 1972 (P.L.863, No.195), August 1, 1975
19 (P.L.183, No.90) and August 24, 1977 (P.L.199, No.59), are
20 amended to read:

21 Section 923-A. Loan of Textbooks, Instructional Materials
22 and Instructional Equipment, Nonpublic School Children.--* * *

23 (c) Loan of Textbooks [and], Instructional Materials and
24 Instructional Equipment. The Secretary of Education directly, or
25 through the intermediate units, shall have the power and duty to
26 purchase textbooks [and], instructional materials and
27 instructional equipment and, upon individual request, to loan
28 them to all children residing in the Commonwealth who are
29 enrolled in grades kindergarten through twelve of a nonpublic
30 school. Such textbooks [and], instructional materials and

1 instructional equipment shall be loaned free to such children
2 subject to such rules and regulations as may be prescribed by
3 the Secretary of Education, due regard being had to the
4 feasibility of making loans of particular instructional
5 materials and instructional equipment on an individual basis.

6 (d) Purchase of Textbooks [and], Instructional Materials and
7 Instructional Equipment. The secretary shall not be required to
8 purchase or otherwise acquire textbooks, pursuant to this
9 section, the total cost of which, in any school year, shall
10 exceed an amount equal to twelve dollars (\$12) for the school
11 year 1973-1974, fifteen dollars (\$15) for the school year
12 beginning July 1, 1974 and twenty dollars (\$20) for each school
13 year thereafter or instructional materials and instructional
14 equipment, the total cost of which, in any school year, shall
15 exceed an amount equal to ten dollars (\$10), multiplied by the
16 number of children residing in the Commonwealth who on the first
17 day of October of the school year immediately preceding are
18 enrolled in grades kindergarten through twelve of a nonpublic
19 school.

20 Section 9. Section 1106 of the act, amended June 24, 1981
21 (P.L.109, No.36), is amended to read:

22 Section 1106. Duty to Employ.--The board of school directors
23 in every school district shall employ the necessary qualified
24 professional employes, substitutes and temporary professional
25 employes to keep the public schools open in their respective
26 districts in compliance with the provisions of this act. Except
27 for school districts of the first class and first class A which
28 may require residency requirements for other than professional
29 employes, substitutes and temporary professional employes, no
30 other school district shall require an employe to reside within

→ So no Vocal opposition

half of emergency certificates in Penn. issued in Philadelphia

1 the school district as a condition for appointment or continued
2 employment.

3 Section 10. Section 1113(b.1) of the act, amended August 5,
4 1991 (P.L.219, No.25), is amended to read:

5 Section 1113. Transferred Programs and Classes.--* * *

6 (b.1) Professional employes who are classified as teachers
7 and who are not transferred with the classes to which they are
8 assigned or who have received a formal notice of suspension
9 shall form a pool of employes within the school entity. No new
10 professional employe who is classified as a teacher shall be
11 employed by a school entity assuming program responsibility for
12 transferred students while there is:

13 (1) a properly certificated professional employe who is
14 classified as a teacher suspended in the receiving entity; or
15 (2) if no person is qualified under clause (1), a properly
16 certificated member of the school entity pool who is willing to
17 accept employment with the school entity assuming program
18 responsibility for transferred students. Members of the pool
19 shall have the right to refuse employment offers from such
20 school entity and remain in the pool. [Refusal to accept work
21 under this subsection shall not be grounds for denial of
22 unemployment compensation under sections 401 and 402 of the act
23 of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known
24 as the "Unemployment Compensation Law."] For purposes of
25 sections 401 and 402 of the act of December 5, 1936 (2nd
26 Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment
27 Compensation Law," an employer policy is hereby established
28 under which members of the pool are not required to accept
29 employment offers from the school entity assuming program
30 responsibility for transferred students.

1 * * *

2 Section 11. Sections 1205.1(c) and (e) and 1205.2(k) of the
3 act, amended or added November 23, 1999 (P.L.529, No.48) and May
4 10, 2000 (P.L.44, No.16), are amended to read:

5 Section 1205.1. Continuing Professional Development.--* * *

6 (c) The professional education plan of each school entity
7 shall be designed to meet the educational needs of that school
8 entity and its professional employes. A school entity shall
9 annually review its plan to determine whether or not it
10 continues to reflect the needs of the school entity and its
11 strategic plan and the needs of its professional employes,
12 students and the community. The plan shall be amended as
13 necessary to ensure that the plan meets the requirements of this
14 subsection. The plan shall specify the continuing professional
15 educational courses, programs, activities and other learning
16 experiences approved to meet continuing professional development
17 requirements under section 1205.2(c)[.], including efforts
18 designed to improve teacher knowledge in subject areas covering
19 the academic standards listed in 22 Pa. Code Ch. 4 (relating to
20 academic standards and assessment).

21 * * *

22 (e) The requirements of this section and section 1205.2 do
23 not apply to a professional educator not employed by a school
24 entity who serves as an evaluator of a home education program
25 authorized under section 1327.1(e)(2) or who provides private
26 tutoring services as part of a home education program under
27 section 1327.1.

28 Section 1205.2. Program of Continuing Professional
29 Education.--* * *

30 (k) A professional educator who is not employed by a school

1 entity as a professional or temporary professional employe may
2 apply to the department for inactive certification. Inactive
3 certification shall:

4 (1) Suspend the requirements of this section until inactive
5 certification is removed by the department. Upon the removal of
6 inactive certification, a professional educator shall have the
7 same number of hours of continuing professional education and
8 the same amount of time in which to complete those hours as
9 existed for the professional educator at the time inactive
10 certification was granted.

11 (2) Be removed by the department upon the application of the
12 professional educator and evidence of the completion of thirty
13 (30) hours of continuing professional education within the
14 immediate preceding twelve (12) months. The department shall
15 establish guidelines to approve courses that will authorize the
16 removal of inactive certification.

17 (3) Disqualify an individual from being employed by a school
18 entity as a professional or temporary employe. An individual
19 with inactive certification may be employed as a [temporary]
20 substitute teacher, principal, superintendent or assistant
21 superintendent, in accordance with the endorsement on the
22 individual's certificate or letter of eligibility, for no more
23 than ninety (90) days during a school year.

24 * * *

25 Section 12. Section 1302 of the act, amended June 25, 1997
26 (P.L.297, No.30), is amended to read:

27 Section 1302. Residence and Right to Free School
28 Privileges.--A child shall be considered a resident of the
29 school district in which his parents or the guardian of his
30 person resides. Federal installations are considered a part of

1 the school district or districts in which they are situate and
2 the children residing on such installations shall be counted as
3 resident pupils of the school district. When a resident of any
4 school district keeps in his home a child of school age, not his
5 own, supporting the child gratis as if it were his own, such
6 child shall be entitled to all free school privileges accorded
7 to resident school children of the district, including the right
8 to attend the public high school maintained in such district or
9 in other districts in the same manner as though such child were
10 in fact a resident school child of the district, and shall be
11 subject to all the requirements placed upon resident school
12 children of the district. Before such child may be accepted as a
13 pupil, such resident shall file with the secretary of the board:

14 (1) appropriate legal documentation to show dependency or
15 guardianship; or

16 (2) a sworn statement that he is a resident of the district,
17 that he is supporting the child gratis, that he will assume all
18 personal obligations for the child relative to school
19 requirements, and that he intends to so keep and support the
20 child continuously and not merely through the school term. The
21 school board, pursuant to guidelines issued by the Department of
22 Education, may require other reasonable information to be
23 submitted by the resident to substantiate the sworn statement.

