

No. 2001-35

AN ACT

SB 485

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 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.

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

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

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

* * *

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

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

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

- (1) *a review of academic accountability methods and systems;*
- (2) *a summary of governance structures, approval processes and oversight mechanisms of each public school that provides instruction primarily through the Internet;*

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

(4) recommendations regarding funding alternatives.

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

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

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

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

Each school district having a population of [one million five hundred thousand (1,500,000)] *one million (1,000,000)*, or more, shall be a school district of the first class;

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

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

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

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

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

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

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

Section 324. Not to be Employed by or do Business with District; Exceptions.—(a) No school director shall, during the term for which he was elected or appointed, as a private person engaged in any business

transaction with the school district in which he is elected or appointed, be employed in any capacity by the school district in which he is elected or appointed, or receive from such school district any pay for services rendered to the district except as provided in this act: Provided, That one who has served as a school director for two consecutive terms, of six years each, may be elected to the position of attorney or solicitor for the board of which he was a member by the unanimous vote of all the other members of the board, and, after resigning his office as school director, shall be entitled to receive such pay for his services as solicitor as the board of school directors may determine: Provided, however, That a school director may be appointed to the position of secretary to the board of a school district of the second class, of which he was a member during the term for which he was elected or appointed upon the unanimous consent of all the other members of the board after resigning his office as school director, and he shall be entitled to receive such pay for his services as secretary as the board of school directors shall determine: And provided further, That one who has served as a school director may, after resigning from office as a school director, be elected to the position of teacher by the board of which he was a member by a vote of at least two-thirds of all other members of the board and shall be entitled to receive such pay for his services as a teacher as the board of school directors may lawfully determine.

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

(c) *It shall not be a violation of this section for a school district to contract for the purchase of goods or services from a business with which a school director is associated to the extent permitted by and in compliance with 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure).*

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

Section 613. Management Information Reports.—* * *

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

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

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

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

(c) Loan of Textbooks [and], Instructional Materials ***and Instructional Equipment***. The Secretary of Education directly, or through the intermediate units, shall have the power and duty to purchase textbooks [and], instructional materials ***and instructional equipment*** and, upon individual request, to loan them to all children residing in the Commonwealth who are enrolled in grades kindergarten through twelve of a nonpublic school. Such textbooks [and], instructional materials ***and instructional equipment*** shall be loaned free to such children subject to such rules and regulations as may be prescribed by the Secretary of Education, due regard being had to the feasibility of making loans of particular instructional materials ***and instructional equipment*** on an individual basis.

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

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

Section 1106. Duty to Employ.—The board of school directors in every school district shall employ the necessary qualified professional employes, substitutes and temporary professional employes to keep the public schools open in their respective districts in compliance with the provisions of this act. Except for school districts of the first class and first class A which may require residency requirements ***for other than professional employes, substitutes and temporary professional employes***, no other school district shall require an employe to reside within the school district as a condition for appointment or continued employment.

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

Section 1113. Transferred Programs and Classes.—* * *

(b.1) Professional employes who are classified as teachers and who are not transferred with the classes to which they are assigned or who have

received a formal notice of suspension shall form a pool of employes within the school entity. No new professional employe who is classified as a teacher shall be employed by a school entity assuming program responsibility for transferred students while there is:

(1) a properly certificated professional employe who is classified as a teacher suspended in the receiving entity; or

(2) if no person is qualified under clause (1), a properly certificated member of the school entity pool who is willing to accept employment with the school entity assuming program responsibility for transferred students. Members of the pool shall have the right to refuse employment offers from such school entity and remain in the pool. **[Refusal to accept work under this subsection shall not be grounds for denial of unemployment compensation under sections 401 and 402 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law."]** *For purposes of sections 401 and 402 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law," an employer policy is hereby established under which members of the pool are not required to accept employment offers from the school entity assuming program responsibility for transferred students.*

* * *

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

Section 1205.1. Continuing Professional Development.—* * *

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

* * *

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

Section 1205.2. Program of Continuing Professional Education.—* * *

(k) A professional educator who is not employed by a school entity as a professional or temporary professional employe may apply to the department for inactive certification. Inactive certification shall:

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

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

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

* * *

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

Section 1302. Residence and Right to Free School Privileges.—A child shall be considered a resident of the school district in which his parents or the guardian of his person resides. Federal installations are considered a part of the school district or districts in which they are situate and the children residing on such installations shall be counted as resident pupils of the school district. When a resident of any school district keeps in his home a child of school age, not his own, supporting the child gratis as if it were his own, such child shall be entitled to all free school privileges accorded to resident school children of the district, including the right to attend the public high school maintained in such district or in other districts in the same manner as though such child were in fact a resident school child of the district, and shall be subject to all the requirements placed upon resident school children of the district. Before such child may be accepted as a pupil, such resident shall file with the secretary of the board:

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

(2) a sworn statement that he is a resident of the district, that he is supporting the child gratis, that he will assume all personal obligations for the child relative to school requirements, and that he intends to so keep and support the child continuously and not merely through the school term. *The school board, pursuant to guidelines issued by the Department of*

Education, may require other reasonable information to be submitted by the resident to substantiate the sworn statement.

