
THE GENERAL ASSEMBLY OF PENNSYLVANIA

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INTRODUCED BY BURNS, GALLAGHER, E. Z. TAYLOR AND HARPER,
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SENATOR JUBELIRER, RULES AND EXECUTIVE NOMINATIONS, IN SENATE,
RE-REPORTED AS AMENDED, NOVEMBER 8, 1982

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, adding provisions relating to education in public
3 and nonpublic schools and making repeals.

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27 SUBPART G. PERSONNEL

28 Chapter 51. Personnel

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10 § 5191. Employment and duties of principals.

11 PART III. HIGHER EDUCATION (RESERVED) <—

12 ~~Chapter 61. State owned Colleges and Universities and~~ <—

13 ~~Community Colleges~~

14 ~~§ 6101. Senior citizen college education.~~

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Title 24, act of November 25, 1970 (P.L.707,
18 No.230), known as the Pennsylvania Consolidated Statutes, is
19 amended by adding parts to read:

20 TITLE 24

21 EDUCATION

22 Part

23 I. Preliminary Provisions

24 II. Basic Education

25 III. Higher Education (RESERVED) <—

26 PART I

27 PRELIMINARY PROVISIONS

28 Subpart

29 A. General Provisions

30 B. Commonwealth Agencies

1 C. Nonpublic and Private Schools

2 SUBPART A

3 GENERAL PROVISIONS

4 Chapter

5 1. General Provisions

6 CHAPTER 1

7 GENERAL PROVISIONS

8 Sec.

9 101. Short title of title.

10 102. Definitions.

11 103. Rulemaking procedure.

12 104. Access to information and public records.

13 105. Public agency open meeting laws.

14 106. ACCESS OF OFFICIAL VISITORS TO PUBLIC SCHOOLS.

<—

15 ~~106~~ 107. Prohibition of certain tests and qualifications.

<—

16 ~~107~~ 108. Reservation of unassigned powers and duties.

<—

17 § 101. Short title of title.

18 This title shall be known and may be cited as the "Education
19 Code."

20 § 102. Definitions.

21 (a) General rule.--Subject to additional definitions
22 contained in subsequent provisions of this title which are
23 applicable to specific provisions of this title, the following
24 words and phrases when used in this title shall have the
25 meanings given to them in this section unless the context
26 clearly indicates otherwise:

27 "Auxiliary personnel." Persons employed by a governing board
28 in positions for which commissions or certificates are not
29 required.

30 "Board of school directors." Includes board of public

1 education.

2 "Department." The Department of Education of the
3 Commonwealth.

4 "Employ." Directly engaging the services of an employee of
5 the school district.

6 "Fiscal year." The period of time from July 1 to the
7 following June 30 or, if fixed by the governing board by a two-
8 thirds vote and approved by the department, the period of time
9 from January 1 to December 31. Any school district having a
10 fiscal year running from January 1 to December 31 on the
11 effective date of this title may continue to use that fiscal
12 year.

13 "Governing board." The board of school directors,
14 intermediate unit board of directors and area vocational-
15 technical school board of directors.

16 "Nonpublic school." Any school, other than a public school
17 within this Commonwealth, which satisfies the requirements of
18 section 3702(c) (relating to mandated and required programs or
19 courses of study) and Title VI of the Federal Civil Rights Act
20 of 1964 (42 U.S.C. § 2000d et seq.).

21 "Nontenured professional employee." A professional employee
22 who has not received tenure in accordance with section 5132
23 (relating to tenure).

24 "OFFICIAL VISITOR." INCLUDES THE GOVERNOR, LIEUTENANT
25 GOVERNOR, SECRETARY OF EDUCATION, MEMBERS OF THE STATE BOARD OF
26 EDUCATION AND MEMBERS OF THE GENERAL ASSEMBLY.

27 "Policy." A general statement of purpose, intent or
28 direction by the State board or a governing board.

29 "Professional employee." Any person other than a
30 commissioned employee who holds a professional certificate

1 issued by the department as provided in Chapter 51 (relating to
2 personnel) and is employed by a governing board in a position
3 requiring a certificate established by law.

4 "Public school." Any school or program operated by a school
5 entity.

6 "Quorum." A majority of the legally qualified membership of
7 a governing board.

8 "Regulation" or "rule." A properly issued statement of
9 general applicability and future effect promulgated under
10 statutory authority designed to:

11 (1) implement law or prescribe policy; or

12 (2) describe the organization or operating procedure of
13 the issuing authority.

14 "School director." A duly elected or appointed member of a
15 governing board.

16 "School entity." A school district, intermediate unit or
17 area vocational-technical school.

18 "School term" or "school year." The period of time during a
19 fiscal year out of which the school calendar requirements of
20 section 3721 (relating to establishment of school calendar) are
21 satisfied.

22 "Secretary." The Secretary of Education of the Commonwealth.

23 "Standard." A criterion which implements a statute or
24 regulation by setting forth the minimal level of performance
25 which shall be accepted as constituting compliance with that
26 statute or regulation.

27 "State board." The State Board of Education of the
28 Commonwealth.

29 (b) Limitation.--The definitions contained in this section
30 shall not be used in any way to determine collective bargaining

1 rights under the act of July 23, 1970, (P.L.563, No.195), known
2 as the "Public Employe Relations Act."

3 § 103. Rulemaking procedure.

4 (a) Regulations.--The State Board of Education, the State
5 Board for Vocational Education and the State boards of private
6 schools shall promulgate and issue regulations where authorized
7 by law in accordance with the Commonwealth Documents Law.

8 (b) Standards.--Where the ~~secretary, the department or the~~ <—
9 ~~comptroller of the department~~ are DEPARTMENT IS authorized by <—
10 this title to promulgate standards, the ~~secretary, department or~~ <—
11 ~~comptroller~~ shall promulgate the standards in accordance with
12 the Commonwealth Documents Law.

13 (c) Governing boards.--A governing board shall adopt rules,
14 regulations or policy where authorized by this title OR AS <—
15 REQUIRED BY THE RULES AND REGULATIONS ADOPTED BY THE STATE BOARD <—
16 ~~OF EDUCATION~~ BOARD AS PROVIDED FOR IN SECTION 503 (RELATING TO
17 POWERS AND DUTIES OF STATE BOARD) OR AS REQUIRED BY STANDARDS
18 ADOPTED BY THE ~~SECRETARY OF EDUCATION~~ DEPARTMENT AS PROVIDED FOR <—
19 IN SECTION 702 (RELATING TO POWERS AND DUTIES OF ~~SECRETARY~~ <—
20 DEPARTMENT).

21 ~~(d) By whom issued. A rule, regulation or standard may be~~ <—
22 ~~promulgated only by the State Board of Education, the State~~
23 ~~Board for Vocational Education or a State board for private~~
24 ~~education.~~

25 ~~(e)~~ (D) Construction of section.--This section does not <—
26 prevent school entity personnel from establishing standards and
27 guidelines which implement governing board regulations.

28 § 104. Access to information and public records.

29 Rules, regulations, standards and all public records of the
30 State board, the department, the State boards of private schools

1 and any governing board of any school entity shall, at
2 reasonable times, be open for the examination, inspection and
3 reproduction by any citizen of this Commonwealth in accordance
4 with the provisions of the act of June 21, 1957 (P.L.390,
5 No.212), referred to as the Right-to-Know Law. The school entity
6 may charge for the actual cost of reproduction including the
7 cost of clerical labor.

8 § 105. Public agency open meeting laws.

9 The provisions of the act of June 21, 1957 (P.L.392, No.213),
10 and the act of July 19, 1974 (P.L.486, No.175), referred to as
11 the Public Agency Open Meeting Laws, shall apply to all
12 governing boards of all school entities and to the department,
13 the State Board of Education, the State Board for Vocational
14 Education and the State boards for private schools.

15 § 106. ACCESS OF OFFICIAL VISITORS TO PUBLIC SCHOOLS. <—

16 AN OFFICIAL VISITOR SHALL HAVE ACCESS TO AND MAY NOT BE
17 DENIED ACCESS TO ANY PUBLIC SCHOOL IN THIS COMMONWEALTH AT ANY
18 TIME.

19 § ~~106~~ 107. Prohibition of certain tests and qualifications. <—

20 No test or qualification based on religion, political
21 affiliation, sex or race shall be required of any director,
22 officer, appointee, employee or any visitor in the public
23 schools of this Commonwealth.

24 § ~~107~~ 108. Reservation of unassigned powers and duties. <—

25 Powers and duties not assigned by this title are reserved to
26 the General Assembly.

27 SUBPART B

28 COMMONWEALTH AGENCIES

29 Chapter

30 5. State Board of Education

1 mileage rate authorized by law for travel by automobile.

2 (2) Amounts for traveling expenses determined by the
3 Commissioner of Internal Revenue under the authority of
4 section 274 of the Internal Revenue Code of 1954 and
5 regulations promulgated thereunder as not requiring
6 substantiation by adequate records or other sufficient
7 evidence.

8 (c) Quorum and meetings.--Eleven members shall constitute a
9 quorum provided that at least five members serving on each of
10 the councils are present. The affirmative vote of a majority of
11 all the members of the State board duly recorded showing how
12 each member voted shall be required in order to take action
13 formulating policies and adopting rules and regulations. The
14 State board shall meet at least five times a year at such times
15 and places as it shall determine except that the board may meet
16 from time to time in various areas of this Commonwealth. Special
17 meetings may be called by the chairman or at the request of a
18 majority of the members of the State board. The State board
19 shall provide at all of its meetings a reasonable opportunity
20 for public comment.

21 (d) Vacancies.--An appointment to fill a vacancy shall be
22 for the unexpired term.

23 (e) Eligibility.--Except for the chairman, not more than two
24 members serving on each council may be employed in a school
25 ~~system~~ ENTITY or by any educational institution. At least two
26 members serving on each council shall have had previous
27 experience with technical education or training. No person
28 employed by the department may serve as a member.

29 (f) Executive officer.--The secretary or his designated
30 representative shall be the chief executive officer of the State

<—

1 Board of Education and the State Board for Vocational Education,
2 shall be entitled to attend all meetings of the State board and
3 the councils and shall have the right to speak on all matters
4 before the board and the councils but not to vote.

5 § 502. Membership and operation of councils of basic and higher
6 education.

7 (a) Chairman of State board.--The person designated by the
8 Governor to serve as chairman of the State board shall also
9 serve as a member of both the Council of Basic Education and the
10 Council of Higher Education.

11 (b) Members of State board.--Of the remaining 20 members of
12 the State board, two legislative members shall serve as members
13 of the Council of Basic Education and two legislative members
14 shall serve as members of the Council of Higher Education. Of
15 the remaining 16 members of the State board, eight shall serve
16 as members of the Council of Basic Education and eight shall
17 serve as members of the Council of Higher Education, as
18 designated by the Governor.

19 (c) Chairmen of councils.--The Governor shall designate to
20 serve at his pleasure a member serving on each council to act as
21 chairman of each council.

22 (d) Meetings.--Each council shall meet at the call of its
23 chairman or at the request of a majority of the members of the
24 council.

25 (e) Joint committees.--The chairman of the State board may
26 appoint special joint committees from among the members of the
27 board to formulate proposals in those areas which fall within
28 the purview of both of the councils.

29 § 503. Powers and duties of State board.

30 The State board shall:

1 (1) Serve as the general planning and coordinating body
2 for all public education including both basic and higher
3 education.

4 (2) Investigate programs, conduct research studies and
5 formulate educational policies which are applicable both to
6 basic and to higher education.

7 (3) Adopt policy, rules and regulations upon the
8 recommendation of the Councils of Basic and Higher Education
9 as provided in this title. Before any proposal to create or
10 revise any policy, rule or regulation may be placed on the
11 agenda for intent to adopt or for adoption, the proposal must
12 be accompanied by a fiscal note prepared by the department
13 containing a statement of cost to the Commonwealth and the
14 various school entities affected.

15 (4) In January in odd-numbered years, submit a
16 comprehensive report of its activities to the Governor and
17 General Assembly together with its recommendations for
18 improvements in education in this Commonwealth. The report
19 shall include a statement outlining the expected benefits and
20 projected costs of any recommended course of action.

21 (5) Apply for, receive and administer, subject to any
22 applicable regulations or laws of the Federal Government or
23 any agency thereof, any Federal grants, programs,
24 appropriations and allocations on behalf of the Commonwealth,
25 any of its school districts or any institution of higher
26 education, public or private, within this Commonwealth. This
27 paragraph does not affect the right of school entities or
28 institutions of higher education to apply for, receive and
29 administer Federal funds in accordance with Federal laws or
30 regulations.

1 (6) Serve as the State Board for Vocational Education to
2 carry out the provisions of any and all Federal and State
3 laws relating to vocational education so far as the same
4 relate to the cooperation of the State and Federal
5 governments, and have full power to take all necessary steps
6 in the formulation of plans for the administration of
7 vocational education and to formulate and execute plans for
8 the preparation of teachers of vocational subjects.

9 (7) Adopt regulations governing educational broadcasting
10 as provided in section 4301 (relating to educational
11 broadcasting and communication technologies).

12 (8) Submit annually to the department an estimate of the
13 financial requirements of the State board for administrative
14 expenses.

15 (9) Provide for summer schools in State colleges,
16 colleges, universities and other educational institutions,
17 and for extension courses and correspondence courses for all
18 teachers employed in the public school system of this
19 Commonwealth who wish to acquire the minimum qualifications
20 prescribed in Chapter 51 (relating to personnel) or who wish
21 to acquire such further qualifications as may be desirable.

22 (10) Perform such other duties as may be required by the
23 provisions of this chapter.

24 § 504. Powers and duties of Council of Basic Education.

25 The Council of Basic Education shall:

26 (1) Formulate and recommend to the State board policies,
27 rules and regulations where provided for by this title and in
28 the following areas:

29 (i) The minimum program to be provided by all public
30 schools.

1 ~~(ii) The qualifications for employment of~~ <—
2 ~~professional personnel in the public schools.~~

3 ~~(iii)~~ (II) Admission, attendance, graduation and <—
4 other separation requirements for the public schools.

5 ~~(iv)~~ (III) All matters pertaining to school <—
6 construction.

7 ~~(v)~~ (IV) The operation of all programs of supportive <—
8 services.

9 ~~(vi)~~ (V) The operation of special schools and <—
10 programs

11 ~~(vii)~~ (VI) Action to be taken on changes in school <—
12 entity boundary lines as provided by law.

13 ~~(viii) All standards and practices for professional~~ <—
14 ~~education and certification as provided for in section~~
15 ~~5112 (relating to Professional Standards and Practices~~
16 ~~Commission)).~~

17 (2) Encourage and promote such educational programs as
18 the needs of this Commonwealth may from time to time require.

19 (3) Recommend to the State board policies, rules and
20 regulations relating to the operation of vocational
21 education, special education and intermediate units.

22 (4) Recommend to the State board an evaluation procedure
23 designed to measure objectively the adequacy and efficiency
24 of the educational programs offered by the public schools of
25 this Commonwealth.

26 § 505. Powers and duties of Council of Higher Education.

27 (a) General rule.--The Council of Higher Education shall:

28 (1) Develop for State board approval a master plan for
29 higher education in this Commonwealth for the guidance of the
30 Governor, General Assembly and all institutions of higher

1 education financed wholly or in part from Commonwealth
2 appropriations. The master plan shall:

3 (i) Define the role of each type of institution
4 (State-owned colleges and universities, State-related
5 universities, community colleges, private colleges and
6 universities and off-campus centers of any of these and
7 other institutions authorized to grant degrees) in the
8 Commonwealth system of higher education.

9 (ii) Recommend enrollment levels for each
10 institution.

11 (iii) Recommend a method for governance of the
12 system.

13 (iv) Provide formulas for the distribution of
14 Commonwealth funds among the institutions.

15 (v) Otherwise provide for an orderly development of
16 the system.

17 (2) Review the annual budget requests of institutions of
18 higher education.

19 (3) Recommend to the State board policies, rules and
20 regulations for the approval of colleges and universities for
21 the granting of certificates and degrees.

22 (4) Recommend to the State board policies, rules and
23 regulations for all higher education building projects
24 involving the use of Commonwealth funds or the funds of any
25 Commonwealth instrumentality.

26 (5) Investigate programs, conduct research studies and
27 formulate proposals to the State board in all areas
28 pertaining to higher education in this Commonwealth,
29 including a system of community colleges as provided by law.

30 (6) Recommend to the State board regulations under which

1 the department shall approve or disapprove any action of a
2 State-owned college or university, community college or
3 State-related or State-aided college or university in
4 establishing additional branches or campuses or in
5 discontinuing branches or campuses.

6 (7) Recommend to the State board regulations under which
7 the department shall approve or disapprove any action of a
8 State-owned college or university, community college or
9 State-related or State-aided college or university in
10 establishing new professional schools or upper division
11 programs by two-year institutions.

12 (8) Recommend to the State board regulations under which
13 the department shall approve or disapprove applications by
14 State-owned colleges for admission to university status and
15 approve or disapprove applications by two-year institutions
16 to become four-year institutions.

17 (9) Recommend to the State board regulations under which
18 the department shall approve or disapprove the request of any
19 private institution of higher education for admission to
20 State-related or State-aided status or for eligibility for
21 other financial support from the Commonwealth.

22 (10) Require the submission of long-range plans from all
23 public and private institutions of higher education at the
24 times and in the form requested by the State board.

25 (b) Board of State College and University Directors.--With
26 regard to State-owned institutions, approval or disapproval by
27 the department under the provisions of subsection (a)(6) through
28 (8) shall not be made until after recommendation by the Board of
29 State College and University Directors whenever such
30 recommendation is deemed necessary or required by law.

1 (c) Department of Education.--No institution of higher
2 education may proceed with any action described in subsection
3 (a)(6) through (9) unless it has been approved by the
4 department.

5 (d) Budget approval.--With regard to approval by the
6 department under the provisions of subsection (a)(6) through
7 (9), no action to be financed wholly or in part from
8 Commonwealth appropriations shall be taken by an institution of
9 higher learning prior to the next fiscal year or until the
10 General Assembly approves the Budget of the Governor for the
11 next fiscal year, and prior to each member of the General
12 Assembly, the Governor and the Secretary of the Budget being
13 provided with written notification of such approval, including
14 projected five-year fiscal analysis and an explanation as to the
15 necessity for the proposed action in relation to the master plan
16 for higher education.

17 § 506. State board requirements binding upon department.

18 Policies, rules and regulations promulgated by the State
19 board shall be binding upon the department. ~~but no such policy,~~ <—
20 ~~rule or regulation shall go into effect unless fully funded by~~
21 ~~the Commonwealth.~~

22 § 507. State board staff and department assistance.

23 (a) State board staff.--The State board may employ and fix
24 the compensation of such staff as is deemed necessary to perform
25 the duties of the State board.

26 (b) Secretaries to councils.--The State board shall assign a
27 member of the staff to the Council of Basic Education and the
28 Council of Higher Education to serve as secretary.

29 (c) Assistance from department.--The department shall
30 furnish upon request of the State board such data and

1 information as the State board may from time to time require and
2 the department shall provide administrative services for and on
3 behalf of the State board to assist the State board in the
4 performance of its duties.

5 ~~§ 508. Legislative action on rules or regulations.~~ <—

6 ~~A copy of every rule, regulation or standard or amendment~~
7 ~~thereto of the State board shall, before adoption, be forwarded~~
8 ~~to the Speaker of the House of Representatives and to the~~
9 ~~President pro tempore of the Senate for referral to and review~~
10 ~~by the appropriate standing committee of the House of~~
11 ~~Representatives and of the Senate as determined by the~~
12 ~~respective presiding officer. The standing committee shall,~~
13 ~~within 30 calendar days or 5 10 legislative days, whichever is~~ <—
14 ~~greater, from the receipt of such rule, regulation, standard or~~ <—
15 ~~amendment, approve or recommend disapproval to the House of~~
16 ~~Representatives or the Senate of any such rule, regulation,~~ <—
17 ~~standard or amendment. After the rule, regulation or standard~~ <—
18 ~~AMENDMENT is reported from the committee, the House of~~ <—
19 ~~Representatives or the Senate shall within 30 calendar days or 5~~ <—
20 ~~10 legislative days consider the rule or regulation, REGULATION~~ <—
21 ~~OR AMENDMENT. Failure of the standing committee to recommend~~
22 ~~disapproval and of the House of Representatives and Senate to~~
23 ~~disapprove any rule, regulation or amendment within the total of~~ <—
24 ~~60 calendar days or 10 legislative days, as may be appropriate,~~
25 ~~from the receipt thereof shall TIME SPECIFIED IN THIS SECTION~~ <—
26 ~~SHALL constitute approval thereof. If the standing committees of~~
27 ~~both the Senate and the House of Representatives recommend~~
28 ~~disapproval and the House of Representatives and the Senate~~
29 ~~disapproves any rule, regulation, standard or amendment, the~~ <—
30 ~~board shall not adopt the rule, regulation, standard or~~

~~amendment and it shall not be again offered for one year TWO
YEARS. Each committee shall immediately notify, in writing, the
other committee and the board of any action taken pursuant to
this section. Only in the absence of a disapproval shall the
board proceed with the adoption, of the rule, regulation,
standard or amendment in accordance with section 202 of the
Commonwealth Documents Law.~~

CHAPTER 7

DEPARTMENT OF EDUCATION

Subchapter

A. General Provisions

B. Financially Distressed School Districts

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

701. Appointment of secretary.

702. Powers and duties of ~~secretary~~ DEPARTMENT.

703. Emergency powers.

704. Power to withhold financial aid.

705. Departmental approval of plans.

706. STUDENT ADVISORY BOARD.

§ 701. Appointment of secretary.

The secretary shall assume all powers and duties of the
former Superintendent of Public Instruction and shall be
appointed by the Governor as provided by law.

§ 702. Powers and duties of ~~secretary~~ DEPARTMENT.

(a) Standards for compliance with laws.--The secretary as
the chief school officer of this Commonwealth shall have the
power and it shall be his duty to secure compliance with all
statutes of this Commonwealth which pertain to education and

1 with rules and regulations of the State board promulgated
2 pursuant to statute. The ~~secretary~~ DEPARTMENT shall adopt <—
3 pursuant to law those standards necessary to assure compliance,
4 shall publish the standards and shall make them available in
5 accordance with the provisions of the Commonwealth Documents
6 Law.

7 ~~(b) State board action on standards. Any standard issued by~~ <—
8 ~~the secretary in an area under the jurisdiction of the State~~
9 ~~board shall be submitted to the State board for its approval at~~
10 ~~the same time as it is published as a proposed standard as~~
11 ~~provided in the Commonwealth Documents Law. Failure to approve,~~
12 ~~disapprove or modify a standard within 60 days of submission~~
13 ~~shall be deemed approval.~~

14 ~~(B) LEGISLATIVE ACTION ON STANDARDS. A COPY OF EVERY~~ <—
15 ~~STANDARD OR AMENDMENT OF A STANDARD PROPOSED BY THE SECRETARY~~
16 ~~SHALL, BEFORE ADOPTION, BE FORWARDED TO THE SPEAKER OF THE HOUSE~~
17 ~~OF REPRESENTATIVES AND TO THE PRESIDENT PRO TEMPORE OF THE~~
18 ~~SENATE FOR REFERRAL TO AND REVIEW BY THE APPROPRIATE STANDING~~
19 ~~COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE AS~~
20 ~~DETERMINED BY THE RESPECTIVE PRESIDING OFFICER. THE STANDING~~
21 ~~COMMITTEE SHALL, WITHIN 30 CALENDAR DAYS OR 10 LEGISLATIVE DAYS,~~
22 ~~WHICHEVER IS GREATER, FROM THE RECEIPT OF THE STANDARD OR~~
23 ~~AMENDMENT APPROVE OR RECOMMEND DISAPPROVAL TO THE HOUSE OF~~
24 ~~REPRESENTATIVES OR THE SENATE OF THE STANDARD OR AMENDMENT.~~
25 ~~AFTER THE STANDARD OR AMENDMENT IS REPORTED FROM THE COMMITTEE~~
26 ~~WITH A RECOMMENDATION FOR DISAPPROVAL, THE HOUSE OF~~
27 ~~REPRESENTATIVES OR THE SENATE SHALL WITHIN 30 CALENDAR DAYS OR~~
28 ~~10 LEGISLATIVE DAYS, WHICHEVER IS GREATER, CONSIDER THE STANDARD~~
29 ~~OR AMENDMENT. FAILURE OF THE STANDING COMMITTEE TO RECOMMEND~~
30 ~~DISAPPROVAL AND OF THE HOUSE OF REPRESENTATIVES AND SENATE TO~~

1 ~~DISAPPROVE ANY STANDARD OR AMENDMENT WITHIN THE TIME SPECIFIED~~
2 ~~IN THIS SUBSECTION SHALL CONSTITUTE APPROVAL THEREOF. IF THE~~
3 ~~STANDING COMMITTEES OF BOTH THE SENATE AND THE HOUSE OF~~
4 ~~REPRESENTATIVES RECOMMEND DISAPPROVAL AND THE HOUSE OF~~
5 ~~REPRESENTATIVES AND THE SENATE DISAPPROVES ANY STANDARD OR~~
6 ~~AMENDMENT, THE SECRETARY SHALL NOT ADOPT THE STANDARD OR~~
7 ~~AMENDMENT AND IT SHALL NOT BE AGAIN OFFERED FOR TWO YEARS. EACH~~
8 ~~COMMITTEE SHALL IMMEDIATELY NOTIFY, IN WRITING, THE OTHER~~
9 ~~COMMITTEE AND THE SECRETARY OF ANY ACTION TAKEN PURSUANT TO THIS~~
10 ~~SUBSECTION. ONLY IN THE ABSENCE OF A DISAPPROVAL SHALL THE~~
11 ~~SECRETARY PROCEED WITH THE ADOPTION OF THE STANDARD OR AMENDMENT~~
12 ~~IN ACCORDANCE WITH SECTION 202 OF THE ACT OF JULY 31, 1968~~
13 ~~(P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS~~
14 ~~LAW.~~

15 ~~(e)~~ (B) Issuance of guidelines.--The ~~secretary~~ DEPARTMENT <—
16 may issue nonbinding guidelines.

17 ~~(d)~~ (C) Powers and duties provided by law.--The secretary <—
18 shall perform such duties and exercise such powers as are
19 provided in this title.

20 ~~(e)~~ (D) Proceedings to enforce compliance.--When, in the <—
21 judgment of the secretary, compliance with the law or
22 regulations of the State board have not been effected, the
23 secretary may bring appropriate enforcement proceedings in the
24 Commonwealth Court or in the appropriate court of common pleas,
25 as provided for by law, seeking such orders as may be necessary
26 and just to effect compliance.

27 ~~(f)~~ (E) Inspections and reports.--The department shall <—
28 inspect and require reports of the educational work in the
29 elementary and secondary schools and institutions, wholly or
30 partly supported by the Commonwealth, which are not supervised

1 by the public school authorities. A copy of the report of any
2 inspection which may be made shall be sent to the head of the
3 institution.

4 ~~(g)~~ (F) Fiscal agent of department.--The comptroller for the <—
5 department shall be the fiscal agent of the department and as
6 such shall calculate payments and disburse funds in accordance
7 with this title.

8 ~~(h)~~ (G) Distribution of school laws.--The department shall <—
9 provide each member of every board of school directors in this
10 Commonwealth a copy of each new edition of the ~~"Public School~~ <—
11 "EDUCATION Code" and related laws as soon as possible after <—
12 publication. The department shall also provide a copy of the
13 most recent edition of the ~~"Public School~~ "EDUCATION Code" and <—
14 related laws to every newly appointed or elected school director
15 as soon as possible after such appointment or election.

16 ~~(i)~~ (H) Restrictions on legislative matters.--The ~~secretary~~ <—
17 DEPARTMENT shall exercise no power over the State colleges and <—
18 university with regard to legislative matters.

19 § 703. Emergency powers.

20 Whenever a state of extreme emergency has been declared by
21 the Governor in accordance with the provisions of Part V of
22 Title 35 (relating to emergency management services), any board
23 of school directors whose district has been encompassed by such
24 an order may request the ~~secretary~~ DEPARTMENT to suspend any <—
25 provisions of this title to the extent necessary to cope with
26 the circumstances of the emergency. Upon making a finding of the
27 need for such suspension, the ~~secretary~~ DEPARTMENT may suspend <—
28 such provisions effective immediately and inform the State <—
29 ~~Council of Civil Defense~~ PENNSYLVANIA EMERGENCY MANAGEMENT <—
30 AGENCY of the action. A labor dispute involving school district

1 employees shall not constitute an emergency for the purposes of
2 this section.

3 § 704. Power to withhold financial aid.

4 (a) General rule.--When the department determines that a
5 school entity is not in compliance with any provision of this
6 title or with any regulation of the State board promulgated
7 thereunder, the department may withhold from such school entity
8 any or all of any appropriations, subsidies or other
9 Commonwealth moneys due that entity until such entity shall
10 comply. The amount withheld shall be reasonably related to the
11 appropriation for the specific category of violation and to the
12 degree of the noncompliance so as to secure compliance. Although
13 the department may ~~begin to~~ assess a withholding penalty upon <—
14 reaching a determination of noncompliance, ~~no moneys may be~~ <—
15 ~~actually withheld~~ MONEYS WITHHELD SHALL BE HELD IN ESCROW until <—
16 all of the district's administrative and judicial appellate
17 remedies have been exhausted or until the district's time for
18 taking an appeal has expired. ~~Such withholding shall not operate~~ <—
19 ~~retroactively but shall begin on the date of final adjudication.~~

20 (b) Determination as an adjudication.--The determination to
21 withhold financial aid shall be considered an adjudication
22 within the meaning of Title 2 (relating to administrative law
23 and procedure) and all notices, hearings and appeals shall be
24 conducted in accordance therewith except to the extent the scope
25 of review and disposition of appeal is provided in subsection
26 (c).

27 (c) Scope of review and disposition of appeal.--The scope of
28 review upon appeal from an adjudication pursuant to the
29 provisions of subsections (a) and (b) shall not be limited by
30 provisions pertaining to the scope of review or disposition of

1 appeals as set forth in Title 2 but shall permit the court to
2 hear the appeal de novo.

3 § 705. Departmental approval of plans.

4 (a) Time for action.--Where in this title the department is
5 required to approve plans it shall take action within 120 days
6 of the date of submission or the required filing date, whichever
7 is later. If action has not been taken within 120 days of such
8 date, approval shall be deemed granted.

9 (b) Statement of reasons for denial.--Where in this title
10 the department is required to approve plans and approval is
11 denied it shall state the reasons for denial of approval.

12 (c) Action as an adjudication.--The approval or denial of
13 approval of the department shall constitute an adjudication
14 within the meaning of Title 2 (relating to administrative law
15 and procedure) and all notices, hearings and appeals shall be
16 conducted in accordance therewith.

17 § 706. STUDENT ADVISORY BOARD.

<—

18 (A) ESTABLISHMENT.--THERE IS HEREBY CREATED A STUDENT
19 ADVISORY BOARD COMPOSED OF REPRESENTATIVES ELECTED BY THE
20 MEMBERS OF EACH INTERMEDIATE UNIT STUDENT FORUM UNDER WHATEVER
21 PROCESS THE FORUM SEES FIT. THE RATIO OF REPRESENTATIVES ON THE
22 BOARD OF STUDENTS IN EACH INTERMEDIATE UNIT SHALL BE ONE FOR
23 EVERY 100,000 OR FRACTION THEREOF.

24 (B) TERM OF OFFICE.--THE TERM OF OFFICE FOR EACH
25 REPRESENTATIVE SHALL BE ONE ACADEMIC YEAR.

26 (C) GRADE LEVEL.--EACH REPRESENTATIVE SHALL BE A MEMBER OF
27 GRADE 11 OR 12 OF A SECONDARY SCHOOL IN THIS COMMONWEALTH.

28 (D) POWERS AND DUTIES.--THE STUDENT ADVISORY BOARD SHALL
29 HAVE THE POWER AND ITS DUTY SHALL BE:

30 (1) TO ADVISE THE ~~SECRETARY OF EDUCATION~~ DEPARTMENT, THE

<—

1 STATE ~~BOARD OF EDUCATION~~ BOARD, THE GOVERNOR AND THE GENERAL <—
2 ASSEMBLY CONCERNING MATTERS OF INTEREST TO STUDENTS OF
3 SECONDARY SCHOOLS OF PENNSYLVANIA.

4 (2) TO INFORM INTERMEDIATE UNIT FORUMS AND STUDENTS
5 CONCERNING BOARD ACTIVITIES.

6 (3) TO ADOPT RULES AND REGULATIONS AS MAY BE NECESSARY
7 TO CARRY OUT THE PURPOSES OF THE BOARD.

8 (E) MEETINGS.--THE BOARD SHALL MEET AT LEAST FOUR TIMES EACH
9 ACADEMIC YEAR.

10 (F) STAFF.--THE ~~SECRETARY OF EDUCATION~~ DEPARTMENT SHALL <—
11 PROVIDE STAFF AND SECRETARIAL SERVICES TO THE BOARD AND SHALL
12 PAY THE COST OF TRANSPORTING MEMBERS OF THE BOARD TO AND FROM
13 THE MEETINGS OF THE BOARD AND THE COST OF FOOD AND LODGING
14 INCURRED INCIDENT TO THE MEETINGS OF THE BOARD.

15 SUBCHAPTER B

16 FINANCIALLY DISTRESSED SCHOOL DISTRICTS

17 Sec.

18 711. Financially distressed district defined.

19 712. Appointment of special board of control.

20 713. Powers of special board of control.

21 714. Status of school directors.

22 715. Termination of financial distress of district.

23 § 711. Financially distressed district defined.

24 (a) General rule.--A school district shall be deemed to be
25 financially distressed when any one of the following
26 circumstances shall arise and the secretary, after proper
27 investigation of the financial condition of the district, the
28 governing practices of the board and such other matters as the
29 secretary may deem pertinent, has issued a certificate declaring
30 such district to be financially distressed:

1 (1) The salaries of any teachers or other employees have
2 remained unpaid for a period of 90 days.

3 (2) The tuition due another school district or school
4 entity remains unpaid on and after January 1 of the year
5 following the fiscal year it was due and there is no dispute
6 regarding the validity or amount of the claim.

7 (3) Any amount due another school entity or political
8 subdivision under a cooperative agreement remains unpaid for
9 a period of 90 calendar days beyond the due date specified in
10 the agreement.

11 (4) The school district has defaulted in payment of its
12 bonds or interest on the bonds or in payment of rentals due
13 any authority for a period of 90 calendar days and no action
14 has been initiated within that period of time to make
15 payment.

16 (5) The school district has exceeded the limits on its
17 indebtedness as provided by law.

18 (6) The school district has accumulated and has operated
19 with a deficit equal to 2% or more of the assessed valuation
20 of the taxable real estate within the district for two
21 successive years.

22 (7) A new school district has been formed and one or
23 more of the former school districts which compose the new
24 school district was a financially distressed school district
25 at the time of the formation of the new school district.

26 (b) Default in Commonwealth payments.--No school district
27 shall be deemed to be financially distressed by reason of any of
28 the above circumstances arising as a result of the failure of
29 the Commonwealth to make any payment of money due the district
30 at the time such payment is due.

1 § 712. Appointment of special board of control.

2 (a) General rule.--Whenever, on the basis of a proper
3 investigation as provided for in this subchapter, the secretary
4 has declared any school district to be a financially distressed
5 school district, the secretary or his designated representative,
6 who shall be a person trained in public school administration
7 possessing the certification prerequisites demanded of a
8 district or assistant superintendent or holding in the
9 department the rank of deputy secretary, shall petition the
10 court of common pleas of the county in which the district, or
11 the largest part in area is located, to appoint two citizens who
12 shall be qualified electors and taxpayers in the county in which
13 the school district is located. School directors and employees
14 of the school district shall be ineligible for appointment by
15 the court. The appointees, together with the secretary or his
16 designated representative, shall constitute a special board of
17 control. Vacancies occurring because of death or resignation of
18 appointed members of the board shall be filled by the court. The
19 special board of control shall continue in existence during the
20 period necessary to reestablish a sound financial structure in
21 the district. The costs of the court proceedings shall be paid
22 by the department.

23 (b) Failure of court to appoint board.--In the event that
24 the court of common pleas has made no appointment of members to
25 a special board of control within 30 days of the date of the
26 filing of the petition for such appointment, the secretary may
27 designate the executive director of the intermediate unit in
28 which the financially distressed district is located, and a
29 member of that intermediate unit board, to serve until the court
30 makes the appointments. A school director of the financially

1 distressed school district serving on the intermediate unit
2 board of school directors shall be ineligible for appointment.

3 (c) Compensation of board.--The members of the special board
4 appointed by the court, or the member other than the
5 intermediate unit executive director appointed on a temporary
6 basis by the secretary, shall be paid \$25 for each meeting of
7 the regular board of school directors of the financially
8 distressed school district which they attend plus actual
9 expenses incurred in the performance of their duties. Payment
10 shall be made from the funds of the school district and shall be
11 charged to administrative services even though no previous
12 provision has been made in the budget of the school district for
13 the expenses.

14 § 713. Powers of special board of control.

15 (a) General rule.--The special board of control shall
16 approve all actions of the board of school directors of the
17 financially distressed district. The board of school directors
18 of the financially distressed district shall remain in office
19 but shall have no power to act without the approval of the
20 special board of control. The special board of control shall
21 have power to require the board of directors within 60 days to
22 revise the district budget for the purpose of effecting such
23 economies as the special board deems necessary to improve the
24 district financial condition. To this end, the special board of
25 control may require the board:

26 (1) To cancel or to renegotiate any contract to which
27 the board of school directors is a party, other than
28 employment contracts with professional employees and
29 auxiliary personnel including collective bargaining
30 agreements with school employees, if the cancellation or

1 renegotiation of the contracts will effect needed economies
2 in the operation of the schools of the district.

3 (2) To increase tax levies in such amounts and at such
4 times as is permitted by law.

5 (3) To appoint a special collector of delinquent taxes
6 for the district who need not be a resident of the school
7 district. The special tax collector shall exercise all the
8 rights and perform all the duties imposed by law on tax
9 collectors for school districts. The superseded tax collector
10 or collectors shall not be entitled to any commissions on the
11 taxes collected by the special collector of delinquent taxes.

12 (4) To direct the special school auditors of the
13 department or to appoint a competent independent public
14 accountant to audit the accounts of the financially
15 distressed school district.

16 (5) To dispense with the services of such auxiliary
17 employees as in the judgment of the special board are not
18 actually needed for the economical operation of the school
19 system.

20 (6) To furlough, in accordance with the provisions of
21 sections 5135 (relating to furlough of employee from staff
22 reduction) and 5136 (relating to criteria for furlough and
23 reinstatement), such number of professional employees as may
24 be necessary to maintain a student-teacher ratio of not less
25 than 26 students per teacher for the combined elementary and
26 secondary school enrollments.

27 (b) Failure of school directors to perform duties.--In the
28 event that the board of school directors of a financially
29 distressed district shall fail or refuse to perform any duties
30 required of it by the special board of control, then the special

board of control shall have the power and is hereby authorized to perform such duties as the special board deems necessary.

(c) Levy of additional taxes.--When the special board of control determines that the financially distressed district is in need of additional tax revenues, the special board of control shall require the board of school directors of the financially distressed district or, where the board of school directors does not have the power to tax, the appropriate taxing authority to levy an additional tax or taxes sufficient to liquidate the indebtedness of the district. Present limitations on tax rates imposed by law shall not apply to distressed school districts during the period of financial distress.

§ 714. Status of school directors.

(a) General rule.--The school directors of a financially distressed district may not resign their offices except with the unanimous consent of the special board of control and shall continue in office for the remainder of their terms during the time the district is operated by the special board of control and shall perform any duties delegated to them by the special board of control unless:

(1) they are removed from office for neglect of duty under the provisions of section 2314 (relating to removal of directors for neglect of duty) by the court of common pleas of the county in which such district or the largest part in area is located; or

(2) any of the directors are elected to another position for which there is a requirement that the director shall hold no other elective office.

(b) Election or appointment of school directors.--The existence of the special board of control shall in no way

interfere with the regular election, reelection, appointment or reappointment of school directors for the district.

§ 715. Termination of financial distress of district.

When the secretary or the special board of control determines after proper investigation that the school district is no longer financially distressed, the secretary or the special board may present to the court of common pleas a petition certifying that the district is no longer in financial distress. The court, upon satisfaction of the financial soundness of the district, shall enter an appropriate order terminating the special board of control and returning the board of school directors to its former position of full and rightful control and authority.

SUBPART C

NONPUBLIC AND PRIVATE SCHOOLS

Chapter

11. Nonpublic and Private Schools

CHAPTER 11

NONPUBLIC AND PRIVATE SCHOOLS

Subchapter

A. General Provisions

B. Regulated Private Schools

C. Private Driver Education and Training Schools

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

1101. Definitions.

1102. Auxiliary services to nonpublic school children.

1103. Educational aids for nonpublic school children.

1104. Speech and hearing defect services to nonpublic school children.

1 1105. Psychological services to nonpublic school children.

2 1106. Visual services to nonpublic school children.

3 § 1101. Definitions.

4 The following words and phrases when used in this chapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Agent" or "field representative." Any person, whether
8 employed by a private school or operating on his own behalf, or
9 whether acting on behalf of any private school located within or
10 outside of this Commonwealth who, for consideration, shall
11 personally procure or solicit any individual within this
12 Commonwealth to enroll in a private school.

13 "Appropriate authority." Either the State Board of Private
14 Academic Schools, the State Board of Private Business Schools,
15 the State Board of Private Trade Schools, the State Board of
16 Private Correspondence Schools or the department, depending on
17 which authority has administrative jurisdiction over the private
18 school in question.

19 "License year." The period from July 1 to the following June
20 30.

21 "Motor vehicle." A motor vehicle as defined in Title 75
22 (relating to vehicles).

23 "NONPUBLIC SCHOOL." ANY NONPROFIT SCHOOL, OTHER THAN A
24 PUBLIC SCHOOL WITHIN THIS COMMONWEALTH, WHEREIN A RESIDENT OF
25 THIS COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY SCHOOL
26 ATTENDANCE REQUIREMENTS AND WHICH MEETS THE REQUIREMENTS OF
27 TITLE VI OF THE FEDERAL CIVIL RIGHTS ACT OF 1964 (42 U.S.C. §
28 2000D ET SEQ.).

29 "Private academic school." A private school maintained or
30 classes conducted for five or more students at one and the same

1 time, or for 25 or more students during any school year, for the
2 purpose of educating an individual generally or specially or to
3 prepare an individual for more advanced study and includes all
4 schools engaged in such education but does not include colleges
5 or universities, or schools for the blind, hearing and speech
6 impaired receiving Commonwealth appropriations, or schools
7 accredited by accrediting associations approved by the
8 department, or any type of private school which is nonacademic
9 in character.

10 "Private business school." A private school maintained or
11 classes conducted for the purpose of preparing an individual to
12 pursue a recognized occupation in commercial pursuits and
13 business phases of other occupations for which graduation from a
14 degree granting institution of college grade is not required but
15 does not include junior colleges.

16 "Private correspondence school." A private school conducted
17 for the purpose of providing, by correspondence, systematic
18 instruction in any field or fields of study.

19 "Private driver education or training school." A private
20 school maintained, classes conducted or instruction offered by
21 any individual, association, partnership or corporation to
22 educate or train an individual or individuals, either
23 practically or theoretically or both, to operate or drive a
24 motor vehicle but does not include colleges or universities,
25 schools accredited by accrediting associations approved by the
26 department or schools licensed by the State Board of Private
27 Academic Schools.

28 "Private school." A private academic school, private
29 business school, private trade school, private correspondence
30 school or private driver education or training school privately

1 owned and operated for the purpose of offering instruction for a
2 consideration, profit or tuition, but does not include schools
3 maintained or classes conducted by employers for their own
4 employees where no fee or tuition is charged, schools or classes
5 sponsored and operated by bona fide religious institutions or by
6 the Commonwealth or any political subdivision thereof.

7 "Private trade school." A school maintained or classes
8 conducted for the purpose of offering instruction to prepare an
9 individual to pursue a recognized profitable occupation in
10 skilled trades or industries or to give occupational training
11 but does not include any school maintained or class conducted
12 for training for the vocation of homemaking or to give training
13 in public and other service occupations or correspondence
14 schools, business schools, private academic schools, barber
15 schools, beauty culture schools, flight schools or degree
16 granting institutions.

17 § 1102. Auxiliary services to nonpublic school children.

18 (a) Declaration of policy.--The welfare of this Commonwealth
19 requires that the present and future generations of school age
20 children be assured ample opportunity to develop to the fullest
21 their intellectual capacities. It is the intent of the General
22 Assembly by this section to ensure that the intermediate units
23 in this Commonwealth shall furnish on an equal basis auxiliary
24 services to all students in this Commonwealth in both public and
25 nonprofit nonpublic schools.

26 (b) Definition.--As used in this section "auxiliary
27 services" means guidance, counseling and testing services;
28 psychological services; visual services as defined in section
29 1106 (relating to visual services to nonpublic school children);
30 services for exceptional children; remedial services; speech and

1 hearing services; services for the improvement of the
2 educationally disadvantaged (such as, but not limited to,
3 teaching English as a second language); and such other secular,
4 neutral, non-ideological services as are of benefit to nonpublic
5 school children and are presently or hereafter provided for
6 public school children in this Commonwealth.

7 (c) Program of auxiliary services.--Students attending
8 nonpublic schools shall be furnished a program of auxiliary
9 services which are provided to public school students in the
10 school district in which their nonpublic school is located. The
11 program of auxiliary services shall be provided by the
12 intermediate unit in which the nonpublic school is located in
13 accordance with standards of the ~~secretary~~ DEPARTMENT. The <—
14 services shall be provided directly to the nonpublic school
15 students by the intermediate unit except that the services shall
16 not be provided in a church or in any facility under the control
17 of a sectarian school. The auxiliary services shall be provided
18 directly by the intermediate units and no auxiliary services
19 presently provided to public school students by the intermediate
20 units or school districts by means of State or local revenues
21 during the school year 1974-1975 shall be eliminated. No school
22 districts may be required to offer auxiliary services provided
23 by any other school districts within the intermediate unit.

24 (d) Allocation and payment of funds.--~~In July of 1977 and~~ <—
25 ~~annually thereafter~~ ANNUALLY, in July, the department shall <—
26 allocate to each intermediate unit an amount equal to the number
27 of nonpublic school students as of October 1 of the preceding
28 school year who are enrolled in nonpublic schools within the
29 intermediate unit times \$72. The department shall increase this
30 figure on a proportionate basis whenever there is an increase in

1 the median actual instruction expense per WADM as defined in
2 section 2921 (relating to definitions). The Commonwealth shall
3 pay to each intermediate unit 15% of its allocation on August 1,
4 75% on October 1 and the remaining 10% on February 1.

5 (e) Limitations on use of funds.--The intermediate unit
6 shall not use more than 6% of the funds it receives for
7 administration or 18% for rental of facilities. The department
8 shall not use more than 1% of the funds it allocates under this
9 section for administrative expenses. If all funds allocated by
10 the intermediate units to administration or rental facilities
11 are not expended for those purposes, the funds may be used for
12 the program costs.

13 (f) Interest on funds.--There shall be no adjustment in the
14 allocation provided in subsection (d) because of interest earned
15 on the allocations by the intermediate units. Interest so earned
16 shall be used for the purposes of this section.

17 (g) Budgets and financial reports.--Annually, each
18 intermediate unit shall submit to the department a preliminary
19 budget on or before January 31 and a final budget on or before
20 June 15 for the succeeding year and shall file a final financial
21 report on or before October 31 for the preceding year.

22 § 1103. Educational aids for nonpublic school children.

23 (a) Declaration of policy.--The welfare of this Commonwealth
24 requires that the present and future generations of school age
25 children be assured ample opportunity to develop to the fullest
26 their intellectual capacities. To further this objective, the
27 Commonwealth provides, through tax funds of this Commonwealth,
28 textbooks and instructional materials free of charge to children
29 attending public schools within this Commonwealth. Approximately
30 one quarter of all children in this Commonwealth, in compliance

1 with the compulsory attendance provisions of this title, attend
2 nonpublic schools. Although their parents are taxpayers of this
3 Commonwealth, these children do not receive textbooks or
4 instructional materials from the Commonwealth. It is the intent
5 of the General Assembly by this section to assure such a
6 distribution of such educational aids so that every school child
7 in this Commonwealth will equitably share in the benefits
8 thereof.

9 (b) Definitions.--As used in this section the following
10 words and phrases shall have the meanings given to them in this
11 subsection:

12 "Instructional materials." Pre-prepared learning materials
13 which are secular, neutral and non-ideological in character and
14 are of benefit to the instruction of school children on an
15 individual basis and are presently or hereafter provided for
16 public school children in this Commonwealth.

17 "Textbooks." Books, reusable or nonreusable workbooks, or
18 manuals, whether bound or in looseleaf form, intended for use as
19 a principal source of study material for a given class or group
20 of students, a copy of which is expected to be available for the
21 individual use of each student in the class or group. The
22 textbooks shall be textbooks which are acceptable for use in any
23 public elementary or secondary ~~school~~ SCHOOLS of this
24 Commonwealth. <—

25 (c) Purchase and loan of instructional aids.--The
26 department, directly or through the intermediate units, shall
27 have the power and duty to purchase textbooks and instructional
28 materials and, upon individual request, to loan them to all
29 children residing in this Commonwealth who are enrolled in
30 grades kindergarten through 12 of a nonpublic school. The

1 textbooks and instructional materials shall be loaned free to
2 the children subject to such rules and regulations as may be
3 prescribed by the State board, due regard being had to the
4 feasibility of making loans of particular instructional
5 materials on an individual basis.

6 (d) Limitation on amount of purchases.--The department shall
7 not be required to purchase or otherwise acquire textbooks
8 pursuant to this section, the total cost of which, in any school
9 year, exceeds an amount equal to ~~\$12 for the school year 1973~~ <—
10 ~~1974, \$15 for the school year beginning July 1, 1974 and \$20 for~~
11 ~~each school year thereafter~~ \$20, or instructional materials, the
12 total cost of which, in any school year, exceeds an amount equal
13 to \$10, multiplied by the number of children residing in this
14 Commonwealth who on October 1 of the school year immediately
15 preceding are enrolled in grades kindergarten through twelve of
16 a nonpublic school.

17 § 1104. Speech and hearing defect services to nonpublic school
18 children.

19 (a) Declaration of policy.--Defects in speech and hearing
20 are health-related. They are also the frequent cause of
21 emotional instability in children and are vitally connected to
22 behavior and to learning ability. Services to remedy these
23 defects can best be conducted upon the premises of the school
24 which the child regularly attends, and forcing children to go to
25 other premises in order to have such needed services is found by
26 the General Assembly to be both inadequate and harmful. The
27 General Assembly expressly finds and declares speech and hearing
28 correctional services to be health services, and it is the
29 intention of the General Assembly now to make these available,
30 on a general and even-handed basis, to all school children in

1 this Commonwealth.

2 (b) Provision of services.--The department, directly or
3 through the intermediate units, out of their allocation under
4 section 1102 (relating to auxiliary services to nonpublic school
5 children) shall have the power and duty to furnish free to
6 nonpublic school students, upon the premises of the nonpublic
7 schools which they regularly attend, services adequate for the
8 diagnosis and correction of speech and hearing defects provided
9 that the services are also afforded to public school students by
10 the school district in which the nonpublic school is located.

11 § 1105. Psychological services to nonpublic school children.

12 (a) Declaration of policy.--It is today recognized that
13 diagnostic and evaluative psychological services to children are
14 closely related to their physical, mental and emotional health.
15 These services can best be rendered upon the premises of the
16 school which the child regularly attends and forcing children to
17 go to other premises in order to have these needed services is
18 found by the General Assembly to be both inadequate and harmful.
19 The General Assembly expressly finds and declares diagnostic and
20 evaluative psychological services for children to be health
21 services and it is the intention of the General Assembly now to
22 make these available, on a general and even-handed basis, to all
23 school children in this Commonwealth.

24 ~~(b) Definition. As used in this section "nonpublic school"~~ <—
25 ~~means any nonprofit school, other than a public school within~~
26 ~~this Commonwealth, wherein a resident of this Commonwealth may~~
27 ~~legally fulfill the compulsory school attendance requirements~~
28 ~~and which meets the requirements of Title VI of the Federal~~
29 ~~Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.).~~

30 ~~(c) (B)~~ (B) Provision of services.--The department directly, or <—

1 through the intermediate units out of their allocation under
2 section 1102 (relating to auxiliary services to nonpublic school
3 children), may furnish free to nonpublic school students, upon
4 the premises of the nonpublic schools which they regularly
5 attend, psychological services provided these services are also
6 afforded to public school students by the public school district
7 in which the nonpublic school is located.

8 § 1106. Visual services to nonpublic school children.

9 (a) Declaration of policy.--Defects in vision are health-
10 related. It is today recognized that the diagnosis and
11 evaluation of those defects and the rendering of instruction in
12 skills appropriate for the education, safety and independence of
13 children afflicted by visual impairments are closely related to
14 their physical, mental and emotional health. Such services can
15 best be rendered upon the premises of the school which the child
16 regularly attends and forcing children to go to other premises
17 in order to have such needed services is found by the General
18 Assembly to be both inadequate and harmful. The General Assembly
19 expressly finds and declares diagnostic, evaluative and
20 instructional services for such children to be health services
21 and it is the intention of the General Assembly now to make
22 these available, on a general and even-handed basis, to all
23 school children in the Commonwealth.

24 ~~(b) Definitions. As used in this section the following~~ <—
25 ~~words and phrases shall have the meanings given to them in this~~
26 ~~subsection:~~

27 ~~"Nonpublic school." Any nonprofit school, other than a~~
28 ~~public school within this Commonwealth, wherein a resident of~~
29 ~~this Commonwealth may legally fulfill the compulsory school~~
30 ~~attendance requirements and which meets the requirements of~~

1 ~~Title VI of the Federal Civil Rights Act of 1964 (42 U.S.C. §~~
2 ~~2000d et seq.)~~.

3 ~~"Visual services." Diagnostic, evaluative and instructional~~
4 ~~visual services for children.~~

5 ~~(e)~~ (B) Provision of services.--The department, directly or <—
6 through the intermediate units out of their allocation under
7 section 1102 (relating to auxiliary services to nonpublic school
8 children), may furnish free to nonpublic school students, upon
9 the premises of the nonpublic schools which they regularly
10 attend, services adequate for the diagnosis and evaluation of
11 visual defects and instruction and training in skills advisable
12 for the education, independence and safety of such children,
13 including but not limited to mobility training, provided that
14 such services are also afforded to public school students by the
15 public school district in which such nonpublic school is
16 located.

17 (C) DEFINITION.--AS USED IN THIS SECTION "VISUAL SERVICES" <—
18 MEAN DIAGNOSTIC, EVALUATIVE AND INSTRUCTIONAL VISUAL SERVICES
19 FOR CHILDREN.

20 SUBCHAPTER B
21 REGULATED PRIVATE SCHOOLS

22 Sec.

23 1111. State boards of private schools.

24 1112. Jurisdiction of boards and department.

25 1113. Optional licensing of private schools.

26 1114. Mandatory licensing of private schools and agents.

27 1115. Application for license.

28 1116. Issuance and renewal of license.

29 1117. Scope of license.

30 1118. License fees.

1 1119. List of licensed schools and agents.

2 1120. Requirements for licensure and operation.

3 1121. Refusal, suspension or revocation of license.

4 1122. Penalties for violations of chapter.

5 § 1111. State boards of private schools.

6 (a) Appointment of members.--The secretary shall appoint
7 members to each of the State boards of private schools for terms
8 of four years as follows:

9 (1) The State Board of Private Academic Schools shall
10 consist of seven members four or more of whom shall be active
11 in the private academic school field.

12 (2) The State Board of Private Business Schools shall
13 consist of seven members four or more of whom shall have
14 occupied executive or management positions in private
15 business schools in this Commonwealth.

16 (3) The State Board of Private Trade Schools shall
17 consist of seven members five or more of whom shall be active
18 in the private trade school field.

19 (4) The State Board of Private Correspondence Schools
20 shall consist of seven members.

21 (b) Quorum.--A majority of the members of each board shall
22 constitute a quorum.

23 (c) Chairman.--Each board shall, annually, select a chairman
24 from among its members.

25 (d) Secretary.--Each board shall have a secretary assigned
26 from the department staff who shall serve as the chief of
27 registration for the respective boards.

28 (e) Compensation and expenses.--The members of each board
29 shall be paid \$30 per diem and necessary expenses when actively
30 engaged in the performance of their official duties.

1 Reimbursement for expenses shall not exceed the greater of the
2 following amounts:

3 (1) The sum of \$40 per day for food and lodging and 15¢
4 per mile for travel by automobile.

5 (2) Amounts for traveling expenses determined by the
6 Commissioner of Internal Revenue under the authority of
7 section 274 of the Internal Revenue Code of 1954 and
8 regulations promulgated thereunder as not requiring
9 substantiation by adequate records or other sufficient
10 evidence.

11 (f) Location of meetings and records.--The meetings of each
12 board shall be held and the proceedings of the meetings and the
13 records of each board shall be maintained in the City of
14 Harrisburg, Dauphin County, Pennsylvania.

15 (g) Department to issue documents.--All certificates and
16 other official documents of each board shall be issued by the
17 department.

18 § 1112. Jurisdiction of boards and department.

19 The power to adopt and enforce rules and regulations and to
20 promulgate standards of instruction for schools within their
21 jurisdiction shall be as follows:

22 (1) The State Board of Private Academic Schools shall
23 adopt and enforce rules and regulations regarding private
24 academic schools.

25 (2) The State Board of Private Business Schools shall
26 adopt and enforce rules and regulations regarding private
27 business schools.

28 (3) The State Board of Private Trade Schools shall adopt
29 and enforce rules and regulations regarding private trade
30 schools.

(4) The State Board of Private Correspondence Schools shall adopt and enforce rules and regulations regarding private correspondence schools.

(5) The department shall adopt and enforce standards regarding private driver education and training schools.

§ 1113. Optional licensing of private schools.

All schools not otherwise required to obtain a license may choose to apply for a license and, upon approval and issuance thereof, shall be subject to the provisions of this chapter. Such schools may voluntarily surrender their license and revert to their original status.

§ 1114. Mandatory licensing of private schools and agents.

(a) Operation of school.--No private school shall continue in operation or be established within this Commonwealth unless the school shall apply for and obtain from the appropriate authority a license issued in the manner and form prescribed.

(b) Agent for new school in Commonwealth.--Within this Commonwealth, no person or persons shall advertise in behalf of, or solicit prospective students to enroll in, a private school to be established within this Commonwealth prior to the establishment of the school unless the person or persons shall apply to the appropriate authority for a license in the manner and form prescribed and shall receive from the appropriate authority authorization to conduct such activities.

(c) Agent for new school outside Commonwealth.--Within this Commonwealth, no person or persons shall solicit prospective students to enroll in a school to be established outside this Commonwealth prior to the establishment of the school unless the person or persons shall apply for and obtain from the appropriate authority an agent's license in the manner and form

1 prescribed.

2 (d) Agent for existing school.--No person or persons shall
3 solicit any prospective student within this Commonwealth to
4 enroll in a school located within or outside this Commonwealth
5 unless the school has been approved by the appropriate authority
6 and unless the person or persons shall apply for and obtain from
7 the appropriate authority an agent's license in the manner and
8 form prescribed.

9 (e) Limitation on authority of agent.--No person holding an
10 agent's license shall solicit prospective students to enroll in
11 a school or class other than the one he is licensed to
12 represent.

13 § 1115. Application for license.

14 (a) General rule.--Before any license is issued to a private
15 school, a verified application shall be made, in writing, to the
16 appropriate authority on a form prepared and furnished by the
17 appropriate authority. The application shall require a statement
18 showing, where appropriate:

19 (1) The title or name and address of the school or
20 classes together with ownership and controlling officers
21 thereof.

22 (2) The general and specific fields of instruction which
23 will be offered and the purposes of such instruction.

24 (3) The place or places where instruction will be given.

25 (4) A specific listing of the equipment and staff
26 available for instruction in each field and, for the proper
27 administration of correspondence courses of study,
28 maintenance of adequate correction service.

29 (5) The maximum enrollment to be accommodated on
30 equipment and with staff available in each field.

1 (6) The qualifications of instructors and supervisors in
2 each field.

3 (7) Financial resources available to equip and maintain
4 the school, classes or service.

5 (8) An agreement to abide by reasonable service and
6 business ethics prescribed by the appropriate authority.

7 (9) Such additional information as the appropriate
8 authority may deem necessary to enable it to determine the
9 adequacy of the program of instruction, the business
10 integrity and matters pertaining thereto.

11 (b) Surety bond.--At the discretion of the appropriate
12 authority, at any time it may designate, the private school
13 shall provide a surety bond in reasonable amount to the
14 Commonwealth conditioned for the protection of the contractual
15 rights of students.

16 § 1116. Issuance and renewal of license.

17 (a) Issuance.--The appropriate authority shall issue an
18 original license to the applicant if the appropriate authority
19 finds that the application and the school or classes or agent
20 for which a license is sought complies with the provisions of
21 this chapter and with the rules and regulations promulgated
22 under this chapter.

23 (b) Duration and renewal.--Each original license issued
24 shall be effective from the date of issue until July 1 following
25 the issuance of the original license and shall be renewed
26 annually thereafter on a form prepared and furnished by the
27 appropriate authority. Each license year is to continue from
28 July 1 to the following June 30, inclusive.

29 (c) License not transferable.--Each school shall have a
30 separate license which shall not be transferable.

1 § 1117. Scope of license.

2 (a) Schools.--Any license issued to a private school shall
3 be restricted to the fields or courses specifically indicated in
4 the application for a license. A licensed school shall present a
5 supplementary application, as may be directed by the appropriate
6 authority, for approval of additional fields or courses in which
7 it is desired to offer instruction during the effective period
8 of the license.

9 (b) Agents.--Any license issued to an agent shall be
10 restricted to the school or schools specifically listed in the
11 application for a license. A licensed agent desiring to solicit
12 prospective students to enroll in schools other than those
13 specifically listed in any application for license shall present
14 a supplementary application, as may be directed by the
15 appropriate authority, for approval to solicit for such schools
16 or additional schools.

17 § 1118. License fees.

18 (a) General rule.--The fees for a license to operate private
19 schools or for an agent's license shall be as follows:

20 (1) The sum of ~~\$50~~ \$200 for each original application <—
21 and ~~\$25~~ \$150 for each annual renewal application for private <—
22 academic schools, private business schools and private
23 correspondence schools.

24 (2) The sum of \$200 for each original and each annual
25 renewal application for a private trade school. When an
26 application for a license is submitted after the beginning of
27 the seventh month of the license year, the license fee shall
28 be one-half the annual license fee.

29 (3) The sum of ~~\$10~~ \$15 for each teacher based on the <—
30 highest number of teachers estimated to be employed at any

one time during the license year for each original application to conduct a private driver education and training school. If the applicant uses or employs at any one time more teachers than the number originally estimated, the applicant shall pay the additional fee due therefor at the time the applicant applies for the next annual renewal. Each renewal application shall be accompanied by a fee based on the highest number of teachers used or employed at any one time during the license year immediately preceding the year in which the renewal is to be effective.

(4) The sum of ~~\$5~~ \$15 annually for agents. <—

(5) No fee for a supplementary application for approval of additional fields or courses.

(b) Special license fund.--All private school and agent license fees shall be placed in a special private school license fund to be used to defray the costs of processing the licenses. At the end of each fiscal year any surplus remaining in the special fund shall be transferred to the General Fund. The ~~secretary~~ DEPARTMENT shall request any additional appropriations necessary to defray the costs of processing the licenses should the special fund be inadequate for this purpose. <—

(c) Fee not refundable.--No license fee shall be refunded in the event any license is suspended, revoked or denied.

§ 1119. List of licensed schools and agents.

The appropriate authority shall maintain a list of schools and agents licensed under their jurisdiction which shall be available for the information of the public.

§ 1120. Requirements for licensure and operation.

No private school may be granted a license or may be permitted to continue to operate under a granted license unless:

1 (1) It shall permit the appropriate authority and its
2 representatives to inspect the school or classes and shall
3 make available to the appropriate authority at any time when
4 requested to do so full information pertaining to any or all
5 items of information contained in the application form
6 provided.

7 (2) It shall prominently display the current approved
8 license where it may be inspected by students, visitors and
9 designated officials of the appropriate authority.

10 (3) The advertising and representations made by any
11 person representing the school or classes as an agent or
12 contractual agent to prospective students shall be free from
13 misrepresentation or fraud.

14 (i) A school shall not use any name, other than its
15 licensed name, for advertising or publicity purposes, nor
16 shall a school advertise or imply that it is
17 "supervised," "recommended," "endorsed," "accredited" or
18 "approved" by the secretary, the department, the State
19 board or any State board of private schools of the
20 Commonwealth.

21 (ii) A school shall not claim or imply that it is
22 endorsed by colleges, universities or other institutions
23 of higher learning, bus companies, trucking associations,
24 automobile clubs or taxi companies unless written
25 evidence of that fact is presented to the appropriate
26 authority by the endorsing college, university, bus
27 company, trucking association, automobile club or taxi
28 company.

29 (iii) A school shall not claim or imply that it will
30 guarantee admission to any educational institution,

1 employment upon completion of the course or the securing
2 of a license to drive an automobile.

3 (iv) A school shall not by means of "blind"
4 advertisements or advertisements in the "help wanted" or
5 other employment columns of newspapers and other
6 publications solicit prospective students to enroll in
7 the school.

8 (4) The premises, equipment and conditions of the school
9 or classes shall be adequate, safe and sanitary in accordance
10 with such standards of the Commonwealth or any of its
11 political subdivisions as are applicable to such premises and
12 equipment.

13 § 1121. Refusal, suspension or revocation of license.

14 (a) General rule.--The appropriate authority shall have the
15 power to refuse to issue and the power to suspend or revoke a
16 license in any case where:

17 (1) The licensee has violated any of the provisions of
18 this chapter or any of the rules and regulations of the
19 appropriate authority.

20 (2) The applicant or licensee has knowingly presented to
21 the appropriate authority false, incomplete or misleading
22 information relating to licensure.

23 (3) The applicant or licensee has pleaded guilty,
24 entered a plea of nolo contendere or has been found guilty of
25 a crime involving moral turpitude by a judge or jury in any
26 State or Federal court.

27 (4) The applicant or licensee or any employee in a
28 school is addicted to the use of alcoholic liquors, morphine,
29 cocaine or other drugs having a similar effect, or is or
30 shall become mentally incompetent.

1 (5) The applicant or licensee has failed or refused to
2 permit the appropriate authority or their representatives to
3 inspect the school or classes or has failed or refused to
4 make available to the appropriate authority, at any time when
5 requested to do so, full information pertaining to any or all
6 items of information contained in an application for license
7 or pertaining to the program of instruction and matters
8 relating thereto.

9 (6) The applicant has failed or refused to submit to the
10 appropriate authority an application for license or renewal
11 in the manner and form prescribed.

12 (7) A licensed school has failed or refused to display
13 the current approved license where it may be inspected by
14 students, visitors and designated officials of the
15 appropriate authority.

16 (8) A licensed agent has failed or refused to display or
17 produce his license when requested to do so by prospective
18 students or designated officials of the appropriate
19 authority.

20 (9) The applicant or licensee has failed to provide or
21 maintain premises, equipment or conditions which are
22 adequate, safe and sanitary in accordance with such standards
23 of the Commonwealth or any of its political subdivisions as
24 are applicable to the premises and equipment.

25 (10) The licensee has perpetrated or committed fraud or
26 deceit in advertising the school or classes or in presenting
27 to prospective students written or oral information relating
28 to the school or classes or to employment opportunities or to
29 opportunities for enrollment in institutions of higher
30 learning.

1 (11) The licensee is employing teachers, supervisors or
2 administrators who have not been approved by the appropriate
3 authority or agents who have not been licensed by the
4 appropriate authority.

5 (12) The licensee has failed to provide and maintain
6 adequate premises, equipment, materials or supplies or has
7 exceeded the maximum enrollment for which the school or class
8 was licensed.

9 (13) The licensee has failed to provide and maintain
10 adequate standards of instruction or an adequate and
11 qualified administrative supervisory or teaching staff.

12 (14) The applicant or licensee is unable to provide and
13 maintain financial resources in sufficient amount to equip
14 and maintain adequately and effectively the school or
15 classes.

16 (15) The licensee has moved the school into new premises
17 or facilities or has altered or made additions to premises or
18 facilities before or without notifying the appropriate
19 authority of the change and before receiving from the
20 appropriate authority approval for the new premises or
21 facilities, alterations or additions.

22 (16) The licensee has offered training or instruction in
23 courses or subjects which have not been approved and
24 authorized by the appropriate authority.

25 (17) A licensed agent has solicited prospective students
26 to enroll in a school which has not been approved by the
27 appropriate authority and which is not listed on the license
28 issued by the appropriate authority.

29 (18) There was a change in the ownership of the school
30 without the approval of the appropriate authority.

(19) The school was operated or conducted under an ownership constituency not approved by the appropriate authority.

(b) Adjudicatory procedure.--The procedure to be followed in the refusal, suspension and revocation of licenses and in appeals taken from such action shall be that prescribed by Title 2 (relating to administrative law and procedure).

§ 1122. Penalties for violations of chapter.

Any person who violates or fails to comply with any of the provisions of this chapter or any of the rules, regulations or standards promulgated thereunder commits a misdemeanor of the third degree. If the violation is by a corporation, partnership or association, the officers and directors of the corporation or the members of the partnership or association, its agents and employees with guilty knowledge of the fact, shall also be deemed to have committed a misdemeanor of the third degree and, upon conviction thereof, shall be punished as provided by law.

SUBCHAPTER C

PRIVATE DRIVER EDUCATION AND TRAINING SCHOOLS

Sec.

1131. Location and construction of facilities.

1132. Qualifications of teachers and directors.

1133. Instructional equipment and materials.

1134. Program of instruction.

1135. Notice of fees and charges.

1136. Financial and student records.

1137. Qualifications and duties of agents.

1138. Ownership qualifications and changes.

§ 1131. Location and construction of facilities.

(a) Location.--

1 (1) The situs of a driver training school, branch school
2 and practice driver training area shall be a distance of at
3 least 1,500 feet from any official examination point used by
4 the Pennsylvania State Police for examination of motor
5 vehicle operators, which distance shall be measured along the
6 public streets by the nearest route from the school, branch
7 school or practice driver training area to the official
8 examination point.

9 (2) The outdoor area used during the first three hours
10 of practical instruction by persons who hold a learner's
11 permit shall be one which is reasonably free of pedestrian
12 and vehicular traffic and shall not include primary traffic
13 arteries, main highway routes or other thoroughfares that
14 carry large amounts of traffic.

15 (b) Construction.--In the case of a school where five or
16 more students are assembled as a group for theoretical
17 instruction in driver education:

18 (1) The premises, equipment and facilities of the school
19 shall be safe and sanitary.

20 (2) The provisions for the health, physical welfare and
21 safety of student personnel shall be those prescribed by the
22 government agencies having jurisdiction over such matters.

23 (3) The artificial lighting facilities shall provide a
24 minimum of 25-foot candles of illumination on the horizontal
25 surface of all indoor activity areas used for school
26 purposes.

27 (4) The heating facilities shall be sufficient to
28 provide for the maintenance of normal room temperatures in
29 all rooms occupied by students when the outside temperature
30 is less than normal room temperature. When the school does

1 not use mechanical ventilation, windows shall be used and
2 equipped for ventilating purposes.

3 (5) The premises, facilities and any alterations or
4 additions to the premises or facilities must be approved by
5 the department before the premises or facilities may be used
6 for school purposes and before any alterations or additions
7 may be made.

8 § 1132. Qualifications of teachers and directors.

9 (a) General qualifications.--Every teacher in a school shall
10 be a citizen of the United States, at least 18 years of age and
11 a person of good moral character.

12 (b) Driver's license and experience.--Every teacher shall
13 have a valid motor vehicle driver's license issued by the
14 Commonwealth and shall submit documentary evidence of having
15 driven a minimum of 15,000 miles under all kinds of weather
16 conditions in both urban and rural areas.

17 (c) Driving record.--Every teacher shall maintain, during
18 any consecutive three year period, a driving record which does
19 not include more than one reportable accident, as defined in
20 Title 75 (relating to vehicles), resulting in a suspension or
21 revocation of his motor vehicle driver's license.

22 (d) Examination.--Every teacher shall pass:

23 (1) A written theoretical examination prepared and
24 administered by the ~~Secretary~~ DEPARTMENT of Education or such <—
25 agency as ~~he~~ IT may designate, and embracing subject matter <—
26 pertinent to the care, operation and use of a motor vehicle
27 on the highways and to general highway safety principles and
28 practices.

29 (2) A practical examination, prepared and administered
30 by the ~~Secretary~~ DEPARTMENT of Transportation, or such agency <—

1 as ~~he~~ IT may designate, for the purpose of testing a

2 teacher's competency and fitness in the operation of a motor

3 vehicle.

4 (e) Certificate from physician.--Every teacher shall present

5 a certificate from a physician, legally qualified to practice

6 medicine in this Commonwealth, setting forth that the teacher is

7 neither mentally nor physically disqualified by reason of

8 tuberculosis or any other chronic or acute physical defect from

9 performing the duties of a driver education teacher.

10 (f) Director or supervisor.--Every school that employs five

11 or more full-time teachers or an equivalent number of part-time

12 teachers shall designate a director who shall devote at least

13 one-half of his time to the performance of administrative and

14 supervisory duties. A director or supervisor of a school or

15 branch thereof shall meet the qualifications of a teacher as set

16 forth in this section and shall have had a minimum of two years

17 successful teaching experience in a private or public driver

18 training school or class.

19 § 1133. Instructional equipment and materials.

20 (a) Amount and type.--The amount and type of school

21 furniture, instructional equipment and instructional materials

22 shall be governed by the character and scope of the educational

23 program of the school, the number of students enrolled and the

24 objectives of the educational program of the school and shall

25 conform to generally accepted educational standards. The amount

26 and type of school furniture, instructional equipment and

27 materials shall not be required to exceed or to vary from that

28 which is generally used in connection with the programs of

29 driver education in public schools of like character and scope.

30 (b) Text and reference materials.--Every school shall

1 provide text, test and reference materials, including pamphlets
2 and visual aids, for the instruction in the theoretical and
3 practical phases of driver training.

4 (c) Age and equipment of vehicles.--Every vehicle used for
5 practical driver training shall be a recent model not more than
6 five years old with special equipment as follows: operable extra
7 brake pedal, and in the case of vehicles equipped with standard
8 transmission an operable extra clutch pedal, defroster and
9 heater in working order, rearview mirror placed on the inside of
10 the car in the vicinity of the cowl, two outside rearview
11 mirrors one on each side of the vehicle and cushions for the
12 proper seating of the students.

13 (d) Insurance on vehicles.--Every school shall provide
14 insurance coverage on all vehicles used for practical driver
15 training. The coverage shall include at least \$50,000 - \$100,000
16 public liability, \$5,000 property damage and \$2,000 medical.
17 § 1134. Program of instruction.

18 (a) General rule.--Driver training schools licensed under
19 this chapter shall make available both theoretical and practical
20 instruction.

21 (b) Theoretical instruction.--Theoretical instruction in
22 driver education shall include subject matter relating to rules
23 and regulations of the road, safe driving practices, pedestrian
24 safety care, mechanics of driving, types of automobile insurance
25 and the use of automobile safety devices.

26 (c) Practical instruction.--Practical instruction in driver
27 education shall include the demonstration of an actual
28 instruction in starting, stopping, shifting, turning, backing,
29 parking and steering in a training vehicle which shall meet the
30 standards of the department.

1 (d) Information on fees.--Driver training schools licensed
2 under this chapter shall publish a schedule or prospectus of
3 fees or charges for behind-the-wheel lessons, classroom lessons,
4 refresher lessons and all other fees or charges made by the
5 school. A copy of a prospectus setting forth this information
6 shall be filed with the department.

7 § 1135. Notice of fees and charges.

8 Every school shall inform each student, prior to the time
9 instruction commences, of the character and amount of any and
10 all fees or charges made for enrollment or registration,
11 tuition, use of equipment, texts and reference materials,
12 supplies and any other service, equipment or materials provided
13 by the school.

14 § 1136. Financial and student records.

15 (a) Financial records.--Every school shall establish and
16 maintain complete, accurate and detailed financial records that
17 shall include data pertaining to assets, liabilities, sources
18 and amounts of income, and the character and amount of
19 expenditures. The records shall be kept current and available
20 for inspection during regular school hours by representatives of
21 the department.

22 (b) Student records.--Every school shall maintain adequate
23 records of individuals and each school shall maintain a
24 permanent cumulative record card for each student. The record
25 card shall indicate the number of clock hours of instruction
26 received by each student and shall contain information on
27 attendance, achievement test scores, personal characteristics,
28 health and other pertinent topics. The records shall be kept
29 current and available for inspection at all times during regular
30 school hours by representatives of the department.

1 § 1137. Qualifications and duties of agents.

2 (a) Qualifications of agent.--Each agent shall be a person
3 of good moral character and at least 18 years of age.

4 (b) Qualifications of school represented.--An agent's
5 license shall not be granted to an agent of a school which is
6 located outside this Commonwealth unless the school maintains
7 educational standards and policies that are substantially
8 equivalent to those prescribed in this chapter for driver
9 training schools in this Commonwealth.

10 (c) Submission of information to department.--An agent
11 representing a school which is located outside this Commonwealth
12 shall submit to the department such information and data
13 pertaining to the school as the department may deem necessary
14 and require in order to validate any representation made in
15 behalf of the school by the agent. The department may require
16 the information and data to be certified by such educational
17 authorities of the other state as the department may designate.

18 (d) Display of license.--Each agent shall display or produce
19 his agent's license certificate when requested to do so by
20 prospective students or a representative of the department.

21 § 1138. Ownership qualifications and changes.

22 (a) Qualifications of owners and employees.--Each individual
23 proprietor of a school, each member of a partnership,
24 association or company that owns a school and each officer and
25 director of a corporation that owns a school, who is directly
26 connected with the conduct and operation of the educational
27 program, shall be a person of good moral character and at least
28 18 years of age. Such persons and any school employee thereof
29 shall not be addicted to the use of alcoholic liquors, morphine,
30 cocaine or other drugs having a similar effect and shall not be

1 mentally incompetent.

2 (b) Limitation in license.--A license shall be granted to
3 the owner of a particular school for the specific ownership
4 constituency and the specific school situs designated in the
5 application for a license.

6 (c) Change in ownership or situs.--Any change in ownership
7 or in school situs must be approved by the department prior to
8 the date of the change. A change in ownership requires an
9 application for an original license, which application shall be
10 submitted to the department at least 30 days in advance of the
11 effective date of the change, and the school shall not be
12 conducted or operated under the new or different individual
13 proprietorship, partnership, association, company or corporation
14 until and unless an original license has been granted and issued
15 to the new or different ownership constituency.

16 PART II

17 BASIC EDUCATION

18 Subpart

19 A. Preliminary Provisions

20 B. School Entities

21 C. Fiscal Affairs and Taxation

22 D. School Programs

23 E. Students

24 F. Physical Plant and Construction

25 G. Personnel

26 SUBPART A

27 PRELIMINARY PROVISIONS

28 Chapter

29 21. General Provisions

30 CHAPTER 21

1 GENERAL PROVISIONS

2 Sec.

3 2101. Short title of part.

4 2102. Purposes of part.

5 2103. Definitions.

6 2104. Oath for directors and commissioned personnel.

7 2105. Compensation of governing board members.

8 2106. Conflict of interest and additional compensation.

9 2107. Membership of governing boards in organizations.

10 § 2101. Short title of part.

11 This part shall be known and may be cited as the "Public
12 School Code."

13 § 2102. Purposes of part.

14 The general purposes of this part are:

15 (1) To provide for the maintenance and support of a
16 thorough and efficient system of public education to serve
17 the needs of this Commonwealth.

18 (2) To foster the intellectual, ethical, social,
19 aesthetic and physical growth and development of the citizens
20 of this Commonwealth.

21 (3) To provide a mechanism by which students may be
22 equipped with those analytical skills of reading, writing,
23 calculating and thinking which are needed to function
24 effectively, earn a living and become knowledgeable citizens
25 in our society.

26 (4) To broaden, expand and equalize the educational
27 opportunities available to citizens of every age, race,
28 religion, color, ancestry, national origin or sex and to
29 encourage them to take advantage of and complete a basic
30 educational program appropriate to their needs.

(5) To foster flexibility, effectiveness and excellence throughout all the schools of this Commonwealth.

(6) To encourage use of modern techniques of administration and management.

(7) To broaden the discretionary powers of boards of school directors to carry out their educational responsibilities.

(8) To encourage the development of alternative approaches to student learning.

(9) To promote community involvement and participation by all segments of the public, including students, in the educational life and affairs of the schools.

(10) To promote cooperation among school entities, political subdivisions and governmental agencies.

(11) To provide a healthy and safe educational environment.

(12) To provide for fair and proper procedures through which the provisions of this part may be executed and enforced.

§ 2103. Definitions.

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Chief executive officer." The district superintendent, the executive director for an intermediate unit and the chief commissioned administrator for an area vocational-technical school.

"Officer." The president, vice president, secretary,

1 assistant secretary, treasurer, assistant treasurer, president
2 pro tempore and secretary pro tempore of any governing board.

3 "Parent." Includes a legal guardian or a person in parental
4 relation.

5 "School funds." Funds belonging to or in the care, custody
6 or control of any school entity.

7 § 2104. Oath for directors and commissioned personnel.

8 (a) General rule.--Before entering upon the duties of their
9 office, all school directors and commissioned personnel of any
10 school entity shall take and subscribe to the following oath or
11 affirmation, which may be administered by any person qualified
12 to administer an oath:

13 I do solemnly swear (or affirm) that I will support,
14 obey and defend the Constitution of the United
15 States and the Constitution of this Commonwealth, and
16 that I will discharge the duties of my office with
17 fidelity.

18 (b) Board president qualified to administer oaths.--The
19 president of a governing board shall be qualified to administer
20 oaths.

21 § 2105. Compensation of governing board members.

22 Any person elected or appointed as a member of any governing
23 board shall serve without pay except ~~that such persons~~ AS
24 PROVIDED OTHERWISE IN THIS PART. BOARD MEMBERS shall be
25 reimbursed for necessary expenses as provided in this part.

26 § 2106. Conflict of interest and additional compensation.

27 (a) Governing board members.--Except as otherwise provided
28 in this title, no member of any governing board shall, during
29 the term for which he was elected or appointed, as a private
30 person, be employed in any capacity by the school entity,

1 receive pay for any services rendered to the school entity or
2 engage in any business transaction with the school entity with
3 which the member is associated.

4 (b) School entity commissioned personnel and employees.--
5 Except as otherwise provided in this title, no commissioned
6 person, appointee or employee shall be employed in any other
7 capacity by the school entity which conflicts with or prevents
8 the full and complete performance of his school duties to be
9 determined for professional employees in accordance with
10 sections 5134(c) (relating to ratings) and 5138 (relating to
11 causes for dismissal, suspension or demotion). No commissioned
12 person shall engage in the business or profession of teaching in
13 this Commonwealth unless it is done without any other
14 compensation than that paid to him as such commissioned person.

15 (c) Approved services by commissioned personnel.--
16 Commissioned personnel may receive compensation for services in
17 a summer school maintained by a college or university devoted to
18 the education of teachers or for services rendered evenings or
19 Saturdays if released for such services by the governing board
20 of the school entity where the personnel are employed.

21 (d) Notification of interest and approval of transaction.--
22 Any school director, officer, appointee or employee who receives
23 compensation from an individual, firm, partnership, corporation
24 or other entity doing business with or rendering service to the
25 school entity in a capacity where he can be financially
26 benefited in any way, shall notify the governing board and shall
27 have the interest noted in the minutes. The governing board
28 shall not authorize or approve any transaction in which such
29 person has a substantial or material financial interest. The
30 governing board may authorize and approve a transaction in which

1 such person has a nonmaterial interest by an affirmative vote of
2 a majority of all legally qualified board members, with the
3 interested school director refraining from discussing and voting
4 upon the contract.

5 (e) Liability for damages and removal.--Any person who shall
6 knowingly violate the provisions of this section shall be liable
7 to the school entity upon his bond, if any, or personally, to
8 the extent of the damage shown to be sustained by the school
9 entity and to removal from office or employment.

10 (f) Penalty.--Any person willfully violating the provisions
11 of this section commits a misdemeanor of the third degree.

12 § 2107. Membership of governing boards in organizations.

13 (a) General rule.--The governing board of any school entity
14 may become a member of the Pennsylvania School Boards
15 Association, Inc. and any other organization or study group
16 which will aid it in exercising the powers and duties imposed or
17 conferred upon it by this title and may pay, out of the school
18 funds of the entity, any membership dues assessed by the
19 association, organization or study group. The dues shall be paid
20 by the treasurer of the school entity, in the usual manner, upon
21 presentation of an itemized, verified statement of the amount.

22 (b) Delegates to State convention or association.--The
23 governing body may appoint one or more of its members, its
24 nonmember secretary, if any, and its solicitor, if any, as
25 delegates to any State convention or association of school
26 directors to attend the meetings of the convention or
27 association and each delegate so attending shall be reimbursed
28 in accordance with section 3152 (relating to authorization of
29 travel and reimbursement of expenses).