24 Section 13. Section 1329 of the act, amended December 28,
25 1959 (P.L.2021, No.742), is amended to read:

26 Section 1329. Excuses from Attending School.--(a) The board
27 of school directors of any school district may, upon
28 certification by any licensed practitioner of the healing arts
29 or upon any other satisfactory evidence being furnished to it,
30 showing that any child or children are prevented from attending

1 school, or from application to study, on account of any mental,
2 physical, or other urgent reasons, excuse such child or children
3 from attending school as required by the provisions of this act,
4 but the term "urgent reasons" shall be strictly construed and
5 shall not permit of irregular attendance. In every such case,
6 such action by the board of school directors shall not be final
7 until the approval of the Department of Public Instruction has
8 been obtained. Every principal or teacher in any public,
9 private, or other school may, for reasons enumerated above,
10 excuse any child for non-attendance during temporary periods.

11 (b) Pursuant to the requirements of 22 Pa. Code § 11.41
12 (relating to school district polices and rules), the board of
13 school directors shall formally adopt, as part of its written
14 rules governing pupil absences and excusals, a policy permitting
15 a student to be excused for participation in a project sponsored
16 by an organization that is eligible to apply for a grant under
17 section 5(3) of the act of July 8, 1986 (P.L.437, No.92), known
18 as the "Pennsylvania Agricultural Fair Act."

19 Section 14. Section 1376(a) of the act, amended June 7, 1993
20 (P.L.49, No.16), is amended to read:

21 Section 1376. Cost of Tuition and Maintenance of Certain
22 Exceptional Children in Approved Institutions.--(a) When any
23 child between school entry age and twenty-one (21) years of age
24 and resident in this Commonwealth, who is blind or deaf, or has
25 cerebral palsy and/or neurological impairment and/or muscular
26 dystrophy and/or is mentally retarded and/or has a serious
27 emotional disturbance and/or has autism/pervasive developmental
28 disorder and is enrolled, with the approval of the Department of
29 Education, as a pupil in an approved private school approved by
30 the Department of Education, in accordance with standards and

1 regulations promulgated by the State Board of Education, the
2 school district in which such child is resident or for students
3 placed by a charter school, the charter school in which the
4 student was enrolled shall pay the greater of either twenty per
5 centum (20%) of the actual audited cost of tuition and
6 maintenance of such child in such school, as determined by the
7 Department of Education, or its "tuition charge per elementary
8 pupil" or its "tuition charge per high school pupil," as
9 calculated pursuant to section 2561 and the Commonwealth shall
10 pay, out of funds appropriated to the department for special
11 education, the balance due for the costs of such child's tuition
12 and maintenance, as determined by the department. For the school
13 years 1989-1990, 1990-1991 and 1991-1992, the school district
14 payment shall be no greater than forty percent (40%) of the
15 actual audited costs of tuition and maintenance of such child in
16 such school. For the 1992-1993 school year and each school year
17 thereafter, the school district or charter school payment shall
18 be the greater of forty percent (40%) of the actual audited
19 costs of tuition and maintenance of such child in such school,
20 as determined by the Department of Education, or its "tuition
21 charge per elementary pupil" or its "tuition charge per high
22 school pupil," as calculated pursuant to section 2561, and the
23 Commonwealth shall pay, out of funds appropriated to the
24 department for approved private schools, the balance due for the
25 costs of such child's tuition and maintenance, as determined by
26 the department. The department will credit the district of
27 residence with average daily membership for such child
28 consistent with the rules of procedure developed in accordance
29 with section 2501. If the residence of such child in a
30 particular school district cannot be determined, the

1 Commonwealth shall pay, out of moneys appropriated to the
2 department for special education, the whole cost of tuition and
3 maintenance of such child. The Department of Education shall be
4 provided with such financial data from approved private schools
5 as may be necessary to determine the reasonableness of costs for
6 tuition and room and board concerning Pennsylvania resident
7 approved reimbursed students. The Department of Education shall
8 evaluate such data and shall disallow any cost deemed
9 unreasonable. Any costs deemed unreasonable by the Department of
10 Education for disallowance shall be considered an adjudication
11 within the meaning of Title 2 of the Pa.C.S. (relating to
12 administrative law and procedure) and regulations promulgated
13 thereunder.

14 * * *

15 Section 15. Section 1311-A of the act, added November 22,
16 2000 (P.L.672, No.91), is amended to read:

17 Section 1311-A. Standing.--(a) If a student in a school
18 district of the first class is a victim of an act of violence
19 involving a weapon on school property and the student who
20 possessed the weapon was not expelled under section 1317.2, the
21 parent or guardian of the victim shall have standing to
22 institute a legal proceeding to obtain expulsion of the student.

23 (b) The Office of General Counsel shall have standing to
24 bring an action on behalf of a victim or the parent or guardian
25 of a victim of an act of violence in a school in a school
26 district of the first class to modify, clarify or eliminate a
27 consent decree that is related to discipline in the district if,
28 in consultation with the advocate, the Office of General Counsel
29 believes that the action is in the best interests of the
30 students of the school district.

1 (c) The Secretary of [the Budget] Education in consultation
2 with the General Counsel may designate a portion of the funds
3 provided for the safe schools advocate for contracts for legal
4 services to assist low-income parents or guardians of victims to
5 obtain legal services for proceedings under subsection (a). The
6 Secretary of [the Budget] Education in consultation with the
7 General Counsel may designate a portion of the funds provided
8 for the advocate to challenge a consent decree under subsection
9 (b) or to bring an action under sections 1310-A(c)(5) and 1312-
10 A(a). The designation of attorneys to receive funds under this
11 subsection shall be within the discretion of the Office of
12 General Counsel after consultation with the safe schools
13 advocate. Designated funds which are not expended under this
14 subsection shall lapse to the General Fund.

15 (d) Legal proceedings under this section shall be conducted
16 by an attorney designated by the Office of General Counsel in
17 consultation with the safe schools advocate. The attorney must
18 be a member of the bar in good standing.

19 (e) The appropriation for the Office of School Victim
20 Advocate in section 202 of the act of May 24, 2000 (P.L.1086,
21 No.21A), known as the "General Appropriation Act of 2000," shall
22 be used to implement this section and sections 1310-A and 1312-
23 A.

24 (f) As used in this section, "low-income parent or guardian"
25 shall mean a parent whose family income is no greater than two
26 hundred fifty per centum (250%) of the Federal poverty level.

