

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1180 Session of
1977

INTRODUCED BY REIBMAN, FLEMING AND MESSINGER, OCTOBER 25, 1977

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 13, 1978

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," ~~changing the requirements for the~~ <—
6 ~~qualifications and certification of teachers.~~ CHANGING <—
7 PROVISIONS RELATING TO ELECTION OF SCHOOL DIRECTORS BY
8 REGIONS AND FURTHER PROVIDING FOR THE TERMS OF SCHOOL
9 DIRECTORS ~~AND~~, FOR SCHOOL TERMS AND SESSIONS, AND FOR FOOD <—
10 SERVICE PROGRAMS.

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

13 ~~Section 1. Section 1109, act of March 10, 1949 (P.L.30,~~ <—
14 ~~No.14), known as the "Public School Code of 1949," amended March~~
15 ~~19, 1970 (P.L.189, No.73), is amended to read:~~

16 ~~Section 1109. Qualifications. Every teacher employed to~~
17 ~~teach in the public schools of this Commonwealth must be a~~
18 ~~person of good moral character, and must be at least eighteen~~
19 ~~years of age[, and must be a citizen of the United States:]~~

20 ~~Provided, That citizenship may be waived in the case of exchange~~
21 ~~teachers not permanently employed, and teachers employed for the~~

~~purpose of teaching foreign languages, including special teachers who speak the idiomatic or colloquial language of immigrants residing in the school district, and employed for the purpose of easing the transition period of such immigrants].~~

~~Every principal appointed after August thirty first, one thousand nine hundred fifty three, employed in the public schools of this Commonwealth, who devotes one half or more of his time to supervision and administration, shall be properly certificated by the Department of [Public Instruction] Education in accordance with such standards as the State Board of Education may establish.~~

~~Section 2. Section 1202 of the act, amended December 21, 1967 (P.L.874, No.387), is amended to read:~~

~~Section 1202. State Certificates. State certificates shall be issued as herein provided. Each such certificate shall set forth the branches which its holder is entitled to teach. No teacher shall teach, in any public school, any branch which he has not been properly certificated to teach.~~

~~[A certificate to teach shall not be granted or issued to any person not a citizen of the United States, except in the case of exchange teachers not permanently employed and teachers employed for the purpose of teaching foreign languages.~~

~~In the case of a resident foreign national holding an immigrant visa who has declared, in writing, to the Department of Public Instruction the intention of becoming a citizen of the United States, such person shall be eligible for a provisional college certificate.]~~

~~SECTION 1. SUBSECTION (A) SUBSECTIONS (A) AND (B) OF SECTION 303, ACT OF MARCH 9, 1949 (P.L.30, NO.14), KNOWN AS THE "PUBLIC SCHOOL CODE OF 1949," AMENDED AUGUST 8, 1963 (P.L.564, NO.299),~~

1 ~~IS~~ ARE AMENDED TO READ:

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2 SECTION 303. NUMBER AND ELECTION IN DISTRICTS OF THE SECOND,
3 THIRD AND FOURTH CLASSES; TERMS OF OFFICE.--(A) IN EACH SCHOOL
4 DISTRICT OF THE SECOND CLASS, AND ON AND AFTER JULY 1, 1966, OR
5 IF THERE IS ADVANCE ESTABLISHMENT JULY 1, 1964, OR JULY 1, 1965,
6 AS THE CASE MAY BE, IN EACH SCHOOL DISTRICT OF THE SECOND, THIRD
7 AND FOURTH CLASS, THERE SHALL BE A BOARD OF NINE (9) SCHOOL
8 DIRECTORS, WHO, EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, SHALL
9 BE ELECTED AT LARGE FOR TERMS OF SIX (6) YEARS. THE TERMS OF
10 THREE OF THE MEMBERS SHALL EXPIRE ON THE FIRST MONDAY OF
11 DECEMBER OF EACH ODD NUMBERED YEAR, AS NOW PROVIDED BY LAW. AT
12 EACH MUNICIPAL ELECTION, THREE SCHOOL DIRECTORS, EXCEPT AS
13 OTHERWISE PROVIDED IN THIS ACT, SHALL BE ELECTED AT LARGE FOR
14 TERMS OF SIX (6) YEARS. THEIR TERMS OF OFFICE SHALL BEGIN ON THE
15 FIRST MONDAY OF DECEMBER FOLLOWING THEIR ELECTION. BEGINNING
16 WITH THE TERMS TO BE FILLED AT THE MUNICIPAL ELECTION HELD IN
17 1979 AND EACH ODD NUMBERED YEAR THEREAFTER, THE TERMS OF SCHOOL
18 DIRECTORS SO ELECTED SHALL BE FOUR (4) YEARS.

