

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 11

Session of  
1979

INTRODUCED BY MESSRS. A. K. HUTCHINSON, MANDERINO, PETRARCA  
AND SCHMITT, JANUARY 22, 1979

SENATOR REIBMAN, EDUCATION, IN SENATE, AS AMENDED,  
FEBRUARY 5, 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 intermediate  
6 unit board of directors, ADOPTION OF THE INTERMEDIATE UNIT <—  
7 BUDGET, ANNUAL CONVENTIONS, AND POWERS AND DUTIES OF  
8 INTERMEDIATE UNIT BOARDS OF DIRECTORS, MAKING EDITORIAL  
9 CHANGES AND AUTHORIZING INTERMEDIATE UNITS TO CONTRACT WITH  
10 PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTIONS.

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

13 Section 1. ~~Subsection (a), of section~~ SECTION 910-A, act of <—  
14 March 10, 1949 (P.L.30, No.14), known as the "Public School Code  
15 of 1949," amended April 24, 1978 (P.L.67, No.33), is amended to  
16 read:

17 Section 910-A. Intermediate Unit Board of Directors.--(a)  
18 [Each] The intermediate unit board of directors shall be  
19 composed of thirteen members except as otherwise provided for in  
20 this subsection, chosen for terms of three years from among  
21 members of the boards of school directors of school districts

1 comprising the intermediate unit. An intermediate unit director  
2 may succeed himself without limitation as to the number of  
3 terms. [Unless there are fewer than thirteen school districts in  
4 an intermediate unit, at] At no time shall more than one  
5 director from any school district be elected to an intermediate  
6 unit board of directors. Where there are fewer than thirteen  
7 school districts within an intermediate unit, there shall be [at  
8 least] one school director from each school district elected to  
9 the intermediate unit board of directors. When there are more  
10 than thirteen districts in an intermediate unit each district,  
11 as far as practicable, may have one member on the unit board, up  
12 to a maximum of twenty members. The election of intermediate  
13 unit boards of directors shall be by proportionate ballot, and  
14 each school director of each school district within an  
15 intermediate unit shall be entitled to cast votes determined by  
16 dividing the weighted average daily membership of the school  
17 district by the total weighted average daily membership within  
18 the intermediate unit, multiplying the quotient so obtained by  
19 one thousand, dividing the product so obtained by [thirteen] the  
20 number of directors as provided for above, and rounding such  
21 dividend to the nearest whole number: Provided, however, That  
22 each school director shall have at least one vote. The Secretary  
23 of Education shall annually, not later than the first day of  
24 February, certify the weighted average daily membership for the  
25 previous school year for each school district and for each  
26 intermediate unit, and shall compute the number of votes to  
27 which each school director of each school district within an  
28 intermediate unit shall be entitled.

29       \* \* \*

30       ~~Section 2. This act shall take effect immediately and shall~~

1 ~~apply at the next annual convention.~~

2 (B) EXCEPT FOR THE INITIAL ELECTION, DIRECTORS SHALL BE <—  
3 ELECTED ANNUALLY [IN APRIL] BETWEEN FEBRUARY 1 AND JUNE 30 BY  
4 CONVENTION OR BY MAIL BALLOT OF THE SCHOOL DIRECTORS OF THE  
5 SCHOOL DISTRICTS COMPRISING AN INTERMEDIATE UNIT AS FOLLOWS:  
6 FIVE EVERY THIRD YEAR, FOUR EACH OTHER YEAR. AN INTERMEDIATE  
7 UNIT BOARD CHOOSING TO ELECT MEMBERS BY MAIL BALLOT SHALL NOTIFY  
8 THE SECRETARY OF THE BOARD OF DIRECTORS OF EACH SCHOOL DISTRICT  
9 COMPRISING THE INTERMEDIATE UNIT ANNUALLY PRIOR TO JANUARY 1.  
10 THE ACT OF JULY 19, 1974 (P.L.486, NO.175), REFERRED TO AS THE  
11 PUBLIC AGENCY OPEN MEETING LAW SHALL NOT APPLY TO THE ELECTION  
12 OF MEMBERS BY MAIL BALLOT. INTERMEDIATE UNIT BOARDS OF DIRECTORS  
13 SHALL ORGANIZE ANNUALLY IN JULY.