1 SCHOOL ENTITIES

2 Chapter

3 23. Boards of School Directors

4 25. School Districts

5 27. Intermediate Units

6 CHAPTER 23

7 BOARDS OF SCHOOL DIRECTORS

8 Subchapter

9 A. General Provisions

10 B. Selection and Removal of Personnel

11 C. Selection of Directors

12 D. Organization of Board

13 E. Conduct of Business

14 SUBCHAPTER A

15 GENERAL PROVISIONS

16 Sec.

17 2301. Designation and powers of governing board.

18 2302. Policies, rules and regulations.

19 2303. Levy and collection of taxes.

20 2304. Joint action with other government agencies.

21 2305. Furnishing information to incoming directors.

22 § 2301. Designation and powers of governing board.

23 (a) Governing board of school districts.--The public school
24 districts of this Commonwealth shall be governed by a board of
25 school directors to be elected or appointed as provided in this
26 chapter.

27 (b) General powers and duties.--The board of school
28 directors in each school district is hereby granted such powers
29 and is charged with such duties as are necessary to establish,
30 maintain and govern a thorough and efficient system of education

1 as determined by the General Assembly to provide quality
2 education and equal educational opportunity for all students
3 within its jurisdiction who desire to attend the public schools.

4 ~~Accordingly, the operation of each school district shall be~~ <—
5 ~~within the reasonable discretion of the board of school~~
6 ~~directors except where that discretion is limited by law.~~

7 § 2302. Policies, rules and regulations.

8 (a) General rule.--Within the limitations set forth in
9 section 2301 (relating to designation and powers of governing
10 board), the educational and operational policies of each school
11 district shall be determined by the board of school directors
12 with the advice of the district superintendent. The board shall
13 prescribe rules and regulations necessary for the conduct and
14 operation of the public schools in the district.

15 (b) School employees and appointees.--The board of school
16 directors may regulate the conduct of all school administrators,
17 teachers, other employees and appointees during the time they
18 are engaged in their duties to the district.

19 (c) Students and safety patrols.--The board of school
20 directors may regulate the conduct of students while attending
21 school and during the time spent in coming to and returning from
22 school including the organization of school safety patrols and,
23 with the permission of the parents, the appointment of students
24 as members thereof for the purpose of influencing and
25 encouraging the other students to refrain from crossing public
26 highways at points other than at regular crossings, and for the
27 purpose of directing students not to cross highways at times
28 when the presence of traffic would render crossing unsafe. No
29 safety patrol member shall be used for the purpose of directing
30 vehicular traffic or be stationed in that portion of the highway

1 intended for vehicular traffic. No liability shall attach either
2 to the school district or to any individual director,
3 superintendent, teacher or other school employee by virtue of
4 the organization, maintenance or operation of a school safety
5 patrol organized, maintained and operated under authority of
6 this subsection.

7 (d) School activities and organizations.--

8 (1) The board of school directors shall prescribe and
9 enforce rules and regulations regarding:

10 (i) The management, supervision, control or
11 prohibition of exercises, athletics or games of any kind,
12 school publications, debating, forensic, dramatic,
13 musical and other activities related to the school
14 program, including raising and disbursing funds for any
15 or all of these purposes and for scholarships.

16 (ii) The organization, management, supervision,
17 control, financing or prohibition of organizations,
18 clubs, societies and groups of the members of any class
19 or school. The board may provide for the suspension,
20 dismissal or other reasonable penalty in the case of any
21 appointee, professional or other employee or student who
22 violates any of these rules or regulations.

23 (2) Any school or any class activity or organization
24 thereof, with the approval of the board, may affiliate with
25 any local, district, regional, State or national organization
26 whose purposes and activities are appropriate to and related
27 to the school program.

28 (3) The board may:

29 (i) Permit the use of school property, real or
30 personal, for the purpose of conducting any activity

1 related to the school program, or by any school or class
2 organization, club, society or group.

3 (ii) Authorize any school employee or employees to
4 manage, supervise and control the development and conduct
5 of any such activities.

6 (iii) Employ or assign any school employee to serve
7 in any capacity in connection with any of such
8 activities.

9 (IV) PARTICIPATE IN A COMMUNITY EDUCATION PROCESS <—
10 WHEREBY INDIVIDUALS, COMMUNITY GROUPS, ORGANIZATIONS AND
11 GOVERNMENT AGENCIES COOPERATE TO PROVIDE EDUCATIONAL,
12 VOCATIONAL, RECREATIONAL, CULTURAL, SOCIAL, HEALTH AND
13 OTHER RELATED SERVICES TO MEET COMMUNITY NEEDS THROUGH
14 THE USE OF EDUCATIONAL AND OTHER COMMUNITY RESOURCES.

15 (4) Notwithstanding the use of school property or
16 personnel, it shall be lawful for any school or any class or
17 any organization, club, society or group thereof to raise,
18 expend or hold funds, including balances carried over from
19 year to year, in its own name and under its own management,
20 under the supervision of the principal or other professional
21 employee of the school district designated by the board. The
22 funds shall not be the funds of the school district but shall
23 remain the property of the respective school, class,
24 organization, club, society or group. The treasurer or
25 custodian of the funds shall furnish to the school district a
26 proper bond, in such amount and with such surety or sureties
27 as the board shall approve, conditioned upon the faithful
28 performance of his duties as treasurer or custodian. The
29 premium of the bond, if any, shall be paid from the fund or
30 funds secured thereby or from the funds of the school

1 district, at the discretion of the board. The treasurer or
2 custodian shall be required to maintain an accounting system
3 approved by the board, shall deposit the funds in a
4 depository approved by the board, shall submit a financial
5 statement to the board quarterly or oftener, at the direction
6 of the board, and shall submit the accounts to be audited in
7 like manner as the accounts of the school district.

8 (5) All purchases of materials or supplies made by any
9 organization, club, society or group or by any school or
10 class in excess of \$300 shall be made upon solicitation of
11 quotations or bids from three or more responsible
12 manufacturers of or dealers in the materials or supplies.
13 These purchases shall be made from the lowest responsible
14 bidder on the basis of price, quality and service.

15 (6) The board may appropriate any moneys of the district
16 for the payment of medical and hospital expenses incurred as
17 a result of participation in such athletic events or games or
18 the practice or preparation therefor, or in transportation to
19 or from such athletic events or games or the practice or
20 preparation therefor, and for the purchase of accident
21 insurance in connection with such participation and
22 transportation.

23 (7) A governing board of any school entity shall neither
24 require nor request a waiver of liability by parents as a
25 condition of a student being permitted to take part in school
26 activities and organizations.

27 § 2303. Levy and collection of taxes.

28 Except as otherwise provided by law, the board of school
29 directors in each school district is hereby vested with all the
30 necessary authority and power annually to levy and collect, in

1 the manner provided by law, the necessary taxes required to
2 carry out its responsibilities under this title.

3 § 2304. Joint action with other government agencies.

4 In order to better or more efficiently fulfill any of the
5 duties imposed upon it by this title or to better carry out the
6 powers granted to it by this title, any board of school
7 directors may act jointly in any lawful manner with any other
8 school entity or with any other political subdivision or
9 Commonwealth agency.

10 § 2305. Furnishing information to incoming directors.

11 The board of school directors shall, through its proper
12 officers, furnish to the incoming members such information and
13 such detailed statements as may be necessary for them to carry
14 out their responsibilities under this title.

15 SUBCHAPTER B

16 SELECTION AND REMOVAL OF PERSONNEL

17 Sec.

18 2311. Appointments by governing board.

19 2312. Employment of professional and other employees.

20 2313. Removal of officers, employees and appointees.

21 2314. Removal of directors for neglect of duty.

22 § 2311. Appointments by governing board.

23 (a) General rule.--Each board of school directors may
24 appoint, as necessary, or shall appoint, as provided in this
25 chapter, the following:

26 (1) A solicitor.

27 (2) An assistant solicitor or solicitors.

28 (3) A school auditor.

29 (4) A tax collector or collectors except as otherwise
30 provided for by law.

(5) Such other appointees, clerks or staff persons as the board may deem necessary for the proper functioning of the board.

(b) Ineligibility of board members.--None of the persons appointed under subsection (a) shall be members of the board.

(c) Duties and salaries.--The board shall define in accordance with law the duties and fix the salaries of each person appointed under subsection (a).

(d) Bonds and insurance.--The board may require such bond and insurance for any or all of the persons appointed under subsection (a) as it shall deem necessary and appropriate in accordance with sections 3182 (relating to bonding of officials for performance of duties) and 3183 (relating to authorization for insurance contracts).

§ 2312. Employment of professional and other employees.

(A) GENERAL RULE.--The board of school directors in each district shall employ such qualified professional, commissioned and auxiliary personnel and substitute employees as are necessary to keep the public schools open and to effectively discharge the responsibilities vested in the board under this title.

(B) RESIDENCY REQUIREMENT.--A SCHOOL DISTRICT OF THE FIRST CLASS OR FIRST CLASS A MAY REQUIRE A NEW EMPLOYEE TO RESIDE IN THE SCHOOL DISTRICT AS A CONDITION OF EMPLOYMENT. A SCHOOL DISTRICT OF THE SECOND CLASS MAY NOT REQUIRE AN EXISTING OR NEW EMPLOYEE TO RESIDE IN THE SCHOOL DISTRICT AS A CONDITION OF CONTINUED OR INITIAL EMPLOYMENT.

§ 2313. Removal of officers, employees and appointees.

(a) General rule.--Except as otherwise provided in this title, the board of school directors in any school district

1 shall, after giving due notice and the reasons for removal and
2 after a hearing if requested, have the right at any time to
3 remove any of its officers, employees or appointees for
4 incompetency, intemperance, neglect of duty, violation of any of
5 the school laws of this Commonwealth or other improper conduct.

6 (b) Surrender of property following removal.--Upon the
7 removal by the board of any officer, employee or appointee, the
8 officer, employee or appointee shall surrender and deliver to
9 the secretary of the board or other person designated by the
10 board any and all papers, property and effects of the school
11 district in his hands at the time of such removal.

12 § 2314. Removal of directors for neglect of duty.

13 (a) Petition for removal.--If any member of a board of
14 school directors in any district either individually or
15 collectively refuses or neglects to perform any duty imposed
16 upon him under this title:

17 (1) one-tenth of 1% of the registered voters but in no
18 event less than ten resident taxpayers in the district may
19 present a petition in writing, verified by the oath or
20 affirmation of at least three of the resident taxpayers, to
21 the court of common pleas of the county in which the district
22 or the largest part in area is located, setting forth the
23 facts of the refusal or neglect of duty; or

24 (2) in the case of a distressed school district, as
25 defined in section 711 (relating to financially distressed
26 district defined), the special board of control may present a
27 petition in writing, verified by the oath or affirmation of
28 the Secretary of Education, to the court of common pleas of
29 the county in which the district or the largest part in area
30 is located, setting forth the facts of the refusal or neglect

1 of duty.

2 (b) Rule to show cause.--Upon receiving the petition, the
3 court shall grant a rule to show cause why the school director
4 or directors should not be removed from office, returnable in
5 not less than ten nor more than 20 days from the date of the
6 issuance of the rule. The school director or directors shall
7 have at least five days notice of the hearing to make the rule
8 final.

9 (c) Answer to rule and hearing.--On or before the return day
10 of the rule, the school director or directors, as the case may
11 be, either individually or jointly, shall file an answer in
12 writing under oath. If any material fact is denied, the court
13 shall hear the several parties on such matters as are contained
14 in the petition.

15 (d) Decision of court.--If no answer to the petition is
16 filed or if, upon conclusion of the hearing, the court is of the
17 opinion that any duty imposed on the board of school directors
18 which is made mandatory upon them under this title has not been
19 performed or has been neglected, the court shall have the power
20 to remove any member of the board as it shall deem proper and
21 appoint other qualified persons to replace removed directors,
22 subject to the provisions of this title.

23 (e) Imposition of costs of proceedings.--The court shall
24 impose the costs of the proceedings upon the petitioners, the
25 school directors or the school district, or may apportion the
26 costs among them as it shall deem just and proper.

27 SUBCHAPTER C

28 SELECTION OF DIRECTORS

29 Sec.

30 2341. Method of appointment or election.

1 2342. Combined districts.
2 2343. School districts divided into electoral regions.
3 2344. Number and terms of directors.
4 2345. Ineligibility to office for malfeasance, nonfeasance
5 and misfeasance.
6 2346. Qualifications for office.
7 2347. Vacancies in office.
8 2348. Vacancy for failure to qualify or attend meetings.
9 § 2341. Method of appointment or election.

10 (a) Districts of the first class.--Appointment of school
11 board members in districts of the first class shall conform to
12 the provisions of the home rule charter adopted under the former
13 provisions of the act of August 9, 1963 (P.L.643, No.341), known
14 as the "First Class City Public Education Home Rule Act," or
15 Subchapter C of Chapter 25 (relating to first class city home
16 rule districts), except that where an educational nominating
17 panel is used, it shall be subject to the provisions of section
18 105 (relating to public agency open meeting laws).

19 (b) Districts of the first class A.--Election of school
20 board members in districts of the first class A shall be by
21 popular vote as provided in section 2344(b) (relating to number
22 and terms of directors) except that members shall continue to be
23 appointed until the first elected board takes office as provided
24 in section 2344(b)(4) as follows: appointment of school board
25 members in districts of the first class A shall be made by the
26 court of common pleas of the county in which the district is
27 situated and shall be in conformity with the provisions of
28 section 2344(a). When making such appointments, the courts are
29 agencies taking formal action and shall act in accordance with
30 the act of July 19, 1974 (P.L.486, No.175), referred to as the

1 Public Agency Open Meeting Law.

2 (c) Districts of the second class.--Election of school board
3 members in districts of the second class shall be by popular
4 vote at municipal elections. Each qualified voter shall be
5 entitled to cast one vote for each school director to be elected
6 from that district or electoral region.

7 (d) Candidate for unexpired term.--A person who is a
8 candidate for election to fill an unexpired term shall not
9 simultaneously appear on the ballot as a candidate for election
10 to a full term.

11 § 2342. Combined districts.

12 (a) Selection of directors.--When two or more districts are
13 combined into one district the directors then in office in each
14 component district shall, until the end of their respective
15 terms, be directors of the newly formed district. Vacancies
16 occurring in such incumbent positions shall not be filled except
17 where the membership falls below nine. ~~Beginning with the terms~~ <—
18 ~~to be filled at the municipal election held in 1979 and each~~
19 ~~odd-numbered year thereafter, the~~ THE terms of school directors <—
20 elected shall be four years. Such school directors shall be
21 elected at large or by regions as provided in this subchapter.
22 The term of office of directors shall begin at the
23 organizational meeting following their election.

24 (b) Development of electoral region plan.--

25 (1) The interim operating committee or the board of
26 school directors may develop a plan to elect school directors
27 from regions or to elect some school directors at large and
28 some from regions. The plan may also be developed by the
29 resident electors of a school district as provided in this
30 subsection and shall have the same effect as one developed by

1 the board of school directors.

2 (2) Electors equal to at least 25% of the highest vote
3 cast for any school director in the last municipal election
4 may develop a plan to elect school directors from regions or
5 to elect some school directors from regions and some from the
6 school district at large. Plans proposed by electors shall be
7 subject to the same requirements as plans proposed by the
8 board of school directors.

9 (3) The plan for the division of the school district
10 shall conform to the provisions of section 2343 (relating to
11 school districts divided into electoral regions).

12 (c) Interim planning committee.--The incumbent school
13 directors may serve as the planning committee or may select from
14 their membership a planning committee to prepare the budget and
15 perform the necessary administrative functions for the
16 establishment of the new district.

17 § 2343. School districts divided into electoral regions.

18 (a) Electoral districts in districts of the first class A.--

19 (1) In each school district of the first class A, a
20 School Director District Apportionment Commission shall be
21 constituted for the purpose of establishing an odd number not
22 less than seven nor more than 15 school director districts
23 within the first class A school district by assigning each
24 election district within the school district into one of the
25 school director districts. The commission shall select that
26 odd number of districts from seven to 15 which will best
27 provide for racial balance and proportional representation of
28 all segments of the population at the time of the
29 apportionment. The school director districts shall be
30 compact, contiguous and as nearly equal in population as

1 practicable.

2 (2) The commission shall consist of six members, two to
3 be appointed by the mayor of the most populous municipality
4 in the school district, three by the city council of such
5 municipality and one by the mayor of any other municipality
6 in the school district with the approval of the legislative
7 body thereof. The commission shall elect one of its members
8 chairman and shall act by a majority of its entire
9 membership. If any of the appointing authorities fails to
10 make any or all of the appointments within 15 days after the
11 effective date of this title, the appointment or appointments
12 shall be made by the court of common pleas.

13 (3) No later than 45 days after the commission has been
14 duly certified, the commission shall file an apportionment
15 plan with the county board of elections to be submitted to
16 the voters of the district at the next primary election
17 occurring not less than 91 days after the plan is filed with
18 the county board and at which primary election the candidates
19 for members of the school board shall be nominated.

20 (4) Each year following the year in which the Federal
21 census data is officially reported, a School Director
22 District Reapportionment Commission shall be constituted in
23 like manner and with like composition as the initial School
24 Director District Apportionment Commission ~~in this section~~ <—
25 ~~set forth~~. The commission shall file its plan no later than
26 45 days after either the commission has been duly certified
27 or the population data for the first class A school district
28 as determined by the Federal decennial census are available,
29 whichever is later.

30 (5) The school district shall appropriate sufficient

1 funds for the compensation and expenses of members and staff
2 appointed by the apportionment and reapportionment
3 commissions and other necessary expenses. The members of the
4 commissions shall be entitled to such compensation for their
5 services as the school district from time to time shall
6 determine but no part of the compensation shall be paid until
7 a plan is filed.

8 (6) If an apportionment or reapportionment plan is not
9 filed by the commission within the time prescribed by this
10 section, the court of common pleas of the county in which the
11 district is located shall immediately proceed on its own
12 motion to apportion or reapportion the school director
13 districts.

14 (7) Any apportionment or reapportionment plan, filed by
15 any commission or prepared by the court of common pleas of
16 the county in which the district is located upon the failure
17 of the commission to act, shall be published by the county
18 board of elections once in at least one newspaper of general
19 circulation in the most populous municipality of the school
20 district, which publication shall contain a map of the school
21 district showing the complete apportionment or
22 reapportionment of the school director districts. The
23 publication shall also state the population of the school
24 director districts having the smallest and largest population
25 and the percentage variation of such districts from the
26 average population for such districts.

27 (8) The county board of elections shall place upon the
28 ballot to be submitted to the voters of each first class A
29 school district under the act of June 3, 1937 (P.L.1333,
30 No.320), known as the "Pennsylvania Election Code," the

1 following question:

2 Shall the apportionment plan submitted by the School
3 Director District Apportionment Commission for the
4 election of members of the board of public education
5 of the School District of (Name) be approved?

6 In the event the voters reject the apportionment plan, the
7 nomination of school directors under this section shall be
8 void and the present board shall continue. But a second
9 referendum, upon the petition of 15% of the registered voters
10 of the school district, may be held after two years from the
11 date of the first election.

12 (b) Optional electoral district plans.--The optional plan to
13 elect school directors from regions or to elect some school
14 directors at large and some from regions described in section
15 2342 (relating to combined districts) shall be as follows:

16 (1) The boundaries of the regions shall be fixed and
17 established in such manner that the population of each region
18 shall be as nearly equal as possible and shall be compatible
19 with the boundaries of election districts. The plan for the
20 division of the school district shall be submitted for
21 approval to the court of common pleas. If approved by the
22 court, the prothonotary shall certify the regional boundaries
23 contained in the plan to the county board of elections. In
24 the event of any division, redivision, alteration, change or
25 consolidation of election districts which renders regional
26 boundaries incompatible with the boundaries of election
27 districts, a new plan shall be developed and submitted for
28 court approval in like manner. Any proposed change in an
29 approved plan, including abolition of regional
30 representation, shall be submitted for approval to the court

1 of common pleas by the board of school directors or by a
2 petition of the resident electors within the district. Where
3 a region plan is approved, school directors who reside in
4 each region shall be elected by and from each region. At all
5 times each region shall be represented by directors elected
6 or appointed from that region. Where a combination at large
7 and region plan is approved, all regions shall have an equal
8 number of school directors who reside in each region and who
9 shall be elected or appointed by and from each region. At all
10 times each region shall be represented by a director or
11 directors elected or appointed from that region. All plans
12 shall provide that three school directors shall be elected at
13 each municipal election. In a combination at large and region
14 plan, the number of regions shall be three. In a region plan
15 not combining at large directors, the number of regions shall
16 be three or nine.

17 (2) In any case where the newly established school
18 district is situated in two or more counties, the plan for
19 regional representation shall be submitted for approval to
20 the court of common pleas of the county in which the largest
21 part in area of the land affected is situated, which court
22 shall have exclusive jurisdiction over the matter.

23 § 2344. Number and terms of directors.

24 (a) Districts of the first class.--In school districts of
25 the first class the number of directors on the Board of Public
26 Education and their terms of office shall be determined under
27 the provisions of the home rule charter adopted under the former
28 provisions of the act of August 9, 1963 (P.L.643, No.341), known
29 as the "First Class City Public Education Home Rule Act," or
30 Subchapter C of Chapter 25 (relating to first class city home

1 rule districts).

2 (b) Districts of the first class A.--

3 (1) In each school district of the first class A, the
4 school board shall be known as the "Board of Public
5 Education" and shall consist of an odd number of members not
6 less than seven nor more than 15 school directors, to be
7 elected by the qualified voters of the school district by
8 specified districts.

9 (2) There shall be a corresponding odd number not less
10 than seven nor more than 15 separate districts for each of
11 which only one candidate shall be elected. Each candidate
12 shall be nominated only for the specified district in which
13 he resides and each elected member shall represent only a
14 specified district in which he resides, such districts to be
15 constituted as set forth in section 2343(a) (relating to
16 school districts divided into electoral regions).

17 (3) All elected members shall serve for a term of four
18 ~~years except that the three, four, five, six or seven members~~ <—
19 ~~elected at the initial election in even numbered school~~
20 ~~director districts shall serve for two years. In the event~~
21 ~~the first election occurs in an even numbered year, the terms~~
22 ~~of the initial members shall be increased by one year so that~~
23 ~~future elections can be held in odd numbered years.~~

24 ~~(4) The terms of existing appointed board members shall~~
25 ~~terminate on the first Monday of December in 1976 or in any~~
26 ~~subsequent year in which the initial elected members are~~
27 ~~elected at which time the terms of all members to be elected~~
28 ~~as shall be deemed to begin. Thereafter the terms of all~~
29 YEARS. <—

30 (4) THE TERMS OF ALL elected members shall expire on the

1 first Monday of December in the year in which the length of
2 term to which such members shall have been elected has been
3 served.

4 ~~(5) Until the initial members are elected, the board~~ <—
5 ~~shall consist of 15 school directors whose terms of office~~
6 ~~shall be six years. The terms of five of the members shall~~
7 ~~expire on the second Monday of November of each odd numbered~~
8 ~~year. The court of common pleas of the county in which the~~
9 ~~school district is situated shall, in October of every odd-~~
10 ~~numbered year, appoint five members for terms of six years.~~
11 ~~Their terms of office shall begin on the second Monday of~~
12 ~~November next following their appointment.~~

13 (c) Districts of the second class.--In each school district
14 of the second class, there shall be a board of nine school
15 directors who, except as otherwise provided in this title, shall
16 be elected at large for terms of four years.

17 § 2345. Ineligibility to office for malfeasance,
18 nonfeasance and misfeasance.

19 (a) Malfeasance.--Any person who has held any office or
20 position of trust or profit under the laws of the United States
21 or of this Commonwealth or in any political subdivision and has
22 been removed therefrom for any malfeasance in office shall not
23 be eligible to the office of school director.

24 (b) Nonfeasance and misfeasance.--Any person removed from
25 the office of school director for neglect of duty under section
26 2314 (relating to removal of directors for neglect of duty) or
27 removed under section 2313 (relating to removal of officers,
28 employees and appointees) shall not be eligible again as a
29 school director for the period of eight years from the date of
30 removal.

1 § 2346. Qualifications for office.

2 (a) General rule.--Any qualified elector of the school
3 district shall be eligible to the office of school director of
4 the school district if he has been a resident of the district
5 for at least one year prior to his election or appointment
6 except that any person holding any office or position of profit
7 under the government of any city of the first class, or any
8 elective office in any other political subdivision, shall not be
9 eligible to the office of school director.

10 (b) Eligibility of school entity or community college
11 employee.--A person employed in a school entity or community
12 college may serve as a board member in another school entity or
13 community college but a person employed by a school entity or
14 community college shall not be eligible to serve as a board
15 member for his employing school entity or community college AND <—
16 SHALL NOT BE ASSIGNED TO A POSITION OF EMPLOYMENT UNDER THE
17 SUPERVISION OF THE SCHOOL DISTRICT IN WHICH HE SERVES AS A BOARD
18 MEMBER.

19 (C) ELIGIBILITY OF CIVIL SERVICE EMPLOYEES.--NOTWITHSTANDING
20 ANYTHING IN THIS SECTION OR ANY OTHER STATUTE TO THE CONTRARY,
21 NO PERSON SHALL BE DEEMED INELIGIBLE FOR THE OFFICE OF SCHOOL
22 DIRECTOR SOLELY ON THE BASIS THAT THE PERSON IS A MEMBER OF THE
23 CLASSIFIED SERVICE UNDER ANY APPLICABLE STATE CIVIL SERVICE LAW.

24 § 2347. Vacancies in office.

25 (a) Districts of the first class.--In case any vacancy
26 occurs in any board of school directors of the first class by
27 reason of death, resignation, removal from the district or
28 otherwise, it shall be filled in accordance with provisions of
29 the home rule charter adopted under the former provisions of the
30 act of August 9, 1963 (P.L.643, No.341), known as the "First

1 Class City Public Education Home Rule Act," or Subchapter C of
2 Chapter 25 (relating to first class city home rule districts).

3 (b) Districts of the first class A.--In school districts of
4 the first class A the mayor of the most populous municipality
5 contained in the school district shall fill any vacancy from the
6 same school director district in which the vacancy occurred
7 until the first Monday in December following the next municipal
8 primary occurring 120 days after the vacancy occurred. Until the
9 first elected board takes office, the vacancy shall be filled
10 for the unexpired term by the court of common pleas of the
11 county in which the school district is situated.

12 (c) Districts of the second class.--In school districts of
13 the second class, vacancies shall be filled as follows:

14 (1) The remaining members of the board of school
15 directors shall fill the vacancy within 30 days of its
16 occurrence. The person selected to fill the vacancy shall
17 hold his office, if the term thereof so long continues, until
18 the organizational meeting after the first municipal election
19 occurring more than 60 days after the appointment. At the
20 municipal election an eligible person shall be elected for
21 the remainder of the unexpired term. If, by reason of a tie
22 vote or otherwise, the vacancy shall not have been filled by
23 the board of school directors within 30 days after the
24 vacancy occurred, the court of common pleas of the proper
25 county, upon the petition of ten or more resident taxpayers,
26 shall fill such vacancy by the appointment of a suitable
27 person, if the term of the vacant office so long continues,
28 until the organizational meeting after the first municipal
29 election occurring more than 60 days after the appointment.

30 At the municipal election an eligible person shall be elected

1 for the remainder of the unexpired term.

2 (2) If at any time vacancies exist or occur in the
3 membership of a majority of the members of a board of school
4 directors of a second class district, the court of common
5 pleas of the county in which such district or the largest
6 part in area thereof is located shall, after ten days from
7 the time the vacancies exist or occur, appoint qualified
8 persons who shall serve, if the terms thereof continue so
9 long, until the organizational meeting after the first
10 municipal election occurring more than 60 days after their
11 appointment at which election a board of school directors for
12 such district shall be elected for the remainder of the
13 respective unexpired terms.

14 (3) Whenever a vacancy of the entire membership of a
15 board of school directors in any school district of the
16 second class occurs, the superintendent of the district shall
17 carry on the business of the district in accordance with
18 provisions of the school laws of this Commonwealth, subject
19 to the supervision of the ~~Secretary of Education~~ DEPARTMENT, <—
20 and may continue in charge thereof until a board of school
21 directors has been appointed and has qualified.

22 (d) Temporary vacancy during military service.--When any
23 member of any board of school directors enlists or is inducted
24 into the armed forces of the United States in time of war, a
25 temporary vacancy shall be declared which shall be filled by the
26 remaining members of the board or the court, as the case may be,
27 until the return of the member of the board from military
28 service or until the expiration of the term for which the member
29 shall have been elected, whichever first occurs.

30 § 2348. Vacancy for failure to qualify or attend meetings.

1 (a) Failure to qualify.--If any person elected or appointed
2 as school director, who has been notified of his election or
3 appointment, shall refuse or neglect to qualify as such director
4 within ten days next succeeding the beginning of his term of
5 office, the remaining members of the board, by a majority vote,
6 may declare his office as director vacant.

7 (b) Failure to attend meetings.--If any person having
8 qualified as a school director of a district and any qualified
9 school director who is a member of an intermediate unit board or
10 area vocational-technical school board shall neglect or refuse
11 to attend three successive regular meetings of the governing
12 board in question, unless prevented by sickness, necessary
13 absence from district or other pressing responsibilities, or if
14 in attendance at any meetings shall neglect or refuse to act in
15 his official capacity as a school director of the governing
16 board in question, the remaining members of the board in
17 question, by a majority vote, may declare his office as director
18 on that board vacant.

19 SUBCHAPTER D

20 ORGANIZATION OF BOARD

21 Sec.

22 2371. Enumeration of officers.

23 2372. President.

24 2373. Vice president.

25 2374. Secretary.

26 2375. Assistant secretary.

27 2376. Business administrator.

28 2377. Treasurer.

29 2378. Corporation as treasurer.

30 2379. Assistant treasurer.

1 2380. President and secretary pro tempore.

2 2381. Organization meetings.

3 2382. First class city home rule districts.

4 § 2371. Enumeration of officers.

5 The officers of boards of school directors shall include a
6 president, vice president, secretary and treasurer and may
7 include an assistant secretary or secretaries, an assistant
8 treasurer or treasurers, a president pro tempore and a secretary
9 pro tempore.

10 § 2372. President.

11 (a) Duties.--The president shall be the presiding officer of
12 the board of school directors and as such shall:

13 (1) Preside at all meetings.

14 (2) Execute, when directed by the board, any and all
15 deeds, contracts, warrants to tax collectors, reports and
16 other papers pertaining to the business of the board and
17 requiring the signature of the president.

18 (3) Approve an order on the treasurer for the payment of
19 any bill or account approved by the board.

20 (4) Perform such other duties as the board may direct
21 and as pertain to the office of the president.

22 (b) Member of board.--The president shall be elected from
23 the membership of the board of school directors.

24 § 2373. Vice president.

25 (a) Duties.--The vice president shall, in the absence or
26 disability of the president, perform the duties and exercise the
27 powers of the president.

28 (b) Member of board.--The vice president shall be elected
29 from the membership of the board of school directors.

30 § 2374. Secretary.

(a) Duties.--The secretary of the board of school directors shall:

(1) Keep a correct and proper record of all the proceedings of the board and prepare such reports as are required by the provisions of this title.

(2) Attest and, if authorized by the board, execute on its behalf all deeds, contracts, reports and other instruments that are to be executed by the board.

(3) Furnish, whenever requested, any and all reports concerning the affairs of the board of school directors on such forms, and in such manner, as the State board or the department may require.

(4) Be the custodian of the official minutes of the board and the official seal of the school district and at the expiration of his term turn the same over to his successor.

(5) Perform the duties of the school business administrator as provided in section 2376 (relating to business administrator) if the board does not designate a school business administrator.

(6) Perform such other duties of the board as are required by this title or as the board may direct.

(b) Member of board.--In school districts of the first class and first class A, the secretary shall not be a member of the board of school directors. In school districts of the second class, the secretary may be a member of the board of school directors so long as he is not also the school business administrator provided for in section 2376.

(c) Compensation.--The secretary of the board of school directors may receive for services rendered such reasonable compensation as the board shall fix.

1 § 2375. Assistant secretary.

2 The assistant secretary or secretaries shall assist the
3 secretary as requested and, in the absence or disability of the
4 secretary, shall perform the duties and exercise the powers of
5 the secretary.

6 § 2376. Business administrator.

7 (a) Duties.--The board of school directors may designate a
8 school business administrator after the board has requested from
9 the superintendent one or more recommendations of a person to
10 fill the position. The business administrator shall:

11 (1) Have general responsibility for all business aspects
12 of the school district subject to the rules and regulations
13 of the board.

14 (2) Prepare and sign an order on the treasurer for the
15 payment of bills on account legally approved by the board.
16 The business administrator may prepare and sign orders on the
17 treasurer for the payment of amounts owing under any
18 contracts which shall previously have been approved by the
19 board, and by the prompt payment of which the district will
20 receive a discount or other advantage, without first securing
21 the approval of the board.

22 (3) Perform such other duties of the board as directed
23 by the superintendent of schools.

24 (b) Nonmember of board.--The school business administrator
25 shall not be a member of the board of school directors but may
26 be elected to the office of secretary and may be an employee of
27 the district with other responsibilities.

28 § 2377. Treasurer.

29 (a) Duties.--The treasurer shall:

30 (1) Receive and account for all Commonwealth

1 appropriations, district school taxes and other funds
2 belonging to the school district.

3 (2) Insure that all funds belonging to the school
4 district are deposited in the school depositories.

5 (3) Make payments on proper orders approved by the board
6 and signed by the president and the secretary.

7 (4) Cause to be kept complete and accurate accounts of
8 all financial transactions of the school district.

9 (5) Report monthly to the board on the amount of funds
10 received and disbursed during the month.

11 (6) Settle accounts of the treasurer annually with the
12 board for each fiscal year.

13 (7) Perform such other duties as the board may direct or
14 may be required by law.

15 (8) Pay promptly at the end of the term of office of
16 treasurer to the successor in office the balance of any and
17 all funds remaining in the school district accounts and
18 deliver to the successor all books, accounts and other
19 property of the school district in the possession of the
20 treasurer.

21 (b) City treasurer as treasurer.--In school districts of the
22 first class and first class A the board shall elect the
23 treasurer of the city constituting all or the greater part of
24 the school district as the treasurer for the ensuing fiscal
25 year.

26 (c) Compensation.--The treasurer of the board of a first
27 class or first class A school district may receive for services
28 rendered such reasonable compensation as the board shall fix. In
29 school districts of the second class where board members serve
30 as the treasurer, such board member shall receive no

1 compensation except reimbursement for actual and necessary
2 expenses incurred in his activities as treasurer and as board
3 member.

4 § 2378. Corporation as treasurer.

5 The treasurer may be any corporation duly qualified and
6 legally authorized to transact a fiduciary business in this
7 Commonwealth.

8 § 2379. Assistant treasurer.

9 The assistant treasurer shall assist the treasurer as
10 requested and, in the absence or disability of the treasurer,
11 shall perform the duties and exercise the powers of the
12 treasurer.

13 § 2380. President and secretary pro tempore.

14 In the absence of both the president and vice president, or
15 of the secretary and the assistant secretary, the board of
16 school directors may elect a president pro tempore or secretary
17 pro tempore for such meeting only and the appointment of the
18 temporary officer shall be noted on the minutes of the meeting.

19 § 2381. Organization meetings.

20 (a) Organization.--The board of school directors in every
21 school district of this Commonwealth shall meet annually to
22 effect a permanent organization of the board of school
23 directors. Notwithstanding section 2391(b) (relating to quorum
24 and voting), a plurality of the votes cast for election of
25 officers shall be sufficient for election.

26 (b) Districts of the first class.--In school districts of
27 the first class, the annual organization meeting shall be held
28 during December, at which meeting the directors shall elect a
29 president, vice president and secretary who shall begin their
30 terms immediately.

1 (c) Districts of the first class A.--In school districts of
2 the first class A, the annual organization meeting shall be held
3 annually on the first Monday of December, at which meeting the
4 directors shall elect a president, vice president and secretary
5 to serve until the first Monday in December of the ensuing
6 calendar year.

7 (d) Districts of the second class.--In school districts of
8 the second class, the school directors shall effect an
9 organization as follows:

10 (1) Each year, at the first meeting in December, the
11 board shall elect a president and a vice president to serve
12 until the first meeting in December of the ensuing calendar
13 year.

14 (2) Annually, during the month of May, the directors
15 shall elect a treasurer to serve for a term of one year
16 beginning July 1 following the election.

17 (3) ~~Beginning in the year 1977 and every four years~~ <—
18 ~~thereafter~~ EVERY FOUR YEARS, during the month of May, the <—
19 directors shall elect a person to serve as secretary for a
20 term of four years beginning July 1 following the election.

21 (e) Filling vacancies.--Vacancies occurring in the offices
22 of president, vice president, secretary and treasurer shall be
23 filled for the unexpired term.

24 (f) Holding two offices.--The same person shall not hold at
25 the same time more than one of the offices enumerated in this
26 section.

27 (g) Employees as officers.--No employee of the board of
28 school directors, ~~except the secretary, treasurer, assistant~~ <—
29 ~~secretary and assistant treasurer,~~ shall serve as an officer of
30 the board of school directors by which he is employed OTHER THAN <—

1 THE OFFICE OF SECRETARY, TREASURER, ASSISTANT SECRETARY AND
2 ASSISTANT TREASURER.

3 (h) Notice of meeting.--All members of the board of school
4 directors, including those persons newly elected or appointed to
5 the board, shall be given five days written notice by the
6 secretary of the board of the time and place of the organization
7 meeting.

8 (i) Organization of board.--If a quorum is present, the
9 meeting shall be organized as provided in this subsection. There
10 shall be elected from the holdover members a temporary
11 president. The secretary of the board shall serve as secretary
12 of the organization meeting. The certificates of election or
13 appointment of any new members and a list of legally qualified
14 directors shall be duly recorded. New members shall take and
15 subscribe to the oath of office as required by this part. After
16 the new members have been sworn, the temporary president shall
17 effect the permanent organization as provided in this section.
18 § 2382. First class city home rule districts.

19 To the extent that the provisions of this subchapter are
20 inconsistent with a home rule charter adopted for school
21 district in cities of the first class in accordance with the
22 former provisions of the act of August 9, 1963 (P.L.643,
23 No.341), known as the "First Class City Public Education Home
24 Rule Act," or Subchapter C of Chapter 25 (relating to first
25 class city home rule districts), the home rule charter shall
26 govern.

27 SUBCHAPTER E

28 CONDUCT OF BUSINESS

29 Sec.

30 2391. Quorum and voting.

1 2392. Regular and special meetings.

2 § 2391. Quorum and voting.

3 (a) Quorum.--A quorum shall be necessary to conduct meetings
4 and transact school business.

5 (b) Voting.--An affirmative vote of a majority of all
6 legally qualified members of the board of school directors,
7 showing in the board minutes how each member voted, shall be
8 required to take action on all matters except as otherwise
9 provided in this title.

10 (c) Effect of noncompliance.--Failure to comply with the
11 provisions of this section shall render acts of the board of
12 school directors void and unenforceable.

13 § 2392. Regular and special meetings.

14 (a) Regular meetings.--The board of school directors shall
15 hold regular meetings at the times and places specified by the
16 board in order to carry out its responsibilities under this
17 title.

18 (b) Special meetings.--Special meetings of the board of
19 school directors may be called at any time by the president or
20 upon written request to the president by any three members of
21 the board. Should the president fail or refuse to act upon the
22 written request of three members, a special meeting may be
23 called at any time by a majority of the legally qualified
24 members of the board.

25 (c) Notice of meetings.--Members shall have reasonable
26 notice of all special meetings and the board may adopt
27 reasonable rules directing the kind and length of notice of the
28 meetings of the board that shall be given to its members by the
29 secretary.

30 (d) Matters considered at special meetings.--No business

1 shall be transacted at any special meeting except that specified
2 in the call letter. Special meetings may be called for general
3 purposes.

4 (e) Time for public comment.--Every board of school
5 directors shall set aside time on the meeting agenda for public
6 comment. The boards may adopt regulations relating to placement
7 and duration of this public comment time period.

8 CHAPTER 25

9 SCHOOL DISTRICTS

10 Subchapter

11 A. General Provisions

12 B. Boundary Changes and Annexation

13 C. First Class City Home Rule Districts

14 SUBCHAPTER A

15 GENERAL PROVISIONS

16 Sec.

17 2501. How constituted.

18 2502. Status and powers.

19 2503. Classification.

20 2504. Change of classification.

21 2505. Corporate seal.

22 § 2501. How constituted.

23 All school districts shall remain as now constituted until
24 changed as authorized by this title.

25 § 2502. Status and powers.

26 (a) General rule.--The school districts in this Commonwealth
27 shall be, and hereby are vested as, bodies corporate with all
28 necessary powers to enable them to carry out the provisions of
29 this title.

30 (b) Suits and service of process.--Each school district

1 shall have the right to sue and be sued in its corporate name.

2 Legal process against any school district shall be served on the
3 president or secretary of the board of school directors.

4 § 2503. Classification.

5 There shall be three classes of school districts according to
6 population as follows:

7 (1) Each school district having a population of
8 1,000,000 or more shall be a school district of the first
9 class.

10 (2) Each school district having a population of 350,000
11 or more but less than 1,000,000 shall be a school district of
12 the first class A.

13 (3) Each school district having a population of less
14 than 350,000 shall be a school district of the second class.

15 § 2504. Change of classification.

16 (a) General rule.--Whenever it shall appear that the
17 population of any school district is such that it should be
18 included in another class of school district, the department,
19 upon receiving the appropriate population data as the department
20 shall require, shall make the necessary change of classification
21 and issue a certificate to the school district notifying it of
22 the change in class.

23 (b) Effective date of change.--A change in classification of
24 a school district shall take effect upon the beginning of the
25 next fiscal year after the certificate has been issued under
26 subsection (a).

27 § 2505. Corporate seal.

28 Each school district in this Commonwealth may, by a majority
29 vote of the members of the board of school directors of the
30 district, adopt a corporate seal for the use of the district.

1 The seal shall have engraved thereon the following: "School
2 District of (Name), Pennsylvania" or "(Name) School District of
3 Pennsylvania" and such other inscription or design as the board
4 of school directors may direct.

5 SUBCHAPTER B

6 BOUNDARY CHANGES AND ANNEXATION

7 Sec.

8 2531. Voluntary combination of school districts.

9 2532. Adjustment of property and obligations of combined
10 districts.

11 2533. Change of boundaries following municipal annexation.

12 2534. Fiscal powers pending change of boundaries.

13 2535. Temporary special tax levies in partitioned districts.

14 2536. Annexation to first class or first class A districts.

15 2537. Establishment of transfer districts.

16 2538. Adjustment of property and obligations of annexed
17 districts.

18 2539. Effective date of changes in districts.

19 § 2531. Voluntary combination of school districts.

20 (a) General rule.--Upon approval by a majority of the
21 membership of each board of school directors and upon approval
22 by the State board, any two or more contiguous school districts
23 may combine to create a larger school district.

24 (b) Referendum.--No combination shall be approved by the
25 State board unless it has been approved by the electors of each
26 district by referendum. Referenda shall be held as provided by
27 law for the approval of incurring indebtedness by referendum.

28 § 2532. Adjustment of property and obligations of combined
29 districts.

30 (a) Property and indebtedness.--All real and personal

1 property, indebtedness and rental obligations to an approved
2 building authority or nonprofit corporation, if any, of former
3 school districts forming a new school district, shall become the
4 property, indebtedness and rental obligations of the newly
5 constituted school district. All rights of creditors against any
6 of the component former school districts shall be preserved
7 against the new school district. All property vested in the
8 component former school districts, all debts and taxes owing to
9 the component former school districts uncollected in the several
10 component former school districts, and all moneys in the
11 treasuries of the component former school districts shall be
12 paid to the treasurer of the newly constituted school district.

13 (b) Operating obligations.--All operating obligations of any
14 component former school district contracted for concurrent
15 operating expenses ~~after June 30, 1966~~, shall continue to be an <—
16 obligation of the taxable property within the former component
17 school district. In levying and assessing taxes for the first
18 fiscal year of operation and for each subsequent fiscal year,
19 the board of school directors of the newly established school
20 districts shall levy and assess upon the taxable property within
21 the component former school district a tax in addition to all
22 other school district taxes in an amount sufficient to discharge
23 the obligation for operating expenses in a period of ten years.

24 § 2533. Change of boundaries following municipal annexation.

25 (a) Notice of annexation.--Whenever territory is annexed to
26 any municipality comprising in whole or in part an existing
27 school district of the second class, a certified copy of the
28 order of annexation, agreement, ordinance or vote of the
29 electors effecting such annexation shall be forwarded within ten
30 days to the secretary. The document or documents shall be mailed

1 to the secretary by the prothonotary of the court granting the
2 decree or by any other proper officer.

3 (b) Boundary change application and hearing.--The receipt of
4 the certified copy shall be deemed an application for the change
5 in the boundaries of an existing school district and the
6 secretary shall, within 60 days thereafter, notify the school
7 districts which will be affected that an application has been
8 received and that a time and place for hearing the application
9 will be determined upon receipt of request from any district
10 affected. If no such request is filed within 30 days, the State
11 board may certify approval of the application without a hearing
12 if the boundaries of the affected school district or districts
13 were coextensive with the boundaries of the affected
14 municipalities before the annexation took place. If the
15 boundaries were not coextensive, the State board may disapprove
16 the application without a hearing. At the hearing, if one is
17 requested, the proper officials of or the counsel for the
18 districts shall present to the State board or its designated
19 representatives the reasons for approval or disapproval of the
20 application, and the State board shall then determine whether
21 such change in the boundaries of an existing school district is
22 desirable and whether the welfare of the students within the
23 territory affected thereby will be promoted by the change in the
24 boundaries of such existing district.

25 (c) Approval of application.--If the State board approves
26 the application, it shall certify its findings and its approval
27 of the change in such existing district thereon and transmit a
28 certified copy of the approval to the clerk of the courts or
29 other proper officer from whom the application was received who
30 shall file the certification with the documents of the original

1 proceedings.

2 (d) Disapproval of application.--If, in the judgment of the
3 State board, the application should not be granted, it shall
4 endorse "Not Approved" on the application and transmit a
5 certified copy of the disapproval to the clerk of the courts or
6 other proper officer from whom the application was received, who
7 shall file the certification with the documents of the original
8 proceedings.

9 (e) Appeal from decision.--Appeals from the decision of the
10 State board shall be made in accordance with Title 2 (relating
11 to administrative law and procedure).

12 § 2534. Fiscal powers pending change of boundaries.

13 While proceedings are pending in court for the changing of
14 any boundary lines of any school district of the second class,
15 the board of school directors in every school district to be
16 affected by the change of boundary lines shall be permitted to
17 levy and assess a school tax and incur debts for the purpose of
18 purchasing ground or constructing or enlarging a school building
19 in the same manner as though the proceedings were not pending in
20 court for the changing of any boundary lines.

21 § 2535. Temporary special tax levies in partitioned districts.

22 When it is shown to the appropriate court of common pleas
23 that, by reason of the partition of any school district and the
24 apportionment of the debts of the original district, the debts
25 of the school district exceed the amount which the board of
26 school directors may collect in any year by taxation, the court,
27 after ascertaining the amount of indebtedness of the school
28 district, may direct the board of school directors to collect by
29 special taxation an amount sufficient to pay the debts. If the
30 amount of indebtedness is so large as to render it inadvisable

1 to collect the taxes in any one year, taking into consideration
2 other necessary taxation, the court may direct the taxes to be
3 levied and collected by annual installments and may order the
4 special taxes to be levied and collected during such successive
5 years as may be required for the payment of the debts. The
6 special tax shall be subject to the same penalties for
7 nonpayment, and shall be computed and collected in the same
8 manner, as other taxes.

9 § 2536. Annexation to first class or first class A districts.

10 Whenever the territory comprising a school district of the
11 second class is annexed to a city comprising a school district
12 of the first class or of the first class A, the annexed school
13 district shall immediately become a part of the school district
14 of the first class or first class A.

15 § 2537. Establishment of transfer districts.

16 (a) Definitions.--As used in this section the following
17 words and phrases shall have the meanings given to them in this
18 subsection:

19 "Contiguous territory." A geographic area adjacent to and
20 sharing a common boundary with one or more school districts
21 other than the one in which it is located.

22 "Transfer district." An independent district created for the
23 sole purpose of transferring a contiguous territory from one
24 existing school district to an adjacent school district using
25 procedures provided in this section.

26 (b) Petition for establishment.--A majority of the eligible
27 voters of any contiguous territory may present a petition for
28 establishment of a transfer district to the State board. Where
29 the territory described in the petition is to be taken from two
30 or more school districts, the petition shall be signed by a

1 majority of all the eligible voters of the part of each school
2 district which is to be included in the transfer district. The
3 petition shall set forth a proper description of the boundaries
4 of the territory to be included in the proposed transfer
5 district together with the reasons for requesting the transfer
6 to another school district and shall include the name of the
7 school district into which transfer of the territory is desired.

8 (c) Hearing on petition.--Upon receipt of the petition
9 properly filed, the State board shall notify or cause to be
10 notified within ten days all school districts which would be
11 affected by the granting or denial of the petition that a
12 hearing will be held on the petition. An opportunity to be heard
13 shall be given to all affected parties in accordance with Title
14 2 (relating to administrative law and procedure).

15 (d) Approval of petition.--If, in the judgment of the State
16 board, the petition should be approved, the State board shall
17 issue an order establishing a transfer district. In the order,
18 the State board shall determine, after consultation with all
19 parties, the amount, if any, of the indebtedness and obligations
20 of the school district from whose territory the transfer
21 district is taken that the transfer district shall assume and
22 pay. The State board shall prorate the Commonwealth subsidies
23 payable between or among the losing district or districts and
24 the receiving district and shall determine the disposal of all
25 real and personal property. A transfer district created under
26 the provisions of this section shall not become an operating
27 school district but is created for transfer of territory only.
28 If the petition is approved, the State board shall assign the
29 transfer district to the designated school district.

30 (e) Costs of proceedings.--In all cases where the

proceedings result in the transfer, the cost of the proceedings shall be paid by the petitioners or by the receiving district.

(f) Appeal from decision.--Appeals from the decision of the State board shall be made in accordance with Title 2.

§ 2538. Adjustment of property and obligations of annexed districts.

(a) Amicable adjustment.--In any case where land annexed to one school district is made a part of the district in which it is located, the school districts to which land has been annexed or from which land has been taken shall make a just and proper adjustment and apportionment of all school property, real and personal, including funds, as well as indebtedness, and rental obligations to an approved school building authority, if any, to and among the school districts. The adjustment and apportionment shall take effect at the beginning of the fiscal year following approval by the State board of the change of boundaries for school purposes.

(b) Adjustment by court upon petition.--In case the boards of school directors of the several school districts cannot make amicable apportionment and adjustment of their property, indebtedness and rental obligations to an approved school building authority, before or during the first fiscal year beginning after any change in their boundary lines is made, any one of the school districts may, at any time within the succeeding fiscal year, present its petition to the court of common pleas of the county in which the school district is located. The court shall appoint a review board of three disinterested resident taxpayers of the county, who shall not reside in either of the districts whose boundary lines are changed. The review board, after a hearing, shall make a report

1 to the court making an apportionment and adjustment according to
2 the provisions of this section. The report shall state the
3 amount, if any, that shall be due and payable from one district
4 to another, as well as the amount of indebtedness, including
5 rental obligations to an approved school building authority, if
6 any, that shall be assumed by any district. Due notice of the
7 hearing shall be given to the several districts interested as
8 the court may direct. The review board shall give the several
9 districts interested at least five days notice of the filing of
10 the report. Unless exceptions are filed to the report by any
11 district interested within 30 days after the date of filing, the
12 report shall be confirmed by the court absolutely. Any sum
13 awarded or debt apportioned by the report to any school district
14 shall be a legal and valid claim in its favor against the school
15 district charged therewith. Upon the report of the review board
16 being confirmed, the claims or indebtedness charged against any
17 school district may be collected in the same manner as a
18 judgment is collected against a school district. In case
19 exceptions are filed to the report of the review board, the
20 court shall dispose of the same, taking any testimony therein it
21 deems advisable. The decision of the court thereon shall be
22 final and binding on the several districts.

23 (c) Costs of proceedings.--The review board shall be paid
24 all necessary expenses and receive such fees as the court
25 determines. All costs and expenses of the proceeding shall be
26 apportioned by the court to and among the several school
27 districts as it shall deem proper.

28 (d) Adjustment by court in equity.--If the respective school
29 districts shall neglect or refuse to petition the court for the
30 appointment of a review board to secure an apportionment and

1 adjustment within the period of the second year, either of the
2 school districts or 10% of the eligible voters within either of
3 the school districts may file a complaint in equity at any time
4 within six years from the date of the change in boundary lines,
5 in the name of the school district or for the use of the school
6 district, against the other school district, in the court of
7 common pleas of the proper county, to have such indebtedness
8 apportioned and adjusted.

9 (e) Jurisdiction of court.--In cases in which the districts
10 are situated in two or more counties, the court of common pleas
11 of the county in which the largest part in area of the land
12 annexed to or taken from any district is situated shall have
13 exclusive jurisdiction over the matter. If the review board is
14 to be appointed, the court may appoint the review board from any
15 one or more of the counties.

16 § 2539. Effective date of changes in districts.

17 If any new school district is created by combination of
18 existing districts or if the boundary lines of any school
19 district are changed, the change, so far as it related to school
20 districts or school affairs, shall take effect at the beginning
21 of the first fiscal year after the new district has been created
22 or the change in boundary lines is permanently effected.

23 SUBCHAPTER C

24 FIRST CLASS CITY HOME RULE DISTRICTS

25 Sec.

26 2551. Short title of subchapter.

27 2552. Definitions.

28 2553. Cities authorized to adopt home rule charters.

29 2554. Proceedings for appointment of charter commission.

30 2555. Examination and rejection of petitions.

1 2556. Objections in court to petitions.
2 2557. Appointment and organization of charter commission.
3 2558. Proposed charter provisions and ballot questions.
4 2559. Election on proposed charter provisions.
5 2560. Recording, filing and publication of charter provisions.
6 2561. Payment of expenses of proceedings.
7 2562. Status of approved charter provisions.
8 2563. Amendments to charter provisions.
9 2564. Limitations on frequency of proceedings.
10 2565. Powers and authority of city.
11 2566. Status and authority of home rule district.
12 2567. Penalties for violations of subchapter.
13 § 2551. Short title of subchapter.

14 This subchapter shall be known and may be cited as the "First
15 Class City Public Education Home Rule Act."

16 § 2552. Definitions.

17 The following words and phrases when used in this subchapter
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 "Charter provisions." Either those sections which shall be
21 added to an existing home rule charter or those sections which
22 comprise a separate home rule charter for public education of a
23 city without a previously existing home rule charter.

24 "City." A city of the first class.

25 "Commission." The commission authorized and appointed
26 pursuant to this subchapter.

27 "Home rule school district." A school district designated as
28 provided in this subchapter and brought into existence through
29 the exercise of powers contained in this subchapter.

30 "School district." Any school district or school districts

1 in existence within a city at the time the city exercises the
2 powers under this subchapter.

3 § 2553. Cities authorized to adopt home rule charters.

4 Any city of the first class may frame and adopt charter
5 provisions governing the administration of a separate and
6 independent home rule school district as provided in this
7 subchapter.

8 § 2554. Proceedings for appointment of charter commission.

9 (a) General rule.--The city council of any city of the first
10 class by a two-thirds vote of its elected members may, or upon
11 petition presented to the city council and filed in the form
12 prescribed by the city council signed by not less than 20,000
13 registered electors of the city shall, without undue delay,
14 provide, by ordinance, for the appointment of a commission to
15 frame charter provisions and for giving public notice of the
16 passage of the ordinance.

17 (b) Signatures on petition.--Each elector signing the
18 petition shall add to his signature his occupation and residence
19 and the date of signing. Signatures to the petition may be on
20 separate sheets but each sheet shall have appended to it the
21 affidavit of some person not necessarily a signer and not
22 necessarily the same person as on other sheets that to the best
23 of affiant's knowledge and belief, the signers are registered
24 electors of the city, that they signed with full knowledge of
25 the contents of the petition and that their residences are
26 correctly given.

27 (c) Filing and notice of ordinance.--The clerk of the city
28 council of the city shall file with the mayor of the city, the
29 secretary of the school district, the secretary of the board of
30 judges of the court or courts of common pleas located in the

1 city and the Secretary of the Commonwealth a copy of the
2 ordinance, certified by him, within the five days next following
3 its final passage, and shall also cause the public notice to be
4 given as provided in the ordinance.

5 § 2555. Examination and rejection of petitions.

6 (a) General rule.--When any petition is presented to the
7 city council of the city under the provisions of section 2554
8 (relating to proceedings for appointment of charter commission),
9 it shall be the duty of the clerk of the city council, with the
10 assistance and advice of the city solicitor or head of the
11 department of law of the city, to examine the petition. The
12 clerk of the city council shall be entitled to a reasonable time
13 in which to examine the petition and to summon and interrogate
14 the persons presenting the petition or any of the signers
15 thereof or any of the affiants to any of the appended or
16 accompanying affidavits and his retention of the petition for
17 the purpose of making the examination or interrogation shall not
18 be construed as the filing thereof.

19 (b) Rejection of petition.--Although not hereby required so
20 to do, the clerk of the city council may question the
21 genuineness of any signature or signatures appearing on the
22 petition and if he shall thereupon find that any signature or
23 signatures are not genuine, the signature or signatures shall be
24 disregarded by him in determining whether the petition contains
25 a sufficient number of signatures, as required by this
26 subchapter. The invalidity of any sheet of a petition shall not
27 affect the validity of the petition if a sufficient petition
28 remains after eliminating the invalid sheet. No petition shall
29 be permitted to be filed if it:

30 (1) contains material errors or defects apparent on the

1 face thereof or on the face of the appended or accompanying
2 affidavits;

3 (2) contains material errors made after signing without
4 the consent of the signers; or

5 (3) does not contain a sufficient number of genuine
6 signatures as required by this subchapter.

7 (c) Judicial review.--The action of the clerk of the city
8 council in rejecting and refusing to file any petition may be
9 reviewed by the court or courts of common pleas located in the
10 city, in an action of mandamus to compel its reception, as of
11 the tenth day next following the day it was presented to the
12 city council. Unless the complaint in mandamus shall be made and
13 filed in the court of common pleas within ten days after the
14 refusal of the clerk of city council to file the petition, the
15 court shall be without jurisdiction to entertain or consider any
16 action in mandamus or any other proceeding to compel the filing
17 of the petition.

18 § 2556. Objections in court to petitions.

19 (a) Filing and service.--Any petition presented to the city
20 council of the city under or pursuant to the provisions of
21 section 2554 (relating to proceedings for appointment of charter
22 commission) and if filed as provided in section 2555 (relating
23 to examination and rejection of petitions) shall be deemed to be
24 valid unless, within seven days after the filing of the
25 petition, a petition is presented to the court of common pleas
26 of the proper county by not less than 100 registered electors of
27 the city specifically setting forth the objections thereto and
28 praying that the petition be set aside. A copy of the petition
29 presented to the court of common pleas shall, within said
30 period, be served on the clerk of the city council of the city.

1 (b) Notice and hearing.--Upon the presentation of a
2 petition, the court shall make an order fixing the time for
3 hearing, which shall not be later than ten days after the
4 presentation of the petition to the court, and specifying the
5 time and manner of notice, by public advertising or otherwise,
6 that shall be given of the hearing. On the day fixed for the
7 hearing, the court shall proceed, without delay, to hear the
8 objections and shall give the hearing precedence over any other
9 business before it, and shall finally determine the matter not
10 later than 15 days after the last day for presentation of the
11 petition to the court.

12 (c) Disposition of petition.--If the court shall find that
13 the petition is defective under the provisions of section 2555,
14 or does not contain a sufficient number of genuine signatures of
15 registered electors entitled to sign the petition under the
16 provisions of this subchapter, it shall be set aside. If the
17 objections relate to material errors or defects apparent on the
18 face of the petition or on the face of the accompanying or
19 appended affidavits, the court after hearing may, in its
20 discretion, permit amendments within such time and upon such
21 terms as to payment of costs as the said court may specify.

22 (d) Payment of costs of proceedings.--In case the petition
23 is dismissed, the court shall make such order as to the payment
24 of the costs of the proceeding, including witness fees, as it
25 shall deem just.

26 § 2557. Appointment and organization of charter commission.

27 (a) Appointment.--Within 30 days after the final passage of
28 the ordinance, the mayor of the city, the board of judges of the
29 court or courts of common pleas located in the city and the
30 Governor of the Commonwealth shall appoint a commission

1 consisting of nine registered electors of the city, three of
2 whom shall be appointed by the mayor, three by the board of
3 judges of the court or courts of common pleas located in the
4 city and three by the Governor of this Commonwealth.

5 (b) Vacancies.--Any vacancy in the membership of the
6 commission caused by death, resignation, removal from the city
7 or otherwise shall be filled by the remaining members of the
8 commission by appointing as a member of the commission a
9 registered elector of the city.

10 (c) Organization and meetings.--The mayor of the city shall
11 call the first meeting of the members of the commission so
12 appointed within 30 days after their appointment, to be held at
13 a time and place fixed by him in his call, and at the meeting
14 the commission shall organize by selecting from their number a
15 chairman and a secretary, adopt rules to govern its proceedings
16 and proceed to discharge the duties set forth in this
17 subchapter. All meetings of the commission shall be open to the
18 public subject to the provisions of the act of July 19, 1974
19 (P.L.486, No.175), referred to as the Public Agency Open Meeting
20 Law. All actions of the commission shall be by a majority vote
21 of all members.

22 § 2558. Proposed charter provisions and ballot questions.

23 (a) Filing and printing.--The charter provisions proposed by
24 the commission for submission to the qualified electors of the
25 city for their approval or disapproval shall be filed with the
26 city council which shall thereupon cause the proposal or
27 proposals, together with the form of the question or questions,
28 to be printed in pamphlet form in sufficient number for general
29 distribution.

30 (b) Distribution and publication.--The pamphlets shall be

1 made ready for distribution at least 28 days before the election
2 at which the proposals are to be voted upon the electors and the
3 proposals, together with the ballot questions, shall also be
4 published once a week for three weeks in at least two newspapers
5 of general circulation in the weeks immediately preceding the
6 election at which the vote is to be taken upon the proposals.

7 (c) Framing ballot questions.--Each ballot question shall be
8 framed in brief form of not more than 75 words by the
9 commission. The commission may require that the proposed charter
10 provisions be submitted in two or more parts, and may also
11 submit alternative charter provisions to supersede designated
12 portions of the proposed charter provisions, if adopted. In such
13 case, the commission shall prescribe the form of questions in
14 such a manner as will clearly indicate the effect of the
15 approval of such questions.

16 (d) Certification to board of elections.--The clerk of the
17 city council shall, within five days after the filing of the
18 charter provisions proposed by the commission, certify an exact
19 copy of the text of the charter provisions, together with the
20 necessary ballot questions, to the board of elections in the
21 county wherein the city is situate. The board of elections shall
22 cause the ballot questions to be properly printed on the ballots
23 or ballot labels.

24 § 2559. Election on proposed charter provisions.

25 (a) Time of election.--The proposed charter provisions shall
26 be submitted to the electors for approval or disapproval by the
27 use of the ballot questions at a special election occurring more
28 than 45 days after the proposed charter provisions are filed
29 with the city council of the city. The special election shall be
30 held on the day fixed and designated by the commission, which

1 day may be the day for holding any primary or regular November
2 election.

3 (b) Notice of election.--At least 30 days' notice of each
4 election shall be given by proclamation of the mayor of the
5 city. A copy of the proclamation shall be posted at each polling
6 place of the city on the day of the election and shall be
7 published in at least two newspapers of general circulation in
8 the city once a week for three consecutive weeks during the
9 period of 30 days prior to the election, which publications may
10 be included in the publication required to be made under the
11 provisions of section 2558 (relating to proposed charter
12 provisions and ballot questions).

13 (c) Conduct of elections and returns.--All elections shall
14 be conducted by the election officers for the city in accordance
15 with the act of June 3, 1937 (P.L.1333, No.320), known as the
16 "Pennsylvania Election Code." The election officers shall count
17 the votes cast and make return thereof to the board of
18 elections. The result of the election shall be computed by the
19 board of elections in the same manner as is provided by law for
20 computation of similar returns at any election. Certificates of
21 the result of the election shall be filed by the board of
22 elections with the city council of the city, with the secretary
23 of the board of public education of the school district and with
24 the Secretary of the Commonwealth.

25 § 2560. Recording, filing and publication of charter
26 provisions.

27 The clerk of the city council of the city shall forthwith
28 cause the charter provisions, as approved by the qualified
29 electors, to be recorded in the ordinance book of the city. He
30 shall also file certified copies thereof in the office of the

1 Secretary of the Commonwealth, the secretary of the board of
2 public education of the school district and the Director of the
3 Legislative Reference Bureau, and the text thereof shall be
4 published in the Pennsylvania Code.

5 § 2561. Payment of expenses of proceedings.

6 The expenses of the charter commission and the cost of
7 publishing, distributing and advertising the proposal or
8 proposals of the commission or of the city council of the city
9 or of electors and the proclamations as required by section 2559
10 (relating to election on proposed charter provisions), and all
11 other expenses of the commission and of the city council
12 incurred in connection with any proceedings under this
13 subchapter, when not otherwise provided for by law, may be paid
14 from the city treasury as the city council of the city may
15 provide.

16 § 2562. Status of approved charter provisions.

17 (a) General rule.--Any charter provisions proposed, which
18 are approved by a majority of the qualified electors voting
19 thereon, shall become the organic law, or a part thereof, of the
20 city at such time as may be fixed therein and all courts shall
21 take judicial notice thereof.

22 (b) Existing laws.--So far as the charter provisions are
23 consistent with the grant of powers and the limitations,
24 restrictions and regulations prescribed in this subchapter, they
25 shall supersede all statutes, or parts of statutes, local,
26 special or general, affecting the organization, government and
27 powers of the school district to the extent that they are
28 inconsistent or in conflict therewith. All existing statutes, or
29 parts of statutes, ordinances and resolutions affecting the
30 organization, government and powers of the school district, not

1 inconsistent or in conflict with the charter provisions so
2 adopted, shall remain in full force.

3 (c) Existing contracts.--No contract existing at the time of
4 the adoption of the charter provisions pursuant to this
5 subchapter shall be affected thereby, but the contract shall
6 have the same force and effect and be of the same validity as if
7 the charter provisions had not been adopted.

8 (d) Defect in proceedings.--No charter provisions, when
9 adopted by a majority vote of the qualified electors of any city
10 voting at any election, shall be declared invalid or be set
11 aside on account of any defect, error or omission in the
12 proceedings for the adoption of any such charter.

13 (e) Constitutional limitation.--Charter provisions adopted
14 or amended in accordance with this subchapter shall not be
15 inconsistent with the Constitution of the United States or of
16 this Commonwealth.

17 § 2563. Amendments to charter provisions.

18 Amendments to charter provisions adopted under this
19 subchapter shall be made in accordance with the procedures set
20 forth in the act of April 21, 1949 (P.L.665, No.155), known as
21 the "First Class City Home Rule Act."

22 § 2564. Limitations on frequency of proceedings.

23 (a) Proposed charter provisions.--No proposed charter
24 provisions shall be submitted to the qualified electors oftener
25 than once in every five years.

26 (b) Appointment of commission.--No petition by registered
27 electors of the city for the appointment of a commission shall
28 be presented to the city council of the city if the city council
29 shall at the time already have provided, by ordinance, for the
30 appointment of the commission, or if a petition by registered

1 electors for the appointment of a commission shall then already
2 have been presented to the city council, until the expiration of
3 four years and six months next following the submission to the
4 qualified electors of the city for their approval or disapproval
5 of the charter provisions proposed by the commission, unless, in
6 the case of a petition by registered electors already presented,
7 the petition shall have been then rejected or set aside under
8 the provisions of section 2555 (relating to examination and
9 rejection of petitions) or 2556 (relating to objections in court
10 to petitions).

11 § 2565. Powers and authority of city.

12 (a) General rule.--Any city of the first class taking
13 advantage of this subchapter and framing and adopting provisions
14 hereunder shall have, and may exercise, the following enumerated
15 powers:

16 (1) The power to establish and create a separate and
17 independent home rule school district, to be named: "The
18 School District of (name of the city of the first class)."

19 (2) The power to provide for a board of education of the
20 home rule school district which shall be charged with the
21 administration, management and operation of the home rule
22 school district.

23 (3) The power to:

24 (i) Set the term, number and qualifications of board
25 of education members.

26 (ii) Provide for the methods of nomination, to
27 include a citizens' nominating panel if deemed advisable.

28 (iii) Either to provide for a method of appointment
29 in case the power shall include the designation of the
30 appointing authority or to provide for a method of

1 election.

2 (b) Limitations.--Any city of the first class taking
3 advantage of this subchapter and framing and adopting provisions
4 hereunder shall not have powers and authority greater than those
5 express and implied powers granted by subsection (a). The powers
6 granted by subsection (a) shall not be construed to include:

7 (1) An assumption by the city of the debt of a school
8 district or home rule school district.

9 (2) A grant of authority to the city council of the city
10 of the first class to enact legislation regulating public
11 education or the administration thereof, except in respect to
12 the setting of maximum tax rates for school purposes as shall
13 be authorized by the General Assembly from time to time.

14 (3) A grant of authority to frame charter provisions
15 which contravene any statute applicable in every part of this
16 Commonwealth or applicable to all school districts of this
17 Commonwealth.

18 § 2566. Status and authority of home rule district.

19 (a) General rule.--A home rule school district established
20 under section 2565(a) (relating to powers and authority of city)
21 shall:

22 (1) Succeed directly the school district for all
23 purposes including, but not limited to, the receipt of all
24 grants, gifts, appropriations, subsidies or other payments;
25 the school district to continue its operation until the
26 effective date of the charter provisions establishing the
27 home rule school district.

28 (2) Assume all assets, property, real and personal,
29 tangible and intangible, all easements and all evidences of
30 ownership, in part or in whole, and all records and other

1 evidences pertaining thereto.

2 (3) Assume all debt and other contractual obligations of
3 the school district, the long term debt to be issued, secured
4 and retired in the manner now provided by law.

5 (b) Bylaws, resolutions and regulations.--Any board of
6 education established pursuant to this subchapter may enact
7 bylaws, resolutions, rules and regulations necessary and proper
8 to carry into execution the powers under subsection (a) and all
9 other powers vested in the board of education under this title.

10 (c) Intergovernmental agreements.--The board of education
11 established pursuant to this subchapter may enter into
12 agreements including, but not limited to, joint tax collection,
13 joint purchasing of supplies, equipment and contractual
14 services, use of recreational and park equipment and facilities,
15 control and prevention of juvenile delinquency, city planning,
16 capital budgeting, capital programming and comprehensive
17 development planning, with any municipal or former county
18 department, agency, office, board or commission or any agency of
19 the Commonwealth or the United States Government, when, in the
20 opinion of the board of education or its authorized agents, the
21 agreement will further the efficient and effective
22 administration of public education.

23 (d) Existing home rule districts.--Any home rule school
24 district of a city of the first class brought into existence by
25 the adoption of a charter or charter provisions pursuant to the
26 former provisions of the act of August 9, 1963 (P.L.643,
27 No.341), known as the "First Class City Public Education Home
28 Rule Act," shall continue to have all powers of home rule
29 granted under that act and shall have such additional powers as
30 may now or hereafter be granted in this subchapter. No

1 provisions of this title shall be construed to limit or
2 supersede any existing home rule school district charter or
3 charter provision adopted pursuant to and consistent with the
4 former provisions of the act of August 9, 1963 (P.L.643,
5 No.341).

6 § 2567. Penalties for violations of subchapter.

7 (a) Offenses defined.--A person commits a misdemeanor of the
8 second degree if he:

9 (1) Knowingly signs any petition provided for in this
10 subchapter without having the qualifications prescribed by
11 this subchapter or sets opposite a signature on the petition
12 a date other than the actual date the signature was affixed
13 thereto or sets opposite the signature on the petition a
14 false statement of the signer's place of residence or
15 occupation.

16 (2) Knowingly makes a false statement in any affidavit
17 required by the provisions of this subchapter to be appended
18 to or to accompany a petition provided for in this subchapter
19 or fraudulently signs any name not his own to any petition or
20 affidavit or fraudulently alters any petition without the
21 consent of the signers.

22 (3) Makes any willful false statement under oath or
23 affirmation or in writing stating that it is so made although
24 the oath or affirmation may not have actually been made by
25 any persons regarding any material matter or thing relating
26 to any subject being investigated, heard, determined or acted
27 upon by the clerk of the city council or any other officers
28 of the city or by any court or judge thereof, in accordance
29 with the terms of this subchapter.

30 (4) Willfully defaces or destroys any petition provided

1 for in this subchapter or any part thereof or presents or
2 files or causes to be presented or filed any petition knowing
3 the same or any part thereof to be falsely made or suppresses
4 any petition or any part thereof which has been duly
5 presented or filed.

6 (5) Is an officer of a city, county or school district
7 or any employee of the officer, city, county or school
8 district or is any other person on whom a duty is imposed
9 under this subchapter, and willfully neglects or refuses to
10 perform his duty.

11 (6) Violates any of the provisions of this subchapter
12 for which a penalty is not specifically provided under this
13 section.

14 (b) Limitation on fines.--In the event a person convicted of
15 an offense under this section is sentenced to pay a fine as part
16 of the sentence, the fine shall not exceed \$500 for offenses
17 under subsection (a)(1), (2) and (3) or \$1,000 for other
18 offenses.

19 CHAPTER 27

20 INTERMEDIATE UNITS

21 Subchapter

22 A. General Provisions

23 B. Intermediate Unit Board and Staff

24 SUBCHAPTER A

25 GENERAL PROVISIONS

26 Sec.

27 2701. Status, purpose and component districts.

28 2702. Transfer of district to another unit.

29 2703. Merger of units.

30 § 2701. Status, purpose and component districts.

1 (a) Status and purpose.--Intermediate units are service
2 units designed to provide to component school districts
3 educational program services as adopted by the intermediate unit
4 board of directors or as determined by law.

5 (b) Assignment of districts to unit.--Each school district
6 of this Commonwealth shall continue to be assigned to the
7 intermediate unit to which it was assigned as of the effective
8 date of this title. A list of intermediate units and their
9 component school districts shall be maintained by the
10 department.

11 § 2702. Transfer of district to another unit.

12 Any school district may apply for transfer from one
13 intermediate unit to another intermediate unit with which its
14 boundaries are contiguous by submitting a written request for
15 such transfer to the State board with reasons for requesting the
16 transfer. If the State board approves the transfer, it shall be
17 effective the following July 1. In no event shall a transfer be
18 made unless:

19 (1) the boards of directors of two-thirds of the
20 component school districts within each intermediate unit vote
21 in favor of approving the transfer; and

22 (2) the intermediate unit boards of directors involved
23 approve the transfer.

24 § 2703. Merger of units.

25 (a) Request for merger.--Two or more contiguous intermediate
26 units may submit a written request for merger to the State board
27 if:

28 (1) the boards of directors of all component school
29 districts involved approve the merger; and

30 (2) the intermediate unit boards of directors involved

1 approve the merger.

2 (b) Approval of merger.--If the State board approves the
3 merger, it shall be effective the following July 1.

4 SUBCHAPTER B

5 INTERMEDIATE UNIT BOARD AND STAFF

6 Sec.

7 2711. Election and term of board members.

8 2712. Vacancies on board.

9 2713. Removal of directors and employees.

10 2714. Conventions.

11 2715. Election and compensation of officers.

12 2716. Staff of intermediate unit.

13 2717. Election of executive director and assistants.

14 2718. Powers and duties of board.

15 2719. Program services provided by board.

16 2720. Powers and duties of executive director.

17 2721. Intermediate unit advisory council.

18 2722. Budget.

19 2723. School district contributions to intermediate units.

20 § 2711. Election and term of board members.

21 (a) Election by districts.--The school directors of all
22 component school districts shall between February 1 and June 30
23 at the annual convention or by mail ballot elect intermediate
24 unit board members as provided in this section. An intermediate
25 unit board choosing to elect members by mail ballot shall notify
26 the secretary of the board of directors of each school district
27 comprising the intermediate unit annually prior to January 1.
28 The act of July 19, 1974 (P.L.486, No.175), referred to as the
29 Public Agency Open Meeting Law, shall not apply to the election
30 of members by mail ballot.

1 (b) Composition of board.--The intermediate unit board shall
2 be composed of 13 members, except as otherwise provided in this
3 subsection, chosen from among the members of the boards of
4 school directors of the component districts. Where there are
5 fewer than 13 component school districts, there shall be one
6 school director from each school district elected to the
7 intermediate unit board but any such intermediate unit board may
8 elect one additional at-large member. Where there are 13 or more
9 districts in an intermediate unit, each district, as far as
10 practicable, may have one member on the intermediate unit board
11 up to a maximum of 20 members if the intermediate board so
12 decides by a majority vote of the legally constituted component
13 districts at the annual convention.

14 (c) Terms of office.--~~At the initial election, the terms of~~ <—
15 ~~four directors shall be set to expire on June 30, 1972; four~~
16 ~~directors on June 30, 1973; and five directors on June 30, 1974.~~
17 ~~Thereafter, terms shall be for three years on the same staggered~~
18 ~~basis. In those instances where board membership is other than~~
19 ~~13, the terms~~ THE TERMS OF DIRECTORS shall be for three years <—
20 with, as close as is mathematically possible, one-third of the
21 total membership elected at any one election. Terms of office
22 shall begin on July 1.

23 (d) Election voting procedure.--The election of intermediate
24 unit directors shall be by proportionate ballot. The election
25 shall be determined on the basis of a majority of the
26 proportionate vote cast by the school board members present and
27 voting. Each school director of each component school district
28 shall be entitled to at least one vote and shall be entitled to
29 cast votes to be determined as follows:

30 (1) The weighted average daily membership of the school

1 district of the director shall be divided by the total
2 weighted average daily membership within the intermediate
3 unit.

4 (2) The quotient obtained under paragraph (1) shall be
5 multiplied by 1,000.

6 (3) The product obtained under paragraph (2) shall be
7 divided by the number of board members authorized pursuant to
8 subsection (b).

9 (4) The dividend shall be rounded to the nearest whole
10 number.

11 (e) Annual certification of vote quotas.--The department
12 shall certify annually, not later than February 1, the weighted
13 average daily membership for the previous school year for each
14 school district and each intermediate unit and shall compute the
15 number of votes to which each school director of each district
16 within an intermediate unit shall be entitled.

17 (f) Unit comprised of single district.--In the case of an
18 intermediate unit comprised of a single school district, the
19 board of school directors of the school district shall be the
20 intermediate unit board of directors.

21 (G) APPROVAL OF MEMBER BY COMPONENT DISTRICT.--THE ELECTION <—
22 OR APPOINTMENT OF A SCHOOL DIRECTOR FROM A COMPONENT SCHOOL
23 DISTRICT TO AN INTERMEDIATE UNIT BOARD OF DIRECTORS SHALL BE
24 APPROVED BY A MAJORITY VOTE OF THE BOARD OF DIRECTORS OF THAT
25 COMPONENT DISTRICT AND A RECORD OF THE VOTE SHALL BECOME PART OF
26 THE MINUTES OF THE DISTRICT. THE RECORD OF THE VOTE SHALL BE
27 TRANSMITTED TO THE INTERMEDIATE UNIT WHEREUPON THE INTERMEDIATE
28 UNIT SHALL SEAT THE SCHOOL DIRECTOR AS A MEMBER OF THE
29 INTERMEDIATE UNIT BOARD OF DIRECTORS.

30 § 2712. Vacancies on board.

(a) When vacancy occurs.--A vacancy shall occur when:

(1) an intermediate unit director no longer holds office as a school director; or

(2) an intermediate unit director resigns or is removed from the intermediate unit board.

(b) Filling vacancy.--Vacancies on an intermediate unit board shall be filled by appointment by majority vote of the remaining intermediate unit board of directors. A director so appointed shall serve until the annual election at which time a director shall be elected to serve the unexpired portion of the term.

(c) Vacancy of entire board.--In the event vacancies exist or occur in the membership of all of the members of an intermediate unit board of directors, a special convention called by the department shall be held of the school directors of all school districts comprising the intermediate unit for the purpose of electing directors to fill the vacancies.

§ 2713. Removal of directors and employees.

(a) Directors.--Any member of an intermediate unit board may be removed from the board in the same manner and for the same causes as provided by law for the removal of members of boards of school directors.

(b) Officers or employees.--Any officer or employee of an intermediate unit board may be removed in the same manner for the same causes as provided by law for the removal of officers or employees of boards of school directors.

§ 2714. Conventions.

(a) Annual convention.--The intermediate unit board of directors may direct the executive director to call a convention to be held between February 1 and June 30 for the purpose of

1 electing members to the intermediate unit board of directors,
2 for consideration and discussion of matters pertaining to the
3 improvement of education in the schools within the intermediate
4 unit and for such other business as may properly come before the
5 convention. Except as otherwise specified, action shall be taken
6 by a majority of those school directors present and voting.

7 (b) Special convention called by unit board.--The
8 intermediate unit board may call into special convention the
9 school directors of all school districts comprising the
10 intermediate unit at any time for the consideration of business
11 which may properly come before a special convention.

12 (c) Special convention requested by school boards.--The
13 majority of the member school boards ~~comprising~~ COMPRISING the <—
14 intermediate unit may petition the intermediate unit board to
15 call a special convention for a stated purpose relating to
16 proper business of the intermediate unit, including the election
17 of members to the intermediate unit board, in which case the
18 intermediate unit executive director shall call into special
19 convention the school directors of all school districts
20 ~~comprising~~ COMPRISING the unit for consideration of the stated <—
21 purpose or election. Petitions for a convention to elect members
22 of the intermediate unit board of directors must be received by
23 the secretary of the intermediate unit board of directors no
24 later than February 1. Notice to each district director shall be
25 given at least five days prior to the special convention.

26 § 2715. Election and compensation of officers.

27 (a) President and vice president.--The newly elected
28 intermediate unit board shall convene each year during the month
29 of June and shall elect from its membership, for a term to begin
30 July 1, a president and a vice president.

1 (b) Treasurer.--Annually, during the month of June, the
2 newly elected board shall elect a treasurer, corporate or
3 personal, for a term to begin July 1.

4 (c) Secretary.--Annually, during the month of June, the
5 newly elected board shall elect a secretary for a term to begin
6 July 1.

7 (d) Unit comprised of single district.--In the case of an
8 intermediate unit comprised of a single district, the
9 intermediate unit board at the regular school board election of
10 officers may designate, by a majority vote, the school board
11 officers of the intermediate unit or may elect separate officers
12 for intermediate unit operation in accordance with subsections
13 (a), (b) and (c).

14 (e) Compensation.--The secretary and treasurer shall be
15 compensated as the intermediate unit board shall deem
16 appropriate.

17 (f) Duties, removal and bond.--The provisions of Chapters 23
18 (relating to boards of school directors) and 31 (relating to
19 local finance) applicable to duties of board officers, removal
20 and bond shall apply to the intermediate unit board officers.
21 § 2716. Staff of intermediate unit.

22 (a) Composition.--The staff of an intermediate unit shall
23 consist of an executive director and such assistant executive
24 directors, program specialists and other personnel as the
25 intermediate unit board deems necessary to employ.

26 (b) Employee rights.--All professional and other employees
27 of an intermediate unit shall have the same rights and
28 privileges as provided to similar employees of school districts
29 by this title.

30 (c) Qualifications of specialists.--Program specialists

1 shall satisfy minimum qualifications adopted by the State board.

2 (d) Membership in retirement system.--All eligible employees
3 of an intermediate unit shall, in accordance with Part IV
4 (relating to retirement for school employees), be members of the
5 Public School Employees' Retirement System and employees who are
6 members of the State Employees' Retirement System prior to
7 employment by the intermediate unit may elect to remain members
8 of such retirement system.

9 (e) Unit comprised of single district.--Where an
10 intermediate unit is comprised of a single school district, the
11 district superintendent shall serve as executive director of the
12 intermediate unit. The salaries of the executive director and
13 the assistants of the executive director shall be charged to the
14 intermediate unit budget only to the extent that they are
15 engaged in providing approved intermediate unit services as
16 determined by the executive director.

17 § 2717. Election of executive director and assistants.

18 (a) Election and compensation.--The intermediate unit board
19 by a majority vote of all members thereof shall elect and fix
20 the salary of a properly certificated executive director and,
21 upon the recommendation of the executive director, may elect and
22 fix the salary of such properly certificated assistant executive
23 directors as it deems necessary.

24 (b) Terms, reelection and vacancies.--The terms of office,
25 reelection procedure and procedure in case of vacancy for the
26 executive director and assistant executive director shall
27 conform to the terms and procedures for superintendents and
28 assistant superintendents provided in Subchapter E of Chapter 51
29 (relating to commissioned personnel).

30 § 2718. Powers and duties of board.

(a) Duties.--An intermediate unit board shall:

(1) Employ professional staff.

(2) Employ and adopt employment policies for auxiliary personnel.