19 (B) [THE INTERIM OPERATING COMMITTEE OR AFTER THE DATE OF <—
20 ESTABLISHMENT THE BOARD OF SCHOOL DIRECTORS OF A NEWLY
21 ESTABLISHED SCHOOL DISTRICT, MAY, IF IT SO CHOOSES, DEVELOP A
22 PLAN TO DIVIDE THE SCHOOL DISTRICT INTO EITHER THREE OR NINE
23 REGIONS. THE BOUNDARIES OF THE REGIONS SHALL BE FIXED AND
24 ESTABLISHED IN SUCH MANNER THAT THE POPULATION OF EACH REGION
25 SHALL BE AS NEARLY EQUAL AS POSSIBLE AND SHALL BE COMPATIBLE
26 WITH THE BOUNDARIES OF ELECTION DISTRICTS. SUCH PLAN FOR THE
27 DIVISION OF THE SCHOOL DISTRICT SHALL BE SUBMITTED FOR APPROVAL
28 TO THE COURT OF QUARTER SESSIONS. IF APPROVED BY SUCH COURT, THE
29 CLERK THEREOF SHALL CERTIFY THE REGIONAL BOUNDARIES CONTAINED
30 THEREIN TO THE COUNTY BOARD OF ELECTIONS. IN THE EVENT OF ANY

1 DIVISION, REDIVISION, ALTERATION, CHANGE OR CONSOLIDATION OF
2 ELECTION DISTRICTS WHICH RENDERS REGIONAL BOUNDARIES
3 INCOMPATIBLE WITH THE BOUNDARIES OF ELECTION DISTRICTS, A NEW
4 PLAN SHALL BE DEVELOPED AND SUBMITTED FOR COURT APPROVAL IN LIKE
5 MANNER. ANY PROPOSED CHANGE IN AN APPROVED PLAN, INCLUDING
6 ABOLITION OF REGIONAL REPRESENTATION, SHALL BE SUBMITTED FOR
7 APPROVAL TO THE COURT OF QUARTER SESSIONS BY THE BOARD OF SCHOOL
8 DIRECTORS. WHERE A THREE REGION PLAN IS APPROVED, THREE SCHOOL
9 DIRECTORS WHO RESIDE IN EACH REGION SHALL BE ELECTED OR
10 APPOINTED AS HEREINAFTER PROVIDED BY AND FROM EACH REGION AND AT
11 ALL TIMES EACH REGION SHALL BE REPRESENTED BY THREE DIRECTORS
12 ELECTED OR APPOINTED AS HEREINAFTER PROVIDED FROM THAT REGION.
13 WHERE A NINE REGION PLAN IS APPROVED, ONE SCHOOL DIRECTOR WHO
14 RESIDES IN EACH REGION SHALL BE ELECTED OR APPOINTED AS
15 HEREINAFTER PROVIDED BY AND FROM EACH REGION AND AT ALL TIMES
16 EACH REGION SHALL BE REPRESENTED BY A DIRECTOR ELECTED OR
17 APPOINTED AS HEREINAFTER PROVIDED FROM THAT REGION.]

