

COMMONWEALTH  
**BUDGET 2022-2023**  
Senate Democratic Appropriations Committee



July 8, 2022

**SENATOR VINCENT HUGHES**  
Democratic Chairman

## School Code

*House Bill 1642, Printer's Number 3374, includes provisions to implement components of the budget package and other changes to the Public School Code. This includes language relating to pre-k through 12 education, higher education, and continuing education. For further details and information on other policy changes, please see the summary below. PLEASE NOTE THAT PROVISIONS ON SCHOOL SAFETY AND MENTAL HEALTH INITIATIVES WILL BE SHARED IN A SEPARATE DOCUMENT.*

### **Section 121 – Graduation Requirement – HB1013**

Makes a technical change by allowing an industry-recognized credential attained by a student to be included on the student's transcript by the start of the 2022-23 school year.

### **Section 121.1 – Keystone Exams – SB 1244**

Amends language for successful completion of the Keystone Exams to allow for a satisfactory composite score on two of the three required Keystone Exams and achieves a minimum score of proficient on one of the two Keystone Exams and a score of basic on the other Keystone Exam used to calculate the composite score.

### **Section 122 – Special Education Funding Commission**

Reconstitutes the Special Education Funding Commission on January 15, 2024.

### **Section 123.1 -- Commission on Education and Economic Competitiveness – SB 1252 and SR144**

Establishes a bicameral commission to develop policy solutions related to the future of education, with input from a subcommittee comprised of a variety of stakeholder organizations. The Commission will hold its first meeting no later than March 6, 2023 and produce a 2030 Plan along with policy recommendations within 18 months.

### **Section 723.1(a) – Limitation on New Applications for Department of Education Approval of Public School Building Projects.**

Extends the moratorium on new PlanCon applications through the 2022-23 fiscal year.

### **Section 1115 – Locally Titled Positions (Erie School District)**

Relates to a staffing issue in the Erie School District and the title of a mental health specialist.

### **Section 1204.3 – Out-of-State Applicants for Career and Technical Education Certification – HB2646**

Amends requirements for out-of-state CTE teachers to teach in PA.

### **Section 1205.2 – Program of Continuing Professional and Paraprofessional Education**

Extends teacher continuing education compliance by one year; and extends paraprofessional staff development requirements by one year.

### **Section 1205.5 – Continuing Professional Education for School or System Leaders**

Extends professional development requirements for school or system leaders by one year.

### **Section 1205.8 – Teacher Support in Structured Literacy – (Science of Reading) – HB 2045**

Directs the PA Department of Education to develop an educator professional development program utilizing evidence-based reading instructional practice that integrates listening, speaking, reading, spelling, and writing.

### **Section 1206.1 – Out-of-State Applicants for Certification – SB 224**

Authorizes PDE to issue a Pennsylvania teaching certificate to an out-of-state teaching candidate who meets one of the following criteria:

- Holds a valid and current instructional certificate issued by another state and satisfies the following: Completion of a college or university educator preparation program; satisfies local subject matter testing requirements; and provides evidence of two years of teaching.
- Holds a valid certificate issued by the National Board for Professional Teaching Standards.

### **Section 1220 – Prekindergarten through Grade Twelve Dance Certificate – HB 2678**

Directs the Department of Education to develop an instructional certificate in Pre K-12 Dance instruction.

### **Section 1326 – Definitions**

Technical edits related to school year requirements for boarding school students and homeschoolers.

### **Section 1327.1 and 1383 – Home Education Program – HB 1041**

Beginning in the 2023-24 school year, mandates school districts and career and technical education centers to allow homeschoolers to participate in academic courses up to at least one quarter of the school day.

### **Section 1331.1 – Assisting Students Experiencing Education Instability – Act 1 technical amendment**

Allows a student who attended school in the 2021-22 school year to immediately request a diploma from the school they attended in the 2021-22 school year, or a prior school, or request a Keystone Diploma from the Department of Education retroactive to the 2021-22 school year.

### **Section 1337(d) – Nonprofit School Food Program**

Mandates that school entities provide assistance to students with applying for the school lunch program and prohibits staff from discarding a student's meal, if the student could not pay or owed money for five or more meals; and raises the threshold for the alternative meal for non-eligible students from \$50 to \$75.

### **Section 1372 – Exceptional Children, Education and Training**

Makes changes to the Department's duties related to data on students with disabilities, as recommended by the Special Education Funding Commission.

- Instructs the Department to publish online the required data on students with disabilities in a spreadsheet format.
- Instructs the Department to collect data on two subsets of Category 1 students, those below \$5,000 and those above \$5,000, but below the Category 2 cost (\$25,000).
- And provides for an annual inflationary adjustment for those costs.

