

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1545 Session of
1991

INTRODUCED BY PITTS, FAIRCHILD, TRELLO, FARGO, SERAFINI, FARMER,
LANGTRY, GERLACH, ANGSTADT, ARMSTRONG, BIRMELIN, MELIO,
LAWLESS, GALLEN, SAURMAN, SEMMEL, BARLEY, DeLUCA, CARLSON,
HERSHEY, McHUGH, GEIST, M. N. WRIGHT, PHILLIPS, NOYE,
MICOZZIE, S. H. SMITH, GODSHALL, LEH, CLYMER AND GLADECK,
JUNE 5, 1991

REFERRED TO COMMITTEE ON EDUCATION, JUNE 5, 1991

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," requiring approved referenda prior to
6 the imposition of increased tax rates and providing
7 exceptions.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 652 of the act of March 10, 1949 (P.L.30,
11 No.14), known as the Public School Code of 1949, amended August
12 5, 1977 (P.L.178, No.46), is amended to read:

13 Section 652. Tax Levy; Purposes; Limitations.--[In] (a)
14 Subject to the referendum approval requirements of subsection
15 (b), in all school districts of the first class the school taxes
16 for the following fiscal year shall be levied annually, by the
17 board of public education thereof, on or after the second Monday
18 of November and before the first Monday of December following.

1 In all school districts of the first class A the school taxes
2 for the following fiscal year shall be levied annually by the
3 board of public education on or after the first Monday of
4 December and before the end of the current fiscal year. The
5 board of public education thereof shall annually levy a tax on
6 each dollar of the total assessments of all property assessed
7 and certified for taxation in said district, which tax shall be
8 ascertained, determined, and fixed by adding together the
9 following:

10 (1) An amount which, with all moneys received from the
11 Commonwealth applicable thereto, shall be sufficient to pay the
12 minimum salaries and increments of the teaching and supervisory
13 staff thereof as fixed and provided by law and to pay the
14 contributions of said district to the teachers' retirement
15 system. For the purpose of computing the amount required to pay
16 the minimum salaries and increments fixed by law, but without
17 otherwise limiting the rights of the district to employ teachers
18 or other employes, (i) The number of teachers on the salary
19 schedule of the elementary schools shall not exceed one for
20 every thirty pupils in average daily membership in such schools,
21 (ii) The number of teachers on the salary schedule of the junior
22 high schools shall not exceed one for every twenty-two pupils in
23 average daily membership in such schools, (iii) The number of
24 teachers on the salary schedule of the senior high schools shall
25 not exceed one for every twenty-two pupils in average daily
26 membership in such schools, (iv) The number of teachers with
27 salaries and increments fixed by law, on any salary schedule now
28 established or hereafter established, and not specially
29 mentioned in this act, shall not exceed one for every twenty-two
30 pupils in average daily membership, (v) The number of principals

1 in the elementary schools, and the principals in charge of all
2 other character of schools now established or hereafter
3 established, and not specially mentioned in this act, shall not
4 exceed one for every six hundred pupils in average daily
5 membership in such schools, (vi) The number of principals in the
6 junior and senior high schools shall not exceed one for every
7 twelve hundred pupils in average daily membership in such
8 schools, (vii) The number of supervisors in all schools shall
9 not exceed one for every fifteen hundred pupils in average daily
10 membership, (viii) The number of attendance officers and home
11 and school visitors shall not exceed one for every two thousand
12 pupils in average daily membership in all elementary and
13 secondary schools, (ix) In all adult and extension school
14 classes, the number of teachers shall not exceed one for every
15 twenty pupils in average daily membership in such schools.

16 The salary and increments, fixed by law, of members of the
17 teaching and supervisory staff whose number is not in some
18 manner limited hereby, shall not be included within the purposes
19 authorized by clause (1) of this [section] subsection, but shall
20 be construed and regarded as constituting expenses within the
21 meaning of clause (3) of this [section] subsection.

22 Average daily membership, as used herein, shall be based upon
23 membership during the preceding school term.

24 (2) An amount sufficient to pay the interest on, and retire
25 at maturity the principal of, the indebtedness of said district
26 incurred as authorized by law.

27 (2.1) An amount sufficient to pay any rentals agreed to be
28 paid to the State Public School Building Authority or any other
29 authority created by the General Assembly, having State-wide
30 jurisdiction.

1 (3) An amount sufficient to pay all other expenses and
2 requirements of said school district, which amount shall be
3 equivalent to not less than three, nor more than five, mills on
4 the dollar of the total assessment of all property assessed and
5 certified for taxation therein.

6 The total annual school tax levy for all purposes in any
7 school district of the first class shall not be more than eleven
8 and three-quarter (11 3/4) mills on the dollar of the total
9 assessment of all property assessed and certified for taxation
10 in the territory constituting the district.

11 (b) (1) Unless approved by a referendum under this
12 subsection, the estimated amount of revenue derived from all
13 taxes imposed by any school district of the first class or first
14 class A for the new fiscal year shall not, as a result of the
15 imposition of a higher rate of tax for that new fiscal year,
16 exceed the amount of revenue raised in the current fiscal year
17 by more than the percentage of the rate of inflation determined
18 from the most recent Consumer Price Index for the immediately
19 preceding twelve-month period.

20 (2) Voter approval by referendum shall be obtained by the
21 board of school directors of any school district of the first
22 class or first class A for any increases in estimated tax
23 derived revenues for the next fiscal year which exceed the tax
24 revenues of the current fiscal year by the percentage of the
25 rate of inflation determined from the most recent Consumer Price
26 Index for the immediately preceding twelve-month period.

27 (3) The board of school directors shall submit the
28 referendum question to the county board of elections for a vote
29 at the November election to be held prior to the beginning of
30 the new fiscal year for the school district.

1 (4) The provisions of clauses (1) and (2) shall not apply to
2 increased revenues necessary to meet the increased costs of any
3 of the following: (i) Costs arising from increased school
4 enrollment but only to the extent of the additional enrollment,
5 (ii) Costs which arise from mandated increases in pension or
6 retirement costs, but only to the extent of the additional
7 costs.

8 Section 2. Section 672 of the act is amended by adding a
9 subsection to read:

10 Section 672. Tax Levy; Limitations.--* * *

11 (e) (1) Unless approved by a referendum under this
12 subsection, the estimated amount of revenue derived from all
13 taxes imposed by any school district of the second, third or
14 fourth class for the new fiscal year shall not, as a result of
15 the imposition of a higher rate of tax for that new fiscal year,
16 exceed the amount of revenue raised in the current fiscal year
17 by more than the percentage of the rate of inflation determined
18 from the most recent Consumer Price Index for the immediately
19 preceding twelve-month period.

20 (2) Voter approval by referendum shall be obtained by the
21 board of school directors of any school district of the second,
22 third or fourth class for any increases in estimated tax derived
23 revenues for the next fiscal year which exceed the tax revenues
24 of the current fiscal year by the percentage of the rate of
25 inflation determined from the most recent Consumer Price Index
26 for the immediately preceding twelve-month period.

27 (3) The board of school directors shall submit the
28 referendum question to the county board of elections for a vote
29 at the primary election to be held prior to the beginning of the
30 new fiscal year for the school district.

1 (4) The provisions of clauses (1) and (2) of this subsection
2 shall not apply to increased revenues necessary to meet the
3 increased costs of any of the following: (i) Costs arising from
4 increased school enrollment, but only to the extent of the
5 additional enrollment, (ii) Costs which arise from mandated
6 increases in pension or retirement costs, but only to the extent
7 of the additional costs.

8 Section 3. This act shall take effect January 1, 1992.