27 Section 16. Section 1613 of the act, amended December 15,
28 1986 (P.L.1602, No.178), is amended to read:

29 Section 1613. High School Certificates.--(a) The board of
30 school directors, joint board of joint school committee

1 operating any high school shall issue a certificate to each
2 pupil satisfactorily completing the prescribed course of
3 instruction in the high school.

4 (b) For those pupils graduating at the close of the school
5 year 1989-1990, and each school year thereafter, the following
6 minimum courses in grades nine through twelve are established as
7 a requirement for high school graduation in schools operated by
8 a bona fide church or other religious body:

9 (1) Four years of English.

10 (2) Three years of mathematics.

11 (3) Three years of science.

12 (4) Three years of social studies.

13 (5) Two years of arts and humanities.

14 (c) A child enrolled in a day or boarding school accredited
15 by an accrediting association which is approved by the State
16 Board of Education shall be deemed to have met the requirements
17 of subsection (b).

18 (d) The Department of Education, in a form and manner that
19 it shall prescribe, may issue a Commonwealth secondary school
20 diploma to an individual confined in a State-operated juvenile
21 or adult correctional facility located within this Commonwealth
22 if the individual has completed the required secondary school
23 curriculum specified by the department. If a Commonwealth
24 secondary school diploma is not issued, the department may award
25 academic credit for completed coursework.

26 Section 17. Section 1725-A(c) of the act, added June 19,
27 1997 (P.L.225, No.22), is amended to read:

28 Section 1725-A. Funding for Charter Schools.--* * *

29 (c) The Commonwealth shall create a grant program to provide
30 temporary transitional funding to a school district due to the

1 budgetary impact relating to any [student attending] student's
2 first-year attendance at a charter school. [A school district
3 that approves one or more charter schools may apply for a grant
4 under this subsection.] The department shall develop criteria
5 which shall include, but not be limited to, the overall fiscal
6 impact on the budget of the school district resulting from
7 students of a school district attending a charter school. The
8 criteria shall be published in the Pennsylvania Bulletin.
9 [Payments under this subsection shall be made for the first year
10 of operation of the charter school. The authority to make grants
11 under this subsection shall expire on June 30, 1999.] This
12 subsection shall not apply to a public school converted to a
13 charter school under section 1717-A(b). Grants shall be limited
14 to funds appropriated for this purpose.

15 * * *

16 Section 18. Section 1704-B(a)(2) of the act, added May 10,
17 2000 (P.L.44, No.16), is amended to read:

18 Section 1704-B. Board of School Directors.--(a) The board
19 of school directors shall implement the school district
20 improvement plan. Notwithstanding any other provision of law to
21 the contrary, the board of school directors of a school district
22 on the education empowerment list may do any of the following
23 consistent with the school district improvement plan:

24 * * *

25 (2) Designate any school of the district as an independent
26 school operating under an agreement with the board of school
27 directors, granting operational control to the governing body of
28 the independent school. The governing body of the independent
29 school, including its membership and selection process, shall be
30 established by the board of school directors. The governing body

1 shall include representatives of parents and teachers. A school
2 designated as independent under this paragraph shall have the
3 authority to decide all matters related to the operation of the
4 school, including the exercise of powers provided under this
5 article. The agreement between the board of school directors and
6 the independent school shall do the following, consistent with
7 the school district improvement plan:

8 (i) Describe the governance structure of the independent
9 school, including the method for the selection of members to the
10 governing body.

11 (ii) Prescribe the educational goals and mission of the
12 independent school and the curriculum to be offered.

13 (iii) Describe the academic, fiscal and other goals and
14 objectives for which the independent school will be held
15 accountable and the evaluation criteria and procedures that will
16 be employed to determine whether the school is meeting its goals
17 and objectives.

18 (iv) Grant the independent school allocation of and control
19 over its funding and budget. [An independent school shall be
20 considered a charter school for purposes of funding pursuant to
21 section 1725-A.] The independent school's funding shall be
22 determined by the agreement.

23 (v) Grant the independent school control of the educational
24 program and curriculum.

25 (vi) Prescribe the authority of the independent school to
26 establish working conditions, select and assign professional and
27 nonprofessional employes, establish nonteaching duties, extend
28 the length of the school year and schedule of the school day,
29 including holding class after regular hours.

30 (vii) Define the terms under which the agreement may be

1 terminated, extended or renewed.

2 * * *

3 Section 19. Section 1705-B(h) of the act, amended November
4 22, 2000 (P.L.672, No.91), is amended to read:

5 Section 1705-B. Education Empowerment Districts.--* * *

6 (h) (1) A board of control established under section 692
7 shall be abolished upon certification of the school district as
8 an education empowerment district. The school district shall be
9 operated by a board of control established under subsection (a).
10 The secretary may appoint the same individuals serving on the
11 board of control under section 692 to the board of control under
12 subsection (b).

13 (2) Sections 691 and 692 shall not apply to a school
14 district certified as an education empowerment district.

15 (3) For a school district with a history of low test
16 performance that is certified as distressed for a minimum period
17 of two (2) years under sections 691 and 692, the department
18 shall waive the inclusion of the school district on the
19 education empowerment list under section 1703-B(a) and
20 immediately certify the school district as an education
21 empowerment district.

22 (4) The department may utilize up to \$2,000,000 of
23 undistributed funds not expended, encumbered or committed from
24 appropriations for grants and subsidies made to the department
25 to assist school districts certified as an education empowerment
26 district under paragraph (3). There is hereby established a
27 restricted account from which payments under this paragraph
28 shall be paid. Funds shall be transferred by the Secretary of
29 the Budget to the restricted account to the extent necessary to
30 make payments under this paragraph. Funds in the restricted

1 account are hereby appropriated to carry out the purposes of
2 this paragraph. This paragraph shall apply to fiscal years 2000-
3 2001 and 2001-2002 and shall expire June 30, 2002.

4 Section 20. Section 1714-B of the act is amended by adding
5 subsections to read:

6 Section 1714-B. Mandate Waiver Program.--* * *

7 (l) Beginning with the 2001-2002 school year, intermediate
8 unit boards of directors and area vocational-technical boards
9 shall be eligible to apply for mandate waivers under this
10 section except for those in subsections (g) and (m).

11 (m) The following provisions shall not be subject to waiver
12 for intermediate unit boards of directors and area vocational-
13 technical schools pursuant to this section: Article IX-A and
14 Article XVIII.

15 Section 21. Section 1855 of the act, added May 10, 2000
16 (P.L.44, No.16), is amended to read:

17 Section 1855. Vocational Education Equipment Grants.--For
18 the 2000-2001 fiscal year and the 2001-2002 fiscal year, the
19 Department of Education shall establish a grant program to
20 assist area vocational-technical schools [and], school districts
21 offering approved vocational-technical programs and the Thaddeus
22 Stevens State College of Technology in purchasing equipment that
23 meets industry standards for the purpose of providing training
24 to students. Grants shall be limited to the purchase of
25 equipment in the following program areas: automotive technology,
26 auto body, diesel technology, precision machine technology,
27 heating ventilation and air conditioning, printing, dental
28 assisting, electronics, building trades and other program areas
29 approved by the Secretary of Education. Grants shall be awarded
30 by the Department of Education on a matching basis, two State

1 dollars (\$2) for every local dollar (\$1), and shall be limited
2 to funds appropriated for that purpose.

