

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 56 Session of 2015

INTRODUCED BY GREENLEAF, STACK, BREWSTER, SCHWANK, BOSCOLA, TARTAGLIONE, RAFFERTY, WARD, MCGARRIGLE AND BROWNE, JANUARY 14, 2015

SENATOR VULAKOVICH, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AS AMENDED, DECEMBER 9, 2015

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in Pennsylvania National Guard, <--
3 providing for the National Guard youth challenge program. <--
4 PROVIDING FOR THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

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

7 Section 1. Title 51 of the Pennsylvania Consolidated <--
8 Statutes is amended by adding a section to read:

9 § 1109. National Guard youth challenge program.

10 (a) Program established. The department shall establish a
11 youth challenge program as provided for under 32 U.S.C. § 509-
12 (relating to National Guard Youth Challenge Program of
13 opportunities for civilian youth).

14 (b) Description of program. The youth challenge program
15 shall seek to improve the life skills and employment potential
16 of youths who are 16 through 18 years of age by providing
17 structured military based training and supervised work
18 experience, together with the program's core components of

~~1 assisting participants with earning a high school diploma or its  
2 equivalent, leadership development, promoting fellowship and  
3 community service, developing life coping skills and job skills  
4 and improving physical fitness and health and hygiene.~~

~~5 (c) Length of program. The youth challenge program shall  
6 include at least a 22 week residential program and a 12 month  
7 postresidential mentoring period.~~

~~8 (d) Requirements. In order to participate in the youth  
9 challenge program, the participant:~~

~~10 (1) Must be a resident of this Commonwealth.~~

~~11 (2) Must not be attending a secondary school.~~

~~12 (3) Must not have been convicted of a felony or be on  
13 parole or probation.~~

~~14 (4) Must agree to drug testing.~~

~~15 (e) Administration. Subject to 32 U.S.C. § 509 and its  
16 implementing regulations and applicable agreements, the youth  
17 challenge program may be staffed by an administrator and the  
18 professional, technical and clerical employees necessary for the  
19 performance of the youth challenge program's functions.~~

~~20 (f) Funding. The department shall apply for Federal  
21 matching funds, as provided for under 32 U.S.C. § 509, and for  
22 any other funds that may be available for the program.~~

23 SECTION 1. TITLE 51 OF THE PENNSYLVANIA CONSOLIDATED  
24 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

25 CHAPTER 98

26 NATIONAL GUARD YOUTH

27 CHALLENGE PROGRAM

28 SEC.

29 9801. DEFINITIONS.

30 9802. PROGRAM ESTABLISHED.

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- 1 9803. DESCRIPTION OF PROGRAM.
- 2 9804. LENGTH OF PROGRAM.
- 3 9805. PARTICIPANTS.
- 4 9806. ADMINISTRATION.
- 5 9807. FUNDING.
- 6 9808. TRANSFERABILITY OF COURSE CREDIT.
- 7 9809. ADVISORY COUNCIL.
- 8 9810. REPORT.
- 9 9811. AUDIT REQUIRED.

10 § 9801. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
12 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
13 CONTEXT CLEARLY INDICATES OTHERWISE:

14 "INSTITUTION OF HIGHER EDUCATION." ANY INSTITUTION OF HIGHER  
15 LEARNING THAT IS APPROVED BY THE PENNSYLVANIA HIGHER EDUCATION  
16 ASSISTANCE AGENCY TO PARTICIPATE IN THE AWARD OF STATE GRANTS  
17 UNDER THE ACT OF JANUARY 25, 1966 (1965 P.L.1546, NO.541),  
18 REFERRED TO AS THE HIGHER EDUCATION SCHOLARSHIP LAW.

19 "PROGRAM." THE KEYSTONE STATE CHALLENGE ACADEMY ESTABLISHED  
20 UNDER SECTION 9802 (RELATING TO PROGRAM ESTABLISHED).

21 "SCHOOL ENTITY." A SCHOOL DISTRICT, CHARTER SCHOOL, CYBER  
22 CHARTER SCHOOL, REGIONAL CHARTER SCHOOL, INTERMEDIATE UNIT OR  
23 AREA VOCATIONAL-TECHNICAL SCHOOL.

24 § 9802. PROGRAM ESTABLISHED.