(3) Provide for the proper education and training for all exceptional children who are not enrolled in classes or schools maintained and operated by school districts and who are not otherwise provided for. When the intermediate unit has contracted to provide transportation to exceptional students and the exceptional student is so physically incapacitated or mentally retarded as to be unable to use free transportation as provided by the usual school bus, the intermediate unit may, with the approval of the department, purchase transportation equipment.

(4) Operate and administer a vocational-technical school or schools if the intermediate unit board has been designated as the operating agent by the participating districts of an area vocational-technical school.

(5) Prepare and submit to the State Board For Vocational Education proposals or revisions of proposals for the placement of school districts of the intermediate unit into area vocational-technical attendance areas.

(6) Provide and conduct programs of services as authorized by the State board and approved by the intermediate unit board.

(7) Approve and advertise the intermediate unit budget as provided for in sections 2722 (relating to budget) and 3112 (relating to public notice of proposed budget).

(8) Perform such other duties as may be required by regulation of the State board to effectuate the purposes of

1 this chapter.

2 (9) Educate school age children and youth who pursuant
3 to an order of a court or an official arrangement with a
4 public or private approved children and youth agency is
5 placed outside his own home in either a group residential
6 program or in a foster family home when it is determined that
7 the school district or school districts in which the child or
8 youth is placed cannot accommodate such child or youth in the
9 public schools of the district.

10 (10) At the direction of the department, operate
11 educational programs at institutions at which the department
12 under section 3731 (relating to educational programs in
13 State-owned institutions) is to organize and supervise
14 educational programs or operate educational programs at
15 preadjudication detention centers for juveniles.

16 (11) (i) Have the power to contract with private
17 residential rehabilitative institutions for educational
18 services to be provided to children as part of any
19 rehabilitative program required in conjunction with the
20 placement of a child in any such institution or in a day-
21 treatment program of that institution pursuant to a
22 proceeding under Chapter 63 of Title 42 (relating to
23 juvenile matters).

24 ~~(ii) The actual cost of such services shall be borne <—~~
25 ~~by the school district of the child's residence and the~~
26 ~~department shall effectuate the reimbursement of the~~
27 ~~various intermediate unit expenditures administratively~~
28 ~~through the deduction of an appropriate amount from the~~
29 ~~basic instructional subsidy of any school district which~~
30 ~~had resident students that were provided educational~~

1 ~~services by a private residential rehabilitative~~
2 ~~institution.~~

3 ~~(iii) For the purpose of this section a "private~~
4 ~~residential rehabilitative institution" means a facility,~~
5 ~~other than one operated by a public agency, which as of~~
6 ~~December 31, 1977 provided to juveniles legally committed~~
7 ~~thereto pursuant to a proceeding under the act of~~
8 ~~December 6, 1972 (P.L.1464, No.333), known as the~~
9 ~~"Juvenile Act," educational services as part of a total~~
10 ~~rehabilitative package, funded, at least in part, through~~
11 ~~contractual agreements with the county of which each~~
12 ~~child is a resident, whereby the institution received~~
13 ~~from the county an amount per diem for each child legally~~
14 ~~committed thereto or legally committed to a day treatment~~
15 ~~program thereof.~~

16 (II) THE ACTUAL COST, NOT TO EXCEED THE TUITION <—
17 CHARGES OF THE SCHOOL DISTRICT IN WHICH THE PRIVATE
18 RESIDENTIAL REHABILITATIVE INSTITUTION IS LOCATED, SHALL
19 BE BORNE BY THE SCHOOL DISTRICT OF THE CHILD'S RESIDENCE.
20 IF THE SCHOOL DISTRICT OF RESIDENCE OF THE CHILD CANNOT
21 BE DETERMINED, THE COSTS SHALL BE BORNE BY THE
22 DEPARTMENT. THE DEPARTMENT SHALL EFFECTUATE NECESSARY
23 PROCEDURES FOR THE TRANSFER OF FUNDS FROM THE SCHOOL
24 DISTRICT OF RESIDENCE TO THE INTERMEDIATE UNIT IN WHICH
25 THE PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION IS
26 LOCATED. IN EFFECTUATING THE TRANSFER OF FUNDS, THE
27 DEPARTMENT MAY DEDUCT THE APPROPRIATE AMOUNT FROM THE
28 BASIC INSTRUCTIONAL SUBSIDY OF ANY SCHOOL DISTRICT WHICH
29 HAD RESIDENT STUDENTS THAT WERE PROVIDED EDUCATIONAL
30 SERVICES BY A PRIVATE RESIDENTIAL REHABILITATIVE

1 INSTITUTION.

2 (III) FOR THE PURPOSE OF THIS PARAGRAPH, A "PRIVATE
3 RESIDENTIAL REHABILITATIVE INSTITUTION" MEANS A FACILITY,
4 OTHER THAN ONE OPERATED BY A PUBLIC AGENCY, WHICH AS OF
5 DECEMBER 31, 1977 PROVIDED TO JUVENILES LEGALLY COMMITTED
6 THERETO OR LEGALLY COMMITTED TO A DAY TREATMENT PROGRAM
7 OF THAT INSTITUTION PURSUANT TO A PROCEEDING UNDER THE
8 ACT OF DECEMBER 6, 1972 (P.L.1464, NO.333), KNOWN AS THE
9 "JUVENILE ACT," EDUCATIONAL SERVICES AS PART OF A TOTAL
10 REHABILITATIVE PACKAGE, FUNDED, AT LEAST IN PART, THROUGH
11 CONTRACTUAL AGREEMENTS WITH THE COUNTY OF WHICH EACH
12 CHILD IS A RESIDENT, WHEREBY THE INSTITUTION RECEIVED
13 FROM THE COUNTY AN AMOUNT PER DIEM FOR EACH CHILD LEGALLY
14 COMMITTED THERETO OR LEGALLY COMMITTED TO A DAY TREATMENT
15 PROGRAM THEREOF.

16 (IV) FOR THE PURPOSE OF THIS PARAGRAPH, "EDUCATIONAL
17 SERVICES" IS DEFINED AS DIRECT EXPENDITURES FOR
18 INSTRUCTION AND THE ADMINISTRATION OF THE INSTRUCTIONAL
19 PROGRAM. ANY EXPENDITURE NOT PERTAINING DIRECTLY TO
20 INSTRUCTION AND THE ADMINISTRATION OF THE INSTRUCTIONAL
21 PROGRAM OF THE STUDENTS SHALL BE CONSIDERED A COST OF
22 CHILD WELFARE SERVICES AS PROVIDED FOR IN SECTIONS 704.1
23 AND 704.2 OF THE ACT OF JUNE 13, 1967 (P.L.31, NO.21),
24 KNOWN AS THE "PUBLIC WELFARE CODE," AND AS A SOCIAL
25 SERVICE AS DEFINED IN THE REGULATIONS PROMULGATED
26 PURSUANT TO THAT ACT. UNDER NO CIRCUMSTANCES SHALL A
27 SCHOOL DISTRICT OR THE DEPARTMENT BE REQUIRED TO PROVIDE
28 FUNDING FOR PROGRAMS OPERATED OTHER THAN DURING THE
29 REGULAR SCHOOL TERM OR FOR MORE THAN 180 DAYS OF
30 INSTRUCTION OR 900 HOURS OF INSTRUCTION AT THE ELEMENTARY

1 LEVEL OR 990 HOURS OF INSTRUCTION AT THE SECONDARY LEVEL.
2 HOWEVER, NOTHING IN THIS SUBPARAGRAPH SHALL BE CONSTRUED
3 TO ALTER OR LIMIT THE EDUCATIONAL RIGHTS OF EXCEPTIONAL
4 CHILDREN.

5 ~~(iv)~~ (V) A private residential rehabilitative <—
6 institution shall be exempt from administrative control
7 by the intermediate unit contracting therewith other than
8 those controls necessary to assure the proper expenditure
9 of the funds for the maintenance of the minimum education
10 program provided for in the contract. Such contracts
11 shall not require compliance with this title.

12 ~~(v)~~ (VI) Regulations of the department heretofore <—
13 adopted or hereafter promulgated shall neither reduce the
14 discretion of the intermediate unit in determining the
15 minimum educational program or how it should be
16 administered by the institution nor make reimbursement of
17 intermediate unit expenditures contingent upon the
18 intermediate unit mandating contract provisions requiring
19 compliance with the provisions of this title including,
20 but not limited to, the areas of course offerings and
21 teacher certification.

22 (b) Powers.--The intermediate unit board may:

23 (1) Employ and fix the compensation of a solicitor.

24 (2) Receive Federal, State, school district and other
25 moneys and expend the same to conduct the programs of
26 service.

27 (3) Contract for specialized services.

28 (4) Lease land and buildings in accordance with the
29 provisions of Chapter 49 (relating to physical plant and
30 construction) except that no contract to lease facilities for

1 intermediate unit administrative offices from one or more
2 constituent school districts shall be entered into without
3 the approval of the boards of school directors of at least
4 two-thirds of the constituent districts. The intermediate
5 unit shall give priority consideration to leasing vacant and
6 available land and buildings of member school districts prior
7 to entering into a lease agreement with commercial private
8 lessors.

9 (5) Purchase or lease equipment and motor vehicles to be
10 used for educational programs and services.

11 (6) DESIGNATE ONE OR MORE BANKS, BANK AND TRUST <—
12 COMPANIES, SAVINGS BANKS OR SAVINGS AND LOAN ASSOCIATIONS AS
13 A DEPOSITORY OR DEPOSITORIES FOR ITS FUNDS. EACH DEPOSITORY
14 SHALL FURNISH A BOND OR COLLATERAL IN LIEU THEREOF AS IS
15 PROVIDED IN THE CASE OF DEPOSITORIES OF SCHOOL FUNDS.

16 (7) CONSOLIDATE AND LET COMBINED BIDS FOR BULK
17 PURCHASES.

18 § 2719. Program services provided by board.

19 (a) General rule.--The intermediate unit board may provide
20 the following services based on need as determined by the
21 collection and analysis of information data:

22 (1) Curriculum development and instructional improvement
23 services.

24 (2) Educational planning services.

25 (3) Instructional materials services.

26 (4) Continuing professional education services.

27 (5) Student personnel services.

28 (6) State and Federal agency liaison services.

29 (7) Management services.

30 (8) Any other services approved by a majority of boards

1 of school directors comprising the intermediate unit.

2 (b) Contracts and additional services.--The intermediate
3 unit board may:

4 (1) Contract to furnish any of the services referred in
5 subsection (a) or any other educational services to school
6 entities and to nonpublic nonprofit schools.

7 (2) Establish and maintain educational broadcasting
8 programs, audio-visual libraries and instructional materials
9 centers.

10 (3) Contract with school districts to provide services
11 on behalf of the intermediate unit.

12 § 2720. Powers and duties of executive director.

13 The executive director of an intermediate unit shall:

14 (1) Administer the intermediate unit program of
15 services.

16 (2) Recommend to the intermediate board the appointment
17 of assistant executive directors and other professionals.

18 (3) Recommend employment of auxiliary personnel in
19 accordance with employment policies of the intermediate unit
20 board.

21 (4) Perform the duties of a business administrator as
22 defined in section 2376(a) (relating to business
23 administrator) or, with the approval of the board, delegate
24 the functions to another employee.

25 (5) Appoint such advisory groups as deemed necessary to
26 assist the staff in providing programs of service for school
27 districts.

28 (6) Provide the department with information and reports.

29 (7) Serve as the chief school administrator of an area
30 vocational-technical school if the intermediate unit board is

1 designated as the operating agent for the school or if the
2 executive director is appointed as chief school administrator
3 by the area vocational-technical board.

4 (8) Call the school directors of the component school
5 districts into an annual convention and into special
6 conventions as provided in this chapter.

7 (9) Call a convention of boards of directors of all
8 schools comprising the intermediate unit to discuss the
9 formulation of an area vocational-technical school.

10 (10) Call into session and serve as chairman of meetings
11 of the intermediate unit advisory council.

12 (11) Perform such other duties as may be required by the
13 intermediate unit board and the regulations of the State
14 board.

15 § 2721. Intermediate unit advisory council.

16 (a) Composition and purpose.--Each intermediate unit shall
17 have an intermediate unit advisory council composed of all chief
18 school administrators within the intermediate unit. The purpose
19 of the intermediate unit advisory council shall be to serve in
20 an advisory capacity to the executive director of the
21 intermediate unit.

22 (b) Meetings.--The intermediate unit advisory council shall
23 meet at least five times each year.

24 § 2722. Budget.

25 (a) Preparation.--The executive director of each
26 intermediate unit shall prepare a proposed general operating
27 budget for the intermediate unit board.

28 (b) Approval and advertising.--The intermediate unit board
29 shall:

30 (1) Approve a proposed budget.

1 (2) Advertise the availability of the budget for
2 inspection in accordance with section 3112 (relating to
3 public notice of proposed budget).

4 (3) Furnish ~~each director of~~ each component school <—
5 district with a printed copy of the budget proposed for
6 adoption.

7 (c) Adoption.--The budget shall be adopted by: <—

8 ~~(1) a majority of the school districts comprising the~~
9 intermediate unit; ~~and.~~ <—

10 ~~(2) a majority of the proportionate votes of all school~~ <—
11 ~~directors of the component school districts as they were~~
12 ~~recorded voting in the minutes of their respective school~~
13 ~~boards.~~

14 (d) Filing.--The adopted budget shall be filed annually with
15 the department on or before June 30.

16 § 2723. School district contributions to intermediate units.

17 (a) Computation of contributions.--Where the adopted budget
18 of the intermediate unit exceeds the Commonwealth allocation to
19 the intermediate unit, each school district within the
20 intermediate unit shall contribute to the intermediate unit a
21 share of the amount by which the budget exceeds the allocation
22 computed in the following manner:

23 ~~(1) Determine a per student deficiency figure by~~ <—
24 ~~dividing the amount by which the budget exceeds the~~
25 ~~allocation by the weighted average daily membership, as~~
26 ~~defined in section 2921 (relating to definitions), of all the~~
27 ~~school districts within the intermediate unit.~~

28 ~~(2) Determine the share of each school district by~~
29 ~~multiplying the per student deficiency figure computed in~~
30 ~~paragraph (1) by the weighted average daily membership of the~~

1 ~~particular school district.~~

2 (1) DETERMINE A WEIGHT FACTOR FOR EACH SCHOOL DISTRICT <—
3 BY MULTIPLYING THE SCHOOL DISTRICT'S WEIGHTED AVERAGE DAILY
4 MEMBERSHIP BY THE DIFFERENCE BETWEEN 1,000 AND THE SCHOOL
5 DISTRICT'S AID RATIO.

6 (2) DETERMINE A VALUE PER WEIGHT FACTOR FOR THE
7 INTERMEDIATE UNIT BY DIVIDING THE AMOUNT BY WHICH THE BUDGET
8 EXCEEDS THE ALLOCATION BY THE TOTAL WEIGHT FACTORS OF ALL
9 SCHOOL DISTRICTS COMPRISING THE INTERMEDIATE UNIT.

10 (3) DETERMINE EACH SCHOOL DISTRICT'S SHARE BY
11 MULTIPLYING THE VALUE PER WEIGHT FACTOR BY THE WEIGHT FACTOR
12 OF THE SCHOOL DISTRICT.

13 (b) Contracts for services by intermediate unit.--Any one or
14 a combination of the school districts comprising an intermediate
15 unit may contract with the intermediate unit for services to be
16 provided for the contracting school districts by the
17 intermediate unit with the cost of the services to be paid by
18 the contracting school districts in such manner as they may
19 agree upon.

20 (c) Independent services by school district.--If a component
21 school district desires to provide a service independent of its
22 intermediate unit and if:

23 (1) the service is included in the approved program of
24 services to be offered by an intermediate unit;

25 (2) the service is to be financed solely by the school
26 district; and

27 (3) the intermediate unit board has determined that the
28 quality of the service is adequate and that such independent
29 action will not adversely affect the service to be offered to
30 the remaining districts by the intermediate unit;

1 the intermediate unit board may relieve the school district of
2 payment for such service.

3 (d) Method of payment.--Payments due from school districts
4 to an intermediate unit shall be withheld by the Commonwealth
5 from subsidies payable to school districts during October and
6 paid to the intermediate unit not later than January of each
7 year.

8 SUBPART C

9 FISCAL AFFAIRS AND TAXATION

10 Chapter

11 29. Reimbursement

12 31. Local Finance

13 33. Accounting and Auditing

14 35. Taxation

15 CHAPTER 29

16 REIMBURSEMENT

17 Subchapter

18 A. General Provisions

19 B. Basic Instruction

20 C. Building Construction

21 D. Driver Education

22 E. Exceptional Students

23 F. Health Services

24 G. Homebound Instruction

25 H. Intermediate Units

26 I. Migrant Children

27 J. Poverty Children

28 K. Transportation

29 L. Tuition

30 M. Vocational Education

N. Temporary Special Aid to School Districts Due to Real
Property Reassessments

O. State School Fund

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

2901. Statements for reimbursement.

2902. Determining amount of payments.

2903. Deduction from Commonwealth appropriations.

2904. Withholding payments for delinquent debt.

2905. Penalties for unauthorized employees.

2906. Payments for schools closed during emergencies.

2907. Verification of amounts to school entities.

2908. Verification of amounts to State Treasurer.

2909. Guaranteed payments and limitations.

2910. EQUALIZED SUPPLEMENT FOR STUDENT LEARNING.

~~2910~~ 2911. Time of payments.

~~2911~~ 2912. Method and use of payments.

§ 2901. Statements for reimbursement.

(a) Definition.--As used in this chapter the word
"statement" means statement for reimbursement.

(b) Filing.--Each school entity shall file statements with
the department. The department shall prescribe the content, form
and time of filing of the statements.

(c) Penalty for failure to file.--The department shall
withhold the payment of all moneys due any school entity until
the necessary statements and required reports have been properly
submitted.

(d) Corrections.--If any error in any statement shall occur
whereby a school entity would receive more or less Commonwealth

1 money than is justly due, the chief executive officer of the
2 school entity shall forward immediately to the department a
3 corrected statement and the department shall make the corrected
4 statement the basis for the appropriation.

5 § 2902. Determining amount of payments.

6 (a) General rule.--The department shall determine the amount
7 of funds required to meet each payment to each school entity
8 which becomes due and payable each fiscal year.

9 (b) Basis for determination.--The determination of the
10 amount required shall be based on the following:

11 (1) The data and material contained in the statements.

12 (2) The definitions in section 2921 (relating to
13 definitions).

14 (3) The deductions authorized in section 2903 (relating
15 to deduction from Commonwealth appropriations).

16 (4) The reimbursement formulae as contained in the
17 following provisions:

18 Subchapter B (relating to basic instruction).

19 Subchapter C (relating to building construction).

20 Subchapter E (relating to exceptional students).

21 Subchapter G (relating to homebound instruction).

22 Subchapter H (relating to intermediate units).

23 Subchapter K (relating to transportation).

24 § 2903. Deduction from Commonwealth appropriations.

25 (a) General rule.--The department may deduct from
26 Commonwealth appropriations to school entities the amounts due
27 and payable to the Commonwealth, political subdivisions and
28 other school entities. The exact amount deducted shall be
29 credited or paid to the appropriate government agency and the
30 school entity involved shall be properly notified.

1 (b) Extension class tuition.--If any school district in
2 which a student resides, who is entitled by law to attend an
3 elementary school or a high school for an extension class for
4 which extension class tuition has been approved by the sending
5 district for attendance in another district, neglects or refuses
6 to pay the tuition or any other charge, the department may
7 deduct from any moneys due the sending district out of any
8 Commonwealth appropriation the amount due from the sending
9 district to the district where the student attends and pay the
10 amount to the district entitled thereto.

11 § 2904. Withholding payments for delinquent debt.

12 The department may refuse to authorize the payment of any
13 amount payable to any school entity when it fails or refuses to
14 pay its indebtedness when due. The department may continue to
15 withhold such amounts until the school entity has made provision
16 for payment of the delinquent debt.

17 § 2905. Penalties for unauthorized employees.

18 (a) Abuse of emergency certificates.--Any school entity
19 which for a period of two successive years either employs a
20 teacher who holds only an emergency certificate for any grade or
21 subject which he teaches, or employs in the same position
22 teachers who hold only emergency certificates for any grades or
23 subjects which they teach, shall forfeit the sum of \$300 for
24 each teacher so employed or for each position so filled.

25 (b) Uncertificated professionals.--Any school entity which
26 has in its employ any person required by law to be certificated
27 in a teaching, specialist, supervisory or administrative
28 capacity for more than two consecutive months of any school year
29 who has not been certificated for the position by the department
30 shall forfeit an amount equal to the actual salary being paid

1 the employee for that school year less the product of the salary
2 and the MARKET VALUE/INCOME aid ratio of the school entity. <—
3 Forfeiture shall apply only to uncertificated professionals
4 employed in that position after July 1, ~~1962-1983~~ 1962 EXCEPT AS <—
5 PROVIDED IN SECTION 5123 (RELATING TO DEPARTMENT WAIVER OF
6 CERTIFICATION REQUIREMENTS).

7 (c) Substitutes employed in vacancies.--Any school entity
8 which has in its employ a substitute in a position where a
9 vacancy exists for a full year or more without the specific
10 written approval of the department shall forfeit an amount equal
11 to the actual salary being paid the employee for that school
12 year less the product of the salary and the aid ratio of the
13 school entity.

14 (d) Payment of penalty.--The department shall deduct the
15 forfeitures from the amount of the Commonwealth appropriation
16 otherwise due the school entity.

17 § 2906. Payments for schools closed during emergencies.

18 When any governing board is compelled to close any school or
19 schools on account of any contagious disease, natural disaster
20 or other emergency, not including labor disputes involving
21 school employees, and thereby is unable to keep the school or
22 schools open for the minimum term required by this title, the
23 department may pay to the school entity any or all of its share
24 of the annual Commonwealth appropriations as the department
25 deems proper.

26 § 2907. Verification of amounts to school entities.

27 The department shall transmit to each school entity a
28 verification of the amount payable to the school entity.

29 § 2908. Verification of amounts to State Treasurer.

30 The department shall verify the amount payable to each school

1 entity to the State Treasurer who shall place the amounts to the
2 credit of the respective school entities.

3 § 2909. Guaranteed payments and limitations.

4 (a) Guaranteed payments.--Each school district shall receive
5 an amount which is the greater of:

6 (1) the guaranteed amount per weighted average daily
7 membership established for the 1970-1971 fiscal year for the
8 district times the weighted average daily membership
9 applicable to the year for which payment is being made; or

10 (2) the amount as determined in accordance with section
11 2922(a) and (b) (relating to amount of payments) for the
12 immediately preceding fiscal year of the district.

13 (b) Limitations on payments.--Notwithstanding any other
14 provisions of law, for any fiscal year no school district shall
15 be paid under subsection (a), section 2922(c) or section 2957
16 (relating to payments for poverty children), an amount in excess
17 of 100% of the total approved reimbursable instruction expense
18 of the school district.

19 (c) Proportionate reduction of payments.--If the sums
20 appropriated for ~~the fiscal year 1978-1979 and each fiscal year~~ <—
21 ~~thereafter~~ A FISCAL YEAR are not sufficient to pay in full the <—
22 total amounts to which all qualified school districts,
23 intermediate units and nonpublic schools are entitled to receive
24 under the provisions of sections 1102 (relating to auxiliary
25 services to nonpublic school children), 1103(d) (relating to
26 educational aids for nonpublic school children), 2921 (relating
27 to definitions), 2922 (relating to amount of payments), 2951
28 (relating to payments to intermediate units), 2953 (relating to
29 capital subsidy), ~~and~~ 2957 (relating to payments for poverty <—
30 children) AND 2981 (RELATING TO PAYMENTS FOR PROGRAMS) for such <—

1 year, the allocations to the ~~schools~~ SCHOOL districts, <—
2 intermediate units and nonpublic schools shall be
3 proportionately reduced to the extent necessary to bring the
4 aggregate of the school district, intermediate unit and
5 nonpublic school allocations within the limits of the amounts
6 appropriated. However, no school district's gross allocation
7 under the provisions of the sections referred to in this section
8 shall be less for the fiscal year 1978-1979, ~~or~~ 1979-1980, 1980- <—
9 1981 OR 1981-1982 than its gross allocation under those sections
10 for the previous fiscal year.

11 § 2910. EQUALIZED SUPPLEMENT FOR STUDENT LEARNING. <—

12 (A) MINIMUM PAYMENT.--FOR THE FISCAL YEAR 1981-1982 AND EACH
13 FISCAL YEAR THEREAFTER EACH SCHOOL DISTRICT'S GROSS ALLOCATION
14 ON ACCOUNT OF INSTRUCTION OF STUDENTS, IN ACCORDANCE WITH
15 SECTIONS 2909 (RELATING TO GUARANTEED PAYMENTS AND LIMITATIONS),
16 2921 (RELATING TO DEFINITIONS), 2922 (RELATING TO AMOUNT OF
17 PAYMENTS) AND 2957 (RELATING TO PAYMENTS FOR POVERTY CHILDREN),
18 SHALL BE EQUAL TO ITS GROSS ALLOCATION IN ACCORDANCE WITH THOSE
19 SECTIONS FOR THE FISCAL YEAR 1980-1981, NOTWITHSTANDING ANY
20 OTHER PROVISION OF THIS TITLE TO THE CONTRARY.

21 (B) ADDITIONAL PAYMENT.--IN ADDITION TO THE PAYMENT PROVIDED
22 FOR IN ACCORDANCE WITH SUBSECTION (A), EACH SCHOOL DISTRICT WILL
23 BE PAID FOR THE FISCAL YEAR 1981-1982 AND EACH FISCAL YEAR
24 THEREAFTER AN AMOUNT DETERMINED BY MULTIPLYING THE DISTRICT'S
25 WEIGHTED AVERAGE DAILY MEMBERSHIP BY THE DISTRICT'S MARKET
26 VALUE/INCOME AID RATIO, DIVIDING THE RESULT BY THE PRODUCT OF
27 THE STATEWIDE WEIGHTED AVERAGE DAILY MEMBERSHIP AND THE
28 STATEWIDE MARKET VALUE/INCOME AID RATIO AND MULTIPLYING THE
29 RESULT BY THE AMOUNT APPROPRIATED IN THE PAYMENT YEAR IN EXCESS
30 OF THE AMOUNT APPROPRIATED IN FISCAL YEAR 1981-1982.

1 § 2910 2911. Time of payments. <—

2 ~~The amount apportioned and allotted to each school district~~ <—
3 ~~shall be divided into four payments and the department shall~~
4 ~~draw a requisition four times annually upon the State Treasurer~~
5 ~~in favor of each school district for the amount to which it is~~
6 ~~entitled. The first payment which shall be made on September 1~~
7 ~~shall be an estimate based on but not to exceed 30% of the total~~
8 ~~amount apportioned and allocated to the school district during~~
9 ~~the previous fiscal year for the same purposes. The second~~
10 ~~payment which shall be made on December 1 shall be 20% and the~~
11 ~~third payment which shall be made on April 20 shall be 30% of~~
12 ~~the total amount apportioned and allocated to the school~~
13 ~~district during the previous fiscal year for the same purposes.~~
14 ~~The final payment which shall be made on June 1 shall be the~~
15 ~~balance of the apportionment due for the applicable fiscal year.~~
16 ~~Payment shall be made to all school districts on September 1,~~
17 ~~December 1, April 20 and June 1, except that any school district~~
18 ~~whose fiscal year and calendar year are identical on the~~
19 ~~effective date of this section shall continue to receive~~
20 ~~payments as now provided by law. This section shall apply to~~
21 ~~payments to which a school district is entitled under provisions~~
22 ~~of sections 2909(a) (relating to guaranteed payments and~~
23 ~~limitations), 2922 (relating to amount of payments) and 2957~~
24 ~~(relating to payments for poverty children).~~

25 (A) GENERAL RULE.--THE AMOUNT APPORTIONED AND ALLOTTED TO <—
26 EACH SCHOOL DISTRICT SHALL BE DIVIDED INTO SIX PAYMENTS AND THE
27 DEPARTMENT SHALL DRAW A REQUISITION SIX TIMES UPON THE STATE
28 TREASURER IN FAVOR OF EACH DISTRICT FOR THE AMOUNT TO WHICH IT
29 IS ENTITLED. THE FIRST FIVE PAYMENTS SHALL BE ESTIMATES BASED ON
30 BUT NOT TO EXCEED 15% EACH OF THE TOTAL NET AMOUNT APPORTIONED

1 AND ALLOCATED TO THE SCHOOL DISTRICT FOR THE PAYMENT YEAR. THE
2 FINAL PAYMENT SHALL BE THE BALANCE OF THE APPORTIONMENT DUE FOR
3 THE APPLICABLE FISCAL YEAR. PAYMENT THEREOF SHALL BE MADE TO ALL
4 SCHOOL DISTRICTS ON THE THIRD THURSDAY OF AUGUST, OCTOBER,
5 DECEMBER, FEBRUARY AND APRIL AND ON JUNE 1.

6 (B) APPLICABILITY OF SECTION.--SUBSECTION (A) APPLIES TO ALL
7 PAYMENTS TO WHICH A SCHOOL DISTRICT IS ENTITLED UNDER ANY
8 PROVISION OF SECTIONS 2909 (RELATING TO GUARANTEED PROGRAMS AND
9 LIMITATIONS), 2910 (RELATING TO EQUALIZED SUPPLEMENT FOR STUDENT
10 LEARNING), 2922 (RELATING TO AMOUNT OF PAYMENTS), 2957 (RELATING
11 TO PAYMENTS FOR POVERTY CHILDREN) AND 2981 (RELATING TO PAYMENTS
12 FOR PROGRAMS).

13 § ~~2911~~ 2912. Method and use of payments.

<—

14 The annual Commonwealth appropriation apportioned and
15 distributed by the department to each school entity shall be
16 paid to the treasurer of the school entity. The appropriations
17 shall be used by each school entity through its governing board
18 for the purposes authorized by this title.

19 SUBCHAPTER B

20 BASIC INSTRUCTION

21 Sec.

22 2921. Definitions.

23 2922. Amount of payments.

24 2923. Personal income valuation information and determinations.

25 § 2921. Definitions.

26 The following words and phrases when used in this chapter
27 shall have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 "Actual instruction expense per weighted average daily
30 membership." For each fiscal year, the department shall

1 calculate for each school district the actual instruction
2 expense per weighted average daily membership for each district
3 student. The actual instruction expense shall include all
4 general fund expenses of the school district except those for
5 health services, transportation, debt service, capital outlay,
6 homebound instruction and outgoing transfers to community
7 colleges. From this cost shall be deducted the amount received
8 from the Commonwealth for driver education, special class
9 operation, vocational education programs, area vocational-
10 technical schools, payment of tuition by district patrons,
11 parents and the State and Federal Government and all moneys
12 received from the State and Federal Government under the Federal
13 Elementary and Secondary Education Act (Public Law 89-10),
14 Federal Economic Opportunity Act (Public Law 88-452) and Federal
15 Comprehensive Employment and Training Act of 1973 (Public Law
16 93-203) and for projects under section 3904 (relating to
17 intensive classes for unemployed or underemployed persons). The
18 actual instruction expense so determined, when divided by the
19 weighted average daily membership for the district, shall be the
20 actual instruction expense per weighted average daily
21 membership.

22 "Aid ratio." The State's share of reimbursable cost as
23 defined under the definition of "State's share of total cost."
24 The aid ratio shall be determined in the following manner:

25 (1) Divide the market value per weighted average daily
26 membership of the school district by the market value per
27 weighted average daily membership of this Commonwealth.

28 (2) Determine the product of paragraph (1) multiplied by
29 the school district's share of total cost.

30 (3) Subtract the resultant product in paragraph (2) from

1 one (1.0000) to determine the aid ratio.

2 Aid ratio = 1.0000 - (District MV/WADM)

3 ----- x .50

4 (State MV/WADM)

5 No school district shall be assigned an aid ratio less than
6 .1000.

7 "Average daily membership." Membership computed in
8 accordance with rules of procedure established by the
9 department.

10 "Base earned for reimbursement." The lesser of the
11 following:

12 (1) The actual instruction expense per weighted average
13 daily membership of the district.

14 (2) The amount earned as follows:

15 (i) Subtract the individual school district's
16 equalized millage from the highest equalized millage in
17 this Commonwealth.

18 (ii) Divide the amount determined in subparagraph
19 (i) by the difference between the highest and lowest
20 equalized millage in this Commonwealth.

21 (iii) Multiply the quotient determined in
22 subparagraph (ii) by \$200 and round to the nearest whole
23 dollar amount.

24 (iv) Subtract the amount determined in subparagraph
25 (iii) from the median actual instruction expense per
26 weighted average daily membership in the year for which
27 reimbursement is being computed.

28 "Density factor." The density factor shall be assigned for
29 those school districts whose population exceeds 10,000 per
30 square mile as determined by the department from the most recent

1 records of the United States Census Bureau. Any school district
2 which was assigned a density factor for any fiscal year prior to
3 ~~1969-1970~~ 1979-1980, and for any fiscal year thereafter is <—
4 determined by the department to have a population of 10,000 per
5 square mile or less shall qualify for a modified density payment
6 which shall be in the ratio of its population per square mile to
7 10,000 of the amount to which it would have been entitled had
8 its population per square mile exceeded 10,000. Any school
9 district which was assigned a density factor for any fiscal year
10 prior to ~~1969-1970~~ 1979-1980 and for any fiscal year thereafter <—
11 and as a result of a merger with one or more other school
12 districts becomes a part of a new school district and the new
13 school district is determined by the department to have a
14 population of 10,000 per square mile or less, the new school
15 district shall qualify for a modified density payment which
16 shall be in the ratio of its population per square mile to
17 10,000 of the amount to which it would have been entitled had
18 its population per square mile exceeded 10,000. A school
19 district qualifying under the density factor shall be paid by
20 the Commonwealth on account of excess expenditures per weighted
21 average daily membership not to exceed ~~for the fiscal year 1969-~~ <—
22 ~~1970 and each fiscal year thereafter~~ \$250, in excess of \$400, an
23 amount to be determined by multiplying the excess expenditures
24 by the aid ratio or by 0.375, whichever is greater, and by the
25 number of weighted students, which amount shall be in addition
26 to any other payments for the students.

27 "District students." Students of a school district enrolled
28 in the public schools of this Commonwealth and of adjacent
29 states who are residents of a given school district.

30 "District's share of total cost." The district's share of

1 total cost shall be the State's share subtracted from 1.00.

2 "Equalized millage." A school district's tax effort used for
3 determining the base earned for reimbursement and used for
4 reimbursement under section 2922 (relating to amount of
5 payments) shall be the amount of local school taxes collected
6 during the year for which reimbursement is being computed
7 divided by the most recent real property valuation of the school
8 district.

9 "Market value/income aid ratio." For purposes of
10 reimbursement to a school district under sections 2909 (relating
11 to guaranteed payments and limitations) and 2922 (relating to
12 amount of payments) shall be the Commonwealth's method of
13 determining the combined market value and income wealth for each
14 student and shall be computed as follows:

15 (1) (i) Divide the market value per weighted average
16 daily membership of the district by the market value per
17 weighted average daily membership of this Commonwealth.

18 (ii) Determine the product of subparagraph (i)
19 multiplied by the district's share of total costs which
20 is .5.

21 (iii) Subtract the resultant product in subparagraph
22 (ii) from 1.000 to determine the market value aid ratio.

23 (2) (i) Divide the income per weighted average daily
24 membership of the district by the personal income per
25 weighted average daily membership of this Commonwealth.

26 (ii) Determine the product of subparagraph (i)
27 multiplied by the district's share of total costs which
28 is .5.

29 (iii) Subtract the resultant product in subparagraph
30 (ii) from 1.0000 to determine the income aid ratio.

(3) Add 60% of the market value aid ratio to 40% of the income aid ratio to determine the market value/income aid ratio.

"Median actual instruction expense per weighted average daily membership." ~~For the fiscal year 1976 1977 and each fiscal year thereafter the~~ THE department shall annually calculate the actual instruction expense per weighted average daily membership for which an equal number of districts are above and below for that year.

"Median equalized millage." ~~For the fiscal year 1976 1977 and each fiscal year thereafter the~~ THE department shall annually calculate the equalized millage for which an equal number of districts are above and below for that year.

"Minimum subsidy." ~~For the fiscal year 1978 1979 and each fiscal year thereafter in~~ IN no case shall a district receive for each student in weighted average daily membership an amount less than 15% of the actual ~~cost~~ of instruction EXPENSE PER WADM or 15% of the base earned for reimbursement, whichever is the lesser amount. ~~For the fiscal year 1976 1977 and each fiscal year thereafter a~~ A district whose actual instruction expense per weighted average daily membership is more than \$200 less than the median actual instruction expense per weighted average daily membership and whose equalized millage is ~~within 15%~~ AT LEAST 85% of the median equalized millage shall receive reimbursement of \$200 below the median actual instruction expense per weighted average daily membership times the district's aid ratio for each weighted average daily membership.

"Personal income valuation." A school district's personal income valuation used for reimbursement to a school district under sections 2909 (relating to guaranteed payments and

1 limitations) and 2922 (relating to amount of payments) shall be
2 the valuation of the total taxable income for the tax year
3 preceding the immediate prior year determined under Article III
4 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax
5 Reform Code of 1971," for each school district each year by the
6 Department of Revenue and certified to the Department of
7 Education.

8 "Real property valuation." A school district's real property
9 valuation used for computing the basic account standard
10 reimbursement fraction, the subsidiary account reimbursement
11 fraction, the aid ratio and the market value/income aid ratio
12 shall be the valuation placed upon its taxable real property by
13 the State Tax Equalization Board.

14 "Secondary students" or "high school students." Students in
15 a secondary school program classified as such by the department.
16 The term does not include students below grade seven.

17 "Sparsity factor."

18 (1) A sparsity factor shall be assigned for those
19 districts whose population is less than 50 per square mile as
20 determined by the department from the most recent records of
21 the United States Census Bureau. A school district qualifying
22 under the sparsity factor shall be paid by the Commonwealth
23 on account of excess expenditures per weighted average daily
24 membership, not to exceed ~~for the fiscal year 1978-1979 and~~ <—
25 ~~each fiscal year thereafter~~ \$265, in excess of \$400, an
26 amount to be determined by multiplying the excess
27 expenditures by the aid ratio or by 0.375, whichever is
28 greater, and by the number of weighted students which amount
29 shall be in addition to any other payment for the students.

30 (2) Any school district determined by the department to

1 have a population of at least 50 per square mile but less
2 than 100 per square mile shall, ~~for the fiscal year 1976-1977~~ <—
3 ~~and each fiscal year thereafter,~~ qualify for a modified
4 sparsity payment which shall be the ratio of its population
5 per square mile to 50 subtracted from 2.00 and multiplied by
6 the amount to which it would have been entitled had its
7 population per square mile been less than 50.

8 "State's share of total cost." ~~For the fiscal year 1966-1967~~ <—
9 ~~and each fiscal year thereafter,~~ the THE average State's share <—
10 of total reimbursable cost shall be 50%. Total reimbursable cost
11 shall be the lesser of actual INSTRUCTION expense per weighted <—
12 average daily membership (WADM) or a maximum amount to be fixed
13 by the General Assembly each year to represent the estimated
14 median actual instruction expense per WADM in the year for which
15 the reimbursement is payable. ~~For the fiscal year 1976-1977 and~~ <—
16 ~~each fiscal year thereafter,~~ the THE maximum amount shall be the <—
17 median actual instruction expense per WADM in the year for which
18 the reimbursement is to be payable. The department annually
19 shall calculate the State "median actual instruction expense per
20 weighted average daily membership" and shall supply the same to
21 the General Assembly.

22 "Weighted average daily membership" or "WADM." The average
23 daily membership for all resident students in the various levels
24 of instruction shall be multiplied by the weight for that level
25 as indicated in the definition of "weighted student" to obtain
26 the weighted average daily membership. The sum of the products
27 so obtained shall be the weighted average daily membership for
28 the district.

29 "Weighted student." A value placed upon district students in
30 average daily membership at various levels of instruction. The

1 value shall be as follows:

2 (1) Kindergarten, 0.50 if attending one session per day
3 or 1.00 if attending two sessions per day.

4 (2) Elementary, 1.00.

5 (3) Secondary, 1.36.

6 § 2922. Amount of payments.

7 (a) General rule.--~~For the fiscal year 1976-1977 and each~~ <—
8 ~~fiscal year thereafter, each~~ EACH school district shall be paid <—
9 ANNUALLY by the Commonwealth on account of instruction of the <—
10 district's students an amount to be determined by multiplying
11 the market value/income aid ratio times the actual instruction
12 expense per weighted average daily membership or by the base
13 earned for reimbursement, whichever is less, and by the weighted
14 average daily membership for the district. STUDENTS ENROLLED IN <—
15 A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION AS DEFINED IN
16 SECTION 2718(11) (RELATING TO POWERS AND DUTIES OF BOARD) OR A
17 DAY TREATMENT PROGRAM OF SUCH AN INSTITUTION OR A DAY TREATMENT
18 PROGRAM APPROVED BY THE DEPARTMENT OF PUBLIC WELFARE AS PROVIDED
19 FOR IN SECTION 4706 (RELATING TO THE ASSIGNMENT OF STUDENTS TO
20 SCHOOLS) SHALL BE CONSIDERED IN THE WEIGHTED AVERAGE DAILY
21 MEMBERSHIP OF THE SCHOOL DISTRICT OF RESIDENCE FOR THE PURPOSE
22 OF MAKING PAYMENTS UNDER THIS SECTION.

23 (b) Minimum payments.--For any fiscal year, no district
24 shall receive less than an amount obtained by multiplying the
25 minimum subsidy by the weighted average daily membership for the
26 district.

27 (c) Density and sparsity payments.--~~For the fiscal year~~ <—
28 ~~1978-1979 and each fiscal year thereafter, each~~ EACH school <—
29 district so entitled shall be paid ANNUALLY, in addition to any <—
30 other subsidy to which it is entitled, an amount for density, or

1 modified density, or sparsity, or modified sparsity, of
2 population. Except as otherwise provided, this amount shall be
3 paid on account of expenditures in excess of \$400 per weighted
4 average daily membership, not to exceed \$250 for density,
5 modified density, sparsity or modified sparsity an amount to be
6 determined by multiplying the excess expenditures by the market
7 value/income aid ratio or by 0.375, whichever is greater, and by
8 the number of weighted average daily membership. ~~For the fiscal~~ <—
9 ~~year 1978-1979 and each fiscal year thereafter,~~ SCHOOL districts <—
10 qualifying for sparsity or modified sparsity payments shall be
11 paid ANNUALLY on account of expenditures in excess of \$400 per <—
12 weighted average daily membership, not to exceed \$265, an amount
13 to be determined by multiplying the excess expenditures by the
14 market value/income aid ratio or by 0.375, whichever is greater,
15 and by the number of weighted average daily membership. The
16 payment for density factor for those qualifying school districts
17 with a WADM in excess of 35,000 shall be the actual cost of
18 instruction per WADM multiplied by 21% and by the WADM of the
19 district and, notwithstanding any other provision of this title,
20 shall be paid in full for each fiscal year.

21 § 2923. Personal income valuation information and
22 determinations.

23 (a) General rule.--The Department of Revenue shall, on or
24 before January 31 of each year, supply to each school district a
25 listing of the NAMES AND addresses of each person who has filed <—
26 a State income tax return with the Department of Revenue for the
27 tax year preceding the immediate prior year and has designated
28 thereon a code or identification number indicating that the
29 taxpayer was a resident of the school district at the close of
30 the tax year for which the return was filed. Within 20 days of

1 receipt of the list, each school district shall report to the
2 ~~Secretary~~ DEPARTMENT of Revenue in writing in such form as the <—
3 ~~secretary~~ THAT DEPARTMENT shall prescribe any claimed <—
4 corrections to the list as of December 31 of the tax year for
5 which the returns were filed, specifying the basis for each
6 claim. Should the school district claim that any address listed
7 properly should be carried upon the list of another school
8 district, the reporting school district shall notify the other
9 school district of its claim, and a copy of the notice shall
10 accompany the report ~~hereby required~~. Within ten days of receipt <—
11 of the notice, the other school district may notify the
12 ~~Secretary~~ DEPARTMENT of Revenue in writing in such form as the <—
13 ~~secretary~~ THAT DEPARTMENT shall prescribe of its nonconcurrence <—
14 with the claim made by the reporting school district, specifying
15 the basis for its nonconcurrence. Failure to report or notify
16 the ~~Secretary~~ DEPARTMENT of Revenue of any claimed correction or <—
17 nonconcurrence ~~as herein provided~~ shall be deemed a concurrence. <—

18 (b) Review and adjustments.--Upon receipt of the reports and
19 notices provided for in subsection (a), the Department of
20 Revenue, with the cooperation of the Department of Education,
21 shall cause them to be reviewed, make such adjustments or
22 corrections as it may deem necessary and appropriate and, based
23 upon the corrected list, shall make its determination of the
24 valuation of total taxable income to be certified to the
25 Department of Education. The certified determination shall be
26 final and not subject to further review or appeal with respect
27 to the tax year involved.

28 (c) Confidentiality.--Provision by the Department of Revenue
29 of the list of THE NAMES AND addresses and school identification <—
30 code or number to the school districts and use thereof by the

1 school districts for the purposes of this section shall be
2 deemed an official use and not a violation of subsection (f) of
3 section 353 of the act of March 4, 1971 (P.L.6, No.2), known as
4 the "Tax Reform Code of 1971," but the use or disclosure of the
5 contents of any list by any person for any purpose other than
6 that set forth by this section or as otherwise permitted by law
7 shall be unlawful and in violation of section 353(f) of the "Tax
8 Reform Code of 1971."

9 SUBCHAPTER C

10 BUILDING CONSTRUCTION

11 Sec.

12 2931. Site costs.

13 2932. Building costs.

14 2933. Approval of leases and sinking fund charges.

15 2934. Payments on pre-1957 leases and contracts.

16 2935. Payments on other leases and contracts.

17 2936. Approved reimbursement.

18 2937. Change in rentals.

19 2938. Districts eligible under density factor.

20 2939. Method of payments on rentals.

21 2940. Payments on rentals of facilities for school use.

22 ~~2941. Separate contract requirement.~~

<—

23 § 2931. Site costs.

24 Whenever any school district acquires a site for a school
25 building in advance of its need and in accordance with a long-
26 range development plan for school building construction approved
27 by the State board to the extent that the cost of the
28 acquisition shall be deemed reasonable by the department, the
29 Commonwealth shall pay, in the year of acquisition, 100% of the
30 reimbursement due the district under applicable statutes in

1 force at that time for the cost of acquisition. If the site is
2 not thereafter used by the district for school building purposes
3 within a period of ten years from date of purchase, the amounts
4 paid under this section shall be returned to the Commonwealth by
5 the district within two years of the end of the ten-year period
6 of nonuse. If the amounts are not returned within the two-year
7 period, Commonwealth moneys due and payable to the district by
8 the department as a subsidy or reimbursement for any purpose
9 shall first be withheld in the amount of the moneys owed the
10 Commonwealth by the district under this section and credited as
11 returned in full before any part of the Commonwealth
12 reimbursement or subsidy is paid to the district.

13 § 2932. Building costs.

14 (a) Preliminary payments.--The Commonwealth shall pay to any
15 school district making a preliminary payment on account of the
16 approved building construction cost, as authorized by this
17 title, an amount determined by multiplying the district capital
18 account reimbursement fraction computed for the year 1967 or aid
19 ratio, whichever is greater, by the amount of the payment made
20 by the school district.

21 (b) Full payments.--Whenever any school district provides
22 the full payment on account of approved building construction
23 cost without incurring debt or without assuming a lease, the
24 Commonwealth shall pay to the school district an amount
25 determined by multiplying the district capital account
26 reimbursement fraction computed for the year 1967 or aid ratio,
27 whichever is greater, by the amount of the payment made by the
28 school district.

29 (c) Fiscal year of payment.--The payment required by this
30 section shall be made for the fiscal year in which the school

1 district made its payment on account of the approved building
2 construction cost.

3 § 2933. Approval of leases and sinking fund charges.

4 (a) General rule.--No payment shall be made to any school
5 district on account of any lease entered into with the State
6 Public School Building Authority or any municipal authority or
7 any profit or nonprofit corporation, partnership, association,
8 or person, or on account of sinking fund charges on indebtedness
9 for school buildings, unless the lease or sinking fund charge is
10 approved by the department in accordance with Chapter 49
11 (relating to physical plant and construction).

12 (b) Disapproval or modification.--The department shall have
13 the right to disapprove or approve with reservation a lease
14 because of any failure on the part of the authority or school
15 district to comply with the provisions of the statutes of this
16 Commonwealth relating to the authority or profit or nonprofit
17 corporation, partnership, association, or person, or school
18 district, only to such extent as will prevent the school
19 district from paying a greater sum as rental because of the
20 noncompliance with law. For that purpose, the department may
21 require a modification of the lease if not at the time executed
22 or may approve the lease with the reservation that the
23 department will pay the reimbursement on that amount only which
24 would have been determined by reason of the lower rental.

25 ~~(c) Inspection prior to approval. The department shall not~~ <—
26 ~~approve any project for which Commonwealth reimbursement is~~
27 ~~sought unless an inspection has been made by the department of~~
28 ~~the location and adequacy of existing school facilities and the~~
29 ~~determination made that existing facilities are inadequate in~~
30 ~~terms of prevailing educational standards.~~

(C) INSPECTION PRIOR TO APPROVAL.--THE DEPARTMENT MAY, AT ITS DISCRETION AND WHEN IT DEEMS NECESSARY, MAKE AN INSPECTION PRIOR TO APPROVAL OF ANY PROJECT FOR WHICH COMMONWEALTH REIMBURSEMENT IS SOUGHT OF THE LOCATION AND ADEQUACY OF EXISTING SCHOOL FACILITIES AND STANDARDS.

§ 2934. Payments on pre-1957 leases and contracts.

(a) Pre-1953 leases or contracts.--The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings or providing educational equipment under the provisions of the act of July 5, 1947 (P.L.1217, No.498), known as the "State Public School Building Authority Act," for every lease or contract entered into or approved by the department prior to August 26, 1953, and to each school district which shall have entered into a lease approved by the department prior to August 26, 1953, with a municipality authority or with a nonprofit corporation for the rental of a school building or buildings or providing educational equipment, an amount to be determined by multiplying the school district's capital account reimbursement fraction computed for the year 1967 or aid ratio, whichever is greater, by the annual rental charge as fixed by the State Public School Building Authority or by the annual rental or share thereof provided for under its lease with the municipality authority or nonprofit corporation, as the case may be.

(b) 1953-1956 leases.--The Commonwealth shall pay annually to each school district erecting or sharing in the erection of a building or buildings under the provisions of the "State Public School Building Authority Act" for every lease approved by the department on or after August 26, 1953, but prior to March 22, 1956, and to each school district which shall have entered into

1 a lease approved by the department on or after August 26, 1953,
2 but prior to March 22, 1956, with a municipality authority or
3 with a nonprofit corporation for the rental of a school building
4 or buildings, an amount to be determined by multiplying the
5 school district's capital account reimbursement fraction
6 computed for the year 1967 or aid ratio, whichever is greater,
7 by that portion of the annual rental charge or share thereof
8 provided for under its lease with the State Public School
9 Building Authority or municipality authority or nonprofit
10 corporation, as the case may be, sufficient during the period of
11 the lease to pay the cost of acquiring or constructing the
12 school buildings, the cost of acquiring the land upon which the
13 school buildings are situated and the interest on the cost.
14 § 2935. Payments on other leases and contracts.

15 (a) Post-1956 leases or contracts.--The Commonwealth shall
16 pay annually to each school district erecting or sharing in the
17 erection of a building or buildings under the provisions of the
18 act of July 5, 1947 (P.L.1217, No.498), known as the "State
19 Public School Building Authority Act," or the act of May 2, 1945
20 (P.L.382, No.164), known as the "Municipality Authorities Act of
21 1945," on account of buildings for which the lease is approved
22 on or after March 22, 1956, or through the incurring of
23 indebtedness by the issuance of general obligation bonds on
24 account of buildings for which the general construction contract
25 is awarded on or after March 22, 1956, an amount to be
26 determined by multiplying the district capital account
27 reimbursement fraction computed for the year 1967 or aid ratio,
28 whichever is greater, by the approved reimbursable rental or
29 approved reimbursable sinking fund charge.

30 (b) Vocational-technical buildings.--The Commonwealth shall

1 pay annually to each school district which constructs, purchases
2 or leases with the approval of the department an area
3 vocational-technical school building or which shares in the
4 construction, purchase or lease of the building or buildings
5 under the provisions of the "State Public School Building
6 Authority Act" or the "Municipality Authorities Act of 1945," or
7 other agency, or through the incurring of indebtedness by the
8 issuance of general obligation bonds, an amount to be determined
9 by multiplying the district aid ratio or 50%, whichever is
10 greater, by the approved reimbursable rental or approved
11 reimbursable sinking fund charge multiplied by the district
12 proportionate share of the rental sinking fund charge.

13 § 2936. Approved reimbursement.

14 (a) Rental or sinking fund charges.--For school building
15 projects for which the general construction contract is awarded
16 subsequent to March 22, 1956, and for approved school building
17 projects for which the general construction contract was awarded
18 but for which a lease was not approved by the department prior
19 to March 22, 1956, the department shall calculate approved
20 reimbursable rental or approved reimbursable sinking fund
21 charges. Reimbursable sinking charges may include charges for
22 temporary indebtedness within constitutional limitations if the
23 indebtedness is incurred for approved permanent improvements to
24 the school plant, including the cost of acquiring a suitable
25 site for a school building, the cost of constructing a new
26 school building, or the cost of providing needed additions or
27 alterations to existing buildings, for which no bond issue is
28 provided and for which an approved obligation or obligations
29 other than bonds have been issued and the obligation or
30 obligations are payable within five years from the date of issue

1 of the obligation in equal annual installments. Approved
2 reimbursable rental or sinking fund charge shall consist of that
3 part of the annual rental or sinking fund charge attributable
4 to:

5 (1) the cost of acquiring the land upon which the school
6 buildings are situated, the cost of necessary rough grading
7 to permit proper placement of the building upon the land and
8 the cost of sewage treatment plants, as required by the
9 Department of Environmental Resources, to the extent that the
10 costs are deemed reasonable by the Department of Education,
11 and the interest on the costs of acquisition, grading and
12 sewage treatment plants earned subsequent to the date the
13 construction contract is awarded; and

14 (2) the approved building construction cost and the
15 interest on the construction cost.

16 (b) New building construction cost.--For new school
17 buildings the approved buildings construction cost shall be the
18 lesser of:

19 (1) the cost of constructing the school buildings
20 including the cost of essential fixtures and equipment but
21 excluding architect fees in excess of 6% of the contract
22 price; or

23 (2) (i) for school buildings for which the general
24 construction contract is awarded prior to July 1, 1966,
25 and for approved school building projects for which a
26 lease was approved by the department prior to July 1,
27 1966, the product of the rated student capacity as
28 determined by the department at the time the project is
29 approved; and

30 (A) \$1,100 in the case of elementary schools;

1 (B) \$1,700 in the case of secondary schools; or
2 (C) an amount in the case of combined
3 elementary-secondary schools obtained by multiplying
4 the rated elementary student capacity by \$1,100 and
5 the rated secondary student capacity by \$1,700 and
6 dividing the sum by the total rated student capacity;
7 or

8 (ii) for school buildings for which the general
9 construction contract is awarded subsequent to July 1,
10 1966 and for approved school buildings projects for which
11 the general construction contract was awarded but for
12 which a lease was not approved by the department prior to
13 July 1, 1966, the product of the rated student capacity
14 as determined by the department at the time the project
15 is approved; and

16 (A) \$2,300 in the case of elementary schools;

17 (B) \$3,000 in the case of secondary schools; or

18 (C) an amount in the case of combined
19 elementary-secondary schools obtained by multiplying
20 the rated elementary student capacity by \$2,300 and
21 the rated secondary student capacity by \$3,000 and
22 dividing the sum by the total rated student capacity.

23 (c) Additions or alterations.--For additions or alterations
24 to existing buildings, approved building construction cost shall
25 be the lesser of:

26 (1) the cost of constructing the additions or
27 alterations including the cost of essential fixtures and
28 equipment but excluding architect fees in excess of 6% of the
29 contract price; or

30 (2) (i) for all school building projects for which the

1 general construction contract is awarded prior to July 1,
2 1966, and for approved school building projects for which
3 a lease was approved by the department prior to July 1,
4 1966, the difference obtained by subtracting the
5 appraisal value of the existing buildings from the
6 product of rated student capacity of the altered or
7 expanded buildings as determined by the department at the
8 time the project is approved; and

9 (A) \$1,100 in the case of elementary schools;

10 (B) \$1,700 in the case of secondary schools; or

11 (C) an amount in the case of combined

12 elementary-secondary schools obtained by multiplying
13 the rated elementary student capacity of the altered
14 or expanded building by \$1,100 and the rated
15 secondary student capacity of the altered or expanded
16 building by \$1,700 and dividing the sum by the total
17 rated student capacity of the altered or expanded
18 building; or

19 (ii) for school buildings for which the general
20 construction contract is awarded subsequent to July 1,
21 1966, and for approved school building projects for which
22 the general construction contract was awarded but for
23 which a lease was not approved by the department prior to
24 July 1, 1966, the difference obtained by subtracting the
25 appraisal value of the existing building from the product
26 of rated student capacity of the altered or expanded
27 buildings as determined by the department at the time the
28 project is approved; and

29 (A) \$2,300 in the case of elementary schools;

30 (B) \$3,000 in the case of secondary schools; or

1 (C) an amount in the case of combined
2 elementary-secondary schools obtained by multiplying
3 the rated elementary student capacity of the altered
4 or expanded building by \$2,300 and the rated
5 secondary student capacity of the altered or expanded
6 building by \$3,000 and dividing the sum by the total
7 rated student capacity of the altered or expanded
8 building.

9 For the purposes of this subsection, "appraisal value" means the
10 valuation made immediately before the additions or alterations
11 are begun by three competent appraisers, one appointed by the
12 governing board or boards, one by the secretary and the third by
13 the other two appraisers.

14 (d) Deduction of prior payments.--If the Commonwealth makes
15 any payment under section 2932 (relating to building costs) on
16 account of a preliminary payment by a school district on the
17 approved building construction cost, the amount of the
18 preliminary payment by the school district shall be subtracted
19 from the amount of the approved building construction cost for
20 the purpose of calculating the approved reimbursable rental on
21 projects undertaken pursuant to this title. If the Commonwealth
22 makes a payment of 50% under section 2931 (relating to site
23 costs) on account of the approved cost of the acquisition of a
24 site for a school building, the amount payable under this
25 section on account of the approved cost of site acquisition
26 shall be reduced by 50%.

27 (e) Payments for joint projects.--For purposes of
28 calculating the amount of rental reimbursement, the approved
29 reimbursable rental for a school project constructed for two or
30 more school districts shall annually be apportioned among the

1 participating school districts on the basis of the proportion
2 which the valuation of each district as certified by the State
3 Tax Equalization Board during the preceding school year bears to
4 the total valuation of all participating districts. In special
5 cases where the best interests of the Commonwealth and of the
6 school districts will be better served by permitting the
7 districts to establish for themselves some method other than
8 market valuation as the basis for determining their respective
9 shares of the annual lease rental, the department may issue a
10 special order approving such method of sharing the rental and
11 authorizing that the rental reimbursement for that particular
12 project shall be calculated on the basis of the proportionate
13 share of rental actually paid by each school district.

14 (f) Vocational-technical projects.--

15 (1) For area vocational-technical school projects leased
16 subsequent to July 1, 1964, by or for lease to a board of
17 school directors authorized to operate the school, the
18 department shall calculate an approved reimbursable rental
19 charge. For area vocational-technical school projects
20 constructed or purchased subsequent to July 1, 1964, by a
21 board of school directors authorized to operate the school,
22 the department may calculate an approved reimbursable sinking
23 fund charge. Approved reimbursable rental or sinking fund
24 charge shall consist of that part of the annual rental or
25 sinking fund attributable to:

26 (i) The cost of acquiring land and preparing it for
27 use to the extent that the costs are deemed reasonable by
28 the department and the interest on the cost of
29 acquisition, cost of preparation and the cost of sewage
30 treatment and the interest on the cost.

(ii) Machinery, apparatus, furniture and equipment and all other necessary expenses and interest charges, but excluding architects fees in excess of 6% of the construction cost.

(2) The approved building construction cost and the interest on the construction cost shall not exceed the product of the rated full-time student capacity, as determined by the department at the time the project is approved, and:

(i) the sum of \$2,200 for all school building projects for which the general construction contract is awarded prior to July 1, 1966, and for approved school building projects for which a lease was approved by the department prior to July 1, 1966; or

(ii) the sum of \$3,700 for school buildings for which the general construction contract is awarded subsequent to July 1, 1966, and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the department prior to July 1, 1966.

(3) The department shall not approve the expenditure of any funds borrowed or obtained by the sale of bonds by any authority, nonprofit corporation, profit corporation, company or individual for construction of area vocational-technical schools for bleachers, athletic fields, lighting equipment or apparatus used to promote and conduct interscholastic athletics.

(g) Purchase of buildings.--For the purchase of any building, reimbursement shall be computed in the same manner as for constructed school buildings and approved building cost

1 shall be the lesser of:

2 (1) the cost of purchasing the site and structure and
3 the cost of approved renovations including appropriate
4 fixtures and equipment; or

5 (2) (i) for the purchase of any building, the product of
6 the rated student capacity, as determined by the
7 department at the time the purchase is approved, and
8 \$1,100 in the case of elementary schools, \$1,700 in the
9 case of secondary schools, and an amount in the case of
10 combined elementary-secondary schools obtained by
11 multiplying the rated elementary student capacity by
12 \$1,100 and the rated secondary student capacity by \$1,700
13 and dividing the sum by the total rated student capacity;
14 and

15 (ii) in the case of renovation of any building
16 including appropriate fixtures and equipment,
17 reimbursement shall be \$1,200 for elementary schools,
18 \$1,300 for secondary schools, and for combined
19 elementary-secondary schools an amount obtained by
20 multiplying the rated elementary capacity by \$1,200, and
21 the rated secondary capacity by \$1,300 and dividing that
22 sum by the total rated student capacity.

23 § 2937. Change in rentals.

24 Reimbursements to school districts on account of rental
25 payments in excess of the amount specified in the lease between
26 the school districts and the State Public School Building
27 Authority or any municipality authority or profit or nonprofit
28 corporation, partnership, association or person, or in the case
29 of refinancing on account of rental payments provided by a
30 renegotiated lease, shall be calculated in the same manner as

1 the specified lease rental.

2 § 2938. Districts eligible under density factor.

3 ~~Beginning with the school year 1965-1966 and in each school~~ <—

4 ~~year thereafter, to~~ FOR districts eligible under the density <—

5 factor, payments on leases or sinking fund charges shall be no

6 less than 50% of the approved reimbursable rental or sinking

7 fund charge for a school building project. The payments shall be

8 made as required by the terms of any agreement entered into by

9 the school district with the approval of the department.

10 § 2939. Method of payments on rentals.

11 (a) General rule.--Payments to a school district shall be

12 determined and approved by the department. The amount approved

13 shall be included in and be payable from future appropriations

14 made to the department. Payments to school districts shall be

15 made semiannually where the school district lease agreement

16 specifies that lease payments shall be paid semiannually.

17 (b) Vocational-technical schools.--All payments due school

18 districts by the Commonwealth on account of obligations to the

19 State Public School Building Authority, sinking fund charges or

20 rentals under leases with municipality authorities, profit or

21 nonprofit corporations, partnerships, associations or persons

22 for building or educational equipment for area vocational-

23 technical schools, shall be paid to the area vocational-

24 technical school board operating the school. School districts

25 not originally parties to an agreement with the State Public

26 School Building Authority or a lease with a municipality

27 authority, a profit or nonprofit corporation, partnership,

28 association or person for buildings or educational equipment for

29 an area vocational-technical school but later electing to

30 participate in the operation of the school and agreeing to pay a

1 part of the annual payments due under the agreement or lease
2 shall be entitled to payments by the Commonwealth to the extent
3 as though they had originally been parties to the agreement or
4 lease. The amount thereof shall be paid to the area vocational-
5 technical school board. No payments shall be made on account of
6 obligations or rentals for buildings or educational equipment
7 for area vocational-technical schools unless the schools conform
8 to plans approved by the State Board for Vocational Education.

9 § 2940. Payments on rentals of facilities for school use.

10 (a) General rule.--The Commonwealth shall pay annually ~~for~~ <—
11 ~~the school year 1972-1973 and each school year thereafter,~~ to
12 each school district which leases, with the approval of the
13 department, buildings and facilities for school use under the
14 provisions of section 4943 (relating to lease of buildings
15 constructed or altered for school use) an amount to be
16 determined by multiplying the district's aid ratio by the
17 approved reimbursable annual rental, as computed by the
18 department. In the case of districts eligible under the density
19 factor, the annual payment shall be no less than 50% of the
20 approved reimbursable annual rental.

21 (b) Reimbursable rental for constructed facilities.--The
22 approved reimbursable annual rental for approved leases of
23 buildings constructed for school use shall be the lesser of:

24 (1) the product of the annual rental payable under the
25 provisions of approved lease agreement times the ratio of the
26 student scheduled area to the architectural area; or

27 (2) the product of the rated student capacity as
28 determined by the department at the time of initial lease
29 times \$160 for elementary schools, \$220 for secondary schools
30 or \$270 for area vocational-technical schools.

(c) Reimbursable rental for altered facilities.--The annual approved rental payable for approved leases of existing facilities altered for school use shall be the lesser of:

(1) the product of the annual rental payable under the provisions of the approved lease agreement times the ratio of the student scheduled area to the architectural area; or

(2) the product of the rated student capacity as determined by the department at the time of initial lease times \$112 for elementary, \$154 for secondary or \$189 for area vocational-technical schools.

~~§ 2941. Separate contract requirement.~~

~~In the preparation of specifications for the construction or alteration of any school building, when the entire cost of the work exceeds \$2,500, it shall be the duty of the architect, engineer or other person preparing the specifications to prepare separate specifications for the plumbing, heating, ventilating and electrical work. The board shall receive separate bids upon each of the branches of work and shall award the contract for them to the lowest responsible bidder for each of the branches.~~

SUBCHAPTER D

DRIVER EDUCATION

Sec.

2943. Payments for driver education.

§ 2943. Payments for driver education.

(a) Payments to school districts.--Every school district complying with the standardized driver education program established by the department shall be paid by the Commonwealth from the Motor License Fund an amount to be determined by multiplying the number of students who have completed the secondary school standardized driver education program conducted

1 by any given school district by a basic figure of \$35 per
2 student.

3 (b) Department administrative costs.--Annual expenditures of
4 the department from the Motor License Fund for:

5 (1) salaries and expenses of employees of the department
6 essential to the program;

7 (2) purchase of visual training aids and psychophysical
8 testing equipment; and

9 (3) costs of preparation, publication and distribution
10 of driver education instructional material, for assistance to
11 the driver education programs;

12 shall not exceed 3% of the annual total amount paid by the
13 Commonwealth to all school districts on account of standardized
14 driver education programs.

15 SUBCHAPTER E

16 EXCEPTIONAL STUDENTS

17 Sec.

18 2945. Payments for special education personnel and equipment.

19 2946. Payments for special education courses.

20 § 2945. Payments for special education personnel and equipment.

21 (a) General rule.--The Commonwealth shall reimburse school
22 districts on account of special education for the cost of
23 readers, helpers, guides, aids, appliances, special school books
24 and supplies and devices for any student between 6 and 21 years
25 of age who is blind, partially sighted, deaf, hard of hearing or
26 afflicted with cerebral palsy and who is enrolled, with the
27 approval of the department, in any of the public schools of this
28 Commonwealth, an amount equal to the costs of the services and
29 equipment multiplied by the district's aid ratio.

30 (b) Maximum amount of payment.--The total expenditure by the

1 Commonwealth under this section shall not exceed 75% of a sum
2 which would have been expended for the tuition and maintenance
3 of the student in a residential school for the blind, including
4 partially sighted, deaf, hard of hearing or those afflicted with
5 cerebral palsy, that has been approved by the department.

6 (c) Establishment of standards.--The ~~secretary~~ DEPARTMENT
7 shall establish such necessary standards as ~~he~~ IT may deem
8 necessary for carrying out the provisions of this section.

<—

<—

9 § 2946. Payments for special education courses.

10 (a) General rule.--Every school district shall be paid by
11 the Commonwealth an amount to be determined by multiplying the
12 average daily membership in a course or courses for exceptional
13 students approved by the department as follows:

14 (1) At the elementary level, by an amount determined by
15 subtracting the "instruction cost per elementary student" as
16 defined in section 2972 (relating to determination of charges
17 for nonresident students) from the "instruction cost per
18 exceptional class student" as determined in this section for
19 the preceding fiscal year, or from the instruction expense
20 per exceptional class elementary student as approved for
21 reimbursement by the department in the budget for classes or
22 schools for exceptional students for the fiscal year in which
23 the class is operated, whichever is lesser.

24 (2) At the secondary level, by an amount determined by
25 subtracting the "instruction cost per secondary student" as
26 defined in section 2972 from the "actual instruction expense
27 per exceptional class student" as determined in this section
28 for the preceding school year, or from the instruction
29 expense per exceptional class secondary student as approved
30 for reimbursement by the department in the budget for classes

1 or schools for exceptional students for the fiscal year in
2 which the class is operated, whichever is lesser.

3 (b) Determining actual instruction expense.--"Actual
4 instruction expense per exceptional class student" is determined
5 as follows:

6 (1) (i) Salaries of directors and supervisors of special
7 education, public school psychologists, principals of
8 special schools and assistants, teachers of approved
9 classes for exceptional children, clerks and assistants
10 employed in the school district's program for special
11 education.

12 (ii) The school district's contribution to the
13 retirement fund on behalf of the persons listed in
14 subparagraph (i).

15 (iii) The cost of textbooks and supplies used in the
16 school district's special education classes or schools.

17 (iv) The cost of telephonic system equipment which
18 enables handicapped children to remain in their homes and
19 still participate in classroom activities.

20 (2) Divide the sum obtained under paragraph (1), or that
21 part thereof which is approved by the department for
22 reimbursement by the total number of students, including
23 students who have available for use telephonic system
24 equipment whereby they may remain at home and still
25 participate in classroom activities, in average daily
26 membership in the school district's approved classes for
27 exceptional children. The quotient so obtained shall be the
28 "actual instruction expense per special class student."

29 (c) Speech correction class daily membership.--The average
30 daily membership of speech correction classes shall be

1 calculated as follows:

2 (1) Multiply the average number of students in speech
3 correction classes per week by:

4 (i) the number of periods per week that speech
5 correction is provided for the individual student; and
6 (ii) the number of minutes per period in speech
7 correction class.

8 (2) Divide the product obtained under paragraph (1) by
9 the total number of minutes spent in all classes weekly by
10 the average student. The quotient thus obtained will be the
11 "average daily membership for students in speech correction
12 classes."

13 (d) Amount of advance payment.--~~For the fiscal year 1972~~ <—
14 ~~1973 and for each fiscal year thereafter, the~~ THE payments shall <—
15 consist of an amount payable in two equal installments during
16 the fiscal year with adjustments to be made during the next
17 succeeding fiscal year. The amount to be paid in equal
18 installments on or about August 1 and on or about January 1
19 shall be the sum of the products determined by multiplying the
20 anticipated equivalent full-time average daily membership in
21 courses for exceptional students as reported on the approved
22 budget for the operating year:

23 (1) At the elementary level, times an amount determined
24 by subtracting the estimated instruction cost per elementary
25 student from the budgeted instruction cost per exceptional
26 class elementary student as approved by the department for
27 the operating year.

28 (2) At the secondary level, times an amount determined
29 by subtracting the estimated instruction cost per secondary
30 student from the budgeted instruction cost per exceptional

1 class secondary student as approved by the department.

2 (e) Adjustment following advance payments.--The adjustment
3 to be made during the fiscal year immediately succeeding the
4 operating year shall be determined by subtracting the advance
5 payments made during the preceding year from the actual amount
6 of reimbursement payable for the year under subsection (a). When
7 determined, the adjusted amount, if positive, shall be paid
8 promptly to the school district and, if negative, shall be
9 withheld from moneys due to the school district out of any
10 Commonwealth appropriation.

11 SUBCHAPTER F

12 HEALTH SERVICES

13 Sec.

14 2949. Payments for health services.

15 § 2949. Payments for health services.

16 (a) General rule.--Every school entity which renders health
17 services to students shall be reimbursed by the Commonwealth on
18 account of health services which conform to standards approved
19 by the ~~Secretary~~ DEPARTMENT of Health. Reimbursements shall be <—
20 paid by the ~~Secretary~~ DEPARTMENT of Health EDUCATION. The amount <—
21 of reimbursement shall be the actual cost of the medical and
22 dental services and school nurse services as certified to the
23 ~~Secretary~~ DEPARTMENT of Health EDUCATION except that the <—
24 reimbursement:

25 (1) For medical services shall not for any fiscal year
26 exceed the sum of \$1.60 multiplied by the average daily
27 membership of students enrolled for that fiscal year and for
28 whom the school entity maintains comprehensive health records
29 as defined in section 4341 (relating to school health
30 services program).

(2) For dental services shall not for any fiscal year exceed the sum of 80¢ multiplied by the average daily membership of students enrolled for that fiscal year and for whom the school entity maintains comprehensive health records as defined in section 4341 and section 4747 (relating to confidentiality of student records and communications).

(3) For school nurse services shall not for any fiscal year exceed the sum of \$7.00 multiplied by the average daily membership of students enrolled for that fiscal year.

(b) Alternate reimbursement for dental hygiene services.-- Every school entity which employs one or more dental hygienists for the purpose of dental hygiene services to students shall be reimbursed by the Commonwealth on account of services which conform to standards approved by the ~~Secretary~~ DEPARTMENT of Health ~~EDUCATION~~ HEALTH. Reimbursement shall be made by the ~~Secretary~~ DEPARTMENT of Health ~~EDUCATION~~. The amount of reimbursement shall be the actual cost of the dental hygiene services as certified to the ~~Secretary~~ DEPARTMENT of Health ~~EDUCATION~~, but for any fiscal year shall not exceed the sum of \$2 multiplied by the average daily membership of students enrolled for the school year who receive the dental hygiene services. Reimbursement under this subsection shall be in lieu of any reimbursement provided in subsection (a) for dental services.

(c) Limitations on reimbursements.--No reimbursement shall be made under this section for services for which the Commonwealth reimburses, in whole or in part, under any other section of this title. Reimbursement on account of the employment of school nurses shall be made under the provisions of this section. Reimbursement on account of health services

1 rendered by a school entity may be withheld by the ~~Secretary~~ <—
2 DEPARTMENT of ~~Health~~ EDUCATION unless the actual expenditures <—
3 for the health services are certified to the ~~Secretary~~ <—
4 DEPARTMENT of ~~Health~~ EDUCATION within three months after the end <—
5 of the fiscal year during which the payment for the service was
6 made by the school entity.

7 (d) Additional local expenditures authorized.--Any school
8 entity may expend for health services amounts in excess of the
9 reimbursable amounts.

10 SUBCHAPTER G

11 HOMEBOUND INSTRUCTION

12 Sec.

13 2950. Payments for homebound instruction.

14 § 2950. Payments for homebound instruction.

15 Each school district shall be reimbursed by the Commonwealth

16 on account of instructing homebound students BY VISITING <—

17 TEACHERS an amount determined by multiplying the mandated

18 minimum hourly rate for instructing homebound students by the

19 district aid ratio. The mandated minimum hourly rate for

20 instructing homebound students is \$4. WHEN A SCHOOL DISTRICT <—

21 PROVIDES INSTRUCTION FOR HOMEBOUND CHILDREN THROUGH THE USE OF

22 TELECOMMUNICATION SYSTEMS EQUIPMENT, THAT DISTRICT SHALL BE PAID

23 BY THE COMMONWEALTH 50% OF THE COST OF ACQUIRING OR LEASING AND

24 MAINTENANCE OF THE EQUIPMENT.

25 SUBCHAPTER H

26 INTERMEDIATE UNITS

27 Sec.

28 2951. Payments to intermediate units.

29 2952. General operating subsidy.

30 2953. Capital subsidy.

1 2954. Contracts with private residential rehabilitative
2 institutions.

3 § 2951. Payments to intermediate units.

4 (a) Allocation of Commonwealth funds.--~~For the fiscal year~~ <—
5 ~~1977-1978 and each fiscal year thereafter~~ the THE Commonwealth <—
6 shall pay ANNUALLY to intermediate units an amount equal to the <—
7 product of the Statewide median actual instruction expense per
8 weighted average daily membership (WADM) by the product of 0.45%
9 and the average daily membership (ADM) of all school districts
10 in this Commonwealth as determined by the department according
11 to the latest actual data available.

12 (b) Basic payment.--~~For the fiscal year 1977-1978 and each~~ <—
13 ~~fiscal year thereafter~~ each EACH intermediate unit shall be paid <—
14 ANNUALLY the amount it received from the Commonwealth for the <—
15 fiscal year 1976-1977.

16 (c) Additional payment.--In addition to the amount paid to
17 each intermediate unit under subsection (b), each intermediate
18 unit shall be paid ~~for the fiscal year 1977-1978 and each fiscal~~ <—
19 ~~year thereafter~~ ANNUALLY an amount determined by subtracting the <—
20 total payments under subsection (b) from the total allocation
21 under subsection (a) divided by the average daily membership
22 (ADM) of all school districts in this Commonwealth multiplied by
23 the average daily membership (ADM) of all component school
24 districts in the intermediate unit as determined by the
25 department according to the latest actual data available.

26 (d) Determination of amount for succeeding year.--In January
27 of each year the department shall determine for each
28 intermediate unit the amount to be received for the succeeding
29 fiscal year.

30 § 2952. General operating subsidy.

1 (a) Annual submission of budget.--On or before May 1 of each
2 year, each intermediate unit shall submit to the department for
3 prior review and approval a budget statement estimating the cost
4 of operating and administering the intermediate unit program of
5 services for the ensuing fiscal year.

6 (b) Time of payment.--In May of each year the department
7 shall estimate the amount to be paid by the Commonwealth to each
8 intermediate unit based upon approved budgets. In July of each
9 year the Commonwealth shall pay to each intermediate unit an
10 advance payment equal to one-half of the estimated amount. In
11 December of each year the Commonwealth shall pay to each
12 intermediate unit the balance of the estimated amount less any
13 Commonwealth funds paid in the previous fiscal year which were
14 unexpended or unencumbered at the end of the previous fiscal
15 year.

16 (c) Federal payments excluded in computations.--In computing
17 approved amounts the department shall not consider Federal
18 payments and payments by the Commonwealth on behalf of the
19 Federal Government.

20 § 2953. Capital subsidy.

21 (a) Approval of leases.--All leases for office space,
22 classrooms, warehouse space and similar facilities shall be pre-
23 approved by the department.

24 (b) Allocation of Commonwealth funds.--~~For the fiscal year~~ <—
25 ~~1977-1978 and each fiscal year thereafter, in~~ IN addition to any <—
26 payments required under section 2951 (relating to payments to
27 intermediate units), the Commonwealth shall allocate ANNUALLY to <—
28 the intermediate units on account of approved leases an amount
29 to be determined as follows based on the latest actual data
30 available to the department:

(1) Obtain the product of the number of students in average daily membership (ADM).

(2) Multiply the product of paragraph (1) by the median actual instruction expense per weighted average daily membership of all the school districts.

(3) Multiply the product of paragraph (2) by 0.03%.

(c) Amount of payments.--The distribution to each intermediate unit shall be computed by applying the intermediate unit aid ratio to each approved lease payment. The aid ratio computed initially shall apply as a minimum for the duration of the lease but no intermediate unit shall receive less on account of approved leases than it received for the fiscal year 1976-1977.

(d) Effect of insufficient funds.--Where the allocations under this section do not satisfy lease reimbursement requirements, each intermediate unit shall receive a pro rata share of the amount determined by the formula in this section.

§ 2954. Contracts with private residential rehabilitative institutions.

If a private residential rehabilitative institution or day-treatment program of that institution enters into a contract contemplated by this section for 1980-1981 with its intermediate unit, payments to the institution may be made for educational expenses for the entire 1979-1980 fiscal year from the appropriation made to the Department of Public Welfare contained in the act of July 4, 1979 (P.L.626, No.9A), known as the "General Appropriation Act of 1979," under the item "for payment of costs for basic education programs to be conducted at selected approved private facilities." Notwithstanding any automatic or general lapsing provisions of the "General

1 Appropriation Act of 1979" to the contrary, such line item
2 appropriation shall not lapse until June 30, 1981. If such
3 appropriation is not sufficient to reimburse the actual expenses
4 of all eligible institutions, total reimbursement to each
5 institution shall be proportionately reduced so that the total
6 amount of the reimbursements falls within the limits of the
7 appropriation.

8 SUBCHAPTER I

9 MIGRANT CHILDREN

10 Sec.

11 2956. Payments for migratory children.

12 § 2956. Payments for migratory children.

13 (a) Definition.--As used in this section "migratory child"
14 means any child domiciled temporarily in any school district for
15 the purpose of seasonal agricultural employment but not
16 acquiring residence therein and any child accompanying his
17 parents or guardian who are so domiciled.

18 (b) General rule.--Every school district shall be paid the
19 sum of \$1 per day not to exceed 40 days during any school year
20 for each migratory child attending any of its public schools.

21 SUBCHAPTER J

22 POVERTY CHILDREN

23 Sec.

24 2957. Payments for poverty children.

25 § 2957. Payments for poverty children.

26 (a) General rule.--Each school district of the second class
27 shall be paid an amount on account of children of low income
28 families equal to the sum of the following multiplied by \$200
29 and each school district of the first class and first class A
30 shall be paid an amount on account of children of low income

1 families equal to the sum of the following multiplied by \$165:

2 (1) The number of children 5 to 17 years of age,
3 inclusive, in the school district of families having an
4 annual income of less than \$2,000.

5 (2) The number of children 5 to 17 years of age,
6 inclusive, in the school district of families receiving a
7 grant in excess of \$2,000 for Commonwealth payments on
8 account of dependent children under Title IV of the Federal
9 Social Security Act as certified by the Department of Public
10 Welfare.

11 (b) Minimum number of children counted.--For the purpose of
12 this section, ~~for the fiscal year 1973-1974 and each fiscal year~~ <—
13 ~~thereafter~~, in each school district not less than the number of
14 children shall be counted in each category as were counted for
15 the fiscal year 1972-1973.

16 (c) Formula for determining additional special assistance
17 grants.--Each school district shall be paid on account of low
18 income families an amount equal to the sum of the number of
19 children of low income families in the district multiplied by
20 the grant per poverty child fixed for the percentage category of
21 poverty children in average daily membership in the school
22 district according to the following tables:

23 (1) School districts of the first class and first class

24 A.--

25	Percentage Category	Grant Per
26	of Poverty Children	Poverty Child
27	15% - 19.9%	\$ 30
28	20% - 24.9%	\$ 60
29	25% - 29.9%	\$ 85
30	30% - 34.9%	\$135

1	35% and over	\$150
2	(2) School districts of the second class.--	
3	Percentage Category	Grant Per
4	of Poverty Children	Poverty Child
5	15% - 19.9%	\$ 30
6	20% - 24.9%	\$ 60
7	25% - 29.9%	\$ 85
8	30% - 34.9%	\$150
9	35% and over	\$200

10 SUBCHAPTER K

11 TRANSPORTATION

12 Sec.

13 2961. Payments for transportation.

14 2962. Board and lodging in lieu of transportation.

15 2963. Exceptional students and institutionalized children.

16 2964. Migratory children.

17 2965. Reimbursement for liquid fuels.

18 § 2961. Payments for transportation.

19 (a) General rule.--

20 ~~(1)~~ Each school district shall be paid on account of <—
21 student transportation which has been approved by the
22 department an amount to be determined by multiplying the cost
23 of approved reimbursable student transportation incurred by
24 the school district by the district's aid ratio. In addition
25 the Commonwealth shall pay to each qualifying school district
26 a payment for excessive cost of transportation to be
27 determined by subtracting from the cost of the approved
28 reimbursable transportation the sum of the basic Commonwealth
29 transportation payment plus the product of one-half mill
30 times the latest market value of the school district as

1 determined by the State Tax Equalization Board provided such
2 amount is not negative. In addition, the Commonwealth shall
3 pay to school districts which own their own vehicles an
4 annual depreciation charge of 10% to be calculated on the
5 basis of the approved cost at which the school district
6 acquired the vehicle for which depreciation is claimed. The
7 annual depreciation charge shall not exceed \$1,000 for each
8 vehicle. The number of annual depreciation charges shall be
9 limited so that the total amount of payments shall not exceed
10 the cost of the vehicle as approved by the department at the
11 time of the purchase. In no case shall the Commonwealth pay,
12 in depreciation charges, more than \$15,000 for any one
13 vehicle. The depreciation charges paid to school districts
14 shall be subtracted from the basic allowance of the
15 reimbursement formula in determining approved reimbursable
16 transportation costs for the school district.