3 Section 22. Section 1913-A heading and (b)(1) and (1.4) of
4 the act, amended or added July 1, 1985 (P.L.103, No.31), June 7,
5 1993 (P.L.49, No.16) and May 10, 2000 (P.L.44, No.16), are
6 amended to read:

7 Section 1913-A. Financial Program; Reimbursement [or] of
8 Payments.--* * *

9 (b) (1) [For the 1993-1994 fiscal year and for each fiscal
10 year thereafter, the] The Commonwealth shall pay to a community
11 college on behalf of the sponsor on account of its operating
12 costs during the fiscal year from funds appropriated for that
13 purpose an amount equal to:

14 (i) for the 1993-1994 fiscal year through the 2000-2001
15 fiscal year the lesser of such college's variable State share
16 ceiling as determined in clause (1.3) or such college's
17 equivalent full-time student reimbursement as determined in
18 clause (1.4) [.] and

19 (ii) for the 2001-2002 fiscal year and each fiscal year
20 thereafter, the college's equivalent full-time student
21 reimbursement as determined in clause (1.4).

22 * * *

23 (1.4) The equivalent full-time student reimbursement of a
24 community college shall be the sum of credit course, noncredit
25 course and stipend reimbursements. These reimbursements shall be
26 calculated using a reimbursement factor of one thousand and
27 forty dollars (\$1,040) for the 1993-1994 fiscal year, of one
28 thousand eighty dollars (\$1,080) for the 1994-1995 fiscal year
29 and of one thousand one hundred eighty dollars (\$1,180) for the
30 1995-1996 fiscal year and one thousand and two hundred and ten

1 dollars (\$1,210) for the 1996-1997 fiscal year and one thousand
2 two hundred sixty dollars (\$1,260) for the 1997-1998 fiscal year
3 and the 1998-1999 fiscal year and one thousand three hundred
4 dollars (\$1,300) for the 1999-2000 fiscal year and one thousand
5 four hundred dollars (\$1,400) for the 2000-2001 fiscal year and
6 one thousand five hundred dollars (\$1,500) for the 2001-2002
7 fiscal year and for each year thereafter and shall be determined
8 as follows:

9 (i) Credit course reimbursement shall be calculated by
10 multiplying the reimbursement factor by the number of equivalent
11 full-time students enrolled in credit courses as determined by
12 an audit to be made in a manner prescribed by the State Board of
13 Education.

14 (ii) Noncredit course reimbursement shall be calculated as
15 follows:

16 (A) eighty percent (80%) of the reimbursement factor
17 multiplied by the number of equivalent full-time students
18 enrolled in eligible noncredit courses for the 1993-1994 fiscal
19 year, as determined by the audit referred to in paragraph (i);

20 (B) seventy percent (70%) of the reimbursement factor
21 multiplied by the number of equivalent full-time students
22 enrolled in eligible noncredit courses for the 1994-1995 fiscal
23 year and for each year thereafter, as determined by the audit
24 referred to in paragraph (i); or

25 (C) one hundred percent (100%) of the reimbursement factor
26 multiplied by the number of equivalent full-time students
27 enrolled in eligible noncredit public safety courses that
28 provide training for volunteer firefighters and emergency
29 medical services for the 1995-1996 fiscal year and for each year
30 thereafter, as determined by the audit referred to in paragraph

1 (i).

2 (iii) Stipend reimbursement on account of a community
3 college's operating costs for all equivalent full-time students
4 enrolled in the following categories of two-year or less than
5 two-year occupational or technical programs, shall be the sum of
6 the following:

7 (A) One thousand one hundred dollars (\$1,100) per full-time
8 equivalent student enrolled in advanced technology programs. For
9 the fiscal year 1995-1996, 1996-1997 and 1997-1998, the
10 reimbursement rate shall be calculated at one thousand one
11 hundred seventy-five dollars (\$1,175) per full-time equivalent
12 student enrolled in advanced technology programs. For the fiscal
13 year 1998-1999 and each year thereafter, the reimbursement rate
14 shall be calculated at one thousand four hundred sixty dollars
15 (\$1,460) per full-time equivalent student enrolled in advanced
16 technology programs. Advanced technology programs are programs
17 using new or advanced technologies which hold promise for
18 creating new job opportunities, including such fields as
19 robotics, biotechnology, specialized materials and engineering
20 and engineering-related programs.

21 (B) One thousand dollars (\$1,000) per full-time equivalent
22 student enrolled in programs designated as Statewide programs.
23 For the fiscal year 1995-1996, 1996-1997 and 1997-1998, the
24 reimbursement rate shall be calculated at one thousand seventy-
25 five dollars (\$1,075) per full-time equivalent student enrolled
26 in programs designated as Statewide programs. For the fiscal
27 year 1998-1999 and each year thereafter, the reimbursement rate
28 shall be calculated at one thousand three hundred sixty dollars
29 (\$1,360) per full-time equivalent student enrolled in programs
30 designated as Statewide programs. A Statewide program is a

1 program which meets one or more of the following criteria:

2 (I) Program enrollment from out-of-sponsor area is twenty
3 per cent or more of the enrollment for the program.

4 (II) A consortial arrangement exists with another community
5 college to cooperatively operate a program or share regions in
6 order to avoid unnecessary program duplication.

7 (C) Five hundred dollars (\$500) per full-time equivalent
8 student enrolled in other occupational or technical programs.

9 For the fiscal year 1995-1996, 1996-1997 and 1997-1998, the
10 reimbursement rate shall be calculated at five hundred seventy-
11 five dollars (\$575) per full-time equivalent student enrolled in
12 other occupational or technical programs. For the fiscal year
13 1998-1999 and each year thereafter, the reimbursement rate shall
14 be calculated at eight hundred sixty dollars (\$860) per full-
15 time equivalent student enrolled in other occupational or
16 technical programs.

17 * * *

18 Section 23. The act is amended by adding sections to read:

19 Section 1914-A. A Dissolution of Certain Community

20 Colleges.--(a) Notwithstanding the provisions of section 1910-

21 A, any community college that was approved as a community

22 college by the State Board of Education after January 1, 1990,

23 may be dissolved after a determination by the Secretary of

24 Education that the majority of the education and training

25 programs operated by the college are non-academic in nature and

26 upon notice of said determination to the community college.

27 (b) Upon the Secretary of Education's notice as described in

28 subsection (a), a dissolved community college shall cease to be

29 a public instrumentality. If the dissolved community college

30 desires to continue to offer degree programs, provide

1 specialized job training or provide professional development
2 training, those programs must be transferred to a corporate
3 successor organized as a nonprofit corporation under 15 Pa.C.S.
4 (relating to corporations and unincorporated associations).