14 (C) THE INITIAL ELECTION OF DIRECTORS SHALL BE HELD BETWEEN  
15 THE EFFECTIVE DATE OF THIS ACT AND JANUARY 15, 1971; AND  
16 THIRTEEN DIRECTORS SHALL BE ELECTED FOR TERMS TO BEGIN ON  
17 JANUARY 15, 1971, TO EXPIRE FOR FOUR DIRECTORS ON JUNE 30, 1972,  
18 FOR FOUR DIRECTORS ON JUNE 30, 1973 AND FOR FIVE DIRECTORS ON  
19 JUNE 30, 1974. FROM THE DATE OF ELECTION TO JULY 1, 1971 THE  
20 DIRECTORS ELECTED INITIALLY SHALL SERVE AS INTERMEDIATE UNIT  
21 PLANNING COMMITTEES TO PLAN FOR THE OPERATIONS OF INTERMEDIATE  
22 UNITS COMMENCING JULY 1, 1971.

23 (D) VACANCIES ON AN INTERMEDIATE UNIT BOARD OF DIRECTORS  
24 SHALL BE FILLED BY APPOINTMENT BY MAJORITY VOTE OF THE REMAINING  
25 INTERMEDIATE UNIT DIRECTORS. A DIRECTOR SO APPOINTED SHALL SERVE  
26 UNTIL THE ANNUAL [CONVENTION] ELECTION, AT WHICH TIME [THE  
27 CONVENTION SHALL ELECT] A DIRECTOR SHALL BE ELECTED TO SERVE THE  
28 UNEXPIRED PORTION OF THE TERM. AN INTERMEDIATE UNIT DIRECTOR  
29 ELECTED TO FILL A VACANCY MAY SUCCEED HIMSELF WITHOUT  
30 LIMITATIONS AS TO THE NUMBER OF TERMS. VACANCIES SHALL OCCUR

1 UPON THE DEATH, RESIGNATION, OR REMOVAL OF AN INTERMEDIATE UNIT  
2 DIRECTOR, OR WHEN HE NO LONGER HOLDS OFFICE AS A SCHOOL  
3 DIRECTOR. IN THE EVENT VACANCIES EXIST OR OCCUR IN THE  
4 MEMBERSHIP OF ALL OF THE MEMBERS OF AN INTERMEDIATE UNIT BOARD  
5 OF DIRECTORS, A SPECIAL CONVENTION, CALLED BY THE SECRETARY OF  
6 EDUCATION, SHALL BE HELD OF SCHOOL DIRECTORS OF THE SCHOOL  
7 DISTRICTS COMPRISING THE INTERMEDIATE UNIT FOR THE PURPOSE OF  
8 ELECTING DIRECTORS TO FILL THE VACANCIES.

9 (E) ANY MEMBER OF AN INTERMEDIATE UNIT BOARD OF DIRECTORS  
10 MAY BE REMOVED IN THE SAME MANNER AND FOR THE SAME CAUSE AS  
11 PROVIDED BY LAW FOR REMOVAL OF MEMBERS OF BOARDS OF SCHOOL  
12 DIRECTORS.

13 (F) ELECTIONS OF INTERMEDIATE UNIT DIRECTORS AND THE  
14 ORGANIZATION OF INTERMEDIATE UNIT BOARDS OF DIRECTORS SHALL BE  
15 CONDUCTED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE  
16 BOARD OF EDUCATION.

