

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2559

Session of
1978

INTRODUCED BY MESSRS. GALLAGHER, LINCOLN, MILANOVICH, BURNS,
MILLER, PANCOAST, O'KEEFE, MRS. WISE, MESSRS.
ENGLEHART AND DeMEDIO, JUNE 12, 1978

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
SEPTEMBER 26, 1978

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," PROVIDING FOR LIMITS ON TAX INCREASES <—
6 AND FOR A REFERENDUM, REQUIRING THE ADVERTISING FOR BIDS FOR
7 CONTRACTS OF INSURANCE; further providing for the causes and
8 criteria for suspension, and providing for waiver of <—
9 certification requirements in certain instances, FURTHER <—
10 PROVIDING FOR THE CERTIFICATION OF HAZARDOUS ROUTES AND
11 PROVIDING FOR PROFICIENCY TESTING.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 ~~Section 1. Section 1125, act of March 10, 1949 (P.L.30,~~ <—
15 ~~No.14), known as the "Public School Code of 1949," is repealed.~~

16 SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN <—
17 AS THE "PUBLIC SCHOOL CODE OF 1949," IS AMENDED BY ADDING A
18 SECTION TO READ:

19 SECTION 613. LIMITS ON ANNUAL TAX INCREASES; REFERENDUM.--

20 (A) NO SCHOOL DISTRICT SHALL INCREASE THE TAX MILLAGE ON REAL

21 PROPERTY OR OCCUPATIONS MORE THAN AN AMOUNT EQUAL TO THE GENERAL

1 NATIONAL RATE OF INFLATION AS REPORTED BY THE FEDERAL GOVERNMENT
2 FOR THE YEAR IMMEDIATELY PRECEDING THE FISCAL YEAR OF THE SCHOOL
3 DISTRICT.

4 (B) THE LIMIT PROVIDED IN SUBSECTION (A) MAY BE EXCEEDED
5 ONLY TO PROVIDE ADEQUATE FUNDS FOR DEBT PAYMENTS OR UPON
6 APPROVAL OF THE ELECTORS OF THE SCHOOL DISTRICT IN THE ELECTION
7 IMMEDIATELY PRECEDING THE FISCAL YEAR OF THE DISTRICT: PROVIDED,
8 THAT THE PERCENTAGE OF INCREASE FOR EACH OF THE FOLLOWING
9 CATEGORIES BE STATED IN SUCH A MANNER THAT THE ELECTORS CAN VOTE
10 ON EACH CATEGORY SEPARATELY, VIZ: (I) INSTRUCTION; (II) EMPLOYES
11 COMPENSATION; (III) EXTRACURRICULAR ACTIVITIES; (IV)
12 TRANSPORTATION; AND (V) BUILDINGS.

13 SECTION 2. SECTION 774 OF THE ACT, IS AMENDED BY ADDING A
14 SUBSECTION TO READ:

15 SECTION 774. INSURANCE ON BUILDINGS; PUBLIC LIABILITY
16 INSURANCE FOR EMPLOYES; PURCHASE OF INSURANCE FROM EMPLOYES,
17 ETC.--* * *

18 (D) ALL CONTRACTS FOR INSURANCE PROVIDED IN THIS SECTION
19 SHALL BE MADE WITH AND FROM THE LOWEST RESPONSIBLE BIDDER, AFTER
20 DUE NOTICE IN ONE NEWSPAPER OF GENERAL CIRCULATION, PUBLISHED OR
21 CIRCULATING IN THE DISTRICT, AT LEAST THREE TIMES AT INTERVALS
22 OF NOT LESS THAN THREE DAYS WHERE DAILY NEWSPAPERS OF GENERAL
23 CIRCULATION ARE EMPLOYED FOR SUCH PUBLICATION, OR IN CASE WEEKLY
24 NEWSPAPERS ARE EMPLOYED THEN THE NOTICE SHALL BE PUBLISHED ONCE
25 A WEEK FOR TWO SUCCESSIVE WEEKS. THE FIRST ADVERTISEMENT SHALL
26 BE PUBLISHED NOT LESS THAN TEN DAYS PRIOR TO THE DATE FIXED FOR
27 THE OPENING OF BIDS, AND SHALL BE IN ACCORDANCE WITH THE
28 PROVISIONS OF 45 PA.C.S. CH. 3 (RELATING TO LEGAL ADVERTISING).

29 SECTION 3. SECTIONS 917-A AND 1125 OF THE ACT, ARE REPEALED.

30 Section ~~2~~ 4. The act is amended by adding sections to read: <—

1 Section 1125.1. Persons to be suspended.--(a) Professional
2 employees shall be suspended under section 1124 (relating to
3 causes for suspension) in inverse order of seniority within the
4 school entity of current employment. Approved leaves of absence
5 shall not constitute a break in service for purposes of
6 computing seniority for suspension purposes. Seniority shall
7 continue to accrue during suspension and all approved leaves of
8 absence.