5 (c) The corporate successor of a dissolved community college
6 shall continue to have the authority to grant associate degrees
7 and certificates in those programs in which the dissolved
8 community college had the authority to grant degrees during the
9 last complete school year of operation as a community college.
10 If a corporate successor desires to offer additional associate
11 degree programs, it must apply to the Department of Education to
12 obtain approval in accordance with applicable regulations. If a
13 corporate successor desires to offer additional certificates, it
14 shall apply for licensure to the State Board of Private Licensed
15 Schools. A corporate successor of a dissolved community college
16 is not authorized to award baccalaureate degrees.

17 (d) All indebtedness of any community college dissolved
18 under this section shall be transferred to and become the
19 responsibility of its corporate successor. Nothing in this
20 section shall be construed so as to waive the obligations or
21 debts of any dissolved community college to any entity other
22 than the Commonwealth. Any indebtedness of a dissolved community
23 college to the Commonwealth or to the department, determined
24 pursuant to audits of the dissolved community college conducted
25 under section 1913-A(k), shall be deferred for one fiscal year
26 subsequent to dissolution. Thereafter the amount and terms of
27 repayment of the indebtedness to the Commonwealth shall be
28 determined by the Secretary of the Budget.

29 (e) Any Work Force Development Challenge grant awarded to a
30 dissolved community college prior to dissolution shall be

1 transferred to and become an asset of its corporate successor.

2 (f) The Commonwealth shall retain the right to have access
3 to and the authority to review financial records of any
4 community college dissolved under this section, including
5 records created up through dissolution until such time as all
6 information required to be reviewed under section 1913-A(k) has
7 been reviewed and any indebtedness owed to the Commonwealth has
8 been repaid. Any audits prepared as a result of the review
9 conducted under this section must be completed and issued to the
10 corporate successor of a dissolved community college within one
11 year of dissolution.

12 Section 1915-A. Work Force Development Courses.--No later
13 than January 1, 2002, the Department of Education shall, in
14 consultation with the community colleges and the State Workforce
15 Investment Board, establish criteria to identify noncredit
16 courses which emphasize work force development and for which
17 additional reimbursement may be required above the current
18 noncredit reimbursement factor. The department shall also
19 provide an estimate of the number of equivalent full-time
20 students enrolled in noncredit courses which emphasize work
21 force development had these criteria been in effect in the 2000-
22 2001 fiscal year. This information shall be furnished to the
23 chairman and minority chairman of the Appropriations and
24 Education Committees of the Senate and the chairman and minority
25 chairman of the Appropriations and Education Committees of the
26 House of Representatives.

27 Section 24. Section 2013-A of the act, added November 12,
28 1982 (P.L.660, No.188), is amended to read:

29 Section 2013-A. Teachers' and Employes' Retirement Plans.--
30 Pursuant to the provisions of 24 Pa.C.S. § 8301 (relating to

1 mandatory and optional membership), all professional and other
2 employes of the system and its institutions shall be accorded
3 the right to elect participation in the Pennsylvania Public
4 School Employees' Retirement System or the State Employees'
5 Retirement System. Alternatively, eligible employes shall have
6 the right to elect participation in the Teachers' Insurance and
7 Annuity Association of America--College Retirement Equities Fund
8 (TIAA-CREF) retirement plan[.], or in an alternative retirement
9 plan or plans offered by any insurance company authorized to
10 issue annuity contracts in this Commonwealth, or mutual fund
11 company with investment options meeting the requirements of a
12 qualified plan under the Internal Revenue Code of 1986 (Public
13 Law 99-514, 26 U.S.C. § 1 et seq.). The alternative retirement
14 plans shall be selected by the system pursuant to the request-
15 for-proposal process.

16 Section 25. Section 2501(14.1) of the act, amended June 7,
17 1993 (P.L.49, No.16), is amended to read:

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

20 * * *

21 (14.1) "Market Value/Income Aid Ratio." For purposes of
22 reimbursement to a school district under subsections (d), (e),
23 and (f) of section 2502, section 2502.8, section 2502.22,
24 section 2502.25, section 2502.26 and section 2592, or to an
25 intermediate unit or area vocational-technical school, shall be
26 the Commonwealth's method of determining the combined market
27 value and income wealth for each pupil, and shall be computed,
28 for the school year for which reimbursement is being paid, as
29 follows:

30 (a) (i) Divide the market value per weighted average daily

1 membership of the district, intermediate unit or area
2 vocational-technical school by the market value per weighted
3 average daily membership of the State;

4 (ii) Determine the product of (a)(i) multiplied by .5;

5 (iii) Subtract the resultant product in (a)(ii) from 1.000
6 to determine the market value portion of the aid ratio.

7 (iv) For purposes of the calculation described in (a)(i)
8 through (a)(iii), the market value of a district shall be the
9 real property valuation of the district for the calendar year
10 that concluded during the school year immediately preceding the
11 school year for which reimbursement is being paid. The market
12 value of an intermediate unit or area vocational-technical
13 school shall be the sum of the real property valuations of each
14 of its component districts for the calendar year that concluded
15 during the school year immediately preceding the school year for
16 which reimbursement is being paid. The weighted average daily
17 membership of a district shall be the weighted average daily
18 membership for the school year immediately preceding the school
19 year for which reimbursement is being paid. The weighted average
20 daily membership of an intermediate unit or area vocational-
21 technical school shall be the sum of the weighted average daily
22 memberships of each of its component districts for the school
23 year immediately preceding the school year for which
24 reimbursement is being paid.

25 (b) (i) Divide the income per weighted average daily
26 membership of the district, the intermediate unit or area
27 vocational-technical school by the average personal income per
28 weighted average daily membership of the State;

29 (ii) Determine the product of (b)(i) multiplied by .5;

30 (iii) Subtract the resultant product in (b)(ii) from 1.000

1 to determine the income aid ratio.

2 (iv) For purposes of the calculation described in (b) (i)
3 through (b) (iii), the income of a district shall be the personal
4 income valuation of the district. The income of an intermediate
5 unit or area vocational-technical school shall be the sum of the
6 personal income valuations of each of its component districts.
7 The weighted average daily membership of the district shall be
8 the weighted average daily membership for the school year
9 immediately preceding the school year for which reimbursement is
10 being paid. The weighted average daily membership of an
11 intermediate unit or area vocational-technical school shall be
12 the sum of the weighted average daily memberships of each of its
13 component districts for the school year immediately preceding
14 the school year for which reimbursement is being paid.

15 (c) Add sixty percent (60%) of the market value aid ratio to
16 forty percent (40%) of the income aid ratio to determine the
17 market value/income aid ratio.

18 (d) For payments beginning in the 1989-1990 school year and
19 each school year thereafter, the Department of Education shall
20 utilize an adjusted personal income valuation for the 1987 tax
21 year and each tax year thereafter respectively in computing the
22 market value/income aid ratio for such districts. The adjusted
23 personal income valuation shall be calculated by dividing the
24 total out-of-State tax credits claimed by the residents of a
25 school district by the State personal income tax rate and
26 subtracting that amount from the total personal income valuation
27 for the individual school district. The State total personal
28 income valuation shall remain that as certified by the
29 Department of Revenue and shall not be adjusted to reflect out-
30 of-State tax credits.