17 (G) IN THE CASE OF AN INTERMEDIATE UNIT COMPRISED OF A  
18 SINGLE SCHOOL DISTRICT, THE BOARD OF EDUCATION OF THE SCHOOL  
19 DISTRICT SHALL BE THE INTERMEDIATE UNIT BOARD OF DIRECTORS.

20 SECTION 2. SECTION 911-A AND CLAUSES (6) AND (11) OF SECTION  
21 914-A OF THE ACT, ADDED MAY 4, 1970 (P.L.311, NO.102), ARE  
22 AMENDED AND SECTION 914-A IS AMENDED BY ADDING A CLAUSE TO READ:

23 SECTION 911-A. [ANNUAL] CONVENTIONS.--[THE EXECUTIVE  
24 DIRECTOR OF EACH INTERMEDIATE UNIT SHALL CALL A CONVENTION TO BE  
25 HELD ANNUALLY IN APRIL FOR THE PURPOSE OF ELECTING MEMBERS TO  
26 THE INTERMEDIATE UNIT BOARD OF DIRECTORS, APPROVAL OF THE BUDGET  
27 OF THE INTERMEDIATE UNIT BY A MAJORITY OF VOTES OF THE DIRECTORS  
28 PRESENT AND VOTING AND FOR THE CONSIDERATION AND DISCUSSION OF  
29 MATTERS PERTAINING TO THE IMPROVEMENT OF EDUCATION IN THE PUBLIC  
30 SCHOOLS WITHIN THE INTERMEDIATE UNIT AND SUCH OTHER BUSINESS AS

1 MAY PROPERLY COME BEFORE THE CONVENTION. THE EXECUTIVE DIRECTOR  
2 SHALL AT LEAST ONE WEEK PRIOR TO SUCH ANNUAL CONVENTION FURNISH  
3 EACH DIRECTOR OF EACH DISTRICT COMPRISING THE UNIT WITH A  
4 PRINTED COPY OF THE BUDGET PROPOSED FOR ADOPTION.] THE  
5 INTERMEDIATE UNIT BOARD OF DIRECTORS MAY DIRECT THE EXECUTIVE  
6 DIRECTOR TO CALL A CONVENTION TO BE HELD BETWEEN FEBRUARY 1 AND  
7 JUNE 30 FOR THE PURPOSE OF ELECTING MEMBERS TO THE INTERMEDIATE  
8 UNIT BOARD OF DIRECTORS, FOR CONSIDERATION AND DISCUSSION OF  
9 MATTERS PERTAINING TO THE IMPROVEMENT OF EDUCATION IN THE  
10 SCHOOLS WITHIN THE INTERMEDIATE UNIT, AND FOR SUCH OTHER  
11 BUSINESS AS MAY PROPERLY COME BEFORE THE CONVENTION. IN  
12 ADDITION, THE INTERMEDIATE UNIT BOARD OF DIRECTORS MAY CALL INTO  
13 SPECIAL CONVENTION THE SCHOOL DIRECTORS OF ALL SCHOOL DISTRICTS  
14 [WITHIN] COMPRISING AN INTERMEDIATE UNIT AT ANY TIME FOR THE  
15 CONSIDERATION OF BUSINESS WHICH MAY PROPERLY COME BEFORE A  
16 SPECIAL CONVENTION. ON PETITION OF A MAJORITY OF THE SCHOOL  
17 [DIRECTORS OF ALL SCHOOL] DISTRICTS [WITHIN] COMPRISING THE  
18 INTERMEDIATE UNIT FOR A SPECIAL CONVENTION FOR A STATED PURPOSE  
19 RELATING TO PROPER BUSINESS OF THE INTERMEDIATE UNIT, INCLUDING  
20 THE ELECTION OF MEMBERS TO THE INTERMEDIATE UNIT BOARD OF  
21 DIRECTORS, THE INTERMEDIATE UNIT BOARD OF DIRECTORS SHALL DIRECT  
22 THE EXECUTIVE DIRECTOR TO CALL INTO SPECIAL CONVENTION THE  
23 SCHOOL DIRECTORS OF ALL SCHOOL DISTRICTS [WITHIN] COMPRISING THE  
24 INTERMEDIATE UNIT FOR CONSIDERATION OF SUCH STATED PURPOSE OR  
25 ELECTION: PROVIDED, THAT PETITIONS FOR A CONVENTION TO ELECT  
26 MEMBERS OF THE INTERMEDIATE UNIT BOARD OF DIRECTORS MUST BE  
27 RECEIVED BY THE SECRETARY OF THE INTERMEDIATE UNIT BOARD OF  
28 DIRECTORS NO LATER THAN FEBRUARY 1. NOTICE TO EACH SUCH DISTRICT  
29 DIRECTOR SHALL BE GIVEN AT LEAST FIVE DAYS PRIOR TO SUCH SPECIAL  
30 CONVENTION.