9 (b) Where there is or has been a consolidation of schools,
10 departments or programs, all professional employees shall retain
11 the seniority rights they had prior to the reorganization or
12 consolidation.

13 (c) A school entity shall realign its professional staff so
14 as to insure that more senior employees are provided with the
15 opportunity to fill positions for which they are certificated
16 and which are being filled by less senior employees.

17 (d) (1) No suspended employee shall be prevented from
18 engaging in another occupation during the period of suspension.

19 (2) Suspended professional employees shall be reinstated on
20 the basis of their seniority within the school entity. No new
21 appointment shall be made while there is a suspended
22 professional employee available who is properly certificated to
23 fill such vacancy. FOR THE PURPOSE OF REINSTATEMENT,

24 PROFESSIONAL EMPLOYEES MANDATORILY RETIRED BEFORE AGE SEVENTY
25 (70), PRIOR TO THE FEDERAL GOVERNMENT BAN ON MANDATORY
26 RETIREMENT UNTIL AGE SEVENTY (70) TAKING EFFECT ON JANUARY 1,
27 1979, SHALL BE COUNTED AS SUSPENDED EMPLOYEES. NOTHING IN THIS
28 SECTION SHALL PROHIBIT MANDATORY RETIREMENT AT AGE SEVENTY (70).
29 For the purpose of this subsection, positions from which
30 professional employees are on approved leaves of absence shall

<—

1 also be considered temporary vacancies.

2 (3) To be considered available a suspended professional
3 employee must annually report to the governing board in writing
4 his current address and his intent to accept the same or similar
5 position when offered.

6 (4) A suspended employee enrolled in a college program during
7 a period of suspension and who is recalled shall be given the
8 option of delaying his return to service until the end of the
9 current semester.

10 (e) Nothing contained in ~~section 1125.1~~ SUBSECTIONS (a) <—
11 through (d) shall be construed to supersede or preempt any
12 provisions of a collective bargaining agreement negotiated by a
13 school entity and an exclusive representative of the employees in
14 accordance with the act of July 23, 1970 (P.L.563, No.195),
15 known as the "Public Employee Relations Act."

16 (f) A decision to suspend in accordance with this section
17 shall be considered an adjudication within the meaning of the
18 ~~act of December 2, 1968, (P.L.1133, No.353), known as the "Local~~ <—
19 Agency Law."

20 Section 1214. Department Waiver of Certification
21 Requirements.--(a) The department shall grant a waiver of
22 certification requirements for a period not to exceed one year
23 for a certificated professional employee currently employed by or
24 on suspension from a school entity when the school entity
25 submits a written waiver request containing the following:

26 ~~(i)~~ (1) the reason for the waiver; <—

27 ~~(ii)~~ (2) a program of study being followed by the employee to <—
28 secure certification in the new position;

29 ~~(iii)~~ (3) the period of time necessary for the employee to <—
30 secure certification in the new position; and

1 ~~(iv)~~ (4) a statement showing the employee's application for
2 placement in the new position.

3 (b) The employee for whom the waiver is granted shall pursue
4 certification as outlined in the school entity's waiver request.
5 Failure to do so shall result in a revocation of the waiver.

6 (c) A professional employee for whom a waiver is granted
7 shall not be permitted to fill a position vacated by a suspended
8 employee.

9 ~~Section 3. This act shall take effect immediately.~~

10 SECTION 5. SECTION 1362 OF THE ACT, AMENDED DECEMBER 29,
11 1972 (P.L.1726, NO.372), IS AMENDED TO READ:

12 SECTION 1362. KINDS OF TRANSPORTATION; LIABILITY
13 INSURANCE.--THE FREE TRANSPORTATION OF PUPILS, AS REQUIRED OR
14 AUTHORIZED BY THIS ACT, OR ANY OTHER ACT, MAY BE FURNISHED BY
15 USING EITHER SCHOOL CONVEYANCES, PRIVATE CONVEYANCES, OR
16 ELECTRIC RAILWAYS, OR OTHER COMMON CARRIERS, WHEN THE TOTAL
17 DISTANCE WHICH ANY PUPIL MUST TRAVEL BY THE PUBLIC HIGHWAY TO OR
18 FROM SCHOOL, IN ADDITION TO SUCH TRANSPORTATION, DOES NOT EXCEED
19 ONE AND ONE-HALF (1 1/2) MILES, AND WHEN STATIONS OR OTHER
20 PROPER SHELTERS ARE PROVIDED FOR THE USE OF SUCH PUPILS WHERE
21 NEEDED, AND WHEN THE HIGHWAY, ROAD, OR TRAFFIC CONDITIONS ARE
22 NOT SUCH THAT WALKING [ON THE SHOULDER OF THE ROAD WHERE THERE
23 ARE NO SIDEWALKS] CONSTITUTES A HAZARD TO THE SAFETY OF THE
24 CHILD, AS SO CERTIFIED BY THE BUREAU OF TRAFFIC SAFETY. THE
25 BUREAU OF TRAFFIC SAFETY SHALL TAKE INTO ACCOUNT THE PRESENCE OF
26 SIDEWALKS ALONG THE HIGHWAY, BUT SUCH PRESENCE OR LACK THEREOF
27 SHALL NOT BE CONTROLLING AND THE BUREAU SHALL CONSIDER ALL
28 RELEVANT SAFETY FACTORS IN MAKING ITS DETERMINATION AS TO
29 WHETHER OR NOT WALKING CONSTITUTES A HAZARD TO PUPILS. ALL

