

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1441 Session of
1975

INTRODUCED BY GLEASON, DOYLE, BUTERA, M. E. MILLER JR.,
PANCOAST, WHITTLESEY, WHELAN, LYNCH, BEREN, SCIRICA, SALOOM,
O'KEEFE, WRIGHT, GILLESPIE, KATZ, WOJDAK, BURNS, USTYNOSKI,
FISHER, STAPLETON, MEBUS AND PERRY, JUNE 10, 1975

REFERRED TO COMMITTEE ON EDUCATION, JUNE 11, 1975

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 auxiliary services for
6 the benefit of children attending nonpublic schools in the
7 Commonwealth.

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

10 Section 1. Section 922-A, act of March 10, 1949 (P.L.30,
11 No.14), known as the "Public School Code of 1949," is repealed.

12 Section 2. The act is amended by adding a section to read:

13 Section 922.1-A. Auxiliary Services; Nonpublic School
14 Children.--(a) Legislative Finding; Declaration of Policy. The
15 welfare of the Commonwealth requires that the present and future
16 generations of school age children be assured ample opportunity
17 to develop to the fullest their intellectual capacities. To
18 further this objective, the Commonwealth provides, through tax
19 funds of the Commonwealth, auxiliary services free of charge to

1 children attending public schools within the Commonwealth.
2 Approximately one quarter of all children in the Commonwealth,
3 in compliance with the compulsory attendance provisions of this
4 act, attend nonpublic schools. Although their parents are
5 taxpayers of the Commonwealth, these children do not receive
6 auxiliary services from the Commonwealth. It is the intent of
7 the General Assembly by this enactment to assure the providing
8 of such auxiliary services in such a manner that every school
9 child in the Commonwealth will equitably share in the benefits
10 thereof.

11 (b) Definitions. The following terms, whenever used or
12 referred to in this section, shall have the following meanings,
13 except in those circumstances where the context clearly
14 indicates otherwise:

15 "Nonpublic school" means any school, other than a public
16 school within the Commonwealth of Pennsylvania, wherein a
17 resident of the Commonwealth may legally fulfill the compulsory
18 school attendance requirements of this act and which meet the
19 requirements of Title VI of the Civil Rights Act of 1964 (Public
20 Law 88-352).

21 "Auxiliary services" means career counseling and vocational
22 guidance; diagnostic services including but not limited to
23 testing to ascertain physical and mental disabilities which
24 adversely affect the learning capabilities of children in
25 nonpublic schools; health services; therapeutic services
26 including but not limited to speech correction, hearing
27 improvement and all other learning disabilities; driver's
28 education; to the extent that such services are available to
29 children enrolled in public schools within the intermediate
30 unit.

1 (c) Provision of Services. Pursuant to rules and regulations
2 established by the secretary, each intermediate unit shall
3 provide auxiliary services to all children who are enrolled in
4 grades kindergarten through twelve in nonpublic schools wherein
5 the requirements of the compulsory attendance provisions of this
6 act may be met and which are located within the area served by
7 the intermediate unit, such auxiliary services to be provided on
8 public school premises. In the event an intermediate unit
9 indicates by certification that the services in any instance
10 cannot be provided on public school premises because of
11 personnel, time, or space limitations or because the costs of
12 transportation of nonpublic school children to public school
13 premises for such auxiliary purposes are prohibitive, then such
14 auxiliary services may be provided on nonpublic school premises
15 in such instances. No such auxiliary services shall be provided
16 unless the parents of each nonpublic school pupil for whom they
17 are to be provided request such services from the intermediate
18 unit on forms prescribed by the secretary. The secretary shall
19 each year, beginning July 1, 1975, apportion to each
20 intermediate unit an amount equal to the cost of providing such
21 services but in no case shall the amount apportioned be in
22 excess of forty-five dollars (\$45) per pupil enrolled in
23 nonpublic schools within the area served by the intermediate
24 unit.

25 Section 3. If a part of this act is invalid, all valid parts
26 that are severable from the invalid part remain in effect. If a
27 part of this act is invalid, in one or more of its applications,
28 the part remains in effect in all valid applications that are
29 severable from the invalid applications.

30 Section 4. This act shall take effect immediately.