

APPENDIX 2

Act 48 of 1999 Article XIX-E of the Public School Code

PRIVATE ALTERNATIVE EDUCATION INSTITUTIONS FOR DISRUPTIVE STUDENTS.

SECTION 1901-E. DEFINITIONS.--FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

"PRIVATE ALTERNATIVE EDUCATION INSTITUTION." AN INSTITUTION OPERATED BY AN INDIVIDUAL OR A FOR-PROFIT OR NOT-FOR-PROFIT ENTITY TO PROVIDE ALTERNATIVE EDUCATION PROGRAMS AS DEFINED IN SECTION 1901-C(1).

"SCHOOL ENTITY." A SCHOOL DISTRICT, JOINT SCHOOL, CHARTER SCHOOL, AREA VOCATIONAL-TECHNICAL SCHOOL, COMBINATION OF SCHOOL DISTRICTS OR INTERMEDIATE UNIT.

SECTION 1902-E. CONTRACTS WITH PRIVATE ALTERNATIVE EDUCATION INSTITUTIONS.—

- (1) A SCHOOL ENTITY MAY CONTRACT WITH A PRIVATE ALTERNATIVE EDUCATION INSTITUTION.
- (2) A CONTRACT UNDER THIS SECTION SHALL SPECIFY THE POLICIES ESTABLISHED BY THE SCHOOL ENTITY TO IDENTIFY THOSE STUDENTS WHO ARE ELIGIBLE FOR ASSIGNMENT TO THE INSTITUTION AND ASSURE THAT THE PLACEMENT OF A STUDENT WILL COMPLY WITH THE INFORMAL HEARING PROCEDURES SET FORTH IN 22 PA. CODE § 12.8(C) (RELATING TO HEARINGS). NOTICE OF THE HEARING SHOULD PRECEDE PLACEMENT IN THE INSTITUTION. WHERE THE STUDENT'S PRESENCE POSES A CONTINUING DANGER TO PERSONS OR PROPERTY OR AN ONGOING THREAT OF DISRUPTING THE ACADEMIC PROCESS, THE STUDENT MAY BE IMMEDIATELY REMOVED FROM THE REGULAR EDUCATION CURRICULUM WITH NOTICE AND A HEARING TO FOLLOW AS SOON AS PRACTICABLE.
- (3) A PRIVATE ALTERNATIVE EDUCATION INSTITUTION SHALL:
 - (I) BE EXEMPT FROM STATUTORY REQUIREMENTS ESTABLISHED IN THIS ACT AND THE SECRETARY OF EDUCATION, EXCEPT THE FOLLOWING: SECTIONS 111, 325, 326, 327, 431, 436, 437, 443, 518, 527, 736, 737, 738, 739, 740, 741, 753, 755, 771, 809, 810, 1112(A), 1303(A), 1317, 1317.1, 1317.2, 1327, 1332, 1361, 1366, 1501, 1513, 1517, 1518, 1546 AND 1547 OF THIS ACT; ARTICLES XIII-A AND XIV OF THIS ACT; 22 PA. CODE CHS. 4 (RELATING TO ACADEMIC STANDARDS AND ASSESSMENT); 11 (RELATING TO PUPIL ATTENDANCE) AND 14 (RELATING TO SPECIAL EDUCATION SERVICES AND PROGRAMS); ACT OF JULY 17, 1961 (P.L.776, NO.341), KNOWN AS THE "PENNSYLVANIA FAIR EDUCATIONAL OPPORTUNITIES ACT"; AND REGULATIONS PROMULGATED PURSUANT TO THIS ARTICLE.
 - (II) COMPLY WITH ALL FEDERAL AND STATE LAWS AND CONSTITUTIONAL PROVISIONS PROHIBITING DISCRIMINATION ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, GENDER, NATIONAL ORIGIN, RELIGION OR ANCESTRY AND SHALL PROVIDE FOR ENROLLMENT AND HIRING IN A NONDISCRIMINATORY MANNER.
 - (III) BE NONSECTARIAN IN ALL OPERATIONS AND SHALL NOT PROVIDE ANY RELIGIOUS INSTRUCTION, NOR SHALL IT DISPLAY RELIGIOUS OBJECTS AND

- SYMBOLS ON THE PREMISES OF THE INSTITUTION.
- (IV) BE SUBJECT TO ANY ADDITIONAL REQUIREMENTS ESTABLISHED THROUGH REGULATION.
 - (V) SUBMIT AN APPLICATION TO THE DEPARTMENT OF EDUCATION AS PRESCRIBED BY THE DEPARTMENT OF EDUCATION.
- (4) A PRIVATE ALTERNATIVE EDUCATION INSTITUTION SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT OF EDUCATION CONTAINING INFORMATION REQUIRED BY THE DEPARTMENT OF EDUCATION.

SECTION 1903-E. APPROVAL BY DEPARTMENT OF EDUCATION.—

- (A) A PRIVATE ALTERNATIVE EDUCATION INSTITUTION MAY NOT OPERATE IN THIS COMMONWEALTH UNLESS IT IS APPROVED BY THE DEPARTMENT OF EDUCATION.
- (B) THE DEPARTMENT OF EDUCATION SHALL BE RESPONSIBLE FOR EVALUATING A PRIVATE ALTERNATIVE EDUCATION INSTITUTION'S INITIAL APPLICATION TO OPERATE IN THIS COMMONWEALTH AND EACH PRIVATE ALTERNATIVE EDUCATION INSTITUTION OPERATING IN THIS COMMONWEALTH SHALL BE REEVALUATED FOR APPROVAL EVERY THREE YEARS.
- (C) THE DEPARTMENT OF EDUCATION MAY ISSUE GUIDELINES FOR THE OPERATION OF A PRIVATE ALTERNATIVE EDUCATION INSTITUTION.

SECTION 6. THE SUM OF \$10,000,000, OR AS MUCH THEREOF AS MAY BE NECESSARY, IS HEREBY APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR FISCAL YEAR JULY 1, 1999, TO JUNE 30, 2000, FOR ALTERNATIVE EDUCATION. THIS AMOUNT SHALL REPLACE THE AMOUNT APPROPRIATED FOR ALTERNATIVE EDUCATION IN SECTION 212 OF THE ACT OF MAY 5, 1999 (P.L. , NO.1A), KNOWN AS THE GENERAL APPROPRIATION ACT OF 1999. ANY EXPENDITURES FROM THE APPROPRIATION IN SECTION 212 OF THE GENERAL APPROPRIATION ACT OF 1999 SHALL BE CREDITED TO THIS APPROPRIATION.

SECTION 7. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

- (1) THE AMENDMENT OF SECTIONS 914.1-A AND 1902-C AND THE ADDITION OF ARTICLE XIX-E OF THE ACT SHALL TAKE EFFECT IMMEDIATELY.
- (2) SECTION 6 AND THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.
- (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JULY 1, 2000.