30 PRIVATE MOTOR VEHICLES EMPLOYED IN TRANSPORTING PUPILS FOR HIRE

SHALL BE ADEQUATELY COVERED BY PUBLIC LIABILITY INSURANCE IN
SUCH AMOUNT AS THE BOARD OF SCHOOL DIRECTORS SHALL REQUIRE.

SECTION 6. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 1531.1. PROFICIENCY TESTING.--(A) TO INSURE THE
RELEVANCE OF ELEMENTARY AND SECONDARY EDUCATION TO CONTEMPORARY
NEEDS OF STUDENTS IN PUBLIC AND PRIVATE SCHOOLS IN PENNSYLVANIA,
AND TO DETERMINE THE EXTENT TO WHICH BASIC AND PRACTICAL SKILLS
ARE BEING TAUGHT AND LEARNED BY THOSE STUDENTS, AS WELL AS TO
FOSTER SUCH INSTRUCTION, THERE IS HEREBY REQUIRED IN ALL
ELEMENTARY AND SECONDARY PUBLIC AND PRIVATE SCHOOLS VARIOUS
PROFICIENCY TESTS TO BE ADMINISTERED IN AT LEAST THE FIFTH,
SEVENTH, NINTH, ELEVENTH AND TWELFTH GRADES.

(B) PROFICIENCY TESTS SHALL DETERMINE THE STUDENT'S BASIC
SKILLS WHICH SHALL INCLUDE THE ABILITY TO (1) READ, (2) WRITE
AND (3) UNDERSTAND MATHEMATICS ON A LEVEL EQUIVALENT TO THE
GRADE LEVEL WHICH THE TEST IS ADMINISTERED AS PROVIDED IN
SUBSECTION (A).

(C) FURTHER, SUCH PROFICIENCY TESTS SHALL DETERMINE THE
STUDENT'S KNOWLEDGE OF VARIOUS PRACTICAL SKILLS IMPORTANT TO
EVERYDAY LIFE. SUCH PRACTICAL SKILLS SHALL INCLUDE, AT GRADE
LEVELS FIVE AND SEVEN, BASIC FIRST AID AND PHYSICAL FITNESS AND
MAY INCLUDE ANY OTHER AREAS AS DETERMINED BY THE LOCAL SCHOOL
DISTRICT, AND AT GRADE LEVELS NINE, ELEVEN AND TWELVE, SHALL, IN
ADDITION TO FIRST AID AND PHYSICAL FITNESS, SHALL INCLUDE
PERSONAL FINANCES AND BUDGETING, FOOD PREPARATION, BASIC
MECHANICS AND MAY INCLUDE ANY OTHER AREAS AS DETERMINED BY THE
LOCAL SCHOOL DISTRICT.

(D) A SCHOOL DISTRICT MAY PROVIDE FOR PROFICIENCY TESTING
FOR ANY OTHER GRADE LEVEL IT DEEMS APPROPRIATE IN ADDITION TO
THOSE REQUIRED IN SUBSECTION (A).

1 (E) THE LEVEL OF SKILL DEEMED APPROPRIATE FOR THE GRADE
2 LEVELS IN WHICH PROFICIENCY TESTS ARE ADMINISTERED SHALL BE
3 BASED ON MINIMUM STANDARDS OF PROFICIENCY SET FORTH IN STANDARDS
4 AND REGULATIONS ISSUED BY THE STATE BOARD OF EDUCATION.

5 (F) PROFICIENCY TESTS MAY BE ADMINISTERED AT ANY TIME DURING
6 THE SCHOOL YEAR AS DETERMINED BY THE LOCAL SCHOOL DISTRICT,
7 PROVIDED THAT SUCH TESTS ADMINISTERED IN THE TWELFTH GRADE SHALL
8 BE ADMINISTERED NOT LATER THAN ONE MONTH BEFORE THE SCHEDULED
9 DATE OF GRADUATION.