1 (e) For the purpose of determining payments for the 1999-
2 2000 school year and each school year thereafter, the department
3 shall utilize the following calculation for any school district
4 where the personal income as determined by the Department of
5 Revenue under Article III, section 303(a)(3), (4), (7) or (8) of
6 the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform
7 Code of 1971," increases by at least one thousand percent
8 (1,000%) over such income reported for the prior tax year: the
9 total personal income used to determine the personal income aid
10 ratio and market value/personal income aid ratio shall be
11 calculated using an amount for personal income as determined by
12 the Department of Revenue under Article III, section 303(a)(3),
13 (4), (7) or (8) of the "Tax Reform Code of 1971," that is ten
14 percent (10%) higher than such income reported for the prior tax
15 year.

16 * * *

17 Section 26. Sections 2502.8 and 2502.13 of the act, amended
18 or added July 10, 1986 (P.L.1270, No.117), June 26, 1999
19 (P.L.394, No.36) and May 10, 2000 (P.L.44, No.16), are amended
20 to read:

21 Section 2502.8. Payments on Account of Pupils Enrolled in
22 Vocational Curriculums.--(a) For the purpose of reimbursement
23 in accordance with this section, vocational curriculums are
24 agriculture education, distributive education, health
25 occupations education, home economics education (gainful),
26 business education, technical education, trade and industrial
27 education, or any other occupational oriented program approved
28 by the Secretary of Education.

29 (b) For the 1981-1982 school year through the 1984-1985
30 school year, each school district so entitled shall be paid, in

1 addition to any other subsidy to which it is entitled, an amount
2 on account of resident pupils enrolled in vocational
3 curriculums[---and], for the 1985-1986 school year [and each
4 school year thereafter] through the 1999-2000 school year, each
5 school district and area vocational-technical school shall be
6 paid an amount on account of students enrolled in vocational
7 curriculums[---] for the 2000-2001 school year and each school
8 year thereafter, each school district, area vocational-technical
9 school and charter school shall be paid an amount on account of
10 students enrolled in vocational curriculums, determined as
11 follows:

12 (1) Determine the increase in the weighted average daily
13 membership by multiplying the number of students in average
14 daily membership in vocational curriculums in area vocational-
15 technical schools by twenty-one hundredths (.21) and the number
16 of students in average daily membership in school district and
17 charter school vocational curriculums by seventeen hundredths
18 (.17).

19 (2) Multiply the lesser of the district's actual instruction
20 expense per weighted average daily membership or the base earned
21 for reimbursement by the market value/income aid ratio or by
22 three hundred seventy-five thousandths (.375), whichever is
23 greater.

24 (3) Multiply the increase in weighted average daily
25 membership determined in clause (1) by the result of clause (2).

26 (4) For the 1985-1986 [school year and each school year
27 thereafter] through 1999-2000 school years, the Commonwealth
28 shall pay the amount required by this section to the school
29 district or area vocational-technical school which provides the
30 program upon which reimbursement is based.

1 (5) For the 2000-2001 school year and each school year
2 thereafter, the Commonwealth shall pay the amount required under
3 this section to the school district, area vocational-technical
4 school or charter school which provides the programs upon which
5 reimbursement is based.

6 (c) For the school year 1998-1999 [and each school year
7 thereafter], any additional funding provided by the Commonwealth
8 over the amount provided for the school year 1997-1998 will be
9 distributed to area vocational-technical schools and to school
10 districts with eight (8) or more vocational programs based on
11 subsection (b).

12 (d) For the school year 1999-2000 [and each school year
13 thereafter], any additional funding provided by the Commonwealth
14 over the amount provided for the school year 1998-1999 will be
15 distributed to area vocational-technical schools, to school
16 districts with eight (8) or more vocational programs and to
17 school districts offering a vocational agricultural education
18 program, based on subsection (b).

19 (e) For the school year 2000-2001 and each school year
20 thereafter, any additional funding provided by the Commonwealth
21 over the amount provided for the school year 1998-1999 will be
22 distributed to area vocational-technical schools, to school
23 districts and charter schools with eight (8) or more vocational
24 programs and to school districts and charter schools offering a
25 vocational-agricultural education program based on subsection
26 (b).

27 Section 2502.13. Small District Assistance.--For the 1984-
28 1985 and 1985-1986 school years, the Commonwealth shall pay to
29 each school district which has an average daily membership of
30 one thousand five hundred (1,500) or less and has a market

1 value/income aid ratio of five thousand ten-thousandths (0.5000)
2 or greater, an amount equal to fifty dollars (\$50) multiplied by
3 that district's average daily membership. For the 1985-1986
4 school year, no school district shall receive less on account of
5 this section than it did for the 1984-1985 school year. For the
6 school year 1986-1987, the Commonwealth shall pay to each school
7 district which has an average daily membership of one thousand
8 five hundred (1,500) or less and has a market value/income aid
9 ratio of five thousand ten-thousandths (0.5000) or greater, or
10 received payments under this section for the 1985-1986 school
11 year, an amount equal to seventy-five dollars (\$75) multiplied
12 by that district's average daily membership. For the school year
13 1987-1988, the Commonwealth shall pay to each school district
14 which has an average daily membership of one thousand five
15 hundred (1,500) or less and a market value/income aid ratio of
16 five thousand ten-thousandths (0.5000) or greater, or received
17 payments under this section for the 1986-1987 school year, an
18 amount equal to eighty-five dollars (\$85) multiplied by that
19 district's average daily membership. For the school year 1988-
20 1989, the Commonwealth shall pay to each school district which
21 has an average daily membership of one thousand five hundred
22 (1,500) or less and a market value/income aid ratio of five
23 thousand ten thousandths (0.5000) or greater, or received
24 payments under this section for the 1987-1988 or 1988-1989
25 school year, an amount equal to one hundred five dollars (\$105).
26 For the school year 1989-1990, the Commonwealth shall pay to
27 each school district which has an average daily membership of
28 one thousand five hundred (1,500) or less and a market
29 value/income aid ratio of five thousand ten-thousandths (0.5000)
30 or greater, or received payments under this section for the