17 ~~(2) With respect to school districts that contract for~~ <—
18 ~~transportation services, notwithstanding any provision of~~
19 ~~this title to the contrary, the Commonwealth shall pay an~~
20 ~~annual depreciation charge of \$1,000 per vehicle to the~~
21 ~~school districts that contract for transportation services~~
22 ~~substantiated by the purchase invoice of the contracted~~
23 ~~vehicle. These depreciation charges shall not be subject to~~
24 ~~the school district's aid ratio. The number of annual~~
25 ~~depreciation charges shall be limited so that the total~~
26 ~~amount of payments shall not exceed the total cost of the~~
27 ~~vehicle or \$15,000, whichever is the lesser, so long as the~~
28 ~~contractor owns the vehicle. In no event shall the~~
29 ~~depreciation exceed the limits for district owned vehicles~~
30 ~~provided by this section. The depreciation charges paid to~~

~~school districts for either district owned buses or buses
operated under contract shall be subtracted from the basic
allowance of the reimbursement formula in determining
approved reimbursable transportation costs for the school
district.~~

(b) Restrictions on payments.--Payments for student
transportation ~~on account of the fiscal year 1972 1973 and every~~ <—
~~fiscal year thereafter~~ shall be made ANNUALLY only in the <—
following cases:

(1) To all school districts for the transportation to
and from school of elementary students, including
kindergarten, residing one and one-half miles or more by the
nearest public highway from the school in which the students
are enrolled and to which transportation is authorized under
this title or residing in areas where the road or traffic
conditions are such that walking constitutes a hazard to the
safety of the student when so certified by the Department of
Transportation. The Department of Transportation shall take
into account the presence of sidewalks along the highway, but
such presence or lack thereof shall not be controlling and
the department shall consider all relevant safety factors in
making its determination as to whether or not walking
constitutes a hazard to pupils. Elementary students include
nonresidents who are placed in the home of a resident or who
are residents of an orphanage or home or children's home or
other institution for the care and training of orphans or
other children.

(2) To all school districts for the transportation to
and from school of secondary students residing two miles or
more by the nearest public highway from the school in which

1 the students are enrolled and to which transportation is
2 authorized under this title or residing in areas where the
3 road or traffic conditions are such that walking constitutes
4 a hazard to the safety of the student when so certified by
5 the Department of Transportation. The Department of
6 Transportation shall take into account the presence of
7 sidewalks along the highway, but such presence or lack
8 thereof shall not be controlling and the department shall
9 consider all relevant safety factors in making its
10 determination as to whether or not walking constitutes a
11 hazard to pupils. Secondary students include nonresidents who
12 are placed in the home of a resident or who are residents of
13 an orphanage or home or children's home or other institution
14 for the care and training of orphans or other children.

15 (3) To all school districts for students transported to
16 and from approved consolidated schools or approved joint
17 consolidated schools living one and one-half miles or more
18 from the school of attendance or residing in areas where the
19 road or traffic conditions are such that walking constitutes
20 a hazard to the safety of the student when so certified by
21 the Department of Transportation. The Department of
22 Transportation shall take into account the presence of
23 sidewalks along the highway, but such presence or lack
24 thereof shall not be controlling and the department shall
25 consider all relevant safety factors in making its
26 determination as to whether or not walking constitutes a
27 hazard to pupils. Consolidated schools or joint consolidated
28 schools are limited to schools which are approved as to
29 organization, control, location, equipment, course of study,
30 qualifications of teachers, methods of instruction, condition

1 of admission, expenditures of money, methods and means of
2 transportation and the contracts providing therefor.

3 (4) To all school districts for the transportation of
4 exceptional students regularly enrolled in exceptional
5 classes approved by the department or enrolled in a regular
6 class in which approved educational provisions are made for
7 them.

8 (5) To all school districts for students transported to
9 and from area vocational-technical schools.

10 (c) Nonpublic schools and hazardous conditions.--The
11 Commonwealth shall reimburse ANNUALLY the school districts ~~for~~ <—
12 ~~the school year 1973-1974 and for each year thereafter~~ for the
13 approved reimbursable costs incurred in providing transportation
14 under section 4351 (relating to transportation of resident
15 students) for nonpublic school students and under section 4352
16 (relating to transportation facilities and liability insurance)
17 for hazardous conditions except that no school district shall
18 receive less than 50% of the approved reimbursable costs. The
19 Commonwealth shall also pay each school district an additional
20 \$35 for each nonpublic school student transported ~~in the fiscal~~ <—
21 ~~year 1978-1979 and each fiscal year thereafter.~~

22 § 2962. Board and lodging in lieu of transportation.

23 In any case where the Commonwealth is required to reimburse
24 any school district on account of student transportation and the
25 school district, in lieu of transportation, is authorized to and
26 does pay for suitable board and lodging for any student, the
27 Commonwealth shall pay to the school district an amount to be
28 determined by multiplying the cost of the board and lodging by
29 the district's aid ratio except that in no case shall the
30 Commonwealth's share of the cost exceed \$1 per day per student

1 for the actual number of days such student is in attendance at
2 school, not exceeding five days in any one week.

3 § 2963. Exceptional students and institutionalized children.

4 (a) General rule.--Annually, before July 1, every
5 intermediate unit shall submit for prior review and approval by
6 the department an estimate of the cost of operating and
7 administering classes or schools for exceptional students and
8 institutionalized children, including the cost of fiscal
9 controls and auditing and the necessary treasurer and secretary
10 bonds, to be operated by the intermediate unit during the
11 ensuing fiscal year, and for transportation of students to and
12 from classes and schools for exceptional students or
13 institutionalized children (including children in detention
14 centers or State-funded or State-operated institutions), whether
15 or not conducted by the intermediate unit. On or before August
16 1, the Commonwealth shall pay to the intermediate unit a sum
17 equal to one-half of the approved estimated annual cost of
18 operation and administration of classes and schools for
19 exceptional students and institutionalized children and
20 transportation for exceptional students and institutionalized
21 children and, on or before January 1, shall pay an equal sum, or
22 a lesser sum as may be shown to be necessary by an adjusted
23 budget based upon expenditures during the first half of the
24 fiscal year.

25 (b) Unexpended funds and formula.--At the end of each school
26 year all unexpended funds shall be credited to the Commonwealth
27 payments due for the succeeding fiscal year on account of the
28 operation of the classes or, upon direction of the department,
29 shall be returned to the Commonwealth. The funds returned are
30 hereby specifically appropriated to the department for support

1 of schools and classes and transportation for exceptional
2 students and institutionalized children. For each student
3 enrolled in any class or school operated by an intermediate
4 unit, the school district in which the student is resident shall
5 pay to the Commonwealth a sum equal to the "tuition charge per
6 elementary student" or the "tuition charge per secondary
7 student" as determined for the schools operated by the school
8 district, based upon the costs of the preceding school year as
9 provided for in this title. In the event that any school
10 district has not established a "tuition charge per elementary
11 student" or "tuition charge per secondary student," the
12 department shall fix a reasonable charge for the school district
13 for the year in question. In addition, the school district shall
14 pay on account of transportation by the intermediate unit of
15 students to and from classes and schools for exceptional
16 students and institutionalized children, whether or not
17 conducted by the intermediate unit, an amount to be determined
18 by subtracting from the cost of transportation the reimbursement
19 due the school district on account of the transportation.

20 (c) Withholding funds.--In order to facilitate the payments
21 by the several school districts, the department shall withhold
22 from any moneys due to any district out of any Commonwealth
23 appropriation, except from reimbursements due on account of
24 rentals as provided in this title, the amounts due by school
25 districts to the Commonwealth. All amounts withheld are hereby
26 specifically appropriated to the department for the support of
27 public schools. The cost of operating and administering classes
28 and schools for institutionalized children who are residents of
29 this Commonwealth (but whose district cannot be determined),
30 including the cost of necessary fiscal controls, shall be paid

1 by the Commonwealth.

2 § 2964. Migratory children.

3 (a) Costs of operation by school entity.--Annually every
4 intermediate unit planning to conduct summer classes or schools
5 for children of migrant laborers, and the extension of
6 established summer classes beyond the opening of school, which
7 extensions shall not be for more than 40 school days, shall
8 submit for prior review and approval by the department an
9 estimate of the cost of summer classes or schools for children
10 of migrant laborers to be operated by the intermediate unit
11 during the ensuing fiscal year and for transportation, in
12 conformity with existing law, of students to and from summer
13 classes and schools for children of migrant laborers whether
14 conducted by the intermediate unit or conducted by an
15 institution or school district employed by the intermediate unit
16 for that purpose.

17 (b) Operation by Commonwealth.--Where, in the judgment of
18 the ~~secretary~~ DEPARTMENT, the provisions of this title relating <—
19 to the proper education of children of migrant laborers have not
20 been complied with, the department may provide or arrange to
21 have provided transportation, classes or schools for the proper
22 education of children of migrant laborers as directed by this
23 title.

24 (c) Payments and unexpended funds.--On or before July 1, the
25 Commonwealth shall pay to the intermediate unit a sum equal to
26 the approved estimated annual cost of operation of the planned
27 summer classes or schools and transportation for children of
28 migrant laborers. At the end of each fiscal year, all unexpended
29 funds shall be credited to Commonwealth payments due for the
30 succeeding school year on account of the operation of such

1 classes or, upon direction of the department, shall be returned
2 to the Commonwealth.

3 § 2965. Reimbursement for liquid fuels.

4 The Commonwealth shall reimburse each school district from
5 the Motor License Fund the taxes paid on liquid fuels consumed
6 in the operation of school buses under contract with the school
7 district.

8 SUBCHAPTER L

9 TUITION

10 Sec.

11 2971. Payments for nonresident students.

12 2972. Determination of charges for nonresident students.

13 2973. Sewer service charges for nonresident students.

14 2974. Payments for institutionalized children.

15 2975. Payment procedures for nonresident students.

16 2976. Special procedures for institutionalized children.

17 § 2971. Payments for nonresident students.

18 (a) General rule.--Each school district which accepts any
19 nonresident child in its schools under the provisions of section
20 4703 (relating to students residing in children's institutions)
21 or 4704 (relating to nonresident student placed in home of
22 resident) shall be paid by the Commonwealth an amount equal to
23 the tuition charge per elementary student or the tuition charge
24 per secondary student or vocational or other extension education
25 student, as the case may be, as determined in this subchapter,
26 for each student so accepted.

27 (b) Liability of district of residence.--If the school
28 district of residence of the nonresident student can be
29 determined, the district shall be charged for tuition as
30 provided in this subchapter.

1 (c) Liability of Commonwealth.--If the school district of
2 residence of the nonresident student cannot be determined, the
3 Commonwealth shall pay the tuition in addition to any other
4 payments it may make to the school district.

5 (d) Proration for partial attendance.--When a nonresident
6 student attends the school district's public schools for less
7 than a full school year, the tuition charges shall be prorated
8 to the period of time during which the student actually attended
9 the district's school.

10 § 2972. Determination of charges for nonresident students.

11 A school district receiving elementary or secondary students,
12 vocational or other extension education students who are
13 residents of another school district, shall compute the tuition
14 charges as follows:

15 (1) General.--Add the salaries of offices of school
16 board secretaries and treasurers, salaries of offices of
17 educational and business administration, expenditures for
18 auditing services, costs of library books and supplies,
19 health services and operation and maintenance of school
20 plant, contributions to food services, insurance premiums and
21 the school district's contribution to funds on behalf of the
22 foregoing employees incurred for the fiscal year immediately
23 preceding. Divide the sum so obtained by the total average
24 daily membership of students in the receiving school
25 district's public schools during the fiscal year immediately
26 preceding. The quotient so obtained shall be designated the
27 "overhead cost per student."

28 (2) Elementary tuition charge.--Add the salaries of
29 principals, supervisors, teachers and other professional
30 instruction staff, instructional and noninstructional

1 assistants to instruction staff, directors and coordinators
2 of student services and guidance and psychological personnel
3 including clerical and nonprofessional assistants employed in
4 the receiving school district's elementary schools, the
5 school district's contribution to funds on behalf of their
6 employment in the school district's elementary schools, the
7 costs of textbooks, audio-visual aids and supplies used in
8 the school district's elementary schools incurred for the
9 fiscal year immediately preceding. Divide the sum so obtained
10 by the total average daily membership of students in the
11 receiving school district's elementary schools during the
12 fiscal year immediately preceding. The quotient so obtained
13 shall be designated as the "instruction cost per elementary
14 student." Add to the instruction cost per elementary student,
15 the overhead cost per student and a rental charge of \$8 per
16 student for the use of the receiving school district's school
17 plant. The cost so determined shall be the "tuition charge
18 per elementary student."

19 (3) Secondary tuition charge.--Add the salaries of
20 principals, supervisors, teachers and other professional
21 instruction staff, instructional and noninstructional
22 assistants to instruction staff, directors and coordinators
23 of student services and guidance and psychological personnel
24 including clerical and nonprofessional assistants employed in
25 the receiving school district's secondary schools, the school
26 district's contribution to funds on behalf of their
27 employment in the school district's secondary schools, the
28 cost of textbooks, audio-visual aids and supplies used in the
29 school district's secondary schools incurred for the fiscal
30 year immediately preceding. Divide the sum so obtained by the

1 total average daily membership of students in the receiving
2 school district's secondary schools during the fiscal year
3 immediately preceding. The quotient so obtained shall be
4 designated as the "instruction cost per secondary student."
5 Add to the instruction cost per secondary student the
6 overhead cost per student and a rental charge of \$18 per
7 student for the use of the receiving district's school plant.
8 The cost so determined shall be the "tuition charge per
9 secondary student."

10 (4) Vocational or other tuition charge.--Add the
11 salaries of educational administration, principals,
12 supervisors, teachers and other professional staff,
13 instructional and noninstructional assistants to instruction
14 staff, student services personnel, and custodians
15 specifically employed in the school district's annual program
16 of vocational or other extension education, and the school
17 district's contribution to funds on behalf of their
18 employment in the district's vocational extension programs,
19 the cost of textbooks, audio-visual aids and supplies issued
20 for the program incurred for the fiscal year immediately
21 preceding and a charge of 5¢ per student hour of instruction
22 for the district overhead and plant usage. Subtract from the
23 sum so obtained the amount of the Commonwealth appropriation
24 applicable. The remainder shall be designated as the
25 "district cost for vocational or other extension education."
26 Determine the total student hours of instruction during the
27 fiscal year immediately preceding and divide the "district
28 cost for vocational or other extension education" by the
29 total student hours of instruction. The cost so determined
30 shall be the "vocational or other extension tuition charge

1 per student hour of instruction."

2 (5) Adjustment of tuition charges.--A school district
3 shall compute the tuition charges for students who are
4 residents of another school district for budgetary purposes
5 at the beginning of each fiscal year and shall use the
6 expenses of the preceding fiscal year as a basis for the
7 computation. At the end of each fiscal year, the tuition
8 charges shall again be computed and be based on the actual
9 expenses and the tuition charges for nonresident students
10 shall then be adjusted in accordance with this latter
11 computation.

12 (6) SERVICES PROVIDED JUVENILE AT INSTITUTION.--WHEN A <—
13 SCHOOL DISTRICT ADMINISTERS AND DELIVERS THE EDUCATIONAL
14 SERVICES REQUIRED BY THIS TITLE TO A CHILD REFERRED TO AN
15 INSTITUTION, PURSUANT TO A PROCEEDING UNDER 42 PA.C.S. CH. 63
16 (RELATING TO JUVENILE MATTERS), AT THE INSTITUTION ITSELF,
17 THE TUITION TO BE CHARGED TO THE DISTRICT OF RESIDENCE OF THE
18 CHILD SHALL BE ONE AND ONE-HALF TIMES THE AMOUNT DETERMINED
19 IN ACCORDANCE WITH PARAGRAPHS (1) THROUGH (5), BUT NOT TO
20 EXCEED THE ACTUAL COST OF THE EDUCATIONAL SERVICES PROVIDED
21 TO THE CHILD.

22 § 2973. Sewer service charges for nonresident students.

23 When any school district receiving students from other school
24 districts is required by the city, borough or township within
25 which the school building or buildings are located, or any
26 municipality authority operating therein, to pay a service
27 charge for sewer connection or a sewer rental measured by the
28 number of students attending the school or schools, the
29 receiving school district shall include in its bill for tuition
30 charge to each sending school district, and the sending school

1 district shall pay, the prorated per student sewer service or
2 sewer rental charge for each student accepted from the sending
3 school district. The charge shall be in addition to the tuition
4 charge provided for by section 2972 (relating to determination
5 of charges for nonresident students). In cases where students
6 are sent and the tuition charges paid by the parents or other
7 persons to the receiving school districts, the parents or other
8 persons shall pay the per student sewer charge or sewer rental.
9 § 2974. Payments for institutionalized children.

10 The cost of tuition for institutionalized children accepted
11 pursuant to section 4703 (relating to students residing in
12 children's institutions) shall be fixed in accordance with this
13 subchapter except where, for the accommodation of the children,
14 it shall be necessary to provide a separate school or to erect
15 additional school buildings, in which cases the charge for
16 tuition for the children may include a proportionate cost of the
17 operating expenses, rental and interest on any investment
18 required to be made in erecting new school buildings. The
19 tuition shall be paid annually by the department or the
20 institution, as the case may be.

21 § 2975. Payment procedures for nonresident students.

22 The board of school directors in any school district
23 maintaining an elementary school or a secondary school or an
24 extension class which is attended by any students residing in
25 another district shall, upon admission of the students, properly
26 certify to the board of school directors of the school district
27 in which such students reside the names of the students and
28 whether they are attending an elementary school or a secondary
29 school or an extension class, together with a statement of the
30 tuition charge per elementary student and the tuition charge per

1 secondary student and the vocational or other extension tuition
2 charge per student hour of instruction. All tuition charges
3 shall be billed per student and paid monthly to the school
4 district of attendance.

5 § 2976. Special procedures for institutionalized children.

6 (a) Statement by institution.--In all cases, if a charge is
7 made by any school district for tuition for nonresident students
8 living in an institution, the officers of the institution shall
9 submit to the board of school directors a sworn statement
10 setting forth the names, ages and school districts liable for
11 tuition of all students who desire to attend public school in
12 the district, together with an acknowledgment or disclaimer of
13 residence signed by the secretary of the school district in
14 which the institution declares the legal residence of the child
15 to be.

16 (b) Inaction by resident district.--If the resident school
17 district shall fail to file the acknowledgment or disclaimer
18 with the institution within 15 days from the date it is sent to
19 the school district by the institution by registered mail, the
20 institution shall again notify the school district of its
21 failure to comply with the provisions of this section. If the
22 school district shall fail to comply within 15 days following
23 the second notice, the failure to return the acknowledgment or
24 disclaimer shall be construed as an acknowledgment of such
25 residence.

26 (c) Withholding funds from district.--The tuition of
27 students included in the sworn statement to the board of school
28 directors shall be withheld by the department from any moneys
29 due to the school district liable for the tuition upon receipt
30 of a sworn statement setting forth the names, ages, tuition

1 charges and school district liable for tuition of the students.
2 All money withheld shall be paid by the department to the school
3 district entitled to receive payment. The school district
4 charged with tuition may file an appeal with the secretary in
5 which it shall be the complainant and the institution the
6 respondent. The decision of the secretary as to which of the
7 parties is responsible for tuition shall be final.

8 (d) Institution liability for tuition.--If the students have
9 been received from outside this Commonwealth or if the
10 institution cannot certify as to their residence, their tuition
11 shall be paid by the institution having the care or custody of
12 said children.

13 (e) Commonwealth liability for tuition.--If the secretary
14 decides that the legal residence of any of the students is in
15 this Commonwealth but cannot be fixed in a particular district
16 OR IF ANY OF THE STUDENTS IS A MEDICALLY INDIGENT CHILD <—
17 HOSPITALIZED IN AN EXCLUSIVELY CHARITABLE CHILDREN'S HOSPITAL
18 EXEMPT UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE
19 WHICH MAKE NO CHARGES TO ANY OF ITS PATIENTS NOR ACCEPTS ANY
20 THIRD-PARTY PAYMENTS FOR SERVICES PROVIDED TO ANY OF ITS
21 PATIENTS, the Commonwealth shall pay the tuition of the students
22 out of moneys appropriated to the department by the General
23 Assembly for the maintenance and support of the public schools
24 of this Commonwealth.

25 (f) Advance payments for school year ~~1980-1981~~ 1983-1984.-- <—
26 For each inmate of a children's institution not previously
27 admitted to the public schools or classes of the district in
28 which the children's institution is located, the district shall
29 receive an advance payment of the tuition and it shall be made
30 out of funds appropriated for the education of children in

1 institutions. The advance payment shall be based upon a budget
2 of estimated tuition expenses submitted by the district and
3 approved by the department. The first half of the advance
4 payment shall be made by August 1, ~~1980~~ 1983, and the second by <—
5 January 1, ~~1981~~ 1984, which shall be adjusted to reflect actual <—
6 tuition expenses. The advance payment shall be in addition to
7 all other tuition payments due under this title from the
8 district of residence or the Commonwealth under this section for
9 the school year ~~1980-1981~~ 1983-1984. <—

10 (1) Adjustments to payments from district of
11 residence.--If the advance payment for a nonresident inmate
12 is greater than the tuition payment due under subsection (c),
13 then the difference shall be deducted from the tuition
14 payment under subsection (c).

15 (2) Adjustments to payments from Commonwealth.--If
16 tuition payments are due the district from the Commonwealth
17 under subsection (e), then the adjustment noted in paragraph
18 (1) shall be made to the payment under subsection (e).

19 (3) Recoupment of advance payment for nonresident
20 inmates.--Upon disenrollment or graduation of a nonresident
21 inmate (for whom advanced payment has been received), the
22 advance payment shall be recouped by the department from the
23 annual reimbursement due the district of residence. Following
24 said recoupment, no further payment shall be withheld the
25 district of residence under subsection (c).

26 (4) Recoupment of advance payment for resident
27 inmates.--Upon disenrollment or graduation of an inmate who
28 is a resident of the district in which the institution is
29 located (and for whom advanced payment was received), the
30 advance payment shall be recouped from the annual

reimbursement due that district.

(5) Disposition of recouped funds.--The funds recouped are hereby specifically appropriated to the department for the education and transportation of institutionalized children.

SUBCHAPTER M

VOCATIONAL EDUCATION

Sec.

2981. Payments for programs.

2982. Payments for equipment.

~~2983. Payments for resident students.~~

~~2984~~ 2983. Payments for expenses for postsecondary education.

~~2985. Payments for approved travel.~~

~~2986~~ 2984. Payments for compensation for extension education.

~~2987~~ 2985. Payments for approved instructional equipment.

~~2988~~ 2986. Submission of estimates to General Assembly and appropriations.

~~2989. Method of payment.~~

~~2990~~ 2987. Allocation of unencumbered State and Federal funds.

~~2991~~ 2988. Funds for district without vocational-technical school.

§ 2981. Payments for programs.

(A) GENERAL RULE.--EVERY SCHOOL DISTRICT SO ENTITLED SHALL BE PAID BY THE COMMONWEALTH FOR EVERY FISCAL YEAR, IN ADDITION TO ANY OTHER SUBSIDY TO WHICH IT IS ENTITLED, AN AMOUNT ON ACCOUNT OF RESIDENT STUDENTS ENROLLED IN VOCATIONAL CURRICULUMS DETERMINED AS FOLLOWS:

(1) DETERMINE THE INCREASE IN THE WEIGHTED AVERAGE DAILY MEMBERSHIP BY MULTIPLYING THE NUMBER OF STUDENTS IN AVERAGE DAILY MEMBERSHIP IN VOCATIONAL CURRICULUMS IN AREA

VOCATIONAL-TECHNICAL SCHOOLS BY 0.21 AND THE NUMBER OF
STUDENTS IN AVERAGE DAILY MEMBERSHIP IN SCHOOL DISTRICT
VOCATIONAL CURRICULUMS BY 0.17.

(2) MULTIPLY THE LESSER OF THE DISTRICT'S ACTUAL
INSTRUCTION EXPENSE PER WEIGHTED AVERAGE DAILY MEMBERSHIP OR
THE BASE EARNED FOR REIMBURSEMENT BY THE MARKET VALUE/INCOME
AID RATIO OR BY 0.375, WHICHEVER IS GREATER.

(3) MULTIPLY THE INCREASE IN WEIGHTED AVERAGE DAILY
MEMBERSHIP DETERMINED IN PARAGRAPH (1) BY THE RESULT OF
PARAGRAPH (2).

(B) LIMITATION ON DEDUCTION FROM PAYMENTS.--COMMENCING ON
JULY 1, 1982, THE DEPARTMENT SHALL NOT DEDUCT FROM ANY
COMMONWEALTH PAYMENTS TO SCHOOL DISTRICTS THE PAYMENTS BY THE
SCHOOL DISTRICTS ON ACCOUNT OF VOCATIONAL PROGRAMS IN THE FISCAL
YEAR 1981-1982 OR ANY FISCAL YEAR THEREAFTER NOTWITHSTANDING ANY
PROVISION OF SUBSECTION (A) TO THE CONTRARY.

~~(A)~~ (C) Definitions.--As used in this section the following
words and phrases shall have the meanings given to them in this
subsection:

"ADULT VOCATIONAL EDUCATION." THAT FORM OF OCCUPATIONAL
TRAINING, RELATED INSTRUCTION AND SERVICES INTENDED TO PREPARE
YOUTH AND ADULTS WHO HAVE LEFT OR COMPLETED HIGH SCHOOL,
INCLUDING POSTSECONDARY STUDENTS, AND WHO DESIRE TO PREPARE FOR
ENTRANCE OR REENTRANCE INTO THE LABOR MARKET OR TO ACQUIRE NEW
OR SUPPLEMENTARY SKILLS TO ACHIEVE STABILITY OR ADVANCEMENT IN
THEIR CURRENT EMPLOYMENT.

"Vocational agricultural education." That form of vocational
education designed for agricultural, off-farm agribusiness,
renewal natural resources and environmental occupations
including the development of leadership, knowledge and skills in

1 each area.

2 "Vocational business education." That form of vocational
3 education designed to prepare an individual to enter or advance
4 in an occupational field wherein success is largely dependent
5 upon skills, knowledge, attitudes, work habits and leadership
6 development necessary to demonstrate competency in accounting,
7 clerical, data processing or secretarial occupations and similar
8 business pursuits.

9 "VOCATIONAL CURRICULUM." INCLUDES AGRICULTURAL EDUCATION, <—
10 DISTRIBUTIVE EDUCATION, HEALTH OCCUPATIONS EDUCATION, HOME
11 ECONOMICS EDUCATION (GAINFUL), BUSINESS EDUCATION, TECHNICAL
12 EDUCATION, TRADE AND INDUSTRIAL EDUCATION OR ANY OTHER
13 OCCUPATIONAL ORIENTED PROGRAM APPROVED BY THE DEPARTMENT.

14 "Vocational distributive education." That form of vocational
15 education designed to meet the needs of persons who have entered
16 or are preparing to enter a distributive occupation requiring
17 competency in one or more of the functions of marketing or
18 knowledge of products and services in reference to the
19 occupational objective of the student.

20 "VOCATIONAL HEALTH OCCUPATIONS EDUCATION." THAT FORM OF <—
21 VOCATIONAL EDUCATION DESIGNED TO PREPARE INDIVIDUALS WITH ENTRY
22 LEVEL SKILLS THROUGH A PROGRAM OF BASIC RELATED SUBJECTS,
23 PRINCIPLES, CONCEPTS AND A COMMON CORE OF KNOWLEDGE FOR A
24 VARIETY OF OCCUPATIONS TO RENDER THE PERSON EMPLOYABLE IN
25 SETTINGS THAT ARE CONCERNED WITH PROVIDING DIAGNOSTIC,
26 THERAPEUTIC, PREVENTATIVE, RESTORATIVE AND REHABILITATIVE
27 SERVICES TO INDIVIDUALS.

28 "Vocational home economics education." That form of
29 vocational education that focuses on preparing students for the
30 role of homemaker or wage earner including gainful programs that

1 are designed to prepare students for employment in occupations
2 which use the knowledge, skills and attitudes in the subject
3 matter areas of home economics and useful programs that are
4 designed to help individuals and families improve home
5 environment and the quality of family life.

6 "Vocational TRADE AND industrial education." Those forms of <—
7 vocational education designed to develop manipulative skills,
8 safety judgments, technical knowledge and related occupational
9 information to prepare individuals for initial employment or to
10 upgrade or retrain out-of-school youth and adult workers in
11 trade, technical and industrial occupations.

12 (b) General rule.--Every school entity shall be paid on
13 account of vocational or technical education programs approved
14 by the department:

15 (1) The sum of \$40 for each student in average daily
16 membership in vocational agriculture and vocational
17 industrial education.

18 (2) The sum of \$25 for each student in average daily
19 membership in vocational business education and vocational
20 home economics education.

21 (3) The sum of \$55 for each student in average daily
22 membership in vocational distributive education.

23 § 2982. Payments for equipment.

24 Every area vocational-technical board operating approved
25 vocational or technical education programs shall be paid on
26 account of approved replacement and improvement of equipment and
27 on account of approved new or additional equipment up to 50% of
28 the cost of the improvements and additions.

29 ~~§ 2983. Payments for resident students.~~ <—

30 ~~(a) Definition. As used in this section "current expenses"~~

~~includes all expenditures classified administration through community services according to the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems published by the department.~~

~~(b) General rule. The Commonwealth shall pay every school district for every fiscal year on account of resident students enrolled in area vocational technical schools as follows:~~

~~(1) For each full time student in attendance, either the difference between the per student cost as provided in the approved budget or the per student cost for current expenses, whichever is less, for current expenses in the area vocational technical school and the per student cost for current expenses in the school district's high school or in the high school which the student attends as a tuition student or \$75, whichever is less.~~

~~(2) For each part time student attending an area vocational technical school, the difference between the cost per student as provided in the approved budget or the per student cost for current expenses, whichever is less, for current expenses in the area vocational technical school and an amount to be determined by multiplying the cost per student for current expenses in the school district's high school or in the high school which the student attends as a tuition student by a fraction the numerator of which shall be the number of hours per day the student attends an area vocational technical school and the denominator shall be six hours, or by \$75, whichever is less.~~

~~§ 2984~~ 2983. Payments for expenses for postsecondary education.

The Commonwealth shall pay every school district having out-of-school youth or adults enrolled in an approved postsecondary

1 vocational or technical program for each student in equivalent
2 full-time membership one-third of the total current expenses per
3 student as provided in the approved budget, or the per student
4 cost for current expenses, whichever is less. The remainder of
5 the cost of total current expenses may be borne by the school
6 district of residence or by the school district of residence and
7 the student but in no event shall the student bear more than
8 one-third of the total current expenses per student.

9 ~~§ 2985. Payments for approved travel.~~ <—

10 ~~Every school district shall be paid by the Commonwealth, for~~
11 ~~every fiscal year, on account of approved travel expenses in the~~
12 ~~discharge of teaching and supervisory responsibilities of~~
13 ~~teachers, coordinators, supervisors and directors in vocational~~
14 ~~education, 80% of the sum expended by the school district for~~
15 ~~the approved travel.~~

16 ~~§ 2986~~ 2984. Payments for compensation for extension education.

17 Every school district shall be paid by the Commonwealth for
18 every fiscal year, on account of approved adult vocational
19 extension classes and preemployment training, 80% of the sum
20 which was expended by the district for the compensation of adult
21 vocational extension and preemployment training teachers and
22 supervisors. For the purpose of computing reimbursement, the
23 maximum compensation shall be \$4 per hour and the amount
24 expended for supervisory salaries shall not exceed 20% of the
25 sum expended for teachers salaries. In special cases when travel
26 time or unusual preparation of instructional materials or other
27 factors result in an inadequate compensation, the department may
28 approve additional reimbursable employment time for such
29 additional services upon the submission of adequate
30 substantiating evidence from the responsible commissioned

1 officer.

2 § ~~2987~~ 2985. Payments for approved instructional equipment. <—

3 Every area vocational-technical board operating approved area
4 vocational-technical schools shall be paid by the Commonwealth,
5 annually, on account of instructional equipment approved by the
6 department, purchased and installed, a proportionate share of
7 Federal and State funds available and expendable for that
8 purpose. The department may make advanced payment of available
9 but unencumbered State and Federal funds to expedite the
10 purchase of equipment.

11 § ~~2988~~ 2986. Submission of estimates to General Assembly and <—
12 appropriations.

13 On or before the first Wednesday of January of each year, the
14 State Board for Vocational Education shall present to the
15 General Assembly an estimate of the amount of money necessary to
16 meet the expenditures to be incurred in the administration of
17 this subchapter for the ensuing fiscal year and the maintenance
18 of approved vocational schools or departments under the
19 provisions of this subchapter for the current fiscal year. On
20 the basis of the statement, the General Assembly shall make an
21 appropriation of such amounts as may be necessary to meet the
22 expense of administering this subchapter and of reimbursing
23 school districts.

24 § ~~2989. Method of payment.~~ <—

25 ~~(a) Advanced payment formula. Every area vocational-~~
26 ~~technical board composed of school districts and every~~
27 ~~intermediate unit authorized to operate an area vocational-~~
28 ~~technical school and desiring to utilize advance payment of~~
29 ~~funds to operate area vocational technical schools shall be~~
30 ~~paid, on or before August 1 and on or before January 1, of each~~

1 ~~fiscal year that area vocational technical schools are operated,~~
2 ~~in as nearly equal installments as possible, the amount of~~
3 ~~estimated cost for the operation thereof including approved~~
4 ~~vocational extension classes. Deductions to equal the~~
5 ~~installments paid to the area vocational technical board or the~~
6 ~~intermediate unit shall be made from reimbursements due the~~
7 ~~school districts of residence of students attending area~~
8 ~~vocational technical schools. The deductions shall be made on~~
9 ~~the basis of the approved per student cost of the program,~~
10 ~~including current expenses and capital outlay, multiplied by the~~
11 ~~number of students in average daily membership.~~

12 ~~(b) Postsecondary payment formula. On or before August 1 of~~
13 ~~each year, the Commonwealth shall pay to every area vocational~~
14 ~~technical board and every intermediate unit authorized to~~
15 ~~establish and operate approved postsecondary vocational~~
16 ~~technical programs a sum obtained by adding one third of the~~
17 ~~current expenses and one half of the capital expenses as shown~~
18 ~~in the budget filed by the board or the intermediate unit. On or~~
19 ~~before January 1, the Commonwealth shall pay an equal sum or a~~
20 ~~sum shown to be necessary by an adjusted budget based upon~~
21 ~~expenditures made during the first half of the fiscal term and~~
22 ~~approved by the department.~~

23 ~~(c) Unexpended funds. At the end of each fiscal year, all~~
24 ~~unexpended funds shall be credited to Commonwealth payments due~~
25 ~~for the succeeding year on account of the operation of such~~
26 ~~schools or, upon the direction of the department, shall be~~
27 ~~returned to the Commonwealth and credited to the accounts from~~
28 ~~which they were paid.~~

29 ~~(d) Payments by districts. For each student enrolled in~~
30 ~~such schools, the school district of residence shall pay to the~~

1 ~~Commonwealth the proportionate district share of the expenses.~~
2 ~~The school district share of expenses shall be deducted from~~
3 ~~reimbursement due to the school district.~~

4 § ~~2990~~ 2987. Allocation of unencumbered State and Federal <—
5 funds.

6 The State Board for Vocational Education shall administer the
7 allocation of Federal and State vocational education funds which
8 are otherwise unencumbered. Allocations shall be made for the
9 furtherance of the provisions of the State and Federal
10 vocational education laws with emphasis on the improvement of
11 facilities, reimbursement of teachers salaries, research and
12 projects which will contribute to the economic welfare of youth
13 and adults.

14 § ~~2991~~ 2988. Funds for district without vocational-technical <—
15 school.

16 Unless otherwise specifically stated in a statute, no other
17 provision of this title or any other statute or regulation shall
18 prohibit a school district that does not have a vocational-
19 technical school or has not joined with another school district
20 in establishing a vocational-technical school from accepting
21 funds from the Federal Government or other sources under terms
22 specified by the Federal Government or other source.

23 SUBCHAPTER N

24 TEMPORARY SPECIAL AID TO SCHOOL DISTRICTS

25 DUE TO REAL PROPERTY REASSESSMENTS

26 Sec.

27 2992. Temporary special aid to school districts due to real
28 property reassessments.

29 § 2992. Temporary special aid to school districts due to real
30 property reassessments.

1 (a) Payments authorized.--For the school year 1979-1980 and
2 each school year thereafter, a school district experiencing a
3 15% loss in total local revenue for the support of the public
4 schools in any one year due to the reassessment of one or more
5 properties within the boundaries of the public school district
6 shall qualify for special aid for a period of two years on the
7 condition that the school district tax rates which were in
8 effect at the time of the reassessment are not reduced.
9 Countywide reassessments shall not qualify a district for this
10 special aid.

11 (b) Amount of payments.--During the first year of the
12 reduction in revenue caused by the reassessment a school
13 district shall qualify for and receive a special grant equal to
14 50% of the reduction and in the following school year the
15 district shall qualify for and receive a special grant equal to
16 25% of the reduction in revenue caused by the reassessment.

17 (c) Construction of section.--Notwithstanding any
18 inconsistent provisions of this chapter, the temporary special
19 grants provided under this section shall be paid in full to any
20 qualifying school district for each school year.

21 (d) Source of funds.--The special aid authorized by this
22 section shall be paid from the first available ~~lapsed funds~~
23 ~~during fiscal year 1981-1982 and fiscal year 1982-1983.~~

24 UNDISTRIBUTED AND LAPSED EDUCATION FUNDS.

25 SUBCHAPTER O
26 STATE SCHOOL FUND
27 Sec.

28 2993. Property and money in fund.

29 2994. Refund of proceeds of escheated estates.

30 2995. Management of fund.

1 2996. Investment of moneys.

2 2997. Use of moneys.

3 2998. Reports on condition of fund.

4 § 2993. Property and money in fund.

5 The State School Fund of Pennsylvania shall include all
6 escheated estates in this Commonwealth and all other property or
7 money which shall in any way accrue to the fund, whether by
8 devise, gift or otherwise.

9 § 2994. Refund of proceeds of escheated estates.

10 Whenever it shall appear that a claimant is lawfully entitled
11 to all or any portion of the proceeds of any escheated estate
12 which have been credited to the State School Fund, the claimant
13 shall have the right to petition the Board of Finance and
14 Revenue for a refund in accordance with the procedure provided
15 in section 504 of the act of April 9, 1929 (P.L.343, No.176),
16 known as "The Fiscal Code," with the right of appeal as therein
17 provided. So much of the principal of the State School Fund as
18 may be necessary for refunds is hereby appropriated for that
19 purpose.

20 § 2995. Management of fund.

21 (a) State board as manager.--The State School Fund shall be
22 wholly under the control and management of the State board.

23 (b) State Treasurer as custodian.--The net receipts derived
24 from or on account of any real or personal property in the State
25 School Fund, and all other moneys accruing to the fund, shall be
26 promptly paid to the State Treasurer, to be kept in a separate
27 account, subject to disposition by the State board.

28 (c) Responsibility of State Treasurer.--The State Treasurer
29 and his bondsman shall be responsible for the safekeeping of,
30 and accounting for, receipts from the State School Fund in the

1 same manner and under the same penalties as for the safekeeping
2 of, and accounting for, other funds of the Commonwealth.

3 § 2996. Investment of moneys.

4 The State board shall invest the State School Fund in
5 accordance with the act of April 9, 1929 (P.L.343, No.176),
6 known as "The Fiscal Code." The investments shall be converted
7 into cash whenever necessary to make payments provided for in
8 section 2997 (relating to use of moneys) and to pay the
9 necessary and pertinent expenses of administration of the State
10 School Fund.

11 § 2997. Use of moneys.

12 (a) General rule.--The State board may expend moneys from
13 the State School Fund for any purpose reasonably related to the
14 promotion of efficient and quality education within this
15 Commonwealth subject to the following:

16 (1) Moneys shall be expended only for projects approved
17 by the State board.

18 (2) Application for moneys shall be made in a manner
19 prescribed by the State board.

20 (3) The State board has discretion to expend or not
21 expend moneys from the State School Fund.

22 (b) Guidelines for the State board.--In exercising its
23 discretion the State board shall consider the following factors:

24 (1) The extent to which a project promotes equal
25 educational opportunity in this Commonwealth.

26 (2) The extent to which a project benefits education
27 throughout this Commonwealth.

28 (3) The extent to which a project is necessary to
29 protect the health and safety of students in a school in this
30 Commonwealth.

1 SUBCHAPTER A

2 GENERAL PROVISIONS

3 Sec.

4 3101. Definitions.

5 § 3101. Definitions.

6 The following words and phrases when used in this chapter
7 shall have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Authorized depository." A Pennsylvania bank, bank and trust
10 company, savings bank, savings and loan association or credit
11 union chartered under Federal or State banking laws.

12 "Official depository." Any authorized depository so
13 designated by the governing board of any school entity.

14 SUBCHAPTER B

15 BUDGET

16 Sec.

17 3111. Preparation and submission of budget.

18 3112. Public notice of proposed budget.

19 3113. Adoption of budget.

20 3114. Amendment of current budget.

21 3115. First class ~~city home~~ rule districts. <—

22 § 3111. Preparation and submission of budget.

23 (a) General rule.--Except as otherwise provided in section
24 3115 (relating to first class ~~city home~~ rule districts), the <—
25 board of school directors of each school district shall cause to
26 be prepared a proposed general operating budget for the
27 succeeding fiscal year at least 28 days prior to the adoption of
28 the budget. The form shall be prescribed by the department and
29 shall list by function the expected receipts and expenditures of
30 the governing board, the expected Commonwealth appropriations

1 and the proposed tax levy, if any.

2 (b) Limitation on expenditures.--The total of estimated
3 expenditures shall not exceed the amount of estimated funds
4 available for school purposes in the school entity.

5 § 3112. Public notice of proposed budget.

6 The governing board of each school entity shall, at least 20
7 days prior to the date final action is to be taken on the
8 budget, provide public notice that the proposed budget has been
9 prepared and is open to public inspection at the office of the
10 governing board.

11 § 3113. Adoption of budget.

12 (a) School districts.--The board of school directors of each
13 school district shall adopt a budget for the following fiscal
14 year not later than the last day of the twelfth month of the
15 current fiscal year.

16 (b) Intermediate units.--Each intermediate unit budget shall
17 be adopted for the following fiscal year not later than the last
18 day of the current fiscal year. The adoption procedures shall be
19 in accordance with section 2722 (relating to budget).

20 (c) Area vocational-technical schools.--Each area
21 vocational-technical school budget shall be adopted for the
22 following fiscal year not later than the last day of the
23 eleventh month of the current fiscal year. The adoption
24 procedures shall be in accordance with section 3915 (relating to
25 adoption of annual budget).

26 (d) Limitation on amount.--The total amount of the budget
27 shall not exceed the amount of funds available for school
28 purposes in the school entity.

29 (e) Filing with department.--Within 30 days after the
30 adoption of the budget, the governing board of each school

1 entity shall file a copy of the budget with the department.

2 § 3114. Amendment of current budget.

3 (a) Transfer of funds between functions.--The governing
4 board of any school entity may by a two-thirds vote of its
5 legally qualified membership transfer any unencumbered balance
6 or portion thereof from one major function to another. The
7 transfer may be made only during the last nine months of the
8 current fiscal year or one month after the end of the fiscal
9 year.

10 (b) Addition of unanticipated revenue.--The governing board
11 of any school entity may by a two-thirds vote of its legally
12 qualified membership add any unanticipated revenue to the
13 existing budget at any time in the fiscal year and make
14 provisions for the expenditure of such revenue. The decision to
15 add the funds to the budget shall be deemed a regulation for the
16 purposes of section 103 (relating to rulemaking procedure).

17 § 3115. First class ~~city home-rule~~ districts. <—

18 (A) QUARTERLY BUDGETS.--SCHOOL DISTRICTS OF THE FIRST CLASS <—
19 SHALL PREPARE A QUARTERLY BUDGET OF REVENUES AND EXPENDITURES.
20 THIS BUDGET SHALL BE COMPARED TO ACTUAL EXPENDITURES ON A
21 QUARTERLY BASIS. QUARTERLY BUDGETS SHALL COVER THE SPECIFIC
22 MONTHS AS FOLLOWS:

23 (1) FIRST QUARTER--JULY, AUGUST AND SEPTEMBER.

24 (2) SECOND QUARTER--OCTOBER, NOVEMBER AND DECEMBER.

25 (3) THIRD QUARTER--JANUARY, FEBRUARY AND MARCH.

26 (4) FOURTH QUARTER--APRIL, MAY AND JUNE.

27 (B) ADDITIONAL BUDGET.--A BUDGET SHALL ALSO BE PREPARED
28 SHOWING QUARTERLY ANTICIPATED PROGRAMMATIC REVENUES AND
29 EXPENDITURES FOR EACH DISTRICT WITHIN THE SCHOOL DISTRICT OF THE
30 FIRST CLASS. THIS BUDGET SHALL BE COMPARED TO ACTUAL

1 EXPENDITURES QUARTERLY.

2 (C) ORGANIZATION OF LEDGERS.--THE LEDGERS IN THE BOOKS OF
3 ACCOUNTS SHALL BE ORGANIZED ON A BASIS TO ACHIEVE THE OBJECTIVES
4 IN SUBSECTIONS (A) AND (B) IN A TIMELY AND ACCURATE MANNER.

5 (D) REPORTS.--SCHOOL DISTRICTS OF THE FIRST CLASS SHALL SEND
6 REPORTS CONTAINING THE QUARTERLY BUDGETS TO THE CHAIRMEN AND
7 MINORITY CHAIRMEN OF THE EDUCATION COMMITTEES OF THE HOUSE OF
8 REPRESENTATIVES AND THE SENATE, THE PHILADELPHIA CITY COUNCIL
9 PRESIDENT AND THE MAYOR OF PHILADELPHIA 30 DAYS AFTER THE CLOSE
10 OF EACH QUARTER.

11 (E) HOME RULE DISTRICTS.--In home rule school districts in
12 cities of the first class, the budget shall be prepared,
13 submitted, advertised, amended and adopted in accordance with
14 the provisions of the home rule charter adopted pursuant to the
15 former provisions of the act of August 9, 1963 (P.L.643,
16 No.341), known as the "First Class City Public Education Home
17 Rule Act," or Subchapter C of Chapter 25 (relating to first
18 class city home rule districts).

19 SUBCHAPTER C

20 RECEIPTS

21 Sec.

22 3121. Designation of official depositories.

23 3122. Deposit of school funds with official depositories.

24 § 3121. Designation of official depositories.

25 (a) General rule.--The governing board of each school entity
26 shall, after soliciting three quotations and after following the
27 procedures of section 3132(b) (relating to solicitation for
28 quotations for certain purchases), at least annually designate
29 one or more authorized depositories as the official depository
30 or depositories.

(b) Protection of funds.--Each official depository shall pledge assets or provide insurance for the protection of all school funds in accordance with section 3181 (relating to insurance on deposits of funds).

§ 3122. Deposit of school funds with official depositories.

The treasurer of each school entity shall promptly deposit or cause to be deposited upon receipt all school funds into an official depository in the name of the school entity.

SUBCHAPTER D

PURCHASING

Sec.

3131. General requirements for purchasing.

3132. Solicitation for quotations for certain purchases.

3133. Formal bidding for certain purchases.

3134. Contracts and payments for purchases.

3135. Joint purchases with government agencies.

3136. Bulk purchases through the Commonwealth.

3137. Fee sharing restricted.

§ 3131. General requirements for purchasing.

(a) Duty of governing board.--The governing board of each school entity shall provide for purchases necessary to carry out the purposes and duties set forth in this title.

(b) Approval of purchases.--The governing board of each school entity shall give prior approval to each purchase, except those purchases resulting from a contract previously approved by the governing board or those purchases ~~\$2,500~~ \$4,000 or under (subject to adjustment pursuant to subsection (f)) approved by any person authorized by the governing board to make purchases without prior approval.

(c) System of purchase procedures.--The governing board of

1 each school entity shall provide for a system of purchase
2 procedures subject to section 3303 (relating to standards for
3 accounting system) and the limitations imposed under this
4 subchapter.

5 (d) Circumvention of bidding requirements.--No officer or
6 official of any school entity shall circumvent the provisions of
7 this subchapter by making partial or piecemeal purchases as
8 evidenced by a pattern of purchasing.

9 (e) Requiring bonds.--The governing board may require bid
10 bonds and performance bonds in accordance with sections 3184
11 (relating to bids accompanied by deposit) and 3185 (relating to
12 performance and payment bonds).

13 (f) Adjustments caused by change in CPI.--The department
14 shall annually calculate the percentage change in the Consumer
15 Price Index for the preceding year as published by the United
16 States Bureau of Labor Statistics. Such annual percentage change
17 shall be applied to the figures relating to purchasing
18 requirements as provided in subsection (b) and sections 3132(a)
19 (relating to solicitation for quotations for certain purchases)
20 and 3133(a) (relating to formal bidding for certain purchases).
21 The resulting figures shall be applicable to purchases made by
22 each school entity during the ensuing fiscal year.

23 § 3132. Solicitation for quotations for certain purchases.

24 (a) General rule.--All purchases of more than ~~\$2,500~~ \$4,000 <—
25 but less than \$7,500 (subject to adjustment pursuant to section
26 3131(f) (relating to general requirements for purchasing)) shall
27 be purchased from the lowest responsible vendor after soliciting
28 quotations by telephone or otherwise from three or more firms,
29 manufacturers or dealers.

30 (b) Records of quotations.--The quotations received shall be

1 noted in the records of the school entity along with any
2 relevant information about the product, quotation and vendor. If
3 the school entity is unable to obtain three quotations, a
4 statement of the reasons why more quotations were not obtained
5 shall be included in the records of the school entity.

6 (c) Authorized advertisements and notices.--Advertisements
7 or notices may be placed in trade journals and newspapers as an
8 inducement to competitive pricing.

9 (d) Exemptions.--

10 (1) The following shall be exempt from the provisions of
11 this section:

12 (i) School library and other media resources,
13 textbooks and other copyrighted material. ~~as may be~~ <—
14 ~~defined in the Department Accounting Manual.~~

15 (ii) Transportation, insurance, surety bonds,
16 personal or professional services and food supplies.

17 (iii) Purchases made in accordance with section 3136
18 (relating to bulk purchases through the Commonwealth).

19 (2) Exemptions from the provisions of this section do
20 not apply to instructional software devices, machines and
21 equipment which require servicing, parts, warranty work,
22 trade-ins or maintenance work other than that provided for in
23 the maintenance contract of the manufacturer or primary
24 producer.

25 § 3133. Formal bidding for certain purchases.

26 (a) General rule.--All purchases of \$7,500 or more (subject
27 to adjustment pursuant to section 3131(f) (relating to general
28 requirements for purchasing)) shall be made only after bids are
29 solicited by due advertisement as provided in this section.

30 (b) Advertisement for bids.--Public notice shall be given by

1 advertisement once a week for three weeks in not less than two
2 newspapers of general local circulation. If there are less than
3 two newspapers of general local circulation in the service area
4 of the school entity, the notice shall be published in one
5 newspaper of general local circulation and shall be posted in at
6 least five separate public places. In addition advertisements or
7 notices may also be placed in trade journals and other
8 newspapers as an inducement to competitive bidding.

9 (c) Submitting and opening bids.--All bids shall be in
10 writing and placed in an envelope bearing words indicating that
11 it is a sealed bid with reference to the bid subject. The
12 governing board or its designate shall open and record the bids
13 at the time and public place specified in the advertisement for
14 bids.

15 (d) Acceptance of bids.--The governing board shall accept
16 the bid of the lowest responsible bidder, kind, quality and
17 material being equal, but shall have the right to reject any and
18 all bids, waive minor irregularities or select a single item
19 from any bid.

20 (e) Exemptions.--

21 (1) The following shall be exempt from the provisions of
22 this section:

23 (i) School library and other media resources,
24 textbooks and other copyrighted material. ~~as may be~~ <—
25 ~~defined in the Department Accounting Manual.~~

26 (ii) Transportation, insurance, surety bonds,
27 personal or professional services and food supplies.

28 (iii) Purchases made in accordance with section 3136
29 (relating to bulk purchases through the Commonwealth).

30 (2) When, because of an emergency, time is of the

1 essence and the provisions of this section cannot be complied
2 with, the governing board may request the department for an
3 exemption from this section and upon approval shall follow
4 the procedure in section 3132 (relating to solicitation for
5 quotations for certain purchases).

6 (3) Exemptions from the provisions of this section do
7 not apply to instructional software devices, machines and
8 equipment which require servicing, parts, warranty work,
9 trade-ins or maintenance work other than that provided for in
10 the maintenance contract of the manufacturer or primary
11 producer.

12 § 3134. Contracts and payments for purchases.

13 (a) General rule.--The governing board of any school entity
14 may enter into contracts for executing the provisions of this
15 title and the laws of this Commonwealth.

16 (b) Execution of contracts.--All contracts shall be
17 authorized by the governing board and executed by the proper
18 officers.

19 (c) Payments.--Payments for work performed or services or
20 goods received shall be made in accordance with Subchapter E
21 (relating to payment).

22 (d) Performance bonds.--The governing board may require
23 performance bonds in accordance with section 3185 (relating to
24 performance and payment bonds).

25 (e) Contracts subject to bidding procedures.--Contracts for
26 purchases as defined in section 3131 (relating to general
27 requirements for purchasing), for expenditures as provided in
28 section 3151 (relating to authority to make expenditures) and
29 for construction, reconstruction, repairs or work as defined in
30 section 4951 (relating to general requirements for work

1 performed on school property) shall be subject to bidding
2 procedures provided in this subchapter.

3 § 3135. Joint purchases with government agencies.

4 (a) General rule.--Any school entity may join with any other
5 school entity or political subdivision in purchasing subject to
6 the provisions of this title.

7 (b) Application of section.--This section does not apply to
8 instructional software, machines and other equipment which have
9 servicing and warranty agreements unless all provisions relating
10 to warranty and servicing work that are included in the original
11 purchases shall be continued for this equipment irrespective of
12 a transfer in the ownership of this equipment.

13 § 3136. Bulk purchases through the Commonwealth.

14 Any school entity may participate in the bulk purchases
15 program as offered by the Commonwealth in accordance with
16 section 2403 of the act of April 9, 1929 (P.L.177, No.175),
17 known as "The Administrative Code of 1929."

18 § 3137. Fee sharing restricted.

19 No person, consultant, firm or corporation contracting with a
20 school ~~district~~ ENTITY for purposes of rendering personal or <—
21 professional services to the school ~~district~~ ENTITY shall share <—
22 with any school ~~district~~ ENTITY officer or employee, and no <—
23 school ~~district~~ ENTITY officer or employee shall accept, any <—
24 portion of the compensation or fees paid by the school ~~district~~ <—
25 ENTITY for the contracted services provided to the school <—
26 ~~district~~ ENTITY except under the following terms or conditions: <—

27 (1) Full disclosure of all relevant information
28 regarding the sharing of the compensation or fees shall be
29 made to the ~~board of school directors~~ GOVERNING BOARD. <—

30 (2) The ~~board of school directors~~ GOVERNING BOARD must <—

1 approve the sharing of any fee or compensation for personal
2 or professional services prior to the performance of said
3 services.

4 (3) No fee or compensation for personal or professional
5 services may be shared except for work actually performed.

6 (4) No shared fee or compensation for personal or
7 professional services may be paid at a rate in excess of that
8 commensurate for similar personal or professional services.

9 SUBCHAPTER E

10 PAYMENT

11 Sec.

12 3141. System of payment procedures.

13 3142. Payments to be made on payment orders.

14 3143. Payroll obligations as preferential claims.

15 3144. Liability of officials for improper payment orders.

16 3145. Authorizing use of facsimile signatures.

17 3146. Transfer of funds between accounts or institutions.

18 § 3141. System of payment procedures.

19 (a) General rule.--The governing board of each school entity
20 shall provide for a system of cash disbursement procedures
21 subject to the provisions of sections 3122 (relating to deposit
22 of school funds with official depositories) and 3302 (relating
23 to accounting system to be maintained).

24 (b) Approval of payments.--No payment shall be made without
25 prior approval of the governing board except for the payment of:

26 (1) Amounts owing under contracts previously approved by
27 the board and by the prompt payment of which the school
28 entity will receive a discount or other advantage. All such
29 orders shall be presented to the board at its next meeting.

30 (2) Obligations incurred as a result of purchases made

1 in accordance with section 3131(b) (relating to general
2 requirements for purchasing).

3 § 3142. Payments to be made on payment orders.

4 (a) General rule.--All payments made by a school entity
5 shall be on a proper payment order drawn on the appropriate
6 account and signed and certified by the proper officers.

7 (b) Payment orders for payroll.--The payroll may be included
8 on one or more orders, which may be made payable to the order of
9 such person or persons, and distributed in such manner as the
10 governing board may determine.

11 (c) Limitation on expenditures.--No payment order shall be
12 executed:

13 (1) For expenditures for purposes not provided for in
14 the budget.

15 (2) Which will cause the sums appropriated to specific
16 major functions in the budget to be exceeded.

17 (d) Designation of function affected.--The payment order
18 shall state for each payment item the particular function of the
19 annual budget upon which the same is drawn.

20 § 3143. Payroll obligations as preferential claims.

21 (a) General rule.--The payroll obligations of each school
22 district shall be preferential claims. It shall be the duty of
23 the board of school directors of each district to provide for
24 the payment of payroll obligations before authorizing the
25 payment of any other current expense except for fuel, water,
26 electric service or such supplies as are actually essential for
27 keeping the schools in session.

28 (b) Short term loans.--In order to meet payroll requirements
29 the board shall, if necessary, negotiate such short term loans
30 as are necessary and possible in accordance with the law

1 governing the borrowing powers of the district.

2 (c) Interest on unpaid salaries.--In the event the payment
3 of salaries of employees of any school district is not made when
4 due, the school district shall be liable for the payment of the
5 salaries, together with interest at 6% per annum from the due
6 date, except that no school district shall be required to pay
7 interest on unpaid salaries if the failure to pay salaries is
8 occasioned by the failure of the Commonwealth to make timely
9 payment of allotment of appropriations due.

10 § 3144. Liability of officials for improper payment orders.

11 (a) General rule.--Any director, appointee or employee
12 acting on behalf of any school entity who knowingly either votes
13 for or approves a payment order for any other purpose, or drawn
14 in any other manner, than that provided for in this title,
15 shall, together with the surety or sureties on their bond, in
16 addition to any penalty imposed, be individually liable to the
17 school entity for the amount thereof.

18 (b) Discretion of court on appeal.--On appeal from an
19 auditor's report, it shall be within the discretion of the court
20 having jurisdiction of the matter to sustain or not to sustain a
21 surcharge where it appears that the appellant acted honestly and
22 in good faith for the best interest of the school entity.

23 § 3145. Authorizing use of facsimile signatures.

24 The governing board of any school entity may authorize the
25 use of a facsimile signature subject to the provisions of the
26 act of July 25, 1961 (P.L.849, No.367), known as the "Uniform
27 Facsimile Signature of Public Officials Act."

28 § 3146. Transfer of funds between accounts or institutions.

29 Lateral transfer of funds from one type of account to another
30 or from one bank to another for the purpose of facilitating

1 investments, debt service or for any other lawful purpose
2 wherein no expenditure is involved shall not be subject to
3 provisions of this subchapter provided adequate protection of
4 the funds is maintained in accordance with section 3181
5 (relating to insurance on deposits of funds).

6 SUBCHAPTER F

7 EXPENDITURES

8 Sec.

9 3151. Authority to make expenditures.

10 3152. Authorization of travel and reimbursement of expenses.

11 3153. Expenses for collective bargaining agreement.

12 § 3151. Authority to make expenditures.

13 (a) General rule.--The governing board of any school entity
14 may make expenditures for the purposes authorized by this title.

15 (b) Limitation on expenditures.--No services shall be
16 secured, no materials purchased and no contracts executed by any
17 governing board which will cause the sums appropriated to a
18 major function in the budget to be exceeded.

19 § 3152. Authorization of travel and reimbursement of expenses.

20 (a) General rule.--The governing board of any school entity
21 may authorize any member, officer, appointee, employee or
22 student to travel for purposes authorized by this title and may
23 reimburse them for their expenses. Prior authorization to incur
24 expenses must be given by the governing board.

25 (b) Reimbursable expenses.--Expenses actually and
26 necessarily incurred in going to, attending and returning from
27 meetings, conferences, conventions or other sessions at which
28 attendance is authorized by the governing board may be
29 reimbursed. The expenses may include travel, travel insurance,
30 lodging, meals, registration fees and other incidental expenses

1 necessarily incurred. ~~The expenses shall be itemized and made~~ <—
2 ~~public at the next meeting of the governing board.~~ THE EXPENSES <—
3 SHALL BE ITEMIZED AND MADE PUBLIC AT THE NEXT MEETING OF THE
4 GOVERNING BOARD.

5 (C) ADVANCES ON EXPENSES.--THE GOVERNING BOARD MAY AUTHORIZE
6 THE PROPER OFFICERS TO MAKE AN ADVANCE UPON PRESENTATION OF AN
7 ESTIMATE OF EXPENSES TO BE INCURRED. ADVANCES WILL BE APPLIED
8 AGAINST A FINAL ITEMIZED STATEMENT OF ACTUAL EXPENSES AND ANY
9 FUNDS ADVANCED IN EXCESS OF ACTUAL EXPENSES INCURRED SHALL BE
10 IMMEDIATELY REFUNDED TO THE TREASURER OF THE SCHOOL ENTITY. UPON
11 FAILURE TO SUBMIT AN ITEMIZED STATEMENT WITH REQUIRED
12 DOCUMENTATION, THE ENTIRE AMOUNT OF THE ADVANCE SHALL BE
13 RETURNED.

14 (D) DOCUMENTATION OF EXPENSES INCURRED.--FINAL SETTLEMENT,
15 INCLUDING REIMBURSEMENT AND REFUND, IF ANY, AND APPROVAL OF THE
16 ITEMIZED STATEMENT OF TRAVEL EXPENSES SHALL NOT BE MADE UNTIL
17 ADEQUATE DOCUMENTATION IN SUPPORT OF SUCH STATEMENT IS CERTIFIED
18 AND FILED WITH THE BUSINESS ADMINISTRATOR OR WITH SUCH OTHER
19 PERSON AS MAY BE DESIGNATED BY THE GOVERNING BOARD.
20 DOCUMENTATION MAY BE IN THE FORM OF RECEIPTED HOTEL BILLS,
21 MILEAGE RECORDS AND SUCH OTHER RECEIPTS AS THE GOVERNING BOARD
22 MAY REQUIRE.

23 (E) RATE OF REIMBURSEMENT.--REIMBURSEMENT FOR EXPENSES
24 INCURRED IN ACCORDANCE WITH THIS SECTION SHALL BE ESTABLISHED AS
25 FOLLOWS:

26 (1) THE GOVERNING BOARD OF THE SCHOOL ENTITY SHALL
27 ESTABLISH RATES FOR THE REIMBURSEMENT OF EXPENSES AUTHORIZED
28 BY THIS SECTION INCURRED BY OFFICERS WHO ARE NOT MEMBERS OF
29 THE GOVERNING BOARD, APPOINTEES, EMPLOYEES AND STUDENTS.

30 (2) MEMBERS OF GOVERNING BOARDS SHALL BE REIMBURSED FOR

1 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF
2 THEIR DUTIES.

3 § 3153. EXPENSES FOR COLLECTIVE BARGAINING AGREEMENT.

4 THE GOVERNING BOARD OF EACH SCHOOL ENTITY SHALL, UPON
5 REACHING A CONTRACT THROUGH COLLECTIVE BARGAINING, SUBMIT FOR
6 THE PUBLIC RECORD A DETAILED ITEMIZED STATEMENT OF ALL THE
7 ACTUAL EXPENSES INCURRED BY THE BOARD IN REACHING THE CONTRACT
8 INCLUDING ANY FEE PAID BY THE BOARD TO ANY NEGOTIATOR HIRED BY
9 THE BOARD FOR PURPOSES OF ENGAGING IN COLLECTIVE BARGAINING.

10 SUBCHAPTER G

11 INVESTMENT OF FUNDS

12 SEC.

13 3161. INVESTMENT OF SCHOOL FUNDS REQUIRED.

14 3162. AUTHORIZED INVESTMENTS FOR FUNDS.

15 3163. JOINT PURCHASE OF INVESTMENTS.

16 3164. CAPITAL RESERVE FUND FOR CONSTRUCTION PROJECTS.

17 § 3161. INVESTMENT OF SCHOOL FUNDS REQUIRED.

18 (A) GENERAL RULE.--THE GOVERNING BOARD OF EACH SCHOOL ENTITY
19 SHALL INVEST SCHOOL FUNDS TO THE MAXIMUM EXTENT CONSISTENT WITH
20 SOUND BUSINESS PRACTICE.

21 (B) INVESTMENT PROGRAM.--THE GOVERNING BOARD OF ALL SCHOOL
22 ENTITIES SHALL PROVIDE FOR AN INVESTMENT PROGRAM AND MAY
23 DESIGNATE THE PROPER OFFICERS OR EMPLOYEES TO ADMINISTER THE
24 PROGRAM SUBJECT TO THIS TITLE OR OTHER STATUTE AND THE RULES AND
25 REGULATIONS ADOPTED BY THE GOVERNING BOARD.

26 (C) QUOTATIONS FROM INVESTMENT DEALERS.--INVESTMENTS SHALL
27 BE MADE SO AS TO RECEIVE THE HIGHEST POSSIBLE RETURN AFTER
28 SOLICITING QUOTATIONS FROM THREE OR MORE DEALERS IN AUTHORIZED
29 INVESTMENTS.

30 § 3162. AUTHORIZED INVESTMENTS FOR FUNDS.

(A) GENERAL RULE.--AUTHORIZED TYPES OF INVESTMENTS FOR
SCHOOL FUNDS INCLUDE:

~~(1) UNITED STATES TREASURY BILLS.~~

~~(2) DIRECT SHORT TERM OBLIGATIONS OF THE UNITED STATES
GOVERNMENT.~~

~~(3) DEPOSITS IN TIME ACCOUNTS, OPEN TIME ACCOUNTS, SHARE
ACCOUNTS AND ALL OTHER INVESTMENTS IN AUTHORIZED DEPOSITORIES
FOR WHICH COLLATERAL IS SECURED BY THE PLEDGING OF ASSETS IN
ACCORDANCE WITH SECTION 3181 (RELATING TO INSURANCE ON
DEPOSITS OF FUNDS).~~

(1) UNITED STATES TREASURY BILLS.

(2) SHORT-TERM OBLIGATIONS OF THE UNITED STATES
GOVERNMENT OR ITS AGENCIES OR INSTRUMENTALITIES.

(3) DEPOSITS IN SAVINGS ACCOUNTS OR TIME DEPOSITS OR
SHARE ACCOUNTS OF INSTITUTIONS INSURED BY THE FEDERAL DEPOSIT
INSURANCE CORPORATION OR THE FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATION OR THE NATIONAL CREDIT UNION SHARE
INSURANCE FUND TO THE EXTENT THAT THE ACCOUNTS ARE SO INSURED
AND, FOR ANY AMOUNTS ABOVE THE INSURED MAXIMUM, PROVIDED THAT
APPROVED COLLATERAL AS PROVIDED BY LAW THEREFOR IS PLEDGED BY
THE DEPOSITORY.

(4) OBLIGATIONS OF THE UNITED STATES OF AMERICA OR ANY
OF ITS AGENCIES OR INSTRUMENTALITIES BACKED BY THE FULL FAITH
AND CREDIT OF THE UNITED STATES OF AMERICA, THE COMMONWEALTH
OR ANY OF ITS AGENCIES OR INSTRUMENTALITIES BACKED BY THE
FULL FAITH AND CREDIT OF THE COMMONWEALTH OR ANY POLITICAL
SUBDIVISION OF THE COMMONWEALTH OR ANY OF ITS AGENCIES OR
INSTRUMENTALITIES BACKED BY THE FULL FAITH AND CREDIT OF THE
POLITICAL SUBDIVISION.

(b) Special funds.--Any devise, bequest, grant, endowment,

1 gift or donation of any property, real or personal, which may be
2 made to a school entity may be invested as provided in
3 subsection (a) and in investments declared to be legal
4 investments in Chapter 73 of Title 20 (relating to fiduciaries
5 investments).

6 § 3163. Joint purchase of investments.

7 (a) Purchases from own funds.--The governing board of any
8 school entity may make joint purchase of investments from among
9 the school funds accounts under its jurisdiction. The earnings
10 from the investments shall be separately and individually
11 computed and recorded and credited to the accounts from which
12 the investment was purchased. The investments shall be subject
13 to section 3132 (relating to solicitation for quotations for
14 certain purchases).

15 (b) Purchases with other agencies.--The governing board of
16 any school entity may join with any other government agency,
17 political subdivision or municipal authority for the purpose of
18 making joint purchase of investments. The earnings from the
19 investments shall be separately and individually computed,
20 recorded and credited to the accounts of the governing body from
21 which the investment was purchased. The investments shall be
22 subject to section 3132.

23 § 3164. Capital reserve fund for construction projects.

24 (a) Creation of fund.--Any school district may create a
25 special capital reserve fund and accumulate moneys therein to be
26 expended during a period not to exceed five years for the
27 purpose of constructing a school building project under a long-
28 term project program approved by the department in accordance
29 with Chapter 49 (relating to physical plant and construction).
30 The proposed project program may include the cost of acquiring

1 suitable sites for school buildings, the cost of constructing
2 new school buildings or the cost of providing needed additions
3 or alterations to existing buildings.

4 (b) Methods of payment from fund.--Moneys accumulated in the
5 district's capital reserve fund may be paid as a lump sum at the
6 time that construction of the project or projects is begun or
7 payment of the accumulated sums may be spread over a period of
8 years as a part of the annual rental or sinking fund charge
9 approved by the department for the proposed project or projects.

10 (c) Special tax to support fund.--The capital reserve fund
11 shall consist of receipts from a special tax which each board of
12 school directors is hereby authorized to levy in accordance with
13 the provisions of this title. The tax levy may not exceed three
14 mills in any one year nor may the tax be levied, on account of
15 any one project program, for a period of more than five years.
16 The tax may be levied only for the purpose of financing a school
17 building project or projects which have been approved by the
18 department for construction within five years from the date of
19 the approval given by the department. Upon the total and final
20 completion of a project program which, for the purpose herein
21 contemplated, may include the construction, reconstruction or
22 renovation of more than one building, the board of school
23 directors may proceed to set up a new project program for later
24 construction and may establish a new capital reserve fund to
25 finance such project program.

26 (d) Authorized expenditures from fund.--The moneys in any
27 such capital reserve fund may be expended by the school district
28 singly or jointly:

29 (1) with the Commonwealth or any department or agency
30 thereof;

1 In all cases in which the board of directors of any school
2 entity fails to pay or to provide for the payment of the
3 principal of and the interest on any debt incurred in accordance
4 with the provisions of this subchapter, when and as due, or the
5 payment of any lease rental debt as defined in the act of July
6 12, 1972 (P.L.781, No.185), known as the "Local Government Unit
7 Debt Act," the department shall withhold out of any Commonwealth
8 appropriations due the school entity an amount equal to the
9 amount so due and shall pay the same to the bondholders or
10 noteholders or their respective trustees or paying agents.

11 SUBCHAPTER I

12 PROTECTION OF FUNDS AND PROPERTY

13 Sec.

14 3181. Insurance on deposits of funds.

15 3182. Bonding of officials for performance of duties.

16 3183. Authorization for insurance contracts.

17 3184. Bids accompanied by deposit.

18 3185. Performance and payment bonds.

19 § 3181. Insurance on deposits of funds.

20 (a) General rule.--All school funds held in any authorized
21 depository shall be fully insured with the Federal Deposit
22 Insurance Corporation or the Federal Savings and Loan Insurance
23 Corporation or the National Credit Union Administration, or by
24 the pledging of assets in accordance with the act of November
25 30, 1965 (P.L.847, No.356), known as the "Banking Code of 1965."

26 (b) Pooling pledged assets.--The governing board of any
27 school entity may permit assets pledged as collateral in
28 subsection (a) to be pooled in accordance with the act of August
29 6, 1971 (P.L.281, No.72), relating to pledges of assets to
30 secure deposits of public funds.

1 § 3182. Bonding of officials for performance of duties.

2 (a) General rule.--The governing board of any school entity
3 may require any officer, employee or appointee to furnish,
4 before entering upon the duties of his office, to the governing
5 board a proper bond conditioned upon the faithful performance of
6 his duties, in such amount and with such corporate surety as the
7 governing board shall determine. The amount of the bond shall be
8 re-examined each year by the governing board for sufficiency and
9 increased if insufficient. The school entity shall pay the
10 premium on the bond for any officer or employee.

11 (b) Persons required to furnish bond.--The secretary,
12 treasurer and business administrator shall be required to
13 furnish bond in accordance with subsection (a).

14 (c) Personal collateral bond.--In lieu of furnishing a bond
15 under subsection (a), the persons may file their own collateral
16 bond, in the amount determined by the governing board in
17 accordance with the procedure described in subsection (a),
18 secured by an actual deposit with the governing board or with
19 any bank or bank and trust company within this Commonwealth
20 which may be agreed upon, of any of the securities which
21 depositories may use to secure the deposit of school funds. The
22 total market value of the securities thus deposited shall equal
23 the amount of the collateral bond. The collateral bonds shall be
24 conditioned upon the faithful performance of their duties. The
25 securities thus deposited shall constitute a trust fund to be
26 available for the satisfaction of any liability accruing upon
27 the collateral bond. The securities shall be accompanied by a
28 proper assignment or power of attorney for their transfer. In
29 the event of a decline in the market value of the securities,
30 additional securities shall be added to the trust deposit

1 sufficient to equal the amount of the collateral bond if
2 requested in writing by the governing board. The sufficiency of
3 the amount shall be reviewed annually by the governing board as
4 described in subsection (a). The governing board may permit the
5 director, officer or employee to substitute for any one or more
6 bonds or obligations included in any such securities, other
7 bonds or obligations that meet the requirements of this section.

8 (d) Refusal to furnish bond.--In case any director, officer
9 or employee shall refuse or fail to furnish a proper bond with
10 the proper sureties or securities within 15 days of notice to do
11 so, the governing board shall elect or employ another suitable
12 person to perform such duties in his place.

13 (e) Financial institution as treasurer.--In cases where the
14 treasurer is a bank or trust company, a surety bond shall not be
15 required.

16 § 3183. Authorization for insurance contracts.

17 (a) General rule.--The governing board of any school entity
18 may make and enter into any insurance contract it may deem
19 proper and desirable with any person, firm or corporation
20 (including any mutual insurance company) authorized to transact
21 business relating to insurance in this Commonwealth, for the
22 benefit of the governing board, school entity, its school
23 property, employees and their spouses and dependents, retired
24 employees and students. The insurance for the benefit of the
25 school entity and its school property may include, but need not
26 be limited to, fire and casualty insurance, liability insurance
27 and flood insurance. The insurance for the benefit of the
28 employees, their spouses and dependents and retired employees
29 may include group insurance coverage for life, health,
30 hospitalization, medical services, accident insurance and

1 pension annuity plans.

2 (b) Joint contracts with other agencies.--The governing
3 board of any school entity may contract for insurance jointly
4 with one or more other school entities, government agencies,
5 political subdivisions and municipality authorities, and provide
6 for the proportionate share of the premium to be paid by each
7 school entity and for the escrowing of funds by each school
8 entity on account of any deductible amounts included in the
9 contract of insurance.

10 (c) Payroll deductions for premiums.--The act of June 22,
11 1931 (P.L.844, No.274), relating to contracts for benefits for
12 government employees, and the act of July 19, 1951 (P.L.1074,
13 No.231), relating to payroll deductions by government agencies
14 for insurance premiums, shall be followed with respect to
15 employee wage deductions for payment of premiums on insurance
16 policies.

17 § 3184. Bids accompanied by deposit.

18 (a) General rule.--The governing board of any school entity
19 may provide that all bids advertised for shall be accompanied by
20 cash or by a certified check or cashier's good faith check in an
21 amount required by the governing board.

22 (b) Deposit forfeited as liquidated damages.--In the event
23 any bidder shall, upon award of contract to him, fail to comply
24 with the requirements of the act of December 20, 1967 (P.L.869,
25 No.385), known as the "Public Works Contractors' Bond Law of
26 1967," as to guaranteeing the performance of the contract, the
27 good faith deposit, to the extent it does not exceed 10% of the
28 bid, shall be forfeited to the governing board as liquidated
29 damages.

30 § 3185. Performance and payment bonds.

1 All governing boards of any school entity shall comply with
2 the provisions of the act of December 20, 1967 (P.L.869,
3 No.385), known as the "Public Works Contractors' Bond Law of
4 1967," governing public performance and payment bonds on public
5 works contracts.

6 SUBCHAPTER J

7 MISCELLANEOUS PROVISIONS

8 Sec.

9 3191. Disposal of personal property.

10 § 3191. Disposal of personal property.

11 (a) Sale to educational institutions and municipalities.--
12 Whenever the governing board of any school entity other than a
13 district of the first class or first class A shall by resolution
14 declare any books, furniture, supplies or equipment to be
15 unused, unnecessary, surplus or obsolete, the board shall first
16 offer the property to other school entities, municipalities,
17 nonpublic schools or other nonprofit educational institutions at
18 auction or by solicitation of two or more bids.

19 (b) Other methods of disposal.--Any property which has not
20 been purchased by other schools, municipalities or educational
21 institutions may be disposed of by any one or more of the
22 following methods:

23 (1) Public auction after such notice as the board shall
24 fix.

25 (2) Solicitation of bids from two or more persons
26 engaged in a business related to the nature of the items to
27 be disposed of.

28 (3) Offer to the general public at prices fixed by
29 resolution of the board.

30 (4) Offer to suppliers of similar items who shall be

required to state their bid for the same as a dollar discount against items they may be proposing to sell to the district.

(5) Such other method as the board may adopt by resolution, which other method shall not be implemented sooner than five days after the public meeting.

(c) Purchases by officers.--No member of the governing board nor any officer, appointee or employee of any school entity may purchase or cause to be purchased on his behalf any property except under the procedure prescribed in subsection (b)(1).

CHAPTER 33

ACCOUNTING AND AUDITING

Subchapter

A. General Provisions

B. Auditors and Audits

C. Audits and Other Financial Matters in First Class A Districts

D. Appeals from Audits

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

3301. Definitions.

3302. Accounting system to be maintained.

3303. Standards for accounting system.

3304. Retention of accounting records.

§ 3301. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Accounting records." Include, but are not limited to, financial records, statements, reports and attendance data.

1 "School auditor." Any person or firm qualified and appointed
2 under section 3311 (relating to designation of school auditors)
3 to perform an audit.

4 § 3302. Accounting system to be maintained.

5 Each school entity shall maintain adequate accounting records
6 and proper internal controls to provide:

7 (1) Financial information required for the governing
8 board's management purposes.

9 (2) Financial information required by the department or
10 any local, State or Federal agency.

11 (3) Effective accountability for all school funds,
12 accounting records, property and other assets for which the
13 governing body is responsible.

14 (4) Reliable accounting results to serve as the basis
15 for timely preparation and support of the school entity's
16 budget requests and for controlling and executing the budget.

17 (5) Reliable accounting results to serve as the basis
18 for timely preparation and support of the school entity's
19 reimbursement and subsidy statements and borrowing base
20 certificates.

21 § 3303. Standards for accounting system.

22 The accounting system of every school entity shall conform to
23 generally accepted accounting procedures.

24 § 3304. Retention of accounting records.

25 (a) Permanent records.--Each school entity shall maintain as
26 permanent records the minute book, each annual financial report
27 and each annual auditor's report.

28 (b) Temporary records.--Each school entity shall maintain
29 all other accounting records and their detailed supporting
30 documentation for a period of six years after the close of the

1 fiscal year in which the transaction took place. If the
2 documents have a bearing on an outstanding audit exception they
3 shall be retained beyond the six-year period until the exception
4 is resolved.

5 (c) Microfilming of records.--Records may be retained as
6 photographed, microphotographed or microfilmed copies in
7 accordance with the act of January 18, 1968 (1967 P.L.961,
8 No.428), known as the "Municipal Records Act."

9 (d) Access to records.--All such records shall be available
10 in accordance with section 104 (relating to access to
11 information and public records).

12 SUBCHAPTER B

13 AUDITORS AND AUDITS

14 Sec.

15 3311. Designation of school auditors.

16 3312. Scope of audits.

17 3313. Powers and duties of auditors.

18 3314. Surcharge by auditors.

19 3315. Compensation and expenses of auditors.

20 3316. Filing annual audit report.

21 3317. Advertising notice of audit report.

22 3318. Department review of accounting records.

23 3319. Civil and criminal liability of auditors.

24 § 3311. Designation of school auditors.

25 Annual audits of school funds shall be performed by a school
26 auditor who shall be:

27 (1) The city controller, in all school districts which
28 are located within the geographical boundaries of a school
29 district of the first class or any authority created by such
30 district.

(2) A certified public accountant, a firm of certified accountants, a ~~competent practicing independent~~ LICENSED public accountant or a firm of ~~competent independent~~ LICENSED public accountants appointed by the governing board prior to the end of the fiscal year, in all school districts of the second class OR AUTHORITIES CREATED BY THEM, intermediate units not covered by paragraph (1) AND area vocational-technical schools ~~or authorities created by them.~~

§ 3312. Scope of audits.

(a) Auditing standards.--Financial transactions of the school entity and all school funds shall be audited in accordance with generally accepted auditing standards.

(b) Availability of accounting records.--All accounting records which in the opinion of the school auditor might be required to complete the audit shall be made available to the school auditors.

(c) Purpose of audit.--The audit shall include an examination of financial transactions, accounts and reports to determine whether:

(1) The school entity is maintaining effective control, of revenues, expenditures, assets and liabilities in an efficient and economic manner.

(2) The school entity is properly accounting for assets, liabilities and transactions.

(3) The financial reports contain accurate financial data, fairly presented.

(4) The school entity has expended all funds in accordance with the budget.

§ 3313. Powers and duties of auditors.

(a) Completion of annual audit.--The school auditor shall

1 complete the annual fiscal year audit as soon as possible after
2 the close of the fiscal year and before the last day of the
3 fourth month of the following fiscal year.

4 (b) Filing report.--The school auditor shall file his report
5 in conformity with provisions of this chapter.

6 (c) Advertising financial statement.--Notice that the annual
7 financial statement furnished by the school auditor in districts
8 of the second class and by the school controller in any district
9 of the first class to the board of public education has been
10 filed and is available for public inspection at the business
11 office of the district shall be published by the board of public
12 education in two newspapers, designated by the board, once a
13 week for three successive weeks beginning the first week after
14 the statement has been furnished to it.

15 (d) Sufficiency of bonds.--The school auditor shall examine
16 and report to the proper governing board upon the sufficiency
17 and the security of the bonds of the officers, employees and
18 appointees of the governing board.

19 (e) Employment of attorney.--The school auditor may employ
20 an attorney whenever it is deemed advisable. The compensation of
21 the attorney shall not exceed the sum payable to the auditor for
22 the making of the annual audit, unless additional compensation
23 is specially allowed by a court of record in connection with any
24 proceeding before the court, and shall be payable out of the
25 general fund of the district.

26 (f) Administration of oaths and perjury.--The school auditor
27 may administer oaths or affirmations to all persons appearing
28 before him as witnesses. Any person testifying falsely in any
29 such examination commits perjury and shall be liable for and
30 subject to all penalties provided therefor.

1 (g) Subpoenas for witnesses and records.--The school auditor
2 may issue subpoenas to compel the attendance of school officials
3 or other persons whom he may deem necessary to examine as
4 witnesses, and to compel the production of all books, records,
5 vouchers, letters and papers related to any accounts being
6 audited. The court of common pleas in the county in which
7 hearing was held shall have jurisdiction to enforce the
8 subpoenas.

9 § 3314. Surcharge by auditors.

10 (a) General rule.--Any payment order issued in any other
11 manner or for any other purpose than authorized in this title
12 shall, if paid, be disallowed by the school auditors and
13 surcharged against the persons voting for or the persons finally
14 approving the payment. All orders disallowed shall be set forth
15 in the report to be made by the school auditors with such other
16 sum or sums as should be properly surcharged against any person
17 or persons.

18 (b) Notice to person surcharged.--In all audited school
19 entities, when any sum is surcharged against any person, the
20 person shall be notified by the school auditor at or before the
21 time of filing his report, by mail or otherwise, of such fact,
22 setting forth the amount surcharged against him.

23 § 3315. Compensation and expenses of auditors.

24 (a) General rule.--The school entity being audited shall pay
25 the school auditors.

26 (b) Compensation of attorney.--Compensation of any attorney
27 employed by a school auditor shall be fixed by the school
28 auditor and shall not exceed the sum payable for the annual
29 audit, unless additional compensation shall be specially allowed
30 by a court of record in connection with any proceeding before

1 the court, and shall be paid out of the funds of the employing
2 governing board.

3 (c) Witness fees.--Every witness appearing before any school
4 auditor shall receive from the funds of the school entity the
5 same witness fees and mileage allowance as a witness is allowed
6 in the court of common pleas of the county in which the school
7 entity is located.

8 § 3316. Filing annual audit report.

9 (a) General rule.--The school auditor shall file a report of
10 the preceding fiscal year on or before the last day of the
11 fourth month of the following fiscal year. The report shall be
12 on a form prescribed by the department and shall set forth, but
13 shall not be limited to, the following:

14 (1) An itemized statement of all receipts and
15 expenditures for the preceding year.