10 (G) EFFECTIVE JULY 1, 1981, NO STUDENT SHALL BE ADVANCED TO
11 THE NEXT GRADE LEVEL WHO DOES NOT MEET MINIMUM STANDARDS
12 DETERMINED BY PROFICIENCY TESTING AND NO STUDENT IN THE TWELFTH
13 GRADE LEVEL, FAILING TO MEET MINIMUM COMPETENCY LEVELS IN THE
14 PROFICIENCY TEST ADMINISTERED IN THE TWELFTH GRADE, SHALL BE
15 AWARDED A DIPLOMA OF GRADUATION UNTIL SUCH TIME AS THE STUDENT
16 DOES MEET MINIMUM STANDARDS OF COMPETENCY. EXCEPTIONS SHALL BE
17 SPECIAL EDUCATIONAL STUDENTS AND ANY STUDENT GRANTED A SPECIAL
18 EXCEPTION FROM THIS SECTION BY THE LOCAL SCHOOL DISTRICT ON THE
19 BASIS OF UNUSUAL CIRCUMSTANCES UNDER STANDARDS APPROVED BY THE
20 STATE BOARD OF EDUCATION FOR SUCH EXCEPTIONS.

21 SECTION 7. SECTION 2541 OF THE ACT, AMENDED DECEMBER 29,
22 1972 (P.L.1726, NO.372) AND SUBSECTION (D) ADDED JUNE 26, 1974
23 (P.L.370, NO.125), IS AMENDED TO READ:

24 SECTION 2541. PAYMENTS ON ACCOUNT OF PUPIL TRANSPORTATION.--

25 (A) SCHOOL DISTRICTS SHALL BE PAID BY THE COMMONWEALTH FOR EVERY
26 SCHOOL YEAR ON ACCOUNT OF PUPIL TRANSPORTATION WHICH, AND THE
27 MEANS AND CONTRACTS PROVIDING FOR WHICH, HAVE BEEN APPROVED BY
28 THE DEPARTMENT OF EDUCATION, IN THE CASES HEREINAFTER
29 ENUMERATED, AN AMOUNT TO BE DETERMINED BY MULTIPLYING THE COST
30 OF APPROVED REIMBURSABLE PUPIL TRANSPORTATION INCURRED BY THE

1 DISTRICT BY THE DISTRICT'S AID RATIO. IN ADDITION THERETO, THE
2 COMMONWEALTH SHALL PAY TO EACH DISTRICT QUALIFYING A PAYMENT FOR
3 EXCESSIVE COST OF TRANSPORTATION, SAID AMOUNT TO BE DETERMINED
4 BY SUBTRACTING FROM THE COST OF THE APPROVED REIMBURSABLE
5 TRANSPORTATION THE SUM OF THE COMMONWEALTH TRANSPORTATION
6 PAYMENT IMMEDIATELY ABOVE, PLUS THE PRODUCT OF ONE-HALF MILL
7 (0.0005) TIMES THE LATEST MARKET VALUE OF THE DISTRICT AS
8 DETERMINED BY THE STATE TAX EQUALIZATION BOARD, PROVIDED SUCH
9 AMOUNT IS NOT NEGATIVE. IN ADDITION THERETO, THE COMMONWEALTH
10 SHALL PAY TO SCHOOL DISTRICTS WHICH OWN THEIR OWN VEHICLES, AN
11 ANNUAL DEPRECIATION CHARGE OF TEN PER CENTUM (10%), TO BE
12 CALCULATED ON THE BASIS OF THE APPROVED COST AT WHICH THE
13 DISTRICT ACQUIRED THE VEHICLE FOR WHICH DEPRECIATION IS CLAIMED.
14 WITH RESPECT TO VEHICLES PURCHASED PRIOR TO JANUARY 1, 1956, THE
15 NUMBER OF DEPRECIATION PAYMENTS SHALL BE LIMITED TO TEN SUCH
16 PAYMENTS. WITH RESPECT TO VEHICLES PURCHASED ON OR AFTER JANUARY
17 1, 1956, THE ANNUAL DEPRECIATION CHARGE SHALL NOT EXCEED SEVEN
18 HUNDRED DOLLARS (\$700) FOR SUCH VEHICLES. THE NUMBER OF ANNUAL
19 DEPRECIATION CHARGES SHALL BE LIMITED, SO THAT THE TOTAL AMOUNT
20 OF SUCH PAYMENTS SHALL NOT EXCEED THE COST OF THE VEHICLE AS
21 APPROVED BY THE DEPARTMENT OF EDUCATION AT THE TIME OF THE
22 PURCHASE. IN NO CASE SHALL THE COMMONWEALTH PAY, IN DEPRECIATION
23 CHARGES, MORE THAN TEN THOUSAND FIVE HUNDRED DOLLARS (\$10,500)
24 FOR ANY ONE VEHICLE.