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

Section 1329. Excuses from Attending School.—(a) The board of school directors of any school district may, upon certification by any licensed practitioner of the healing arts or upon any other satisfactory evidence being furnished to it, showing that any child or children are prevented from attending school, or from application to study, on account of any mental, physical, or other urgent reasons, excuse such child or children from attending school as required by the provisions of this act, but the term “urgent reasons” shall be strictly construed and shall not permit of irregular attendance. In every such case, such action by the board of school directors shall not be final until the approval of the Department of Public Instruction has been obtained. Every principal or teacher in any public, private, or other school may, for reasons enumerated above, excuse any child for non-attendance during temporary periods.

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

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

Section 1376. Cost of Tuition and Maintenance of Certain Exceptional Children in Approved Institutions.—(a) When any child between school entry age and twenty-one (21) years of age and resident in this Commonwealth, who is blind or deaf, or has cerebral palsy and/or neurological impairment and/or muscular dystrophy and/or is mentally retarded and/or has a serious emotional disturbance and/or has autism/pervasive developmental disorder and is enrolled, with the approval of the Department of Education, as a pupil in an approved private school approved by the Department of Education, in accordance with standards and regulations promulgated by the State Board of Education, the school district in which such child is resident ***or, for students placed by a charter school, the charter school in which the student was enrolled*** shall pay the greater of either twenty per centum (20%) of the actual audited cost of tuition and maintenance of such child in such school, as determined by the Department of Education, or its “tuition charge per elementary pupil” or its “tuition charge per high school pupil,” ***as calculated pursuant to section 2561***, and the Commonwealth shall pay, out of funds appropriated to the department for special education, the balance due for the costs of such child’s tuition and maintenance, as determined by the department. For the school years

1989-1990, 1990-1991 and 1991-1992, the school district payment shall be no greater than forty percent (40%) of the actual audited costs of tuition and maintenance of such child in such school. For the 1992-1993 school year and each school year thereafter, the school district *or charter school* payment shall be the greater of forty percent (40%) of the actual audited costs of tuition and maintenance of such child in such school, as determined by the Department of Education, or its "tuition charge per elementary pupil" or its "tuition charge per high school pupil," *as calculated pursuant to section 2561*, and the Commonwealth shall pay, out of funds appropriated to the department for approved private schools, the balance due for the costs of such child's tuition and maintenance, as determined by the department. The department will credit the district of residence with average daily membership for such child consistent with the rules of procedure developed in accordance with section 2501. If the residence of such child in a particular school district cannot be determined, the Commonwealth shall pay, out of moneys appropriated to the department for special education, the whole cost of tuition and maintenance of such child. The Department of Education shall be provided with such financial data from approved private schools as may be necessary to determine the reasonableness of costs for tuition and room and board concerning Pennsylvania resident approved reimbursed students. The Department of Education shall evaluate such data and shall disallow any cost deemed unreasonable. Any costs deemed unreasonable by the Department of Education for disallowance shall be considered an adjudication within the meaning of Title 2 of the Pa.C.S. (relating to administrative law and procedure) and regulations promulgated thereunder.

* * *

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

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

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

(c) The Secretary of [**the Budget**] *Education in consultation with the General Counsel* may designate a portion of the funds provided for the safe schools advocate for contracts for legal services to assist low-income parents or guardians of victims to obtain legal services for proceedings under subsection (a). The Secretary of [**the Budget**] *Education in consultation*

with the General Counsel may designate a portion of the funds provided for the advocate to challenge a consent decree under subsection (b) or to bring an action under sections 1310-A(c)(5) and 1312-A(a). The designation of attorneys to receive funds under this subsection shall be within the discretion of the Office of General Counsel after consultation with the safe schools advocate. Designated funds which are not expended under this subsection shall lapse to the General Fund.

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

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

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

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

Section 1613. High School Certificates.—(a) The board of school directors, joint board or joint school committee operating any high school shall issue a certificate to each pupil satisfactorily completing the prescribed course of instruction in the high school.