SECTION 914-A. POWERS AND DUTIES OF THE INTERMEDIATE UNIT  
BOARD OF DIRECTORS.--AN INTERMEDIATE UNIT BOARD OF DIRECTORS  
SHALL HAVE THE POWER AND ITS DUTY SHALL BE:

\* \* \*

(6) TO ADOPT AND ADVERTISE THE INTERMEDIATE UNIT BUDGET. THE  
BUDGET SHALL BE APPROVED BY (I) AT LEAST A MAJORITY OF THE  
SCHOOL DISTRICTS COMPRISING THE INTERMEDIATE UNIT; AND (II) AT  
LEAST A MAJORITY OF THE PROPORTIONATE VOTES OF ALL SCHOOL  
DIRECTORS [PRESENT AND VOTING IN CONVENTION,] AND SHALL BE FILED  
ANNUALLY WITH THE [SUPERINTENDENT OF PUBLIC INSTRUCTION]  
SECRETARY OF EDUCATION AND ADVERTISED OR NOTICE THEREOF GIVEN TO  
THE PUBLIC IN EACH OF ITS COMPONENT SCHOOL DISTRICTS AS REQUIRED  
OF LOCAL SCHOOL DISTRICT BUDGETS BY SECTION 687 OF THIS ACT ON  
OR BEFORE THE FIRST DAY OF MAY. BUDGETED EXPENDITURES SHALL BE  
THOSE EXPENDITURES CLASSIFIED AS CURRENT EXPENSES, CAPITAL  
OUTLAYS, DEBT REDEMPTIONS AND OUTGOING TRANSFERS ACCORDING TO  
THE MANUAL OF ACCOUNTING AND RELATED FINANCIAL PROCEDURES FOR  
PENNSYLVANIA SCHOOL SYSTEMS AND AMENDMENTS AND SUPPLEMENTS  
THERE TO PUBLISHED BY THE DEPARTMENT OF [PUBLIC INSTRUCTION]  
EDUCATION.

\* \* \*

(11) TO LEASE LAND[, ] AND BUILDINGS [AND EQUIPMENT].

\* \* \*

(17) TO PURCHASE OR LEASE EQUIPMENT AND MOTOR VEHICLES TO BE  
USED FOR EDUCATIONAL PROGRAMS AND SERVICES.

SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 914.1-A. CONTRACTS WITH PRIVATE RESIDENTIAL  
REHABILITATIVE INSTITUTIONS.--(A) INTERMEDIATE UNITS SHALL HAVE  
THE POWER TO CONTRACT WITH PRIVATE RESIDENTIAL REHABILITATIVE  
INSTITUTIONS FOR EDUCATIONAL SERVICES TO BE PROVIDED TO CHILDREN

1 AS PART OF ANY REHABILITATIVE PROGRAM REQUIRED IN CONJUNCTION  
2 WITH THE PLACEMENT OF A CHILD IN ANY SUCH INSTITUTION PURSUANT  
3 TO A PROCEEDING UNDER 42 PA.C.S. CH 63 (RELATING TO JUVENILE  
4 MATTERS).

