

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2003

Session of
1979

INTRODUCED BY MR. POLITE, NOVEMBER 27, 1979

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 30, 1980

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," ~~further providing for the sale of~~ <—
6 ~~certain unused and unnecessary lands and buildings.~~ PROVIDING <—
7 FOR HANDICAPPED STUDENT PROGRAMS IN EXCESS OF ONE HUNDRED
8 EIGHTY DAYS AND FOR THE VOLUNTARY RECITATION OF PRAYER IN
9 PUBLIC SCHOOLS.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. ~~Section 707,~~ THE act of March 10, 1949 (P.L.30, <—
13 No.14), known as the "Public School Code of 1949," is amended by
14 adding a ~~clause~~ SECTION to read: <—

15 ~~Section 707. Sale of Unused and Unnecessary Lands and~~ <—
16 ~~Buildings. The board of school directors of any district is~~
17 ~~hereby vested with the necessary power and authority to sell~~
18 ~~unused and unnecessary lands and buildings, by any of the~~
19 ~~following methods and subject to the following provisions:~~

20 * * *

~~(12)(i) Notwithstanding the foregoing provisions of this section, any property which was originally acquired by condemnation and which meets the criteria enumerated in subelause (ii) shall not be disposed of by the condemnor without first being offered to the condemnee at the same price paid to the condemnee by the condemnor. The condemnee shall be served with notice of the offer in the same manner as otherwise prescribed for service of notice.~~

~~(ii) The criteria for the application of this clause to a particular property are as follows:~~

~~(A) The property was originally acquired by a second class school district in a second class A county by condemnation pursuant to a declaration of taking filed during 1970.~~

~~(B) The property consists of not less than seventy five acres and not more than eighty five acres.~~

~~(C) The property is unused and unnecessary for the purpose for which it was originally acquired.~~

~~(D) The property has not been substantially improved since condemnation.~~

SECTION 1372.1. EDUCATIONAL PROGRAM IN EXCESS OF ONE HUNDRED EIGHTY (180) DAYS FOR CERTAIN EXCEPTIONAL CHILDREN.--(A) WHERE ORDERED BY THE COURTS, THE SECRETARY OF EDUCATION, SCHOOL DISTRICTS AND INTERMEDIATE UNITS SHALL ASSURE THAT AN EXCEPTIONAL STUDENT IS PROVIDED WITH A PROGRAM IN EXCESS OF ONE HUNDRED EIGHTY (180) DAYS PER YEAR IF THE CONDITION WHICH REQUIRES THE STUDENT TO BE CLASSIFIED AS EXCEPTIONAL PREDISPOSES THE STUDENT TO SEVERE REGRESSION AND LIMITED RECOUPMENT CAPACITY RENDERING IT IMPOSSIBLE OR UNLIKELY THAT THE STUDENT WILL ATTAIN THE LEVEL OF SELF-SUFFICIENCY AND INDEPENDENCE FROM CARETAKERS THAT THE STUDENT WOULD OTHERWISE BE EXPECTED TO REACH IN VIEW OF

<—

1 HIS OR HER HANDICAPPING CONDITION.

2 (B) THE PROGRAM SHALL BE DIRECTED AT MINIMIZING RECOUPMENT
3 TIME NECESSARY FOR THE STUDENT TO OVERCOME REGRESSION THAT TAKES
4 PLACE WHEN NORMAL PROGRAMS ARE INTERRUPTED. THE PROGRAM PROVIDED
5 MAY BE AS MINIMAL AS FIFTEEN (15) MINUTES OF THERAPY PER WEEK,
6 USING HOME VISITS BY ITINERANT TEACHERS AND SHALL ADDRESS ONLY
7 THOSE SKILLS AND BEHAVIOR AREAS WHERE REGRESSION HAS OCCURRED.

8 (C) SCHOOL DISTRICTS AND INTERMEDIATE UNITS WHO OFFER
9 SERVICE IN EXCESS OF THE COURT ORDER WILL RECEIVE NO STATE
10 REIMBURSEMENT FOR THESE ADDITIONAL SERVICES.

11 (D) AN ACTUAL EXPERIENCE OF SEVERE REGRESSION WITH
12 SIGNIFICANT RECOUPMENT TIME IS NOT NECESSARY IN ORDER TO
13 ESTABLISH THAT A CHILD REQUIRES PROGRAMMING IN EXCESS OF ONE
14 HUNDRED EIGHTY (180) DAYS PER YEAR. IN THE EVENT OF A DISPUTE
15 BETWEEN THE SCHOOL DISTRICT AND A PARENT OR GUARDIAN CONCERNING
16 THE NECESSITY OF A PROGRAM IN EXCESS OF ONE HUNDRED EIGHTY (180)
17 DAYS, THE BURDEN OF PROOF IN SUCH DISPUTE SHALL REST WITH THE
18 COMPLAINING PARTY.

19 SECTION 2. SECTION 1516.1 OF THE ACT, ADDED DECEMBER 6, 1972
20 (P.L.1412, NO.305), IS AMENDED TO READ:

21 SECTION 1516.1. MEDITATION AND PRAYER PERIODS.--(A) [IN EACH
22 PUBLIC SCHOOL CLASSROOM, THE TEACHER IN CHARGE MAY, OR IF SO
23 AUTHORIZED OR DIRECTED BY THE BOARD OF SCHOOL DIRECTORS BY WHICH
24 HE IS EMPLOYED, SHALL, AT THE OPENING OF SCHOOL UPON EVERY
25 SCHOOL DAY, CONDUCT A BRIEF PERIOD OF SILENT PRAYER OR
26 MEDITATION WITH THE PARTICIPATION OF ALL THE PUPILS THEREIN
27 ASSEMBLED.] THE BOARD OF SCHOOL DIRECTORS MAY AUTHORIZE THE
28 RECITATION OF PRAYER OR SILENT MEDITATION IN THE SCHOOLS WITHIN
29 THE DISTRICT.

30 (B) THE [SILENT] PRAYER OR SILENT MEDITATION AUTHORIZED BY

1 SUBSECTION (A) OF THIS SECTION IS NOT INTENDED TO BE, AND SHALL
2 NOT BE CONDUCTED AS, A RELIGIOUS SERVICE OR EXERCISE, BUT SHALL
3 BE CONSIDERED AS AN OPPORTUNITY FOR [SILENT] PRAYER OR SILENT
4 MEDITATION ON A RELIGIOUS THEME BY THOSE WHO ARE SO DISPOSED, OR
5 A MOMENT OF SILENT REFLECTION ON THE ANTICIPATED ACTIVITIES OF
6 THE DAY. PARTICIPATION IN THE RECITATION OF PRAYER SHALL BE
7 VOLUNTARY.

8 Section ~~2~~ 3. This act shall take effect immediately. ~~and~~ <—
9 ~~shall apply to all property which has been acquired by~~
10 ~~condemnation and has not been disposed of prior to the effective~~
11 ~~date hereof.~~