
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 942

Session of
1981

INTRODUCED BY BOYES, MERRY, CAPPABIANCA, BOWSER, BURD,
DOMBROWSKI, McCLATCHY, PIEVSKY, SWEET, MADIGAN, WOGAN,
SALVATORE, LEVI, COSLETT, B. SMITH, BRANDT, WILT, PETERSON,
JACKSON, RASCO, SWIFT, GRUPPO, W. W. FOSTER, E. H. SMITH,
NOYE, W. D. HUTCHINSON, FLECK, WESTON, A. C. FOSTER, JR.,
ROCKS, MOWERY, KENNEDY, MACKOWSKI, ANDERSON, DAIKELER,
SAURMAN, DeWEESE, MILLER, KLINGAMAN, HEISER, DeVERTER,
SPENCER, PITTS, E. Z. TAYLOR, GEIST, DORR, CALTAGIRONE,
BITTLE, CORNELL AND ARTY, MARCH 17, 1981

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, DECEMBER 15, 1981

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 TERMINATION OF <—
6 CONTRACTS AND FOR ANNULMENT OF CERTIFICATES, MAKING EDITORIAL
7 CHANGES, PROVIDING FOR A PENALTY RELATING TO THE COLLECTION
8 OF CERTAIN DUES, further providing for the payment of tuition
9 of out-of-state medically indigent children hospitalized in
10 certain exclusively charitable childrens hospitals and making
11 an appropriation.

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

14 ~~Section 1. Section 1308, act of March 10, 1949 (P.L.30,~~ <—
15 ~~No.14), known as the "Public School Code of 1949," amended~~
16 ~~December 9, 1980 (P.L.1123, No.199), is amended to read:~~

17 SECTION 1. SECTION 1122, ACT OF MARCH 10, 1949 (P.L.30, <—
18 NO.14), KNOWN AS THE "PUBLIC SCHOOL CODE OF 1949," AMENDED JULY

1 26, 1961 (P.L.891, NO.383), IS AMENDED TO READ:

2 SECTION 1122. CAUSES FOR TERMINATION OF CONTRACT; STANDING
3 TO TERMINATE.--(A) THE ONLY VALID CAUSES FOR TERMINATION OF A
4 CONTRACT HERETOFORE OR HEREAFTER ENTERED INTO WITH A
5 PROFESSIONAL EMPLOYEE SHALL BE IMMORALITY, INCOMPETENCY,
6 INTEMPERANCE, CRUELTY, PERSISTENT NEGLIGENCE, MENTAL
7 DERANGEMENT, ADVOCATION OF OR PARTICIPATING IN UN-AMERICAN OR
8 SUBVERSIVE DOCTRINES, WILFUL DISOBEDIENCE OF A COURT ORDER
9 ISSUED PURSUANT TO ARTICLE X OF THE ACT OF JULY 23, 1970
10 (P.L.563, NO.195), KNOWN AS THE "PUBLIC EMPLOYE RELATIONS ACT,"
11 PERSISTENT AND WILFUL VIOLATION OF THE SCHOOL LAWS OF THIS
12 COMMONWEALTH ON THE PART OF THE PROFESSIONAL EMPLOYEE: PROVIDED,
13 THAT BOARDS OF SCHOOL DIRECTORS MAY TERMINATE THE SERVICE OF ANY
14 PROFESSIONAL EMPLOYEE WHO HAS ATTAINED TO THE AGE OF SIXTY-TWO
15 EXCEPT A PROFESSIONAL EMPLOYEE WHO IS A MEMBER OF THE OLD AGE AND
16 SURVIVORS INSURANCE SYSTEM PURSUANT TO THE PROVISIONS OF THE
17 ACT, APPROVED THE FIRST DAY OF JUNE, ONE THOUSAND NINE HUNDRED
18 FIFTY-SIX (PAMPHLET LAWS 1973). IN SUCH CASE THE BOARD MAY
19 TERMINATE THE SERVICE OF ANY SUCH PROFESSIONAL EMPLOYEE AT THE
20 AGE OF SIXTY-FIVE OR AT THE AGE AT WHICH THE EMPLOYEE BECOMES
21 ELIGIBLE TO RECEIVE FULL BENEFITS UNDER THE FEDERAL SOCIAL
22 SECURITY ACT.

23 (B) NOTHING WITHIN THE FOREGOING ENUMERATION OF CAUSES,
24 SHALL BE INTERPRETED TO CONFLICT WITH THE RETIREMENT OF
25 PROFESSIONAL EMPLOYEES UPON PROPER EVIDENCE OF DISABILITY, OR THE
26 ELECTION BY PROFESSIONAL EMPLOYEES TO RETIRE DURING THE PERIOD OF
27 VOLUNTARY RETIREMENT, OR THE AUTHORITY OF THE BOARD OF SCHOOL
28 DIRECTORS TO REQUIRE PROFESSIONAL EMPLOYEES TO RETIRE DURING SAID
29 PERIOD OF VOLUNTARY RETIREMENT, OR THE COMPULSION ON THE PART OF
30 PROFESSIONAL EMPLOYEES TO RETIRE AT THE ATTAINMENT OF AGE

1 SEVENTY.

2 (C) EITHER THE DISTRICT SUPERINTENDENT OR THE SECRETARY OF
3 EDUCATION SHALL HAVE THE AUTHORITY TO TERMINATE A CONTRACT
4 PURSUANT TO THIS SECTION, WHICH AUTHORITY SHALL BE IN ADDITION
5 TO THE AUTHORITY VESTED IN THE BOARD OF SCHOOL DIRECTORS.