16 (2) The school entity's balance sheet as of the close of
17 that fiscal year.

18 (3) The balance in the treasury at the beginning of the
19 fiscal year.

20 (4) All revenues received during the fiscal year by
21 major classifications.

22 (5) All expenditures made during the fiscal year by
23 major functions.

24 (6) The assets, liabilities and fund balances of the
25 school entity at the end of the fiscal year.

26 (7) The amount of the assessed valuation of the school
27 entity at the beginning of the fiscal year.

28 (8) The itemized funded debts and maturity dates.

29 (9) The assets in each sinking fund at the end of the
30 fiscal year.

(b) Distribution of report.--A copy of the report shall be filed with the following:

(1) The employing governing board which shall note receipt of report in the minutes.

(2) The court of common pleas of the county in which the school entity is located.

(3) THE DEPARTMENT. <—

~~(3)~~ (4) Any related governing board. <—

§ 3317. Advertising notice of audit report.

The school entity shall, within ten days of receipt of the auditors' report, advertise a notice that the audit report for the school entity has been filed and is available for public inspection at the business office of the school entity in one newspaper of general circulation published or generally circulated in the district. The notice shall call attention to the fact that the report was filed on a date therein stated and give notice that the report will be confirmed absolutely unless an appeal is taken therefrom within 45 days after the date of advertising the filing thereof.

§ 3318. Department review of accounting records.

(a) General rule.--The ~~secretary and the comptroller of the~~ department may review the accounting records of any school entity. <—

(b) Authority in making review.--In reviewing accounting records for cause, the ~~secretary and the comptroller of the~~ department shall have the same powers granted in this chapter to school auditors. <—

§ 3319. Civil and criminal liability of auditors.

(a) Liability for damages.--Any school auditor failing to comply with the provisions of this chapter shall be liable to

1 the employing governing board for any damages caused by the
2 noncompliance.

3 (b) Criminal penalties.--Any school auditor failing to
4 comply with section 3316 (relating to filing annual audit
5 report) or 3317 (relating to advertising notice of audit report)
6 commits a summary offense and, upon conviction, shall be
7 sentenced to pay a fine of not less than \$50 nor more than \$500
8 for each violation. The fine shall be payable to the general
9 fund of the school entity.

10 SUBCHAPTER C

11 AUDITS AND OTHER FINANCIAL MATTERS

12 IN FIRST CLASS A DISTRICTS

13 Sec.

14 3331. Monthly reports by depositories.

15 3332. Reports and payment of taxes collected.

16 3333. Annual budget.

17 3334. City controller to be elected school controller.

18 3335. Oath, bond and compensation of controller.

19 3336. Vacancy in office of controller.

20 3337. Clerks, stationery, etc. for controller and treasurer.

21 3338. School orders.

22 3339. Contracts.

23 3340. Payment of contracts and liability of controller.

24 3341. Estimates of expenses.

25 3342. Annual statement of finances for past year.

26 3343. Information for estimates and tax levies.

27 3344. Audit of finances by school controller.

28 3345. Limitation on employment of controllers and auditors.

29 3346. Statements of accounts.

30 3347. Power to issue subpoenas and administer oaths.

1 3348. Disobedience to subpoena.

2 3349. Witness fees.

3 3350. Copies of reports.

4 3351. Duties of controller.

5 3352. Inconsistent provisions.

6 § 3331. Monthly reports by depositories.

7 Every bank or trust company designated as a depository for
8 school funds in any school district of the first class A shall,
9 at the end of every month, make a report to the school
10 treasurer, to the board of school directors and to the school
11 controller, if any, stating the amount of school funds deposited
12 with it during the month, together with the balance on hand at
13 the beginning of the month as well as the amount of school funds
14 disbursed by it during the month, any accrued interest paid, or
15 due, and the balance remaining on hand at the time of making the
16 report.

17 § 3332. Reports and payment of taxes collected.

18 In every school district of the first class A the receiver of
19 taxes, city treasurer or other proper authority collecting or
20 receiving the school taxes shall, at the end of each month,
21 report to the board of public education and to the school
22 controller the total amount of school taxes collected during the
23 month, setting forth the years for which collected. He shall pay
24 the same when and as collected to the school treasurer, shall
25 file with the school controller a duplicate receipt therefor and
26 shall, at the end of each month, also report the total amount
27 collected during the current fiscal year and the unexonerated
28 balance remaining uncollected on the tax duplicate for each year
29 in such district.

30 § 3333. Annual budget.

1 (a) Preparation.--The board of public education of each
2 school district of the first class shall, annually, at or before
3 the time of levying the annual school taxes, prepare an
4 approximate estimate of the amount of funds that will be
5 required by the school district in its several departments for
6 the following fiscal year. Such annual estimate shall be
7 apportioned to the several classes of expenditures of the
8 districts as the board of public education thereof may
9 determine. The total amount of such estimate shall not exceed
10 the amount of funds, including the proposed annual tax levy and
11 State appropriation, available for school purposes in the
12 district. The annual estimates shall be properly certified to
13 the school controller of the district by the secretary of the
14 board.

15 (b) Advertisement and public hearing.--The board of public
16 education shall, at least 15 days prior to the time final action
17 is taken on any budget, publish, by advertisement at least once
18 in two newspapers of general circulation printed in the
19 municipality in which such school district is located, notice
20 that such proposed budget has been prepared and is open to
21 public inspection at the office of the board of public
22 education. Such advertisement shall include a notice of public
23 hearing on the proposed budget, scheduled for at least 10 days
24 before final action is taken upon any budget.

25 § 3334. City controller to be elected school controller.

26 In each school district of the first class A or any authority
27 created by such district, the board of public education shall
28 elect the controller of the city comprising all or the greater
29 part of such district as school controller for said district for
30 and during his term of office as city controller. The school

1 controller of each school district of the first class A may
2 recommend to the board of public education for appointment a
3 deputy school controller. The board of public education shall
4 appoint as deputy school controller the candidate recommended by
5 the school controller who, in case of death, resignation or
6 inability of the school controller to act for any cause
7 whatsoever, shall have the same powers and shall perform the
8 same duties as imposed by law on the school controller. In case
9 the school controller does not recommend to the board of public
10 education for appointment a deputy school controller, the board
11 of public education may elect a deputy school controller who
12 shall serve until such time as the school controller recommends
13 to the board of public education the appointment of a deputy
14 school controller. The salary of the deputy school controller
15 shall be fixed by the board of public education. He shall
16 furnish bond in the sum of \$10,000.

17 § 3335. Oath, bond and compensation of controller.

18 Every person elected as a school controller in any school
19 district of the first class A shall, before entering upon such
20 duties of his office, take or subscribe to the oath or
21 affirmation herein provided for school directors and shall
22 furnish to the school district in which he is elected a proper
23 bond, in the amount of \$25,000, with such surety or sureties as
24 the board of school directors may approve, conditioned upon the
25 faithful performance of all duties of his office during his
26 term. The school controller in each district of the first class
27 A shall be paid, from the funds of the school district, an
28 annual salary fixed by the board of public education, payable
29 monthly.

30 § 3336. Vacancy in office of controller.

1 In case there is a vacancy in the office of school controller
2 by reason of death, resignation or otherwise, such vacancy shall
3 be filled by the election of the city controller by the board of
4 public education for and during his term of office as city
5 controller.

6 § 3337. Clerks, stationery, etc. for controller and treasurer.

7 The board of public education in school districts of the
8 first class A shall appoint upon the recommendation of the
9 school controller and school treasurer respectively such clerks
10 as they deem necessary to assist them in the performance of
11 their duties. All such appointments shall be made upon the
12 recommendation of the school controller and school treasurer.
13 Their salaries shall be fixed by the board of public education
14 at the time the appointments are made. The school controller and
15 school treasurer shall, in addition to their salaries, be
16 furnished, by the school district in which they are elected,
17 with necessary stationery and books required by them in the
18 performance of their duties as school controller or school
19 treasurer.

20 § 3338. School orders.

21 In every school district of the first class A the school
22 controller shall approve all proper school orders, drawn on the
23 school treasurer, before the same are paid. He shall not approve
24 any school order issued in violation of any of the provisions of
25 this part. He shall at all times have access to all the
26 accounts, books, records and papers of the district so far as
27 they relate to the school finances and may require from the
28 board of public education, or any person presenting any school
29 order, such evidence or information regarding its correctness as
30 he may deem proper.

1 § 3339. Contracts.

2 All contracts made by any school district of the first class
3 A shall state therein on what item in the annual estimate of
4 school expenditures the same is based. Every contract before
5 becoming valid shall be properly certified by the school
6 controller who shall, at the time of so doing, charge up the
7 amount of any such contract against the item in the annual
8 estimate on which the same is based. No contract shall be
9 certified by the school controller if the amount to become due
10 thereon shall exceed the item of expenditure on which it is
11 based.

12 § 3340. Payment of contracts and liability of controller.

13 It shall be the duty of each school controller in each school
14 district of the first class A to certify all contracts for the
15 payment of which a sufficient sum has been provided in the
16 annual school estimate. If any school controller shall certify
17 any contract in excess of the amount of the item of expenditure
18 in the annual estimate made thereof, he together with his surety
19 or sureties shall be individually liable on his bond therefor.

20 § 3341. Estimates of expenses.

21 The annual estimate of expenses made by the board of public
22 education in each school district of the first class A, at or
23 before the time of assessing and levying the annual school tax,
24 shall be certified to the school controller of the district by
25 the secretary of the board. The school controller shall, in a
26 proper book or books kept for that purpose, keep an account with
27 each item of expenditure as therein stated or thereafter changed
28 by the board in the manner herein provided. He shall charge up
29 against each item of such estimate all school orders drawn
30 against the same at the time they are approved by him and he

1 shall not permit any such estimate to be overdrawn. He shall
2 furnish to the board of public education a monthly statement
3 showing the original amount of each item of such estimate, the
4 amount paid out thereon and the balance, if any, on hand. If any
5 item is exhausted he shall promptly notify the board of such
6 fact.

7 § 3342. Annual statement of finances for past year.

8 The school controller in every school district of the first
9 class A shall, on or before April 30 of each year, submit to the
10 board of public education therein an annual itemized statement
11 of the finances of the school district for the past year. Such
12 statement shall include all assets of the district and the
13 source from which they were obtained, together with the amount
14 of uncollected school taxes, stating the amount of delinquent
15 taxes of each year remaining unpaid. The statement shall also
16 set forth the disbursements named in the several items of
17 expenditure, as well as the outstanding indebtedness of the
18 district, if any, together with the rate of interest on the same
19 and when it becomes due. It shall include a statement of the
20 sinking fund of the district, if any, including the securities
21 therein held by the district. The statement shall also contain
22 such further facts and information as the controller may see
23 proper to report.

24 § 3343. Information for estimates and tax levies.

25 The school controller in every school district of the first
26 class A shall also furnish annually to the board of public
27 education, on or before November 1, such information as he may
28 think proper, or as may be required of him by the board of
29 public education, in order to enable it to prepare the annual
30 estimate of expenditures and tax levy for the coming school

1 year.

2 § 3344. Audit of finances by school controller.

3 The finances of every school district of the first class A
4 and of every joint school board, in every department thereof,
5 together with the accounts of all school treasurers, school
6 depositories, teachers' retirement funds, teachers' institute
7 funds, directors' association funds, sinking funds and other
8 funds belonging to or controlled by the district shall be
9 properly audited by the school controller.

10 § 3345. Limitation on employment of controllers and auditors.

11 No elected county, city, borough, town or township controller
12 or auditor, and no controller or auditor appointed to fill a
13 vacancy in the office of county, city, borough, town or township
14 controller or auditor for the unexpired term of the previous
15 controller or auditor, shall be employed in any other capacity
16 by a school district of the first class A or joint school board
17 if he audits any finances or any funds belonging to or
18 controlled by any school district of the first class A or joint
19 school board.

20 § 3346. Statements of accounts.

21 In order that the accounts may be thoroughly and properly
22 audited, it shall be the duty of all boards of school directors
23 of districts of the first class A and their proper officers,
24 school depositories, district superintendents, treasurers of
25 directors' associations, treasurers of teachers' retirement
26 funds and other proper persons to furnish to such auditors,
27 whenever required by them for auditing purposes, statements and
28 accounts of all finances of the district, of teachers'
29 institutes or directors' associations, and other funds belonging
30 to or controlled by the district, including assets and

1 liabilities, together with access to all books, records, tax
2 duplicates, vouchers, school orders, payrolls, letters and other
3 matters pertaining to the same.

4 § 3347. Power to issue subpoenas and administer oaths.

5 The auditors in any school district of the first class A
6 shall have power and are hereby authorized to issue subpoenas to
7 compel the attendance of school officers or other persons whom
8 they may deem necessary to examine as witnesses and to compel
9 the production of all books, records, vouchers, letters and
10 papers relating to any accounts being audited by them. The
11 auditors shall have power to administer oaths or affirmations to
12 all persons appearing before them as witnesses and any person
13 ~~guilty of~~ testifying falsely in any such examination shall be <—
14 ~~guilty of~~ COMMITTS perjury and SHALL be liable for and subject to <—
15 all the penalties provided therefor.

16 § 3348. Disobedience to subpoena.

17 In case of disobedience to a subpoena to appear and testify
18 or to produce any papers, books, records, vouchers, letters or
19 other written or printed matter, as required by the provisions
20 of this subchapter, the Secretary of Education, school
21 controller or auditors, as the case may be, may invoke the aid
22 of the court of common pleas of the county, within whose
23 jurisdiction such hearing is held or accounts are being audited,
24 to compel compliance with the same. Any such court, in case of
25 contumacy or refusal to obey a subpoena, may issue its orders to
26 such person so refusing to appear and testify or to produce
27 books, papers, vouchers or other written or printed matter. Any
28 failure to obey such order of court may be punished by the court
29 as contempt thereof.

30 § 3349. Witness fees.

1 Every witness attending before any auditors in any school
2 district of the first class A shall receive, out of the funds of
3 the district, to be paid by a proper order drawn on the school
4 treasurer, the same witness fees and mileage as a witness is
5 allowed in the court of common pleas of the county in which such
6 district is located.

7 § 3350. Copies of reports.

8 In all school districts of the first class A the auditors'
9 report of the finances of the district for the preceding year,
10 as made by the auditors, shall be filed with the board of school
11 directors, entered on the minutes of the board by the secretary
12 thereof and forwarded to the ~~Secretary of Education~~ DEPARTMENT. <—
13 ~~A copy of such report shall be filed with the intermediate unit~~ <—
14 ~~board of directors.~~

15 § 3351. Duties of controller.

16 The school controller in each school district of the first
17 class A shall properly audit the finances of the school
18 district, including the accounts of the receiver of school
19 taxes, school treasurer or other proper authority collecting
20 school taxes, school depositories and all other funds under the
21 control of the board of public education. The school controller
22 shall, at the end of each school year, certify to the board of
23 public education that he has audited the several accounts above
24 stated and shall report to it the result of such audit.

25 § 3352. Inconsistent provisions.

26 In the event any of the provisions of this subchapter are in
27 conflict with any other provisions of this part, the provisions
28 of this subchapter shall control insofar as they relate to
29 school districts of the first class A.

30

SUBCHAPTER D

APPEALS FROM AUDITS

Sec.

3361. Filing of appeals from reports.

3362. Filing of appeal bonds.

3363. Scope of judicial review.

3364. Rights of taxpayers following appeals.

3365. Entry of judgments for amounts of surcharge.

3366. Collection and enforcement of judgments.

§ 3361. Filing of appeals from reports.

(a) Right of appeal.--Any of the following may appeal any auditor's report:

(1) The Commonwealth.

(2) The school entity.

(3) Any taxpayer thereof on behalf of the Commonwealth or school entity.

(4) Any person against whom any sum has been surcharged in the report.

(b) Time of filing appeal.--The appeal shall be taken to the court of common pleas of the proper county:

(1) Within 90 days after the report is filed if the Commonwealth is the appellant.

(2) Within 45 days after the date of the advertisement by all other appellants.

§ 3362. Filing of appeal bonds.

(a) Appeal by taxpayer.--Any taxpayer taking or intervening in an appeal shall file a sufficient surety bond in the proper court of common pleas promising to prosecute the appeal effectively and to indemnify and free the school entity from all costs of the appeal if the final decision is adverse to the appealing or intervening taxpayer, or, if in favor of the

1 taxpayer, all costs in excess of any recovery.

2 (b) Appeal by person surcharged.--Any person surcharged by
3 the auditor's report and taking an appeal shall file a
4 sufficient surety bond in the court promising to prosecute the
5 appeal effectively and to pay all costs of the appeal if the
6 final decision finds the same or greater degree of liability as
7 that found by the report appealed from.

8 (c) Appeal by Commonwealth or school entity.--No bond shall
9 be required where the appellant is the Commonwealth or school
10 entity.

11 § 3363. Scope of judicial review.

12 In any proceeding in the court of common pleas upon an audit
13 appeal, the accounts of the officer or officers in question may
14 be investigated de novo, but the figures and facts found and
15 stated by the auditors in their report of audit shall be taken
16 as prima facie correct as against the officer, and the burden
17 shall be upon each officer whose accounts are in question to
18 establish the credits to which the officer is entitled.

19 § 3364. Rights of taxpayers following appeals.

20 (a) Defense by taxpayer.--Any taxpayer may defend the school
21 entity in any appeal taken by any person surcharged as fully and
22 effectively as the officers of the school entity.

23 (b) Consent of taxpayer to settlement.--When an appeal has
24 been taken by any taxpayer, the officers of the governing board
25 shall not make settlement with any person or persons surcharged
26 with any sum or sums, or whose accounts shall be involved in any
27 appeal, without the consent of the taxpayer.

28 § 3365. Entry of judgments for amounts of surcharge.

29 (a) Judgment on appeal.--If any sum shall be found by the
30 court to be surchargeable to any person whose accounts are

1 involved in any appeal, the prothonotary shall enter judgment
2 for the sum in favor of the school entity and against the person
3 surcharged.

4 (b) Judgment on audit.--If in any report filed by the
5 auditors of any school entity there has been any sum surcharged
6 against any person or persons, the amount surcharged against the
7 person or persons shall, within the time prescribed by this
8 chapter, become a judgment and shall be entered by the
9 prothonotary in favor of the audited entity against the person
10 or persons surcharged. The judgment shall be collected from the
11 person or persons or his or their sureties by the school entity
12 for its use and benefit.

13 § 3366. Collection and enforcement of judgments.

14 (a) Judgment on appeal.--The Commonwealth, the school entity
15 or appealing taxpayer may cause the judgment entered pursuant to
16 section 3365(a) (relating to entry of judgments for amounts of
17 surcharge) to be collected from the person surcharged or his
18 sureties, for the benefit of the school entity, by execution or
19 other appropriate method.

20 (b) Judgment on audit.--Any taxpayer of a school entity may,
21 on its behalf, proceed to enforce collection of the judgment
22 entered pursuant to section 3365(b) for the school entity, by
23 execution or other appropriate proceeding, upon filing bond with
24 sufficient surety or sureties, conditioned to indemnify and save
25 harmless the school entity from any cost accruing by reason of
26 the proceedings.

27 CHAPTER 35

28 TAXATION

29 Subchapter

30 A. General Provisions

B. Provisions Applicable to First Class and First Class A Districts

C. Personal Property Tax in First Class and First Class A Districts

D. Business Receipts Tax in First Class and First Class A Districts

E. Mercantile Tax in First Class and First Class A Districts

F. Earnings Tax in First Class A Districts

G. Provisions Applicable to Second Class Districts

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

3501. School boards to levy taxes for district.

3502. Time and uniformity of tax levy.

3503. Affidavit of uncollectability of real property taxes.

3504. Certain taxable property acquired by Commonwealth.

3505. Construction of chapter.

3506. Severability provision.

§ 3501. School boards to levy taxes for district.

All taxes required or authorized by this title or required or authorized by any other title or statute for the school district shall be levied by the board of school directors therein.

§ 3502. Time and uniformity of tax levy.

(a) General rule.--There shall be only one levy of school taxes in each school district in each year which shall be uniform throughout the territorial limit of each school district.

(b) Special tax by combined district.--Whenever school districts operating on different fiscal years are combined, the governing board of the surviving district may levy a special

1 school tax on the territory of any previous district whose
2 fiscal year expires earlier than that of the surviving district
3 for the purpose of providing for the expense, maintenance and
4 floating indebtedness of the school district until the beginning
5 of the next fiscal year. The levy shall not exceed one-half of
6 the last previous total annual millage levied by the surviving
7 school district.

8 (c) Tax in combined districts.--When two or more school
9 districts have been combined in accordance with the provision of
10 section 2531 (relating to voluntary combination of school
11 districts), the boards of school directors of the component
12 school districts by a majority vote of all members shall levy a
13 uniform school tax in all component school districts for general
14 revenue purposes necessary to operate the new school district
15 for the first fiscal year following approval to establish the
16 new district.

17 § 3503. Affidavit of uncollectability of real property taxes.

18 Each certificate which any collector of school taxes makes of
19 delinquent school taxes levied upon real estate upon which there
20 is no personal property from which the tax can be collected,
21 shall be accompanied by the affidavit of the tax collector that,
22 after the proper efforts, he could not find sufficient personal
23 property out of which the taxes or any part thereof could be
24 made or collected as provided by law. The affidavit shall be
25 conclusive as to that fact so far as it may affect the lien of
26 the taxes or the title of a purchaser at a sheriff's sale
27 thereunder. In the event the collector shall make a willfully
28 false return he shall be liable to any person or persons injured
29 thereby.

30 § 3504. Certain taxable property acquired by Commonwealth.

1 (a) Certification of valuation.--Whenever the Commonwealth
2 shall for the purpose of conservation of water or to prevent
3 flood conditions acquire any land or property within the limits
4 of any school districts and shall, by such acquisition, reduce
5 the amount of property within the district taxable for school
6 purposes, the board of school directors shall immediately after
7 the acquisition certify to the Auditor General and to the
8 ~~Secretary of Education~~ DEPARTMENT the assessed valuation of the <—
9 lands and property at the time of the acquisition.

10 (b) Payments by Commonwealth.--After the acquisition the
11 board of directors shall from year to year, at the time of its
12 annual levy of taxes for school purposes, certify to the Auditor
13 General and ~~Secretary of Education~~ TO THE DEPARTMENT the rate of <—
14 its levy for the next school year. Thereupon, the ~~secretary~~ <—
15 DEPARTMENT shall ascertain the amount of taxes which would have <—
16 been collected upon the assessed valuation, certified as
17 provided in subsection (a), at the rate of levy so certified.
18 Upon the ascertainment of the amount, the amount shall be paid
19 by the Commonwealth during each fiscal year.

20 § 3505. Construction of chapter.

21 This chapter shall not be construed to empower any school
22 district to impose, levy and collect the taxes hereby levied
23 upon any person or real or personal property of any of the
24 classes hereinbefore enumerated not within the power of the
25 General Assembly under the Constitution of the United States.

26 § 3506. Severability provision.

27 If the tax or any portion of the tax imposed upon any person
28 or real or personal property of any of the classes enumerated
29 under the provisions of this chapter, or if any exception of any
30 person or real or personal property of any of the classes as

1 enumerated from the imposition of the tax under the provisions
2 of this chapter shall be held by any court of competent
3 jurisdiction to be in violation of the Constitution of the
4 United States or of the Commonwealth of Pennsylvania, the
5 decision shall not affect or impair the right to impose the
6 taxes or the validity of the taxes so imposed upon the personal
7 use or personal property of the other classes, as enumerated, or
8 to impose the taxes on the persons or the real or personal
9 property so excepted. It is the intent of the General Assembly
10 that the taxes imposed or excepted, so held to be
11 unconstitutional, were not to be imposed or excepted, as the
12 case may be, but that the taxes imposed upon all other personal
13 property made taxable under this chapter to be imposed and that
14 taxes on the personal property excepted were to be imposed
15 thereon.

16 SUBCHAPTER B

17 PROVISIONS APPLICABLE TO FIRST CLASS

18 AND FIRST CLASS A DISTRICTS

19 Sec.

- 20 3511. Powers and duties of collector or treasurer.
- 21 3512. Appeals from decisions of tax collectors.
- 22 3513. Board of appeals in first class districts.
- 23 3514. Estimates of valuation of taxable personal property.
- 24 3515. Taxes payable by persons making returns.
- 25 3516. Acceptance of taxes payable under protest.
- 26 3517. Taxes collected by collector or treasurer.
- 27 3518. Examination of records to determine tax liability.
- 28 3519. Unpaid real property taxes lien on property.
- 29 3520. Penalties.
- 30 3521. Levy of taxes in general.

1 3522. Certification of property assessed for municipal
2 purposes.

3 3523. Certification of levy and tax duplicates.

4 3524. Levy of additional real property taxes.

5 3525. Additional taxes in first class A districts.

6 3526. APPEALS FROM LEVY OF NEW TAXES IN FIRST CLASS A
7 DISTRICTS.

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8 § 3511. Powers and duties of collector or treasurer.

9 (a) Definition.--As used in this section "collector"
10 includes the school treasurer where no collector is authorized.

11 (b) Collection of taxes.--It shall be the duty of the
12 collector to collect and receive the taxes, fines and penalties
13 imposed under this chapter for payment over to the school
14 treasurer. It shall also be his duty to keep a record showing
15 the amount received by him from each person paying the tax and
16 the date of such receipt.

17 (c) Administration and enforcement.--The collector is hereby
18 charged with the administration and enforcement of the
19 provisions of this chapter and is hereby empowered to prescribe,
20 adopt, promulgate and enforce rules and regulations relating to
21 any matter pertaining to the administration and enforcement of
22 this chapter including provisions for the reexamination and
23 correction of declarations and returns, and of payments alleged
24 or found to be incorrect, or as to which an overpayment is
25 claimed or found to have occurred, and to prescribe forms
26 necessary for the administration of this chapter.

27 (d) Examination of records of taxpayer.--The collector is
28 hereby authorized to examine the books, papers and records of
29 any taxpayer or supposed taxpayer in order to verify the
30 accuracy of any return made or, if no return was made, to

1 ascertain the tax imposed. Every taxpayer or supposed taxpayer
2 is hereby directed and required to give to the collector the
3 means, facilities and opportunity for such examinations and
4 investigations as are hereby authorized. The collector is hereby
5 authorized to examine any person connected with any business
6 concerning any receipts which were or should have been returned
7 and to this end may compel the production of books, papers and
8 records and the attendance of all persons before him, whether as
9 parties or witnesses, whom he believes to have knowledge of such
10 receipts.

11 (e) Confidentiality of tax information.--Any information
12 gained by the treasurer, his agents or by any other official or
13 agent of the school district imposing a tax under this chapter,
14 as a result of any declarations, returns, investigations,
15 hearings or verifications required or authorized by this chapter
16 shall be confidential except for official purposes and except in
17 accordance with a proper judicial order or as otherwise provided
18 by law.

19 (f) Powers cumulative.--The powers conferred by this chapter
20 upon the collector relating to the administration and
21 enforcement of this chapter shall be in addition to, but not
22 exclusive of, any other powers heretofore or hereafter conferred
23 upon him.

24 § 3512. Appeals from decisions of tax collectors.

25 (a) First class A districts.--Any person aggrieved by any
26 decision of the collector in districts of the first class A
27 shall have the right of appeal to the court of common pleas.

28 (b) First class districts.--Except as otherwise provided in
29 section 3513 (relating to board of appeals in first class
30 districts), any person aggrieved by any decision of the

1 collector in districts of the first class shall have the right
2 of appeal to the court of common pleas.

3 § 3513. Board of appeals in first class districts.

4 (a) Establishment and function.--The board of public
5 education in each school district of the first class shall
6 establish a board of appeals consisting of at least three
7 members of the board of education and such other person or
8 persons as it shall designate. A majority of the members of the
9 board of appeals may act upon any matter within its
10 jurisdiction. There shall be no appeal from any decision of the
11 board of appeals. The board of appeals shall receive, consider
12 and render decisions on petitions filed with it requesting
13 either or both of the following:

14 (1) An abatement in whole or in part of penalties and
15 interest.

16 (2) A compromise of the tax.

17 (b) Petition and hearing.--Petitions shall be filed by the
18 taxpayer within 60 days after the date of mailing of notice of
19 assessment to the taxpayer, or his representative. All petitions
20 shall be under oath and shall state the reasons supporting the
21 request for relief. The petitioner shall have the right to be
22 heard in person or by counsel, or both, before the board of
23 appeals which shall hear the case within 60 days of receipt of
24 the petition.

25 (c) Decision of board.--Decisions of the board of appeals
26 shall be rendered within 90 days after hearing and a copy
27 thereof shall be promptly transmitted to the taxpayer or his
28 representative. Upon the ~~rendition~~ RENDERING of a decision by
29 the board of appeals approving the request for compromise or for
30 abatement of penalties and interest and upon payment by the

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1 taxpayer of the amount of tax in the manner stated in the
2 decision of the board of appeals, the claim of the school
3 district shall be marked paid upon the records of the department
4 of collections and any judgment or lien of record which may
5 exist with respect to such claims shall be marked satisfied by
6 the school district. The cost of satisfying the judgment or lien
7 shall be paid by the taxpayer unless otherwise ordered by the
8 board of appeals.

9 (d) Board regulations.--The board of appeals shall have the
10 power to prescribe, promulgate and enforce such rules and
11 regulations as may be necessary to implement the administration
12 of the provisions of this section.

13 § 3514. Estimates of valuation of taxable personal property.

14 For the purpose of enabling the board of public education to
15 levy the taxes imposed by this chapter, it shall be the duty of
16 the board to furnish annually, at the same time as it furnishes
17 the valuation of real property to the boards of public education
18 in school districts of the first class and first class A, and to
19 the receiver of school taxes, or in school districts in which
20 there is no receiver of school taxes to the school treasurer, an
21 estimate of the total valuation of all personal property taxable
22 for school purposes.

23 § 3515. Taxes payable by persons making returns.

24 The person making the return shall pay the amount of tax
25 shown as due thereon to the collector.

26 § 3516. Acceptance of taxes payable under protest.

27 The treasurer is hereby authorized to accept payment under
28 protest of the amount of tax claimed by the school district
29 imposing a tax under this chapter in a case where any person
30 disputes the validity or amount of the claim. If it is

1 thereafter judicially determined by a court of competent
2 jurisdiction that there has been an overpayment to the
3 treasurer, the amount of the overpayment shall be refunded to
4 the person who paid under protest.

5 § 3517. Taxes collected by collector or treasurer.

6 All taxes, penalties and fines imposed under the provisions
7 of this chapter shall be paid to, and collected by, the
8 collector of school taxes or, in school districts in which there
9 is no collector, by the school treasurer.

10 § 3518. Examination of records to determine tax liability.

11 (a) General rule.--The board, or any employee authorized in
12 writing by it, is hereby authorized to examine the books, papers
13 and records of any resident in order to verify the accuracy of
14 any return made or, if no return was made, to ascertain and
15 assess the tax imposed by this chapter. The resident is hereby
16 directed and required to give to the board or its duly
17 authorized employees the means, facilities and opportunity for
18 such examinations and investigations as are hereby provided and
19 authorized. The board is hereby authorized to examine any person
20 under oath concerning any property which was, or should have
21 been, returned for taxation, and to this end may compel the
22 production of books, papers and records and the attendance of
23 all persons, whether as parties or witnesses, which it believes
24 have knowledge of such property. In the event of the refusal of
25 any taxpayer to permit the examination of his books and records,
26 or upon his refusal to appear before the board or to testify, or
27 in the event of his refusal to produce books, papers and records
28 which the board has directed to be produced, the board may have
29 recourse to the court of common pleas of the county, which court
30 shall upon cause shown direct the attendance of witnesses and

1 the production of such books, papers and records.

2 (b) Authority to issue regulations.--The board is hereby
3 authorized and empowered to prescribe, adopt, promulgate and
4 enforce rules and regulations relating to any matter or thing
5 pertaining to the administration and enforcement of the
6 provisions of this chapter and the collection of the taxes,
7 penalties and interest imposed under this chapter.

8 (c) Board powers cumulative.--The powers conferred by this
9 title upon the board relating to the administration and
10 enforcement of this chapter shall be in addition to, but not
11 exclusive of, any other powers heretofore or hereafter conferred
12 upon the said board by law.

13 § 3519. Unpaid real property taxes lien on property.

14 In all school districts of the first class, all unpaid school
15 taxes assessed on any real property shall be liens thereon and
16 subject to like provisions and restrictions as exist and shall
17 exist in the case of all other taxes assessed in this
18 Commonwealth. The taxes and liens shall be filed, enforced and
19 collected by the proper authority in accordance with the
20 provisions which shall be applicable in the cases of other taxes
21 assessed in this Commonwealth.

22 § 3520. Penalties.

23 (a) Definition.--As used in this section "person" as applied
24 to associations shall mean the partners or members thereof, and
25 as applied to corporations shall mean the officers thereof.

26 (b) Nonappearance before collector.--Any person who
27 willfully fails or refuses to appear before the collector in
28 person with his books, records or accounts for examination when
29 required under the provisions of this chapter commits a summary
30 offense.

1 (c) False return.--Any person who shall willfully and
2 corruptly make a false and fraudulent return, as aforesaid,
3 commits a misdemeanor of the third degree.

4 (d) Failure to file return.--Any person who willfully fails
5 or refuses to file any return containing the information
6 required by this chapter commits a misdemeanor of the third
7 degree.

8 (E) FAILURE TO COMPLY WITH COLLECTION AT SOURCE <—
9 REQUIREMENT.--ANY PERSON OR EMPLOYER WHO FAILS, NEGLECTS OR
10 REFUSES TO REGISTER, MAKE APPROPRIATE DEDUCTIONS OR TO PAY ANY
11 TAX REQUIRED TO BE DEDUCTED UNDER THIS CHAPTER ON THE SALARIES,
12 WAGES, COMMISSIONS AND OTHER COMPENSATION DUE TO HIS EMPLOYEE OR
13 EMPLOYEES, COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

14 ~~(e)~~ (F) Confidentiality of returns.--Any person who divulges <—
15 any information which is confidential under the provisions of
16 section 3511(e) (relating to powers and duties of collector or
17 treasurer) commits a misdemeanor of the third degree.

18 ~~(f)~~ (G) Penalties cumulative.--The penalties imposed under <—
19 this section shall be in addition to any other penalty imposed
20 by any other section of this chapter.

21 § 3521. Levy of taxes in general.

22 (a) Time of levy.--

23 (1) In all school districts of the first class the
24 school taxes for the following fiscal year shall be levied
25 annually, by ~~class~~ the board of public education thereof, on <—
26 or after the second Monday of November and before the first
27 Monday of December following.

28 (2) In all school districts of the first class A, the
29 school taxes for the following fiscal year shall be levied
30 annually by the board of public education thereof, on or

1 after the first Monday of December and before the end of the
2 current fiscal year.

3 (b) Amount and purpose of tax.--The board of public
4 education shall annually levy a tax on each dollar of the total
5 assessments of all property assessed and certified for taxation
6 in the district, which tax shall be ascertained, determined and
7 fixed at an amount which, with all moneys received from the
8 Commonwealth applicable thereto, shall be sufficient to pay:

9 (1) The minimum salaries and increments of the teaching
10 and supervisory staff thereof as fixed and provided by law
11 and to pay the contributions of the district to the teachers
12 retirement system.

13 (2) Interest on, and retire at maturity the principal
14 of, the indebtedness of the district incurred as authorized
15 by law.

16 (3) Any rentals agreed to be paid to the State Public
17 School Building Authority or any other authority created by
18 the General Assembly having Statewide jurisdiction.

19 (4) All other expenses and requirements of the district,
20 which amount shall be equivalent to not less than three nor
21 more than five mills on the dollar of the total assessment of
22 all property assessed and certified for taxation therein.

23 (c) Limitation in first class districts.--The total annual
24 school tax levy for all purposes in any school district of the
25 first class shall be no more than 11-3/4 mills on the dollar of
26 the total assessment of all property assessed and certified for
27 taxation in the territory constituting the district.

28 (d) Property subject to tax.--In all school districts of the
29 first class or first class A, the school taxes shall be levied
30 upon the same real estate and property as that upon which the

1 municipal taxes of the municipality or municipalities comprising
2 the school district are levied and assessed. All of the real
3 estate and property taxable for municipal purposes is hereby
4 made taxable for school purposes in each school district of the
5 first class or first class A.

6 (e) Additional tax by new district.--Any school district of
7 the first class assuming any bonded indebtedness of any former
8 school district, sub-school district or ward school district
9 within its limits, may levy and collect a school tax, not to
10 exceed eight and one-half mills on the dollar of the total
11 assessment of all property assessed and certified for taxation
12 therein, until such assumed bonded indebtedness has been paid,
13 after which the school tax levy shall not exceed the limitations
14 fixed by this chapter.

15 § 3522. Certification of property assessed for municipal
16 purposes.

17 (a) Statement from municipalities.--To permit the board of
18 public education to levy the necessary school taxes for each
19 school year, the proper authority shall certify to the board
20 before November 1 each year, in the municipality or
21 municipalities comprising school districts of the first class or
22 first class A, a statement of the total assessment of all real
23 estate and property taxable for municipal purposes in the
24 municipality or municipalities comprising such school district.

25 (b) Duplicate from county.--When school districts of the
26 first class or first class A are coterminous with a municipality
27 or municipalities and the taxes that are levied and assessed on
28 real estate and personal property are those contained in the
29 assessments made for county tax purposes, the proper county
30 assessing authorities shall furnish to the board of public

1 education, annually, on or before November 1, a properly
2 certified duplicate of the existing adjusted valuation of all
3 property taxable for county purposes and for municipal purposes
4 within the territorial limits of the municipality or
5 municipalities comprising the school district, excepting only
6 assessments of intangible personal property not subject to the
7 payment of school taxes.

8 § 3523. Certification of levy and tax duplicates.

9 In all school districts of the first class, as soon as the
10 school tax is levied by the board of public education the amount
11 of the levy shall be properly certified by the president and
12 secretary of the board to the proper authority authorized to
13 prepare tax duplicates. The authority shall enter the levy on
14 the tax duplicate and properly certify the duplicate to the
15 proper authority collecting the municipal taxes in the district.
16 The school taxes will then be collected as provided by law, at
17 the same time, in the same manner and subject to the same
18 discounts and penalties as other taxes collected in the
19 municipalities.

20 § 3524. Levy of additional real property taxes.

21 (a) General rule.--The board of public education in school
22 districts of the first class and first class A shall levy
23 annually, at the time authorized for the levy of other school
24 taxes, a tax of not less than 4-1/2 mills nor more than 5 mills,
25 in the case of first class districts, and not less than 4-3/4
26 mills nor more than 29 mills, in the case of first class A
27 districts, on each dollar of the total assessment of all real
28 property assessed and certified for taxation in the districts.

29 THE BOARD OF EDUCATION IN SCHOOL DISTRICTS OF THE FIRST CLASS A
30 MAY LEVY, BY ORDINANCE, AN ADDITIONAL TAX, SUFFICIENT TO MEET

<—

1 THE SCHOOL DISTRICT'S ANTICIPATED EXPENSES, ON EACH DOLLAR OF
2 THE TOTAL ASSESSMENT OF ALL REAL PROPERTY ASSESSED AND CERTIFIED
3 FOR TAXATION IN THE DISTRICT.

4 (b) Use.--The taxes and penalties collected under the
5 provisions of this section shall be used for general school
6 purposes and shall be additional to any other taxes which these
7 classes of school districts are empowered to levy and collect
8 under existing law.

9 § 3525. Additional taxes in first class A districts.

10 (a) General rule.--In addition to the taxes authorized by
11 this chapter AND EXCEPT AS PROVIDED IN SUBSECTION (B), the <—
12 elected board of public education of school districts of the
13 first class A may levy, by ordinance, a tax or taxes on any
14 persons, transactions, occupations, privileges, subject and real
15 or personal property as it shall determine not prohibited by
16 SECTION 2 OF the act of December 31, 1965 (P.L.1257, No.511), <—
17 known as "The Local Tax Enabling Act," but no ordinance may
18 authorize the imposition of a tax on the wages, salary or net
19 income of any person not a resident of the school district.

20 TAXES LEVIED UNDER THIS SECTION MAY DUPLICATE OTHER TAXES <—
21 AUTHORIZED BY THIS CHAPTER TO BE LEVIED BY ORDINANCE.

22 (B) LIMITATION.--NO TAX OF ANY KIND MAY BE IMPOSED ON
23 ADMISSION TO PLACES OF AMUSEMENT, ATHLETIC EVENTS, MOTION
24 PICTURE THEATERS, OCCUPATIONS OR OCCUPATIONAL PRIVILEGE, GROSS
25 RECEIPTS OF BUSINESSES, INCLUDING INSTITUTIONS AND NONPROFIT
26 SERVICES, AND PARKING, BUT THIS SUBSECTION DOES NOT APPLY TO
27 TAXES IMPOSED ON THE WHOLE VOLUME OF BUSINESS TRANSACTED BY
28 RETAIL AND WHOLESALE DEALERS IN GOODS, WARES AND MERCHANDISE.

29 ~~(b)~~ (C) Contents of tax ordinance.--Any ordinance <—
30 authorizing a tax, other than under a statute and at the rate

1 fixed thereby, shall fix the rate and provide for the levy,
2 assessment and collection of the tax.

3 ~~(c) Taxation by coterminous political subdivisions. In any~~ <—
4 ~~case where an ordinance of the elected board of education~~
5 ~~imposes a tax on the same subject and person on which any~~
6 ~~coterminous political subdivision imposes a similar tax, the~~
7 ~~rate shall be reduced by one half as provided in section 8 of~~
8 ~~"The Local Tax Enabling Act."~~

9 § 3526. APPEALS FROM LEVY OF NEW TAXES IN FIRST CLASS A <—
10 DISTRICTS.

11 (A) GENERAL RULE.--WITHIN 30 DAYS AFTER A TAX HAS BEEN
12 LEVIED FOR THE FIRST TIME BY AN ELECTED BOARD OF PUBLIC
13 EDUCATION IN ANY SCHOOL DISTRICT OF THE FIRST CLASS A, TAXPAYERS
14 REPRESENTING 25% OR MORE OF THE TOTAL VALUATION OF REAL PROPERTY
15 IN THE SCHOOL DISTRICT AS ASSESSED FOR TAXATION PURPOSES OR
16 TAXPAYERS OF THE SCHOOL DISTRICT NOT LESS THAN 25 IN NUMBER
17 AGGRIEVED BY THE ORDINANCE OR RESOLUTION SHALL HAVE THE RIGHT TO
18 APPEAL THEREFROM TO THE COURT OF COMMON PLEAS OF THE COUNTY UPON
19 GIVING BOND WITH SUFFICIENT SECURITY IN THE AMOUNT OF \$500,
20 APPROVED BY THE COURT, TO PROSECUTE THE APPEAL WITH EFFECT AND
21 FOR THE PAYMENT OF COSTS.

22 (B) CONTENT AND VERIFICATION OF PETITION.--THE PETITION
23 SHALL SET FORTH THE OBJECTIONS TO THE TAX AND THE FACTS IN
24 SUPPORT OF THE OBJECTIONS AND SHALL BE ACCOMPANIED BY THE
25 AFFIDAVIT OF AT LEAST FIVE OF THE PETITIONERS THAT THE AVERMENTS
26 OF THE PETITION ARE TRUE AND THE PETITION IS NOT FILED FOR THE
27 PURPOSE OF DELAY.

28 (C) SUPERSEDEAS.--NO APPEAL SHALL ACT AS A SUPERSEDEAS
29 UNLESS SPECIFICALLY ALLOWED BY THE COURT TO WHICH THE APPEAL IS
30 TAKEN OR A JUDGE OF THAT COURT.

1 (D) SERVICE OF PETITION AND RULE.--IMMEDIATELY UPON THE
2 FILING OF THE PETITION, THE PETITIONERS SHALL SERVE A COPY OF
3 THE PETITION AND ANY RULE GRANTED BY THE COURT UPON THE
4 PRESIDENT OR SECRETARY OF THE BOARD OF PUBLIC EDUCATION.

5 (E) HEARING AND DISPOSITION.--THE COURT SHALL FIX A DAY FOR
6 A HEARING NOT LESS THAN 15 DAYS NOR MORE THAN 30 DAYS AFTER THE
7 FILING OF THE PETITION. NOTICE OF THE TIME OF THE HEARING SHALL
8 BE GIVEN TO ALL INTERESTED PARTIES AS THE COURT SHALL DIRECT.
9 THE COURT SHALL PROMPTLY HEAR AND DISPOSE OF THE APPEAL.

10 (F) SCOPE OF REVIEW.--THE COURT SHALL DECLARE THE ORDINANCE
11 AND THE TAX LEVIED TO BE VALID UNLESS IT CONCLUDES THAT THE
12 ORDINANCE IS UNLAWFUL, BUT THE COURT SHALL NOT INTERFERE WITH
13 THE REASONABLE DISCRETION OF THE BOARD OF PUBLIC EDUCATION IN
14 SELECTING THE SUBJECTS OR FIXING THE RATES OF THE TAX. THE COURT
15 MAY DECLARE INVALID ALL OR ANY PORTION OF THE ORDINANCE OR OF
16 THE TAX LEVIED OR MAY REDUCE THE RATES OF TAX.

17 (G) APPELLATE REVIEW.--ANY PARTY TO THE PROCEEDING SHALL
18 HAVE THE RIGHT TO APPEAL FROM THE DECISION OF THE COURT OF
19 COMMON PLEAS TO THE COMMONWEALTH COURT AS IN OTHER CASES, BUT
20 THE APPEAL SHALL BE TAKEN WITHIN 30 DAYS FROM THE DATE THE
21 DECREE OF THE COURT WAS ENTERED AND NOT THEREAFTER. ANY TWO OR
22 MORE PARTIES MAY JOIN IN THE APPEAL.

23 SUBCHAPTER C

24 PERSONAL PROPERTY TAX IN FIRST CLASS

25 AND FIRST CLASS A DISTRICTS

26 Sec.

27 3531. Definitions.

28 3532. Property taxable, rate of tax and levy.

29 3533. Filing tax returns.

30 3534. Assessment of tax for unreported property.

1 3535. Petitions for reassessment and appeals.

2 3536. Assessment and collection of taxes on property of
3 decedents.

4 3537. Time and conditions of payment of taxes.

5 3538. Interest, tax lien and claims.

6 3539. Alternate provision if subchapter unconstitutional.

7 § 3531. Definitions.

8 The following words and phrases when used in this subchapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Board." The board of revision of taxes or other county
12 assessing authorities of any county in which a school district
13 of the first class or first class A is located.

14 "Resident." A person, copartnership or unincorporated
15 association or company, resident, located or liable to taxation
16 within a school district of the first class or first class A
17 levying a tax under the provisions of this subchapter, or a
18 joint-stock company or association, limited partnership, bank or
19 corporation formed, created or incorporated by, under, or in
20 pursuance of any law of this Commonwealth, or of the United
21 States or of any other state or government, and liable to
22 taxation within a school district of the first class A levying a
23 tax under this subchapter.

24 § 3532. Property taxable, rate of tax and levy.

25 (a) General rule.--All personal property of the classes
26 enumerated in this section, owned, held or possessed by any
27 resident, whether the personal property be owned, held, or
28 possessed by the resident in his or its own right, or as active
29 trustee, agent, attorney-in-fact, or in any other capacity, or
30 by any resident as trustee, agent, or attorney-in-fact, jointly

1 with one or more trustees, agents or attorney-in-fact, domiciled
2 in another state or within this Commonwealth, but outside the
3 school district levying the tax, where the personal property is
4 held and managed in the school district of the first class or
5 the first class A, except as executor or administrator of the
6 estate of a nonresident decedent, and except as trustee for a
7 resident or nonresident religious, charitable or educational
8 organization, no part of the net earnings of which inures to the
9 benefit of any private stockholder or individuals for the use,
10 benefit or advantage of any other person, copartnership,
11 unincorporated association, company, joint-stock company or
12 association, limited partnership, bank or corporation; and the
13 equitable interest in any personal property of the classes
14 hereinafter enumerated, owned, held or possessed by any resident
15 where the legal title to personal property is vested in a
16 trustee, agent or attorney-in-fact domiciled in another state,
17 or within this Commonwealth, but outside the school district
18 levying the tax; or where the legal title to the personal
19 property is vested in more than one trustee, agent or attorney-
20 in-fact, one or more of whom are domiciled in another state, or
21 within this Commonwealth, but outside the school district
22 levying the tax, and one or more of whom are domiciled within
23 the school district, the personal property is held and managed
24 in another state, or within this Commonwealth but outside the
25 school district levying the tax, and where the resident is
26 entitled to receive all or part of the income therefrom, is
27 hereby made taxable annually for public school purposes in
28 school districts of the first class and the first class A and
29 shall be levied upon annually by the board of public education
30 in the school districts at the rate of not less than one nor

1 more than 4 mills on each \$1 of the value thereof, and no
2 failure to assess or return the same shall discharge the owner
3 or holder thereof from liability therefor.

4 (b) Property subject to tax.--

5 (1) In districts of the first class the following
6 personal property is subject to the tax imposed under this
7 subchapter:

8 (i) All mortgages, all moneys owing by solvent
9 debtors, whether by promissory note or penal or single
10 bill, bond or judgment, and all articles of agreement and
11 accounts bearing interest.

12 (ii) All public loans whatsoever except those issued
13 by the Commonwealth or the United States and except the
14 public loans and obligations of any political subdivision
15 of this Commonwealth and except the bonds and obligations
16 of bodies corporate and politic of this Commonwealth
17 known as municipal authorities.

18 (iii) All loans issued by any corporation,
19 association, company or limited partnership, created or
20 formed under the laws of this Commonwealth or of the
21 United States or of any other state or government
22 including car-trust securities, loans secured by bonds or
23 any other form of certificate or evidence of
24 indebtedness, whether the interest be included in the
25 principal of the obligation or payable by the terms
26 thereof.

27 (iv) All scrip, bonds, certificates and evidence of
28 indebtedness issued and all scrip, bonds, certificates
29 and evidences of indebtedness assumed or on which
30 interest shall be paid by any and every private

1 corporation, incorporated or created under the laws of
2 this Commonwealth or the laws of any other state or of
3 the United States and doing business in any school
4 district of the first class levying the tax except first
5 class or nonprofit corporations.

6 (v) All shares of stock in any bank, corporation,
7 association, company, or limited partnership, created or
8 formed under the laws of this Commonwealth or of the
9 United States or of any other state or government except
10 shares of stock in any bank, bank and trust company,
11 national banking association, savings institutions,
12 corporation or limited partnership liable to a tax on its
13 shares or a gross premiums tax or liable to or relieved
14 from the capital stock or franchise tax for Commonwealth
15 purposes under the laws of this Commonwealth, and all
16 moneys loaned or invested in other states, territories,
17 the District of Columbia or foreign countries.

18 (vi) All other moneyed capital owing to individual
19 citizens of the school district levying the tax.

20 (2) In school districts of the first class A the
21 following personal property is subject to the tax imposed
22 under this subchapter:

23 (i) All mortgages, all moneys owing by solvent
24 debtors, whether by promissory note or penal or single
25 bill, bond or judgment and all articles of agreement and
26 accounts bearing interest.

27 (ii) All public loans whatsoever except those issued
28 by the Commonwealth or the United States and except the
29 public loans and obligations of any political subdivision
30 of this Commonwealth and except the bonds and obligations

1 of bodies corporate and politic of this Commonwealth
2 known as municipal authorities.

3 (iii) All loans issued by any corporation,
4 association, company or limited partnership created or
5 formed under the laws of this Commonwealth or of the
6 United States or of any other state or government
7 including car-trust securities, loans secured by bonds or
8 any other form of certificate or evidence of
9 indebtedness, whether the interest be included in the
10 principal of the obligation or payable by the terms
11 thereof, except such loans as are made taxable for
12 Commonwealth purposes by section 17 of the act of June
13 22, 1935 (P.L.414, No.182), known as the "State Personal
14 Property Tax Act."

15 (iv) All shares of stock in any bank, corporation,
16 association, company or limited partnership created or
17 formed under the laws of this Commonwealth or of the
18 United States or of any other state or government except
19 shares of stock in any bank, bank and trust company,
20 national banking association, savings institutions,
21 corporation or limited partnership liable to a tax on its
22 shares or a gross premiums tax or liable to or relieved
23 from the capital stock or franchise tax for Commonwealth
24 purposes under the laws of this Commonwealth, and all
25 moneys loaned or invested in other states, territories,
26 the District of Columbia or foreign countries.

27 (v) All other moneyed capital owing to individual
28 citizens of the school district levying the tax.

29 (c) Exemptions from tax.--This subchapter shall not apply

30 to:

1 (1) Bank notes or notes discounted or negotiated by any
2 bank or banking institution, savings institution or trust
3 company.

4 (2) Loans, shares of stock or other securities held by
5 bankers or brokers solely for trading purposes or to accounts
6 or debit balances owing by customers of bankers or brokers in
7 the usual ~~courses~~ COURSE of business. <—

8 (3) Interest bearing accounts in any bank or banking
9 institution, savings institution or employees' thrift or
10 savings association, whether operated by employees or the
11 employer or trust company.

12 (4) Personal property held in the commercial department
13 and owned in its own right by a banking institution, savings
14 institution or trust company in liquidation by a receiver,
15 trustee or other fiduciary.

16 (5) Personal property formerly held by a banking
17 institution in its own right but assigned by it to one or
18 more trustees for liquidation and payment to the creditors
19 and stockholders of such banking institutions.

20 (6) Proceeds of any life insurance policy held in whole
21 or part by the insurer or the principal value of annuities.

22 (7) Personal property held in any trust forming part of
23 a stock, bonus, pension or profit-sharing plan of an employer
24 for the exclusive benefit of his employees or their
25 beneficiaries which trust under the latest ruling of the
26 Commissioner of Internal Revenue is exempted from Federal
27 income tax.

28 (8) Personal property held under the provisions of a
29 plan established by or for an individual or individuals for
30 retirement purposes if the plan meets the requirements for

1 exemption from Federal income tax of income earned on
2 investments held under its provisions.

3 (9) Building and loan associations or shares of stock
4 issued by building and loan associations or savings
5 institutions having no capital stock, and if at any time,
6 either now or hereafter, any persons, individuals or bodies
7 corporate have agreed or shall hereafter agree to issue his,
8 their, or its securities, bonds or other evidences of
9 indebtedness clear of, and free from, the tax herein provided
10 for, or any part thereof, or have agreed or shall hereafter
11 agree to pay the same. Nothing herein contained shall be so
12 construed as to relieve or exempt him, it, or them, from
13 paying the tax on any of such securities, bonds or other
14 evidences of indebtedness as may be held, owned by or owing
15 to the savings institution having no capital stock.

16 (10) Fire companies, firemen's relief associations, life
17 casualty or fire insurance corporations having no capital
18 stock, secret and beneficial societies, labor unions, labor
19 union relief associations and all beneficial organizations
20 paying sick or death benefits from funds received from
21 voluntary contributions or assessments upon members of the
22 associations, societies or unions.

23 (11) Corporations, limited partnerships and joint-stock
24 associations liable to tax on their shares or the capital
25 stock or franchise tax for Commonwealth purposes shall not be
26 required to make any report or pay any further tax under this
27 section on the mortgages, bonds and other securities owned by
28 them in their own right, but corporations, limited
29 partnerships and joint-stock associations holding the
30 securities as trustees, executors, administrators, guardians

1 or in any other manner, except as mere custodian for the real
2 owner or as executor or administrator of the estate of a
3 nonresident decedent or as trustee for a resident or
4 nonresident religious, charitable or educational
5 organization, no part of the net earnings of which inures to
6 the benefit of any private stockholder or individual shall
7 return and pay the tax imposed by this section upon all
8 securities so held by them as in the case of individuals.

9 (12) Personal property of the classes enumerated in this
10 section received or acquired with proceeds of money or
11 property received from any person or persons, copartnership,
12 unincorporated association or company nonresident in or not
13 located within the school districts, or from any joint-stock
14 company or association, limited partnership, bank or
15 corporation formed, erected or incorporated by, under, or in
16 pursuance of any law of the United States of any state or
17 government other than this Commonwealth by any person or
18 persons, copartnership, unincorporated association, company,
19 joint-stock company or association, limited partnership, bank
20 or corporation as active trustee, agent, attorney-in-fact or
21 in any other capacity for the use, benefit or advantage of
22 any person or persons, copartnership or unincorporated
23 association or company nonresident in, or not located within,
24 the school district, or for the use, benefit or advantage of
25 any joint-stock company or association, limited partnership,
26 bank or corporation formed, erected or incorporated by,
27 under, or in pursuance of any law of the United States or of
28 any state or government other than this Commonwealth.

29 (13) Personal property held for the use, benefit or
30 advantage of any resident who shall have, in each of the ten

1 preceding calendar years, given or contributed all of his net
2 income to any corporation organized or operated exclusively
3 for religious, charitable, scientific, literary or
4 educational purposes.

5 (d) Valuation of property.--

6 (1) The value of the equitable interest in any personal
7 property subject to taxation under this subchapter shall be
8 measured by ascertaining the value of the personal property
9 in which the resident has the sole equitable interest or, in
10 case of divided equitable interests in the same personal
11 property, then by ascertaining the part of the value of the
12 whole of the personal property as represents the equitable
13 interest of the resident therein.

14 (2) The value of any taxable shares of stock issued by
15 any regulated investment company as defined under the
16 provisions of the Federal Internal Revenue Code in effect
17 during the year for which the tax return is filed shall be
18 that part of the current value of the shares to be determined
19 by multiplying the current value by a fraction the numerator
20 of which shall be the total value of so much of the personal
21 property owned by the regulated investment company as would
22 be taxable under this subchapter if owned by a resident of
23 this Commonwealth and the denominator of which shall be the
24 total value of all of the personal property owned by the
25 regulated investment company.

26 § 3533. Filing tax returns.

27 (a) General rule.--For the purpose of ascertaining the
28 amount of tax payable under this subchapter, it shall be the
29 duty of every resident liable to pay the tax each year to
30 transmit to the board, upon a form prescribed, prepared and

1 furnished by the board, a return certified by him as full, true
2 and correct to the best of his knowledge and belief. The failure
3 of any taxable resident to receive or procure a return form
4 shall not excuse him from making a return. The return shall set
5 forth:

6 (1) The aggregate actual value of each part of the
7 different classes of property made taxable by this subchapter
8 held, owned or possessed by the resident as of the listing
9 date, fixed annually, in the manner provided herein, either
10 in his own right or as trustee, agent, attorney-in-fact or in
11 any other capacity, for the use, benefit or advantage of any
12 other person, copartnership, unincorporated association,
13 company, limited partnership, joint-stock association or
14 corporation.

15 (2) Such other relevant information as may be required
16 by the board concerning each of the different classes of
17 property enumerated in section 3532 (relating to property
18 taxable, rate of tax and levy) owned, held or in any manner
19 possessed by the resident.

20 (b) Persons required to certify returns.--The return made
21 shall be certified to by the person making the return, if an
22 individual, and in the case of copartnerships, unincorporated
23 associations and joint-stock associations and companies, by some
24 member thereof, and in the case of limited partnerships and
25 corporations, by the president, chairman or treasurer thereof.

26 (c) Property of decedents.--Whenever any personal property
27 taxable under the provisions of this subchapter was owned by a
28 decedent at the time of his death and is held by his executor or
29 administrator, return of the personal property shall be made and
30 the tax paid if the decedent was domiciled at the time of his

1 death in a school district of the first class or first class A
2 notwithstanding the residence or location of the executor or
3 administrator or of any beneficiary, or the place where such
4 securities are kept.

5 (d) Property held in trust.--Whenever any personal property
6 taxable under the provisions of this subchapter is held, owned
7 or possessed as trustee, agent, attorney-in-fact or in any other
8 manner by two or more persons, copartnerships, unincorporated
9 associations, companies, limited partnerships, joint-stock
10 associations or corporations, all of which are residents of this
11 Commonwealth but not all of which are domiciled in the same
12 school district levying the tax, return of the personal property
13 shall be made in a school district of the first class or first
14 class A where any of them are domiciled and there shall be paid
15 in each such school district that portion of the tax imposed
16 upon the personal property so held, owned or possessed, as the
17 number of the trustees, agents or attorneys-in-fact domiciled
18 therein bears to the total number thereof, notwithstanding the
19 ~~resident~~ RESIDENCE of any beneficiary or the place where the
20 personal property is kept. <—

21 (e) Filing deadline.--The board shall annually fix a day as
22 of which the property made taxable by this subchapter shall be
23 listed and returned. The day so fixed shall be between January 1
24 and 15, both inclusive, and the day so fixed shall be printed or
25 stamped on the forms making returns of the property. If, through
26 inadvertence, mistake or otherwise, the board fails to
27 designate or fix the date or if the date does not appear on the
28 form for making return of the property, the date as of which the
29 property shall be listed and returned shall be the immediately
30 preceding January 1.

1 § 3534. Assessment of tax for unreported property.

2 (a) General rule.--If any taxable resident shall fail to
3 file a return, or fail to include in any return all of his
4 property made taxable by this subchapter or shall file a return
5 which is false, incomplete, incorrect or inaccurate, the board
6 shall make an assessment of tax against the resident of the
7 amount of the tax for which the resident is liable or for which
8 he is believed by the board to be liable, to which estimated
9 return the board shall add 12% and the aggregate amount so
10 obtained shall be the basis for taxation.

11 (b) Proceedings subsequent to assessment.--The board shall
12 notify by mail the resident of the estimated assessment. If the
13 resident is dissatisfied with the assessment he may, on or
14 before the day fixed for appeals from assessments, present
15 reasons supported by oath or affirmation for his failure to file
16 a return, to include all of his taxable property therein or for
17 having made a return which was incomplete, incorrect or
18 inaccurate, and the board may, if satisfied with the excuse
19 presented, permit the taxpayer to file his own return and
20 substitute the return for the estimated return made by the
21 board. In all cases where a false return has been filed by the
22 taxpayer, the board may not relieve the taxpayer from the
23 payment of the 12% penalty but the estimated return shall be
24 final, except in those cases in which a true and correct return
25 shall reveal a higher assessed value than that contained in the
26 estimated return, in which case the tax and penalty shall be
27 based upon the true valuation.

28 (c) Limitation of actions.--An assessment may be made by the
29 board at any time within five years after any property owned,
30 held or possessed or alleged to have been so owned, held or

1 possessed by any resident should have been returned by him for
2 taxation, notwithstanding he shall have paid a tax assessed on
3 the basis of returns previously made or filed, and
4 notwithstanding the board shall have made previous assessments
5 against such resident. In any case no credit shall be given for
6 any penalty formerly assessed and paid. Any assessment of a tax
7 on personal property of a decedent shall include all property
8 owned, held or possessed by the decedent, which should have been
9 returned by him for taxation for any former year or years not
10 exceeding five years prior to the year in which the decedent
11 died.

12 § 3535. Petitions for reassessment and appeals.

13 (a) Petition for reassessment.--Any resident against whom an
14 assessment is made may petition the board for a reassessment.
15 Notice of an intention to file the petition or to appear and be
16 heard shall be given to the board within 30 days after notice of
17 the assessment is given or sent by the board to the taxpayer as
18 provided in this subchapter. All petitions shall set forth
19 specifically and in detail the grounds upon which it is claimed
20 the assessment is erroneous or unlawful and shall be accompanied
21 by an affidavit, under oath or affirmation, certifying to the
22 correctness of the facts stated therein.

23 (b) Hearing on petition.--The board shall hold such hearings
24 as may be necessary to hear and determine petitions for
25 reassessment, at such places and at such times as may be
26 determined by rules and regulations of the board, and each
27 petitioner who has duly notified the board of an intention to
28 file a petition for reassessment or to appear and be heard shall
29 be notified by the board of the time when, and the place where,
30 the hearings shall be held. If no petition for reassessment is

1 filed with the board, the petitioner may in lieu thereof appear
2 at the hearing and present his petition orally in which event
3 all testimony or statements of facts shall be made under oath or
4 affirmation.

5 (c) Judicial review.--If the petitioner is dissatisfied with
6 the action of the board on his petition for reassessment, he
7 shall have the right to appeal to the court of common pleas of
8 the county where he resides at any time within 60 days after
9 notice of the action is given to him by the board. In all cases
10 of petitions for reassessment and appeals, the burden of proof
11 shall be on the petitioner or appellant, as the case may be, and
12 every appeal to the court of common pleas under this section
13 shall specify all the objections to the assessment, and any
14 objection not specified in the appeal shall not be considered by
15 the court.

16 (d) Effect of failure to pursue remedies.--If any resident
17 shall fail to give due notice of an intention to petition for
18 reassessment, and to file a petition for reassessment, or to
19 appear and be heard after due notice of his intention to do so,
20 or to appeal to the court of common pleas within the time and in
21 the manner herein set forth, the right to do so shall be forever
22 barred and any such resident so failing shall not thereafter be
23 permitted in a suit for the recovery of such tax to set up any
24 ground of defense which might have been determined either by the
25 board or the court of common pleas.

26 § 3536. Assessment and collection of taxes on property of
27 decedents.

28 (a) Statement of taxable property.--The executor of every
29 will and the administrator of every estate at the time of filing
30 with the register of wills or clerk of the orphans' court

1 division the inventory and appraisal of the estate, shall file
2 with the register of wills or clerk of the orphans' court
3 division a statement in duplicate, under oath or affirmation,
4 setting forth the items included in the inventory and appraisal
5 which may be liable to the tax imposed by this subchapter. The
6 register or clerk with whom the statement is filed shall
7 forthwith send one copy thereof to the board.

8 (b) Assessment of tax.--It shall be the duty of the board to
9 proceed at once to assess the tax due from the decedent, with
10 interest, as provided in this subchapter. The assessment shall
11 include all property owned, held or possessed by the decedent,
12 which should have been returned by him for taxation for any
13 former year or years not exceeding five years. In any case where
14 a false, incomplete, incorrect or inaccurate return has been
15 previously filed, the board shall make an additional assessment
16 for the five years immediately preceding the year of assessment
17 in the same manner as otherwise provided in this subchapter.

18 (c) Collection of tax.--The school district levying the tax
19 may proceed to collect the tax by presenting a claim therefor to
20 the orphans' court division of the proper county or may proceed
21 by action or suit at law in any court of competent jurisdiction
22 or take any and all other appropriate steps or procedure for the
23 collection of the taxes.

24 § 3537. Time and conditions of payment of taxes.

25 The tax imposed by this subchapter shall be due and payable
26 at the same time and subject to the same conditions as to
27 discounts, penalties and interest, as in the case of personal
28 property taxes due and payable to the county or city coextensive
29 with the county in which the school district of the first class
30 or first class A levying the tax is located.

1 § 3538. Interest, tax lien and claims.

2 (a) Interest.--The tax imposed by this subchapter shall bear
3 interest at the rate of 6% per annum ~~until paid~~. OR AT A PER <—
4 ANNUM RATE WHICH DOES NOT EXCEED THE FEDERAL RESERVE DISCOUNT
5 RATE IN EFFECT FOR FEDERAL RESERVE DISTRICT FOUR ON DECEMBER 1
6 OF THE PRECEDING TAX YEAR, WHICHEVER IS GREATER, UNTIL PAID. A
7 SCHOOL DISTRICT SHALL, ON OR BEFORE DECEMBER 31, ESTABLISH BY
8 RESOLUTION THE SPECIFIC PER ANNUM INTEREST RATE TO BE IMPOSED ON
9 UNPAID TAXES DURING THE FOLLOWING TAX YEAR.

10 (b) Tax lien.--The school district levying the tax may at
11 any time transmit to the prothonotary of the county in which the
12 school district levying the tax is located a certified record of
13 taxes imposed under this subchapter and the penalties and
14 interest thereon. The record transmitted shall contain the name
15 of the taxpayer, his address, if known, amount of tax, penalty
16 and interest due, and the year during which the tax was payable.
17 It shall be the duty of the prothonotary to enter and docket the
18 same of record in the prothonotary's office in a docket
19 designated "personal property tax lien docket" and the tax lien
20 shall be indexed as judgments are now indexed and shall be
21 combined with liens arising from county or, in cities
22 coextensive with counties, city and county personal property
23 taxes. In no event shall the prothonotary be entitled to
24 duplicate fees. All taxes imposed under this subchapter together
25 with penalties and interest thereon shall be a lien on the real
26 estate of the taxpayer within the county until paid. After the
27 liens have been entered and docketed of record by the
28 prothonotary, the liens shall have priority to and be fully paid
29 and satisfied out of the proceeds of any judicial sale of real
30 estate before any other obligation, judgment, claim, lien or

1 estate with which the real estate may become charged, or for
2 which it may become liable, save and except only the costs of
3 the sale and of the writ upon which it is made, and the real
4 estate taxes imposed or assessed upon the property. The tax lien
5 shall continue for a period of five years from the date of
6 entry, and may be revived and continued in the manner now or
7 hereafter provided for revival of judgments, and it shall be
8 lawful for a writ of scire facias to issue and be prosecuted to
9 judgment in the manner in which such writs are now ordinarily
10 employed.

11 (c) Claims.--Claims for taxes due under this subchapter may
12 be collected by action in assumpsit brought by the school
13 district levying the tax against the taxpayer or may be
14 presented at the audit of any estate in the orphans' court
15 division.

16 § 3539. Alternate provision if subchapter unconstitutional.

17 It is the intent of the General Assembly that the power
18 vested in it to levy taxes shall not be delegated by any of the
19 provisions of this subchapter to any school district of the
20 first class or first class A in violation of the provisions of
21 the Constitution of Pennsylvania. If a court of competent
22 jurisdiction shall hold that such power has been
23 unconstitutionally delegated, the rate of the tax imposed shall
24 be four mills on each dollar of the value of the personal
25 property made taxable, which rate the General Assembly under the
26 circumstances intends to be imposed.

27 SUBCHAPTER D

28 BUSINESS RECEIPTS TAX IN FIRST CLASS

29 AND FIRST CLASS A DISTRICTS

30 3541. Definitions.

- 1 3542. Authority to levy and collect tax.
- 2 3543. Imposition and rate of tax.
- 3 3544. Computation of annual receipts.
- 4 3545. Tax returns.
- 5 3546. Collection of unpaid taxes, interest and penalties.
- 6 3547. Effect of subchapter on tax ordinances.
- 7 § 3541. Definitions.

8 The following words and phrases when used in this subchapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Affiliated group." One or more chains of corporations
12 connected through stock ownership with a common parent
13 corporation if:

14 (1) stock possessing at least 80% of the voting power of
15 all classes of stock and at least 80% of each class of the
16 nonvoting stock of each such corporation (except the common
17 parent corporation) is owned directly by one or more of the
18 other such corporations; and

19 (2) the common parent corporation owns directly stock
20 possessing at least 80% of the voting power of all classes of
21 stock and at least 80% of each class of the nonvoting stock
22 of at least one of the other such corporations.

23 As used in this definition "stock" does not include nonvoting
24 stock which is limited and preferred as to dividends.

25 "Business." Carrying on or exercising for gain or profit
26 within a school district of the first class any trade, business,
27 including financial business as defined in this section,
28 profession, vocation, or commercial activity, or making sales to
29 persons within the school district of the first class. The term
30 does not include the following:

1 (1) Any business conducted by a nonprofit corporation or
2 association organized for religious, charitable or
3 educational purposes.

4 (2) The business of any political subdivision or of any
5 authority created and organized under and pursuant to any
6 statute.

7 (3) The specific business conducted by any public
8 utility operating under the statutes, rules and regulations
9 administered by the Pennsylvania Public Utility Commission of
10 furnishing or supplying service or services at the fixed
11 rates specified in its tariffs.

12 (4) The business of any insurance company, association
13 or exchange or any fraternal, benefit or beneficial societies
14 of any other state under the laws of which insurance
15 companies, associations or exchanges or fraternal, benefit or
16 beneficial societies of this Commonwealth doing business in
17 the other state are subjected, by reason of the tax imposed
18 by this subchapter, to additional or further taxes, fines,
19 penalties or license fees by the other state.

20 (5) Any employment for a wage or salary.

21 "Collector." The receiver of school taxes or, in a school
22 district of the first class in which there is no such receiver
23 of school taxes, the school treasurer.

24 "Dividend." Any distribution made by a corporation to its
25 shareholders in respect of its stock, whether ordinary,
26 extraordinary or in liquidation.

27 "Financial business." The services and transactions of
28 private banks and bankers, building and loan associations,
29 savings and loan associations, credit unions, savings banks,
30 banks, bank and trust companies, trust companies, investment

1 companies registered as such with the Federal Securities and
2 Exchange Commission, holding companies, dealers and brokers in
3 money, credits, commercial paper, bonds, notes, securities and
4 stocks, monetary metals, factors and commission merchants.

5 "Net income." Net income from any business activity as
6 returned to and ascertained by the Federal Government.

7 "Person." Any individual, partnership, limited partnership,
8 association or corporation. Whenever used in any provision
9 prescribing or imposing a penalty, the term "person," as applied
10 to associations, shall mean the partners or members thereof, and
11 as applied to corporations, shall mean the officers thereof.

12 "Receipts." Cash, credits and property of any kind or
13 nature, received in or allocable to a school district of the
14 first class from any business or by reason of any sale made,
15 including resale of goods, wares or merchandise taken by a
16 dealer as a trade-in or as part payment for other goods, wares
17 or merchandise or services rendered or commercial or business
18 transaction had within a school district of the first class,
19 without deduction therefrom on account of the cost of property
20 sold, materials used, labor, service, or other cost, interest or
21 discount paid, or any other expense.

22 (1) "Receipts" shall exclude:

23 (i) The amount of any allowance made for goods,
24 wares or merchandise taken by a dealer as a trade-in or
25 as part payment for other goods, wares and merchandise in
26 the usual and ordinary course of his business.

27 (ii) In the case of a financial business, the cost
28 of securities and other property sold, exchanged, paid at
29 maturity or redeemed, and moneys or credits received in
30 repayment of advances, credits and loans, but not to

1 exceed the principal amount of such advances, credits and
2 loans, and shall also exclude deposits and, in the case
3 of building and loan or savings and loan associations,
4 payments received on account of shares purchased by
5 shareholders.

6 (iii) In the case of a broker, any commissions paid
7 by him to another broker on account of a purchase or
8 sales contract initiated, executed or cleared in
9 conjunction with such other broker.

10 (iv) The receipts or the portion thereof
11 attributable to any sale involving the bona fide delivery
12 of goods, commodities, wares or merchandise of the
13 taxpayer's own manufacture, growth or produce, to a
14 location regularly maintained by the other party to the
15 transaction outside the limits of such school district,
16 and not for the purpose of evading or avoiding payment of
17 the tax or any portion thereof imposed under this
18 subchapter.

19 (v) Receipts by dealers from sales to other dealers
20 in the same line, where the dealer transfers title or
21 possession at the same price for which he acquired the
22 goods, wares or merchandise.

23 (vi) Dividends received by one corporation from
24 another corporation of which it owns at least 20% of the
25 voting power of all classes of stock and at least 20% of
26 each class of nonvoting stock.

27 (vii) Receipts by a corporation which is a member of
28 an affiliated group from other members of the same
29 affiliated group.

30 (2) For the purpose of determining taxable receipts from

1 sales made by a manufacturing corporation of goods,
2 commodities, wares and merchandise of its own manufacture
3 through a wholly owned distributing corporation, such sales
4 shall be treated as if made directly by the manufacturing
5 corporation to the vendees of the distributing corporation.
6 For the purpose of determining taxable receipts from sales
7 made by a manufacturing corporation of goods, commodities,
8 wares and merchandise of its own manufacture made through a
9 distributing corporation, such sales shall be treated as if
10 made directly by the manufacturing corporation to the vendees
11 of the distributing corporation, if a majority of the shares
12 of stock of both the manufacturing corporation and the
13 distributing corporation is owned by the same individual,
14 association or corporation.

15 (3) For the purpose of determining receipts from the
16 business of insurance, such receipts shall mean those from
17 premiums received from risks within the school district of
18 the first class, whether by mutual or stock companies,
19 domestic or foreign, without any deductions therefrom for any
20 cost or expense whatsoever. The collector shall determine
21 from such data as he shall require from insurance companies
22 subject to this subchapter, the amount of such receipts, and
23 shall ascertain the amount of the tax in accordance with such
24 determination.

25 "Tax year." The 12-month period from January 1 to December
26 31, inclusive.

27 § 3542. Authority to levy and collect tax.

28 ~~Every school district of the first class shall levy and~~ <—
29 ~~collect an annual tax in the manner and at the rate set forth in~~
30 ~~this subchapter in school districts of the first class~~

1 ~~coterminous with cities of the first class, for the year 1968~~
2 ~~and annually thereafter, if~~ IF authorized to do so by city <—
3 council of the city of the first class, every such school
4 district of the first class coterminous with a city of the first
5 class shall levy and collect an annual tax in the manner and at
6 the rates set forth in this subchapter. The tax shall be in
7 addition to any other tax every such school district is
8 empowered to levy and collect under any existing law. The taxes
9 and penalties collected under the provisions of this subchapter
10 shall be used by every such school district for general public
11 school purposes.

12 § 3543. Imposition and rate of tax.

13 (a) General rule.--Every person engaging in any business in
14 any school district of the first class shall pay an annual tax
15 at the rate of two mills on each dollar of the annual receipts
16 thereof except that the amount payable shall not exceed 2% of
17 his net income.

18 (b) Allocation of receipts.--Where a receipt in its entirety
19 cannot be subjected to the tax imposed by this subchapter by
20 reason of the provisions of the Constitution of the United
21 States or any other provision of law, the collector shall
22 establish rules and regulations and methods of allocation and
23 evaluation so that only that part of such receipt which is
24 properly attributable and allocable to the doing of business in
25 the school district levying the tax shall be taxed hereunder.
26 The collector may make such allocation with due regard to the
27 nature of the business concerned on the basis of mileage,
28 division of the receipt according to the number of jurisdictions
29 in which it may be taxed, the ratio of the value of the property
30 or assets of the taxpayer owned and situated in the school

1 district levying the tax to the total property or assets of the
2 taxpayer wherever owned and situated, and any other method or
3 methods of allocation other than the foregoing, calculated to
4 effect a fair and proper allocation.

5 (c) Discontinuing business during year.--Every person who
6 ceases to carry on a business during any tax year shall be
7 permitted to apportion his tax for such tax year on the basis of
8 the number of months during which he did business.

9 § 3544. Computation of annual receipts.

10 (a) Full year of operation.--Every person subject to the tax
11 imposed under this subchapter who has commenced his business at
12 least one full year prior to the beginning of any tax year shall
13 compute his annual receipts upon the actual receipts received by
14 him during the preceding calendar year.

15 (b) Partial year of operation.--Every person subject to the
16 payment of the tax who has commenced his business subsequent to
17 the beginning of any tax year for the tax year shall compute his
18 annual receipts upon the actual receipts received by him during
19 the part of the tax year remaining, and on his actual receipts
20 of his first full year for the first full tax year he engages in
21 business, as the case may be.

22 (c) Temporary or seasonal business.--Every person subject to
23 the payment of the tax who engages in a business, temporary,
24 seasonal or itinerant by its nature, shall compute his annual
25 receipts upon the actual receipts received by him during such
26 license year.

27 (d) Reporting of net income.--Any person who pays his tax
28 based only on his gross receipts shall not be required to show
29 on his return his net income.

30 § 3545. Tax returns.

1 (a) Forms.--Every return shall be made upon a form furnished
2 by the collector. Every person making a return shall certify the
3 correctness thereof.

4 (b) Full year of operation.--Every person subject to the tax
5 imposed by this subchapter who has commenced his business at
6 least one full year prior to the beginning of any tax year shall
7 annually, on or before May 15, file with the collector a return
8 setting forth his name, his business and business address and
9 such other information as the collector may consider to be
10 necessary.

11 (c) Partial year of operation.--Every person subject to the
12 tax imposed by this subchapter who commences business subsequent
13 to the beginning of any tax year for such tax year and for his
14 first full tax year shall, on or before January 31 of the
15 succeeding tax year, file a return with the collector setting
16 forth his name, his business and business address and such
17 information as the collector may consider to be necessary.

18 (d) Temporary or seasonal business.--Every person subject to
19 the payment of the tax imposed by this subchapter who engages in
20 a business, temporary, seasonal or itinerant by its nature,
21 shall, within seven days from the day he completes business,
22 file a return with the collector setting forth his name, his
23 business and business address and such information as the
24 collector may consider to be necessary.

25 § 3546. Collection of unpaid taxes, interest and penalties.

26 (a) Suit for unpaid taxes.--It shall be the duty of the
27 collector to sue for the recovery of all taxes due him, not paid
28 when due. No suit shall begin for unpaid taxes later than five
29 years after the date on which the taxes should have been paid.
30 There shall be no limitation against the bringing of suit for

1 taxes, including penalty and interest, due for years for which
2 the taxpayer did not file any return, and there shall be no
3 limitation against the bringing of suit for taxes, including
4 penalty and interest, on taxable gross receipts which were not
5 included by the taxpayer in his returns but which taxes were
6 assessed against the taxpayer by the collector.

7 (b) Interest and penalty.--If for any reason the tax is not
8 paid when due in each year, interest at the rate of 6% per annum
9 on the amount of the tax and an additional penalty of ~~5%~~ 0.5% of <—
10 the amount of the unpaid tax for each month or fraction thereof
11 during which the tax remains unpaid after the tax becomes due,
12 shall be added and collected by the collector. The maximum
13 penalty added for nonpayment of the tax shall be 7%.

14 (c) Amount of recovery.--Where suit is brought for the
15 recovery of the tax, the person shall be liable for and it shall
16 be the duty of the collector to collect, in addition to the tax
17 assessed against the person, the costs of collection and the
18 interest and penalties imposed under this section.

19 § 3547. Effect of subchapter on tax ordinances.

20 The validity of any ordinance or part of any ordinance
21 providing for or relating to the imposition, levy or collection
22 of any tax for municipal purposes passed by the council of a
23 city coextensive with a school district of the first class, and
24 any amendments or supplements thereto, shall not be affected or
25 impaired by anything contained in this subchapter.

26 SUBCHAPTER E

27 MERCANTILE TAX IN FIRST CLASS AND

28 FIRST CLASS A DISTRICTS

29 Sec.

30 3551. Definitions.

- 1 3552. Authority to levy and collect tax.
- 2 3553. Mercantile licenses and license fees.
- 3 3554. Imposition and rate of tax.
- 4 3555. Computation of gross amount of business.
- 5 3556. Tax returns.
- 6 3557. Collection of unpaid taxes, interest and penalties.
- 7 3558. Effect of subchapter on tax ordinances.
- 8 § 3551. Definitions.

9 The following words and phrases when used in this subchapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Broker." Any stock broker, bill broker, note broker,
13 exchange broker, merchandise broker, factor, commission
14 merchant, real estate broker or agent and pawnbroker.

15 "Collector." The receiver of school taxes or, in a school
16 district of the first class in which there is no such receiver
17 of school taxes, the school treasurer.

18 "Gross volume of business." Includes both cash and credit
19 transactions.

20 "License year." The 12-month period corresponding to the
21 fiscal year of the school district levying the tax.

22 "Person." Any individual, partnership, limited partnership,
23 association or corporation. The term does not include nonprofit
24 corporations or associations organized for religious, charitable
25 or educational purposes.

26 "Place of amusement." Any place, indoors or outdoors, where
27 the general public or a limited or selected number thereof may
28 upon payment of an established price attend or engage in any
29 amusement, entertainment, exhibition, contest, recreation,
30 including among other places, theaters, opera houses, motion

1 picture houses, amusement parks, stadia, arenas, baseball or
2 football parks or fields, skating rinks, circus or carnival
3 tents or grounds, fair grounds, bowling alleys, billiard or pool
4 rooms, shuffle board rooms, nine or ten pin alleys, riding
5 academies, golf courses, bathing and swimming places, dance
6 halls, tennis courts, archery, rifle or shotgun ranges and other
7 like places. The term does not include any exhibition,
8 amusement, performance or contest conducted by a nonprofit
9 corporation or association organized for religious, charitable
10 or educational purposes.

11 "Retail dealer" or "retail vendor." Any person who is a
12 dealer in, or vendor of, goods, wares, and merchandise who is
13 not a wholesale dealer or vendor. The terms do not include any
14 mechanic who keeps a store or warehouse at his place of
15 manufactory or workshop in which he sells only his own
16 manufactures, any person vending or disposing of articles of his
17 own growth, produce or manufacture or any hawker or peddler
18 licensed under any law of this Commonwealth.

19 "Wholesale dealer" or "wholesale vendor." Any person who
20 sells to dealers in, or vendors of, goods, wares and merchandise
21 and to no other persons. The terms do not include any mechanic
22 who keeps a store or warehouse at his place of manufactory or
23 workshop in which he sells only his own manufactures, any person
24 vending or disposing of articles of his own growth, produce or
25 manufacture or any hawker or peddler licensed under any law of
26 this Commonwealth.

27 § 3552. Authority to levy and collect tax.

28 (a) General rule.--Annually every school district of the
29 first class and first class A shall issue mercantile licenses
30 and levy and collect an annual mercantile license tax in the

1 manner and at the rates set forth in this subchapter. The tax
2 shall be in addition to any other tax the school district is
3 empowered to levy and collect under any existing statute. The
4 license fees, taxes and penalties collected under the provisions
5 of this subchapter shall be used by the school district for
6 general public school purposes.

