

# APPENDIX 1

## Disruptive Student Programs

Article XIX-C amended the Pennsylvania School Code by adding Act 30 of 1997, which outlines the requirements for establishing and referring disruptive students to an alternative education program.

### ARTICLE XIX-C DISRUPTIVE STUDENT PROGRAMS

*(Art. added June 25, 1997, P.L.297, No.30)*

**Section 1901-C. Definitions.** For purposes of this article, the following terms shall have the following meanings:

- (1) "*Alternative education program*" or "*program*." Any applicant's program applying for funds under this article, which program is implemented by a school district, an area vocational-technical school, a group of school districts or an intermediate unit, which removes disruptive students from regular school programs in order to provide those students with a sound educational course of study and counseling designed to modify disruptive behavior and return the students to a regular school curriculum. Notwithstanding section 1502, alternative education programs may operate outside the normal school day of the applicant district, including Saturdays. School districts shall adopt a policy for periodic review of students placed in the alternative education program for disruptive students. This review shall occur, at a minimum, at the end of every semester the student is in the program or more frequently at the district's discretion. The purpose of this review is to determine whether or not the student is ready to return to the regular school curriculum. Programs may include services for students returning from placements or who are on probation resulting from being adjudicated delinquent in a proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or who have been judged to have committed a crime under an adult criminal proceeding.
- (2) "*Applicant*." A school district or a combination of school districts which applies for funds under this article.
- (3) "*Community resources*." Those agencies and services for children and youth provided by the juvenile court and the Department of Health and the Department of Public Welfare and other public or private institutions.
- (4) "*Department*." The Department of Education of the Commonwealth.
- (5) "*Disruptive student*." A student who poses a clear threat to the safety and welfare of other students or the school staff, who creates an unsafe school environment or whose behavior materially interferes with the learning of other

students or disrupts the overall educational process. The disruptive student exhibits to a marked degree any or all of the following conditions:

- (i) Disregard for school authority, including persistent violation of school policy and rules.
- (ii) Display or use of controlled substances on school property or during school-affiliated activities.
- (iii) Violent or threatening behavior on school property or during school-affiliated activities.
- (iv) Possession of a weapon on school property, as defined under 18 Pa.C.S. Section 912 (relating to possession of weapon on school property).
- (v) Commission of a criminal act on school property or during school-affiliated activities.
- (vi) Misconduct that would merit suspension or expulsion under school policy.
- (vii) Habitual truancy.

No student who is eligible for special education services pursuant to the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. Section 1400 et seq.) shall be deemed a disruptive student for the purposes of this act, except as provided for in 22 Pa. Code Section 14.35 (relating to discipline).

- (6) "*School.*" Any school classified by the Department of Education as a middle school, junior high school, senior high school or area vocational-technical school.
- (7) "*Secretary.*" The Secretary of Education of Commonwealth. (1901-C added June 25, 1997, P.L.297, No.30)

### **Section 1902-C. Applications.**

Applicants shall submit applications at the time, in the manner and containing or accompanied by such information as the department may prescribe but, in any case, shall document the following:

- (1) The program is developed in consultation with the faculty and administrative staff of the school and parents and members of the community.
- (2) That the applicants have established policies to identify those students who are eligible for placement in the program and that the placement of such students 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 program. 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) That school personnel assigned to the alternative education program for which funding is sought under this article possess a Level I or Level II Pennsylvania certificate as provided for in 22 Pa. Code Ch. 49 (relating to certification of professional personnel).
- (4) The program provides participating students with a course of instruction which recognizes their special needs, prepares them for successful return to a

regular school curriculum and/or completion of the requirements for graduation.

- (5) The program is used only when other established methods of discipline have been utilized and have failed unless the seriousness of the student's behavior warrants immediate placement.
- (6) A determination of the scope, type and severity of student disruption and a survey of community and school resources available to the applicant for the remediation of student disruption.
- (7) A description of the educational program to be provided. The program may modify the requirements established in sections 1327, 1501 and 1504 insofar as they are related to the number of days or hours of instruction. The application shall describe how the student will make normal academic progress and meet requirements for graduation. *(1902-C added June 25, 1997, P.L.297, No.30)*
- (8) *An applicant applying for funds under this section that contracts with a private alternative education institution under Article 19-E shall be exempt from the application requirements in clauses (1), (3) and (6).*

### **Section 1903-C. Alternative Education Grants.**

The department shall establish grants for alternative education programs which meet the requirements of this article, to include the following:

- (1) An application procedure for grant eligibility.
- (2) A review process to annually evaluate the effectiveness of alternative education programs, to include an annual report to the Education Committee of the Senate and the Education Committee of the House of Representatives.
- (3) The department shall determine an annual grant amount calculated by dividing the amount appropriated by the estimated average number of students enrolled in eligible programs, further divided by thirty-six. Each applicant shall be eligible to receive this grant amount, per average number of pupils enrolled, per week of participation in an eligible program. Commonwealth grants shall be limited to funds appropriated for this program but in no event shall a school district receive funding for more than two percent (2%) of a school district's average daily membership as defined in section 2501 for students enrolled in grades seven through twelve. *(1903-C added June 25, 1997, P.L.297, No.30)*

### **Section 1904-C. Construction of Article.**

Nothing contained in this article shall be construed to supersede or preempt any provisions of a collective bargaining agreement negotiated by a school entity and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act." *(1904-C added June 25, 1997, P.L.297, No.30)*

**Section 1905-C. Retroactivity.**

This article shall be retroactive to July 1, 1996. (*1905-C added June 25, 1997, P.L.297, No.30*)

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