1 1987-1988 school year, an amount equal to one hundred fifteen
2 dollars (\$115) multiplied by the district's average daily
3 membership as provided for in section 212 of the act of July 1,
4 1990 (P.L.1591, No.7A), known as the "General Appropriation Act
5 of 1990." For the school year 1990-1991, the Commonwealth shall
6 pay to each school district which has an average daily
7 membership of one thousand five hundred (1,500) or less and a
8 market value/income aid ratio of five thousand ten-thousandths
9 (0.5000) or greater, or received payments under this section for
10 the prior school year, an amount equal to one hundred seventy
11 dollars (\$170) multiplied by that district's average daily
12 membership. For the school year 1990-1991, each school district
13 with a population per square mile of less than ninety (90),
14 which otherwise meets the average daily membership and market
15 value/income aid ratio requirements of this section, or received
16 payments under this section for the prior school year, shall
17 instead receive an amount equal to one hundred ninety dollars
18 (\$190) multiplied by that district's average daily membership.
19 For the 1987-1988 school year through the 1990-1991 school year,
20 no school district shall receive less on account of this section
21 than it did for the prior school year. For the school year 1994-
22 1995, the Commonwealth shall pay to each school district which
23 has an average daily membership of one thousand five hundred
24 (1,500) or less and a market value/income aid ratio of five
25 thousand ten-thousandths (0.5000) or greater, an amount equal to
26 ninety five dollars (\$95) multiplied by that district's average
27 daily membership. For each of the school years 1997-1998 through
28 1999-2000, the Commonwealth shall pay to each school district
29 which has an average daily membership of one thousand five
30 hundred (1,500) or less and a market value/income aid ratio of

1 five thousand ten-thousandths (0.5000) or greater an amount
2 equal to seventy-five dollars (\$75) multiplied by that
3 district's average daily membership. For the school year 2000-
4 2001, the Commonwealth shall pay to each school district which
5 has an average daily membership of one thousand five hundred
6 (1,500) or less an amount equal to seventy-five dollars (\$75)
7 multiplied by that district's average daily membership.

8 Section 27. Section 2502.30 of the act, amended June 26,
9 1999 (P.L.394, No.36), is reenacted and amended to read:

10 Section 2502.30. Temporary Special Aid to School Districts
11 Suffering Loss of Tax Revenue Due to Reduction in Assessed
12 Valuation of Taxable Property.--(a) Temporary special aid shall
13 be paid in fiscal years 1994-1995, 1995-1996, 1996-1997, 1997-
14 1998, 1998-1999 [and], 1999-2000 and 2001-2002 to school
15 districts experiencing a severe reduction in local revenue due
16 to a decline in the assessed value of taxable properties. The
17 allocation to these districts shall be determined by multiplying
18 the reduction in assessed value between 1985-1986 and 1992-1993
19 by the 1992-1993 real estate millage rate. This aid shall be
20 paid from undistributed funds not expended, encumbered or
21 committed from appropriations for grants and subsidies made to
22 the Department of Education. No other funds shall be used for
23 assistance under this section. These funds shall be sufficient
24 to provide temporary relief to seven school districts in fiscal
25 year 1995-1996 at seventy-five per centum (75%) of the funds
26 received in fiscal year 1994-1995, in fiscal year 1996-1997 at
27 fifty per centum (50%) of the funds received in fiscal year
28 1994-1995, in fiscal year 1997-1998, 1998-1999 and in fiscal
29 year 1999-2000 at twenty-five per centum (25%) of the funds
30 received in fiscal year 1994-1995. For fiscal year 2001-2002 to

1 the extent funds are available as determined by the Secretary of
2 the Budget qualifying school districts shall receive twenty-five
3 per centum (25%) of the funds received in fiscal year 1994-1995.
4 This section shall expire October 1, [2000] 2002.

5 (b) Payments made pursuant to subsection (a) shall be paid
6 from a restricted receipt account, which is hereby established,
7 for such payments. Funds shall be transferred by the Secretary
8 of the Budget to the restricted account only to the extent
9 necessary to make the payments authorized by this section. The
10 money in the restricted account is hereby appropriated from the
11 account for purposes of this section.

12 Section 28. The act is amended by adding a section to read:

13 Section 2502.39. Basic Education Funding for 2000-2001
14 School Year.--For the 2000-2001 school year, the Commonwealth
15 shall pay to each school district a basic education funding
16 allocation which shall consist of the following:

17 (1) An amount equal to the basic education funding
18 allocation for the 1999-2000 school year pursuant to sections
19 2502.13, 2502.37 and 2502.38.

20 (2) A base supplement calculated as follows:

21 (i) If the school district's 2001-2002 market value/income
22 aid ratio is equal to or greater than .7000:

23 (A) Multiply the school district's 2001-2002 market
24 value/income aid ratio by its 2000-2001 average daily
25 membership.

26 (B) Multiply the product from (A) by \$25,000,000.

27 (C) Divide the product from (B) by the sum of the products
28 of the 2001-2002 market value/income aid ratio multiplied by the
29 2000-2001 average daily membership for all qualifying school
30 districts.

1 (ii) If the school district's 2001-2002 market value/income
2 aid ratio is equal to or greater than .4000 and less than .7000:

3 (A) Multiply the school district's 2001-2002 market
4 value/income aid ratio by its 2000-2001 average daily
5 membership.

6 (B) Multiply the product from (A) by \$77,000,000.

7 (C) Divide the product from (B) by the sum of the products
8 of 2001-2002 market value/income aid ratio multiplied by the
9 2000-2001 average daily membership for all qualifying school
10 districts.

11 (iii) If the school district's 2001-2002 market value/income
12 aid ratio is less than .4000:

13 (A) Multiply the school district's 2001-2002 market
14 value/income aid ratio by its 2000-2001 average daily
15 membership.

16 (B) Multiply the product from (A) by \$12,000,000.

17 (C) Divide the product from (B) by the sum of the products
18 of 2001-2002 market value/income aid ratio multiplied by the
19 2000-2001 average daily membership for all qualifying school
20 districts.

21 (3) An increasing aid ratio supplement to qualifying school
22 districts as follows:

23 (i) To qualify for the increasing aid ratio supplement, a
24 school district's 2001-2002 market value/income aid ratio must
25 have increased by .0100 or more over the 1994-1995 market
26 value/income aid ratio and the school district's 2001-2002
27 market value/income aid ratio must be greater than or equal to
28 the median.

29 (ii) The increasing aid ratio supplement shall be calculated
30 for qualifying school districts as follows: multiply the school

1 district's increase in market value/income aid ratio between
2 1994-1995 and 2001-2002 by its 2000-2001 average daily
3 membership and multiply this product by thirty-five million
4 dollars (\$35,000,000) and divide the resultant product by the
5 sum of the products of the increase in aid ratio multiplied by
6 the 2000-2001 average daily membership for all qualifying school
7 districts.

8 (4) A growth supplement is calculated for qualifying school
9 districts as follows:

10 (i) Each school district with an increase in average daily
11 membership between the 1999-2000 and 2000-2001 school years of
12 less than three percent (3%) shall receive an amount equal to
13 five hundred dollars (\$500) multiplied by the actual numerical
14 increase in average daily membership between the 1999-2000 and
15 2000-2001 school years.

16 (ii) Each school district with an increase in average daily
17 membership between the 1999-2000 and 2000-2001 school years
18 equal to or greater than three percent (3%) shall receive an
19 amount equal to one thousand dollars (\$1,000) multiplied by the
20 actual numerical increase in average daily membership between
21 the 1999-2000 and 2000-2001 school years.

