

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1254 Session of
1980

INTRODUCED BY DWYER, REIBMAN, LINCOLN, HESS, COPPERSMITH, KUSSE
AND CORMAN, FEBRUARY 13, 1980

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 4, 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," AUTHORIZING SCHOOL DISTRICTS TO OFFER <—
6 REWARDS FOR INFORMATION LEADING TO THE CONVICTION OF PERSONS
7 VIOLATING THE CRIMES CODE ON SCHOOL PROPERTY; further
8 providing FOR CONTRACTS WITH PRIVATE RESIDENTIAL <—
9 REHABILITATIVE INSTITUTIONS AND for the graduation of
10 qualified students and, for payment of reimbursement during <—
11 certain emergencies AND FOR MINIMUM SUBSIDIES. <—

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

14 SECTION 1. SECTION 777, ACT OF MARCH 10, 1949 (P.L.30, <—
15 NO.14), KNOWN AS THE "PUBLIC SCHOOL CODE OF 1949," AMENDED
16 AUGUST 24, 1977 (P.L.199, NO.59), IS AMENDED TO READ:

17 SECTION 777. DEFACING, INJURING OR DESTROYING PROPERTY USED
18 FOR SCHOOL PURPOSES; PENALTY.--(A) IF ANY PERSON SHALL
19 WILLFULLY OR MALICIOUSLY BREAK INTO, ENTER, DEFACE, OR WRITE,
20 MARK, OR PLACE ANY OBSCENE OR IMPROPER MATTER UPON, ANY PUBLIC
21 SCHOOL BUILDING, OR OTHER BUILDING USED FOR SCHOOL PURPOSES, OR

1 OTHER PURPOSES PROVIDED FOR IN THIS ACT, OR ANY OUT-HOUSE USED
2 IN CONNECTION THEREWITH; OR SHALL DEFACE, INJURE, DAMAGE, OR
3 DESTROY ANY SCHOOL FURNITURE, BOOKS, PAPER, MAPS, CHARTS,
4 APPARATUS, OR OTHER PROPERTY CONTAINED IN ANY PUBLIC SCHOOL
5 BUILDING, OR OTHER BUILDING USED AND OCCUPIED FOR SCHOOL
6 PURPOSES, OR OTHER PURPOSES PROVIDED FOR IN THIS ACT; OR SHALL
7 INJURE, DAMAGE, OR DESTROY ANY SHADE-TREES, SHRUBBERY, FENCES,
8 OR ANY OTHER PROPERTY OF ANY KIND, UPON ANY PUBLIC SCHOOL
9 GROUNDS, OR UPON ANY PUBLIC SCHOOL PLAYGROUND, SUCH PERSON SHALL
10 BE GUILTY OF A MISDEMEANOR, AND UPON CONVICTION THEREOF SHALL BE
11 SENTENCED TO PAY A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50) AND
12 NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000), OR UNDERGO AN
13 IMPRISONMENT IN THE COUNTY JAIL FOR A PERIOD NOT EXCEEDING SIX
14 MONTHS, EITHER OR BOTH, AT THE DISCRETION OF THE COURT. IN
15 ADDITION TO ANY OTHER PENALTY PRESCRIBED BY THIS SUBSECTION, THE
16 COURT, UPON CONVICTION OF A DEFENDANT FOR A VIOLATION OF THIS
17 SUBSECTION, MAY ORDER THE DEFENDANT TO COMPENSATE THE SCHOOL
18 DISTRICT FOR ANY DAMAGES IT SUSTAINED AS A RESULT OF THE
19 DEFENDANT'S UNLAWFUL CONDUCT.

20 (B) THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT IS
21 AUTHORIZED TO ADOPT REGULATIONS AND PROCEDURES PROVIDING FOR
22 REWARDS OF UP TO ONE THOUSAND DOLLARS (\$1,000) TO ANY PERSON WHO
23 PROVIDES INFORMATION WHICH AIDS IN THE CONVICTION OF ANY PERSON
24 FOR VIOLATING THE PROVISIONS OF SUBSECTION (A) AND REWARDS OF UP
25 TO FIVE THOUSAND DOLLARS (\$5,000) TO ANY PERSON WHO PROVIDES
26 INFORMATION WHICH AIDS IN THE CONVICTION OF ANY PERSON FOR
27 VIOLATING ANY PROVISION OF TITLE 18 (CRIMES AND OFFENSES) OF THE
28 PENNSYLVANIA CONSOLIDATED STATUTES, IF THE VIOLATION OCCURS ON
29 SCHOOL PROPERTY OR PROPERTY UTILIZED FOR SCHOOL PURPOSES.