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

- (1) Four years of English.
- (2) Three years of mathematics.
- (3) Three years of science.
- (4) Three years of social studies.
- (5) Two years of arts and humanities.

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

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

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

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

(c) The Commonwealth shall create a grant program to provide temporary transitional funding to a school district due to the budgetary impact relating to any [student attending] *student's first-year attendance* at a charter school. [A school district that approves one or more charter schools may apply for a grant under this subsection.] The department shall develop criteria which shall include, but not be limited to, the overall fiscal impact on the budget of the school district resulting from students of a school district attending a charter school. The criteria shall be published in the Pennsylvania Bulletin. [Payments under this subsection shall be made for the first year of operation of the charter school. The authority to make grants under this subsection shall expire on June 30, 1999.] This subsection shall not apply to a public school converted to a charter school under section 1717-A(b). *Grants shall be limited to funds appropriated for this purpose.*

* * *

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

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

* * *

(2) Designate any school of the district as an independent school operating under an agreement with the board of school directors, granting operational control to the governing body of the independent school. The governing body of the independent school, including its membership and selection process, shall be established by the board of school directors. The governing body shall include representatives of parents and teachers. A school designated as independent under this paragraph shall have the authority to decide all matters related to the operation of the school, including the exercise of powers provided under this article. The agreement between the board of school directors and the independent school shall do the following, consistent with the school district improvement plan:

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

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

(iii) Describe the academic, fiscal and other goals and objectives for which the independent school will be held accountable and the evaluation

criteria and procedures that will be employed to determine whether the school is meeting its goals and objectives.

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

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

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

(vii) Define the terms under which the agreement may be terminated, extended or renewed.

* * *

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

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

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

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

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

(4) The department may utilize up to \$2,000,000 of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the department to assist school districts certified as an education empowerment district under paragraph (3). There is hereby established a restricted account from which payments under this paragraph shall be paid. Funds shall be transferred by the Secretary of the Budget to the restricted account to the extent necessary to make payments under this paragraph. Funds in the restricted account are hereby appropriated to carry out the purposes of this paragraph. This paragraph shall apply to fiscal years 2000-2001 and 2001-2002 and shall expire June 30, 2002.

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

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

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

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

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

Section 1855. Vocational Education Equipment Grants.—For the 2000-2001 fiscal year *and the 2001-2002 fiscal year*, the Department of Education shall establish a grant program to assist area vocational-technical schools [and], school districts offering approved vocational-technical programs *and the Thaddeus Stevens State College of Technology* in purchasing equipment that meets industry standards for the purpose of providing training to students. Grants shall be limited to the purchase of equipment in the following program areas: automotive technology, auto body, diesel technology, precision machine technology, heating ventilation and air conditioning, printing, dental assisting, electronics, building trades and other program areas approved by the Secretary of Education. Grants shall be awarded by the Department of Education on a matching basis, two State dollars (\$2) for every local dollar (\$1), and shall be limited to funds appropriated for that purpose.

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

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

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

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

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

* * *

(1.4) The equivalent full-time student reimbursement of a community college shall be the sum of credit course, noncredit course and stipend reimbursements. These reimbursements shall be calculated using a reimbursement factor of one thousand and forty dollars (\$1,040) for the

1993-1994 fiscal year, of one thousand eighty dollars (\$1,080) for the 1994-1995 fiscal year and of one thousand one hundred eighty dollars (\$1,180) for the 1995-1996 fiscal year and one thousand and two hundred and ten dollars (\$1,210) for the 1996-1997 fiscal year and one thousand two hundred sixty dollars (\$1,260) for the 1997-1998 fiscal year and the 1998-1999 fiscal year and one thousand three hundred dollars (\$1,300) for the 1999-2000 fiscal year and one thousand four hundred dollars (\$1,400) for the 2000-2001 fiscal year *and one thousand five hundred dollars (\$1,500) for the 2001-2002 fiscal year* and for each year thereafter and shall be determined as follows:

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

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

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

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

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

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

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

(B) One thousand dollars (\$1,000) per full-time equivalent student enrolled in programs designated as Statewide programs. For the fiscal year 1995-1996, 1996-1997 and 1997-1998, the reimbursement rate shall be calculated at one thousand seventy-five dollars (\$1,075) per full-time equivalent student enrolled in programs designated as Statewide programs. For the fiscal year 1998-1999 and each year thereafter, the reimbursement rate shall be calculated at one thousand three hundred sixty dollars (\$1,360) per full-time equivalent student enrolled in programs designated as Statewide programs. A Statewide program is a program which meets one or more of the following criteria:

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

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

(C) Five hundred dollars (\$500) per full-time equivalent student enrolled in other occupational or technical programs. For the fiscal year 1995-1996, 1996-1997 and 1997-1998, the reimbursement rate shall be calculated at five hundred seventy-five dollars (\$575) per full-time equivalent student enrolled in other occupational or technical programs. For the fiscal year 1998-1999 and each year thereafter, the reimbursement rate shall be calculated at eight hundred sixty dollars (\$860) per full-time equivalent student enrolled in other occupational or technical programs.