25 TO THE EXTENT FUNDS ARE APPROPRIATED FOR THE PURPOSES  
26 PROVIDED UNDER THIS CHAPTER, THE DEPARTMENT SHALL ESTABLISH A  
27 YOUTH CHALLENGE PROGRAM AS PROVIDED FOR UNDER 32 U.S.C. § 509  
28 (RELATING TO NATIONAL GUARD YOUTH CHALLENGE PROGRAM OF  
29 OPPORTUNITIES FOR CIVILIAN YOUTH). THE PROGRAM SHALL BE KNOWN AS  
30 THE KEYSTONE STATE CHALLENGE ACADEMY.

1 § 9803. DESCRIPTION OF PROGRAM.

2 CONSISTENT WITH 32 U.S.C. § 509(A) (RELATING TO NATIONAL  
3 GUARD YOUTH CHALLENGE PROGRAM OF OPPORTUNITIES FOR CIVILIAN  
4 YOUTH), THE PROGRAM SHALL SEEK TO IMPROVE THE LIFE SKILLS AND  
5 EMPLOYMENT POTENTIAL OF PARTICIPANTS BY PROVIDING MILITARY-BASED  
6 TRAINING AND SUPERVISED WORK EXPERIENCE, TOGETHER WITH THE CORE  
7 PROGRAM COMPONENTS OF ASSISTING PARTICIPANTS TO RECEIVE A HIGH  
8 SCHOOL DIPLOMA OR ITS EQUIVALENT, LEADERSHIP DEVELOPMENT,  
9 PROMOTING FELLOWSHIP AND COMMUNITY SERVICE, DEVELOPING LIFE  
10 COPING SKILLS AND JOB SKILLS, AND IMPROVING PHYSICAL FITNESS AND  
11 HEALTH AND HYGIENE.

12 § 9804. LENGTH OF PROGRAM.

13 THE PROGRAM SHALL BE FOR A PERIOD OF TIME AS SET FORTH IN 32  
14 U.S.C. § 509(A) (RELATING TO NATIONAL GUARD YOUTH CHALLENGE  
15 PROGRAM OF OPPORTUNITIES FOR CIVILIAN YOUTH).

16 § 9805. PARTICIPANTS.

17 REQUIREMENTS FOR PARTICIPATION IN THE PROGRAM SHALL BE AS  
18 PRESCRIBED BY THE UNITED STATES SECRETARY OF DEFENSE UNDER 32  
19 U.S.C. § 509(E) (RELATING TO NATIONAL GUARD YOUTH CHALLENGE  
20 PROGRAM OF OPPORTUNITIES FOR CIVILIAN YOUTH).

21 § 9806. ADMINISTRATION.

22 SUBJECT TO 32 U.S.C. § 509 (RELATING TO NATIONAL GUARD YOUTH  
23 CHALLENGE PROGRAM OF OPPORTUNITIES FOR CIVILIAN YOUTH) AND ITS  
24 IMPLEMENTING REGULATIONS AND APPLICABLE AGREEMENTS, THE PROGRAM  
25 SHALL BE STAFFED BY THE ADMINISTRATIVE, PROFESSIONAL, TECHNICAL  
26 AND CLERICAL EMPLOYEES NECESSARY FOR THE OPERATION OF THE  
27 PROGRAM.

28 § 9807. FUNDING.

29 (A) FEDERAL AND SUPPLEMENTAL FUNDING.--THE DEPARTMENT SHALL  
30 APPLY FOR FUNDING, AS PROVIDED FOR UNDER 32 U.S.C. § 509(D)

1 (RELATING TO NATIONAL GUARD YOUTH CHALLENGE PROGRAM OF  
2 OPPORTUNITIES FOR CIVILIAN YOUTH). UNDER 32 U.S.C. § 509(J), THE  
3 DEPARTMENT MAY SUPPLEMENT THE FUNDING WITH OTHER RESOURCES,  
4 INCLUDING GIFTS, MADE AVAILABLE TO THE DEPARTMENT AND MAY ALSO  
5 ACCEPT, USE AND DISPOSE OF GIFTS OR DONATIONS OF MONEY, OTHER  
6 PROPERTY OR SERVICES FOR THE PROGRAM.

7 (B) SCHOOL DISTRICT PAYMENTS.--THE FOLLOWING APPLY:

8 (1) THERE SHALL BE NO TUITION CHARGE FOR A COMMONWEALTH  
9 RESIDENT STUDENT ATTENDING THE PROGRAM.