7 (b) Collection of prior delinquent taxes.--~~On and after~~ <—
8 ~~January 1, 1950, in~~ IN any school district of the first class A <—
9 ~~which, after that date,~~ has no authority to levy or does not <—
10 levy the tax imposed by this subchapter, the collector is
11 authorized to and shall continue to collect delinquent taxes
12 owing the school district under any levy for any prior year,
13 under the provisions of this subchapter, until the taxes are
14 either collected or until the collector is exonerated with
15 respect to the taxes. The delinquent taxes collected shall be
16 used by the school district for general public school purposes.
17 § 3553. Mercantile licenses and license fees.

18 (a) General rule.--Annually, every person desiring to
19 continue to engage in, or hereafter to begin to engage in, the
20 business or wholesale or retail vendor of, or dealer in, goods,
21 wares and merchandise, broker, conducting a restaurant or other
22 place where food, drink or refreshments are sold, or place of
23 amusement in a school district of the first class and first
24 class A shall, on or before January 1 of each license year or
25 prior to commencing business in the license year, procure a
26 mercantile license for his place of business or, if more than
27 one, for each of his places of business in the school district
28 from the receiver of school taxes or school treasurer.

29 (b) License fees.--The license shall be issued upon the
30 payment of a fee of \$2 for a wholesale license or a retail

1 license, and \$4 for a wholesale and retail license for his place
2 of business or, if more than one, for each of his places of
3 business in the school district for each license year.

4 (c) Posting license.--The license shall be conspicuously
5 posted at the place of business or each of the places of
6 business of every such person at all times.

7 § 3554. Imposition and rate of tax.

8 (a) General rule.--Every person engaging in any of the
9 following occupations or businesses in any school district of
10 the first class and first class A shall pay an annual mercantile
11 license tax at the rate set forth:

12 (1) Wholesale vendors or dealers in goods, wares and
13 merchandise and brokers, at the rate of one-half mill on each
14 dollar of the volume of the annual gross business transacted
15 by him.

16 (2) Retail vendors, or dealers in goods, wares and
17 merchandise, all persons engaged in conducting restaurants or <—
18 other places where food, drink or refreshments are sold, and
19 all persons conducting places of amusement, at the rate of
20 one mill on each dollar of the volume of the annual gross
21 business transacted by him.

22 (3) Wholesale and retail vendors or dealers in goods,
23 wares and merchandise, at the rate of one-half mill on each
24 dollar of the volume of the annual gross wholesale business
25 transacted by him and one mill on each dollar of the volume
26 of the annual gross retail business transacted by him.

27 (b) Trade-in allowance.--The tax imposed by this section
28 shall not apply to the dollar volume of annual business covering
29 the resale of goods, wares or merchandise taken by a dealer as a
30 trade-in or as part payment for other goods, wares and

1 merchandise except to the extent that the resale price exceeds
2 the trade-in allowance.

3 § 3555. Computation of gross amount of business.

4 (a) Full year of operation.--Every person subject to the
5 payment of the tax imposed under this subchapter who has
6 commenced his business at least one full year prior to the
7 beginning of any license year shall compute his annual gross
8 volume of business upon the actual gross amount of business
9 transacted by him during the preceding calendar year.

10 (b) Partial year of operation.--Every person subject to the
11 payment of the tax imposed under this subchapter who has
12 commenced his business subsequent to the beginning of any
13 license year for the license year and the succeeding license
14 year, shall compute his annual gross volume of business upon the
15 actual gross amount of business transacted by him during the
16 first month of his engaging in the business, multiplied by the
17 number of months of the current license year remaining, or
18 multiplied by 12 for the first full license year he engages in
19 business, as the case may be.

20 (c) Temporary or seasonal business.--Every person subject to
21 the payment of the tax imposed under this subchapter who engages
22 in a business temporary, seasonal or itinerant by its nature,
23 shall compute his annual gross volume of business upon the
24 actual gross amount of business transacted by him during the
25 license year.

26 § 3556. Tax returns.

27 (a) Forms.--Every return shall be made upon a form furnished
28 by the collector. Every person making a return shall certify the
29 correctness thereof by affidavit.

30 (b) Full year of operation.--Every person subject to the tax

1 imposed under this subchapter who has commenced his business at
2 least one full year prior to the beginning of any license year
3 shall annually, on or before April 15, file with the collector a
4 return setting forth his name, his business and business
5 address, and such other information as may be necessary in
6 arriving at the actual gross amount of business transacted by
7 him during the preceding calendar year and the amount of the tax
8 due.

9 (c) Partial year of operation.--Every person subject to the
10 tax imposed under this subchapter who commences business
11 subsequent to the beginning of any license year shall, within 40
12 days from the date of commencing business and on or before April
13 15 of the succeeding license year, file a return with the
14 collector setting forth his name, his business and business
15 address, and such information as may be necessary in arriving at
16 the actual gross amount of business transacted by him during his
17 first month of business and the amount of the tax due.

18 (d) Temporary or seasonal business.--Every person subject to
19 the payment of the tax imposed under this subchapter who engages
20 in a business temporary, seasonal or itinerant by its nature,
21 shall, within seven days from the day he completes business,
22 file a return with the collector setting forth his name, his
23 business and business address, and such information as may be
24 necessary in arriving at the actual gross amount of business
25 transacted by him during the period and the amount of the tax
26 due.

27 (e) Retroactive application of regulation prohibited.--No
28 tax return shall be reexamined nor an additional tax imposed on
29 any taxpayer on account of any rule or regulation which declares
30 certain activities to be included in the retail business

1 classification and which were allowed by the taxing authorities
2 to be included in the wholesale business classification in
3 previous returns, unless the rule or regulation is approved
4 prior to the date the return is required to be filed.

5 § 3557. Collection of unpaid taxes, interest and penalties.

6 (a) Suit for unpaid taxes.--It shall be the duty of the
7 board OF public education, or the collector if designated by the <—
8 board, to sue for the recovery of all taxes due, not paid when
9 due. Suits shall begin within one year after the taxes have been
10 assessed.

11 (b) Interest and penalty.--If for any reason the tax is not
12 paid when due in each year, interest at the rate of 6% per annum
13 OR AT A PER ANNUM RATE WHICH DOES NOT EXCEED THE FEDERAL RESERVE <—
14 DISCOUNT RATE IN EFFECT FOR FEDERAL RESERVE DISTRICT FOUR ON
15 DECEMBER 1 OF THE PRECEDING TAX YEAR, WHICHEVER IS GREATER, on
16 the amount of the tax and an additional penalty of .5% of the
17 amount of the unpaid tax for each month, or fraction thereof,
18 during which the tax remains unpaid, shall be added and
19 collected. The maximum penalty which shall be imposed on a tax
20 not paid when due shall be 7%. A SCHOOL DISTRICT SHALL, ON OR <—
21 BEFORE DECEMBER 31, ESTABLISH BY RESOLUTION THE SPECIFIC PER
22 ANNUM INTEREST RATE TO BE IMPOSED ON UNPAID TAXES DURING THE
23 FOLLOWING TAX YEAR.

24 (c) Amount of recovery.--Where suit is brought for the
25 recovery of the tax, the person shall be liable for, in addition
26 to the tax assessed against such person, the costs of collection
27 and the interest and penalties imposed under this subchapter
28 shall be collected.

29 § 3558. Effect of subchapter on tax ordinances.

30 The validity of any ordinance or part of any ordinance

1 providing for or relating to the imposition, levy or collection
2 of any tax passed by the council of a city coextensive with a
3 school district of the first class in effect on the effective
4 date of this subchapter, and any amendments or supplements
5 thereto, which may be hereafter passed by council shall not be
6 affected or impaired by anything contained in this subchapter.

7 SUBCHAPTER F

8 EARNINGS TAX IN FIRST CLASS A DISTRICTS

9 Sec.

10 3561. Definitions.

11 3562. Levy of tax.

12 3563. Estimation and payment of tax on net profits.

13 3564. Payment of tax on compensation.

14 3565. DECLARATION AND PAYMENT OF TAX.

<—

15 ~~3565~~ 3566. Collection at source of tax on compensation.

<—

16 ~~3566~~ 3567. Suits for collection of unpaid taxes.

<—

17 ~~3567~~ 3568. Collection of interest, penalties and costs.

<—

18 ~~3568~~ 3569. Application of subchapter.

<—

19 § 3561. Definitions.

20 The following words and phrases when used in this subchapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "Association." A partnership, limited partnership or any
24 form of unincorporated enterprise owned by two or more persons.

25 "Business." An enterprise, activity, profession or
26 undertaking of any nature conducted for profit or ordinarily
27 conducted for profit, whether by an individual, partnership,
28 association or any other entity.

29 "Corporation." A corporation or joint-stock association
30 organized under the laws of the United States, this Commonwealth

1 or any other state, territory, foreign country or dependency.

2 "Earnings." Salaries, wages, commissions and other
3 compensation as defined in this subchapter.

4 "Employer." An individual, partnership, association,
5 corporation, governmental body or unit or agency, or any other
6 entity employing one or more persons on a salary, wage,
7 commission or other compensation basis.

8 "Net profits." The net gain from the operation of a
9 business, profession or enterprise, after provision for all
10 costs and expenses incurred in the conduct thereof, either paid
11 or accrued in accordance with the accounting system used in the
12 business, profession or enterprise, but without deduction of
13 taxes based on income.

14 "Nonresident." An individual, partnership, association or
15 other entity domiciled outside the school district imposing a
16 tax under this subchapter. As applied to employers,
17 "nonresident" shall mean an employer whose office is outside a
18 school district imposing a tax under this subchapter but within
19 this Commonwealth.

20 "Person." A natural person, partnership, corporation,
21 fiduciary or association. When used in any section prescribing
22 and imposing a penalty, as applied to association, the term
23 "person" shall mean the partners or members thereof, and as
24 applied to corporations, the officers thereof.

25 "Resident." An individual, partnership, association or other
26 entity domiciled in the school district imposing a tax under
27 this subchapter. As applied to employers, "resident" shall mean
28 an employer whose office is within a school district imposing a
29 tax under this subchapter.

30 "Salaries, wages, commissions and other compensation."

1 Includes salaries, wages, commissions, bonuses, incentive
2 payments, fees and tips that may accrue or be received by an
3 individual for services rendered, whether directly or through an
4 agent and whether in cash or in property. The term does not
5 include:

6 (1) Periodic payments for sick or disability benefits
7 and those commonly recognized as old-age benefits, retirement
8 pay or pensions paid to persons retired from service after
9 reaching a specific age or after a stated period of
10 employment.

11 (2) Public assistance or unemployment compensation
12 payments.

13 (3) Wages or compensation paid by the United States to
14 any person for active service in the Army, Navy or Air Force
15 of the United States or any bonus or additional compensation
16 paid by the United States or the Commonwealth of Pennsylvania
17 or any other state for such service.

18 "Taxpayer." A person, whether an individual, partnership,
19 association or any other entity, required under this subchapter
20 to file a return of earnings or net profits, or to pay a tax
21 thereon.

22 "Tax year." The calendar year which is the fiscal year of a
23 school district imposing a tax under this subchapter and the
24 year for which the tax is levied under this subchapter.

25 "Treasurer." The school treasurer of a school district
26 imposing a tax under this subchapter.

27 § 3562. Levy of tax.

28 (a) General rule.--The board of public education of school
29 districts of the first class A shall levy, annually, a tax of
30 not more than 1% on the following:

1 (1) Salaries, wages, commissions and other compensation
2 earned by residents. The tax levied under this paragraph
3 shall relate to and be imposed upon salaries, wages,
4 commissions and other compensation paid by an employer on his
5 behalf to a person who is employed by or renders services to
6 him.

7 (2) Net profits earned from business, professions and
8 other activities conducted by residents. The tax levied under
9 this paragraph shall relate to and be imposed on the net
10 profits of any business, profession or enterprise carried on
11 by any person as owner or as proprietor, either individually
12 or in association with some other person or persons.

13 (B) ADDITIONAL LEVY.--THE BOARD OF PUBLIC EDUCATION OF <—
14 SCHOOL DISTRICTS OF THE FIRST CLASS A MAY LEVY, BY ORDINANCE, AN
15 ADDITIONAL TAX OF NOT MORE THAN 1% ON SALARIES, WAGES,
16 COMMISSIONS AND OTHER COMPENSATION EARNED BY RESIDENTS.

17 ~~(b)~~ (C) Other taxes unaffected.--The ~~tax~~ TAXES levied under <—
18 this subchapter shall be in addition to any other taxes any
19 school district of the first class A is empowered to levy and
20 collect under existing law.

21 ~~(c)~~ (D) Use of taxes.--The taxes, interest and penalties <—
22 collected under the provisions of this subchapter shall be used
23 for general public school purposes.

24 § 3563. Estimation and payment of tax on net profits.

25 (a) Declaration of estimated tax.--Every taxpayer who
26 anticipates any net profits shall, on or before April 15 of a
27 tax year, make and file with the treasurer, on a form prescribed
28 by the treasurer, a declaration of his estimated net profits
29 during the period beginning January 1 of the tax year and ending
30 December 31 of the tax year, setting forth the estimated amount

1 of net profits anticipated by him during the period and subject
2 to the tax, the amount of tax imposed by this subchapter on the
3 estimated net profits and such other information as the
4 treasurer may require.

5 (b) Time of payment.--The taxpayer making the declaration
6 shall, at the time of filing thereof, pay to the treasurer the
7 estimated amount of tax shown as due thereon or pay the
8 estimated tax in four quarterly installments as follows: the
9 first installment at the time of filing the declaration, and the
10 other installments on or before June 15 and September 15 of the
11 tax year and January 15 of the year next succeeding the tax
12 year, respectively.

13 (c) Declaration and payment for part of year.--Any taxpayer
14 who first anticipates any net profits after April 15 of the tax
15 year shall make and file the declaration required on or before
16 June 15, September 15 or December 31 of the tax year, whichever
17 of these dates next follows the date on which the taxpayer first
18 anticipates the net profits. The taxpayer making the declaration
19 shall, at the time of filing thereof, pay to the treasurer the
20 estimated amount of tax shown as due thereon or pay the
21 estimated tax in equal installments on or before the quarterly
22 installment payment dates which remain after the filing of the
23 declaration.

24 (d) Adjusted declaration and payment.--The treasurer may
25 provide by regulation for the making and filing of adjusted
26 declarations of estimated net profits and for the payment of the
27 estimated tax in cases where a taxpayer who has filed the
28 declaration required anticipates additional net profits not
29 previously declared or finds that he has overestimated his
30 anticipated net profits.

1 (e) Final return and payment.--On or before April 15 of the
2 year next succeeding the tax year, every taxpayer who has
3 received net profits shall make and file with the treasurer, on
4 a form prescribed by him, a final return showing all of his net
5 profits for the tax year, the total amount of tax due, the
6 amount of estimated tax paid under the provisions of this
7 section and the balance due. Any taxpayer may, in lieu of paying
8 the fourth quarterly installment of his estimated tax, elect to
9 make and file with the treasurer the final return on or before
10 January 15 of the year next succeeding the tax year. At the time
11 of filing the final return, the taxpayer shall pay the balance
12 of the tax due or shall make demand for refund or credit in the
13 case of overpayment.

14 (f) Business discontinued during tax year.--Every taxpayer
15 who discontinues business prior to December 31 of a tax year
16 shall, within 15 days after the discontinuance of business, file
17 his final return and pay the tax due.

18 § 3564. Payment of tax on compensation.

19 Every taxpayer who is employed on a salary, wage, commission
20 or other compensation basis and who received any earnings not
21 subject to the provisions of section ~~3565~~ 3566 (relating to <—
22 collection at source of tax on compensation) shall, on or before
23 April 30, July 31 and October 31 of the tax year and January 31
24 of the year next succeeding the tax year, make and file with the
25 treasurer, on a form prescribed by the treasurer, a return
26 setting forth the aggregate amount of salaries, wages,
27 commissions and other compensation earned by him during the
28 three-month periods ending March 31, June 30, September 30 and
29 December 31 of the tax year, respectively, and subject to the
30 tax, together with such other information as the treasurer may

1 require. Every taxpayer making the return shall, at the time of
2 filing thereof, pay to the treasurer the amount of tax shown as
3 due thereon.

4 § 3565. DECLARATION AND PAYMENT OF TAX. <—

5 NOTWITHSTANDING ANY OF THE AFOREMENTIONED REQUIREMENTS
6 CONCERNING THE DECLARATION AND PAYMENT OF TAXES UNDER THIS ACT,
7 EVERY PERSON SUBJECT TO THE TAX IMPOSED BY THIS ACT, WHETHER
8 SAID TAX IS COLLECTED AT SOURCE BY THE PERSON'S EMPLOYER OR IS
9 OTHERWISE PAID BY THE TAXPAYER, MUST FILE AN ANNUAL RETURN
10 SHOWING THE AMOUNT OF TAX DUE UPON THE TAXPAYER'S EARNED INCOME
11 FROM THE PREVIOUS YEAR. THIS ANNUAL RETURN SHALL BE FILED WITH
12 THE TREASURER ON OR BEFORE APRIL 15 OF THE YEAR SUCCEEDING THE
13 YEAR IN WHICH SAID INCOME WAS EARNED.

14 § ~~2565~~ 3566. Collection at source of tax on compensation. <—

15 (a) Registration of employers.--Every person and resident
16 employer within a school district imposing a tax under this
17 subchapter who employs one or more persons on a salary, wage,
18 commission or other compensation basis, other than domestic
19 servants, shall, within 15 days after becoming an employer,
20 register with the treasurer his name and address and such other
21 information as the treasurer may require.

22 ~~(b) Deduction and return of taxes. Every person and~~ <—
23 ~~employer within a school district imposing a tax under this~~
24 ~~subchapter, who employs one or more persons on a salary, wage,~~
25 ~~commission or other compensation basis, other than domestic~~
26 ~~servants, shall deduct monthly or more often than monthly, at~~
27 ~~the time of payment thereof, the tax imposed under this~~
28 ~~subchapter on the salaries, wages, commissions and other~~
29 ~~compensation due to his employee or employees, and shall on or~~
30 ~~before April 30, July 31 and October 31 of the tax year and~~

~~January 31 of the year next succeeding the tax year, file a return of taxes deducted, on a form prescribed by the treasurer, the amount of taxes deducted the preceding three month periods ending March 31, June 30, September 30 and December 31 of the tax year, respectively.~~

(B) DEDUCTION AND RETURN OF TAXES.--

<—

(1) EVERY PERSON AND EMPLOYER WITHIN A SCHOOL DISTRICT IMPOSING TAXES ON A PERSON'S EARNINGS, WHO EMPLOYS ONE OR MORE PERSONS ON A SALARY, WAGE, COMMISSION OR OTHER COMPENSATION BASIS, OTHER THAN DOMESTIC SERVANTS, AND WHO WITHHOLDS, EXPECTS TO WITHHOLD OR SHOULD WITHHOLD FROM EMPLOYEES AN AGGREGATE AMOUNT LESS THAN \$200 PER MONTH IN THOSE TAXES, SHALL DEDUCT THOSE TAXES ON THE SALARIES, WAGES, COMMISSIONS AND OTHER COMPENSATION DUE TO HIS EMPLOYEE OR EMPLOYEES, MONTHLY OR MORE OFTEN THAN MONTHLY, AT THE TIME OF PAYMENT THEREOF AND SHALL ON OR BEFORE APRIL 30, JULY 31 AND OCTOBER 31 OF THE TAX YEAR AND JANUARY 31 OF THE YEAR NEXT SUCCEEDING THE TAX YEAR, FILE A RETURN OF TAXES DEDUCTED, ON FORMS PRESCRIBED BY THE TREASURER, AND PAY TO THE TREASURER THE AMOUNT OF TAXES DEDUCTED THE PRECEDING THREE-MONTH PERIODS ENDING MARCH 31, JUNE 30, SEPTEMBER 30 AND DECEMBER 31 OF THE TAX YEAR, RESPECTIVELY.

(2) EVERY PERSON AND EMPLOYER WITHIN A SCHOOL DISTRICT IMPOSING TAXES ON A PERSON'S EARNINGS, WHO EMPLOYS ONE OR MORE PERSONS ON A SALARY, WAGE, COMMISSION OR OTHER COMPENSATION BASIS, OTHER THAN DOMESTIC SERVANTS, AND WHO WITHHOLDS, EXPECTS TO WITHHOLD OR SHOULD WITHHOLD FROM EMPLOYEES AN AGGREGATE AMOUNT GREATER THAN OR EQUAL TO \$200 PER MONTH IN THOSE TAXES, SHALL DEDUCT THOSE TAXES ON THE SALARIES, WAGES, COMMISSIONS AND OTHER COMPENSATION DUE TO

1 HIS EMPLOYEE OR EMPLOYEES MONTHLY OR MORE OFTEN THAN MONTHLY,
2 AT THE TIME OF PAYMENT THEREOF, AND SHALL, ON FEBRUARY 15,
3 MARCH 15, MAY 15, JUNE 15, AUGUST 15, SEPTEMBER 15, NOVEMBER
4 15 AND DECEMBER 15 AND JANUARY 30, APRIL 30, JULY 30 AND
5 OCTOBER 30 FILE A RETURN OF TAXES DEDUCTED, ON FORMS
6 PRESCRIBED BY THE TREASURER, AND PAY TO THE TREASURER THE
7 AMOUNT OF TAXES DEDUCTED DURING THE PREVIOUS MONTH OF THE TAX
8 YEAR RESPECTIVELY.

9 (c) Annual returns by employers.--On or before the last day
10 of February of the year next succeeding the tax year, every such
11 employer shall file with the treasurer, on forms prescribed by
12 him, the following returns:

13 (1) An annual return showing the total amount of
14 salaries, wages, commissions and other compensation paid, the
15 total amount of tax deducted and the total amount of tax paid
16 to the treasurer for the tax year.

17 (2) A return for each employee employed during all or
18 any part of the tax year, setting forth the employee's name,
19 address and social security number, the amount of salaries,
20 wages, commissions or other compensation paid to the employee
21 during the period, the amount of tax deducted, the amount
22 paid to the treasurer and such other information as the
23 treasurer may require. Every employer shall furnish a copy of
24 the individual return to the employee for whom it is filed.

25 (d) Business discontinued during tax year.--Every employer
26 who discontinues business prior to December 31 of a tax year
27 shall, within 15 days after the discontinuance of business, file
28 the returns required and pay the tax due.

29 (e) Employee responsibility.--The failure or omission of any
30 employer to make the deductions required by this section shall

1 not relieve any employee from the payment of the tax or from
2 complying with the requirements of this subchapter relating to
3 the filing of declarations and returns.

4 (f) Requirements on nonresident employers.--The board of
5 public education of a school district imposing a tax under this
6 subchapter, or its treasurer, may require similar returns and
7 similar withholding and payment of taxes, as required under this
8 section, to be made by any nonresident employer who is believed
9 to have in his or its employ any employee residing in the school
10 district.

11 (G) LIABILITY OF EMPLOYERS FAILING TO MAKE DEDUCTIONS.-- <—
12 EVERY EMPLOYER WHO WILLFULLY OR NEGLIGENTLY FAILS OR OMITTS TO
13 MAKE THE DEDUCTIONS REQUIRED BY THIS SECTION SHALL BE LIABLE FOR
14 PAYMENT OF THE TAXES WHICH HE WAS REQUIRED TO WITHHOLD TO THE
15 EXTENT THAT THOSE TAXES HAVE NOT BEEN RECOVERED FROM THE
16 EMPLOYEE.

17 § ~~3566~~ 3567. Suits for collection of unpaid taxes. <—

18 (a) General rule.--It shall be the duty of the board of
19 public education of the school district imposing a tax under
20 this subchapter, or the treasurer if designated by the board, to
21 sue for the recovery of all taxes not paid when due.

22 (b) Time for instituting suit.--Any suit brought to recover
23 the tax imposed under this subchapter shall begin within six
24 years after the tax is due or within six years after a
25 declaration or return has been filed, whichever date is later,
26 except that this limitation shall not prevent the institution of
27 a suit for the collection of any tax due or determined to be due
28 in any of the following cases:

29 (1) Where no declaration or return was filed by any
30 person although a declaration or return was required to be

1 filed by him under the provisions of this subchapter.

2 (2) Where an examination of the declaration or return
3 filed by any person, or of other evidence relating to the
4 declaration or return, in the possession of the treasurer,
5 reveals a fraudulent evasion of taxes including, but not
6 limited to, substantial understatement of taxes deducted and
7 of actual or estimated net profits or earnings.

8 (3) Where any person had deducted taxes under the
9 provisions of this subchapter and has failed to pay the
10 amounts deducted to the treasurer.

11 § ~~3567~~ 3568. Collection of interest, penalties and costs. <—

12 If for any reason the tax IMPOSED UNDER THIS SUBCHAPTER OR <—
13 ANY OTHER TAX IMPOSED ON A PERSON'S EARNINGS is not paid when
14 due, interest at the rate of 6% per annum on the amount of the
15 ~~tax~~ TAXES OR INTEREST AT A PER ANNUM RATE WHICH DOES NOT EXCEED <—
16 THE FEDERAL RESERVE DISCOUNT RATE IN EFFECT FOR FEDERAL RESERVE
17 DISTRICT FOUR ON DECEMBER 1 OF THE PRECEDING TAX YEAR, WHICHEVER
18 IS GREATER, and an additional penalty of ~~.5%~~ 5% of the amount of <—
19 the unpaid tax for each month or fraction thereof during which
20 the ~~tax remains~~ TAXES REMAIN unpaid, shall be added and <—
21 collected. THE ADDITIONAL PENALTY IMPOSED IN THIS SECTION SHALL <—
22 NOT EXCEED 50% OF THE UNPAID TAXES. A SCHOOL DISTRICT SHALL, ON
23 OR BEFORE DECEMBER 31, ESTABLISH BY RESOLUTION THE SPECIFIC PER
24 ANNUM INTEREST RATE TO BE IMPOSED ON UNPAID TAXES DURING THE
25 FOLLOWING TAX YEAR. Where suit is brought for the recovery of
26 the tax, the person liable therefor shall, in addition, be
27 liable for the costs of collection and the interest and
28 penalties.

29 § ~~3568~~ 3569. Application of subchapter. <—

30 (a) General rule.--The tax imposed under this subchapter

1 shall not apply to:

2 (1) Any person as to whom it is beyond the legal power
3 of a school district imposing a tax under this subchapter to
4 impose the tax under the Constitution of the United States
5 and the Constitution and laws of this Commonwealth.

6 (2) Institutions or organizations operated for public,
7 religious, educational or charitable purposes, institutions
8 or organizations not organized or operated for private
9 profit, or trusts and foundations established for any of the
10 foregoing purposes.

11 (3) Any person as to whom, or privilege, transaction,
12 subject, occupation or property as to which, cities of the
13 second class are without authority to tax under the
14 provisions of the act of December 31, 1965 (P.L.1257,
15 No.511), known as "The Local Tax Enabling Act."

16 (b) Construction of section.--This section shall not be
17 construed to exempt any person who is an employer from the duty
18 of collecting the tax at source from his employees and paying
19 the amount collected to the treasurer under the provisions of
20 section ~~3565~~ 3566 (relating to collection at source of tax on
21 compensation).

<—

22 SUBCHAPTER G

23 PROVISIONS APPLICABLE TO SECOND CLASS DISTRICTS

24 Sec.

25 3581. Property subject to tax.

26 3582. Per capita taxes.

27 3583. Levy of taxes in general.

28 3584. Tax equalization for districts in more than one
29 municipality.

30 3585. Revisions to tax duplicates from major improvements.

1 3586. Certification of duplicates of taxables to school boards.
2 3587. Certification of duplicates of tax levies to collectors.
3 3588. Appointment and authority of tax collectors.
4 3589. Delinquent taxes and tax collectors.
5 § 3581. Property subject to tax.

6 (a) General rule.--Except as provided in subsection (b), in
7 all school districts of the second class, the school taxes shall
8 be levied upon all the property upon which the county taxes are
9 levied.

10 (b) Third class cities.--In all school districts of the
11 second class which are coterminous with any city of the third
12 class, the school taxes shall be levied on the real estate and
13 personal property therein as contained in the assessment made
14 for city tax purposes. In school districts which are wholly
15 within the boundaries of a city of the third class, the school
16 district may use the assessment rate applicable in the city. In
17 any school district of the second class which is situated within
18 a county of the fourth to the eighth classes, the board of
19 school directors may, by resolution, accept the provisions of
20 the act of May 21, 1943 (P.L.571, No.254), known as "The Fourth
21 to Eighth Class County Assessment Law," whether or not the city
22 has accepted the provisions of that statute, and in such case
23 the school taxes shall be levied upon all the property upon
24 which the county taxes are levied.

25 § 3582. Per capita taxes.

26 (a) Levy and rate.--The board of school directors in each
27 school district of the second class may levy a per capita tax of
28 not less than \$1 nor more than \$5 on each resident or inhabitant
29 of the school district over 18 years of age.

30 (b) Lists of residents.--When a per capita tax is levied,

1 the proper assessors shall prepare a list of residents or
2 inhabitants in the school district over 18 years of age and
3 return the same with the other taxable property in the district
4 as provided by law. In each school district the lists of
5 residents or inhabitants shall be included and certified in the
6 list of taxable property to be certified to the board of school
7 directors in each school district. Assessors whose assessment
8 district includes the whole or parts of more than one school
9 district shall return separate lists of residents and
10 inhabitants of each school district.

11 (c) Responsibility of new taxpayers.--Every resident or
12 inhabitant in any school district, upon attaining 18 years of
13 age, and every person 18 years of age or over becoming a
14 resident or inhabitant in any school district, shall, within 12
15 months after the happening thereof, notify the proper assessors
16 of his becoming of that age or becoming a resident or
17 inhabitant. Any person failing, within the period, to notify the
18 assessors of the school district within which he resides shall,
19 in addition to the tax levied by the school district, be liable
20 to the school district in a penal sum equal to the tax.

21 (d) Notice of tax.--The board of school directors shall, at
22 the same time as they give public notice of a proposed budget,
23 include a notice of the requirements of this section, together
24 with the name and address of the assessor to be notified.

25 (e) Exemptions from tax.--Each school district may exempt
26 any person whose total annual income from all sources is less
27 than \$2,000 from its per capita tax or any portion thereof. The
28 school district may adopt and employ regulations for the
29 processing of claims for the exemption.

30 § 3583. Levy of taxes in general.

1 (a) Time of levy.--In all school districts of the second
2 class, all school taxes for the following fiscal year shall be
3 levied by the board of school directors during the 150-day
4 period prior to the close of the current fiscal year.

5 (b) Amount and purpose of tax.--The board of school
6 directors of school districts of the second class are hereby
7 authorized to levy, annually, a tax on each dollar of the total
8 assessment of taxable property sufficient to pay:

9 (1) Up to and including the minimum salaries and
10 increments of teaching and supervisory staff.

11 (2) Rentals due any municipal authority or nonprofit
12 corporation or the State Public School Building Authority.

13 ~~(3) Sinking fund charges incurred in connection with~~ <—
14 ~~school building projects approved by the department.~~

15 (3) INTEREST AND PRINCIPAL ON ANY INDEBTEDNESS INCURRED <—
16 PURSUANT TO THE ACT OF JULY 12, 1972 (P.L.781, NO.185), KNOWN
17 AS THE "LOCAL GOVERNMENT UNIT DEBT ACT," OR ANY PRIOR OR
18 SUBSEQUENT STATUTE GOVERNING THE INCURRENCE OF INDEBTEDNESS
19 OF THE SCHOOL DISTRICT, WHICH TAX SHALL BE UNLIMITED.

20 (4) The amortization of a bond issue approved prior to
21 July 1, 1959 for school construction purposes.

22 (c) Additional levy for expenses.--To meet educational
23 expenses in addition to those in subsection (b), the tax rate in
24 school districts of the second class shall not exceed 25 mills
25 on the dollar on the total assessed valuation of taxable
26 property of the district.

27 (d) Levy for salaries and increments.--The tax levied to pay
28 salaries and increments of the teaching and supervisory staff
29 shall not be invalidated by reason of the fact that in
30 determining the amount to be raised by such tax for the payment

1 of salaries and increments no deduction was made for
2 appropriations or reimbursements paid or payable by the
3 Commonwealth to the school district which are applicable
4 directly or indirectly to the salaries and increments. None of
5 said taxes shall be invalidated or affected by reason of the
6 fact that it may increase the total annual school tax levy of
7 any school district beyond the millage fixed or limited by this
8 section.

9 (e) Method of expressing tax rate.--The board of school
10 directors of any school district shall, by resolution, fix the
11 rate of taxation for any year at a mill rate. The resolution
12 shall also include a statement expressing the rate of taxation
13 in dollars and cents on each \$100 of assessed valuation of
14 taxable property.

15 § 3584. Tax equalization for districts in more than one
16 municipality.

17 (a) Two or more counties.--Whenever a school district shall
18 lie in more than one county, the property tax levy for school
19 purposes shall be equalized by either of the following methods:

20 (1) The total taxes levied on real estate within the
21 school district in each county shall be subject to the
22 limitation that the ratio which the total bears to the most
23 recent valuation of the same properties by the State Tax
24 Equalization Board shall be uniform in all of the counties,
25 and the school district shall adjust its rate of taxation
26 applicable to the portion of the district in each county to
27 the extent necessary to achieve uniformity.

28 (2) The board of assessment and revision of taxes in any
29 of the counties or all of the counties in which the school
30 district is located shall, at the request of the school

1 directors of the district, furnish the market value of each
2 parcel of property on the tax roll required to be furnished
3 to the school directors under any assessment statute of this
4 Commonwealth. The market value of each parcel shall be the
5 quotient of the assessed value divided by the latest ratio of
6 assessed value to market value in the municipality as
7 determined by the State Tax Equalization Board or, at the
8 option of the school district, the market value of each
9 parcel shall be the quotient of the assessed value to market
10 value as determined by the State Tax Equalization Board in
11 the aggregate of all municipalities of the school district
12 within the county, or at the option of the school district
13 where there are two or more ratios of assessed value to
14 market value, the school directors of that school district
15 shall select the lowest of the ratios for a uniform assessed
16 value to market value throughout the school district, or at
17 the option of the school district where such school district
18 is located in a home rule county, the school directors of
19 that school district may use the county assessments. The
20 school directors shall set a tax rate based upon a percentage
21 not exceeding 75% of the market values which shall be uniform
22 throughout the district.

23 (i) Any school district which lies in more than one
24 county and which levies an occupational tax, shall levy
25 such tax uniformly upon each occupational category
26 existing in all counties in which the district lies, at
27 the lowest assessed valuation for each equivalent
28 occupational category as certified to the school district
29 by the counties in which the district lies.

30 (ii) This paragraph does not apply to any school

1 district which levied an occupational assessment tax as
2 of November 20, 1979 unless the school district by
3 resolution elects otherwise.

4 (b) Two or more municipal corporations.--In the event a
5 school district or part thereof located within one county is
6 composed of two or more municipal corporations at least one of
7 which levies property taxes upon assessments made for county tax
8 purposes and at least one of which utilizes separate assessments
9 made for municipal tax purposes, the property tax levy for
10 school district purposes shall be equalized by either of the
11 methods prescribed in subsection (a). If the method under
12 subsection (a)(1) is adopted, the ratio which the total taxes
13 levied in each part of the school district bears to the most
14 recent valuation of the same properties by the State Tax
15 Equalization Board shall be uniform. If the method under
16 subsection (a)(2) is adopted, the market value of each parcel of
17 property on the tax roll shall be:

18 (1) In the case of the assessment made for county tax
19 purposes, the quotient of the assessed value divided by the
20 latest ratio of assessed value to market value for that
21 portion of the school district as determined by the State Tax
22 Equalization Board.

23 (2) In the case of the separate assessment for municipal
24 tax purposes, the quotient of the assessed value divided by
25 the product of the latest ratio of assessed value to market
26 value in the municipal corporation as determined by the State
27 Tax Equalization Board and the ratio of the total assessed
28 valuation of the same properties for municipal tax purposes
29 to the total assessed valuation of the properties for county
30 tax purposes. However, the taxpayers of no municipality or

1 political subdivision within a school district shall pay an
2 aggregate amount in school property taxes which, as a
3 percentage of total school property taxes, shall exceed the
4 ratio of its market value to the total market value of the
5 school district as determined by the State Tax Equalization
6 Board.

7 (c) Revised assessments.--Whenever a revision of assessment
8 is completed in any portion of a school district and the revised
9 assessments are to be used for school tax purposes, the method
10 prescribed in subsection (a)(2) to equalize school property tax
11 levies shall not be used until the latest ratio of assessed
12 value to market value as determined by the State Tax
13 Equalization Board for that portion of the school district is
14 based upon the revised assessments.

15 § 3585. Revisions to tax duplicates from major improvements.

16 (a) General rule.--Whenever in school districts of the
17 second class there is any construction of a building or
18 buildings after September 1 of any year and the building is not
19 included in the tax duplicate of the school district, the
20 authority responsible for assessments in the municipality shall,
21 upon the request of the board of school directors, direct the
22 assessor in the district to inspect and reassess, subject to the
23 right of appeal and adjustment provided by the statute under
24 which assessments are made, all taxable property in the district
25 to which major improvements have been made after the beginning
26 of any fiscal year, and to give notice of such reassessments
27 within ten days to the authority responsible for assessments,
28 the school district and the property owner. The property shall
29 then be added to the duplicate and shall be taxable for school
30 purposes at the reassessed valuation for that proportionate part

1 of the fiscal year of the school district remaining after the
2 property was improved. Any improvement made during the month
3 shall be computed as having been made on the first of the month.

4 (b) Filing and notice of revised duplicate.--A certified
5 copy of the additions or revisions to the duplicate shall be
6 furnished by the board of school directors to the tax collector
7 for the district and, within ten days thereafter, the tax
8 collector shall notify the owner of the property of the taxes
9 due the school district.

10 § 3586. Certification of duplicates of taxables to school
11 boards.

12 (a) General rule.--In order to enable the board of school
13 directors in all school districts of the second class, other
14 than school districts that are coterminous with the boundaries
15 of a city of the third class, to levy the necessary taxes
16 required by the district, the county commissioners or other
17 proper officials in each county shall, on or before April 1 in
18 each year and at the expense of the county, furnish to each
19 board of school directors, other than those whose school
20 district is coterminous with a city of the third class, a
21 properly certified duplicate of the last adjusted valuation of
22 real estate, personal property and residents. The duplicate
23 shall state the name of each taxable, and the valuation, kind
24 and description of each property and a list of the residents and
25 inhabitants assessed.

26 (b) Third class cities.--In the case of school districts of
27 the second class that are coterminous with the boundaries of a
28 city of the third class, the city clerk or other proper official
29 shall annually, on or before April 1, at the expense of the
30 city, furnish to the board of directors of the school district a

1 certified duplicate of the last adjusted valuation of all real
2 estate, personal property, and a list of all residents and
3 inhabitants made taxable in the school district stating the name
4 of each taxable, the valuation, kind and location of each
5 property assessed.

6 (c) Taxable property and persons.--All property and
7 residents described in subsections (a) and (b) are taxable for
8 school purposes.

9 § 3587. Certification of duplicates of tax levies to
10 collectors.

11 (a) General rule.--As soon as the school tax is levied in a
12 school district of the second class, the proper officer shall
13 cause the same to be computed and entered, stating the amount of
14 school tax to be collected on the duplicate furnished to the
15 district. A certified copy of the tax duplicate shall be
16 furnished by the board of school directors to the tax collector
17 or collectors in each school district on or before July 1 in
18 each year.

19 (b) Use of duplicate from county.--In any school district
20 where the collector of taxes is also the collector of county
21 taxes, the proper officer of the board of school directors may
22 compute and add the amount of the school taxes to the duplicate
23 furnished by the county commissioners to the tax collector for
24 county purposes.

25 § 3588. Appointment and authority of tax collectors.

26 (a) Appointment for collection of certain taxes.--The board
27 of school directors in each school district may appoint one or
28 more suitable persons, public employees or private agencies or
29 corporations to collect the taxes authorized by the act of
30 December 31, 1965 (P.L.1257, No.511), known as the "Local Tax

1 Enabling Act."

2 (b) Appointment in second class districts.--The board of
3 school directors in each school district of the second class
4 shall annually, on or before June 1, appoint one or more
5 suitable persons, public employees or private agencies or
6 corporations as tax collectors in the school district in the
7 event that:

8 (1) a tax collector was not elected to collect school
9 taxes;

10 (2) a vacancy in the position of school collector has
11 occurred;

12 (3) a school tax collector refuses to qualify; or

13 (4) a school tax collector refuses to furnish bond as
14 provided in section 3182 (relating to bonding of officials
15 for performance of duties).

16 (c) Collection areas.--The board of school directors in any
17 school district appointing any tax collectors may authorize and
18 direct any one tax collector to collect the school taxes in any
19 one or more wards or other proper divisions in the school
20 district.

21 (d) Settlement of duplicate.--In all school districts of the
22 second class no appointed tax collector shall be reappointed or
23 be authorized to collect any school taxes in any school year
24 unless he shall have first settled the duplicate in full with
25 the board of school directors for the preceding year in the
26 manner provided by this chapter.

27 § 3589. Delinquent taxes and tax collectors.

28 (a) Certification and collection of delinquent taxes.--In
29 all school districts of the second class, all unpaid school
30 taxes assessed and levied upon real property where there is no

1 personal property out of which the taxes can be collected shall
2 be certified by the tax collector to the board of school
3 directors with a proper description of the real property on or
4 before June 1 in each year. All delinquent school taxes
5 certified to the board of school directors of any school
6 district of the second class by any school tax collector shall
7 be collected by the board as provided by law.

8 (b) Delinquent tax collectors.--On or before July 1 in each
9 year the board of school directors of any school district of the
10 second class may appoint one or more suitable persons as
11 delinquent tax collectors for the school district. The
12 delinquent tax collector shall collect any and all school taxes,
13 from the collection of which the original tax collector has been
14 exonerated, in accordance with the laws of this Commonwealth and
15 which taxes still remain unpaid upon any of the school tax
16 duplicates, other than unpaid school taxes that have been filed
17 as liens in the office of the prothonotary or have been returned
18 to the county commissioners for sale. The delinquent tax
19 collector, upon certification of the unpaid school taxes to him,
20 shall proceed to collect the taxes from the persons charged with
21 nonpayment. For this purpose the collector shall have all the
22 authority and power now vested by the law in any collector of
23 school taxes for the collection of school taxes. The board of
24 school directors issuing the original warrants shall issue an
25 additional warrant to the appointed collector of the delinquent
26 school taxes.

27 (c) Bond of collector.--The appointed delinquent tax
28 collector shall furnish a proper bond to the school district in
29 accordance with section 3182 (relating to bonding of officials
30 for performance of duties).

(d) Compensation of collector.--The appointed delinquent tax collector shall be paid the commissions or compensation as is paid the regular collector. This account shall be paid in the same manner as other accounts are paid by the school district.

(e) Accounting for taxes collected.--The appointed delinquent tax collector shall be responsible and account to the board of school directors for school taxes collected by him in accordance with existing laws pertaining to school tax collections.

SUBPART D

SCHOOL PROGRAMS

Chapter

37. General Education

39. Vocational Education

41. Special Education

43. Supportive Services

CHAPTER 37

GENERAL EDUCATION

Subchapter

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B. School Calendar and Sessions

C. Educational Programs in Institutions

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

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13 § 3701. Development of programs or courses of study.

14 (a) General rule.--The board of school directors, with the
15 advice of the superintendent of schools, shall develop and offer
16 programs or courses of study, or both, adapted to the needs and
17 development of students.

18 (b) Types of programs or courses.--The programs or courses
19 of study shall include:

20 (1) Programs or courses authorized by the State board as
21 follows:

22 (i) Mandated programs or courses to be offered by
23 all schools as described in section 3702(a) (relating to
24 mandated and required programs or courses of study).

25 (ii) Required programs or courses to be required of
26 all students or of all students in certain grade levels
27 as described in section 3702(b).

28 (iii) Prescribed programs or courses authorized to
29 be offered by schools or required to be offered if
30 petitioned for in accordance with section 3703 (relating

1 to prescribed advance and special programs or courses of
2 study).

3 (2) Programs or courses authorized by local boards of
4 school directors in accordance with section 3704 (relating to
5 development of additional programs or courses of study).

6 (c) Humane treatment of birds and animals.--No cruel or
7 inhumane treatment or experimentation on any living bird or
8 animal shall be permitted in conjunction with the programs of
9 study outlined in this title.

10 (d) Outline of program or course.--The board of school
11 directors, with the assistance of the superintendent of schools,
12 shall, on written request of the parent or person in loco
13 parentis, prepare and make available a reasonably detailed
14 outline of any program or course of study in which such parent's
15 child is enrolled. Each outline shall contain sufficient detail
16 to give notice of the specific elements of the content of the
17 program or course of study offered.

18 (e) Right to withhold student from portions of program or
19 course.--

20 (1) The parents or persons in loco parentis of any
21 student shall have the right to temporarily withdraw such
22 student from that specific portion or those specific portions
23 of any program or course of study dealing with sex education
24 or sexual orientation which the parents deem to be morally or
25 religiously objectionable and such withdrawal shall in no way
26 prejudice such student's academic rights or standing.

27 (2) The parental right set forth in paragraph (1) shall
28 be exercised by written request to the superintendent of
29 schools which request shall specifically designate that
30 portion or those portions of the program or course of study

1 which is objectionable and from which such student is to be
2 withdrawn.

3 § 3702. Mandated and required programs or courses of study.

4 (a) Mandated programs or courses.--The mandated programs or
5 courses of study are as follows:

6 (1) Kindergarten.--A kindergarten program ~~may~~ SHALL be <—
7 offered to children ~~between the ages of four and six years~~ <—
8 AGE FIVE YEARS AND MAY BE OFFERED TO CHILDREN AGE FOUR. <—

9 (2) Elementary school level.--English, to include
10 spelling, reading, ~~developmental and remedial reading~~ and <—
11 writing; arithmetic; science; geography; history of the
12 United States and Pennsylvania; civics, safety education,
13 including regular and continuous instruction in the dangers
14 and prevention of fires; ~~health and physiology~~ COMPREHENSIVE <—
15 HEALTH EDUCATION; physical education; energy and
16 environmental education; music; and art.

17 (3) Secondary school level.--English, to include
18 ~~developmental and remedial~~ reading, language, literature, <—
19 speech and composition; science, to include biology, physics
20 and chemistry; geography; social studies, to include civics,
21 economics, world history, United States history and
22 Pennsylvania history; foreign languages; mathematics, to
23 include general mathematics and statistics, algebra, geometry
24 and trigonometry; industrial arts; home economics; art;
25 music; physical education; energy and environmental
26 education; ~~health and physiology~~ COMPREHENSIVE HEALTH <—
27 EDUCATION; and safety education, including regular and
28 continuous instruction in the dangers and prevention of
29 fires. The program of health and physiology shall include
30 instruction concerning the causes, effects, prevention and

1 treatment of drug and alcohol abuse and the undesirability of
2 the abuse of these substances.

3 (b) Required programs or courses.--The State board shall
4 designate which of the mandated programs or courses of study
5 shall be required of all students or of all students in certain
6 grade levels.

7 (c) Nonpublic school programs or courses.--The certificate
8 of any principal or teacher-in-charge of any nonpublic school
9 operated by or under the authority of bona fide religious
10 institutions setting forth that the work of the school is in
11 compliance with the programs or courses stated in subsection (a)
12 shall be sufficient and satisfactory evidence thereof.

13 § 3703. Prescribed advance and special programs or courses of
14 study.

15 (a) General rule.--The State board shall prescribe programs
16 or courses of study, or both, designed to provide students with
17 the opportunity to develop advanced skills and special
18 interests.

19 (b) Implementation of programs or courses.--The board of
20 school directors may, and upon written application signed by 15
21 or more students shall, provide for the teaching of any
22 prescribed subject of study. No student shall be counted as an
23 applicant unless, in the judgment of the principal, he is
24 qualified to take the subject. The subject of study may be
25 withdrawn if less than ten students actually enroll.

26 § 3704. Development of additional programs or courses of study.

27 (a) General rule.--The board of school directors, with the
28 advice of the superintendent of schools, shall develop such
29 programs or courses of study in addition to those referred to in
30 this chapter as may be necessary to meet local needs or

1 conditions.

2 (b) Courses in religious literature.--Courses in the
3 literature of the Bible and other religious writings, to be
4 prepared and adopted according to age levels by the department,
5 with the advice and counsel of the Council of Basic Education
6 and the approval of the State board, may be introduced and
7 studied as regular courses in the literature branch of education
8 in the secondary public schools. These courses shall be elective
9 and not required of any student.

10 § 3705. Extension education programs.

11 (a) General rule.--The board of school directors may, and
12 upon written application by 15 or more out-of-school youth and
13 adults shall, provide extension education as an integral part of
14 the school program. The subject of study may be withdrawn if
15 less than ten students actually enroll. No subject of study need
16 be provided if it is not on the list of programs to be provided
17 under section 3701(b)(1) (relating to development of programs or
18 courses of study) or provided in the school district in
19 accordance with section 3701(b)(2).

20 (b) State and local regulations.--Extension education
21 programs shall be offered in accordance with regulations of the
22 State board and the board of school directors.

23 (c) Charges to students.--Reasonable charges to students may
24 be made to recover the actual expenses incurred in providing the
25 extension education programs.

26 § 3706. Language used in teaching subjects.

27 All subjects, except foreign languages, shall be taught in
28 the English language and from English texts ~~except that students~~ <—
29 ~~whose dominant language is not English shall be provided with an~~
30 ~~educational program in accordance with State board regulations~~

1 ~~adapted to their special needs, and taught by English language~~
2 ~~fluent teachers, to the specific end that English language~~
3 ~~deficient students be transitioned to an all English language~~
4 ~~curriculum in the shortest possible time. AT THE DISCRETION OF~~ <—
5 ~~THE SECRETARY OF EDUCATION~~ IN COMPLIANCE WITH STATE BOARD
6 REGULATIONS AND DEPARTMENT STANDARDS, THE TEACHING OF SUBJECTS
7 IN A LANGUAGE OTHER THAN ENGLISH MAY BE PERMITTED AS PART OF A
8 SEQUENCE IN FOREIGN LANGUAGE STUDY OR AS PART OF A BILINGUAL
9 EDUCATION PROGRAM IF THE TEACHING PERSONNEL ARE PROPERLY
10 CERTIFIED IN THE SUBJECT FIELDS.

11 § 3707. Display of United States Flag.

12 (a) Outdoors.--The governing board of each school entity
13 shall display a United States Flag upon or near each public
14 school building in clement weather, during school hours and at
15 such other times as the board may determine.

16 (b) Indoors.--All boards of school directors, all
17 proprietors or principals of nonpublic schools and all
18 authorities in control of nonpublic schools or other educational
19 institutions shall display the United States Flag, not less than
20 three feet in length, within all school buildings under their
21 control during each day the schools are in session.

22 (c) National Flag Code.--Each school shall provide and
23 distribute to each student enrolled in the eighth grade of the
24 public schools, one illustrated copy of the National Flag Code,
25 and shall, from time to time, make available such copies as are
26 necessary for the replacements from year to year. It shall be
27 the duty of each teacher in the public schools to make such use
28 of the code as he may, from time to time, see proper.

29 § 3708. Program for development of citizenship and patriotism.

30 (a) General rule.--All administrators and teachers in charge

1 of public and nonpublic schools shall establish and direct the
2 conduct of appropriate daily instruction or ceremonies, or in
3 lieu thereof, at least one full period per week, for the purpose
4 of affirming and developing all allegiance to and respect for
5 the Flag of the United States of America, and for promoting of a
6 clear understanding of our American way of life, with all of the
7 unparalleled individual opportunities, and our republican form
8 of government, with its responsiveness to majority decisions and
9 demands.

10 (b) Contents of program--The program shall include:

11 (1) Instruction in the fundamental principles of our
12 form of government.

13 (2) An understanding of the provisions of the
14 Constitution of Pennsylvania and the Constitution of the
15 United States of America.

16 (3) The values to be found in the freedom of speech, of
17 religion and of the press.

18 (4) The values to be found in obedience to the laws of
19 the land and this Commonwealth.

20 (5) The importance of exercising the right of franchise.

21 (6) The obligation of every citizen to stand ready to
22 defend his country at all times from infiltration or
23 aggression by those whose acts and ideologies are contrary to
24 the American philosophy of life.

25 § 3709. Periods for prayer and meditation.

26 (a) General rule.--In each public school classroom the
27 teacher in charge may, or if so authorized or directed by the
28 governing board by which he is employed shall, at the opening of
29 school upon every school day, conduct a brief period of silent
30 prayer or meditation with the participation of all the students

1 therein assembled.

2 (b) Purpose of section.--The silent prayer or meditation
3 authorized by subsection (a) is not intended to be, and shall
4 not be conducted as, a religious service or exercise, but shall
5 be considered as an opportunity for silent prayer or meditation
6 on a religious theme by those who are so disposed, or a moment
7 of silent reflection on the anticipated activities of the day.

8 § 3710. Program for homebound instruction.

9 (a) General rule.--All children prohibited from attending
10 school for physical or other cogent reasons shall be provided
11 homebound instruction by the school district in which they
12 reside.

13 (b) State regulations and standards.--The program of
14 homebound instruction shall conform to regulations of the State
15 board and standards of the department.

16 § 3711. Assessment statements of progress of students.

17 (a) General rule.--The chief commissioned officer of each
18 school entity shall cause to be maintained for each student
19 within his jurisdiction such assessment statements as may be
20 necessary for the purpose of continuously monitoring each
21 student's progress toward achievement of those educational goals
22 as established by the State board and the governing board.
23 Professional employees shall, under the direction of the chief
24 commissioned officer, grade and classify the students in their
25 schools.

26 (b) Contents of statements.--Assessment statements may
27 include, but need not be limited to, report cards, progress
28 reports, anecdotal statements, achievement and other test
29 records.

30 (c) Cumulative personal records.--The chief commissioned

1 officer of each school entity may cause to be created and
2 maintained a personal cumulative record for each child within
3 the district. The records shall be kept in accordance with
4 regulations of the State board and the governing board and
5 standards of the department.

6 § 3712. Procedures for evaluation of educational programs.

7 (a) General rule.--The State board shall establish and
8 maintain such evaluation procedures as may be necessary to
9 monitor the effectiveness of educational programs provided by
10 each school district within this Commonwealth. The evaluation
11 procedure shall provide for measurement of the achievement and
12 performance of students in all educational programs comprising
13 the curricula.

14 (b) Department assessment of learned skills.--To enable
15 directors and administrators to appraise the educational
16 performance of the school district and to strengthen the school
17 district's educational program, the department shall develop a
18 procedure to assess student performance in the
19 ~~academic/cognitive~~ ACADEMIC-COGNITIVE skills learned through the <—
20 mandated programs of study outlined in section 3702 (relating to
21 mandated and required programs or courses of study).

22 (c) Rights of students and parents.--No behavioral,
23 attitudinal or personality testing under subsection (b) shall be
24 done unless:

25 (1) each student and his parents are given prior notice
26 of the assessment, a description of the assessment and an
27 opportunity to object to the assessment, which notice to
28 parents shall be given by mail or with such assessment
29 statements as are given to parents pursuant to section 3711
30 (relating to assessment statements of progress of students);

1 and

2 (2) the assessment is administered and evaluated so that
3 no individual student's responses can be identified. No
4 student who objects, or whose parent objects, to the
5 assessment, and who has submitted his objection in writing to
6 the superintendent, is required to participate in the
7 assessment.

8 (d) Department assistance to strengthen programs.--The
9 department may provide such assistance as may be requested by
10 school districts to strengthen the district's educational
11 offerings.

12 § 3713. Diplomas for completing courses of instruction.

13 (a) General rule.--The board of school directors operating
14 any secondary school within this Commonwealth shall adopt one
15 standard diploma to be awarded to each student, regardless of
16 age, completing any course of instruction which meets the
17 requirements of the State board and the board of school
18 directors. When the diploma requirements have been satisfied,
19 the diploma shall be awarded by the local school district in
20 which the applicant legally resides.

21 (b) Credits for certain courses.--Any and all credits from
22 evening courses, alternative programs, courses offered by
23 examination, independent study courses, field experience
24 programs, extension courses or such other offerings consistent
25 with the regulations of the State board shall be weighed equally
26 and without prejudice toward satisfaction of diploma
27 requirements.

28 (c) Continuation of academic degree programs.--The power to
29 confer academic degrees, honorary or otherwise, heretofore
30 granted to and possessed by any board of public education, board

1 of school directors, or controllers of any school district, on
2 May 18, 1911, is hereby vested in the board of school directors
3 of such school district as now constituted. Any public high
4 school, in any school district, existing on May 18, 1911, with a
5 course of study of not less than four years, and upon whose
6 students of the full prescribed course of study such academic or
7 other degrees have heretofore been conferred, shall be continued
8 by the board of school directors of the school district in which
9 it shall be located, under such name or title with such
10 regulations and courses of study of such length and character,
11 as the board may deem necessary.

12 § 3714. Credits for examinations and courses.

13 (a) Credits for examinations.--

14 (1) The department shall hold examinations in secondary
15 school subjects and issue certificates for satisfactory
16 performance on the examinations.

17 (i) No person under the age of 16 who is regularly
18 enrolled in a secondary school may take the examinations.

19 (ii) No person under the age of 16 not enrolled in a
20 secondary school shall be allowed to obtain more credit
21 through the examination in any year than could be
22 obtained through enrollment in a secondary school.

23 (2) Secondary schools may hold examinations in secondary
24 school subjects and issue certificates for satisfactory
25 performance on the examinations in accordance with standards
26 of the department.

27 (b) Credits for courses.--

28 (1) The department, in accordance with its standards,
29 shall grant to residents of this Commonwealth credits,
30 certificates or diplomas for secondary school education for

educational courses offered by:

(i) The military, naval or merchant marine services.

(ii) The armed forces institute.

(iii) Evening or extension courses offered by
schools or colleges approved by the department.

(iv) Institutions maintained by the Commonwealth.

(2) Secondary schools may grant credits, certificates
and diplomas for educational courses not offered by them in
accordance with standards of the department.

§ 3715. Governor's School for the Arts.

The department shall establish, out of funds ~~appropriated~~ <—
AVAILABLE for extension education for the talented, a program of <—
extension education for artistically talented school-age persons
who are residents of this Commonwealth. The program shall be
known as the Governor's School for the Arts. Admission to the
program shall be according to standards ~~and regulations~~ <—
~~promulgated by the department~~ OF THE DEPARTMENT AND REGULATIONS <—
OF THE STATE BOARD, shall be on a tuition basis for all or part
of the cost and shall be on a competitive basis.

§ 3716. PENNSYLVANIA SCHOOL FOR THE SCIENCES. <—

THE DEPARTMENT SHALL ESTABLISH, OUT OF FUNDS AVAILABLE FOR
EXTENSION EDUCATION FOR THE TALENTED, A PROGRAM OF EXTENSION
EDUCATION FOR SCIENTIFICALLY TALENTED SCHOOL-AGE PERSONS WHO ARE
RESIDENTS OF THIS COMMONWEALTH. THE PROGRAM SHALL BE KNOWN AS
THE PENNSYLVANIA SCHOOL FOR THE SCIENCES. ADMISSION TO THE
PROGRAM SHALL BE ACCORDING TO STANDARDS OF THE DEPARTMENT AND
REGULATIONS OF THE STATE BOARD, SHALL BE ON A TUITION BASIS FOR
ALL OR PART OF THE COST AND SHALL BE ON A COMPETITIVE BASIS.

SUBCHAPTER B

SCHOOL CALENDAR AND SESSIONS

1 Sec.

2 3721. Establishment of school calendar.

3 3722. Approval of shorter instructional days.

4 § 3721. Establishment of school calendar.

5 (a) Definition.--As used in this section "instructional day"
6 means a minimum of five hours of instruction at the elementary
7 level and five and one-half hours of instruction at the
8 secondary level.

9 (b) General rule.--The board of school directors shall, with
10 the advice of the superintendent of schools, establish the
11 school calendar in accordance with section 103(c) (relating to
12 rulemaking procedure).

13 (c) Minimum days of instruction.--Except as provided in
14 subsections (d) and (e), all public schools shall be kept open
15 for at least 180 days of instruction.

16 (d) Minimum hours of instruction.--The board of school
17 directors may establish a school calendar of less than 180
18 instructional days provided:

19 (1) there is a minimum of 900 hours of instruction in
20 the elementary schools;

21 (2) there is a minimum of 990 hours of instruction in
22 the secondary schools;

23 (3) the school day allows reasonable periods for lunch
24 and rest; and

25 (4) the department approves the school calendar as
26 providing a meritorious educational program.

27 (e) Severe weather conditions.--No school district shall be
28 required to change its graduation schedule or require graduating
29 students to return to school after graduation to make up class
30 days lost due to severe weather conditions or other emergency as

1 determined by the board. An emergency shall include, but not be
2 limited to, a breakdown of school plant facilities. A labor
3 dispute involving school district employees shall not constitute
4 an emergency for the purposes of this section. No district which
5 makes a bona fide effort as determined by the department to
6 provide 180 days of instruction for graduating students shall
7 receive less subsidy payments or reimbursements than it would
8 otherwise be entitled to receive on account of the school year
9 because of the provisions of this subsection.

10 (f) Lunch period for employees.--Professional employees
11 shall be allowed a lunch period free of supervisory or other
12 duties of at least 30 minutes.

13 (g) Classes on weekends and holidays.--No school shall be
14 kept open on Sunday, Christmas, Memorial Day, the Fourth of July
15 or any other day specified by the board of school directors.
16 Regular classes may be held on Saturday only when Monday is
17 fixed as the school district's weekly holiday.

18 § 3722. Approval of shorter instructional days.

19 (a) General rule.--When emergency or crowded conditions
20 exist in a school, the department may approve, upon petition by
21 the board of school directors, a school calendar of at least 180
22 days which are shorter than the instructional day as defined in
23 section 3721 (relating to establishment of school calendar). The
24 approval shall be for a period not to exceed one school year.
25 The board of school directors may petition for reapproval when
26 emergency or crowded conditions persist. Each approved session
27 shall be regarded as a regular session.

28 (b) Hours of teachers.--Teachers employed for an approved
29 lesser session shall not be employed for a full second session
30 on the same day, but may be required by the school district to

1 serve every school day for the same number of hours as would
2 constitute a regular school day in the school district.

3 SUBCHAPTER C

4 EDUCATIONAL PROGRAMS IN INSTITUTIONS

5 Sec.

6 3731. Educational programs in State-owned institutions.

7 3732. Educational programs in places of detention.

8 § 3731. Educational programs in State-owned institutions.

9 (a) General rule.--The department shall organize and
10 supervise all educational programs in State schools and
11 hospitals, State correctional institutions and State-owned
12 institutions for deprived and delinquent children.

13 (b) Contracts to provide programs.--The department may
14 contract with any public or private agency to provide the
15 programs.

16 (c) State board regulations.--The educational programs shall
17 conform to regulations promulgated by the State board.

18 (d) Financing programs.--The programs shall be financed by
19 the Commonwealth through appropriations made to the department
20 for that purpose.

21 § 3732. Educational programs in places of detention.

22 (a) General rule.--Every child in a public or nonpublic
23 place of detention as defined in Chapter 63 of Title 42
24 (relating to juvenile matters), shall be provided with an
25 educational program in accordance with this title and with State
26 board regulations.

27 (b) Program review by department.--The department shall
28 review educational programs in places of detention.

29 (c) Absence of approved program.--When a place of detention
30 fails to provide an educational program in conformity with State

board regulations, the department may take appropriate action including a recommendation to the court that a child not be placed in the place of detention.

CHAPTER 39

VOCATIONAL EDUCATION

Subchapter

A. General Provisions

B. Organization of Area Vocational-Technical Schools

C. Miscellaneous Provisions

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

3901. Definitions.

3902. Authority to establish and conduct programs.

3903. Extension and adult vocational education programs.

3904. Intensive classes for unemployed or underemployed persons.

3905. Attendance in other districts.

§ 3901. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Area vocational-technical board." The boards of school directors of all the participating districts in an approved attendance area acting jointly.

"Area vocational-technical school." An approved institution offering vocational and technical education in an approved attendance area.

"State Board for Vocational Education" or "State board." The State Board of Education.

1 "Technical education." A vocational education program
2 designed to prepare an individual to enter or advance in an
3 occupational field requiring use of technical skills or
4 laboratory techniques the practice of which involves application
5 of scientific principles, supporting mathematics, management
6 principles and technical information.

7 "Vocational business education." That form of vocational
8 education designed to prepare an individual to enter or advance
9 in an occupational field wherein success is largely dependent
10 upon skills, knowledges, attitudes, work habits and leadership
11 development necessary to demonstrate competency in accounting,
12 clerical, data processing or secretarial occupations and similar
13 business pursuits.

14 "Vocational education." Programs providing organized
15 instruction in theory and practice designed to develop skills,
16 knowledges, attitudes, work habits and leadership to prepare
17 individuals to enter and make progress in the fields of
18 agriculture, business, distribution of goods and services,
19 trades and industry, home economics and health.

20 § 3902. Authority to establish and conduct programs.

21 (A) GENERAL RULE.--Each board of school directors, acting <—
22 individually or in conjunction with other boards of school
23 directors, may, in accordance with regulations of the State
24 Board for Vocational Education and standards of the department,
25 establish, operate, maintain and conduct vocational or technical
26 education programs or both.

27 (B) RESPONSIBILITY OF SCHOOL DISTRICTS.--IT IS THE <—
28 RESPONSIBILITY OF EVERY SCHOOL DISTRICT TO COMPLY WITH ALL
29 PROVISIONS OF THIS TITLE AND REGULATIONS OF THE STATE BOARD AND
30 STANDARDS OF THE DEPARTMENT WITH REGARD TO THE PROVISION OF

1 VOCATIONAL EDUCATION PROGRAMS AND TO MAKE SUCH FINANCING
2 ARRANGEMENTS AS IT DEEMS PROPER WITH THE AREA VOCATIONAL-
3 TECHNICAL SCHOOLS FOR THAT PURPOSE.

4 § 3903. Extension and adult vocational education programs.

5 ~~(a) Definition. As used in this section "vocational~~ <—
6 ~~education for out of school youth and adults" means a part time~~
7 ~~or full time program of instruction designed for youth and~~
8 ~~adults who have left or completed high school and desire to~~
9 ~~pursue a vocational education curriculum or course in~~
10 ~~preparation for entrance into the labor market or who desire to~~
11 ~~acquire new or updated skills.~~

12 ~~(b) General rule.~~ Any school entity which is providing a
13 vocational education program may offer a program for out-of-
14 school youth and adults in vocational education and shall offer
15 a program when:

16 (1) the program is provided for in the State plan for
17 vocational education;

18 (2) fifteen or more out-of-school youth or adults
19 request the program in writing; and

20 (3) the program is offered in accordance with
21 regulations of the State board and the governing board.

22 § 3904. Intensive classes for unemployed or underemployed
23 persons.

24 (a) General rule.--The State Board for Vocational Education
25 shall establish rules and regulations for intensive vocational
26 educational classes to increase skill levels for persons for
27 whom there are no public training programs available as the
28 needs of the economy of this Commonwealth shall require.

29 (b) Eligibility.--Persons eligible to attend classes shall
30 include:

1 (1) Qualified public assistance recipients or other
2 unemployed persons.

3 (2) Part-time workers who are not able to obtain full-
4 time employment.

5 (3) Employed persons who are working below their skill
6 levels and capacities.

7 (c) Payment of costs.--The State board shall approve and
8 authorize payment up to the full cost, including administration,
9 of the intensive classes from funds specifically appropriated
10 for that purpose. Where definite available employment is
11 contingent upon such training, the State board shall authorize
12 payment of full cost.

13 § 3905. Attendance in other districts.

14 (a) Application for admission to program.--Any resident of
15 any school district desiring a curriculum of vocational or
16 technical education not available in his district may apply for
17 admission to the governing board of any school entity offering
18 such a program. The district of residence must be consulted by
19 the school entity to which application for admission is made and
20 prior to any action on the application to insure that all
21 pertinent facts and positions are known by all concerned before
22 action is taken.

23 (b) Appeal from denial of admission.--If admission to a
24 program is denied, the applicant may appeal to the State Board
25 for Vocational Education and the decision of the State board
26 shall be final. In deciding the appeal, the State board shall
27 consider:

28 (1) The opportunities for free vocational training in
29 the school district in which the applicant resides.

30 (2) The ability of the resident school district to bear

1 the costs.

2 (3) The age, preparation, aptitude and previous record
3 of the applicant.

4 (4) All other relevant circumstances.

5 (c) Payment of tuition.--If admission is approved, the
6 school district of residence shall promptly pay to the receiving
7 school entity a tuition charge equal to the current expenses,
8 debt service and capital outlay divided by the number of
9 students enrolled in the school.

10 SUBCHAPTER B

11 ORGANIZATION OF AREA VOCATIONAL-TECHNICAL SCHOOLS

12 Sec.

13 3911. Attendance area.

14 3912. Establishment of schools.

15 3913. Agreement of participating districts.

16 3914. Physical plant and construction.

17 3915. Adoption of annual budget.

18 3916. Powers and duties of governing board.

19 3917. Delegation to operating agent.

20 3918. Organization of operating committee.

21 § 3911. Attendance area.

22 (a) Conformity to State plan.--Area vocational-technical
23 school attendance areas shall conform to the attendance area
24 plan of the State Board for Vocational Education.

25 (b) Proposals for inclusion.--Proposals for inclusion in the
26 attendance area plan shall be developed by the intermediate unit
27 board of directors. A school district in an adjacent
28 intermediate unit may be included in such a proposal if approved
29 by the board of school directors and the board of the
30 intermediate unit to which it belongs.

1 (c) Petition to State board.--The board of school directors
2 of any school district may petition the State board for
3 attendance area assignment or reassignment.

4 § 3912. Establishment of schools.

5 (a) Call for election by districts.--Where more than one
6 district constitutes an attendance area the appropriate
7 intermediate unit may, and upon the request of any school
8 district shall, call for an election by the boards of school
9 directors within the attendance area to determine if an area
10 vocational-technical school shall be established.

11 (b) School district election to participate.--Each school
12 district within the attendance area may elect to participate in
13 the establishment of the area vocational-technical school.

14 (c) Approval by State board.--With the approval of the State
15 board, the school shall be established.

16 (d) Organization and meetings.--After the establishment of
17 the school, the school directors of the participating school
18 districts shall organize to elect a president, vice president,
19 treasurer and secretary. Thereafter, the school directors of the
20 participating school districts shall hold an annual meeting to:

21 (1) Elect a president, vice president, treasurer and
22 secretary of the area vocational-technical board.

23 (2) Carry out the responsibilities of the participating
24 boards of school directors as provided in this title.

25 (e) Single district attendance area.--Where a single school
26 district constitutes an attendance area, the board of school
27 directors of that district may establish and operate area
28 vocational-technical schools and be considered an area
29 vocational-technical board, subject to the approval of the State
30 board.

1 § 3913. Agreement of participating districts.

2 (a) General rule.--The boards of school directors of the
3 school districts electing to participate in the area vocational-
4 technical school shall enter into a written agreement setting
5 forth the rights and obligations of the participating school
6 districts.

7 (b) Change in agreement.--No change shall be made in the
8 agreement without the consent of each participating school
9 district by the affirmative vote of each board of school
10 directors.

11 (c) Withdrawal from agreement.--No school district may
12 withdraw from the agreement without the consent of each
13 participating school district and without the approval of the
14 State board.

15 § 3914. Physical plant and construction.

16 (a) Property acquisition and management.--The participating
17 school districts may, in accordance with the terms of their
18 agreement, locate, acquire, improve and dispose of property in
19 accordance with Chapter 49 (relating to physical plant and
20 construction) and the terms of the agreement.

21 (b) Allocation of expenses.--All expenses incurred in
22 connection with the establishment of area vocational-technical
23 schools and additions and improvements thereto shall be borne by
24 each participating school district in the proportion agreed to
25 by the districts.

26 (c) Payments by new participating districts.--Any school
27 district not participating in the original establishment of the
28 area vocational-technical school, which later elects to
29 participate, shall contribute to the cost of the school an
30 amount agreed upon with the then participating districts and

1 shall make such further annual payments on account of
2 obligations to the State Public School Building Authority or on
3 account of rentals under leases with municipality authorities as
4 shall be agreed upon.

5 (d) Ownership of property.--All property acquired shall be
6 owned jointly by the several participating school districts in
7 the proportion that each district has contributed to the total
8 cost of acquisition, construction and improvement.

9 § 3915. Adoption of annual budget.

10 The participating school districts shall annually in
11 convention or by mail ballot adopt an operating budget by the
12 affirmative vote of:

13 (1) two-thirds of the participating school districts;
14 and

15 (2) a majority of the directors of the participating
16 districts.

17 § 3916. Powers and duties of governing board.

18 The participating school districts shall, by a majority vote
19 of the members of the boards of school directors, or, if they
20 have designated an operating agent, it shall:

21 (1) Establish rules and regulations for the
22 administration and operation of the area vocational-technical
23 schools.

24 (2) Designate chief executive officers for the schools.
25 If the intermediate unit board is the operating agent, the
26 chief executive officer shall be the executive director of
27 the intermediate unit. In all other cases, the chief
28 executive officer shall be the superintendent of a
29 participating school district or the executive director of
30 the intermediate unit.

1 (3) Employ such persons as are necessary to carry on the
2 vocational-technical education and determine the salaries to
3 be paid. All professional employees shall have the same
4 rights as professional employees of school districts.

5 (4) Purchase, lease or otherwise acquire all necessary
6 furniture, implements, books, materials, equipment and
7 supplies in accordance with Chapter 31 (relating to local
8 finance).

9 (5) Enter into contracts to effectuate the purposes of
10 this chapter in accordance with section 3134 (relating to
11 contracts and payments for purchases).

12 (6) Make such reports as the department may require.

13 (7) Adopt criteria for admitting students to area
14 vocational-technical schools in accordance with regulations
15 of the State board.

16 (8) Accept students in area vocational-technical schools
17 from nonparticipating districts and compute tuition charges
18 therefor.

19 (9) When authorized by the participating school
20 districts, provide transportation of district students to and
21 from the area vocational-technical school in which they have
22 been accepted and apply for and receive on behalf of the
23 school districts reimbursement on account of transportation
24 provided.

25 (10) Designate a person to perform the duties of
26 business administrator as defined in section 2376(a)
27 (relating to business administrator).

28 § 3917. Delegation to operating agent.

29 (a) General rule.--The participating school districts may
30 delegate, by a majority vote of each board of school directors,

1 the operation of the area vocational-technical schools to an
2 operating agent, which may be:

3 (1) one or more intermediate unit board of directors in
4 accordance with a written agreement between the participating
5 school districts and the intermediate boards of directors; or

6 (2) an operating committee elected from among the
7 members of the participating boards of school directors.

8 (b) Membership of operating committee.--The membership of
9 the committee shall be determined by the agreement between the
10 participating school districts except that each participating
11 school district shall have at least one member thereon. Each
12 participating board of school directors shall elect one or more
13 of its members, as the case may be, to serve on the committee.
14 The members so elected shall serve a three-year term commencing
15 the day of the election in the month of December. In the first
16 election, the terms of office of one-third of the members shall
17 expire at the end of the first year, the terms of office of one-
18 third of the members shall expire at the end of the second year,
19 and the terms of office of the remaining one-third shall expire
20 at the end of the third year. The length of the terms of office
21 of the initial members shall be determined by the casting of
22 lots.

23 § 3918. Organization of operating committee.

24 (a) Chairman and vice chairman.--Each year, during the month
25 of December, the operating committee shall choose from its
26 members a chairman and vice chairman.

27 (b) Treasurer.--Annually, during the month of May, the
28 operating committee shall elect a treasurer to serve for one
29 year beginning the first Monday in July.

30 (1) The treasurer may or may not be a member of the

1 board.

2 (2) The treasurer may be any corporation duly qualified
3 and legally authorized to transact a fiduciary business in
4 this Commonwealth.

5 (3) The treasurer may receive for services rendered such
6 reasonable compensation as the board shall fix.

7 (4) The provisions of section 2377(a) (relating to
8 treasurer) shall apply to the treasurer of the operating
9 committee.

10 (c) Secretary.--Every four years, during the month of May,
11 the operating committee shall elect a secretary to serve for a
12 term of four years beginning the first Monday of July following
13 such election.

14 (1) The secretary may or may not be a member of the
15 board.

16 (2) The secretary may receive for services rendered such
17 reasonable compensation as the board may fix.

18 (3) The provisions of section 2374(a) (relating to
19 secretary) shall apply to the secretary of the operating
20 committee.

21 (d) Interim officers.--The operating committee shall elect
22 interim officers to serve until the fully elected officers take
23 office.

24 (e) Removal, bond and insurance.--The provisions of Chapters
25 23 (relating to boards of school directors) and 31 (relating to
26 local finance) dealing with removal of officers, bond and
27 insurance shall apply to the area vocational-technical school
28 operating committee and to the officers elected under section
29 3912 (relating to establishment of schools).

30 SUBCHAPTER C

MISCELLANEOUS PROVISIONS

Sec.

3931. Establishment of advisory committees.

3932. Cooperation between schools and community colleges.

§ 3931. Establishment of advisory committees.

The State Board for Vocational Education may prescribe regulations providing for the establishment of advisory committees at the local level to assure that the public, employers, professional educators and labor representatives provide the necessary advice and information for the effective operation of the vocational education program.

§ 3932. Cooperation between schools and community colleges.

Area vocational-technical schools and community colleges shall coordinate their postsecondary vocational and technical education programs to assure progressive advancement of students and efficient use of educational resources. In no event shall a full-time postsecondary program of instruction be initiated after the effective date of this section by either an area vocational-technical school or a community college where such a program is already being provided by either an area vocational-technical school or a community college serving the area.

CHAPTER 41

SPECIAL EDUCATION

Subchapter

A. General Provisions

B. Programs for Exceptional Children

C. Finance Relating to Exceptional Children

D. Provisions Applicable to Certain Exceptional Children

SUBCHAPTER A

GENERAL PROVISIONS

1 Sec.

2 4101. Definitions.

3 4102. Evaluation of suspected exceptional children.

4 4103. Hearings for assignment of exceptional children.

5 4104. Reports on exceptional children.

6 § 4101. Definitions.

7 The following words and phrases when used in this chapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Approved private school." A private school whose specific
11 special education program is approved by the department and is
12 thereby eligible to receive payments for "tuition" or "tuition
13 and maintenance" from Commonwealth, ~~intermediate unit~~ or school <—
14 district funds.

15 "Exceptional children." Includes ~~the following:~~ <—

16 ~~(1) Children~~ CHILDREN of school age ~~or~~ WHO deviate below <—
17 the average in physical, mental, emotional or social
18 characteristics to such an extent that they require special
19 educational programs, facilities or services and shall
20 include all children in detention homes

21 ~~(2) Mentally~~ AND MENTALLY gifted children of school age <—
22 who deviate above the average in mental characteristics to
23 such an extent that they require special educational
24 programs, facilities or services. The State board shall
25 promulgate regulations establishing criteria for identifying
26 the category of exceptional children enumerated in this
27 ~~paragraph~~ DEFINITION. Parents and guardians shall have the <—
28 right to reject the placement of the child in programs as
29 stated in this ~~paragraph~~ DEFINITION. <—

30 "School age for exceptional children." Includes persons

1 defined in section 4701 (relating to right to free public
2 education) and also those exceptional children, as determined by
3 the department, who have not yet reached school age but are of
4 the age at which preschool programs are being made available to
5 nonexceptional children in the same school district. Every <—
6 ~~exceptional child or person enrolled in a special education~~
7 ~~program on or before September 1, 1979, shall receive a minimum~~
8 ~~of eight years of instruction. This does not apply to~~
9 ~~institutionalized individuals.~~

10 "Special education." An education program adjusted to meet
11 the specific educational needs of exceptional children.

12 § 4102. Evaluation of suspected exceptional children.

13 (a) General rule.--When thought to be exceptional or
14 identified as exceptional in accordance with section 4725
15 (relating to periodic census of school children in district) a
16 child shall be examined by a person certified as a public school
17 psychologist and by any other expert needed to determine the
18 nature and degree of the exceptional condition of the child.

19 (b) Notice to parents.--No examination shall be done as
20 provided in subsection (a) unless the parents OR GUARDIAN of the <—
21 child are provided prior notice of the examination and informed
22 of their rights to object to the evaluation and request a
23 hearing in accordance with the regulations of the State board.
24 In addition, the results of the examination shall be reported to
25 the parents OR GUARDIAN after such time as may be necessary for <—
26 the public school psychologist and other experts to determine
27 the nature and degree of the exceptional condition of the child.

28 (c) Child entitled to special education.--A child evaluated
29 as exceptional shall be entitled to a special education program
30 in accordance with the provisions of this chapter.

1 § 4103. Hearings for assignment of exceptional children.

2 The parent OR GUARDIAN of a child evaluated in accordance
3 with section 4102 (relating to evaluation of suspected
4 exceptional children) shall be entitled to notice and the
5 opportunity for a hearing in a form prescribed by the State
6 board prior to the assignment or reassignment of the child.

7 § 4104. Reports on exceptional children.

8 The district superintendent of each school district shall
9 submit reports on exceptional children to the intermediate unit.
10 The reports shall be in a manner prescribed by the department
11 and shall include, but not be limited to:

12 (1) A report of all children evaluated in accordance
13 with section 4102 (relating to evaluation of suspected
14 exceptional children) and found to be exceptional.

15 (2) A report of all children residing in the school
16 district who are enrolled in special programs in public or
17 approved private schools.

18 (3) Any other reports which shall be prescribed by the
19 department.

20 SUBCHAPTER B

21 PROGRAMS FOR EXCEPTIONAL CHILDREN

22 Sec.

23 4111. Plans for education of children.

24 4112. Regulations and standards for education of children.

25 4113. Special education programs, classes and schools.

26 4114. Instruction of children in the home.

27 4115. Placement of extraordinary exceptional children.

28 § 4111. Plans for education of children.

29 (a) Preliminary information.--Each school district, as the
30 school entity primarily responsible for the education of

1 exceptional children, shall provide to its intermediate unit
2 such information as may be necessary to prepare the plan
3 described in subsection (b).

4 (b) Preparation and approval of plan.--Each intermediate
5 unit working cooperatively with each school district within its
6 area shall annually, on or before June 1, prepare and submit for
7 approval or disapproval to the department an updated plan for
8 the proper education and training of all exceptional children
9 within the intermediate unit and component districts in
10 accordance with the standards of the department and REGULATIONS <—
11 OF the State board. The department shall approve such
12 intermediate unit plan in accordance with section 705 (relating
13 to departmental approval of plans) with special attention to
14 eliminating unnecessary duplication of existing facilities and
15 programs, both public and private, except that the department
16 shall have 90 days to act.

17 ~~(1) The intermediate unit plan shall be derived from~~ <—
18 ~~plans submitted to the intermediate unit by its component~~
19 ~~school districts. The intermediate unit plan shall include a~~
20 ~~detailed description of all special classes to be offered or~~
21 ~~other special education services to be secured including an~~
22 ~~indication of the amount and source of funding for each class~~
23 ~~or service and an indication of the projected per pupil cost.~~

24 ~~(2) Prior to the submission of the plan to the~~
25 ~~department, the plan shall be submitted in a proposed form by~~
26 ~~the intermediate unit to each school district within its area~~
27 ~~for review and comment. Following opportunity for review and~~
28 ~~comment, the proposed plan in final form shall be submitted~~
29 ~~to each school district for vote upon the plan by the board~~
30 ~~of school directors of each district. Only if the plan is~~

1 ~~adopted by at least two thirds of the boards of school~~
2 ~~directors of the school districts may the intermediate unit~~
3 ~~then submit the plan to the department for approval or~~
4 ~~disapproval.~~

5 ~~(3) It shall be the duty of the intermediate unit to~~
6 ~~provide every school district within the intermediate unit~~
7 ~~with such information as may be necessary for the boards to~~
8 ~~fulfill their responsibility of approval or disapproval.~~

9 ~~Further, the board of school directors may contract with~~
10 ~~independent programmatic and fiscal experts to review the~~
11 ~~plans submitted by the intermediate unit prior to vote.~~

12 ~~(4) After the plan is approved by the department, the~~
13 ~~special education of all exceptional children within the~~
14 ~~intermediate unit area shall be in accordance with the~~
15 ~~approved plan.~~

16 ~~(5) A plan once approved by the department may be~~
17 ~~amended without acceptance of the amendment by two thirds~~
18 ~~vote of the component school districts only if the amendment:~~

19 ~~(i) concerns one district or group of districts;~~

20 ~~(ii) is acceptable to the intermediate unit and the~~
21 ~~district or group of districts which the amendment~~
22 ~~concerns;~~

23 ~~(iii) does not decrease the services, funds or~~
24 ~~resources made available to the remaining districts under~~
25 ~~the approved plan or increase the responsibilities of the~~
26 ~~districts under the approved plan; and~~

27 ~~(iv) is submitted to and approved by the department.~~

28 ~~(c) Revision of plan. Plans provided for in this section~~
29 ~~shall be revised as conditions warrant, subject to the approval~~
30 ~~of the department.~~

1 ~~(d) Status of plan. The plan to be submitted under this~~
2 ~~section shall be considered a "regulation" for the purpose of~~
3 ~~section 103(c) (relating to rulemaking procedure).~~

4 (1) EACH SCHOOL DISTRICT SHALL INCLUDE IN ITS LONG-RANGE <—
5 PLAN PROCEDURES FOR THE EDUCATION OF ALL EXCEPTIONAL SCHOOL-
6 AGED PERSONS.