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

Section 1914-A. Dissolution of Certain Community Colleges.—(a) Notwithstanding the provisions of section 1910-A, any community college that was approved as a community college by the State Board of Education after January 1, 1990, may be dissolved after a determination by the Secretary of Education that the majority of the education and training programs operated by the college are nonacademic in nature and upon notice of said determination to the community college.

(b) Upon the Secretary of Education's notice as described in subsection (a), a dissolved community college shall cease to be a public instrumentality. If the dissolved community college desires to continue to offer degree programs, provide specialized job training or provide professional development training, those programs must be transferred to a corporate successor organized as a nonprofit corporation under 15 Pa.C.S. (relating to corporations and unincorporated associations).

(c) The corporate successor of a dissolved community college shall continue to have the authority to grant associate degrees and certificates in those programs in which the dissolved community college had the authority to grant degrees during the last complete school year of operation as a community college. If a corporate successor desires to

offer additional associate degree programs, it must apply to the Department of Education to obtain approval in accordance with applicable regulations. If a corporate successor desires to offer additional certificates, it shall apply for licensure to the State Board of Private Licensed Schools. A corporate successor of a dissolved community college is not authorized to award baccalaureate degrees.

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

(e) Any Workforce Development Challenge Grant awarded to a dissolved community college prior to dissolution shall be transferred to and become an asset of its corporate successor.

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

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

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

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

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

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

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

* * *

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

(a) (i) Divide the market value per weighted average daily membership of the district, intermediate unit or area vocational-technical school by the market value per weighted average daily membership of the State;

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

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

(iv) For purposes of the calculation described in (a)(i) through (a)(iii), the market value of a district shall be the real property valuation of the district for the calendar year that concluded during the school year immediately preceding the school year for which reimbursement is being paid. The market value of an intermediate unit or area vocational-technical school shall be the sum of the real property valuations of each of its component districts for the calendar year that concluded during the school year immediately preceding the school year for which reimbursement is being paid. The weighted average daily membership of a district shall be the weighted average daily membership for the school year immediately preceding the school year for which reimbursement is being paid. The weighted average daily membership of an intermediate unit or area vocational-technical school shall be the sum of the weighted average daily

memberships of each of its component districts for the school year immediately preceding the school year for which reimbursement is being paid.

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

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

(iii) Subtract the resultant product in (b)(ii) from 1.000 to determine the income aid ratio.

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

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

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

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

amount for personal income as determined by the Department of Revenue under Article III, section 303(a)(3), (4), (7) or (8) of the "Tax Reform Code of 1971" that is ten percent (10%) higher than such income reported for the prior tax year.

* * *

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

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

(b) For the 1981-1982 school year through the 1984-1985 school year, each school district so entitled shall be paid, in addition to any other subsidy to which it is entitled, an amount on account of resident pupils enrolled in vocational curriculums[—and,]; for the 1985-1986 school year [and each school year thereafter] *through the 1999-2000 school year*, each school district and area vocational-technical school shall be paid an amount on account of students enrolled in vocational curriculums[—]; *for the 2000-2001 school year and each school year thereafter, each school district, area vocational-technical school and charter school shall be paid an amount on account of students enrolled in vocational curriculums*, determined as follows:

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

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

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

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

(5) *For the 2000-2001 school year and each school year thereafter, the Commonwealth shall pay the amount required under this section to the*

school district, area vocational-technical school or charter school which provides the programs upon which reimbursement is based.

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

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

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

Section 2502.13. Small District Assistance.—For the 1984-1985 and 1985-1986 school years, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and has a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, an amount equal to fifty dollars (\$50) multiplied by that district's average daily membership. For the 1985-1986 school year, no school district shall receive less on account of this section than it did for the 1984-1985 school year. For the school year 1986-1987, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and has a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the 1985-1986 school year, an amount equal to seventy-five dollars (\$75) multiplied by that district's average daily membership. For the school year 1987-1988, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the 1986-1987 school year, an amount equal to eighty-five dollars (\$85) multiplied by that district's average daily membership. For the school year 1988-1989, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten thousandths (0.5000) or greater, or received payments under this section for the 1987-1988 or 1988-1989 school year, an amount equal to one hundred five dollars (\$105). For the