### **Section 1383 – Extended Special Ed Enrollment Due to COVID-19 – SB 1276**

Extends the option for parents to enroll a student with a disability who has reached the age of 21 during the 2021-22, or before the beginning of the 2022-23, school year for an additional school year.

### **Section 1302-B – School Safety and Security Committee**

Allows non-public officials serving on the committee to serve one additional four-year term for non-public officials, and specifies the terms of public officials will coincide with their time in office.

### **Section 1305.1-B – Survey of School Mental Health Services – HB 2024 (approx.)**

Directs the Pennsylvania Commission on Crime and Delinquency’s School Safety and Security Committee to develop a survey measuring mental health services in school entities throughout the Commonwealth. *(Further details are available in a separate School Safety and Mental Health Summary.)*

### **Section 1306-B – School Safety and Security Grant Program**

Establishes distributions for PCCD’s school safety grant program. *(Further details are available in a separate School Safety and Mental Health Summary.)*

### **Section 1309-B – School Safety and Security Coordinator**

Mandates that school entities appoint a school administrator as the school safety and security coordinator for the school entity. *(Further details are available in a separate School Safety and Mental Health Summary.)*

### **Section 1310-B – School Safety and Security Training**

Establishes guidelines for school entities to provide safety and security training. *(Further details are available in a separate School Safety and Mental Health Summary.)*

### **Section 1314-B – School Safety and Security Grants for 2022-23**

Outlines funding for the school safety and security grants for 2022-23. *(Further details are available in a separate School Safety and Mental Health Summary.)*

### **Section 1315-B – School Mental Health Grants for 2022-23**

Establish a school mental health grant program. *(Further details are available in a separate School Safety and Mental Health Summary.)*

### **Section 1316-B – School Safety and Security Coordinator Training**

Establishes training criteria for school safety and security coordinators. *(Further details are available in a separate School Safety and Mental Health Summary.)*

### **Section 1317-B – School Safety and Security Training in Educator, Administrator and Supervisory Preparatory Programs**

Updates guidelines for approved educator preparation program to incorporate training from Section 1310-B beginning after July 1, 2025.

*(Further details are available in a separate School Safety and Mental Health Summary.)*

### **Section 1318-B – School-based Mental Health Internship Grant Program**

Establishes a grant program, administered by PHEAA, for individuals enrolled in education specialist preparation program for becoming a school nurse, school psychologist, school counselor or school social worker.

*(Further details are available in a separate School Safety and Mental Health Summary.)*

### **Section 1302-E – Threat Assessment Teams**

Updates training for school threat assessment teams.

*(Further details are available in a separate School Safety and Mental Health Summary.)*

### **Section 1402 – Health Services**

In a school district that provided school nurse services to a non-public school during the 2018-19 school year and received state funding for school nurse services, shall continue to provide school nurse services in that non-public school.

### **Section 1401-A, 1402-A, 1403-A, 1407-A – Drug and Alcohol Recovery High School Program**

Removes the “Pilot” designation for a drug and alcohol recovery high school program; updates language for eligibility; reduces the timeline for school district approval for student enrollment from 30 to 15 days; and updates reporting requirements.

### **Section 1525 – Agreements with Institutions of Higher Education – SB 99 and SB237**

Mandates that school entities (school districts, career and technical schools, charters, cyber charters) enter into at least one dual enrollment agreement with an Institution of Higher Education (IHE).

### **Article XV-K – Talent Recruitment – SB 99**

Section 1501-K to 1509-K -- Establishes a committee on education talent recruitment to develop, in conjunction with the Department, a program of study in the field of education for career and technical education programs. Directs the Department to appoint a Chief Talent Officer; and instructs the

Department to collect data and publish data on the demographics of the education workforce. In addition, provides for a temporary waiver of the basic skills test requirement under Section 1207.3

Also establishes a grant program to provide IHEs with funds for dual enrollment programs and other initiatives designed and proven to increase the diversification of the education workforce.

### **Article XV-L – Educational and Professional Development Online Course Initiative – HB 1330**

Section 1501-L to 1507-L – Directs the Department to establish an online, K-12 course clearinghouse available to public school entities, non-publics, homeschoolers and the general public; and to establish an online course clearinghouse account to collect fees and receive funding. External providers may submit course material for the clearinghouse.

### **Section 1704-A - Abolition of Rulemaking**

Abolishes the proposed regulations related to charter schools and cyber charter schools.

