

House Bill 1614 (Act 50 of 2009)
Fiscal Code bill

Provision Impacting ACT (Accountability to Commonwealth Taxpayers) Waiver

Section 1722-J(17)(iii) and (iv) provides that school districts may seek waivers for up to 25% of the funding that exceeds inflation that they would otherwise be required to invest in new and expanded programs to use for maintain existing programs that have demonstrated effectiveness in increasing student achievement.

The language is as follows:

(iii) Any increase in basic education funding under this subsection shall qualify as an increase in basic education funding for the purpose of section 2502.49 of the Public School Code of 1949. The Department of Education may grant a waiver for the use of up to 25% of the funds subject to section 2502.49(a)(1) of the Public School Code of 1949 if all of the following apply:

(A) The school district would otherwise be required to reduce or eliminate one or more of the programs listed under section 2502.49(a)(1) of the Public School Code of 1949 due to a projected budget shortfall.

(B) The funds subject to the waiver will be used to maintain one or more existing programs listed under section 2502.49(a)(1) of the Public School Code of 1949.

(C) The school district has, in the determination of the Department of Education, pursued alternative opportunities for greater efficiency and internal savings in order to fund the program or programs without need for a waiver.

(D) The program to be maintained addresses a significant need of the school district's students and has demonstrated effectiveness at increasing student achievement in the school district, in the determination of the Department of Education.

(iv) The decision to grant a waiver shall be at the sole discretion of the Department of Education and shall not be subject to appeal.