school year 1989-1990, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the 1987-1988 school year, an amount equal to one hundred fifteen dollars (\$115) multiplied by the district's average daily membership as provided for in section 212 of the act of July 1, 1990 (P.L.1591, No.7A), known as the "General Appropriation Act of 1990." For the school year 1990-1991, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the prior school year, an amount equal to one hundred seventy dollars (\$170) multiplied by that district's average daily membership. For the school year 1990-1991, each school district with a population per square mile of less than ninety (90), which otherwise meets the average daily membership and market value/income aid ratio requirements of this section, or received payments under this section for the prior school year, shall instead receive an amount equal to one hundred ninety dollars (\$190) multiplied by that district's average daily membership. For the 1987-1988 school year through the 1990-1991 school year, no school district shall receive less on account of this section than it did for the prior school year. For the school year 1994-1995, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, an amount equal to ninety five dollars (\$95) multiplied by that district's average daily membership. For each of the school years 1997-1998 through 1999-2000, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater an amount equal to seventy-five dollars (\$75) multiplied by that district's average daily membership. *For the school year 2000-2001, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less an amount equal to seventy-five dollars (\$75) multiplied by that district's average daily membership.*

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

Section 2502.30. Temporary Special Aid to School Districts Suffering Loss of Tax Revenue Due to Reduction in Assessed Valuation of Taxable Property.—(a) Temporary special aid shall be paid in fiscal years 1994-1995, 1995-1996, 1996-1997, 1997-1998, 1998-1999 [and], 1999-2000 *and 2001-2002* to school districts experiencing a severe reduction in local revenue due to a decline in the assessed value of taxable properties. The allocation to these districts shall be determined by multiplying the reduction

in assessed value between 1985-1986 and 1992-1993 by the 1992-1993 real estate millage rate. This aid shall be paid from undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the Department of Education. No other funds shall be used for assistance under this section. These funds shall be sufficient to provide temporary relief to seven school districts in fiscal year 1995-1996 at seventy-five per centum (75%) of the funds received in fiscal year 1994-1995, in fiscal year 1996-1997 at fifty per centum (50%) of the funds received in fiscal year 1994-1995, in fiscal year 1997-1998, 1998-1999 and in fiscal year 1999-2000 at twenty-five per centum (25%) of the funds received in fiscal year 1994-1995. *For fiscal year 2001-2002, to the extent funds are available as determined by the Secretary of the Budget, qualifying school districts shall receive twenty-five per centum (25%) of the funds received in fiscal year 1994-1995.* This section shall expire October 1, [2000] 2002.

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

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

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

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

(2) *A base supplement calculated as follows:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The increasing aid ratio supplement shall be calculated for qualifying school districts as follows: multiply the school district's increase in market value/income aid ratio between 1994-1995 and 2001-2002 by its 2000-2001 average daily membership and multiply this product by thirty-five million dollars (\$35,000,000) and divide the resultant product by the sum of the products of the increase in aid ratio multiplied by the 2000-2001 average daily membership for all qualifying school districts.

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

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

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

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

(6) Each school district will receive additional funding as necessary so that the sum of the amounts under section 2502.13 and under clauses (1), (2), (3), (4), (5) and this clause divided by the 2000-2001 average daily

membership will equal at least one hundred one percent (101%) of the amount in clause (1) divided by its 1999-2000 average daily membership.

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

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

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

* * *

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

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

* * *

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

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

Section 2574.3. Approved Reimbursable Annual Rental for Leases of Buildings or Portions of Buildings for Charter School Use.—(a) For leases of buildings or portions of buildings for charter school use which have been approved by the Secretary of Education on or after July 1, 2001, the Department of Education shall calculate an approved reimbursable annual rental charge. Approved reimbursable annual rental for such approved leases of buildings or portions of buildings for charter school use shall be the lesser of (i) the annual rental payable under the provisions of the approved lease agreement, or (ii) the product of the enrollment, as determined by the Department of Education, times one hundred sixty dollars (\$160) for elementary schools, two hundred twenty dollars (\$220) for secondary schools or two hundred seventy dollars (\$270) for area vocational-technical schools. The Commonwealth shall pay annually for the school year 2001-2002 and each school year thereafter to each charter school which leases with the approval of the Department of Education buildings or portions of buildings for charter school use under these provisions an amount determined by multiplying the aid ratio of the charter school by the approved reimbursable annual rental.

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

Section 32. This act shall take effect as follows:

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

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

APPROVED—The 22nd day of June, A.D. 2001.

THOMAS J. RIDGE