18 (1) THE INTERIM OPERATING COMMITTEE OR THE BOARD OF SCHOOL
19 DIRECTORS MAY DEVELOP A PLAN TO ELECT SCHOOL DIRECTORS FROM
20 REGIONS OR TO ELECT SOME SCHOOL DIRECTORS AT LARGE AND SOME FROM
21 REGIONS. SUCH A PLAN MAY ALSO BE DEVELOPED BY THE RESIDENT
22 ELECTORS OF A SCHOOL DISTRICT AS PROVIDED HEREIN AND SHALL HAVE
23 THE SAME EFFECT AS ONE DEVELOPED BY THE BOARD OF SCHOOL
24 DIRECTORS.

25 (2) ELECTORS EQUAL TO AT LEAST TWENTY-FIVE (25) PER CENTUM
26 OF THE HIGHEST VOTE CAST FOR ANY SCHOOL DIRECTOR IN THE LAST
27 MUNICIPAL ELECTION MAY DEVELOP A PLAN TO ELECT SCHOOL DIRECTORS
28 FROM REGIONS OR TO ELECT SOME SCHOOL DIRECTORS FROM REGIONS AND
29 SOME FROM THE SCHOOL DISTRICT AT LARGE. PLANS PROPOSED BY
30 ELECTORS SHALL BE SUBJECT TO THE SAME REQUIREMENTS AS PLANS

1 PROPOSED BY THE BOARD OF SCHOOL DIRECTORS.

2 (3) THE BOUNDARIES OF THE REGIONS SHALL BE FIXED AND
3 ESTABLISHED IN SUCH MANNER THAT THE POPULATION OF EACH REGION
4 SHALL BE AS NEARLY EQUAL AS POSSIBLE AND SHALL BE COMPATIBLE
5 WITH THE BOUNDARIES OF ELECTION DISTRICTS. SUCH PLAN FOR THE
6 DIVISION OF THE SCHOOL DISTRICT SHALL BE SUBMITTED FOR APPROVAL
7 TO THE COURT OF COMMON PLEAS. IF APPROVED BY SUCH COURT, THE
8 CLERK THEREOF SHALL CERTIFY THE REGIONAL BOUNDARIES CONTAINED
9 THEREIN TO THE COUNTY BOARD OF ELECTIONS. IN THE EVENT OF ANY
10 DIVISION, REDIVISION, ALTERATION, CHANGE OR CONSOLIDATION OF
11 ELECTION DISTRICTS WHICH RENDERS REGIONAL BOUNDARIES
12 INCOMPATIBLE WITH THE BOUNDARIES OF ELECTION DISTRICTS, A NEW
13 PLAN SHALL BE DEVELOPED AND SUBMITTED FOR COURT APPROVAL IN LIKE
14 MANNER. ANY PROPOSED CHANGE IN AN APPROVED PLAN, INCLUDING
15 ABOLITION OF REGIONAL REPRESENTATION, SHALL BE SUBMITTED FOR
16 APPROVAL TO THE COURT OF COMMON PLEAS BY THE BOARD OF SCHOOL
17 DIRECTORS, OR BY A PETITION OF THE RESIDENT ELECTORS WITHIN THE
18 DISTRICT. WHERE A REGION PLAN IS APPROVED, SCHOOL DIRECTORS WHO
19 RESIDE IN EACH REGION SHALL BE ELECTED BY AND FROM EACH REGION.
20 AT ALL TIMES EACH REGION SHALL BE REPRESENTED BY DIRECTORS
21 ELECTED OR APPOINTED FROM THAT REGION. WHERE A COMBINATION AT
22 LARGE AND REGION PLAN IS APPROVED, ALL REGIONS SHALL HAVE AN
23 EQUAL NUMBER OF SCHOOL DIRECTORS WHO RESIDE IN EACH REGION AND
24 WHO SHALL BE ELECTED OR APPOINTED BY AND FROM EACH REGION. AT
25 ALL TIMES EACH REGION SHALL BE REPRESENTED BY A DIRECTOR OR
26 DIRECTORS ELECTED OR APPOINTED FROM THAT REGION. ALL PLANS SHALL
27 PROVIDE THAT THREE SCHOOL DIRECTORS SHALL BE ELECTED AT EACH
28 MUNICIPAL ELECTION. IN A COMBINATION AT LARGE AND REGION PLAN,
29 THE NUMBER OF REGIONS SHALL BE THREE. IN A REGION PLAN NOT
30 COMBINING AT LARGE DIRECTORS, THE NUMBER OF REGIONS SHALL BE