22 (5) Each school district will receive additional funding, as
23 necessary, so that the sum of the amounts under section 2502.13
24 and under clauses (2), (3), (4) and this clause will equal at
25 least two percent (2%) of the amount in clause (1).

26 (6) Each school district will receive additional funding, as
27 necessary, so that the sum of the amounts under section 2502.13
28 and under clauses (1), (2), (3), (4), (5) and this clause
29 divided by the 2000-2001 average daily membership will equal at
30 least one hundred one percent (101%) of the amount in clause (1)

1 divided by its 1999-2000 average daily membership.

2 Section 29. Section 2509.1 of the act is amended by adding a
3 subsection to read:

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

5 (b.9) Up to nine million five hundred thousand dollars
6 (\$9,500,000) may be utilized for programs administered and
7 operated by intermediate units during the 2001-2002 school year
8 for institutionalized children as provided in subsection (b.1).

9 * * *

10 Section 30. Section 2561 is amended by adding a clause to
11 read:

12 Section 2561. Tuition Charges for Pupils of Other
13 Districts.--A school district or vocational school district
14 receiving elementary or high school pupils or vocational or
15 other extension education pupils who are residents of another
16 school district or another vocational school district shall
17 compute the tuition charges as follows:

18 * * *

19 (8) Charter School Tuition Charge. When a charter school
20 established pursuant to Article XVII-A enrolls any eligible
21 student in an approved private school pursuant to section 1376,
22 its "tuition charge per elementary pupil" or its "tuition charge
23 per secondary pupil" shall be calculated in accordance with
24 clauses (1) through (3).

25 Section 31. The act is amended by adding a section to read:

26 Section 2574.3. Approved Reimbursable Annual Rental for
27 Leases of Buildings or Portions of Buildings for Charter School
28 Use.--(a) For leases of buildings or portions of buildings for
29 charter school use which have been approved by the Secretary of
30 Education on or after July 1, 2001, the Department of Education

1 shall calculate an approved reimbursable annual rental charge.
2 Approved reimbursable annual rental for such approved leases of
3 buildings or portions of buildings for charter school use shall
4 be the lesser of (i) the annual rental payable under the
5 provisions of the approved lease agreement, or (ii) the product
6 of the enrollment, as determined by the Department of Education,
7 times one hundred sixty dollars (\$160) for elementary schools,
8 two hundred twenty dollars (\$220) for secondary schools, or two
9 hundred seventy dollars (\$270) for area vocational-technical
10 schools. The Commonwealth shall pay, annually, for the school
11 year 2001-2002 and each school year thereafter, to each charter
12 school which leases with the approval of the Department of
13 Education buildings or portions of buildings for charter school
14 use under these provisions an amount determined by multiplying
15 the aid ratio of the charter school by the approved reimbursable
16 annual rental.

17 (b) Nothing in this section shall require a charter school
18 that has been converted from an existing public school under
19 Article XVII-A to make rental payments to a school district.

20 Section 32. This act shall take effect as follows:

21 (1) The addition or amendment of sections 613(f), 923-A,
22 1311-A, 1376, 1725-A, 1855, 1913-A, 1915-A, 2013-A, 2502.8,
23 2502.13, 2502.30, 2502.39, 2509.1(b.9), 2561(8) and 2574.3 of
24 the act shall take effect July 1, 2001.

25 (2) The remainder of this act shall take effect June 30,
26 2001, or immediately, whichever is sooner.



Gilbert, Melissa

From: Susan M. Ristow [ristowsm@mail.milwaukee.k12.wi.us]
Sent: Tuesday, February 12, 2002 2:14 PM
To: Gilbert, Melissa
Subject: Re: follow-up to letter on teacher hiring

AB 837
folder

At 11:29 AM 2/12/02 -0600, you wrote: The approximately 200 discrepant positions were staffed with interns (All in alternative certification programs) and teachers on permits or emergency licenses. Sue Ristow, Manager, Office of Certificated Staffing

>Thanks for the written response to our inquiry regarding teacher vacancies
>within MPS. We do have one follow-up question at this point. The number of
>vacancies district-wide in the spring totaled 801, and the school district
>hired 478 certified teachers by the beginning of the fall semester. This
>would appear to leave 323 positions unfilled at the start of the 2001-2002
>school year, but you list only 113 vacancies. Could you explain the
>discrepancy for us?
>
>Again, THANKS for your help,
>Missy
>Office of Rep. Scott Walker
>608-266-9180





DEPARTMENT OF
HUMAN RESOURCES

Executive
Director (414) 475-8205
Fax 475-8723
TDD 475-8593
web site:
www.milwaukee.k12.wi.us

January 17, 2002

Division of
Insurance &
Risk Management
Director 475-8557
BCBS Health 475-8233
HMO's/Dental 475-8158
Pension/TSA's 475-8792
Workers' Compensation/
Unemployment
Compensation 475-8209
Life Insurance/
Union Dues 475-8215
Insurance/Safety/Risk
Management 475-8555
475-8979
Fax 475-8562

Representative Scott Walker
State Representative
14th Assembly District
P.O. Box 8953
Madison, WI 53708-8953

AB 837
folder

Dear Representative Walker:

Please accept my sincere apology for the lack of timeliness in responding to your inquiry.

You asked for the following information:

- The number of current vacant teacher positions in the Milwaukee Public Schools

Elementary	111
Middle	43
High	<u>52</u>
Total	206

- The number of vacancies at the start of the 2001-2002 school year

Elementary	31
Middle	37
High	<u>45</u>
Total	113

32⁷⁵

There were 801 vacancies district-wide when the spring 2001 school-based interview process commenced on May 1, 2001.

- The number of vacancies filled at the start of the school year by certified teachers

478 (hired as of August 22, 2001)

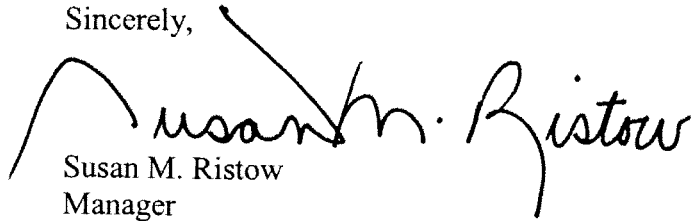
Classified Staffing
Fax 475-8687
Clerical 475-8218
Educational
Assistants 475-8216
Other Support
Staff 475-8421

Compensation
& Records
New Employee Benefits
Sign-ups 475-8503
New Teacher
Requirements 475-8236
Salary Reclassifications/
Tuition
Reimbursement 475-8210

- The number of vacancies filled by teachers certified in the subject areas they were assigned to teach

478

Sincerely,

A handwritten signature in black ink that reads "Susan M. Ristow". The signature is written in a cursive style with a large, sweeping initial "S".

Susan M. Ristow
Manager
Office of Certificated Staffing

SMR:rv

Cc: Spence Korté, Ph.D., Superintendent of Schools
Karen R. Jackson, Ph.D., Director, Department of Human Resources
Audra Millen, Legislative Policy Manager, Governmental Relations