30 ~~Section 1. Section 1501, act of March 10, 1949 (P.L.30,~~

<—

1 ~~No.14), known as the "Public School Code of 1949," amended~~
2 ~~September 21, 1959 (P.L.925, No.373), is amended to read:~~

3 SECTION 2. SECTION 914.1-A OF THE ACT IS AMENDED BY ADDING A <—
4 SUBSECTION TO READ:

5 SECTION 914.1-A. CONTRACTS WITH PRIVATE RESIDENTIAL
6 REHABILITATIVE INSTITUTIONS.--* * *

7 (E) IF A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION
8 ENTERS INTO A CONTRACT CONTEMPLATED BY THIS SECTION FOR 1980-
9 1981 WITH ITS INTERMEDIATE UNIT, PAYMENTS TO SUCH INSTITUTION
10 MAY BE MADE FOR EDUCATIONAL EXPENSES FOR THE ENTIRE 1979-1980
11 FISCAL YEAR FROM THE APPROPRIATION MADE TO THE DEPARTMENT OF
12 PUBLIC WELFARE CONTAINED IN THE ACT OF JULY 4, 1979 (P.L.626,
13 NO.9A), KNOWN AS THE "GENERAL APPROPRIATION ACT OF 1979," UNDER
14 THE ITEM "FOR PAYMENT OF COSTS FOR BASIC EDUCATION PROGRAMS TO
15 BE CONDUCTED AT SELECTED APPROVED PRIVATE FACILITIES."
16 NOTWITHSTANDING ANY AUTOMATIC OR GENERAL LAPSING PROVISIONS OF
17 THE "GENERAL APPROPRIATION ACT OF 1979" TO THE CONTRARY, SUCH
18 LINE ITEM APPROPRIATION SHALL NOT LAPSE UNTIL JUNE 30, 1981. IF
19 SUCH APPROPRIATION IS NOT SUFFICIENT TO REIMBURSE THE ACTUAL
20 EXPENSES OF ALL ELIGIBLE INSTITUTIONS, TOTAL REIMBURSEMENT TO
21 EACH INSTITUTION SHALL BE PROPORTIONATELY REDUCED SO THAT THE
22 TOTAL AMOUNT OF THE REIMBURSEMENTS FALLS WITHIN THE LIMITS OF
23 THE APPROPRIATION.

24 SECTION 3. SECTION 1501 OF THE ACT, AMENDED SEPTEMBER 21,
25 1959 (P.L.925, NO.373), IS AMENDED TO READ:

26 Section 1501. Minimum Number of Days; School Month.--All
27 public kindergartens, elementary and secondary schools shall be
28 kept open each school year for at least one hundred eighty (180)
29 days of instruction for pupils. No days on which the schools are
30 closed shall be counted as days taught, and no time shall be

1 counted as a pupil session for any activity to which admission
2 is charged. No school district shall be required to change its
3 graduation schedule or require graduating students to return to
4 school after graduation to make up class days lost due to severe
5 weather conditions ~~OR FOR SITUATIONS BEYOND THE CONTROL OF THE~~ <—
6 ~~SCHOOL DISTRICT AS A RESULT OF MAJOR CONSTRUCTION AND RENOVATION~~
7 ~~TO THE SCHOOL BUILDING.~~ No district which makes a bona fide
8 effort as determined by the Secretary of Education to provide
9 one hundred eighty (180) days of instruction for graduating
10 students shall receive less subsidy payments or reimbursements
11 than it would otherwise be entitled to receive on account of the
12 school year because of the provisions of this section. Unless
13 otherwise provided by this act, the board of school directors in
14 any district or joint board may keep such other schools or
15 departments as it may establish open during such time as it may
16 direct.

17 Twenty days of actual teaching shall constitute a school
18 month.

19 SECTION 4. CLAUSE (15) OF SECTION 2501 OF THE ACT, AMENDED <—
20 JULY 13, 1979 (P.L.94, 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 ~~2~~ 5. Section 2523 of the act, amended January 14, <—
18 1970 (1969 P.L.468, No.192), is amended to read:

19 Section 2523. Schools Closed on Account of Contagious
20 Disease, etc.--When any board of school directors or
21 intermediate unit with respect to area technical schools is
22 compelled to close any school or schools on account of any
23 contagious disease, [the destruction or damage of a school
24 building by fire or otherwise,] ~~MAJOR CONSTRUCTION OR RENOVATION~~ <—
25 ~~TO A SCHOOL BUILDING,~~ natural disaster or other emergency, not
26 including labor disputes involving school employes, and
27 therefore is unable to keep such school or schools open for the
28 minimum term required by this act, the [Superintendent of Public
29 Instruction] Secretary of Education may pay to such school
30 district or intermediate unit any or all of its share of the

1 annual State appropriation as he deems proper.

2 Section ~~3~~ 6. This act shall take effect ~~in 60 days~~

<—

3 IMMEDIATELY.

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