7 (2) EACH INTERMEDIATE UNIT SHALL PREPARE A COMPREHENSIVE
8 PLAN FOR THE EDUCATION OF EXCEPTIONAL SCHOOL-AGED PERSONS
9 WHICH INCLUDES THE DISTRICT PLANS, THE INTERMEDIATE UNIT PLAN
10 AND COMBINATION OF THE TWO PLANS. THIS PLAN SHALL INCLUDE ALL
11 PROGRAMS AND SERVICES AVAILABLE INCLUDING WELFARE AGENCIES,
12 APPROVED PRIVATE SCHOOLS AND OTHER PRIVATE AGENCIES.

13 (3) THE ~~SECRETARY~~ DEPARTMENT SHALL PRESCRIBE THE FORMAT <—
14 AND CONTENT OF THE INTERMEDIATE UNIT AND SCHOOL DISTRICT
15 PLANS.

16 § 4112. Regulations and standards for education of children.

17 (a) Regulations.--The State board shall promulgate
18 regulations for the proper education and training of all
19 exceptional children by school districts, intermediate units,
20 approved private schools and the department.

21 (b) Standards.--The ~~State board~~ ~~SECRETARY~~ DEPARTMENT shall <—
22 issue standards by which programs and services shall be
23 established, operated and maintained for the education and
24 training of all exceptional children regardless of the school in
25 which the child is enrolled, and require for such purpose any
26 reports ~~it~~ THE ~~SECRETARY~~ DEPARTMENT deems necessary. The <—
27 standards shall recognize such factors as:

28 (1) Numbers of exceptional children.

29 (2) Types of handicaps.

30 (3) Adequacy of existing provisions including supportive

services and modes of transportation.

(4) Sufficiency of facilities including type, kind, quality and location.

(5) Composition and size of classes.

(6) Conditions of admission and withdrawal of students.

(7) Qualifications of teachers and supportive personnel.

~~(c) Adoption of rules, REGULATIONS AND STANDARDS. All rules, regulations and standards promulgated or issued by the State board OR THE SECRETARY UNDER THIS SECTION SHALL BE ADOPTED IN COMPLIANCE WITH SECTION 508 (RELATING TO LEGISLATIVE ACTION ON RULES OR REGULATIONS) OR 702(B) (RELATING TO POWERS AND DUTIES OF SECRETARY), WHICHEVER IS APPROPRIATE.~~ <— <— <—

~~(d) Changes in regulations and standards. No change in the regulations or standards, other than editorial changes, shall be adopted by the State board or the department, as the case may be, until each intermediate unit has notified the public of the time, place and subject of a public hearing on the proposed change in the manner provided for notice of public meetings in section 5 of the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law, and each intermediate unit has held a public hearing on the proposed change in which members of the public attending the hearing are provided an opportunity to express opposition or support for the proposed change and each intermediate unit has submitted to the State board, in the case of regulations, or the department, in the case of standards, a summary of the statements made at the hearings in opposition or support of the change which summary shall include an indication of the number of individuals in attendance at the hearing who demonstrated opposition and the number who demonstrated support.~~

1 § 4113. Special education programs, classes and schools.

2 (a) Duty of school district.--It shall be the duty of the
3 board of school directors of every school district to provide
4 and maintain special education programs, for the proper
5 education and training of exceptional children in accordance
6 with the approved intermediate unit plan. Whenever educationally
7 feasible exceptional children shall be educated within regular
8 or special classes operated by the school district of their
9 residence.

10 (b) Duty of intermediate unit.--The intermediate unit shall
11 have the power and the duty to provide classes for exceptional
12 children who cannot be educated in a regular or special class
13 operated by a school district. The determination as to whether
14 or not such a child can or cannot be educated in a school
15 district operated class rests with the district in which the
16 child resides and shall be made in accordance with the
17 individual and educational needs of the child, the requirements
18 of least restrictive environment and due process procedures for
19 exceptional children.

20 (c) Authority of department.--Where, in the judgment of the
21 department, the provisions of this title relating to the proper
22 education and training of exceptional children have not been
23 complied with or the needs of exceptional children are not being
24 adequately served, the department is authorized to provide,
25 operate, lease, maintain, administer and supervise programs,
26 services and facilities as needed.

27 (d) Enrollment in private schools.--The department shall
28 have the power and the duty to approve enrollment of certain
29 exceptional children in approved private schools in accordance
30 with the plan submitted under section 4111 (relating to plans

1 for education of children) and with State board regulations and
2 standards promulgated by the department.

3 § 4114. Instruction of children in the home.

4 (a) Definition.--As used in this section "instruction in the
5 home" means special education programs provided in the home to
6 exceptional children and their parents.

7 (b) General rule.--The intermediate unit shall provide
8 instruction in the home to all exceptional children eligible for
9 such programs and services.

10 (c) Eligibility.--Instruction in the home shall not be
11 viewed as a preferred placement or as homebound instruction as
12 defined in section 3710 (relating to program for homebound
13 instruction) but shall be reserved for those few exceptional
14 children unable to attend an organized school program.

15 § 4115. Placement of extraordinary exceptional children.

16 (a) Definition.--As used in this section "extraordinary
17 exceptional child" means a child who is functioning at an
18 extremely limited level due to severe mental or physical
19 handicaps or a combination thereof, to the extent that the child
20 cannot profit from a program in the public schools.

21 (b) General rule.--Any child who is determined to be
22 extraordinarily exceptional shall be provided a placement
23 jointly by the school district and the Departments of Education
24 and Public Welfare or by the school district and the Departments
25 of Education and Health into a program appropriate to the needs
26 of the child. The parents of the child shall be entitled to the
27 protections of the provisions of section 4103 (relating to
28 hearings for assignment of exceptional children).

29 SUBCHAPTER C

30 FINANCE RELATING TO EXCEPTIONAL CHILDREN

1 Sec.

2 4121. Child member of district for reimbursement.

3 4122. Payments for programs and schools operated by department.

4 4123. Tuition charges for children in private schools.

5 4124. Tuition payments for children in private schools.

6 4125. Tuition charges for children in chartered schools.

7 § 4121. Child member of district for reimbursement.

8 The average daily membership of students enrolled in programs
9 for exceptional children operated by an intermediate unit or by
10 the department shall be credited to the school district of
11 residence for the purpose of determining the weighted average
12 daily membership of the school district.

13 § 4122. Payments for programs and schools operated by
14 department.

15 For each child enrolled in any special program or school for
16 exceptional children operated by the department pursuant to
17 section 4113(c) (relating to special education programs, classes
18 and schools), the school district in which the child is resident
19 shall pay the Commonwealth a sum equal to 110% of the "tuition
20 charge per elementary or secondary school student" as determined
21 for the schools operated by the district based upon the costs of
22 the preceding school year as provided for in section 2972
23 (relating to determination of charges for nonresident students).

24 § 4123. Tuition charges for children in private schools.

25 (a) Allocation of liability for tuition.--When any child of
26 school age residing in this Commonwealth who is blind, deaf,
27 cerebral palsied, brain damaged, muscular dystrophied or
28 mentally retarded or socially and emotionally disturbed is
29 enrolled, with the approval of the department, in an approved
30 private school, the school district in which the child is a

1 resident shall pay 20% of the charges for "tuition and
2 maintenance" of each child and the department, out of funds
3 appropriated for special education, shall pay 80% of the
4 charges, not to exceed the amounts specified in subsection (c).

5 (b) Liability where resident district unascertainable.--If
6 the school district of residence of the children described in
7 subsection (a) cannot be determined, the department shall pay
8 the total charges for "tuition" or "tuition and maintenance" of
9 any such child enrolled in an approved private school, not to
10 exceed the amounts specified in subsection (c).

11 (c) Maximum charges.--In no event shall the total charges
12 for:

13 (1) Tuition and maintenance for residential students
14 exceed \$10,500 a year.

15 (2) Tuition for deaf or blind or cerebral palsied or
16 muscular dystrophied day students exceed \$6,100 a year.

17 (3) Tuition for brain damaged or mentally retarded or
18 socially and emotionally disturbed day students exceed \$5,100
19 a year.

20 (d) Nonschool age children.--When any person above or below
21 school age with the types of exceptionalities listed in
22 subsection (a) is enrolled, with the approval of the department
23 in accordance with State board regulations, in an approved
24 private school, the charges for "tuition" or "tuition and
25 maintenance" of the persons shall be paid by the department. The
26 payments shall be made out of funds appropriated to special
27 education. Charges for students enrolled pursuant to this
28 subsection shall be determined according to subsection (c).

29 (e) Charges to students or parents.--No private institution
30 receiving payment in accordance with this section may impose any

1 charge on the student or parents who are Pennsylvania approved
2 reimbursable residents for a program of instruction and
3 maintenance appropriate to the needs of the student except that
4 charges for programs not part of the normal school year may be
5 made.

6 (f) Vocational education programs.--Where the private
7 institution provides a vocational education program to the
8 students enrolled therein as an established and integral part of
9 its on-going approved program and where the department deems the
10 program to be necessary because of the unavailability of an
11 appropriate program for the students, the maximum rate payable
12 shall be increased by the audited cost of the program per
13 approved Pennsylvania resident enrolled in the program.

14 (g) Multihandicapped students.--Where the private
15 institution provides special education programs for
16 multihandicapped students which is adjudged necessary by the
17 department, the maximum rate payable shall be increased by 75%
18 for the second severe handicap, 85% for the third severe
19 handicap and 100% for more than three severe handicaps.

20 (h) Audits.--The department shall be provided with such
21 financial data from private schools as may be necessary to
22 determine the reasonableness of charges for tuition and room and
23 board of the institution made on Pennsylvania resident approved
24 reimbursed students. The department shall evaluate the data and
25 shall disallow any charge deemed unreasonable. Any charges
26 deemed unreasonable by the department for disallowance shall be
27 considered an adjudication within the meaning of Title 2
28 (relating to administrative law and procedure). For the purpose
29 of providing adequate administration of the program and to carry
30 out the preaudit functions authorized in this subsection, 0.50%

1 of the total appropriations for approved private schools from
2 all funds shall be allocated to the department.

3 § 4124. Tuition payments for children in private schools.

4 (a) School district share.--Amounts due by school districts
5 for the "tuition" or "tuition and maintenance" of the
6 exceptional children defined in section 4123 (relating to
7 tuition charges for children in private schools) shall be
8 withheld by the department from any moneys due to the school
9 districts out of any Commonwealth appropriations. Amounts
10 withheld shall be paid to the approved private schools by
11 warrant of the Auditor General upon the State Treasurer after
12 requisition of the department, for which purpose all amounts
13 withheld are hereby specifically appropriated to the department
14 for special education.

15 (b) Commonwealth share.--Payment of the Commonwealth's
16 portion of the charges of "tuition" or "tuition and maintenance"
17 of the exceptional children defined in section 4123 shall be
18 made quarterly out of moneys appropriated to the department for
19 special education by warrant of the Auditor General upon the
20 State Treasurer after requisition by the department.

21 (c) Periodic review of payments.--The maximum amount payable
22 for the charges of "tuition" or "tuition and maintenance" of
23 exceptional children shall be subject to review at least every
24 two years for the purpose of recommending an adjustment.

25 § 4125. Tuition charges for children in chartered schools.

26 (a) Definition.--As used in this section "chartered school"
27 means any of the following chartered schools for the education
28 of the deaf or the blind:

29 (1) The ~~Seranton State~~ PENNSYLVANIA School for the Deaf. <—

30 (2) The Overbrook School for the Blind.

1 (3) The Western Pennsylvania School for Blind Children.

2 (4) The Western Pennsylvania School for the Deaf.

3 (b) General rule.--When any deaf or blind child of school
4 age residing in this Commonwealth is enrolled, with the approval
5 of the department, as a student in any chartered school in
6 accordance with standards OF THE DEPARTMENT and regulations <—
7 ~~promulgated by the Council of Basic Education~~ OF THE STATE <—
8 BOARD, the school district in which the child is a resident
9 shall pay 20% of the actual cost of tuition and maintenance of
10 the child in the school as determined by the department and the
11 department shall pay, out of funds appropriated for special
12 education, 80% of the actual cost of their tuition and
13 maintenance as determined by the department.

14 (c) Liability where resident district unascertainable.--If
15 the residence of the child in a particular school district
16 cannot be determined, the department shall pay, out of moneys
17 appropriated for special education, the entire cost of tuition
18 and maintenance of the child.

19 (d) Nonschool age children.--When any deaf or blind child
20 less than school age residing in this Commonwealth is enrolled,
21 with the approval of the department, as a residential student in
22 any chartered school, the department shall pay to the school,
23 out of moneys appropriated for special education, the actual
24 cost of tuition and maintenance of the child as determined by
25 the department subject to review and approval in accordance with
26 standards OF THE DEPARTMENT and regulations ~~promulgated by the~~ <—
27 ~~Council of Basic Education~~ OF THE STATE BOARD and, in addition, <—
28 in the case of any child less than school age who is blind, the
29 cost as determined by the department of instructing the parent
30 of the blind child in caring for the child.

1 (e) Limitation on other charges by schools.--None of the
2 chartered schools receiving payment in accordance with this
3 section shall impose any charge on the student or parents who
4 are approved reimbursable residents for a program of instruction
5 and maintenance appropriate to the needs of the child except
6 that charges for programs not part of the normal school year may
7 be made.

8 (f) Audits.--The department shall be provided with such
9 financial data from each chartered school as may be necessary to
10 determine the reasonableness of charges for tuition and room and
11 board of each chartered school made on Pennsylvania resident
12 approved students. The department shall evaluate the data and
13 shall disallow any charge deemed unreasonable. Any charges
14 deemed unreasonable by the department for disallowance shall be
15 considered an adjudication within the meaning of Title 2
16 (relating to administrative law and procedure).

17 SUBCHAPTER D

18 PROVISIONS APPLICABLE TO CERTAIN

19 EXCEPTIONAL CHILDREN

20 Sec.

21 4131. Instruction for parents of the blind.

22 4132. Higher education expenses for blind and deaf persons.

23 4133. Providing special personnel and equipment.

24 § 4131. Instruction for parents of the blind.

25 (a) General rule.--The department is authorized to instruct
26 parents of blind children below school age in the care of such
27 children.

28 (b) Payment of costs.--The cost of the programs shall be
29 paid out of moneys appropriated to the department for special
30 education.

1 § 4132. Higher education expenses for blind and deaf persons.

2 (a) General rule.--The department may make provisions for
3 defraying the necessary expenses, not to include tuition, of any
4 blind or deaf person regularly enrolled in a course of higher
5 education approved by the department.

6 (b) Limitations.--The amount expended out of the moneys
7 appropriated for this purpose shall not exceed \$500 a year for
8 each person and shall not be considered by any other department
9 of the Commonwealth in determining eligibility for, or amounts
10 of, aid or programs provided to the person by those departments.

11 § 4133. Providing special personnel and equipment.

12 (a) General rule.--Any child of school age who is blind,
13 partially sighted, deaf, hard of hearing or afflicted with
14 cerebral palsy and enrolled in an approved program of education
15 in any of the public schools of this Commonwealth may be
16 provided with readers, helpers, guides, appliances, aids or
17 devices.

18 (b) Reimbursement of school district.--The Commonwealth
19 shall reimburse school districts out of moneys appropriated to
20 the department an amount equal to the costs of the services and
21 equipment multiplied by the district's aid ratio when the
22 expenditures are made in accordance with a budget approved by
23 the department. The total expenditure by the Commonwealth shall
24 not exceed 75% of the amount of tuition and maintenance for
25 residential students allowed in section 4123(c) (relating to
26 tuition charges for children in private schools).

27 CHAPTER 43

28 SUPPORTIVE SERVICES

29 Subchapter

30 A. Educational Media

- 1 B. Library Program
- 2 C. Food Service
- 3 D. Student Personnel Services
- 4 E. School Health Services
- 5 F. Transportation

6 SUBCHAPTER A

7 EDUCATIONAL MEDIA

8 Sec.

9 4301. Educational broadcasting and communication technologies.

10 4302. Expenditure of funds for media purposes.

11 § 4301. Educational broadcasting and communication
12 technologies.

13 (a) State plan.--The State board shall adopt and amend, when
14 necessary, a State Plan for Educational Broadcasting. The State
15 plan shall provide for the development of educational
16 broadcasting facilities in this Commonwealth and shall define
17 educational broadcasting service areas which shall be served by
18 specified broadcasting centers. The department shall adopt
19 standards to implement the State plan. Prior to adoption or
20 amendment of the State plan, the board shall submit the plan to
21 the Pennsylvania Public Television Network Commission and
22 receive its comments thereon.

23 (b) Agreements by school entities.--The governing boards of
24 any school entity may enter into agreements with nonprofit or
25 commercial organizations for the purpose of broadcasting and
26 other related educational communication activities.

27 (c) Agreements by department.--The department may enter into
28 agreements with educational or commercial radio or television
29 networks or stations, nonprofit organizations, cable operators
30 or television production centers or nonpublic schools or any

1 other appropriate agency for the purpose of educational
2 broadcasting and other educational communication technologies.

3 (d) Contracts for broadcasts.--The department and governing
4 boards of any school entities may contract for educational
5 broadcasts for students or adults, using State funds or State-
6 administered Federal funds appropriated for that purpose or
7 private grants or gifts.

8 (e) Operation of broadcasting stations.--In accordance with
9 the State Plan for Educational Broadcasting, the department may
10 establish or operate a broadcasting station or purchase, produce
11 or contract to purchase or produce tapes, films and other
12 recordings for educational uses.

13 § 4302. Expenditure of funds for media purposes.

14 Whenever funds become available from any source for
15 educational media purposes, the department may expend the funds
16 for these purposes. Media purposes include, but are not limited
17 to:

18 (1) Making grants to intermediate units for the
19 expansion of instructional materials service programs which
20 have been developed in accordance with regulations of the
21 State board and standards of the department.

22 (2) Establishing and, where necessary, operating pilot
23 educational television and communications projects.

24 (3) Purchasing, producing and contracting for the
25 purchase or production of tapes, films, recordings and other
26 materials for educational use.

27 (4) Making special grants to school entities, State
28 colleges, educational broadcasting councils and stations,
29 commercial television and other agencies for educational
30 broadcasting services and other communications services

1 procured by them where it is determined by the department
2 that the awarding of special grants will materially encourage
3 the use of educational television facilities and other
4 educational communication technologies.

5 (5) Establishing educational television facilities and
6 other educational communication technologies in accordance
7 with State plans.

8 (6) Establishing network facilities to link educational
9 broadcasting facilities and other educational communication
10 technologies as may be required by State plans.

11 (7) Improving the preparation of teachers and students
12 utilizing various communication technologies by pre-service
13 and in-service training workshops, publications and similar
14 methods.

15 (8) Performing other functions required by educational
16 communication technologies.

17 SUBCHAPTER B

18 LIBRARY PROGRAM

19 Sec.

20 4311. Comprehensive school library program.

21 § 4311. Comprehensive school library program.

22 Every school district shall develop, in accordance with
23 regulations of the State board, a comprehensive library program
24 meeting standards established by the department. THE PROGRAM <—
25 DEVELOPED UNDER THIS SECTION SHALL BE AN INTEGRAL PART OF THE
26 SCHOOL DISTRICT. Cooperation and coordination with local,
27 county, district and other public-funded library systems
28 consistent with these standards shall be effected to the
29 greatest extent possible to avoid unnecessary duplication of
30 services.

SUBCHAPTER C

FOOD SERVICE

Sec.

4321. Food service facilities in schools.

4322. Free food for needy students.

4323. Nonprofit child nutrition program.

§ 4321. Food service facilities in schools.

(a) General rule.--Any governing board shall have the power to establish, equip, maintain and operate food service facilities or to contract for any services necessary for the operation of a food service program in any of the schools under its jurisdiction AND TO ESTABLISH POLICY DETERMINING TO WHOM FOOD MAY BE SOLD.

(b) Price of food served.--The food served shall be sold to the students and school employees at a price that will not materially exceed the cost of operation.

(c) Food service fund.--A separate fund shall be maintained for the food service programs and any balance of funds accruing from the operation may be used only for the improvement or maintenance of the food service programs.

§ 4322. Free food for needy students.

Any governing board may furnish food, including milk, to under-nourished and ECONOMICALLY deprived students attending their schools at the expense of the school entity.

§ 4323. Nonprofit child nutrition program.

(a) Definition.--As used in this section "child nutrition program" means a program under which food is served by any school on a nonprofit basis to children in attendance, including a program under which a school receives assistance out of funds appropriated by the Congress of the United States.

1 (b) Disbursement of Federal funds.--The department is
2 authorized to accept and direct the disbursement of funds
3 appropriated by any act of Congress and apportioned to this
4 Commonwealth for use in connection with child nutrition
5 programs. The department shall deposit the funds received from
6 the Federal Government in a special account with the State
7 Treasurer who shall make disbursements therefrom upon the
8 direction of the department.

9 (c) Administration of program.--The department may enter
10 into agreements with any agency of the Federal Government, with
11 any governing board or with any other sponsoring agency or
12 person, prescribe standards, employ personnel and take other
13 necessary action to provide the establishment, maintenance,
14 operation and expansion of any child nutrition program and to
15 direct the disbursement of Federal and State funds in accordance
16 with any applicable provisions of Federal or State law.

17 (d) Use of non-Federal funds.--Pursuant to any power of
18 governing boards and other sponsors to operate or provide for
19 the operation of child nutrition programs in schools under their
20 jurisdiction, governing boards and other sponsors may, in
21 addition to funds disbursed to them under the provisions of this
22 section, use gifts and other funds received from the sale of
23 school food under the programs.

24 (e) Studies and reports by department.--The department may,
25 to the extent that funds are available for that purpose and in
26 cooperation with other appropriate agencies and organizations,
27 conduct studies of methods of improving and expanding school
28 food programs and promoting nutritional education in the
29 schools, conduct appraisals of the nutritive benefits of school
30 food programs and report its findings and recommendations, from

1 time to time, to the Governor.

2 SUBCHAPTER D

3 STUDENT PERSONNEL SERVICES

4 Sec.

5 4331. Student personnel services program.

6 4332. Students absent for lack of necessities.

7 4333. Attendance officers and home and school
8 visitors/school social workers.

9 4334. Special police for traffic and crowd control.

10 § 4331. Student personnel services program.

11 (a) General rule.--Each school entity may provide a program
12 of student personnel services to all students enrolled in the
13 public schools of the entity.

14 (b) Scope of program.--The program of student personnel
15 services may include, but need not be limited to:

16 (1) Guidance and counseling.

17 (2) Psychological services.

18 (3) Social work.

19 (4) Health services as provided for in section 4341
20 (relating to school health services program).

21 (5) Enforcement of compulsory attendance.

22 (6) Other services defined by the State board or by the
23 board of school directors.

24 § 4332. Students absent for lack of necessities.

25 Whenever it comes to the attention of the governing board,
26 the board secretary, the attendance officer, home and school
27 visitor/school social worker, principal or chief executive
28 officer that any student of compulsory school age is prevented
29 from attending school because of lack of necessary food,
30 clothing, or other necessities of life, the case shall be

promptly reported to any suitable relief agency operated in the school district. If there is no suitable agency within the school district, the case shall be reported to the proper county board of assistance for investigation and relief.

§ 4333. Attendance officers and home and school visitors/school social workers.

(a) Employment.--The board of school directors of each school district shall employ one or more attendance officers, or home and school visitors/school social workers, to enforce the compulsory attendance provisions of this title.

(b) Powers.--The attendance officers, or home and school visitors/school social workers, shall possess all the powers and duties of municipal police officers in order to enforce the compulsory attendance provisions of Chapter 47 (relating to students).

(c) Certification or training.--All home and school visitors/school social workers shall be certificated in accordance with Chapter 51 (relating to personnel). All attendance officers shall possess adequate training for the performance of their duties as detailed in job descriptions established by the school district.

§ 4334. Special police for traffic and crowd control.

Governing boards may enter into agreements with local municipalities, private persons or corporations to provide special police for the directing and controlling of traffic and crowds at or near schools.

SUBCHAPTER E

SCHOOL HEALTH SERVICES

Sec.

4341. School health services program.

1 4342. Powers and duties of ~~Secretary~~ DEPARTMENT of Health <—
2 and ~~Secretary~~ DEPARTMENT of Education. <—
3 4343. Physical and dental examinations of students.
4 4344. Immunization of children prior to admission to school.
5 4345. Objections to examination or treatment on religious
6 grounds.
7 4346. Examinations of school buildings and grounds.
8 4347. Fire drills and instruction.
9 § 4341. School health services program.
10 (a) General rule.--Each school district in this Commonwealth
11 shall provide a program of health services in accordance with
12 regulations and standards of the ~~Secretary~~ DEPARTMENT of Health <—
13 to every student enrolled in a public or nonpublic school in the
14 school district. The program shall include, but need not be
15 limited to:
16 (1) Identification of the health needs of the school
17 district's population of compulsory school age.
18 (2) A comprehensive assessment of the health status and
19 health history of each child entering school which shall
20 include, but need not be limited to:
21 (i) A vision test by a school nurse or medical
22 technician under the supervision of a school nurse.
23 (ii) A hearing test by a school nurse or medical
24 technician under the supervision of a school nurse.
25 (iii) Anthropometry by a school nurse or medical
26 technician or teacher.
27 (iv) Assessment of immunization status.
28 (v) A medical examination by a school physician.
29 (vi) A dental examination by a school dentist. This
30 requirement does not apply to school districts which have

1 instituted a program of dental hygiene services approved
2 by the ~~Secretary~~ DEPARTMENT of Health. <—

3 (3) Periodic monitoring of the health of each student
4 which shall include, but need not be limited to:

5 (I) ANNUAL TESTING AND ASSESSMENT AS DESCRIBED IN <—
6 PARAGRAPH 2(I).

7 ~~(i)~~ (II) Periodic testing and assessment as <—
8 described in paragraph (2)~~(i)~~, (ii), (iii) and (iv). <—

9 ~~(ii)~~ (III) At least one medical examination by a <—
10 school physician before the student enters the eighth
11 grade.

12 ~~(iii)~~ (IV) A dental examination by a school district <—
13 for each student enrolled in the third grade and in the
14 seventh grade. This requirement does not apply to school
15 districts which have instituted a program of dental
16 hygiene services approved by the ~~Secretary~~ DEPARTMENT of <—
17 Health.

18 (b) Modified programs.--Upon petition by the board of school
19 directors, the ~~Secretary~~ DEPARTMENT of Health may modify the <—
20 school health services program specified in this section in
21 order to meet local conditions in individual school districts.
22 The modified program shall provide ~~adequate~~ APPROVED medical and <—
23 dental services.

24 (c) Employment of health professionals.--To provide services
25 in the school health program, the school district shall employ
26 the necessary health personnel. The personnel shall include, but
27 need not be limited to:

28 (1) School physicians who shall be physicians as defined
29 in the act of October 5, 1978 (P.L.1109, No.261), known as
30 the "Osteopathic Medical Practice Act", and the act of July

20, 1974 (P.L.551, No.190), known as the "Medical Practice Act of 1974."

(2) School nurses properly certificated under Chapter 51 (relating to personnel). The number of students under the care of each school nurse shall not exceed 1,500.

~~(3) To carry out the requirements of subsection~~
~~(a)(3)(iii), a~~ A school dentist or one or more dental
hygienists TO CARRY OUT THE REQUIREMENTS OF SUBSECTION
(A)(3)(IV).

~~(D) ADMINISTRATION OF MEDICINAL PREPARATIONS. EACH SCHOOL~~
~~DISTRICT WITH THE ADVICE OF THE SCHOOL OR DISTRICT PHYSICIAN MAY~~
~~ESTABLISH SPECIFIC POLICY AND REGULATIONS CONCERNING THE~~
~~ADMINISTRATION OF MEDICINAL PREPARATIONS BY A SCHOOL NURSE OR,~~
~~IN THE ABSENCE OF SUCH NURSE, BY THE PRINCIPAL OR, IN THE~~
~~ABSENCE OF THE PRINCIPAL, THE DESIGNATED PROFESSIONAL BUILDING~~
~~SUPERVISOR AND SHALL SUBMIT THE SPECIAL POLICY AND REGULATIONS~~
~~TO THE DEPARTMENT OF HEALTH FOR APPROVAL AND SUBJECT TO THE~~
~~FOLLOWING CONDITIONS:~~

~~(1) PHYSICIAN'S ORDERS FOR MEDICINAL PREPARATIONS TO BE~~
~~ADMINISTERED SHALL SPECIFY IN WRITING THE DURATION OF THE~~
~~ORDER, NAME OF THE DRUG AND THE DOSE AND SHALL BE RENEWED~~
~~EACH SCHOOL YEAR.~~

~~(2) EACH SCHOOL WHEREIN ANY MEDICINAL PREPARATIONS ARE~~
~~ADMINISTERED SHALL KEEP A BOUND BOOK WITH CONSECUTIVELY~~
~~NUMBERED PAGES IN WHICH SHALL BE RECORDED IN INK THE~~
~~ADMINISTRATION OF MEDICINAL PREPARATIONS IN EACH CASE~~
~~SHOWING:~~

~~(I) THE DATE AND TIME OF ADMINISTRATION.~~

~~(II) THE NAME OF THE STUDENT TO WHOM MEDICINAL~~
~~PREPARATION WAS ADMINISTERED.~~

~~(III) THE KIND AND QUANTITY OF MEDICINAL
PREPARATION.~~

~~(IV) THE NAME OF THE PRESCRIBING PHYSICIAN.~~

~~(V) THE SIGNATURE OF THE NURSE, PRINCIPAL OR THE
DESIGNATED PROFESSIONAL BUILDING SUPERVISOR OF THE SCHOOL
ADMINISTERING THE MEDICINAL PREPARATION.~~

~~(3) TRANSACTIONS SO RECORDED SHALL NOT BE ALTERED.~~

~~(4) THE BOOK SHALL CONSTITUTE A RECORD WHICH SHALL BE
MADE AVAILABLE TO DEPARTMENT OF HEALTH REPRESENTATIVES AND
EACH RECORD SHALL BE KEPT IN A DESIGNATED PLACE FOR A PERIOD
OF TWO YEARS FROM THE DATE OF THE LAST TRANSACTION RECORDED
IN THE BOOK.~~

~~(5) THE SPECIFIC WRITTEN ORDER OF THE PHYSICIAN AND THE
WRITTEN AUTHORIZATION OF A PARENT OR GUARDIAN SHALL BE FILED
WITH THE STUDENT'S CUMULATIVE HEALTH RECORD AND KEPT AT LEAST
TWO YEARS AND, ACCORDING TO LOCAL POLICY, ALL WRITTEN
AUTHORIZATIONS SHALL BE RENEWED EACH SCHOOL YEAR.~~

~~(6) THE LOCAL REGULATIONS SHALL INCLUDE A PLAN UNDER
DIRECTION OF THE DISTRICT PHYSICIAN FOR ENABLING PERSONS
ADMINISTERING MEDICINAL PREPARATIONS TO ACQUIRE ADEQUATE
KNOWLEDGE AND SKILL TO SAFELY ADMINISTER THE PREPARATIONS.~~

~~(7) NOT MORE THAN ONE MONTH'S SUPPLY OF A PRESCRIBED
MEDICATION SHALL BE STORED IN A SCHOOL. THE PRESCRIBED
MEDICINAL PREPARATIONS SHALL BE STORED IN A DESIGNATED PLACE
SECURELY LOCKED AT ALL TIMES.~~

~~(E) DEFINITION. AS USED IN THIS SECTION THE TERM "MEDICINAL
PREPARATIONS" MEANS AND INCLUDES ONLY THOSE PREPARATIONS WHICH
MUST BE ADMINISTERED PURSUANT TO THE WRITTEN ORDER OF A
PHYSICIAN DURING HOURS THAT SCHOOL IS IN SESSION.~~

§ 4342. Powers and duties of Secretary DEPARTMENT of Health

<—

1 and ~~Secretary~~ DEPARTMENT of Education. <—

2 (a) ~~Secretary~~ DEPARTMENT of Health.--The ~~Secretary~~ <—

3 DEPARTMENT of Health shall: <—

4 (1) Prescribe the technical content of the medical,

5 dental, nursing and sanitary portions of school health

6 programs.

7 (2) Approve all appointments of school physicians and

8 school dentists, prescribe their duties and formulate and

9 prescribe standards for medical technicians and sanitary

10 officers for employment in the school health program.

11 (3) Suggest or recommend to the ~~State-board~~ DEPARTMENT <—

12 OF EDUCATION standards of qualification for school nurses and

13 dental hygienists for employment by a school district or

14 joint school board in the school health services program and

15 advise school administrators on matters connected with

16 carrying out the school health program.

17 (b) ~~Secretary~~ DEPARTMENT of Education.--The ~~Secretary~~ <—

18 DEPARTMENT of Education shall: <—

19 (1) Administer and supervise the educational and

20 teaching aspects of the health services programs.

21 (2) Approve certification of school nurses and dental

22 hygienists for employment by a school district or joint

23 school board and administer and direct their services and

24 program. The services of school nurses and dental hygienists

25 shall be utilized exclusively in connection with medical and

26 dental examinations and associated health activities.

27 (3) Advise the ~~Secretary~~ DEPARTMENT of Health and school <—

28 physicians and school dentists on matters pertaining to the

29 educational impact of the school health services program.

30 (c) ~~Secretary~~ DEPARTMENT of Health and ~~Secretary~~ DEPARTMENT <—

1 of Education.--The ~~Secretary~~ DEPARTMENT of Health and the <—

2 ~~Secretary~~ DEPARTMENT of Education, after consultation, shall: <—

3 (1) Adopt such records and report forms as will
4 facilitate the efficient operation, administration and
5 comprehensive evaluation of the school health program.

6 (2) Adopt and enforce rules and regulations for the
7 school health program not inconsistent with the provisions of
8 this part.

9 § 4343. Physical and dental examinations of students.

10 (a) Place and scope of examination.--The school physician
11 and school dentist shall conduct medical, dental and other
12 examinations in rooms in any appropriate and convenient facility
13 set aside for this special purpose, and equipped with adequate
14 facilities and with such other accessories as may be required by
15 the Department of Health for the thorough examination of
16 students. The school physicians shall require the removal of
17 sufficient clothing to insure complete examination.

18 (b) Presence of parents.--Parents of minor students shall be
19 advised in advance of the date of examination and urged to be
20 present. Medical examinations shall be made in the presence of
21 the parent of the student when so requested by the parent.

22 (c) Report of examinations to parents.--The ~~Secretary~~ <—

23 DEPARTMENT of Health shall, through the promulgation of <—

24 appropriate rules and regulations, insure that parents receive
25 reports of physical and dental examinations, including
26 recommendations for medical, surgical or dental care, but the
27 reports shall not be forwarded in cases described by the act of
28 February 13, 1970 (P.L.19, No.10), relating to consent by minors
29 to medical, dental and health services. In cases where such care
30 is needed and parents are unable to provide it, the school

1 district shall contact the appropriate agency to insure that the
2 care is provided.

3 (d) Examinations by own practitioner.--Any student may
4 furnish the local school officials with a VISION, medical or <—
5 dental report of examination made at his own expense by the
6 FAMILY OPTOMETRIST OR OPHTHALMOLOGIST, family physician or <—
7 family dentist on a form approved by the ~~Secretary~~ DEPARTMENT of <—
8 Health for that purpose.

9 (e) Special medical and dental examinations.--All teachers
10 shall report to the school nurse, school physician or school
11 dentist any unusual behavior, changes in physical appearance,
12 changes in attendance habits and changes in scholastic
13 achievement which may indicate impairment of a child's health.
14 The nurse or school physician or school dentist may, upon
15 referral from the teacher or on his own initiative, advise a
16 child's parent of the apparent need for a special OPTOMETRIC, <—
17 medical or dental examination. If a parent fails to report the
18 results to the nurse, school physician or school dentist, the
19 nurse, school physician or school dentist shall arrange a
20 special OPTOMETRIC, medical or dental examination for the child. <—
21 § 4344. Immunization of children prior to admission to school.

22 (a) General rule.--It shall be the duty of all school
23 directors, superintendents, principals or other persons in
24 charge of any public, private, parochial or other school,
25 including kindergarten, to ascertain that every child, prior to
26 admission to school for the first time, has been immunized, as
27 the ~~Secretary~~ DEPARTMENT of Health may direct, against such <—
28 diseases as shall appear on a list to be made and from time to
29 time reviewed by the Advisory Health Board. All certificates of
30 immunization shall be issued in accordance with the rules and

1 regulations promulgated by the ~~Secretary~~ DEPARTMENT of Health <—
2 with the sanction and advice of the Advisory Health Board.

3 (b) Penalty for violation.--Any person who shall fail,
4 neglect or refuse to comply with, or who shall violate, any of
5 the provisions or requirements of this section commits a summary
6 offense and shall, upon conviction thereof, be sentenced to pay
7 a fine of not less than \$5 nor more than \$100. All fines shall
8 be paid into the treasury of the school district.

9 (c) Exceptions.--The provisions of this section shall not
10 apply in the case of any child:

11 (1) Deemed to have a medical contraindication which may
12 contraindicate immunization and so certified by a physician.
13 The certificate may be accepted in lieu of a certificate of
14 immunization.

15 (2) Whose parent or guardian objects in writing to the
16 immunization on religious grounds.

17 § 4345. Objections to examination or treatment on religious
18 grounds.

19 (a) General rule.--No person may be compelled to submit to
20 any medical or dental examination or treatment under the
21 authority of this title when the person, or the parent of the
22 person if a minor, objects to the examination or treatment on
23 religious grounds, or to permit any discrimination against any
24 person on account of such objections.

25 (b) Exception.--The exemption from medical or dental
26 examination under subsection (a) shall not apply if the
27 ~~Secretary~~ DEPARTMENT of Health finds that facts exist under <—
28 which the exemption constitutes a present substantial menace to
29 the health of other persons exposed to contact with the
30 unexamined person.

1 § 4346. Examinations of school buildings and grounds.

2 The Department of Health shall employ inspectors or request
3 local health authorities to assign inspectors to make a careful
4 examination of the sanitary conditions of school buildings and
5 grounds in accordance with rules and regulations of the
6 Department of Health.

7 § 4347. Fire drills and instruction.

8 (a) General rule.--In all public schools where fire escapes,
9 appliances for the extinguishment of fires, or proper and
10 sufficient exits in case of fire or panic, are required by law
11 to be maintained, fire drills shall be conducted at least once a
12 month by the teacher or teachers in charge under rules and
13 regulations promulgated by the district superintendent as
14 approved by the board of school directors. During the fire
15 drills, the students and teachers shall be instructed in, and
16 made thoroughly familiar with, the use of the fire escapes,
17 appliances and exits. The drills shall include the actual use
18 thereof, and the complete removal of the students and teachers
19 in an expeditious and orderly manner, by means of fire escapes
20 and exits, from the building to a place of safety outside of the
21 building.

22 (b) Emergency bus evacuation.--All schools using or
23 contracting for school buses for the transportation of school
24 children shall conduct on school grounds two emergency
25 evacuation drills on buses during each school year, the first to
26 be conducted during the first full week of the first school term
27 and the second during the month of March, and at such other
28 times as the chief school administrator may require. Each drill
29 shall include the practice and instruction concerning the
30 location, use and operation of emergency exit doors and fire

1 extinguishers and the proper evacuation of buses in the event of
2 fires or accidents. Bus operators shall be provided with proper
3 training and instruction and may be required to attend classes
4 and drills to enable them to carry out the provisions of this
5 subsection. On or before April 10 of each year, each district
6 superintendent shall certify to the department that the
7 emergency evacuation drills required under this subsection have
8 been conducted.

9 (c) Duty of superintendents.--District superintendents shall
10 enforce the provisions of this section in the schools over which
11 they have charge.

12 (d) Penalty.--Any person who violates or fails to comply
13 with the provisions of this section commits a summary offense.

14 SUBCHAPTER F

15 TRANSPORTATION

16 Sec.

17 4351. Transportation of resident students.

18 4352. Transportation facilities and liability insurance.

19 4353. Appropriations to mass transportation authorities.

20 4354. Computation of distances for transportation purposes.

21 4355. Compensation in excess of transportation contract.

22 4356. Transportation or board and lodging for exceptional
23 students.

24 4357. Board and lodging for vocational-technical students.

25 § 4351. Transportation of resident students.

26 (a) Authority of school board.--The board of school
27 directors in any school district may, out of the funds of the
28 school district, provide for the free transportation of any
29 resident student to and from the kindergarten, elementary or
30 secondary school in which he is lawfully enrolled provided the

1 school is not operated for profit and is located within the
2 district boundaries or outside the district boundaries at a
3 distance not exceeding ten miles by the nearest public highway
4 ~~except that the ten mile limit shall not extend across State~~ <—
5 ~~boundaries nor shall the ten mile limit apply to area EXCEPT~~ <—
6 THAT THE TEN-MILE LIMIT SHALL NOT APPLY TO AREA vocational-
7 technical schools which regularly serve eligible district
8 students or to special schools and classes approved by the
9 department and to and from any points within or without this
10 Commonwealth to provide field trips for any purpose connected
11 with the educational pursuits of the students.

12 (b) Identical provisions for nonpublic schools.--When
13 provision is made by a governing board for the transportation of
14 resident school students to and from public schools or to and
15 from any points within or without this Commonwealth in order to
16 provide field trips, the governing board shall make identical
17 provisions for resident school students attending nonpublic
18 schools. Transportation of students attending nonpublic schools
19 shall be provided during regular school hours on such dates and
20 periods that the eligible nonpublic school is in regular
21 session, according to the official school calendar of the
22 school. Whenever a lockout or a strike or other work stoppage by
23 professional employees occurs in a school district,
24 transportation shall be offered for resident school students
25 attending nonpublic schools.

26 (c) Transportation required by law.--The governing board
27 shall provide transportation whenever required by any of the
28 provisions of this title or of any other statute.

29 § 4352. Transportation facilities and liability insurance.

30 (a) Authorized conveyances.--The free transportation of

1 students, as required or authorized by this title or any other
2 statute, may be furnished by using school conveyances, private
3 conveyances, electric railways or other common carriers.

4 (b) Duty to walk to bus stop.--If free transportation is
5 provided, the board of school directors may require a student to
6 walk up to one and one-half miles along a public highway to a
7 bus stop when stations or shelters are provided for the use of
8 the students where needed or other proper measures are taken for
9 the protection of the students, but no student shall be required
10 to walk if the Department of Transportation certifies that the
11 public highway constitutes a hazard to the safety of the
12 student. The Department of Transportation shall take into
13 account the presence of sidewalks along the highway, but the
14 presence or lack of sidewalks shall not be controlling, and the
15 Department of Transportation shall consider all relevant safety
16 factors in making its determination as to whether or not walking
17 constitutes a hazard to students.

18 (c) Public liability insurance.--All motor vehicles
19 transporting students shall be covered by public liability
20 insurance in amounts prescribed by the board of school
21 directors.

22 § 4353. Appropriations to mass transportation authorities.

23 (a) General rule.--The board of school directors in any
24 school district may, if the board deems it in the best interest
25 of the school district, for the purposes of transporting
26 students as required or authorized by this title or by any other
27 statute, appropriate funds for urban common carrier mass
28 transportation from current revenues to mass transportation
29 authorities to meet costs of operation, maintenance, capital
30 improvements and debt service.

(b) Ineligibility for reimbursement.--Appropriations made by school districts under subsection (a) shall not be subject to reimbursement by the Commonwealth.

§ 4354. Computation of distances for transportation purposes.

All distances for the purpose of student transportation shall be computed by way of the public highway from the nearest point where a private way or private road connects the dwelling house of the student with the highway to the nearest point where the highway touches the school grounds of the school in which the student has been lawfully enrolled. No allowance shall be made for the distance that the dwelling house of the student is situated off the public highway.

§ 4355. Compensation in excess of transportation contract.

No driver or owner of a vehicle transporting students entitled to free transportation under contract with a school district shall demand, request or accept any extra compensation for the transportation other than that stipulated in a contract executed on a form approved by the department.

§ 4356. Transportation or board and lodging for exceptional students.

Any exceptional student who is regularly enrolled in a special school or class that is approved by the department or who is enrolled in a regular school or class in which approved educational provisions are made for the student, may be furnished with free daily transportation by the school district. The board of school directors may, in lieu thereof, pay for suitable board and lodging for the student. If free transportation or board and lodging is not provided for any exceptional student, the intermediate unit shall provide free transportation if, without such transportation, the student

1 would be unable to attend the class or center to which he is
2 assigned.

3 § 4357. Board and lodging for vocational-technical students.

4 The governing board of any area vocational-technical school
5 may pay for approved suitable board and lodging for any student
6 when the governing board determines it is not feasible to
7 provide free daily transportation for the student.

8 SUBPART E

9 STUDENTS

10 Chapter

11 47. Students

12 CHAPTER 47

13 STUDENTS

14 Subchapter

15 A. Admission and Assignment

16 B. Compulsory Attendance

17 C. Student Affairs

18 SUBCHAPTER A

19 ADMISSION AND ASSIGNMENT

20 Sec.

21 4701. Right to free public education.

22 4702. Admission of students under six years of age.

23 4703. Students residing in children's institutions.

24 4704. Nonresident student placed in home of resident.

25 4705. Permitting attendance of other nonresident students.

26 4706. Assignment of students to schools.

27 4707. Reassignment of students in closed schools.

28 4708. Attendance outside district when transportation not
29 furnished.

30 § 4701. Right to free public education.

1 (a) Resident students.--Every resident of a school district
2 who is between the ages of 5 and 21 shall have a right to attend
3 the public schools of that district, without charge, subject to
4 the provisions of this title. A child residing on a Federal
5 installation shall be counted as a resident student of the
6 school district or districts in which the installation is
7 situated. A child shall be considered a resident of the school
8 district in which his parents reside or the guardian of his
9 person resides unless his residency is determined to be
10 elsewhere in accordance with law. ~~For purposes of this section,~~ <—
11 ~~a resident who has reached the age of five by September 30 of~~
12 ~~the school term shall be considered to be five years of age.~~

13 (b) Students supported by residents.--When a resident of a
14 school district supports a child, not his own, in the resident's
15 home and at the resident's expense, the child shall be entitled
16 to all free public education accorded to resident school
17 children of the district and shall be subject to all the
18 requirements placed upon resident school children of the
19 district. Before accepting the child as a student, the board of
20 school directors of the district may require the resident to
21 file with the secretary of the board an affidavit and such proof
22 as may be reasonably required of:

23 (1) Residency.

24 (2) Support of the child gratis.

25 (3) Assumption of all personal obligations for the child
26 relative to school requirements.

27 (4) Intention to so keep and support the child
28 continuously and not merely through the school term.

29 (c) Temporary resident students.--The board of school
30 directors of any school district may admit to the schools of the

1 district, with or without the payment of tuition, any
2 nonresident child temporarily residing in the district and may
3 require the attendance of the nonresident child in the same
4 manner and on the same conditions as it requires the attendance
5 of a resident child.

6 (d) Shared time.--No student shall be refused admission to
7 the courses in the public schools by reason of the fact that his
8 basic education is being or has been received in a school other
9 than a public school.

10 (e) Application of section.--The provisions of this section
11 shall not apply to persons who hold a diploma from a public
12 school issued pursuant to section 3713 (relating to diplomas for
13 completing courses of instruction) or its equivalent.

14 § 4702. Admission of students under six years of age.

15 (a) Kindergarten.--Children between the ages of four and six
16 years may be admitted to kindergarten at the discretion of the
17 school district. Any school district which, prior to the
18 effective date of this section, admitted children at age three
19 years seven months by September 30 to kindergarten may continue
20 to admit children of that age to kindergarten. Attendance in
21 kindergarten shall not be compulsory nor a prerequisite for
22 admission to the first grade.

23 ~~(b) Other grades or classes. For the 1982-1983 school year, <—~~
24 ~~children who have reached the age of six years by November 30~~
25 ~~shall be admitted to the first grade. For each year thereafter,~~
26 ~~children~~

27 (B) FIRST GRADE.--CHILDREN who will have reached the age of <—
28 six years by ~~September 30~~ JANUARY 1 shall be admitted to the <—
29 first grade. ~~Children who will not have reached the age of six~~ <—
30 ~~by September 30 may be admitted to the lowest grade of the~~

1 ~~primary school or the lowest primary class above the~~
2 ~~kindergarten level in accordance with regulations promulgated by~~
3 ~~the State board.~~

4 (c) Time of admission.--Admission of students under this
5 section may be confined to the first two weeks of the school
6 term.

7 § 4703. Students residing in children's institutions.

8 (a) General rule.--Any student who is a resident of this
9 Commonwealth and who resides in a children's institution shall
10 have the right to attend the public schools and classes within
11 the district where the institution is located, on a tuition or
12 nontuition basis, unless an alternative placement is approved by
13 the department or such child is placed in a private residential
14 rehabilitative institution, as defined in section 2718(11)(iii)
15 (relating to powers and duties of board), pursuant to a
16 procedure or proceeding under Chapter 63 of Title 42 (relating
17 to juvenile matters). Such education may be offered in public
18 school classes either on or off the grounds of the institution
19 or through the purchase of instructional services from a private
20 agency.

21 (b) Payment of tuition.--The payment of tuition for students
22 under this section shall be as follows:

23 (1) Students who are residents of the school district in
24 which the institution is located shall not be charged
25 tuition.

26 (2) The Commonwealth shall advance the tuition for the
27 ~~school year 1982-1983~~ FISCAL YEAR 1983-1984 for students who <—
28 are residents of this Commonwealth and who have not
29 previously been enrolled in classes of the district in which
30 the institution is located. If the district of residence can

1 be determined, that district shall be charged for tuition. If
2 the district of residence cannot be determined, the
3 Commonwealth shall bear the entire tuition and transportation
4 cost.

5 (3) The institution shall pay the tuition and
6 transportation for students who have been received from
7 outside of this Commonwealth and who have been accepted into
8 a public school program of education. The tuition shall be
9 the average cost of instruction for the program in which the
10 out-of-state student is enrolled. Enrollment of any out-of-
11 state student in a school district or intermediate unit
12 program shall be conditioned upon a guarantee, or actual
13 advance receipt, of tuition and transportation payment from
14 the institution, from the student's home state or out-of-
15 state school district, or from the out-of-state party or
16 agency which placed the student in the institution, EXCEPT IN <—
17 THE CASE OF MEDICALLY INDIGENT CHILDREN HOSPITALIZED IN
18 EXCLUSIVELY CHARITABLE CHILDREN'S HOSPITALS EXEMPT UNDER
19 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE WHICH MAKE NO
20 CHARGES TO ANY OF ITS PATIENTS NOR ACCEPT ANY THIRD-PARTY
21 PAYMENTS FOR SERVICES PROVIDED TO ANY OF THEIR PATIENTS WHERE
22 THE COMMONWEALTH IS PAYING THE TUITION.

23 (c) Identification of students.--The department shall
24 establish such forms and procedures as are necessary to identify
25 the children and to determine their residency.

26 (d) Transportation of students.--Transportation to school
27 shall be provided for all students who reside in a children's
28 institution on the same basis as is provided for other residents
29 of the school district.

30 (e) Alternative placement.--If the school district in which

1 the institution is located cannot accommodate some or all of the
2 institutionalized children in its classes or schools during the
3 school term, the board of directors of the district should
4 notify the intermediate unit in which the institution is located
5 and the department. If the department, after investigation,
6 finds that the district cannot accommodate such children, the
7 department shall direct the intermediate unit to educate and,
8 where necessary, transport such children.

9 § 4704. Nonresident student placed in home of resident.

10 (a) General rule.--Any nonresident student placed in the
11 home of a resident of a school district by order of the court or
12 by official arrangement with any agency or institution having
13 responsibility for the care of neglected children shall have the
14 same right to a free public education as does a resident
15 student. Before the placement has been finalized, the court,
16 agency or institution shall notify the superintendent of the
17 district of its intention and allow 15 calendar days for the
18 superintendent to object. If no objection is received, the
19 placement shall become final. If an objection is made, the
20 court, agency or institution shall consider the objections and
21 make whatever order it deems appropriate and just.

22 (b) Payment of tuition.--The payment of tuition for students
23 under this section shall be as follows:

24 (1) The Commonwealth shall advance the tuition for
25 students who are residents of this Commonwealth. If the
26 district of residence can be determined, that district shall
27 be charged for the tuition and the tuition deducted from the
28 annual reimbursement due to that district. If the district of
29 residence cannot be determined, the Commonwealth shall bear
30 the entire cost.

1 (2) The tuition for students who have been received from
2 outside this Commonwealth shall be the average cost of
3 instruction for the program in which the out-of-state student
4 is enrolled. The court, agency or institution placing the
5 student shall pay the tuition. No out-of-state student placed
6 in the home of a resident of the school district shall be
7 admitted to the public schools of the school district until
8 the court, agency or institution placing the student
9 guarantees the payment of tuition to the school district.

10 (c) Forms for identification of students.--The department
11 shall establish such forms as are necessary to identify the
12 children and to determine their residency.

13 § 4705. Permitting attendance of other nonresident students.

14 The board of school directors of any school district may
15 permit any nonresident student not otherwise provided for in
16 this chapter to attend the public schools in its district upon
17 such terms as it may determine, subject to the provisions of
18 this title.

19 § 4706. Assignment of students to schools.

20 (a) District schools.--The board of school directors of
21 every school district shall assign students to any public school
22 in the district.

23 (b) Schools in other districts.--The board of school
24 directors of any district may, upon cause shown and with the
25 consent of the student's parent, assign any student to attend
26 the schools of another district including one in a neighboring
27 state, with the consent of the governing board of that district,
28 and pay such tuition as is required by that board.

29 ~~(c) Contracting for instructional services. The board of~~
30 ~~school directors, notwithstanding anything to the contrary~~

<—

1 ~~stated in this title, may in its discretion purchase~~
2 ~~instructional services for children referred, pursuant to~~
3 ~~proceeding under Chapter 63 of Title 42 (relating to juvenile~~
4 ~~matters), to a private children and youth agency which operates~~
5 ~~a day treatment program under approval from the Department of~~
6 ~~Public Welfare. Before the board of school directors purchases~~
7 ~~educational service for a specific child, it must be documented~~
8 ~~that the child cannot receive appropriate educational services~~
9 ~~in a normal classroom setting because of behavioral or emotional~~
10 ~~reasons.~~

11 ~~(d) Payment for instructional services. The payment of~~
12 ~~instructional services provided in subsection (c) shall be the~~
13 ~~actual cost, not to exceed the tuition charges of the school~~
14 ~~district of the child. The cost shall be borne by the school~~
15 ~~district of the child's residence. If the school district of~~
16 ~~residence of the child cannot be determined, the costs shall be~~
17 ~~borne by the Department of Education. The school district shall~~
18 ~~be responsible only for those costs necessary to the provision~~
19 ~~of basic instructional services, excluding transportation and~~
20 ~~similar costs. The department shall effectuate necessary~~
21 ~~procedures for the transfer of funds from the sending school~~
22 ~~district to the purchasing school district. In effectuating the~~
23 ~~transfer of funds, the department may deduct the appropriate~~
24 ~~amount from the basic instructional subsidy of any school~~
25 ~~district which had resident students who were provided~~
26 ~~instructional services by an approved children and youth agency.~~

27 (C) CONTRACTING FOR EDUCATIONAL SERVICES.--THE BOARD OF <—
28 SCHOOL DIRECTORS, NOTWITHSTANDING ANYTHING TO THE CONTRARY
29 STATED IN THIS TITLE, MAY IN ITS DISCRETION PURCHASE EDUCATIONAL
30 SERVICES FOR CHILDREN REFERRED, PURSUANT TO A PROCEEDING UNDER

1 CHAPTER 63 OF TITLE 42 (RELATING TO JUVENILE MATTERS), TO:

2 (1) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION, AS
3 DEFINED IN SECTION 2718(11) (RELATING TO POWERS AND DUTIES OF
4 BOARD), WHEN THE EDUCATIONAL SERVICES ARE A PART OF ANY
5 REHABILITATIVE PROGRAM REQUIRED IN CONJUNCTION WITH THE
6 PLACEMENT OF A CHILD IN THE INSTITUTION OR IN A DAY TREATMENT
7 PROGRAM OF THAT INSTITUTION.

8 (2) A PRIVATE CHILDREN AND YOUTH AGENCY WHICH OPERATES A
9 DAY TREATMENT PROGRAM LOCATED IN THE DISTRICT UNDER APPROVAL
10 FROM THE DEPARTMENT OF PUBLIC WELFARE. BEFORE THE BOARD OF
11 SCHOOL DIRECTORS PURCHASES EDUCATIONAL SERVICES FROM THE
12 AGENCY FOR A SPECIFIC CHILD, IT MUST DOCUMENT THAT THE CHILD
13 CANNOT RECEIVE APPROPRIATE EDUCATIONAL SERVICES IN A REGULAR
14 CLASSROOM SETTING BECAUSE OF BEHAVIORAL OR PSYCHOLOGICAL
15 REASONS.

16 (D) PAYMENT FOR EDUCATIONAL SERVICES.--THE ACTUAL COST, NOT
17 TO EXCEED THE TUITION CHARGES OF THE SCHOOL DISTRICT IN WHICH
18 THE PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION OR DAY
19 TREATMENT PROGRAM IS LOCATED, SHALL BE BORNE BY THE SCHOOL
20 DISTRICT OF THE CHILD'S RESIDENCE. IF THE SCHOOL DISTRICT OF
21 RESIDENCE OF THE CHILD CANNOT BE DETERMINED, THE COSTS SHALL BE
22 BORNE BY THE DEPARTMENT OF EDUCATION. THE DEPARTMENT SHALL
23 EFFECTUATE NECESSARY PROCEDURES FOR THE TRANSFER OF FUNDS FROM
24 THE SCHOOL DISTRICT OF RESIDENCE TO THE SCHOOL DISTRICT IN WHICH
25 THE PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION OR DAY
26 TREATMENT PROGRAM IS LOCATED. IN EFFECTUATING THE TRANSFER OF
27 FUNDS, THE DEPARTMENT MAY DEDUCT THE APPROPRIATE AMOUNT FROM THE
28 BASIC INSTRUCTIONAL SUBSIDY OF ANY SCHOOL DISTRICT WHICH HAD
29 RESIDENT STUDENTS WHO WERE PROVIDED EDUCATIONAL SERVICES BY A
30 PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION OR APPROVED

1 CHILDREN AND YOUTH AGENCY. FOR THE PURPOSE OF THIS SECTION,
2 EDUCATIONAL SERVICES IS DEFINED AS DIRECT EXPENDITURES FOR
3 INSTRUCTION AND THE ADMINISTRATION OF THE INSTRUCTIONAL PROGRAM.
4 ANY EXPENDITURES NOT PERTAINING DIRECTLY TO INSTRUCTION AND THE
5 ADMINISTRATION OF THE INSTRUCTIONAL PROGRAM OF THE STUDENTS
6 SHALL BE CONSIDERED A COST OF CHILD WELFARE SERVICES AS PROVIDED
7 FOR IN SECTIONS 704.1 AND 704.2 OF THE ACT OF JUNE 13, 1967
8 (P.L.31, NO.21), KNOWN AS THE "PUBLIC WELFARE CODE," AND AS A
9 SOCIAL SERVICE DEFINED IN THE REGULATIONS PROMULGATED PURSUANT
10 TO THAT ACT. UNDER NO CIRCUMSTANCES SHALL A SCHOOL DISTRICT OR
11 THE DEPARTMENT BE REQUIRED TO PROVIDE FUNDING FOR PROGRAMS
12 OPERATED OTHER THAN DURING THE REGULAR SCHOOL TERM OR FOR MORE
13 THAN 180 DAYS OF INSTRUCTION OR 900 HOURS OF INSTRUCTION AT THE
14 ELEMENTARY LEVEL OR 990 HOURS OF INSTRUCTION AT THE SECONDARY
15 LEVEL.

16 (E) RIGHTS OF EXCEPTIONAL CHILDREN UNAFFECTED.--NOTHING
17 CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO ALTER OR LIMIT
18 THE EDUCATIONAL RIGHTS OF EXCEPTIONAL CHILDREN.

19 § 4707. Reassignment of students in closed schools.

20 The governing board of any school entity may close any one or
21 more of the public schools in its district for a low number of
22 students in attendance or for better gradation and
23 classification or for other good reasons. Upon the school or
24 schools being closed, the students who attend the school shall
25 be assigned to other schools, or upon cause shown, be permitted
26 to attend schools in other districts.

27 § 4708. Attendance outside district when transportation not
28 furnished.

29 (a) General rule.--Students not receiving proper free
30 transportation from their school district of residence may

1 attend a public school of more convenient access in another
2 school district or in another state under the following
3 conditions:

4 (1) If the student is an elementary student:

5 (i) He must reside one and one-half miles or more by
6 the public road from the nearest public elementary school
7 in the district.

8 (ii) He must obtain the consent of the governing
9 board of the neighboring school district.

10 (iii) In the case of attendance in another state, he
11 must obtain the consent of the governing board of the
12 school district of residence.

13 (2) If the student is a secondary school student:

14 (i) He must reside three miles or more by the public
15 road from the nearest public secondary school in the
16 district.

17 (ii) He must obtain the consent of the governing
18 board of the neighboring school district.

19 (iii) In the case of attendance in another state, he
20 must obtain the consent of the governing board of the
21 school district of residence.

22 (b) Payment of tuition.--In all cases where the conditions
23 in subsection (a) have been met, the school district of
24 residence shall promptly pay to the receiving school district
25 the tuition charge provided by this title.

26 SUBCHAPTER B

27 COMPULSORY ATTENDANCE

28 Sec.

29 4721. Attendance required of school age children.

30 4722. Modified programs to meet compulsory attendance

1 requirements.

2 4723. Parental responsibility for attendance of child.

3 4724. Attendance of migrant children.

4 4725. Periodic census of school children in district.

5 4726. Use of information obtained from census.

6 4727. Reports of enrollments, attendance and withdrawals.

7 4728. Excused absence of student from school.

8 4729. Illegal absence of student from school.

9 ~~4730. Penalties for violations of subchapter.~~

<—

10 ~~4731. Exemptions from compulsory attendance requirements.~~

11 4730. EXEMPTIONS FROM COMPULSORY ATTENDANCE REQUIREMENTS.

<—

12 4731. PENALTIES FOR VIOLATIONS OF SUBCHAPTER.

13 § 4721. Attendance required of school age children.

14 (a) General rule.--Every child from the age of 8 years until
15 the age of 17 years having a residence in this Commonwealth is
16 required to attend a public or nonpublic school in which the
17 programs mandated by this title are offered.

18 (b) Application of section.--The provisions of this section
19 shall not apply to any person who holds a diploma from a public
20 school issued pursuant to section 3713 (relating to diplomas for
21 completing courses of instruction) or its equivalent.

22 § 4722. Modified programs to meet compulsory attendance
23 requirements.

24 (a) Enrollment in business or trade school.--In lieu of the
25 school attendance required in section 4721 (relating to
26 attendance required of school age children) any student with the
27 approval of the district superintendent of schools may enroll as
28 a student in a private trade school or in a private business
29 school licensed by the appropriate authority or in a trade,
30 business or other school operated by a local governing board.

1 The modified program shall be in accordance with applicable
2 regulations of the State board and standards of the department.

3 (b) Other modified programs.--In addition to the program
4 described in subsection (a), the State board may adopt
5 regulations providing for similar modified programs of
6 educational value for other students. The programs shall be
7 properly supervised and may be substituted for the normal school
8 attendance required in section 4721. The programs may be
9 instituted or recommended by the superintendent, with the
10 approval of the local board of school directors, or by a
11 nonpublic school, in accordance with applicable regulations of
12 the State board and standards of the department.

13 (c) Tutoring by ~~certificated~~ PROPERLY QUALIFIED personnel.-- <—
14 Regular daily instruction for the time required by section 3721
15 (relating to establishment of school calendar) by a ~~certificated~~ <—
16 PROPERLY QUALIFIED person shall be considered as complying with <—
17 the provisions of this section.

18 § 4723. Parental responsibility for attendance of child.

19 Every parent having a residence in this Commonwealth and
20 having control or charge of any child of compulsory school age
21 is required to see to it that the child attends a school in
22 which the programs provided for in section 4721 (relating to
23 attendance required of school age children) or 4722 (relating to
24 modified programs to meet compulsory attendance requirements)
25 are offered.

26 § 4724. Attendance of migrant children.

27 Any child of compulsory school age whose parent is not a
28 resident of a school district but is engaged in seasonal
29 employment in the school district, shall attend the schools of
30 the district during the period such child is located in the

1 district when its schools are in session. The cost of the
2 child's education shall be borne exactly as if he were a
3 resident of the district.

4 § 4725. Periodic census of school children in district.

5 (a) General rule.--The board of school directors of each
6 school district shall maintain a continuing school census or
7 shall make an annual enumeration between March and September of
8 all children from birth to 18 years of age residing in the
9 district except children holding a diploma from a public school
10 issued pursuant to section 3713 (relating to diplomas for
11 completing courses of instruction) or its equivalent.

12 (b) Information to be obtained.--The enumeration shall
13 contain the full name of each child, date of birth, age, sex,
14 place of residence in the school district, name and address of
15 parent, the name and location of the school where the child is
16 enrolled or has been assigned and the name and address of the
17 employer of any child under 18 years of age who is engaged in
18 any regular employment or service during the hours the public
19 schools are in session.

20 (c) Accuracy of census.--The census or enumeration shall be
21 compiled in such a manner as to insure its accuracy and utility.
22 Names shall be added to or deleted from the census or
23 enumeration, as required, to keep it as accurate and as current
24 as possible.

25 § 4726. Use of information obtained from census.

26 The information compiled in accordance with section 4725
27 (relating to periodic census of school children in district)
28 shall be used for the following purposes:

- 29 (1) Assignment of students to the public schools.
30 (2) Comparison with reports of enrollment received in

1 accordance with section 4727 (relating to reports of
2 enrollments, attendance and withdrawals) so as to assure that
3 all children subject to compulsory attendance under this
4 title are properly enrolled and are attending school and so
5 as to take the appropriate enforcement action where
6 necessary.

7 (3) Providing the department with such information or
8 reports as the department shall require concerning the
9 enforcement of the compulsory attendance provisions of this
10 title.

11 § 4727. Reports of enrollments, attendance and withdrawals.

12 (a) General rule.--Every district superintendent or his
13 designee shall receive from each school and institution in the
14 district the following reports:

15 (1) A complete listing of all students enrolled in the
16 schools and the address of parents of the students.

17 (2) The names of all children assigned to the schools
18 who have not reported for enrollment.

19 (3) Upon withdrawal of students, the name and date of
20 withdrawal.

21 (4) Upon absence of students without excuse for five
22 school days or their equivalent during any school year, the
23 names of the students together with the facts concerning
24 their absence.

25 (b) Forms for reports.--The department may prescribe such
26 forms as may be necessary to carry out the provisions of this
27 section.

28 § 4728. Excused absence of student from school.

29 (a) General rule.--The chief executive officer of each
30 school entity may excuse a student temporarily from school

1 attendance upon the showing that the student is unable to attend
2 school on account of any medical, mental, physical or other good
3 and sufficient reasons such as educational trips or travel with
4 parents, in accordance with rules and regulations of the
5 governing board and of the State board.

6 ~~(b) Weekly religious instruction. The chief executive~~ <—
7 ~~officer of each school entity may, upon request, excuse students~~
8 ~~from school for not more than one hour a week in order to attend~~
9 ~~classes for religious instruction in accordance with regulations~~
10 ~~of the governing board.~~

11 ~~(c)~~ (B) Release of students for religious instruction.--The <—
12 chief executive officer of each school district shall, upon the
13 written request of a parent or other person in loco parentis,
14 excuse any student who is the child of the parent or person in
15 loco parentis from school attendance for a total period of ~~five~~ <—
16 ~~days~~ NOT MORE THAN 36 HOURS per school year in order to attend <—
17 classes for religious instruction ~~or religious exercises or~~ <—
18 ~~functions~~. The request shall identify and describe the
19 instruction, ~~exercise or function~~ and the dates and hours for <—
20 which the ~~absences are~~ ABSENCE IS requested and SHALL STATE that <—
21 the parent or person in loco parentis shall, following each
22 absence, furnish in writing to the chief executive officer of
23 the school district a statement attesting that the child did in
24 fact attend the instruction, ~~exercise and function~~ and the dates <—
25 and hours upon which the attendance took place.

26 § 4729. Illegal absence of student from school.

27 (a) Definition.--As used in this section "illegal absence"
28 means nonattendance of a student of compulsory school age
29 without an acceptable excuse as defined in section 4728
30 (relating to excused absence of student from school).

1 (b) Notice to parents.--At the time when a student
2 accumulates five days of illegal absence in any school year, it
3 shall be the responsibility of the district superintendent to
4 provide the parents of the student with a written notification
5 of the illegal absences.

6 (c) Enforcement proceedings.--In cases where the absences
7 persist, the district superintendent shall notify the persons
8 responsible for student personnel services and the attendance
9 officers who shall proceed against the parents in accordance
10 with the provisions of this chapter and Chapter 63 of Title 42
11 (relating to juvenile matters). The district attorney of the
12 county in which the student resides or the school solicitor
13 shall provide assistance in prosecution of such cases where
14 requested. Action against the parents for continuing violations
15 of this chapter may be initiated at any time during the school
16 year in which the initial notice was served without the need to
17 provide further notice.

18 ~~(d) Absences. When a student has accumulated 20 absences~~ <—
19 ~~during a school year, any further absences shall require a~~
20 ~~written excuse from a physician citing medical reasons for the~~
21 ~~absence. In lieu of a physician's written excuse, the student~~
22 ~~shall be considered ineligible for promotion to the next higher~~
23 ~~grade level. Absences above 20 during the senior year, unless~~
24 ~~justified by a physician's written excuse, may be considered~~
25 ~~cause for denial of graduation and diploma.~~

26 ~~(e)~~ (D) Nonresident students.--In all cases where the <—
27 student does not reside in the district where he is attending
28 school, the notices shall be forwarded to the district of
29 residence for appropriate action.

30 ~~§ 4730. Penalties for violations of subchapter.~~ <—

1 ~~(a) Administrators. Any person charged with responsibility~~
2 ~~for administration and enforcement of the provisions of this~~
3 ~~title regarding compulsory attendance who is found to have~~
4 ~~willfully refused or neglected to comply with the provisions of~~
5 ~~this subchapter commits a summary offense and shall, upon~~
6 ~~conviction thereof, be sentenced to pay a fine not exceeding~~
7 ~~\$50. The fine shall be payable to the school district with which~~
8 ~~the offender is affiliated.~~

9 ~~(b) Parents. Any parent having control of any child of~~
10 ~~compulsory school age who has been found to willfully fail to~~
11 ~~comply with the provisions of this subchapter commits a summary~~
12 ~~offense and shall, upon conviction thereof, be sentenced to pay~~
13 ~~a fine not exceeding \$50. The fine shall be payable to the~~
14 ~~school district in which the offender resides.~~

15 ~~§ 4731.~~ § 4730. Exemptions from compulsory attendance requirements.

16 The provisions of this subchapter requiring regular
17 attendance shall not apply to any student who:

18 (1) Has attained the age of 16 years and who is
19 regularly engaged in any useful and lawful employment or
20 service during the time the public schools are in session,
21 and who holds an employment certificate issued according to
22 law.

23 (2) Has been determined by the board of school
24 directors, with the approval of the department after a
25 finding by an approved clinic or public school psychologist
26 or psychological examiner, to be unable to take part in a
27 program of education and training, whether in the home or in
28 the school, without jeopardy, and at the election of the
29 parent is withdrawn from attendance.

30 (3) Has attained the age of 14 years and is engaged in

1 farm work or domestic service in a private home on a permit
2 issued by the board of school directors and who has
3 satisfactorily completed, either in public or private
4 schools, the equivalent of the highest grade of the
5 elementary school organization prevailing in the public
6 schools of the district of residence, if the issuance of the
7 permit has first been recommended by the superintendent of
8 schools having supervision of the schools of the district
9 where the child resides or by the principal of the private
10 school where the child is enrolled, in accordance with
11 regulations of the State board.

12 § 4731. PENALTIES FOR VIOLATIONS OF SUBCHAPTER. <—

13 (A) ADMINISTRATORS.--ANY PERSON CHARGED WITH RESPONSIBILITY
14 FOR ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THIS
15 TITLE REGARDING COMPULSORY ATTENDANCE WHO IS FOUND TO HAVE
16 WILLFULLY REFUSED OR NEGLECTED TO COMPLY WITH THE PROVISIONS OF
17 THIS SUBCHAPTER COMMITS A SUMMARY OFFENSE AND SHALL, UPON
18 CONVICTION, BE SENTENCED TO PAY A FINE NOT EXCEEDING \$50. THE
19 FINE SHALL BE PAYABLE TO THE SCHOOL DISTRICT WITH WHICH THE
20 OFFENDER IS AFFILIATED.

21 (B) PARENTS.--ANY PARENT HAVING CONTROL OF ANY CHILD OF
22 COMPULSORY SCHOOL AGE WHO HAS BEEN FOUND TO WILLFULLY FAIL TO
23 COMPLY WITH THE PROVISIONS OF THIS SUBCHAPTER COMMITS A SUMMARY
24 OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE
25 NOT EXCEEDING \$50. THE FINE SHALL BE PAYABLE TO THE SCHOOL
26 DISTRICT IN WHICH THE OFFENDER RESIDES.

27 SUBCHAPTER C

28 STUDENT AFFAIRS

29 Sec.

30 4741. Exercise of control over students and corporal

1 punishment.

2 4742. Suspension of students for misconduct.

3 4743. Expulsion of students for misconduct.

4 4744. Governing board empowered to issue subpoenas.

5 4745. Proceedings against delinquent students.

6 4746. Employment of minors.

7 4747. Confidentiality of student records and communications.

8 § 4741. Exercise of control over students and corporal

9 punishment.

10 (a) General rule.--Every teacher and school administrator in
11 a school entity shall have the right to exercise the same
12 authority as to conduct and behavior of the students attending
13 the schools of that school entity during the time students are
14 in attendance, including the time required in going to and from
15 their homes, as the parents may exercise over the students. Each
16 governing board shall adopt rules and regulations governing the
17 use or prohibition of corporal punishment (physical punishment
18 imposed on the person of a student).

19 (b) Dress code.--The board of school directors in all school
20 districts may establish a dress code for students when they are
21 present upon school grounds.

22 (c) Notice of use of corporal punishment.--In school
23 entities in which corporal punishment is authorized, all parents
24 upon entering their child in school shall be notified of the
25 rules and regulations governing its use. Whether or not a
26 governing board prohibits corporal punishment, teachers and
27 school administrators may use reasonable force where necessary
28 to quell a disturbance, obtain possession of weapons or other
29 dangerous objects, protect persons or property, or as a means of
30 self-defense.

1 (d) Rules and regulations.--Consistent with subsection (e),
2 the governing board of each school entity shall promulgate and
3 enforce such reasonable rules and regulations as it may deem
4 necessary and proper regarding student conduct and affairs.

5 (e) Constitutional rights of students.--All students in this
6 Commonwealth shall be afforded the protections guaranteed by the
7 Constitution of the United States and of this Commonwealth. The
8 State board may promulgate general rules consistent with
9 established constitutional rights to assure that all students
10 are afforded these protections.

11 § 4742. Suspension of students for misconduct.

12 (a) Suspension for three days.--Every principal or person in
13 charge of a public school may suspend a student on account of
14 each incident of disobedience or misconduct for a period of up
15 to three school days after having met with the student to
16 discuss the reasons for the suspension. The parent and the chief
17 executive officer shall be notified immediately with
18 confirmation in writing when the student is suspended.

19 (b) Suspension for ten days.--The chief executive officer,
20 principal, assistant principal or vice principal may suspend a
21 student for a period of up to ten school days after the student
22 and parent have been given an opportunity for an informal
23 hearing with the student and parent and any other persons having
24 knowledge of the incident for which the suspension is being
25 given. If the student has been temporarily suspended in
26 accordance with subsection (a), the total length of time a
27 student may be suspended for actions arising from a single
28 incident shall not exceed ten school days unless an alternative
29 educational program is provided by the school entity.

30 § 4743. Expulsion of students for misconduct.

1 (a) General rule.--The governing board of any school entity
2 may expel a student who is insubordinate or disorderly or whose
3 conduct adversely affects the school routine or otherwise
4 endangers the safety, morals, health or welfare of others.

5 (b) Opportunity for hearing.--No student shall be expelled
6 unless the student and the parent of the student shall have had
7 an opportunity for a hearing. Each student and parent shall be
8 given:

9 (1) Reasonable notice of the time and place of the
10 hearing.

11 (2) Reasons for the proposed expulsion.

12 (3) Names of the complainants.

13 (4) The opportunity to hear all witnesses testifying
14 against the student.

15 (5) The opportunity to examine the witnesses.

16 (6) The opportunity to offer testimony.

17 (7) The right to be represented by counsel.

18 (c) Hearing procedure.--The hearing shall be held as
19 expeditiously as possible and in no event later than 30 days
20 after the initial determination to proceed for expulsion has
21 been made. The hearing shall be held before the governing board
22 or a duly authorized committee of the board or a duly qualified
23 hearing examiner who shall report findings of fact and
24 conclusions of law to the board for its determination. The
25 hearing shall be public unless the student requests that it be
26 private in which case only the parties, counsel and witnesses
27 shall be admitted.

28 (d) Education pending proceedings.--Except as provided in
29 section 4742 (relating to suspension of students for
30 misconduct), the student, during the period of time pending the

1 hearing, its determination and implementation, shall either be
2 placed in his normal class or, if necessary to protect the
3 safety, morals, health and welfare of others, be provided with
4 alternative instruction.

5 (e) Length and revocation of expulsion.--Unless the board
6 has reviewed and voted to renew the expulsion, no expulsion
7 shall extend beyond the beginning of the following school year.
8 If an expulsion is extended beyond the beginning of the
9 following school year, the student may appeal the extension to
10 the department. If the extension is appealed, the student shall
11 either be placed in his normal class or be provided with
12 alternative instruction during the period of time pending the
13 appeal, its determination and implementation. This section does
14 not prevent the special placement of an expelled student in
15 accordance with the provisions of Chapter 41 (relating to
16 special education). The governing board may revoke an expulsion
17 whenever it appears to be in the best interests of the student
18 to do so.

19 (f) Judicial review.--In case any student considers himself
20 aggrieved by the decision of the governing board to expel, the
21 student shall have an appeal to the court of common pleas in
22 which the district or the largest part thereof is located.

23 (g) Records expunged on decision for student.--In all cases
24 where the final decision of the governing board is in favor of
25 the student, the charges made shall be physically expunged from
26 the student's record and from the record of the governing board.

27 (h) Education or action following expulsion.--Whenever any
28 student of compulsory school age has been expelled, the
29 governing board, after consultation with the parents, shall
30 provide alternative education in accordance with State board

1 regulations or as a last resort take action under Chapter 63 of
2 Title 42 (relating to juvenile matters).

3 § 4744. Governing board empowered to issue subpoenas.

4 In any hearing convened pursuant to section 4742 (relating to
5 suspension of students for misconduct) or 4743 (relating to
6 expulsion of students for misconduct), the governing ~~body~~ BOARD <—
7 of the school entity shall have the power to issue subpoenas
8 requiring the attendance of witnesses at such hearing on its own
9 behalf or at the discretion of the board at the request of the
10 party against whom a complaint is made. If any person shall
11 refuse to appear and testify in answer to any subpoena issued by
12 the governing body, the board may petition the court of common
13 pleas to enforce such subpoena. Any person refusing to appear
14 and testify before the board after being ordered by the court to
15 do so shall be held for contempt. All testimony at such hearings
16 shall be taken under oath, and any member of the governing ~~body~~ <—
17 BOARD shall have power to administer oaths to such witnesses. <—

18 § 4745. Proceedings against delinquent students.

19 If any student of compulsory school age has committed a
20 delinquent act, as defined by Chapter 63 of Title 42 (relating
21 to juvenile matters), while under the control and authority of
22 the public schools, the governing board shall, by its chief
23 executive officer, under such rules and regulations as the
24 governing board may adopt, proceed against the student under the
25 provisions of Chapter 63 of Title 42 or as is now or may
26 hereafter be provided by law.

27 § 4746. Employment of minors.

28 (a) General rule.--No person, either for himself or for any
29 firm, association or corporation shall, during the hours the
30 public schools are in session, accept service from, engage or

1 employ any minor unless the employer shall have on file an
2 employment certificate or farm or domestic service permit issued
3 according to law.

4 (b) Reports from employers.--

5 (1) If a minor lawfully employed leaves or is absent
6 from his employment for five days, the employer shall
7 immediately, in writing, notify the school official who
8 issued the certificate.

9 (2) Every person or establishment accepting service from
10 or employing a minor shall publicly post a listing which
11 includes the minor's name, age, place of residence, name of
12 parent and the dates of application and issuing of
13 certificates, names of persons issuing the certificates and
14 the time of beginning and ending of service, at the place of
15 employment of the minor where it may be inspected by any
16 interested person at any time during business hours.

17 (c) Penalty for violation.--Any person ~~or persons~~ failing to <—
18 comply with the provisions of this section commits a summary
19 offense and, upon conviction, shall:

20 (1) For a first offense be sentenced to pay a fine of
21 not less than \$10 nor more than \$25, or to undergo
22 imprisonment for 10 days, or both.

23 (2) For each subsequent offense be sentenced to pay a
24 fine of not less than \$20 nor more than \$50, or to undergo
25 imprisonment for 90 days, or both.

26 (d) Application of section.--This section does not apply to
27 minors of the age of 17 who have been graduated from high school
28 or who have been declared to have attained their academic
29 potential by the superintendent of the school district wherein
30 they reside.

1 § 4747. Confidentiality of student records and
2 communications.

3 (a) Student records.--The maintenance and release by schools
4 of official student records shall be governed by rules and
5 regulations of the State board designed to assure access to
6 records by students and parents and to preserve their general
7 confidentiality.

8 (b) Health records.--

9 (1) All official school health records established and
10 maintained pursuant to rules and regulations of the
11 Department of Health shall be confidential in accordance with
12 rules and regulations established by the State board.

13 (2) When a student of school age transfers from one
14 school district or nonpublic school in this Commonwealth to
15 another, the receiving school district or nonpublic school
16 shall request and the former school district or nonpublic
17 school shall provide the health record of the student. School
18 districts or nonpublic schools shall not destroy a student's
19 health record for a period of at least six years after the
20 student ceases to be enrolled but may surrender the record to
21 the student's parents in cases where the student does not re-
22 enroll in a school district or nonpublic school in this
23 Commonwealth.

24 (c) Student communications.--No guidance counselor, school
25 nurse, school psychologist, home and school visitor/school
26 social worker or clerical worker, under their direction, in any
27 school providing elementary or secondary education who, while in
28 the course of their duties, has acquired information from a
29 student in confidence shall be compelled or allowed without the
30 consent of the student, if the student is 18 years of age or

over or without the consent of parent, if the student is under the age of 18 years, to disclose that information in any legal proceeding, before the General Assembly or any committee thereof, or before any commission, department or bureau of the Commonwealth or municipal body, officer or committee thereof. However, no such person shall be excused or prevented from complying with the act of November 26, 1975 (P.L.438, No.124), known as the "Child Protective Services Law."

SUBPART F

PHYSICAL PLANT AND CONSTRUCTION

Chapter

49. Physical Plant and Construction

CHAPTER 49

PHYSICAL PLANT AND CONSTRUCTION

Subchapter

A. General Provisions

B. Governing Board Procedures

C. Regulation of Property and Projects

D. Approval of Buildings and Projects

E. Acquisition of Property

F. Contracts for Construction and Improvements

G. Disposition of Property

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

4901. Duty to provide appropriate facilities.

4902. Use of school facilities for other purposes.

4903. Exemption of property from taxation.

§ 4901. Duty to provide appropriate facilities.

(a) General rule.--The board of school directors of each

1 school district shall provide suitable buildings and properties
2 to accommodate the needs of the school district and the students
3 within its jurisdiction.

4 (b) Method of acquisition.--School facilities may be
5 provided by purchase or lease in accordance with this chapter.

6 (c) Purpose of facilities.--All facilities shall be
7 constructed, altered, renovated, improved, furnished, equipped
8 and maintained to provide a safe and healthful learning
9 environment in a manner consistent with this title and
10 applicable statutes of this Commonwealth.

11 § 4902. Use of school facilities for other purposes.

12 The governing board of each school entity shall establish
13 reasonable rules and regulations for the use of school
14 facilities by community groups and governmental and quasi-
15 governmental bodies in accordance with the following standards:

16 (1) School facilities shall, to the maximum extent
17 feasible in harmony with school programs, be available to the
18 community for social, recreational and other proper purposes.

19 (2) School facilities to be made available shall
20 include, but need not be limited to, classrooms, assembly
21 halls, libraries, swimming pools, gymnasiums, playing fields
22 and grounds.

23 (3) Reasonable fees may be charged to reimburse the
24 school entity for any cost resulting from the use of any
25 facility.

26 (4) Reasonable bonds may be required.

27 § 4903. Exemption of property from taxation.

28 All buildings and properties owned by a school district and
29 used for any purpose provided in this title shall be exempt from
30 taxation for any purpose whatever.

SUBCHAPTER B

GOVERNING BOARD PROCEDURES

Sec.