6 SECTION 2. SECTION 1211 OF THE ACT IS AMENDED TO READ:

7 SECTION 1211. ANNULMENT OF CERTIFICATES.--ALL STATE
8 CERTIFICATES OR ENDORSEMENTS OF THE CERTIFICATES OF OTHER STATES
9 MAY BE ANNULLED BY THE [SUPERINTENDENT OF PUBLIC INSTRUCTION]
10 SECRETARY OF EDUCATION FOR INCOMPETENCY, CRUELTY, NEGLIGENCE,
11 WILFUL DISOBEDIENCE OF A COURT ORDER ISSUED PURSUANT TO ARTICLE
12 X OF THE ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE
13 "PUBLIC EMPLOYE RELATIONS ACT," IMMORALITY OR INTemperance,
14 AFTER HEARING, OF WHICH REASONABLE NOTICE IN WRITING MUST BE
15 GIVEN TO THE PARTIES INTERESTED.

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

17 SECTION 1133. COLLECTION OF DUES, PENALTIES.--SCHOOL
18 DISTRICTS MAY NOT COLLECT DUES FOR ANY EMPLOYE ORGANIZATION
19 WHICH WAS HELD IN CONTEMPT OF A COURT ORDER ISSUED PURSUANT TO
20 THE PROVISIONS OF ARTICLE X OF THE ACT OF JULY 23, 1970
21 (P.L.563, NO.195), KNOWN AS THE "PUBLIC EMPLOYE RELATIONS ACT,"
22 FOR A PERIOD OF TWO YEARS FROM THE DATE OF THE HOLDING OF
23 CONTEMPT.

24 SECTION 4. SECTION 1308 OF THE ACT, AMENDED DECEMBER 9, 1980
25 (P.L.1123, NO.199), IS AMENDED TO READ:

26 Section 1308. Liability for Tuition and Enforcement of
27 Payment.--(A) In all cases not covered by the preceding section <—
28 if a charge is made by any school district for tuition for the
29 inmates of any such institution, the officers of the institution
30 shall submit to the board of school directors a sworn statement,

1 setting forth the names, ages, and school districts liable for
2 tuition of all children who are inmates thereof, and desire to
3 attend public school in the district, together with a blank
4 acknowledging or disclaiming residence, signed by the secretary
5 of the school district in which the institution declares the
6 legal residence of the child to be. If said district shall fail
7 to file said blank with said institution within fifteen (15)
8 days from the date it is sent to the district by the institution
9 by registered mail, the institution shall again notify the
10 district of its failure to comply with the provisions of this
11 act. If the district shall fail to comply within fifteen (15)
12 days following the second notice, said failures to return the
13 blank shall be construed as an acknowledgement of said child's
14 residence. The tuition of such inmates as are included in the
15 sworn statement to the board of school directors shall be
16 withheld by the Secretary of Education from any moneys due to
17 the district liable for said tuition upon receipt of a sworn
18 statement setting forth the names, ages, tuition charges, and
19 school district liable for tuition of said inmates. All money
20 thus withheld shall be paid by him to the district entitled to
21 receive the same. The district so charged with tuition may file
22 an appeal with the Secretary of Education, in which it shall be
23 the complainant and the institution the respondent. The decision
24 of the Secretary of Education, as to which of said parties is
25 responsible for tuition, shall be final.

26 (B) If any inmates have been received from outside of <—
27 Pennsylvania, or if the institution cannot certify as to their
28 residence, their tuition shall be paid by the institution having
29 the care or custody of said children, except in the case of
30 medically indigent children hospitalized in exclusively

1 charitable childrens hospitals exempt under section 501(c)(3) of
2 the Internal Revenue Code which make no charges to ANY OF its <—
3 patients nor accepts any third-party payments for services
4 provided to ANY OF its patients. In such cases their tuition <—
5 shall be paid by the Commonwealth out of moneys appropriated by
6 the General Assembly for the purposes of this act. Enrollment of
7 any out-of-state student in a school district or intermediate
8 unit program shall be conditioned upon a guarantee, or actual
9 advance receipt, of tuition and transportation payment from the
10 institution, from the student's home state or out-of-state
11 school district, or from the out-of-state party or agency which
12 placed the student in the institution, except in the case of
13 medically indigent children hospitalized in exclusively
14 charitable childrens hospitals exempt under section 501(c)(3) of
15 the Internal Revenue Code which make no charges to ANY OF its <—
16 patients nor accept any third-party payments for services
17 provided to ANY OF its patients where the Commonwealth is paying <—
18 the tuition as otherwise provided for in this paragraph. If the
19 Secretary of Education decides that the legal residence of any
20 of said inmates is in Pennsylvania, but cannot be fixed in a
21 particular district, the Commonwealth shall pay the tuition of
22 such inmate out of moneys appropriated to the Department of
23 Education by the General Assembly for the maintenance and
24 support of the public schools of the Commonwealth.

25 Section ~~2~~ 5. The sum of \$100,000, or as much thereof as is <—
26 necessary, is hereby appropriated to the Department of Education
27 for the purposes of this act.

28 ~~Section 3. This act shall take effect immediately and shall~~ <—
29 ~~be retroactive to July 1, 1981.~~

30 SECTION 6. (A) SECTIONS 1, 2 AND 3 OF THIS ACT SHALL TAKE <—

1 EFFECT IMMEDIATELY AND SHALL APPLY ONLY IN CITIES OF THE FIRST
2 CLASS.
3 (B) SECTIONS 4 AND 5 SHALL TAKE EFFECT IMMEDIATELY.