10 (2) FOR NON-SPECIAL EDUCATION STUDENTS, THE PROGRAM  
11 SHALL RECEIVE FOR EACH STUDENT ENROLLED NO LESS THAN THE  
12 BUDGETED TOTAL EXPENDITURE PER AVERAGE DAILY MEMBERSHIP OF  
13 THE PRIOR SCHOOL YEAR, AS DEFINED IN SECTION 2501(20) OF THE  
14 ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC  
15 SCHOOL CODE OF 1949, MINUS THE BUDGETED EXPENDITURES OF THE  
16 DISTRICT OF RESIDENCE FOR NONPUBLIC SCHOOL PROGRAMS; ADULT  
17 EDUCATION PROGRAMS; COMMUNITY/JUNIOR COLLEGE PROGRAMS;  
18 STUDENT TRANSPORTATION SERVICES; FOR SPECIAL EDUCATION  
19 PROGRAMS; FACILITIES ACQUISITION, CONSTRUCTION AND  
20 IMPROVEMENT SERVICES; AND OTHER FINANCING USES, INCLUDING  
21 DEBT SERVICE AND FUND TRANSFERS AS PROVIDED IN THE MANUAL OF  
22 ACCOUNTING AND RELATED FINANCIAL PROCEDURES FOR PENNSYLVANIA  
23 SCHOOL SYSTEMS ESTABLISHED BY THE DEPARTMENT OF EDUCATION.  
24 THIS AMOUNT SHALL BE PAID BY THE DISTRICT OF RESIDENCE OF  
25 EACH STUDENT.

26 (3) FOR SPECIAL EDUCATION STUDENTS, THE PROGRAM SHALL  
27 RECEIVE FOR EACH STUDENT ENROLLED THE SAME FUNDING AS FOR  
28 EACH NON-SPECIAL EDUCATION STUDENT AS PROVIDED IN PARAGRAPH  
29 (2), PLUS AN ADDITIONAL AMOUNT DETERMINED BY DIVIDING THE  
30 DISTRICT OF RESIDENCE'S TOTAL SPECIAL EDUCATION EXPENDITURE

1 BY THE PRODUCT OF MULTIPLYING THE COMBINED PERCENTAGE OF  
2 SECTION 2509.5(K) OF THE PUBLIC SCHOOL CODE OF 1949 TIMES THE  
3 DISTRICT OF RESIDENCE'S TOTAL AVERAGE DAILY MEMBERSHIP FOR  
4 THE PRIOR SCHOOL YEAR. THIS AMOUNT SHALL BE PAID BY THE  
5 DISTRICT OF RESIDENCE OF EACH STUDENT.

6 (4) THE PROGRAM MAY REQUEST THE INTERMEDIATE UNIT IN  
7 WHICH THE PROGRAM IS LOCATED TO PROVIDE SERVICES TO ASSIST  
8 THE PROGRAM TO ADDRESS THE SPECIFIC NEEDS OF EXCEPTIONAL  
9 STUDENTS. THE INTERMEDIATE UNIT SHALL ASSIST THE PROGRAM AND  
10 BILL THE PROGRAM FOR THE SERVICES. THE INTERMEDIATE UNIT MAY  
11 NOT CHARGE THE PROGRAM MORE FOR ANY SERVICE THAN IT CHARGES  
12 THE CONSTITUENT DISTRICTS OF THE INTERMEDIATE UNIT.

13 (5) PAYMENTS SHALL BE MADE TO THE PROGRAM IN 12 EQUAL  
14 MONTHLY PAYMENTS, BY THE FIFTH DAY OF EACH MONTH, WITHIN THE  
15 OPERATING SCHOOL YEAR. A STUDENT ENROLLED IN THE PROGRAM  
16 SHALL BE INCLUDED IN THE AVERAGE DAILY MEMBERSHIP OF THE  
17 STUDENT'S DISTRICT OF RESIDENCE FOR THE PURPOSE OF PROVIDING  
18 BASIC EDUCATION FUNDING PAYMENTS AND SPECIAL EDUCATION  
19 FUNDING UNDER ARTICLE XXV OF THE PUBLIC SCHOOL CODE OF 1949.  
20 IF A SCHOOL DISTRICT FAILS TO MAKE A PAYMENT TO THE PROGRAM  
21 AS PRESCRIBED IN THIS PARAGRAPH, THE SECRETARY OF EDUCATION  
22 SHALL DEDUCT THE ESTIMATED AMOUNT, AS DOCUMENTED BY THE  
23 PROGRAM, FROM ANY AND ALL STATE PAYMENTS MADE TO THE DISTRICT  
24 AFTER RECEIPT OF DOCUMENTATION FROM THE PROGRAM.