### **Article XVII-D – Disability Inclusive Curriculum – HB 1809**

Section 1701-D to 1705-D -- Establishes a pilot program to provide students instruction on the political, economic and social contributions of individuals with disabilities. The Department will coordinate with the Pennsylvania Special Education Advisory Panel to develop curriculum and establish the pilot program. The pilot program shall operate for three years, beginning in the 2023-24 school year and the Department may select schools based on proposals submitted by school entities and nonpublic schools.

### **Sections 1857 and 1858 – Cosmetology and Barber Training through CTC – SB 1196 and SB 1197**

Allows a CTE cosmetology student and a CTE barber student to earn up to 350 hours of education through an out-of-school program, such as an internship.

### **Section 1913-A – Financial Program; Reimbursement of Payments**

Provides for the formula distribution of a \$9.7 million increase in funding for Community Colleges.

### **Section 1916-G – Reports**

Extends the LBFC report on rural regional colleges to December 31, 2022.

## **Section 2001-A – Definitions**

- Defines the “Commonwealth University of Pennsylvania” as the institution comprised of Bloomsburg University of Pennsylvania, Lock Haven University of Pennsylvania, and Mansfield University of Pennsylvania as consolidated under section 2002-A.
- Defines “Pennsylvania Western University” as the institution comprised of California University of Pennsylvania, Clarion University of Pennsylvania, and Edinboro University of Pennsylvania as consolidated under section 2002-A.
- Defines “integrated council” as the Council of Trustees of Commonwealth University of Pennsylvania and the Council of Trustees of Pennsylvania Western University.
- Defines “initial member” as a trustee serving the council of trustees as of June 30, 2022 for an institution consolidated under section 2002-A, who has been nominated and appointed by the Governor and confirmed by the Senate.
- Defines “transitional member” as a trustee serving on the council of trustees as of June 30, 2022, for an institution consolidated under section 2002-A, who is appointed to serve on an integrated council for a term beginning on July 8, 2022, until September 30, 2022 or upon confirmation of initial members by the Senate, whichever occurs earlier.

## **2002-A – Establishment of the State System of Higher Education and its Institutions**

Amends reporting requirements for the PASSHE implementation plan to make the public hearing on the report upon request by the chairperson or minority chairperson of the Appropriations or Education committees.

## **Section 2004- A c (2) – and 2004-A – Board of Governors designee with voting powers –SB 933**

Allows for proxy votes on PASSHE’s Board of Governors.

## **Section 2008-A - Councils of Trustees and Integrated Councils**

- Section 2008-A – Councils of Trustees
- Section 2008.1-A – Integrated Councils

A trustee serving on an integrated council as of July 1, 2022 shall continue to serve on the integrated council until the Governor appoints transitional members as provided under this section.

In addition, four current council members from each of the integrated schools, as of June 30, 2022, shall be nominated by the Governor to serve as transitional members on the Integrated Councils. The Governor shall then submit to the Senate, no later than August 31, 2022, the names of individuals to serve as initial members of the integrated councils.

**Section 2002-B to 2006-B – Economically Disadvantaged School (Tax Credit Scholarships) – HB 1642\* Base Bill**

Makes changes to the Educational Improvement Tax Credit (EITC) program, the Opportunity Scholarship Tax Credit (OSTC) program, and the tax credit scholarship program for “economically disadvantaged” schools.

➤ Section 2002-B. Definitions

Changes the definition of “economically disadvantaged” school from a school at which at least 75% of the students attending received a scholarship to 51% of the students attending received a scholarship of at least \$1,000.

The definition of “household income” is clarified to indicate payments received from any governmental agency as economic relief from the COVID-19 pandemic are not included as income.

➤ Section 2003-B. Qualification and application by organizations.

Amends this section to allow scholarship organizations for “economically disadvantaged” schools to participate in both the Opportunity Scholarship and Educational Improvement Scholarship programs.

Also adds a reporting requirement for scholarship organizations, which stipulates that a scholarship organization for economically disadvantaged schools must annually report the following information to the department by November 1 of each year:

- Scholarship awards by family household income.
- The school district where the scholarship recipient currently resides.
- The school that the student attended in the year prior to the scholarship award.

The department may not require additional information to be provided by a scholarship organization for economically disadvantaged schools except as expressly authorized under this article.

➤ Section 2004-B. Application by business firms

Allows business firms that apply for a tax credit for students attending “economically disadvantaged” schools to do so separately. The contribution must be made to the designated scholarship organization for the “economically disadvantaged” schools and shall be separately accounted for and distributed by the designated scholarship organization.