1 THREE OR NINE.

2 * * *

3 SECTION 2. SECTION 504 OF THE ACT, AMENDED JANUARY 14, 1952 <—
4 (P.L.1895, NO.519), IS AMENDED TO READ:

5 SECTION 504. CAFETERIAS.--(A) THE BOARD OF SCHOOL DIRECTORS
6 IN ANY SCHOOL DISTRICT SHALL HAVE POWER TO ESTABLISH, EQUIP,
7 MAINTAIN, AND OPERATE CAFETERIAS, OR TO CONTRACT FOR ANY
8 SERVICES NECESSARY FOR THE OPERATION OF A FOOD SERVICE PROGRAM,
9 IN ANY OF THE SCHOOLS UNDER ITS JURISDICTION, WHENEVER IN ITS
10 JUDGMENT IT IS DEEMED ADVISABLE TO DO SO, AND SHALL HAVE POWER
11 TO APPOINT SUCH DIRECTORS, SUPERVISORS, OR OTHER EMPLOYES AS ARE
12 NECESSARY, AND SET AND PAY THEIR SALARIES.

13 (B) THE COST OF HOUSING, EQUIPPING AND OPERATING SUCH
14 CAFETERIAS MAY BE CHARGED AGAINST THE FUNDS OF THE SCHOOL
15 DISTRICT.

16 (C) THE FOOD SERVED SHALL BE SOLD TO THE PUPILS, TEACHERS,
17 AND SCHOOL EMPLOYES OF THE CAFETERIAS AT SUCH PRICE AS WILL NOT
18 MATERIALLY EXCEED THE COST OF OPERATION.

19 (D) IT SHALL BE LEGAL FOR BOARDS OF SCHOOL DIRECTORS TO
20 AUTHORIZE THE PROPER SCHOOL EMPLOYEE TO PURCHASE PERISHABLE FOOD
21 SUPPLIES FOR CAFETERIAS WITHOUT ADVERTISING FOR BIDS.

22 (E) THERE SHALL BE A SEPARATE CAFETERIA FUND, AND ALL
23 PAYMENTS FROM SAID FUND SHALL BE MADE UPON A SPECIAL ORDER DRAWN
24 BY THE SCHOOL EMPLOYEE AUTHORIZED TO PURCHASE FOOD SUPPLIES. SAID
25 EMPLOYEE SHALL PRESENT EACH MONTH TO THE BOARD OF DIRECTORS, FOR
26 APPROVAL, A STATEMENT OF RECEIPTS AND EXPENDITURES.

27 (F) THE ACCOUNTS SHALL BE SUBJECT TO EXAMINATION BY THE
28 AUDITORS OF THE SCHOOL DISTRICT IN LIKE MANNER AS OTHER ACCOUNTS
29 OF THE SCHOOL DISTRICT. ANY BALANCE OF FUNDS ACCRUING FROM THE
30 OPERATION OF THE CAFETERIA MUST BE USED ONLY FOR THE IMPROVEMENT

1 OR MAINTENANCE OF THE CAFETERIA AND MAY NOT BE USED FOR OTHER
2 PURPOSES.

3 SECTION ~~2~~ 3. SUBSECTION (A) OF SECTION 1504 OF THE ACT, <—
4 AMENDED JULY 30, 1969 (P.L.201, NO.80), IS AMENDED TO READ:

5 SECTION 1504. DATES AND TIMES OF SCHOOL TERMS AND SESSIONS;
6 COMMENCEMENT.--(A) THE BOARD OF SCHOOL DIRECTORS OF EACH SCHOOL
7 DISTRICT SHALL FIX THE DATE OF THE BEGINNING OF THE SCHOOL TERM.
8 UNLESS OTHERWISE DETERMINED BY THE BOARD, THE DAILY SESSION OF
9 SCHOOL SHALL OPEN AT NINE ANTE-MERIDIAN AND CLOSE AT FOUR POST-
10 MERIDIAN, WITH AN INTERMISSION OF ONE HOUR AT NOON, AND AN
11 INTERMISSION OF FIFTEEN MINUTES IN THE FORENOON AND IN THE
12 AFTERNOON. UPON REQUEST OF A BOARD OF SCHOOL DIRECTORS FOR AN
13 EXCEPTION TO THE AFORESAID DAILY SCHEDULE, THE [SUPERINTENDENT
14 OF PUBLIC INSTRUCTION] SECRETARY OF EDUCATION MAY, WHEN IN HIS
15 OPINION A MERITORIOUS EDUCATIONAL PROGRAM WARRANTS, APPROVE A
16 SCHOOL WEEK CONTAINING A MINIMUM OF TWENTY SEVEN AND ONE-HALF
17 HOURS OF INSTRUCTION AS THE EQUIVALENT OF FIVE (5) SCHOOL DAYS,
18 OR A SCHOOL YEAR CONTAINING A MINIMUM OF NINE HUNDRED NINETY
19 HOURS OF INSTRUCTION AT THE SECONDARY LEVEL OR NINE HUNDRED
20 (900) HOURS OF INSTRUCTION AT THE ELEMENTARY LEVEL AS THE
21 EQUIVALENT OF ONE HUNDRED EIGHTY (180) SCHOOL DAYS. PROFESSIONAL
22 AND TEMPORARY PROFESSIONAL EMPLOYEES SHALL BE ALLOWED A LUNCH
23 PERIOD FREE OF SUPERVISORY OR OTHER DUTIES OF AT LEAST THIRTY
24 MINUTES. THE PROVISIONS OF THIS SUBSECTION SHALL NOT BE
25 CONSTRUED TO REPEAL ANY RULE OR REGULATION OF ANY BOARD OF
26 SCHOOL DIRECTORS NOW IN EFFECT WHICH PROVIDES FOR A LUNCH PERIOD
27 LONGER THAN THE MINIMUM PRESCRIBED HEREIN OR TO REPEAL ANY
28 ACTION OF ANY BOARD OF SCHOOL DIRECTORS TAKEN IN COMPLIANCE WITH
29 SECTION 7 OF THE ACT OF JULY 25, 1913 (P.L.1024, NO.466),
30 ENTITLED "AN ACT TO PROTECT THE PUBLIC HEALTH AND WELFARE, BY

1 REGULATING THE EMPLOYMENT OF FEMALES IN CERTAIN ESTABLISHMENTS,
2 WITH RESPECT TO THEIR HOURS OF LABOR AND THE CONDITIONS OF THEIR
3 EMPLOYMENT; BY ESTABLISHING CERTAIN SANITARY REGULATIONS IN THE
4 ESTABLISHMENTS IN WHICH THEY WORK; BY REQUIRING CERTAIN
5 ABSTRACTS AND NOTICES TO BE POSTED; BY PROVIDING FOR THE
6 ENFORCEMENT OF THIS ACT BY THE COMMISSIONER OF LABOR AND
7 INDUSTRY AND OTHERS; BY PRESCRIBING PENALTIES FOR VIOLATIONS
8 THEREOF; BY DEFINING THE PROCEDURE IN PROSECUTIONS; AND BY
9 REPEALING ALL ACTS AND PARTS OF ACTS INCONSISTENT WITH THE
10 PROVISIONS THEREOF," AS AMENDED.

11 * * *

12 Section 3 4. This act shall take effect immediately.

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