25 (6) WITHIN 30 DAYS AFTER THE SECRETARY OF EDUCATION  
26 MAKES THE DEDUCTION DESCRIBED IN PARAGRAPH (5), A SCHOOL  
27 DISTRICT MAY NOTIFY THE SECRETARY THAT THE DEDUCTION MADE  
28 FROM STATE PAYMENTS TO THE DISTRICT UNDER THIS SUBSECTION IS  
29 INACCURATE. THE SECRETARY OF EDUCATION SHALL PROVIDE THE  
30 SCHOOL DISTRICT WITH AN OPPORTUNITY TO BE HEARD CONCERNING

1 WHETHER THE PROGRAM DOCUMENTED THAT ITS STUDENTS WERE  
2 ENROLLED IN THE PROGRAM, THE PERIOD OF TIME DURING WHICH EACH  
3 STUDENT WAS ENROLLED, THE DISTRICT OF RESIDENCE OF EACH  
4 STUDENT AND WHETHER THE AMOUNTS DEDUCTED FROM THE DISTRICT  
5 WERE ACCURATE.

6 (C) DEFINITION.--AS USED IN THIS SECTION, THE TERM  
7 "DISTRICT OF RESIDENCE" MEANS THE SCHOOL DISTRICT IN THIS  
8 COMMONWEALTH IN WHICH THE PARENTS OR GUARDIANS OF A CHILD  
9 RESIDE.

10 § 9808. TRANSFERABILITY OF COURSE CREDIT.

11 ALL ACADEMIC COURSE CREDITS EARNED BY A PROGRAM PARTICIPANT  
12 SHALL BE RECOGNIZED BY ANY SCHOOL ENTITY IN WHICH THE  
13 PARTICIPANT ENROLLS FOLLOWING COMPLETION OF THE PROGRAM. THE  
14 DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION,  
15 SHALL ENSURE THAT THE PROGRAM COMPLIES WITH ALL STATUTORY AND  
16 REGULATORY PROVISIONS AS NECESSARY TO FACILITATE THE  
17 TRANSFERABILITY OF COURSE CREDIT EARNED IN THE PROGRAM TO A  
18 SCHOOL ENTITY.

19 § 9809. ADVISORY COUNCIL.

20 (A) ESTABLISHMENT.--THERE IS ESTABLISHED AN ADVISORY COUNCIL  
21 FOR THE PROGRAM. THE ADVISORY COUNCIL SHALL CONSIST OF THE  
22 FOLLOWING MEMBERS AND THE ADJUTANT GENERAL, WHO SHALL SERVE AS A  
23 NONVOTING, EX OFFICIO MEMBER. MEMBERS OF THE ADVISORY COUNCIL  
24 SHALL BE APPOINTED AS FOLLOWS:

25 (1) THREE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

26 (I) THE DEPUTY ADJUTANT GENERAL, ARMY, OR A  
27 DESIGNEE.

28 (II) THE DEPUTY ADJUTANT GENERAL, AIR, OR A  
29 DESIGNEE.

30 (III) THE SECRETARY OF EDUCATION OR A DESIGNEE.

1           (2) THREE MEMBERS OF THE SENATE APPOINTED BY THE  
2           PRESIDENT PRO TEMPORE OF THE SENATE, IN CONSULTATION WITH THE  
3           MAJORITY LEADER AND MINORITY LEADER OF THE SENATE, WITH TWO  
4           APPOINTEES FROM THE MAJORITY PARTY AND ONE APPOINTEE FROM THE  
5           MINORITY PARTY.

6           (3) THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES  
7           APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, IN  
8           CONSULTATION WITH THE MAJORITY LEADER AND MINORITY LEADER OF  
9           THE HOUSE OF REPRESENTATIVES, WITH TWO APPOINTEES FROM THE  
10           MAJORITY PARTY AND ONE APPOINTEE FROM THE MINORITY PARTY.

11           (B) TERMS.--EACH MEMBER OF THE ADVISORY COUNCIL SHALL SERVE  
12           FOR THE DURATION OF THE TERM OF THE APPOINTING AUTHORITY,  
13           PROVIDED THAT EACH MEMBER MAY BE REMOVED FOR CAUSE BY THE  
14           MEMBER'S APPOINTING AUTHORITY.

15           (C) CHAIRPERSON.--THE ADVISORY COUNCIL SHALL ANNUALLY ELECT  
16           A CHAIRPERSON.