25 (B) SUCH PAYMENTS FOR PUPIL TRANSPORTATION SHALL BE MADE IN
26 THE FOLLOWING CASES:

27 (1) TO SCHOOL DISTRICTS OF THE FOURTH CLASS AND DISTRICTS OF
28 THE THIRD CLASS WHICH ARE LOCATED WHOLLY WITHIN THE BOUNDARY
29 LINES OF A TOWNSHIP, OR WITHIN THE BOUNDARY LINES OF A BOROUGH
30 WHICH HAS A POPULATION OF LESS THAN FIVE HUNDRED (500)

1 INHABITANTS TO THE SQUARE MILE, TO DISTRICTS OF THE THIRD CLASS
2 OPERATING SCHOOLS JOINTLY WITH DISTRICTS OF THE FOURTH CLASS OR
3 WITH OTHER DISTRICTS OF THE THIRD CLASS ENTITLED TO PAYMENT ON
4 ACCOUNT OF TRANSPORTATION TO MERGED OR UNION SCHOOL DISTRICTS IN
5 WHICH ONE OR MORE OF THE COMPONENT DISTRICTS WERE HERETOFORE
6 ELIGIBLE FOR REIMBURSEMENT ON ACCOUNT OF TRANSPORTATION TO NEW
7 SCHOOL DISTRICTS COMPOSED OF TWO OR MORE FORMER SCHOOL DISTRICTS
8 ESTABLISHED AS A RESULT OF REORGANIZATION OF SCHOOL DISTRICTS
9 PURSUANT TO ARTICLE II., SUBDIVISION (I) OF THIS ACT AND TO
10 SCHOOL DISTRICTS WHICH WERE ELIGIBLE HERETOFORE FOR
11 REIMBURSEMENT ON ACCOUNT OF TRANSPORTATION, FOR THE
12 TRANSPORTATION OF ELEMENTARY SCHOOL PUPILS RESIDING WITHIN ANY
13 PART OF THE DISTRICT LAST SERVED BY ANY ELEMENTARY SCHOOL CLOSED
14 SINCE THE FIRST MONDAY OF JULY, ONE THOUSAND NINE HUNDRED SEVEN,
15 OR WITHIN A DISTRICT ALL OF WHOSE SCHOOLS HAVE BEEN CLOSED, OR
16 WHO ARE ASSIGNED TO A TRAINING SCHOOL OF A STATE COLLEGE, AND IN
17 EACH CASE WHO RESIDE ONE AND ONE-HALF (1 1/2) MILES OR MORE FROM
18 THE SCHOOL TO WHICH THEY ARE ASSIGNED OR WHO RESIDE IN AREAS
19 WHERE [THERE ARE NO SIDEWALKS AND] THE ROAD OR TRAFFIC
20 CONDITIONS ARE SUCH THAT WALKING [ON THE SHOULDER OF THE ROAD]
21 CONSTITUTES A HAZARD TO THE SAFETY OF THE CHILD WHEN SO
22 CERTIFIED BY THE BUREAU OF TRAFFIC SAFETY IN THE DEPARTMENT OF
23 TRANSPORTATION. THE BUREAU OF TRAFFIC SAFETY SHALL TAKE INTO
24 ACCOUNT THE PRESENCE OF SIDEWALKS ALONG THE HIGHWAY, BUT SUCH
25 PRESENCE OR LACK THEREOF SHALL NOT BE CONTROLLING AND THE BUREAU
26 SHALL CONSIDER ALL RELEVANT SAFETY FACTORS IN MAKING ITS
27 DETERMINATION AS TO WHETHER OR NOT WALKING CONSTITUTES A HAZARD
28 TO PUPILS.

29 (2) TO SCHOOL DISTRICTS OF THE FOURTH CLASS AND DISTRICTS OF
30 THE THIRD CLASS WHICH ARE LOCATED WHOLLY WITHIN THE BOUNDARY

1 LINES OF A TOWNSHIP, OR WITHIN THE BOUNDARY LINES OF A BOROUGH
2 WHICH HAS A POPULATION OF LESS THAN FIVE HUNDRED (500)
3 INHABITANTS TO THE SQUARE MILE, TO MERGED OR UNION SCHOOL
4 DISTRICTS IN WHICH ONE OR MORE OF THE COMPONENT DISTRICTS WERE
5 HERETOFORE ELIGIBLE FOR REIMBURSEMENT ON ACCOUNT OF
6 TRANSPORTATION TO NEW SCHOOL DISTRICTS COMPOSED OF TWO OR MORE
7 FORMER SCHOOL DISTRICTS ESTABLISHED AS A RESULT OF
8 REORGANIZATION OF SCHOOL DISTRICTS PURSUANT TO ARTICLE II.,
9 SUBDIVISION (I) OF THIS ACT AND TO SCHOOL DISTRICTS WHICH WERE
10 ELIGIBLE HERETOFORE FOR REIMBURSEMENT ON ACCOUNT OF
11 TRANSPORTATION, FOR THE TRANSPORTATION OF ANY CHILD LIVING MORE
12 THAN TWO (2) MILES BY THE NEAREST PUBLIC HIGHWAY FROM THE
13 NEAREST SCHOOL IN SESSION, OR ANY CHILD WHO RESIDES IN AN AREA
14 WHERE [THERE ARE NO SIDEWALKS AND] THE ROAD OR TRAFFIC
15 CONDITIONS ARE SUCH THAT WALKING [ON THE SHOULDER OF THE ROAD]
16 CONSTITUTES A HAZARD TO THE SAFETY OF THE CHILD WHEN SO
17 CERTIFIED BY THE BUREAU OF TRAFFIC SAFETY, AND TO DISTRICTS OF
18 THE THIRD CLASS OPERATING SCHOOLS JOINTLY WITH DISTRICTS OF THE
19 FOURTH CLASS OR WITH OTHER DISTRICTS OF THE THIRD CLASS ENTITLED
20 TO PAYMENT ON ACCOUNT OF TRANSPORTATION FOR THE TRANSPORTATION
21 OF ANY CHILD LIVING MORE THAN TWO (2) MILES BY THE NEAREST
22 PUBLIC HIGHWAY FROM THE NEAREST JOINTLY OPERATED SCHOOL IN
23 SESSION OFFERING THE PROPER GRADES INCLUDING PUPILS WHO ARE
24 ATTENDING AREA TECHNICAL SCHOOLS OR ANY CHILD WHO RESIDES IN AN
25 AREA WHERE [THERE ARE NO SIDEWALKS AND] THE ROAD OR TRAFFIC
26 CONDITIONS ARE SUCH THAT WALKING [ON THE SHOULDER OF THE ROAD]
27 CONSTITUTES A HAZARD TO THE SAFETY OF THE CHILD WHEN SO
28 CERTIFIED BY THE BUREAU OF TRAFFIC SAFETY. THE BUREAU OF TRAFFIC
29 SAFETY SHALL TAKE INTO ACCOUNT THE PRESENCE OF SIDEWALKS ALONG
30 THE HIGHWAY, BUT SUCH PRESENCE OR LACK THEREOF SHALL NOT BE