5 (B) THE ACTUAL COST OF SUCH SERVICES SHALL BE BORNE BY THE  
6 SCHOOL DISTRICT OF THE CHILD'S RESIDENCE AND THE DEPARTMENT  
7 SHALL EFFECTUATE THE REIMBURSEMENT OF THE VARIOUS INTERMEDIATE  
8 UNIT EXPENDITURES ADMINISTRATIVELY THROUGH THE DEDUCTION OF AN  
9 APPROPRIATE AMOUNT FROM THE BASIC INSTRUCTIONAL SUBSIDY OF ANY  
10 SCHOOL DISTRICT WHICH HAD RESIDENT STUDENTS THAT WERE PROVIDED  
11 EDUCATIONAL SERVICES BY A PRIVATE RESIDENTIAL REHABILITATIVE  
12 INSTITUTION.

13 (C) FOR THE PURPOSE OF THIS SECTION, A "PRIVATE RESIDENTIAL  
14 REHABILITATIVE INSTITUTION" MEANS A FACILITY, OTHER THAN ONE  
15 OPERATED BY A PUBLIC AGENCY, WHICH AS OF DECEMBER 31, 1977  
16 PROVIDED TO JUVENILES LEGALLY COMMITTED THERETO PURSUANT TO A  
17 PROCEEDING UNDER THE ACT OF DECEMBER 6, 1972 (P.L.1464, NO.333),  
18 KNOWN AS THE "JUVENILE ACT," EDUCATIONAL SERVICES AS PART OF A  
19 TOTAL REHABILITATIVE PACKAGE, FUNDED, AT LEAST IN PART, THROUGH  
20 CONTRACTUAL AGREEMENTS WITH THE COUNTY OF WHICH EACH CHILD IS A  
21 RESIDENT, WHEREBY THE INSTITUTION RECEIVED FROM THE COUNTY AN  
22 AMOUNT PER DIEM FOR EACH CHILD LEGALLY COMMITTED THERETO.

23 (D) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION SHALL  
24 BE EXEMPT FROM ANY ADMINISTRATIVE CONTROL OF THE INTERMEDIATE  
25 UNIT CONTRACTING THEREWITH AND SHALL NOT BE SUBJECT TO OTHER  
26 PROVISIONS OF THIS ACT UNLESS THE DEPARTMENT CAN PROVE BEFORE  
27 THE COURT OF COMMON PLEAS OF THE COUNTY WHEREIN THE INSTITUTION  
28 IS LOCATED, THAT THE EDUCATION BEING PROVIDED IS INFERIOR TO THE  
29 LOWEST LEVEL OF COMPETENT EDUCATION BEING PROVIDED BY ANY SCHOOL  
30 DISTRICT IN THE COMMONWEALTH. EITHER PARTY AGGRIEVED BY THE

1 DECISION OF THE COURT MAY APPEAL WITHIN THIRTY (30) DAYS TO THE  
2 COMMONWEALTH COURT.

3 (E) THE DEPARTMENT MAY CONTINUALLY MONITOR THE EDUCATIONAL  
4 PROGRAMS BEING ADMINISTERED BY EACH PRIVATE RESIDENTIAL  
5 REHABILITATIVE INSTITUTION. HOWEVER, IF THE DEPARTMENT IS  
6 UNSUCCESSFUL IN AN ACTION BROUGHT TO SUBJECT A PRIVATE  
7 RESIDENTIAL REHABILITATIVE INSTITUTION TO THE PROVISIONS OF THIS  
8 ACT, A LIKE ACTION SHALL NOT BE AGAIN MAINTAINED FOR A PERIOD OF  
9 TWO (2) YEARS AFTER ALL APPEALS IN SUCH CASE ARE EXHAUSTED.

10 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.