17           (D) QUORUM.--FIVE MEMBERS OF THE ADVISORY COUNCIL SHALL  
18           CONSTITUTE A QUORUM FOR THE PURPOSE OF CONDUCTING THE BUSINESS  
19           OF THE ADVISORY COUNCIL. THE ADVISORY COUNCIL SHALL MEET AT  
20           LEAST QUARTERLY AND AT OTHER TIMES AT THE CALL OF THE  
21           CHAIRPERSON.

22           (E) COMPENSATION.--MEMBERS OF THE ADVISORY COUNCIL SHALL  
23           RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL RECEIVE  
24           REIMBURSEMENT FOR THEIR NECESSARY AND PROPER EXPENSES FOR  
25           ATTENDANCE AT MEETINGS.

26           (F) PROGRAM OPERATION.--THE ADVISORY COUNCIL SHALL ADVISE  
27           THE ADJUTANT GENERAL AND THE DEPARTMENT CONCERNING THE OPERATION  
28           OF THE PROGRAM.

29           § 9810. REPORT.

30           (A) ANNUAL REPORT.--THE DEPARTMENT SHALL PREPARE ANNUALLY A



1 WRITTEN REPORT CONCERNING THE PROGRAM. THE REPORT SHALL INCLUDE,  
2 BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

3 (1) THE NUMBER OF INDIVIDUALS WHO APPLIED TO THE PROGRAM  
4 IN THE PREVIOUS FISCAL YEAR.

5 (2) THE NUMBER OF INDIVIDUALS WHO PARTICIPATED IN THE  
6 PROGRAM IN THE PREVIOUS FISCAL YEAR.

7 (3) THE NUMBER AND PERCENTAGE OF PROGRAM PARTICIPANTS IN  
8 THE PREVIOUS FISCAL YEAR WHO ACHIEVED EACH OF THE FOLLOWING:

9 (I) EARNED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

10 (II) ENROLLED IN A COURSE OF STUDY AT AN INSTITUTION  
11 OF HIGHER EDUCATION.

12 (III) ACCEPTED A POSITION OF FULL-TIME, PAID  
13 EMPLOYMENT.

14 (IV) ACCEPTED A POSITION OF PART-TIME, PAID  
15 EMPLOYMENT.

16 (V) ENTERED THE ARMED FORCES OF THE UNITED STATES,  
17 INCLUDING A RESERVE COMPONENT OR THE NATIONAL GUARD.

18 (4) THE DEMOGRAPHIC MAKEUP OF THE APPLICANTS TO, AND  
19 PARTICIPANTS IN, THE PROGRAM, INCLUDING, BUT NOT LIMITED TO,  
20 THE FOLLOWING:

21 (I) RACE.

22 (II) AGE.

23 (III) GENDER.

24 (5) ANY INFORMATION THE DEPARTMENT PROVIDES TO THE  
25 SECRETARY OF DEFENSE UNDER 32 U.S.C. § 509(K) (RELATING TO  
26 NATIONAL GUARD YOUTH CHALLENGE PROGRAM OF OPPORTUNITIES FOR  
27 CIVILIAN YOUTH).

28 (B) SUBMISSION.--THE REPORT SHALL BE SUBMITTED TO THE  
29 FOLLOWING:

30 (1) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE

1 EDUCATION COMMITTEE OF THE SENATE.

2 (2) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
3 VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE OF THE  
4 SENATE.

5 (3) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
6 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

7 (4) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
8 VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE OF THE  
9 HOUSE OF REPRESENTATIVES.

10 § 9811. AUDIT REQUIRED.

11 THE DEPARTMENT SHALL SUBMIT ANNUALLY TO THE CHAIRPERSON AND  
12 MINORITY CHAIRPERSON OF THE VETERANS AFFAIRS AND EMERGENCY  
13 PREPAREDNESS COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND  
14 MINORITY CHAIRPERSON OF THE VETERANS AFFAIRS AND EMERGENCY  
15 PREPAREDNESS COMMITTEE OF THE HOUSE OF REPRESENTATIVES A  
16 COMPLETE CERTIFIED AUDIT OF THE PROGRAM. THE AUDIT SHALL BE  
17 CONDUCTED BY A QUALIFIED INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT  
18 UNDER GENERALLY ACCEPTED AUDIT STANDARDS OF THE GOVERNMENTAL  
19 ACCOUNTING STANDARDS BOARD.

20 Section 2. This act shall take effect in 60 days.