1 CONTROLLING AND THE BUREAU SHALL CONSIDER ALL RELEVANT SAFETY
2 FACTORS IN MAKING ITS DETERMINATION AS TO WHETHER OR NOT WALKING
3 CONSTITUTES A HAZARD TO PUPILS.

4 (3) TO ALL SCHOOL DISTRICTS, FOR THE TRANSPORTATION OF
5 PHYSICALLY OR MENTALLY HANDICAPPED CHILDREN REGULARLY ENROLLED
6 IN SPECIAL CLASSES APPROVED BY THE DEPARTMENT OF EDUCATION OR
7 ENROLLED IN A REGULAR CLASS IN WHICH APPROVED EDUCATIONAL
8 PROVISIONS ARE MADE FOR THEM.

9 (4) TO ALL THIRD AND FOURTH CLASS SCHOOL DISTRICTS, FOR
10 PUPILS TRANSPORTED TO AND FROM APPROVED CONSOLIDATED SCHOOLS OR
11 APPROVED JOINT CONSOLIDATED SCHOOLS LIVING ONE AND ONE-HALF
12 MILES OR MORE FROM THE SCHOOL OF ATTENDANCE OR RESIDING IN AREAS
13 WHERE [THERE ARE NO SIDEWALKS AND] THE ROAD OR TRAFFIC
14 CONDITIONS ARE SUCH THAT WALKING [ON THE SHOULDER OF THE ROAD]
15 CONSTITUTES A HAZARD TO THE SAFETY OF THE CHILD WHEN SO
16 CERTIFIED BY THE BUREAU OF TRAFFIC SAFETY. THE BUREAU OF TRAFFIC
17 SAFETY SHALL TAKE INTO ACCOUNT THE PRESENCE OF SIDEWALKS ALONG
18 THE HIGHWAY, BUT SUCH PRESENCE OR LACK THEREOF SHALL NOT BE
19 CONTROLLING AND THE BUREAU SHALL CONSIDER ALL RELEVANT SAFETY
20 FACTORS IN MAKING ITS DETERMINATION AS TO WHETHER OR NOT WALKING
21 CONSTITUTES A HAZARD TO PUPILS.

22 CONSOLIDATED SCHOOLS OR JOINT CONSOLIDATED SCHOOLS SHALL SO
23 LONG AS THEY ARE APPROVED BY THE SECRETARY OF EDUCATION AS TO
24 ORGANIZATION, CONTROL, LOCATION, EQUIPMENT, COURSES OF STUDY,
25 QUALIFICATIONS OF TEACHERS, METHODS OF INSTRUCTION, CONDITION OF
26 ADMISSION, EXPENDITURES OF MONEY, METHODS AND MEANS OF
27 TRANSPORTATION AND THE CONTRACTS PROVIDING THEREFOR, CONSTITUTE
28 APPROVED CONSOLIDATED SCHOOLS OR APPROVED JOINT CONSOLIDATED
29 SCHOOLS.

30 (5) TO ALL SCHOOL DISTRICTS, FOR PUPILS TRANSPORTED TO AND

1 FROM SCHOOLS USED FOR THE PURPOSE OF BETTER GRADATION.

2 (6) TO ALL SCHOOL DISTRICTS FOR PUPILS TRANSPORTED TO AND
3 FROM AREA TECHNICAL SCHOOLS.

