

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1720

Session of
1979

INTRODUCED BY MRS. ARTY AND MR. BURNS, SEPTEMBER 21, 1979

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 31, 1979

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 required
6 immunization against diseases and the admission of beginners
7 AND FURTHER PROVIDING FOR THE DEFINITION OF "MINIMUM
8 SUBSIDY." <—

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

11 Section 1. Section 1303, act of March 10, 1949 (P.L.30,
12 No.14), known as the "Public School Code of 1949," added April
13 11, 1974 (P.L.258, No.67), is amended to read:

14 Section 1303. Immunization Required; Penalty.--(a) Every
15 child, as a condition of attendance for the first time at any
16 public, private or parochial school, including kindergarten,
17 shall be immunized as directed by the Secretary of Health
18 against such diseases as shall appear on a list to be made, and
19 from time to time reviewed by the Advisory Health Board.

20 [a] (b) It shall be the duty of all school directors,

1 superintendents, principals, or other persons in charge of any
2 public, private, parochial, or other school including
3 kindergarten, to ascertain that every child, [prior to] seeking
4 admission to school for the first time has been immunized, [as
5 the Secretary of Health may direct, against such diseases as
6 shall appear on a list to be made and from time to time reviewed
7 by the Advisory Health Board] as required under the provisions
8 of this section. All certificates of immunization shall be
9 issued in accordance with the rules and regulations promulgated
10 by the Secretary of Health with the sanction and advice of the
11 Advisory Health Board.

12 [(b)] (c) Any parent or guardian or person in parental
13 relation, having control or charge for any child or children
14 being admitted to school for the first time who shall fail,
15 neglect, or refuse to comply with, or who shall violate, any of
16 the provisions or requirements of this section, except as
17 hereinafter provided, shall, for every such offense, upon
18 summary conviction thereof, be sentenced to pay a fine for the
19 benefit of the school district in which such offending person
20 resides of not less than five dollars (\$5) nor more than one
21 hundred dollars (\$100), and in default thereof, to undergo an
22 imprisonment in the jail of the proper county for a period not
23 exceeding sixty (60) days. All such fines shall be paid into the
24 treasury of the school district.

25 [(c)] (d) The provisions of this section shall not apply in
26 the case of any child deemed to have a medical
27 [contraindication] reason which may contraindicate immunization
28 and so certified by a physician. Such certificates may be
29 accepted in lieu of a certificate of immunization.

30 [(d)] (e) The provisions of this section shall not apply in

1 the case of any child whose parent or guardian objects in
2 writing to such immunization on religious grounds.

3 (f) The provisions of this section shall not apply in the
4 case of any child who is not immunized or whose immunization
5 status is incomplete, provided that, the child is placed on an
6 immunization plan and receives a dose of vaccine, if appropriate
7 according to the child's immunization plan, within the time
8 permitted for the admission of beginners.

9 (g) Any child who has been placed on an immunization plan
10 but has not received the subsequent dose of vaccine according to
11 the child's immunization plan within thirty (30) days of the
12 vaccination date specified in the immunization plan shall be
13 excluded from attending school until the subsequent dose has
14 been administered.

15 (h) The Department of Health shall receive immunization
16 reports from public, private, parochial or other schools
17 including kindergarten at times and on forms which the Secretary
18 of Health shall direct with the sanction and advice of the
19 Advisory Health Board.

20 Section 2. Section 1304 of the act, amended January 14, 1970
21 (1969 P.L.468, No.192), is amended to read:

22 Section 1304. Admission of Beginners.--The admission of
23 beginners to the public schools shall be confined to the first
24 two weeks of the annual school term in districts operating on an
25 annual promotion basis, and to the first two weeks of either the
26 first or the second semester of the school term in districts
27 operating on a semi-annual promotion basis except that, for the
28 school term of 1979-1980 the admission of beginners who were
29 excluded from attending school because they had not been
30 immunized pursuant to section 1303(a) shall be permitted during

1 the first two weeks of school following the effective date of
2 this act. Admission shall be limited to beginners who have
3 attained the age of five years and seven months before the first
4 day of September if they are to be admitted in the fall, and to
5 those who have attained the age of five years and seven months
6 before the first day of February if they are to be admitted at
7 the beginning of the second semester. The board of school
8 directors of any school district may admit beginners who are
9 less than five years and seven months of age, in accordance with
10 standards prescribed by the State Board of Education. The board
11 of school directors may refuse to accept or retain beginners who
12 have not attained a mental age of five years, as determined by
13 the supervisor of special education or a properly certificated
14 public school psychologist in accordance with standards
15 prescribed by the State Board of Education.

16 The term "beginners," as used in this section, shall mean any
17 child that should enter the lowest grade of the primary school
18 or the lowest primary class above the kindergarten level.

19 SECTION 3. CLAUSE (15) OF SECTION 2501 OF THE ACT, AMENDED <—
20 JULY 13, 1979 (NO.41), IS AMENDED TO READ:

21 SECTION 2501. DEFINITIONS.--FOR THE PURPOSES OF THIS ARTICLE
22 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

23 * * *

24 (15) "MINIMUM SUBSIDY." FOR THE SCHOOL [YEAR] YEARS 1976-
25 1977 AND [EACH SCHOOL YEAR THEREAFTER] 1977-1978, IN NO CASE
26 SHALL A DISTRICT RECEIVE FOR EACH PUPIL IN WEIGHTED AVERAGE
27 DAILY MEMBERSHIP, AN AMOUNT LESS THAN [FIFTEEN PERCENT (15%)]
28 TEN PERCENT (10%) OF THE ACTUAL COST OF INSTRUCTION OR [FIFTEEN
29 PERCENT (15%)] TEN PERCENT (10%) OF THE BASE EARNED FOR
30 REIMBURSEMENT WHICHEVER IS THE LESSER AMOUNT. [BUT IN NO EVENT

1 SHALL ANY] FOR THE 1978-1979 SCHOOL YEAR AND EACH SCHOOL YEAR
2 THEREAFTER, NO SCHOOL DISTRICT SHALL RECEIVE FOR EACH PUPIL IN
3 WEIGHTED AVERAGE DAILY MEMBERSHIP AN AMOUNT LESS THAN FIFTEEN
4 PERCENT (15%) OF THE BASE EARNED FOR REIMBURSEMENT OR ACTUAL
5 INSTRUCTIONAL EXPENSE PER WADM, WHICHEVER IS THE LESSER AMOUNT.
6 FOR 1976-1977 AND EACH SCHOOL YEAR THEREAFTER, A DISTRICT WHOSE
7 ACTUAL INSTRUCTION EXPENSE PER WEIGHTED AVERAGE DAILY MEMBERSHIP
8 IS MORE THAN TWO HUNDRED DOLLARS (\$200) LESS THAN THE MEDIAN
9 ACTUAL INSTRUCTION EXPENSE PER WEIGHTED AVERAGE DAILY
10 MEMBERSHIP, AND WHOSE EQUALIZED MILLAGE IS WITHIN FIFTEEN
11 PERCENT (15%) OF THE MEDIAN EQUALIZED MILLAGE, THE REIMBURSEMENT
12 SHALL BE TWO HUNDRED DOLLARS (\$200) BELOW THE MEDIAN ACTUAL
13 INSTRUCTION EXPENSE PER WEIGHTED AVERAGE DAILY MEMBERSHIP TIMES
14 THE DISTRICT'S AID RATIO FOR EACH WEIGHTED AVERAGE DAILY
15 MEMBERSHIP.

16 * * *

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

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