➤ Section 2005-B. Tax credits

Adds language providing that if all tax credits for contributions to the various scholarship organizations have not been awarded by November 30 of any fiscal year, then for applications accepted from December 1 through the end of the fiscal year, limitations set on the maximum amount of tax credits a business firm can receive during a fiscal year are lifted, and credits can be awarded on a first-come, first-served basis until all tax credits available for the fiscal year have been exhausted.



➤ Section 2006-B. Limitations

Increases the total amount of education tax credits to scholarship organizations, educational improvement organizations and pre-kindergarten scholarship organizations from \$225 million to \$340 million.

- \$83 million increase for scholarship tax credits
- \$7 million increase for educational improvement organizations
- \$8 million increase for pre-k scholarships
- \$7 million increase for scholarships for economically disadvantaged private and parochial schools
- And a \$10 million increase for opportunity scholarship organizations

In addition, the amount of the scholarship for pre-kindergarten scholarship will be increased up to \$2,000 or, in the case of a scholarship for a secondary school, up to \$4,000, for a student attending an economically disadvantaged private or parochial school to the extent the total amount of scholarships, pre-kindergarten scholarships and opportunity scholarships will not exceed the lesser of \$8,500 or the school's tuition.

**Section 2001-C and 2002-C (d) – Definitions and Credit for prior learning – SB 1144**

Adds Cambridge Exams to the list of recognized exams by IHEs for awarding student credit.

**Article XX-G – Sexual Violence, Dating Violence, Domestic Violence and Stalking Education, Prevention and Response (It's On Us) - SB730 and SB909**

Section 2001-G to 2007-G – Updates and expands definitions to include dating violence, domestic violence and stalking education provisions within the It's On Us program. Also mandates schools to provide a notification of rights, accommodations, and protective measures; available services; and reporting procedures.

**Section 2001-I – Public Higher Education Funding Commission**

Convenes the Higher Education Funding Commission no earlier than January 23, 2023, and directs the commission to issue a report by October 31, 2024.

In addition, instructs the Public Higher Education Funding Commission to develop a performance-based funding formula for state-related universities by June 15, 2023 that could include "adjusting" funds for failure to meet "minimum eligibility" requirements.

**Section 2002-I – Higher Ed Tuition Displacement Prohibition - HB 2255**

Prohibits IHE's from reducing institutional support to students receiving private scholarships beyond the student's cost of attendance.

### **Section 2204 – Agency**

Updates the income threshold for the Ready-to-Succeed Scholarship from \$110,00 to \$126,000 based on the CPI.

### **Section 2326 – State Aid for Fiscal Year 2022-23**

Provides for the distribution of a \$10.25 million increase in funding for the public library subsidy.

### **Section 2502.8 – Payments on Account of Pupils Enrolled in Career and Technical Curriculums**

Provides for CTE funding and changes the student multiplier from .21 for students in area career and technical schools to .2276; and changes the student multiplier for school district and charter school students career and technical curriculums from .17 to .1844.

### **Section 2502.53 – Student-Weighted Basic Education Funding**

Updates the BEF formula distribution by adding \$525 million, bringing the total formula distribution amount to \$1,423,667,244.

### **Section 2502.55 – Level Up Supplemental Payment**

Provides for \$225 million in new dollars for 100 school districts, as determined by the existing eligibility requirements. The new dollars would become part of a district's Basic Education base funding amount for subsequent years.

### **Section 2509.1 – Payments to Intermediate Units**

Continues the 5.5% distribution from the Special Education Funding allocation to Intermediate Units.

### **Section 2509.5 – Special Education Payments to School Districts**

Updates the special education funding formula with the recommendations from the Special Education Funding Commission, which include a three-year average student count for each of the three cost categories; implements the new student multipliers for each category; and establishes June 1 as the date for the data calculation used by the Department.

**Section 2510.3 – Assistance to School Districts Declared to be in Financial Recovery Status or Identified for Financial Watch Status**

Authorizes \$7 million in additional funding to be transferred into the Empowerment Account on top of unspent funds in the restricted account.

**Section 2574 – Approved Reimbursement (PlanCon)**

School districts with outstanding reimbursement claims for eligible PlaCon projects must submit claims by December 31, 2023 or the claims expire.

**Section 2599.6 – Ready-to-Learn Block Grant**

For the 2022-23 school year, each school entity shall receive a Ready-to-Learn Block Grant in an amount not less than the amount the school entity received for the 2021-22; and transfers an additional amount (\$100 million) to the School Safety and Security Fund for the payment of the school mental health grants under section 1315-B.

**Section 2608-J – Applicability**

Provides effective dates for provisions of the act.