4 (7) TO ALL SCHOOL DISTRICTS, FOR THE TRANSPORTATION OF
5 NONRESIDENT CHILDREN WHO ARE PLACED IN THE HOME OF A RESIDENT,
6 OR WHO ARE INMATES OF AN ORPHAN ASYLUM OR HOME OR A CHILDREN'S
7 HOME OR OTHER INSTITUTION FOR THE CARE AND TRAINING OF ORPHANS
8 OR OTHER CHILDREN, AND WHO ATTEND THE PUBLIC SCHOOLS, AND WHO
9 LIVE TWO MILES OR MORE FROM THE NEAREST SCHOOL WITH THE PROPER
10 GRADES OR RESIDING IN AREAS WHERE [THERE ARE NO SIDEWALKS AND]
11 THE ROAD OR TRAFFIC CONDITIONS ARE SUCH THAT WALKING [ON THE
12 SHOULDER OF THE ROAD] CONSTITUTES A HAZARD TO THE SAFETY OF THE
13 CHILD WHEN SO CERTIFIED BY THE BUREAU OF TRAFFIC SAFETY. THE
14 BUREAU OF TRAFFIC SAFETY SHALL TAKE INTO ACCOUNT THE PRESENCE OF
15 SIDEWALKS ALONG THE HIGHWAY, BUT SUCH PRESENCE OR LACK THEREOF
16 SHALL NOT BE CONTROLLING AND THE BUREAU SHALL CONSIDER ALL
17 RELEVANT SAFETY FACTORS IN MAKING ITS DETERMINATION AS TO
18 WHETHER OR NOT WALKING CONSTITUTES A HAZARD TO PUPILS.

19 (C) PAYMENTS FOR PUPIL TRANSPORTATION ON ACCOUNT OF THE
20 SCHOOL YEAR [1972-1973] 1977-1978 AND EVERY SCHOOL YEAR
21 THEREAFTER SHALL BE MADE ONLY IN THE FOLLOWING CASES:

22 (1) TO ALL SCHOOL DISTRICTS FOR THE TRANSPORTATION TO AND
23 FROM SCHOOL OF ELEMENTARY SCHOOL PUPILS, INCLUDING KINDERGARTEN
24 PUPILS, RESIDING ONE AND ONE-HALF (1 1/2) MILES OR MORE BY THE
25 NEAREST PUBLIC HIGHWAY FROM THE SCHOOL IN WHICH THE PUPILS ARE
26 ENROLLED AND TO WHICH TRANSPORTATION IS AUTHORIZED UNDER SECTION
27 1361 OF THIS ACT OR RESIDING IN AREAS WHERE [THERE ARE NO
28 SIDEWALKS AND] THE ROAD OR TRAFFIC CONDITIONS ARE SUCH THAT
29 WALKING [ON THE SHOULDER OF THE ROAD] CONSTITUTES A HAZARD TO
30 THE SAFETY OF THE CHILD WHEN SO CERTIFIED BY THE BUREAU OF

1 TRAFFIC SAFETY. THE BUREAU OF TRAFFIC SAFETY SHALL TAKE INTO
2 ACCOUNT THE PRESENCE OF SIDEWALKS ALONG THE HIGHWAY, BUT SUCH
3 PRESENCE OR LACK THEREOF SHALL NOT BE CONTROLLING AND THE BUREAU
4 SHALL CONSIDER ALL RELEVANT SAFETY FACTORS IN MAKING ITS
5 DETERMINATION AS TO WHETHER OR NOT WALKING CONSTITUTES A HAZARD
6 TO PUPILS. SUCH ELEMENTARY SCHOOL PUPILS SHALL INCLUDE
7 NONRESIDENT CHILDREN WHO ARE PLACED IN THE HOME OF A RESIDENT,
8 OR WHO ARE RESIDENTS OF AN ORPHANAGE, OR HOME OR CHILDREN'S HOME
9 OR OTHER INSTITUTION FOR THE CARE AND TRAINING OF ORPHANS OR
10 OTHER CHILDREN.

11 (2) TO ALL SCHOOL DISTRICTS FOR THE TRANSPORTATION TO AND
12 FROM SCHOOL OF SECONDARY SCHOOL PUPILS RESIDING TWO (2) MILES OR
13 MORE BY THE NEAREST PUBLIC HIGHWAY FROM THE SCHOOL IN WHICH THE
14 PUPILS ARE ENROLLED AND TO WHICH TRANSPORTATION IS AUTHORIZED
15 UNDER SECTION 1361 OF THIS ACT OR RESIDING IN AREAS WHERE [THERE
16 ARE NO SIDEWALKS AND] THE ROAD OR TRAFFIC CONDITIONS ARE SUCH
17 THAT WALKING [ON THE SHOULDER OF THE ROAD] CONSTITUTES A HAZARD
18 TO THE SAFETY OF THE CHILD WHEN SO CERTIFIED BY THE BUREAU OF
19 TRAFFIC SAFETY. THE BUREAU OF TRAFFIC SAFETY SHALL TAKE INTO
20 ACCOUNT THE PRESENCE OF SIDEWALKS ALONG THE HIGHWAY, BUT SUCH
21 PRESENCE OR LACK THEREOF SHALL NOT BE CONTROLLING AND THE BUREAU
22 SHALL CONSIDER ALL RELEVANT SAFETY FACTORS IN MAKING ITS
23 DETERMINATION AS TO WHETHER OR NOT WALKING CONSTITUTES A HAZARD
24 TO PUPILS. SUCH SECONDARY SCHOOL PUPILS SHALL INCLUDE
25 NONRESIDENT CHILDREN WHO ARE PLACED IN THE HOME OF A RESIDENT,
26 OR WHO ARE INMATES OF AN ORPHAN ASYLUM OR HOME OR CHILDREN'S
27 HOME OR OTHER INSTITUTION FOR THE CARE AND TRAINING OF ORPHANS
28 OR OTHER CHILDREN.

29 (3) TO ALL SCHOOL DISTRICTS FOR PUPILS TRANSPORTED TO AND
30 FROM APPROVED CONSOLIDATED SCHOOLS OR APPROVED JOINT

1 CONSOLIDATED SCHOOLS LIVING ONE AND ONE-HALF (1 1/2) MILES OR
2 MORE FROM THE SCHOOL OF ATTENDANCE OR RESIDING IN AREAS WHERE
3 [THERE ARE NO SIDEWALKS AND] THE ROAD OR TRAFFIC CONDITIONS ARE
4 SUCH THAT WALKING [ON THE SHOULDER OF THE ROAD] CONSTITUTES A
5 HAZARD TO THE SAFETY OF THE CHILD WHEN SO CERTIFIED BY THE
6 BUREAU OF TRAFFIC SAFETY. THE BUREAU OF TRAFFIC SAFETY SHALL
7 TAKE INTO ACCOUNT THE PRESENCE OF SIDEWALKS ALONG THE HIGHWAY,
8 BUT SUCH PRESENCE OR LACK THEREOF SHALL NOT BE CONTROLLING AND
9 THE BUREAU SHALL CONSIDER ALL RELEVANT SAFETY FACTORS IN MAKING
10 ITS DETERMINATION AS TO WHETHER OR NOT WALKING CONSTITUTES A
11 HAZARD TO PUPILS.

12 CONSOLIDATED SCHOOLS OR JOINT CONSOLIDATED SCHOOLS SHALL SO
13 LONG AS THEY ARE APPROVED AS TO ORGANIZATION, CONTROL, LOCATION,
14 EQUIPMENT, COURSES OF STUDY, QUALIFICATIONS OF TEACHERS, METHODS
15 OF INSTRUCTION, CONDITION OF ADMISSION, EXPENDITURES OF MONEY,
16 METHODS AND MEANS OF TRANSPORTATION AND THE CONTRACTS PROVIDING
17 THEREFOR, CONSTITUTE APPROVED CONSOLIDATED SCHOOLS OR APPROVED
18 JOINT CONSOLIDATED SCHOOLS.

19 (4) TO ALL SCHOOL DISTRICTS FOR THE TRANSPORTATION OF
20 EXCEPTIONAL CHILDREN REGULARLY ENROLLED IN SPECIAL CLASSES
21 APPROVED BY THE DEPARTMENT OF EDUCATION OR ENROLLED IN A REGULAR
22 CLASS IN WHICH APPROVED EDUCATIONAL PROVISIONS ARE MADE FOR
23 THEM.

24 (5) TO ALL SCHOOL DISTRICTS FOR PUPILS TRANSPORTED TO AND
25 FROM AREA TECHNICAL SCHOOLS.

26 (D) THE COMMONWEALTH SHALL REIMBURSE THE SCHOOL DISTRICTS
27 FOR THE SCHOOL YEAR 1973-1974 AND FOR EACH YEAR THEREAFTER FOR
28 THE APPROVED REIMBURSABLE COSTS INCURRED IN PROVIDING
29 TRANSPORTATION UNDER SECTION 1361 FOR NONPUBLIC SCHOOL PUPILS
30 AND UNDER SECTION 1362 FOR HAZARDOUS CONDITIONS: PROVIDED,

1 HOWEVER, THAT NO DISTRICT SHALL RECEIVE LESS THAN FIFTY PERCENT
2 (50%) OF SUCH APPROVED REIMBURSABLE COSTS.

3 SECTION 8. (A) EXCEPT AS OTHERWISE PROVIDED IN THIS
4 SECTION, THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

5 (B) SECTION 6, WHICH ADDS SECTION 1531.1, SHALL TAKE EFFECT
6 JULY 1, 1979.

7 (C) SECTIONS 5 AND 7, WHICH AMEND SECTIONS 1362 AND 2541
8 RESPECTIVELY, SHALL BE APPLICABLE TO THE 1978-1979 SCHOOL YEAR
9 AND EACH YEAR THEREAFTER.