4911. Definitions.

4912. Authorization of maximum project and building costs.

4913. Public hearing prior to construction or lease.

4914. Referendum prior to construction or lease.

§ 4911. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Aggregate building expenditure standards." The total amount calculated for each building or substantial addition by multiplying the rated student capacity approved by the department by the following per student amounts:

(1) \$2,800 - for elementary - k-6

(2) \$4,200 - for junior high - 7-9

(3) \$5,200 - for senior high - 10-12

(4) \$5,200 - for vocational-technical - 10-12 (not to include equipment and fixtures in vocational-technical).

Rated elementary student capacity or rated secondary student capacity for any school building shall be the rated student capacity determined on the basis of the method used by the department for school building reimbursement purposes during the school year 1971-1972. The per student amounts used to calculate the aggregate building expenditure standard shall be adjusted by the department ANNUALLY on July 1, ~~1974 and annually thereafter~~ by multiplying the per student amounts for the preceding year by the ratio of the composite construction cost index compiled and published by the United States Department of Commerce, for the

1 preceding calendar year to the index for the next preceding
2 calendar year.

3 "Building construction cost." The cost of all building
4 construction including general construction costs, plumbing,
5 heating, ventilating, electrical and other structural costs,
6 equipment and fixtures and architectural and engineering fees
7 relating thereto. The term does not include site acquisition and
8 development, rough grading to receive the building, sewage
9 treatment facilities or equivalent capital contributions, or
10 architectural and engineering fees relating thereto.

11 "Equipment and fixtures." Property fixed or movable which is
12 incidental and necessary to conduct the educational program and
13 includes, but is not limited to, movable equipment such as
14 desks, chairs, tables, portable physical educational equipment,
15 audio-visual equipment and science, homemaking, industrial art
16 and business equipment; instructional materials and fixtures
17 such as casework, laboratory equipment, kitchen equipment,
18 auditorium seating; and any other special fixtures or equipment
19 required to conduct a particular educational program.

20 "Site acquisition." Includes the cost of land and mineral
21 rights, demolition and clearing, rights-of-way and related
22 utility relocations, surveys and soil analyses, and the costs of
23 all fees relating thereto.

24 "Site development." Includes excavation, grouting and
25 shoring, access roads to site, utilities on site, and extension
26 of utilities to site.

27 "Substantial addition." An addition which is more than 20%
28 of the area and replacement value of the structure to which the
29 improvement is to be added.

30 § 4912. Authorization of maximum project and building costs.

1 In the event that a new school building or a substantial
2 addition to an existing building is to be constructed or leased
3 in a school district of the second class, the board of directors
4 shall authorize a maximum project cost and a maximum building
5 construction cost to be financed by the district or amortized by
6 lease rentals to be paid by the district.

7 § 4913. Public hearing prior to construction or lease.

8 (a) General rule.--Except where the approval of the electors
9 is obtained to incur indebtedness to finance the construction of
10 a school project, the board of school directors of any school
11 district of the second class shall not construct, enter into a
12 contract to construct or enter into a contract to lease a new
13 school building or substantial addition to an existing school
14 building without holding a public hearing.

15 (b) Time of hearing.--The public hearing shall be held after
16 the board of school directors has complied with the provisions
17 of section 4912 (relating to authorization of maximum project
18 and building costs). The public hearing shall be held not less
19 than 30 days before the school district submits initial building
20 construction cost estimates to the department for approval.

21 (c) Notice of hearing.--Notice of the public hearing shall
22 be given not less than 20 days before the date of the hearing.

23 (d) Second hearing if bids exceed estimates.--If the final
24 building construction cost bids to be submitted to the
25 department for approval are less than the aggregate building
26 expenditure standard but exceed by 8% or more the initial
27 building construction cost estimates submitted to the department
28 for approval, a second public hearing shall be held before the
29 department shall give its final approval.

30 § 4914. Referendum prior to construction or lease.

1 (a) General rule.--When, in a school district of the second
2 class, the maximum building construction cost authorization
3 exceeds the aggregate building expenditure standard, the board
4 of school directors shall submit its authorization to the
5 electors of the school district for their approval within six
6 months prior to submission of the final building cost bids to
7 the department for approval. Referenda shall be held as provided
8 by law for the approval of incurring indebtedness by referendum.

9 (b) Contents of question submitted.--The question submitted
10 shall specify the maximum project cost, the maximum building
11 construction cost and the annual sinking fund charge or lease
12 rental to be incurred by the school district and the portion of
13 the charge or rental expected to be reimbursed by the
14 Commonwealth.

15 SUBCHAPTER C

16 REGULATION OF PROPERTY AND PROJECTS

17 Sec.

18 4921. Building and property regulations.

19 4922. Advisory committee on building and property regulations.

20 4923. Substrata evaluation for building projects.

21 § 4921. Building and property regulations.

22 (a) General rule.--All public school buildings shall conform
23 to State board regulations on:

24 (1) Substantiated building need.

25 (2) Building cost.

26 (3) Site selection and size.

27 (4) Space allocation and design.

28 (5) Environmental factors.

29 (6) Health and safety.

30 (b) Periodic revision of building cost standards.--Each year

1 the State board shall review and if necessary revise applicable
2 school building cost guidelines and standards pertaining to the
3 percentage of total space which may be reimbursable, the
4 percentage of total district budget represented by capital
5 outlay required for the project, the financial capability of the
6 applicant to sustain and maintain the obligation of indebtedness
7 to be created by the proposed project and such other factors as
8 the State board may consider necessary to establish reasonable
9 cost standards.

10 (c) Periodic revision of building regulations.--At least
11 every three years the State board shall review and revise all
12 building regulations in light of changing methods, technologies
13 and philosophies of education.

14 (d) Disapproval of projects nonconforming to regulations.--
15 The department shall deny approval to any school building
16 construction, alteration or renovation project which fails to
17 meet State board regulations.

18 (e) Exceptions from regulation compliance.--The board of
19 school directors of any school district may petition the State
20 board to grant an exception to specific regulations where
21 financial or other unnecessary hardship or educational
22 inadequacy would otherwise result. The State board shall hold a
23 hearing upon petitions of the board of school directors for
24 exceptions or may authorize the department to conduct the
25 hearings.

26 § 4922. Advisory committee on building and property
27 regulations.

28 (a) Membership.--The Governor shall appoint an advisory
29 committee on building and property regulations consisting of 15
30 members to be composed of:

1 (1) Three registered architects experienced in school
2 design.

3 (2) One registered engineer experienced in controlled
4 environmental design of schools.

5 (3) One registered engineer experienced in design or
6 evaluation of maintenance techniques, facilities or
7 equipment.

8 (4) Two school administrators.

9 (5) Two classroom teachers.

10 (6) One physician.

11 (7) One representative of the construction industry
12 experienced in school construction.

13 (8) Two school board members who are not teachers or
14 administrators.

15 (9) Two residents of this Commonwealth not
16 professionally engaged in any of the above occupations.

17 (b) Duties.--The advisory committee shall present to the
18 State board:

19 (1) Recommended changes and revision in building and
20 property regulations.

21 (2) Justifications for the recommended changes and
22 revisions.

23 (3) Educational and healthful benefits of the
24 recommended changes and revisions.

25 (4) Impact on construction or maintenance costs as the
26 result of recommended changes and revisions.

27 (c) Expenses.--The members of the advisory committee shall
28 serve without compensation but shall be reimbursed for necessary
29 expenses actually incurred in the performance of their duties.
30 Reimbursement for expenses shall not exceed the greater of the

1 following amounts:

2 (1) The sum of \$40 per day for food and lodging and 15¢
3 per mile for travel by automobile.

4 (2) Amounts for traveling expenses determined by the
5 Commissioner of Internal Revenue under the authority of
6 section 274 of the Internal Revenue Code of 1954 and
7 regulations promulgated thereunder as not requiring
8 substantiation by adequate records or other sufficient
9 evidence.

10 § 4923. Substrata evaluation for building projects.

11 Any school district or authority planning to construct or
12 reconstruct a school building located in an area certified by
13 the Department of Environmental Resources to be subject to mine
14 subsidence shall, before beginning design, obtain an evaluation
15 of the substrata of the land upon which the building will be
16 situated from the Department of Environmental Resources. All
17 substrata evaluations shall be made available to the contractor
18 prior to bidding.

19 SUBCHAPTER D

20 APPROVAL OF BUILDINGS AND PROJECTS

21 Sec.

22 4931. General powers and duties of department.

23 4932. Department approval of buildings and improvements.

24 § 4931. General powers and duties of department.

25 The department shall, with respect to construction,
26 renovation or alterations of buildings for school districts of
27 the second class:

28 (1) Assist in preplanning of projects and offer such
29 architectural, engineering and financial advice as to enable
30 the project to comply with the State board regulations.

1 (2) Review all projects, plans and specifications.

2 (3) Make recommendations to the General Assembly and the
3 Governor.

4 (4) Act as liaison between the public, local school
5 officials, the General Assembly and the Governor on school
6 district projects.

7 (5) Receive and investigate complaints from the public
8 or other source concerning any school district project.

9 (6) Conduct investigations on any phase of a school
10 district project.

11 (7) Hold hearings on any or all projects and subpoena
12 witnesses, administer oaths, take testimony and compel the
13 production of documents relevant to any investigation.

14 (8) Inspect any or all building projects for compliance
15 with the approved plans, this title and regulations of the
16 State board.

17 § 4932. Department approval of buildings and improvements.

18 (a) Construction of buildings.--No public school building
19 shall be contracted for, constructed or reconstructed in any
20 school district of the second class until the plans and
21 specifications therefor have been approved by the department.

22 ~~Approval shall not be granted unless the district's plans~~ <—
23 ~~include the removal of an existing structure which the new~~
24 ~~building is designed to replace. Approval may be granted if in~~
25 ~~lieu of razing the district has a contractually guaranteed~~
26 ~~arrangement for continued usage of the existing structure.~~

27 (b) Improvements to buildings.--When ordinary repairs are
28 proposed, such as plastering, painting, replacement of floors,
29 improvement of school grounds, repairing or providing walks,
30 roadways or retaining walls, the cost of which will not exceed

1 \$20,000 per building, no approval shall be required. For repair
2 projects that exceed \$20,000, or where structural change is
3 involved such as moving or adding doors, windows, partitions,
4 making additions or any excavations, or any work which may
5 affect the safety or health of the students or any work which
6 comes under the jurisdiction of another Commonwealth agency,
7 approval of the department shall be required regardless of the
8 cost of the structural change.

9 (c) Purchase of buildings.--No school building shall be
10 purchased by any school district until the purchase shall have
11 been approved by the department. The approval shall not be given
12 unless the school building to be purchased and any approved
13 structural changes or renovations meet the standards required to
14 operate public school buildings of a similar age currently in
15 use in this Commonwealth.

16 SUBCHAPTER E

17 ACQUISITION OF PROPERTY

18 Sec.

19 4941. Determination of location and amount of property.

20 4942. Acquisition and holding of property.

21 4943. Lease of buildings constructed or altered for school use.

22 4944. Lease of grounds and buildings for school purposes.

23 4945. Authority of district concerning projects for school
24 purposes.

25 4946. Equipping and operating recreational facilities.

26 § 4941. Determination of location and amount of property.

27 The board of school directors of each school district shall
28 determine the location and amount of real estate required by the
29 school district subject to State board regulations on site
30 selection and size.

1 § 4942. Acquisition and holding of property.

2 The board of school directors of any school district may
3 acquire property, within or outside of the school district, by
4 purchase, gift, devise, agreement, condemnation or otherwise.
5 All property shall be acquired and held in the name of the
6 school district.

7 § 4943. Lease of buildings constructed or altered for school
8 use.

9 (a) General rule.--The board of school directors of any
10 school district may lease buildings or portions of buildings
11 constructed or altered for school district use provided the
12 buildings comply with standards and regulations established by
13 the State board, THE DEPARTMENT OF EDUCATION, the Department of <—
14 Labor and Industry and the Department of Environmental
15 Resources.

16 (b) Department approval of leases.--The approval of the
17 department shall be required for all leases of five years or
18 more.

19 § 4944. Lease of grounds and buildings for school purposes.

20 (a) General rule.--The board of school directors of any
21 school district may:

22 (1) Enter into a lease or leases with a municipality
23 authority, a profit or nonprofit corporation, partnership,
24 association or person for the rental of necessary grounds and
25 buildings for school purposes or buildings to be erected for
26 school purposes. The school district shall have the right to
27 renew the lease or leases for a term not to exceed 40 years
28 at a stipulated rental. The rental is to be paid out of
29 current revenues.

30 (2) Purchase the grounds and buildings at any time

1 during the continuance of the lease or leases in paragraph
2 (1) at a stipulated price.

3 (3) In the case of joint leases, agree upon the manner
4 of sharing the rental or rentals and the costs and expenses
5 of insuring, operating, maintaining and repairing the school
6 property leased.

7 (b) Department approval of leases.--The approval of the
8 department shall be required for leases under this section.

9 § 4945. Authority of district concerning projects for school
10 purposes.

11 The board of school directors of any school district may,
12 upon the written approval of the department:

13 (1) Sell, lend, grant or convey to any municipality
14 authority, profit or nonprofit corporation, partnership,
15 association or person, with or without consideration, any
16 lands, easements or rights in land which may be deemed
17 necessary for any project, together with any buildings,
18 structures or improvements erected thereon, as well as
19 furnishings and equipment used or useful in connection
20 therewith.

21 (2) Purchase or otherwise acquire additional lands or
22 interests in lands which may be deemed necessary for the
23 project and to finance the acquisition by the issuance and
24 sale of general obligation bonds.

25 (3) Transfer, assign and set over to the municipality
26 authority, profit or nonprofit corporation, partnership,
27 association or person any contract which may have been
28 awarded for the project or projects.

29 (4) Make appropriations to the municipality authority,
30 profit or nonprofit corporation, partnership, association or

1 person out of its general funds or out of any other available
2 funds. Any funds which represent the proceeds of general
3 obligation bonds heretofore or hereafter issued by the school
4 district shall be used by the party receiving them for the
5 purpose or purposes for which the bonds were issued. In the
6 event that any bonds were issued pursuant to a vote of the
7 electors, any appropriation of the proceeds shall not be
8 deemed such a change of purpose from that for which such
9 bonds were authorized as shall require the question to be
10 again submitted to a vote of the electors under any existing
11 statute.

12 § 4946. Equipping and operating recreational facilities.

13 (a) General rule.--The board of school directors of any
14 school district may equip, operate and maintain parks,
15 playgrounds, playfields, gymnasiums, swimming pools and indoor
16 recreation centers and may appropriate money for these purposes.

17 (b) Additional tax levy.--For the purposes set forth in
18 subsection (a), the board of school directors of any school
19 district may levy an annual tax not to exceed two mills on the
20 dollar of the assessed evaluation of taxable property in the
21 school district for joint ventures with any city, borough,
22 incorporated town, township or county or any combination
23 thereof. Funds raised by the levy may be used only for the
24 purposes specified in subsection (a).

25 SUBCHAPTER F

26 CONTRACTS FOR CONSTRUCTION AND IMPROVEMENTS

27 Sec.

28 4951. General requirements for work performed on school
29 property.

30 4952. Contract provisions covering competency of workmen.

1 4953. Contract provisions covering minimum wages.

2 4954. Contract provisions for compliance with Human Relations
3 Act.

4 4955. Architects and engineers employed prohibited from
5 bidding on public works.

6 § 4951. General requirements for work performed on school
7 property.

8 (a) General rule.--All site improvement, construction,
9 alteration, renovation, maintenance or work of any nature made
10 upon any building or property of a school district or upon any
11 building or portion of a building leased under the provisions of
12 section 4943 (relating to the lease of buildings constructed or
13 altered for school use) shall be made in accordance with
14 sections 3131 (relating to general requirements for purchasing),
15 3132 (relating to solicitation for quotations for certain
16 purchases) and 3133 (relating to formal bidding for certain
17 purchases) except as provided in subsections (b) and (c). The
18 board of school directors may invite proposals, either for
19 completely erecting, altering or adding to any building, or
20 separately for parts of the work, or both, on all projects under
21 \$25,000 base construction cost. All projects exceeding \$25,000
22 shall be subject to the act of May 1, 1913 (P.L.155, No.104),
23 entitled "An act regulating the letting of certain contracts for
24 the erection, construction, and alteration of public buildings."
25 Whenever the board of school directors enters into a single
26 contract for a project, in the absence of good and sufficient
27 reasons, the contractor shall pay each subcontractor within 15
28 days of receipt of payment from the board of school directors an
29 amount equal to the percentage of completion allowed to the
30 contractor on account of the subcontractor's work. The

1 contractor shall also require the subcontractor to make similar
2 payments to his subcontractors.

3 (b) Work performed by school personnel.--Where the entire
4 estimated cost or value of the work to be done is less than
5 \$20,000, or where maintenance work of any cost or value is to be
6 done, it may be done by the school district's own maintenance
7 personnel. In addition, the board of school directors of any
8 school district may use its own maintenance or other personnel
9 to perform maintenance work irrespective of the entire cost or
10 value of the work.

11 (c) Work performed by students.--The board of school
12 directors of any school district may have any work, determined
13 by the department to be within the capabilities of vocational-
14 technical students, performed by students enrolled in the area
15 vocational-technical school or, where an area school is not
16 available, by students of technical training programs of the
17 secondary schools, subject to the following conditions:

18 (1) The board shall certify that the primary purpose in
19 involving the vocational-technical students in the school
20 entity's construction program is for practical field
21 experience and instructional purposes.

22 (2) The work shall be done under supervision of
23 experienced instructors or tradesmen.

24 (3) The plans, specifications and material lists for any
25 project shall be prepared, with the involvement of students
26 where possible, by a registered architect or engineer of this
27 Commonwealth. This condition may be waived by the department
28 where type and size of projects warrants such action.

29 (4) The responsible architect or engineer shall
30 periodically check, during construction, for adherence to the

1 approved plans and specifications.

2 § 4952. Contract provisions covering competency of workmen.

3 All contracts awarded and entered into by any school entity
4 for all site improvements and construction, alteration,
5 renovation, repair or work of any nature shall contain a clause
6 or stipulation requiring that no person shall be employed to do
7 work under the contract except competent and first-class workmen
8 and mechanics. No workmen shall be regarded as competent and
9 first class, within the meaning of this section, except those
10 who are duly skilled in their respective branches of labor, and
11 who shall be paid not less than such rates of wages and for such
12 hours' work as shall be the established and current rates of
13 wages paid for such hours by employers of organized labor in
14 doing similar work in the district where work is being done.

15 § 4953. Contract provisions covering minimum wages.

16 (a) General rule.--All contracts awarded and entered into by
17 any school district for all site improvements and renovation,
18 construction, alteration, repair and work of any nature other
19 than maintenance that is in excess of \$25,000 shall be performed
20 under the provisions of the act of August 15, 1961 (P.L.987,
21 No.442), known as the "Pennsylvania Prevailing Wage Act."

22 (b) Reports of contract violations.--Every officer or person
23 designated as an inspector of, or having supervision over, the
24 work to be performed under any contract, in order to aid in
25 enforcing the fulfillment thereof, shall, upon observation or
26 investigation, report to the board of school directors which let
27 the contract all violations of minimum wage stipulations,
28 together with the name of each laborer or mechanic who has been
29 paid a wage less than that prescribed by the specifications and
30 the day or days of violation.

1 (c) Collecting penalties for violations.--All penalties
2 shall be withheld and deducted for the use of the school
3 district from any moneys due the contractor by the officer or
4 person whose duty it shall be to authorize the payment of moneys
5 due the contractor, whether the violation of the minimum wage
6 stipulation of the specifications was by the contractor or by
7 any of his subcontractors. If any contractor or subcontractor
8 subsequently pays to all laborers and mechanics the balance of
9 the amounts stipulated in such contract, the board of school
10 directors shall pay to the contractor the amount so withheld as
11 penalties.

12 § 4954. Contract provisions for compliance with Human Relations
13 Act.

14 All contracts awarded and entered into by any school entity
15 for site improvements and construction, alteration, renovation,
16 repair or work of any nature shall contain a provision that the
17 contractor agrees to comply with the provisions of the act of
18 October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania
19 Human Relations Act."

20 § 4955. Architects and engineers employed prohibited from
21 bidding on public works.

22 (a) General rule.--

23 (1) It is unlawful for any architect or engineer, in the
24 employ of any school district, and engaged in the preparation
25 of plans, specifications or estimates, to bid or negotiate on
26 any public work at any letting of such work by the school
27 district, except that any such architect or engineer who
28 shall have prepared preliminary plans only shall not be
29 prohibited from bidding or negotiating on the final contract
30 for such work.

(2) It is unlawful for the officers of school districts charged with the duty of letting any public work, to award a contract to any such architect or engineer, in the employe of the school district who is in any way interested in any contract for public work for the school district or for any such architect or engineer to receive any remuneration or gratuity from any person interested in such contract except under the terms and conditions as provided in section 3137 (relating to fee sharing restricted).

(b) Forfeiture and penalty.--Any person violating any of the provisions of this section shall forfeit his office and ~~shall be~~ ~~guilty of~~ COMMITTS a misdemeanor of the third degree.

SUBCHAPTER G

DISPOSITION OF PROPERTY

Sec.

4961. Authority to dispose of property.

4962. Procedure for abandonment of property.

4963. Lease of unused and unnecessary property.

4964. Sale of unused and unnecessary property.

4965. Payment of consideration on private sale of property.

4966. Sale of property acquired for nonpayment of taxes.

4967. Lease or transfer in connection with school project leases.

4968. Conveyance to municipality for municipal purposes.

4969. Conveyance to or for community college.

§ 4961. Authority to dispose of property.

(a) General rule.--The board of school directors of any school district may sell, convey, transfer, dispose of or abandon any real property or any part thereof which it may own subject to the provisions of this title.

1 (b) Advertisement of proposal.--Prior to any decision of the
2 board of school directors to sell, convey, transfer, dispose of
3 or abandon any real property, the board of school directors
4 shall make its proposal known to the public by advertisement
5 once a week for three weeks in not less than two newspapers of
6 general local circulation. If there are less than two newspapers
7 of general local circulation in the service area of the school
8 entity, the notice shall be published in one newspaper of
9 general local circulation and shall be posted in at least five
10 separate public places. In addition, advertisements or notices
11 may also be placed in trade journals and other newspapers as an
12 inducement to potential purchasers or lessees. During all
13 negotiations, emphasis shall be placed on the reuse of the
14 existing school building for either public activities or private
15 development prior to any decision to raze the building.

16 § 4962. Procedure for abandonment of property.

17 No real property that has heretofore been acquired by, or
18 conveyed or granted to, any school district for school district
19 purposes, or which may hereafter be acquired by any school
20 district for school district purposes, shall be considered as
21 abandoned until the board of school directors of the district
22 shall pass a resolution declaring it to be the intention of the
23 district to vacate and abandon the property, whereupon all
24 right, title and interest of the district in the premises shall
25 be fully terminated.

26 § 4963. Lease of unused and unnecessary property.

27 The board of school directors of any school district may
28 lease for any lawful purpose other than educational use, unused
29 and unnecessary real property of the school district pending the
30 sale thereof, or until such time as the board shall decide again

1 to make use of the real property for school purposes. Terms and
2 conditions of the lease shall be fixed by the board in the
3 motion or resolution authorizing the lease. All rents collected
4 shall be paid into the general fund of the school district.

5 § 4964. Sale of unused and unnecessary property.

6 (a) General rule.--The board of school directors of any
7 district may sell unused and unnecessary real property by any of
8 the methods set forth in this section.

9 (b) Public auction.--Property may be sold by public auction,
10 either on the premises to be sold or at places selected by the
11 school board, after due notice as provided in section 3133(a)
12 (relating to formal bidding for certain purchases) and by
13 handbills, one or more of which must be posted on the property
14 proposed to be sold and at least five of which must be posted at
15 conspicuous places within the vicinity of the real estate. The
16 terms and conditions of sale shall be fixed by the school board
17 in the motion of resolution authorizing the sale.

18 (c) Sealed bids.--Property may be sold upon sealed bids
19 requested by the board of school directors, notice of the
20 request to be given as provided in subsection (b). The terms and
21 conditions of sale shall be fixed by the board in the motion or
22 resolution authorizing the request for sealed bids.

23 (d) Private sale.--Property may be sold at private sale,
24 subject to the approval of the court of common pleas of the
25 county in which the property is located. Approval of the court
26 shall be on petition of the governing board.

27 (1) The petition shall be executed by the proper
28 officers of the board and shall contain:

29 (i) A full and complete description of the land
30 proposed to be sold.

(ii) A brief description and character of the building or buildings erected thereon, if any.

(iii) The name of the prospective purchaser.

(iv) The amount offered for the property.

(v) An affidavit of at least two persons who are familiar with the values of real estate in the locality in which the land is located certifying that:

(A) They have examined the property.

(B) The price offered therefor is a fair and reasonable one and, in their opinion, a better price than could be obtained at public sale.

(C) They are not interested either directly or indirectly in the purchase or sale thereof.

(2) Before the court may act upon the petition, it shall fix a time for a hearing and shall direct that public notice thereof be given as provided in subsection (b). A return of sale shall be made to the court after the sale has been consummated and the deed executed and delivered.

(3) The board of school directors, when selling property at a private sale, may engage the services of licensed real estate brokers to secure prospective purchasers and pay them the customary real estate agents' commission charged within the school district. The commission shall be paid only in the event the sale is actually consummated by the brokers.

§ 4965. Payment of consideration on private sale of property.

The board of school directors may, at its discretion, when selling real estate subject to the provisions of section 4964 (relating to sale of unused and unnecessary property), sell and convey the real estate to the purchaser for the accepted consideration payable partly in cash and partly in the form of a

1 purchase money mortgage and bond to be paid in not more than
2 five years from the date thereof and bearing interest at the
3 rate of not less than 5%. The mortgage and bond shall contain
4 the customary provisions requiring fire insurance and payment of
5 taxes, water rents and assessments by the mortgagor and obligor.
6 § 4966. Sale of property acquired for nonpayment of taxes.

7 (a) General rule.--In the case of land or any interest
8 therein acquired by a school district of the first class or
9 first class A at any sale on a tax or municipal claim, or on a
10 bid submitted at any judicial sale where the school district has
11 an interest arising out of unpaid taxes against the premises
12 being sold, or by voluntary conveyance in payment of taxes, the
13 land acquired may be sold by the school district of the first
14 class or first class A at public or private sale pursuant to a
15 resolution of the governing board of the school district without
16 advertisement and without further proceedings or confirmation by
17 the court.

18 (b) Disposition of proceeds.--Moneys derived from sales of
19 real estate enumerated in subsection (a) shall be paid into the
20 general fund and may be used for current expenses of the school
21 district.

22 § 4967. Lease or transfer in connection with school project
23 leases.

24 Notwithstanding sections 4964 (relating to sale of unused and
25 unnecessary property), 4965 (relating to payment of
26 consideration on private sale of property) and 4966 (relating to
27 sale of property acquired for nonpayment of taxes), any school
28 district may lease, grant, assign or convey to the State Public
29 School Building Authority, a municipality authority or any
30 profit or nonprofit corporation, partnership, association or

1 person, with or without consideration, in connection with any
2 lease for a school building or project, any lands, easements or
3 rights in lands, together with any improvements, buildings or
4 structures therein or thereon, now owned by the school district
5 or hereafter acquired by it, deemed necessary to carry out the
6 project, as well as furnishings and equipment used or useful in
7 connection therewith.

8 § 4968. Conveyance to municipality for municipal purposes.

9 Notwithstanding sections 4964 (relating to sale of unused and
10 unnecessary property), 4965 (relating to payment of
11 consideration on private sale of property) and 4966 (relating to
12 sale of property acquired for nonpayment of taxes), any school
13 district, upon approval of two-thirds of the legally qualified
14 members of the board of school directors, may convey unused and
15 unnecessary lands and buildings of the district to the city,
16 borough, town or township, the boundaries of which are
17 coterminous with or within those of the school district, without
18 consideration or for such consideration and on such terms of
19 exchange as may be agreed upon, without first complying with the
20 requirements of sections 4964, 4965 and 4966. The conveyances
21 may contain a clause whereby the lands and buildings will revert
22 to the school district if they are no longer being used for
23 municipal or authority purposes.

24 § 4969. Conveyance to or for community college.

25 (a) General rule.--Notwithstanding sections 4964 (relating
26 to sale of unused and unnecessary property), 4965 (relating to
27 payment of consideration on private sale of property) and 4966
28 (relating to sale of property acquired for nonpayment of taxes)
29 and subject to the limitations set forth in this section, any
30 school district, upon approval of two-thirds of the legally

1 qualified members of the board of school directors, may convey,
2 with or without consideration, any unused or unnecessary lands
3 and buildings of the district to:

4 (1) a community college organized and existing under the
5 provisions of the act of August 24, 1963 (P.L.1132, No.484),
6 known as the "Community College Act of 1963"; or

7 (2) the State Public School Building Authority or a
8 municipal authority with which the community college has
9 entered into or is about to enter into a lease rental
10 agreement for the use of the subject lands and buildings.

11 (b) Qualification of grantor.--The conveying school district
12 shall:

13 (1) be a sponsor of the community college to which the
14 conveyance is to be made or with which the State Public
15 School Building Authority or the municipality authority to
16 which the conveyance is to be made has entered into or is
17 about to enter into a lease rental agreement for the use of
18 the subject lands and buildings; or

19 (2) be coterminous with or included within the
20 boundaries of a political subdivision sponsoring the
21 community college to which the conveyance is to be made or
22 with which the State Public School Building Authority or the
23 municipality authority to which the conveyance is to be made
24 has entered into or is about to enter into a lease rental
25 agreement for the use of the subject lands and buildings.

26 SUBPART G

27 PERSONNEL

28 Chapter

29 51. Personnel

30 CHAPTER 51

PERSONNEL

Subchapter

A. General Provisions

B. Certification

C. Employment Rights of Professional Personnel

D. Leave and Retirement Benefits

E. Commissioned Personnel

F. Principals

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

5101. Definitions.

5102. Medical examinations of employees and agents.

5103. Religious garb worn by employee prohibited.

5104. Personnel actions concerning relatives of school
directors.

5105. Access to personnel records.

5106. Rights of professional employees in special
institutions.

5107. RIGHTS ON TRANSFER OF PROGRAMS AND CLASSES.

<—

§ 5101. Definitions.

As used in this chapter the following words and phrases shall
have the meanings set forth in this section unless the context
clearly indicates otherwise:

"Auxiliary personnel." Persons employed by the governing
board of any school entity in positions for which commissions or
certificates are not required.

"Commissioned personnel." Persons who are commissioned by
the secretary as superintendents and assistant superintendents
for school districts or as executive directors and assistant

1 executive directors for intermediate units.

2 "Furlough." A temporary interruption of employment initiated
3 by the governing board.

4 "Nontenured professional employee." A professional employee
5 who has not received tenure in accordance with section 5132
6 (relating to tenure).

7 "Professional employees." Persons employed in the public
8 schools, other than commissioned personnel, who hold positions
9 requiring professional certificates issued by the department.
10 Except for the provisions of sections 5145 (relating to
11 substitute teachers), ~~5158 (relating to right to sick leave)~~ and <—
12 5165 (relating to retirement), substitutes shall not be
13 considered professional employees under Subchapters C (relating
14 to employment rights of professional personnel) and D (relating
15 to leave and retirement benefits). Professional employees shall
16 be:

17 (1) Teachers.

18 (2) Visiting teachers.

19 (3) Supervisors.

20 (4) Principals.

21 (5) Assistant principals.

22 (6) Vice principals.

23 (7) Directors of vocational education.

24 (8) Home and school visitors/school social workers.

25 (9) School counselors.

26 (10) Child nutrition program specialists.

27 (11) School librarians.

28 (12) School nurses.

29 (13) Dental hygienists.

30 (14) School secretaries, the selection of whom is on the

basis of merit as determined by eligibility lists.

(15) School speech therapists.

(16) School hearing therapists.

(17) School psychologists.

"School administrators." Employees who are responsible for administering, directing and managing the instructional activities of a school. The term includes principals, assistant principals and directors of vocational education.

"Seniority." The length of service in the school entity of current employment except as otherwise provided in this title.

"Substitutes." Persons employed to perform the duties of regular professional employees during such period of time as the regular professional employee is absent on sabbatical leave or for other legal cause authorized and approved by the governing board. ~~Substitutes who are employed for 20 consecutive school days or more shall be long term substitutes and those employed for less than 20 consecutive school days shall be short term~~

~~substitutes~~ SUBSTITUTES SHALL BE GIVEN SICK LEAVE RIGHTS BASED ON ONE SICK DAY FOR EACH CONTINUOUS 20 DAYS WORKED unless otherwise provided in a local collective bargaining agreement.

"Supervisors." Persons responsible for supervising, coordinating and directing the activities of professional personnel.

"Teachers." Persons who are engaged in teaching or other direct educational activities and who are properly certificated in accordance with the provisions of this chapter and with the regulations of the State board.

"Tenure." The right of a person to hold a position and not be removed except for proper cause.

§ 5102. Medical examinations of employees and agents.

1 (a) Preemployment examination.--All school employees shall
2 be required to take a preemployment medical examination the
3 results of which shall be recorded on forms prescribed by the
4 ~~Secretary~~ DEPARTMENT of Health and shall be made available to <—
5 the governing board.

6 (b) Tuberculosis testing.--All school employees and persons
7 under contract providing services to school children, all
8 student teachers and all volunteers regularly participating in
9 student activities shall be given tests for tuberculosis in
10 accordance with rules and regulations adopted by the ~~Secretary~~ <—
11 DEPARTMENT of Health. No person shall be required to submit to a <—
12 particular test if he furnishes a statement setting forth
13 adequate reasons for being excused from taking the test. In such
14 cases, an alternate method of testing shall be administered.

15 (c) Special examination.--Governing boards may, in
16 accordance with their rules and regulations, require a special
17 medical examination for any school employee at any time at board
18 expense.

19 (d) Examiners.--Medical examinations shall be made by the
20 physicians of the school entity, if provision is made by the
21 school entity, or by a physician of the employee's own choice
22 legally qualified to practice medicine in this Commonwealth.

23 § 5103. Religious garb worn by employee prohibited.

24 No person employed in a public school while engaged in the
25 performance of his duty shall wear any dress, habit or uniform
26 indicating the fact that such person is a member or adherent of
27 any religious order, sect or denomination.

28 § 5104. Personnel actions concerning relatives of school
29 directors.

30 (a) General rule.--Except for actions affecting employees as

1 a whole, no personnel action shall be taken by any governing
2 board on any person related to a member of the board, such as,
3 father, mother, brother, sister, husband, wife, son, daughter,
4 stepson, stepdaughter, grandchild, nephew, niece, first cousin,
5 sister-in-law, brother-in-law, uncle, aunt, son-in-law,
6 daughter-in-law, or person residing in the same household unless
7 the action receives a majority vote of all legally qualified
8 members of the board. No member related to the person affected
9 by the action shall vote.

10 (b) Disclosure of relationship.--Any employee or prospective
11 employee related in the manner described in subsection (a) to
12 any member of the governing board, a commissioned officer or
13 school administrator in the entity shall disclose the
14 relationship to the board and that fact shall be duly recorded
15 in the minutes.

16 § 5105. Access to personnel records.

17 (a) General rule.--Access to and confidentiality of
18 personnel records of all employees shall be determined in
19 accordance with the provisions of the act of November 26, 1978
20 (P.L.1212, No.286), referred to as the Inspection of Employment
21 Records Law, and rules and regulations of the State board
22 consistent therewith.

23 (b) Right of employee.--Any employee may examine the
24 contents of his official personnel file and have the contents
25 copied. The school entity may charge for the actual cost of
26 reproduction including the cost of clerical labor.

27 § 5106. Rights of professional employees in special
28 institutions.

29 Except as otherwise provided by law, professional employees
30 in the Scranton State School for the Deaf, Thaddeus Stevens

1 State School of Technology and Scotland School for Veterans'
2 Children and professional employees of school entities in
3 educational programs operated under sections 3731 (relating to
4 educational programs in State-owned institutions) and 3732
5 (relating to educational programs in places of detention) shall
6 enjoy the same privileges, including tenure rights, and be
7 subject to the same laws as professional employees in the public
8 schools of this Commonwealth.

9 § 5107. RIGHTS ON TRANSFER OF PROGRAMS AND CLASSES. <—

10 (A) GENERAL RULE.--WHEN A PROGRAM OR CLASS IS TRANSFERRED
11 FROM ONE OR MORE SCHOOL ENTITIES TO ANOTHER SCHOOL ENTITY OR
12 ENTITIES, PROFESSIONAL EMPLOYEES WHO ARE CLASSIFIED AS TEACHERS
13 AND ARE FURLOUGHED AS A RESULT OF THE TRANSFER AND WHO ARE
14 PROPERLY CERTIFICATED SHALL BE OFFERED EMPLOYMENT IN THE PROGRAM
15 OR CLASS BY THE RECEIVING ENTITY OR ENTITIES WHEN SERVICES OF A
16 PROFESSIONAL EMPLOYEE ARE NEEDED TO SUSTAIN THE PROGRAM OR CLASS
17 TRANSFERRED AS LONG AS THERE IS NO FURLOUGHED PROFESSIONAL
18 EMPLOYEE IN THE RECEIVING ENTITY WHO IS PROPERLY CERTIFICATED TO
19 FILL THE POSITION IN THE TRANSFERRED CLASS OR PROGRAM.

20 (B) CREDIT FOR SICK LEAVE AND YEARS OF SERVICE.--TRANSFERRED
21 PROFESSIONAL EMPLOYEES SHALL BE CREDITED BY THE RECEIVING ENTITY
22 ONLY FOR THEIR SICK LEAVE ACCUMULATED IN THE SENDING ENTITY AND
23 ALSO FOR THEIR YEARS OF SERVICE IN THE SENDING ENTITY FOR
24 PURPOSES OF SABBATICAL LEAVE ELIGIBILITY AND PLACEMENT IN THE
25 SALARY SCHEDULE. THE EMPLOYEES SHALL NOT UTILIZE THE SABBATICAL
26 LEAVE UNTIL THEY HAVE TAUGHT IN THE RECEIVING ENTITY FOR A
27 PERIOD OF THREE YEARS. THE EMPLOYEES SHALL TRANSFER THEIR
28 ACCRUED SENIORITY IN THE AREA OF CERTIFICATION REQUIRED FOR THE
29 TRANSFERRED PROGRAM OR CLASS ONLY.

30 (C) COLLECTIVE BARGAINING AGREEMENTS UNAFFECTED.--THIS

1 SECTION DOES NOT SUPERSEDE OR PREEMPT ANY PROVISION OF A
2 COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BY A SCHOOL ENTITY
3 AND AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN ACCORDANCE
4 WITH THE ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE
5 "PUBLIC EMPLOYE RELATIONS ACT."

6 (D) DEFINITION.--AS USED IN THIS SECTION THE TERM "SCHOOL
7 ENTITY" OR "SCHOOL ENTITIES" MEANS AN INTERMEDIATE UNIT AND ITS
8 PARTICIPATING SCHOOL DISTRICTS OR AN AREA VOCATIONAL-TECHNICAL
9 SCHOOL AND ITS SENDING SCHOOL DISTRICTS.

10 SUBCHAPTER B

11 CERTIFICATION

12 Sec.

13 5111. Requirement of professional certification.

14 5112. Professional Standards and Practices Commission.

15 5113. Emergency certificates and substitutes.

16 5114. Provisional and intern certificates.

17 5115. Permanent certification.

18 5116. Certification of personnel from other states and
19 countries.

20 5117. Existing professional certificates.

21 5118. Other professional certificates.

22 5119. Suspension and revocation of professional certificates.

23 5120. Assurance of certification and proper assignment.

24 5121. Penalty for serving without a certificate.

25 5122. Permanent registration of certificated personnel.

26 5123. Department waiver of certification requirements.

27 § 5111. Requirement of professional certification.

28 (a) General rule.--Any person serving as a commissioned
29 officer, school administrator, supervisor or teacher in the
30 public schools shall hold a valid certificate issued by the

1 department in accordance with regulations of the State board.

2 (b) Scope of certificate.--Each certificate issued shall set
3 forth the area or areas in which its holder is entitled to
4 serve. No professional employee shall serve in any public school
5 in any area or areas for which he is not properly certificated.

6 (c) Fees for certificates.--The department may fix and
7 collect a reasonable fee for certificates necessary to defray
8 the costs of processing such certificates.

9 ~~(d) Department waiver of certification requirements.~~ <—

10 ~~(1) The department may grant a waiver of certification~~
11 ~~requirements for a period not to exceed one year for a~~
12 ~~certificated professional employee currently employed by or~~
13 ~~on furlough from a school entity when the school entity~~
14 ~~submits a written waiver request containing the following:~~

15 ~~(i) The reason for the waiver.~~

16 ~~(ii) A program of study being followed by the~~
17 ~~employee to secure certification in the new position.~~

18 ~~(iii) The period of time necessary for the employee~~
19 ~~to secure certification in the new position.~~

20 ~~(iv) A statement showing the employee's application~~
21 ~~for placement in the new position.~~

22 ~~(2) The employee for whom the waiver is granted shall~~
23 ~~pursue certification as outlined in the school entity's~~
24 ~~waiver request. Failure to do so shall result in a revocation~~
25 ~~of the waiver.~~

26 § 5112. Professional Standards and Practices Commission.

27 (a) Definitions.--As used in this section the following
28 words and phrases shall have the meanings given to them in this
29 subsection:

30 "Commission." The Professional Standards and Practices

1 Commission.

2 "Teach." To engage in the practice of teaching in the public
3 schools of this Commonwealth or to provide related educational
4 specialist, administrative or supervisory services in such
5 schools.

6 "Teacher." Any person who holds a valid teaching certificate
7 in this Commonwealth.

8 (b) Appointment, terms and removal.--There is hereby created
9 a Professional Standards and Practices Commission consisting of
10 16 members appointed by the Governor. The term of office of
11 members of the commission, except the student member whose term
12 shall be one year, shall be three years commencing on January 1
13 of the year following their appointment, except that original
14 appointments shall be staggered terms of one, two and three
15 years in order that the terms of five members of the commission
16 shall expire each year thereafter. Vacancies shall be filled for
17 an unexpired term in the manner as original appointments. No
18 person shall serve for more than two consecutive terms as a
19 member of the commission. The Governor may remove any member
20 from the commission for misconduct or malfeasance in office,
21 incapacity, or neglect of duty. All members of the commission
22 shall be residents of this Commonwealth.

23 (c) Qualifications of members.--

24 (1) The membership of the commission shall consist of:

25 (i) Eight classroom teachers including one
26 educational specialist broadly representative of the
27 teaching profession from public schools.

28 (ii) Three administrators from public schools.

29 (iii) Two faculty members from approved institutions
30 of higher learning in this Commonwealth offering approved

1 teacher education programs.

2 (iv) One administrator from an approved institution
3 of higher learning in this Commonwealth offering approved
4 teacher education programs.

5 (v) One college student currently enrolled in a
6 program of teacher education in an approved institution
7 of higher learning in this Commonwealth offering approved
8 teacher education programs.

9 (vi) One member from the general public who shall be
10 a parent of a student attending a public school.

11 (2) Except for the representative of the general public
12 and the student representative, the Governor, in making
13 appointments, shall consider recommendations from panels of
14 nominees submitted by Statewide organizations of professional
15 educators which certify that the panels include only
16 representatives of the category of professional personnel for
17 which the panel or panels of nominees are submitted.

18 (3) All members of the commission, except the persons
19 representing the college students and general public, shall
20 have been actively engaged in teaching or providing related
21 educational, administrative or supervisory services in a
22 public school or approved institution of higher education
23 with approved teacher education programs for at least five of
24 the eight years immediately preceding their appointment. A
25 person appointed to the commission who leaves this
26 Commonwealth to become domiciled in another state or whose
27 employment status changes to a category different from that
28 for which he was appointed shall have his position on the
29 commission deemed vacated.

30 (d) Power and duties.--The commission shall have the power

1 and its duty shall be:

2 (1) To recommend to the State board ~~standards~~ <—
3 REGULATIONS for certification of teachers to render <—
4 professional services in the public schools of this
5 Commonwealth and for accreditation of teacher education
6 programs and to evaluate teacher education and certification
7 program services and activities to determine the
8 effectiveness in terms of the annual and long-range program
9 plans and to recommend changes to the State board as
10 indicated by the evaluations.

11 (2) To recommend to the State board ~~standards of~~ <—
12 REGULATIONS FOR professional practice for teachers in public <—
13 schools.

14 (3) To recommend to the ~~State board~~ DEPARTMENT <—
15 procedures which assure that actions concerning suspension,
16 annulment or revocation of teaching certificates shall comply
17 with due process except that this paragraph does not confer
18 upon the ~~State board~~ SECRETARY the authority to suspend, <—
19 annul or revoke teaching certificates other than as is
20 otherwise provided in law.

21 (4) To require the department to furnish all information
22 the commission deems necessary to exercise its functions
23 under this section.

24 (5) To adopt rules and regulations as may be necessary
25 to carry out the purposes of this section.

26 (6) To hold public hearings and take testimony
27 concerning proposed recommendations which shall be presented
28 to the State board.

29 (e) Organization and meetings.--The commission shall
30 annually select a chairman and vice chairman by ballot. Meetings

1 shall be held at least four times a year at the call of the
2 chairman or upon request in writing of a majority of the members
3 of the commission. A majority shall constitute a quorum and a
4 majority of the quorum shall have authority to act upon any
5 matter properly before the commission. Meetings of the
6 commission shall be open to the public and the director of
7 professional standards and practices shall be responsible for
8 seeing that notices of meetings of the commission are properly
9 circulated. The commission shall keep minutes of its meetings
10 and report annually to the Governor, the General Assembly, the
11 teaching profession and the public.

12 (f) Compensation and expenses.--Members of the commission
13 shall receive no compensation for their services but shall be
14 reimbursed for their actual and necessary expenses incurred in
15 the performance of official commission business. Reimbursement
16 for expenses shall not exceed the greater of the following
17 amounts:

18 (1) The sum of ~~\$50~~ \$40 per day for food and lodging and <—
19 17¢ per mile for travel by automobile.

20 (2) Amounts for traveling expenses determined by the
21 Commissioner of Internal Revenue under the authority of
22 section 274 of the Internal Revenue Code of 1954 and
23 regulations promulgated thereunder as not requiring
24 substantiation by adequate records or other sufficient
25 evidence.

26 A member of the commission who is an employee of an agency of
27 the Commonwealth or any of its political subdivisions shall be
28 permitted to attend commission meetings and perform other
29 commission duties without loss of income or other benefits. A
30 member of the commission who is employed by a private employer

1 shall be reimbursed for any income lost as a result of
2 attendance at commission meetings or performance of other
3 official commission duties.

4 (g) Director, staff and facilities.--There shall be a
5 director of professional standards and practices who shall serve
6 as the executive officer and secretary of the commission. The
7 director shall be appointed by the Secretary of Education after
8 consultation with the commission. The department shall provide
9 adequate space, equipment, staff, secretarial and administrative
10 assistance to facilitate the activities of the commission.

11 (h) Construction of section.--This section shall not be
12 construed to prevent organizations of the teaching profession
13 from adopting measures designed to improve the standards and
14 practices of ethics and academic freedom among their members and
15 in their relationships with other persons and groups.

16 § 5113. Emergency certificates and substitutes.

17 (a) Emergency certificates.--The State board shall provide
18 for issuance of certificates to meet such shortages of
19 professional employees as may occur when no certificated
20 personnel are available.

21 (b) Substitutes.--

22 (1) Substitute teachers shall be certified in the area
23 of instruction for which they are to be employed.

24 (2) A certified teacher may be employed as a substitute
25 to teach in an area outside of his certification when a
26 substitute certified in the area to be employed cannot be
27 obtained.

28 (3) The State board shall promulgate regulations making
29 it possible to hire substitute teachers without certificates
30 where properly certificated substitute teachers cannot be

1 obtained.

2 § 5114. Provisional and intern certificates.

3 (a) Provisional certificates.--

4 (1) The department may grant a provisional certificate
5 to any person who presents satisfactory evidence of:

6 (i) Good moral character.

7 (ii) Completion of an approved teacher education
8 program.

9 (iii) Mental and physical fitness as attested to by
10 a licensed physician.

11 (iv) Completion of other specialized work as may be
12 required by the regulations of the State board.

13 (v) Except for trade and industry teachers,
14 graduation from an approved four year institution of
15 higher education.

16 (2) The certificate shall entitle the holder to:

17 (i) Serve for three school years.

18 (ii) Have the certificate renewed for one additional
19 three-year period in accordance with the rules and
20 regulations prescribed by the State board.

21 (b) Intern certificates.--

22 (1) The department may grant an intern certificate to
23 any person who presents satisfactory evidence of:

24 (i) Graduation from an approved four-year
25 institution of higher education.

26 (ii) Completion of a program of study in an area of
27 specialty equal to that required for the issuance of a
28 provisional certificate.

29 (iii) Good moral character.

30 (iv) Mental and physical fitness as attested to by a

1 licensed physician.

2 (v) Enrollment in an approved program of intern
3 education that meets the requirements of professional
4 preparation equal to that required for the issuance of a
5 provisional certificate.

6 (2) Persons holding intern certificates may only perform
7 under proper supervision. All supervision shall be performed
8 by a certificated professional employee.

9 (3) Persons holding intern certificates, except
10 vocational intern certificates, shall perform for an initial
11 12-week preparatory period in their area of assigned
12 responsibility under direct and daily supervision.
13 Thereafter, the frequency of direct supervision shall be no
14 less than once a week. The initial 12-week preparatory period
15 shall be served without compensation unless the intern
16 certificate holder has completed 12 weeks of student teaching
17 without compensation.

18 (4) Persons holding intern certificates shall have all
19 the rights of professional employees contained in Subchapters
20 C (relating to employment rights of professional personnel)
21 and D (relating to leave and retirement benefits).

22 (5) The department, in accordance with regulations of
23 the State board, may waive the graduation requirements for
24 applicants for vocational intern certificates.

25 (6) No person shall hold an intern certificate for more
26 than three years.

27 (c) Construction of section.--This section does not prevent
28 a school entity from engaging in a student teacher program in
29 cooperation with an institution of higher learning as long as
30 the students are properly supervised by professional employees.

1 § 5115. Permanent certification.

2 (a) Eligibility.--The department shall issue a permanent
3 certificate to every individual who holds a provisional
4 certificate and presents satisfactory evidence of:

5 (1) Good moral character.

6 (2) Three years of satisfactory professional experience
7 on a provisional certificate in any approved elementary or
8 secondary school, or in private institutions from which the
9 department purchases services on a tuition basis or in State-
10 aided or State-owned schools.

11 (3) Completion of such professional work as may be
12 required by the regulations of the State board.

13 (b) Requirements and term.--Requirements for permanent
14 certification shall not exceed those in effect at the time of
15 issuance of the provisional certificate. Permanent certificates
16 shall be valid for life unless revoked for proper cause.

17 (c) Rights of person denied certificate.--Persons denied the
18 issuance of a professional certificate shall have all rights
19 provided by Title 2 (relating to administrative law and
20 procedure).

21 § 5116. Certification of personnel from other states and
22 countries.

23 The department may issue the appropriate professional
24 certificates directly to qualified applicants from other states
25 and other countries whose professional requirements are
26 equivalent to those of the Commonwealth and who demonstrate
27 proficiency in reading, writing and speaking the English
28 language.

29 § 5117. Existing professional certificates.

30 Any professional certificate in force in this Commonwealth on

1 the effective date of this title shall continue in full force
2 and effect subject to all the terms and conditions under which
3 it was issued until it expires by virtue of its own limitation.
4 § 5118. Other professional certificates.

5 Any certificate issued prior to 1954 and in force in this
6 Commonwealth at the time this chapter takes effect shall become
7 permanent and no additional requirements shall be added
8 hereafter to keep them in full force and effect or otherwise to
9 validate the certificates provided the holders of the
10 certificates have satisfactorily taught at least ten years in
11 the public or nonpublic schools, or both, of this Commonwealth
12 and have earned at least 90 semester credit hours of
13 undergraduate or graduate study.

14 § 5119. Suspension and revocation of professional certificates.

15 (a) General rule.--Any professional certificate may be
16 suspended or revoked by the secretary for any of the following
17 reasons:

- 18 (1) Incompetence.
- 19 (2) Cruelty.
- 20 (3) Negligence.
- 21 (4) Immorality.
- 22 (5) Intemperance.

23 (b) Conviction of crime.--The secretary shall revoke the
24 professional certificate or commission of a person convicted of
25 a felony for violation of any law (including those laws relating
26 to the sale, use or possession of controlled drug substances) or
27 convicted of murder of the first or second degree whenever a
28 certified copy of the judgment and sentence of the court has
29 been filed with the department. The secretary shall reinstate
30 the certificate or commission ~~as~~ in any case where:

<—

1 (1) on final appeal the judgment is reversed; or

2 (2) after hearing, the department deems that
3 reinstatement is just and proper.

4 (c) Rights protected.--The professional affected by any
5 proceeding to revoke or suspend shall be entitled to prior
6 notice and hearing and all other protections provided by Title 2
7 (relating to administrative law and procedure).

8 § 5120. Assurance of certification and proper assignment.

9 (a) General rule.--The chief commissioned officer in each
10 school entity shall be responsible for assuring that all
11 professional employees in that school entity are certificated
12 and properly assigned in their area or areas of certification.

13 (b) Records of certificates.--Every chief commissioned
14 officer shall keep an accurate record of all valid certificates
15 held by employees of the schools within his jurisdiction and
16 shall file the records with the department not later than
17 October 31 of the current school year.

18 § 5121. Penalty for serving without a certificate.

19 (a) Criminal penalties.--Any person serving in the public
20 schools who has knowingly misrepresented his certification
21 commits a misdemeanor of the second degree. The department shall
22 report to the proper local district attorney the name and other
23 pertinent information ~~he~~ IT may have regarding such person. <—

24 (b) Other appropriate action.--The Secretary of Education
25 shall take such appropriate action as he deems necessary as
26 provided for in this title.

27 § 5122. Permanent registration of certificated personnel.

28 The department shall provide for the permanent recording and
29 registration of persons certificated to serve as professional
30 employees in the public schools of this Commonwealth.

1 § 5123. Department waiver of certification requirements.

2 (a) General rule.--The department may grant a waiver of
3 certification requirements for a period not to exceed one year
4 for a certificated professional employee currently employed by
5 or on furlough from a school entity when the school entity
6 submits a written waiver request containing the following:

7 (1) The reason for the waiver.

8 (2) A program of study being followed by the employee to
9 secure certification in the new position.

10 (3) The period of time necessary for the employee to
11 secure certification in the new position.

12 (4) A statement showing the employee's application for
13 placement in the new position.

14 (5) A statement that the employee has completed 12
15 semester credit hours in the area for which the waiver is
16 requested.

17 (b) Employee to pursue certification.--The employee for whom
18 the waiver is granted shall pursue certification as outlined in
19 the school entity's waiver request. Failure to do so shall
20 result in a revocation of the waiver.

21 (c) Restrictions.--A professional employee for whom a waiver
22 is granted shall not be permitted to fill a position vacated by
23 a furloughed employee.

24 SUBCHAPTER C

25 EMPLOYMENT RIGHTS OF PROFESSIONAL PERSONNEL

26 Sec.

27 5131. Contract between board and employee.

28 5132. Tenure.

29 5133. Promotions and transfers.

30 5134. Ratings.

- 1 5135. Furlough of employee from staff reduction.
- 2 5136. Criteria for furlough and reinstatement.
- 3 5137. Compulsory retirement and resignation.
- 4 5138. Causes for dismissal, suspension or demotion.
- 5 5139. General procedures in disciplinary proceedings.
- 6 5140. Issuance of subpoenas to witnesses.
- 7 5141. Notice and effect of board decision.
- 8 5142. Appeals to ~~department~~ SECRETARY. <—
- 9 5143. Appeals to court.
- 10 5144. Powers and duties of school entities concerning
- 11 salaries.
- 12 5145. Substitute teachers.
- 13 5146. PART-TIME EMPLOYEES. <—

14 § 5131. Contract between board and employee.

15 Each governing board shall hereafter enter into contracts, in

16 writing, with each tenured professional employee. The contracts

17 shall contain only the following:

18 It is agreed by and between (name), professional employee

19 and the board of directors (or board of public education) of

20 the school entity of (name) Pennsylvania, that said

21 professional employee shall, under the authority of the said

22 board and its successors, and subject to the supervision and

23 authority of the properly authorized commissioned officer,

24 serve as a professional employee in the said school entity

25 for a term of (number) months (or days), for an annual

26 compensation of (amount) payable monthly, semimonthly or

27 biweekly during the school term or calendar year, less the

28 contribution required by law to be paid to the Public School

29 Employees' Retirement Fund, and less other proper deductions

30 for loss of time or other lawful cause.

1 This contract is subject to the provisions of the Public
2 School Code and the amendments thereto.

3 And it is further agreed by the parties hereto that none
4 of the provisions of the Public School Code may be waived
5 either orally or in writing, and that this contract shall
6 continue in force year after year, with the right of the
7 governing board to increase the compensation over the
8 compensation herein stated, from time to time, as may be
9 provided under the provisions and proper operation of the
10 established salary schedule, if any, for the school entity,
11 subject to the provisions of law, without invalidating any
12 other provision of this contract, unless terminated by the
13 professional employee by written resignation presented 60
14 days before resignation becomes effective, or by the
15 governing board by official written notice presented to the
16 professional employee: Provided, That the said notice shall
17 designate the cause for the termination and shall state that
18 an opportunity to be heard shall be granted if the said
19 professional employee, within ten days after receipt of the
20 termination notice, presents a written request for such
21 hearing.

22 § 5132. Tenure.

23 (a) Probationary period.--A professional employee shall
24 receive tenure status upon the completion of a probationary
25 period of two consecutive years of satisfactory service in the
26 same school entity. ~~in the type of position for which he has~~
27 ~~been certificated. No professional employee shall receive tenure~~
28 ~~status for his position upon the completion of the probationary~~
29 ~~period unless the employee is the holder of a valid professional~~
30 ~~certificate for the area in which he performed during his~~

<—

<—

1 ~~probationary period.~~

2 (b) Satisfactory rating.--A professional employee who has
3 received a satisfactory rating for the last semiannual period of
4 his probationary period, or for any semiannual period
5 thereafter, shall receive tenure status. Tenure shall vest on
6 the last day of the second school year of satisfactory service
7 or, if a satisfactory rating is not received for the last
8 semiannual period of the probationary period, on the date of the
9 first semiannual satisfactory rating thereafter.

10 (c) Effect of leave of absence.--An authorized leave of
11 absence without pay of more than ten days duration during the
12 probationary period shall extend the time an employee must serve
13 before being entitled to tenure by a period equivalent to the
14 length of the leave.

15 (d) Record and notification of tenure.--The attainment of
16 tenure status shall be recorded in the records of the governing
17 board and written notification thereof shall be sent to the
18 employee. A professional employee who is entitled to tenure
19 shall not be denied tenure if the governing board fails to
20 record the attainment of tenure status in its records.

21 (e) Denial of tenure.--Any professional employee who is
22 denied tenure for a position shall be given a written statement
23 signed by the president and secretary of the board setting forth
24 explicitly the reasons for the denial.

25 § 5133. Promotions and transfers.

26 (a) Definition.--As used in this section "vacant position"
27 means a position vacated by death, retirement, resignation or
28 dismissal to which no employee is returning after an approved
29 leave of absence or for which no furloughed employee has rights
30 under section 5136 (relating to criteria for furlough and

1 reinstatement).

2 (b) Same school entity.--A professional employee who has
3 earned tenure in a position with a school entity who is promoted
4 to a position as a supervisor or school administrator as defined
5 in section 5101 (relating to definitions) shall serve a
6 probationary period of two years before earning tenure in that
7 new position. If the employee is denied tenure in the new
8 position, the employee shall be offered the first vacant
9 position for which he is tenured without loss of seniority at
10 the salary, including any increases, which the employee would be
11 earning had the new position not been taken. If the employee,
12 after acquiring tenure, desires to return to teaching or becomes
13 unsatisfactory in the administrative or supervisory position,
14 the school entity shall offer the employee the first vacant
15 position in which he is tenured without loss of seniority at the
16 salary, including any increases, which the employee would be
17 earning had the new position not been taken.

18 (c) Other school entity.--A professional employee who has
19 earned tenure in a position who takes a position with another
20 school entity shall be tenured in that new position except that
21 a professional employee who has earned tenure in a position
22 other than that of a supervisor or school administrator who
23 takes a position as a supervisor or school administrator with
24 another school entity shall serve a two-year probationary period
25 before earning tenure in that new position. If the employee is
26 denied tenure in the new position, the employee shall be offered
27 by the new entity the first vacant position in which he is
28 tenured without loss of seniority at the salary, including any
29 increases, which the employee would be earning had the new
30 position not been taken. If the employee, after acquiring

1 tenure, desires to return to teaching or becomes unsatisfactory
2 in the administrative or supervisory position, the school entity
3 shall offer the employee the first vacant position in which he
4 is tenured without loss of seniority at the salary, including
5 any increases, which the employee would be earning had the new
6 position not been taken.

7 § 5134. Ratings.

8 (a) Frequency.--All untenured professional employees shall
9 be rated at least semiannually by approved rating systems and
10 all tenured professional employees shall be rated at least
11 annually in accordance with official rating systems of the
12 department or of the school entity if the systems of the school
13 entity are approved by the department. The systems shall be
14 established by the department with the cooperation and advice of
15 a committee appointed by the secretary, including representation
16 from district superintendents of schools, classroom teachers,
17 school directors, school supervisors and such other groups or
18 interests as the secretary deems appropriate.

19 (b) Official rating systems.--Rating systems shall be
20 adopted or approved by the department which shall give due
21 consideration to such factors as preparation, seniority
22 technique and student reaction in accordance with State board
23 regulations.

24 (c) Personnel performance rating.--Rating shall be done by
25 or under the supervision of the chief commissioned officer of
26 the school entity or, if so directed by him, the rating may be
27 done by another commissioned officer, a supervisor or a
28 principal who has supervision over the work of the professional
29 employee who is being rated. No unsatisfactory rating shall be
30 valid unless approved by the chief commissioned officer and

1 distributed to professional employees who are rated at least
2 annually, no later than 20 calendar days prior to the close of
3 the school year, and to professional employees who are rated at
4 least semiannually, no later than 20 calendar days prior to the
5 close of a semester.

6 (d) Record and notification of rating.--It shall be the duty
7 of each governing board to establish a permanent record system
8 containing ratings for each professional employee employed
9 within the school entity. Copies of all ratings and
10 recommendations for unsatisfactory rating shall be transmitted
11 to the professional employee within ten days following the
12 receipt of the rating or recommendation by the chief
13 commissioned officer.

14 (e) Limitation on dismissals.--No professional employee
15 shall be dismissed for incompetence unless all the requirements
16 of this section have been met.

17 § 5135. Furlough of employee from staff reduction.

18 A governing board may furlough a professional employee for
19 the following reasons:

20 (1) Substantial decrease in student enrollment in the
21 school district.

22 (2) Substantial decline in class or course enrollments
23 necessitating curtailment or alteration of the educational
24 program or observation of new organizational structures or
25 reorganization of the administrative structure or
26 establishment of new educational activities required by law.
27 All furloughs so effected shall occur upon the recommendation
28 of the chief commissioned officer of the school entity,
29 concurred in by the governing board.

30 ~~(3) To effect necessary expenditure economies in~~

<—

1 ~~accordance with prudent fiscal management of the affairs of~~
2 ~~the school system. THIS REASON SHALL ONLY BE USED IN~~ <—
3 ~~CONJUNCTION WITH PROMOTIONS OCCURRING IN THE SAME SCHOOL~~
4 ~~ENTITY PURSUANT TO SECTION 5133(B) (RELATING TO PROMOTIONS~~
5 ~~AND TRANSFERS)).~~

6 (4) (3) Consolidation of school districts or cooperation <—
7 between school districts, as provided by law, when the
8 consolidation makes it unnecessary to retain the full staff
9 of professional employees.

10 § 5136. Criteria for furlough and reinstatement.

11 (a) General rule.--Professional employees shall be
12 furloughed under section 5135 (relating to furlough of employee
13 from staff reduction) in inverse order of seniority within the
14 school entity of current employment. Approved leaves of absence
15 shall not constitute a break in service for purposes of
16 computing seniority for furlough purposes. Seniority shall
17 continue to accrue during furlough and all approved leaves of
18 absence.

19 (b) Seniority following consolidation.--Where there is or
20 has been a consolidation of schools, departments or programs,
21 all professional employees shall retain the seniority rights
22 they had prior to the reorganization or consolidation.

23 (c) Realignment of professional staff.--A school entity
24 shall realign its professional staff so as to ensure that more
25 senior employees are provided with the opportunity to fill
26 positions for which they are certificated and which are being
27 filled by less senior employees.

28 (d) Rights of furloughed employees.--

29 (1) No furloughed employees shall be prevented from
30 engaging in another occupation during the period of furlough.

1 (2) Furloughed professional employees shall be
2 reinstated on the basis of their seniority within the school
3 entity. No new appointment shall be made while there is a
4 furloughed professional employee available who is properly
5 certificated to fill such a vacancy. For the purpose of this
6 subsection, positions for which professional employees are on
7 approved leaves of absence shall also be considered temporary
8 vacancies.

9 (3) To be considered available a furloughed professional
10 employee must annually report to the governing board in
11 writing his current address and his intent to accept the same
12 or similar position when offered.

13 (4) A furloughed employee enrolled in a college program
14 during a period of furlough and who is recalled shall be
15 given the option of delaying his return to service until the
16 end of the current semester.

17 (e) Collective bargaining agreements.--Nothing contained in
18 this section shall be construed to supersede or preempt any
19 provisions of a collective bargaining agreement negotiated by a
20 school entity and an exclusive representative of the employees
21 in accordance with the act of July 23, 1970 (P.L.563, No.195),
22 known as the "Public Employe Relations Act." However, no
23 agreement shall prohibit the right of a professional employee
24 who is not a member of a bargaining unit from retaining
25 seniority rights under the provision of this act.

26 (f) Local Agency Law.--A decision to furlough in accordance
27 with this section shall be considered an adjudication within the
28 meaning of Title 2 (relating to administrative law and
29 procedure).

30 § 5137. Compulsory retirement and resignation.

1 (a) Retirement.--The governing board of any school entity
2 may terminate the service of any professional employee who has
3 attained the age of 70.

4 (b) Resignation.--A professional employee who intends to
5 resign shall submit a written resignation to the proper officer
6 of the governing board 60 days before the resignation becomes
7 effective.

8 § 5138. Causes for dismissal, suspension or demotion.

9 (a) Dismissal or suspension.--The only valid causes for
10 dismissing or suspending a professional employee shall be
11 immorality, incompetency, intemperance, cruelty, persistent
12 negligence, mental derangement, conviction of treason and
13 persistent and willful violation of the school laws of this
14 Commonwealth on the part of the professional employee. No
15 professional employee shall be dismissed for incompetency unless
16 he has received at least two consecutive unsatisfactory ratings.

17 (b) Suspension procedure.--

18 (1) A governing board may suspend a professional
19 employee with pay until a hearing is held or without pay
20 after a hearing. A suspension without pay shall not exceed 30
21 working days in length.

22 (2) The chief commissioned officer of the school entity
23 may suspend a professional employee with pay for a period not
24 to exceed 60 days or the next meeting of the governing board,
25 whichever shall occur first.

26 (3) No professional employee shall be suspended by the
27 chief commissioned officer of the school entity more than
28 once for the same incident within the same school year.

29 (c) Demotion.--Except where reassignment is necessary as
30 provided in sections 5135 (relating to furlough of employee from

1 staff reduction) and 5136 (relating to criteria for furlough and
2 reinstatement), no professional employee shall be demoted in
3 status or salary except for incompetency.

4 § 5139. General procedures in disciplinary proceedings.

5 (a) Filing charges.--Charges against a professional employee
6 for any of the reasons specified in section 5138 (relating to
7 causes for dismissal, suspension or demotion) shall be filed in
8 writing with the secretary of the governing board by the
9 complainant, who may be any person, or the governing board
10 itself. The governing board shall review the charges in
11 executive session and determine by a majority vote of the
12 members whether there is sufficient basis for taking action
13 against the employee and, if so, the action that is to be taken.
14 If the governing board decides to take action, it shall follow
15 the procedures provided in this section.

16 (b) Notice of charges and rights.--Whenever a governing
17 board intends to dismiss, suspend or demote a professional
18 employee, the employee shall be notified of such action within
19 ten days with a detailed statement of reasons or charges upon
20 which the action is based, in writing by certified mail, signed
21 by the duly designated officer of the governing board. The
22 notification shall also inform the employee of his rights to a
23 hearing.

24 (c) Right to hearing.--If the professional employee does not
25 consent to the proposed dismissal, demotion or suspension, the
26 employee shall be given a hearing unless waived by the employee
27 in writing within 60 days of receiving notice.

28 (d) Effective date of disciplinary action.--No professional
29 employee shall be dismissed, demoted or suspended for any of the
30 reasons stated in section 5138 without the employee's consent,

1 or if such consent is not received, then not until a hearing has
2 been held and the decision of the governing board has been
3 rendered. A suspension with pay as provided for in section
4 5138(b) may occur prior to a hearing.

5 (e) Hearing date and procedures.--A hearing shall be held
6 before the governing board or a committee thereof or, in the
7 case of an area vocational-technical school, before the
8 operating committee not sooner than ten days nor later than 15
9 days after receipt of the written statement of charges by the
10 employee. The professional employee shall be given:

11 (1) Reasonable notice of the time and place of the
12 hearing.

13 (2) Reasons for the proposed disciplinary action.

14 (3) Names of the complainants.

15 (4) The opportunity to hear all witnesses testifying
16 against the employee.

17 (5) The opportunity to examine such witnesses.

18 (6) The opportunity to offer testimony.

19 (7) The right to be represented by counsel.

20 At the hearing, the governing board shall first present its case
21 supporting the action being contested. The professional employee
22 shall then have the opportunity to be heard in person or by
23 counsel, or both. At such hearings all testimony offered,
24 including that of complainants and their witnesses, as well as
25 that of the professional employee and his witnesses, shall be
26 recorded by a competent disinterested public stenographer whose
27 services shall be furnished by the governing board at its
28 expense. The hearing shall be public unless the professional
29 employee requests otherwise.

30 (f) Vote required for decision.--

1 (1) No tenured professional employee shall be dismissed,
2 demoted or suspended without pay for disciplinary reasons
3 except after the governing board has given full, impartial
4 and unbiased consideration of the evidence presented at the
5 hearing and has, by a two-thirds vote of the legally
6 qualified members thereof to be recorded by roll call,
7 determined that the action is proper and supported by a
8 preponderance of the evidence. If the members of the
9 governing board are unable to reach agreement by two-thirds
10 vote, the professional employee shall be retained and the
11 proposed action dismissed.

12 (2) Decisions concerned with suspension occurring under
13 section 5138, the dismissal of a nontenured professional
14 employee for incompetency or allegations that the
15 professional employee has been demoted shall be rendered by a
16 majority vote of the members of the governing board. If an
17 employee's allegations that he has been demoted are
18 sustained, the demotion itself must be sustained by a two-
19 thirds vote as required in paragraph (1).

20 (g) Waiver of time limitations.--The time limitations
21 contained in this section shall be strictly construed, but
22 reasonable continuances of limited duration may be granted for
23 good cause.

24 § 5140. Issuance of subpoenas to witnesses.

25 The governing board shall have power to issue subpoenas
26 requiring the attendance of witnesses at any hearing and shall
27 do so at the request of the party against whom a complaint is
28 made. If any person shall refuse to appear and testify in answer
29 to any subpoena issued by the board, any party interested may
30 petition the court of common pleas setting forth the facts,

1 which court shall thereupon issue its subpoena commanding the
2 person to appear before ~~it~~ THE BOARD and there to testify as to <—
3 the matters being inquired into. Any person refusing to testify
4 ~~before the court~~ shall be held in contempt. All testimony at any <—
5 hearing shall be taken under oath and any member of the
6 governing body shall have power to administer oaths to such
7 witnesses.

8 § 5141. Notice and effect of board decision.

9 (a) Findings and notice of decision.--~~The governing board~~ <—
10 ~~shall state in writing those findings of fact upon which the~~
11 ~~decision of the board is based.~~ ALL DECISIONS OF THE GOVERNING <—
12 BOARD SHALL BE IN WRITING AND SHALL CONTAIN FINDINGS OF FACT AND
13 THE REASONS FOR THE DECISION. A written notice of any hearing
14 decision of the governing board shall be sent by certified mail
15 to the professional employee at his last known address within 30
16 days after the hearing is concluded.

17 (b) Effect of favorable decision.--In all cases where the
18 final decision is in favor of the professional employee the
19 charges made shall be physically expunged from the records of
20 the governing board. In all cases there shall be no abatement of
21 salary or compensation. A complete official transcript of the
22 records of the hearing shall be delivered to the one against
23 whom the charges were made.

24 § 5142. Appeals to ~~department~~ SECRETARY. <—

25 (a) Filing of appeal.--In case a tenured professional
26 employee considers himself aggrieved by the decision of the
27 governing board, an appeal by petition, setting forth the
28 grounds for the appeal, may be taken to the Secretary of
29 Education. The appeal shall be filed within 30 days after
30 receipt by certified mail of the written notice of the decision

1 of the governing board. A copy of the appeal shall be served by
2 certified mail on the secretary of the governing board.

3 (b) Time and notice of hearing.--The secretary shall fix a
4 day and time for hearing, which shall be not sooner than ten
5 days nor more than 45 days after presentation of the petition,
6 and shall give written notice to all parties interested.

7 (c) Hearing procedure.--The secretary shall review the
8 official transcript of the record of the hearing and may hear
9 and consider such additional testimony as he may deem advisable
10 to enable him to make a proper order. At the hearing the parties
11 shall have the right to be heard in person or by counsel or
12 both.

13 (d) Decision.--~~After hearing and argument and reviewing all~~ <—
14 ~~the testimony filed or taken before him, the secretary shall,~~
15 ~~within 60 days, enter an appropriate order as to him appears~~
16 ~~just and proper either affirming or reversing the decision of~~
17 ~~the governing board.~~ THE SECRETARY OR HIS DESIGNEE, WITHIN 90 <—
18 DAYS OF THE DATE OF THE HEARING OR THE DUE DATE OF THE FINAL
19 PAPER FILED, WHICHEVER OCCURS LATER, BUT IN ANY EVENT NOT LONGER
20 THAN 120 DAYS AFTER THE DATE OF THE HEARING, SHALL ENTER SUCH
21 ORDER AS TO THE SECRETARY SEEMS JUST AND PROPER. THE FAILURE OF
22 THE SECRETARY OR HIS DESIGNEE TO ENTER A DECISION AND ORDER
23 WITHIN THE TIME LIMIT PROVIDED IN THIS SECTION SHALL CONSTITUTE
24 AN AFFIRMANCE OF THE DECISION OF THE ~~BOARD OF SCHOOL DIRECTORS.~~ <—
25 GOVERNING BOARD. THE FINDINGS AND REASONS FOR THE DECISION OF
26 THE BOARD OF SCHOOL DIRECTORS SHALL BE ADOPTED BY THE SECRETARY
27 OF EDUCATION.

28 (e) Appeals of nontenured professional employees.--Appeals
29 of nontenured professional employees may be taken in accordance
30 with the provisions of Title 2 (relating to administrative law

1 and procedure).

2 § 5143. Appeals to court.

3 The ruling or decision of the secretary shall be final unless
4 an appeal is taken in accordance with the provisions of Title 2
5 (relating to administrative law and procedure).

6 § 5144. Powers and duties of school entities concerning
7 salaries.

8 (a) Salary schedules.--The governing board of any school
9 entity ~~may~~ SHALL establish a salary schedule with increments for <—
10 all members of the teaching and supervisory staff. A <—
11 PROFESSIONAL EMPLOYEE WHO HOLDS A MASTER'S DEGREE OR ITS
12 EQUIVALENT SHALL BE ENTITLED TO \$300 IN ADDITION TO THE NORMAL
13 INCREMENT IN THE SALARY SCHEDULE FOR THAT EMPLOYEE. Governing
14 boards may increase for any person or group of persons, included
15 in any schedule, the initial salary or the amount of an
16 increment or the number of increments.

17 (b) Temporary or emergency salary increases.--In addition to
18 the salaries provided for by this title, the governing board of
19 each school entity may grant temporary or emergency increases in
20 salaries to members of its teaching or supervisory staff for any
21 period, and to discontinue such increases at the end of the
22 period for which the same were granted. In order to pay the
23 amount of salary increase, the governing board may revise its
24 budget by increasing its appropriation or appropriations for
25 salaries of members of the teaching and supervisory staffs of
26 the entity for any year. The funds therefor shall be provided
27 from unexpended balances in existing appropriations, from
28 unappropriated revenue, if any, or from temporary loans.

29 (c) Salary adjustments to conform to work load.--Teachers
30 who are required, because of additional work, to devote more

1 than the usual number of periods per day to their duties shall
2 be entitled to a fair increase in compensation to be determined
3 by the governing board. Teachers who may be employed in giving
4 instruction for only part of a day shall render such other
5 service for such period of time per day as the board may direct,
6 but if such service cannot be assigned to such teacher by the
7 board, the salary paid to such teacher shall be proportioned to
8 the number of hours of service rendered.

9 (d) Emergency school closings.--When a governing board is
10 compelled to close any school or schools on account of
11 contagious disease, natural disaster or other emergency, not
12 including labor disputes involving school employees, the
13 governing board shall be liable for the salary of the employees
14 for such period, at the rate of compensation stipulated in the
15 contract between the entity and the employee, whether or not the
16 services of the employee are utilized elsewhere in the school
17 entity. No employee of any school closed by reason of an
18 emergency shall receive more or less compensation than that to
19 which the employee would otherwise have been entitled to from
20 the governing board had the emergency not occurred and no
21 employee shall receive additional salary for services rendered
22 on days or for hours rescheduled as a result of an emergency
23 unless the number of days rescheduled extends the number of days
24 provided for in the original school calendar in which case an
25 employee shall receive a pro rata increase for the additional
26 days. Natural disaster shall not include snow days or any other
27 emergency which could reasonably be anticipated and provided for
28 in the school calendar.

29 § 5145. Substitute teachers.

30 (a) Employment.--Substitute teachers properly qualified in

1 accordance with section 5111 (relating to requirement of
2 professional certification) or 5113 (relating to emergency
3 certificates and substitutes) may be employed to perform the
4 duties of a regular professional employee only during the time a
5 professional employee is absent.

6 (b) Salary.--Substitute teachers shall be paid at a rate not
7 less than the minimum salary provided for in accordance with
8 section 5144 (relating to powers and duties of school entities
9 concerning salaries) or, in the event they are employed for less
10 than a full school year, the proportionate part of such minimum
11 salary equal to the proportionate part of the school year during
12 which they were employed, determined BY dividing the number of <—
13 days during which a substitute was employed by the total number
14 of days the schools of the school entity were in session during
15 the school year.

16 § 5146. PART-TIME EMPLOYEES. <—

17 PART-TIME PROFESSIONAL EMPLOYEES SHALL BE PAID A SALARY
18 PROPORTIONATE TO AT LEAST THE MINIMUM SALARY OF FULL-TIME
19 PROFESSIONAL EMPLOYEES ESTABLISHED PURSUANT TO THAT SET FORTH
20 FOR FIRST LEVEL EMPLOYEES UNDER THE COLLECTIVE BARGAINING
21 AGREEMENT OF THE SCHOOL ENTITY.

22 SUBCHAPTER D

23 LEAVE AND RETIREMENT BENEFITS

24 Sec.

25 5151. Right to sabbatical leave.

26 5152. Salary while on sabbatical leave.

27 5153. Priority and number of sabbatical leaves.

28 5154. Failure to return following sabbatical leave.

29 5155. Regulations governing sabbatical leave.

30 5156. Military service leave.

1 5157. Military training leave.
2 5158. Right to sick leave.
3 5159. Transfer of accumulated sick leave.
4 5160. Regulations governing sick leave.
5 5161. Bereavement leave.
6 5162. Leave to serve as teacher in foreign country.
7 5163. Leave for maternity purposes.
8 5164. Leave with or without pay.
9 5165. Retirement.

10 § 5151. Right to sabbatical leave.

11 (a) General rule.--Any person employed in the public school
12 system of this Commonwealth, who has completed ten years of
13 satisfactory service as a professional employee or member of the
14 supervisory, instructional or administrative staff or as
15 commissioned officer in any school entity, shall be entitled to
16 a sabbatical leave of absence for restoration of health, study
17 or travel or, at the discretion of the governing board, for
18 other purposes. Thereafter, one sabbatical leave of absence
19 shall be allowed after each seven years of service. Sabbatical
20 leave shall be for a half or full school year or for two half
21 school years during a period of two school years, at the option
22 of such person subject to conditions described hereinafter.

23 (b) Service in school entity.--At least five consecutive
24 years of service shall have been in the school entity from which
25 leave of absence is sought, unless the governing board shall in
26 its discretion allow a shorter time. Professional employees or
27 commissioned officers of area vocational-technical schools or
28 intermediate units shall be entitled to count prior service in
29 participating school districts toward the service requirement of
30 this subsection.

(c) Extended leave due to illness.--

(1) If a sabbatical leave for one-half school year or its equivalent has been granted and the person is unable to return to school service because of illness or physical disability, the person, upon written request prior to the expiration of the original leave, shall be entitled to a further sabbatical leave for one-half school year or its equivalent.

(2) If a sabbatical leave for a full school year or its equivalent has been granted and the person is unable to return to school service because of illness or physical disabilities, the governing board may extend the sabbatical leave for such periods as it may determine but the extension shall not exceed one full school year or its equivalent.

(d) Agreement to return.--No sabbatical leave of absence shall be granted unless the person shall agree in writing to return to employment with the school entity for a period of not less than one school term immediately following such leave of absence.

(e) Retention of rights.--No sabbatical leave shall be considered a termination or breach of contract and the employee on sabbatical leave shall be returned to the same position in the same school or schools he occupied previously. Every employee on sabbatical leave shall be considered in regular full-time daily attendance in the position from which leave was taken during the period of such leave for the purpose of determining his length of service, rights to salary increases, retirement benefits and sabbatical leave benefits, as provided by law.

(f) Receipt of education grants.--This chapter shall not be

1 construed to prevent an employee on sabbatical leave from
2 receiving an education grant for further study from any
3 institution of learning.

4 ~~(g) Accumulations. A sabbatical year must be taken during~~ <—
5 ~~one school year and may not be accumulated. A year on sabbatical~~
6 ~~leave does not count as a year toward the next sabbatical leave.~~

7 § 5152. Salary while on sabbatical leave.

8 (a) General rule.--The person on sabbatical leave of absence
9 shall receive one-half of his regular salary during the period
10 he is on sabbatical leave as long as the sabbatical leave is
11 used in accordance with section 5151(a) (relating to right to
12 sabbatical leave). A sabbatical leave granted to an employee
13 shall also operate as a leave without pay from all other school
14 activities.

15 (b) Retirement contributions.--The person on sabbatical
16 leave shall continue his membership in the school employees'
17 retirement system. The school entity shall pay into the
18 retirement fund the full amount required by law on the
19 employee's full salary. The amount of contribution required to
20 be paid by the employee shall be deducted from any compensation
21 payable to the employee while on leave.

22 § 5153. Priority and number of sabbatical leaves.

23 (a) Applicants entitled to preference.--Applications for
24 sabbatical leaves of absence shall be given preference according
25 to the years of service since the previous sabbatical leave of
26 the applicant and in accordance with regulations adopted by the
27 governing board.

28 (b) Limitation on number of leaves.--No school entity shall
29 limit the number of sabbatical leaves of absence granted in any
30 school year to less than 10% of the number of persons eligible

1 for such leave of absence regularly employed in such entity.

2 § 5154. Failure to return following sabbatical leave.

3 (a) Forfeiture of benefits.--Upon expiration of a sabbatical
4 leave, the requirement that the person on leave of absence shall
5 return to the service of the school entity and be restored to
6 the same position in the same school or schools that he occupied
7 prior thereto, may be waived by the consent of the governing
8 board. If the governing board has not waived the obligation to
9 return to school service upon expiration of the sabbatical leave
10 and the employee fails to return, unless prevented by illness or
11 physical disability, the employee shall forfeit all benefits for
12 the period of the sabbatical leave to which said employee would
13 have been entitled under this title. Forfeiture also will apply
14 to persons violating the provisions of section 5155 (relating to
15 regulations governing sabbatical leave).

16 (b) Return of employer retirement contributions.--If the
17 employee resigns or fails to return to his employment, unless
18 the requirement to return to service is waived by the governing
19 board the amount contributed by the school entity under this
20 title to the Public School Employees' Retirement Fund shall be
21 deducted from the refund payable to the employee under existing
22 law and the amount deducted shall be refunded to the school
23 entity by which it was paid.

24 § 5155. Regulations governing sabbatical leave.

25 The governing board shall promulgate such regulations as are
26 necessary to ensure that persons granted sabbatical leave shall
27 utilize such leave properly for the purpose for which it was
28 granted and require reports from such persons as it may deem
29 necessary.

30 § 5156. Military service leave.

1 (a) Induction notice to board.--Any person who shall have
2 been regularly employed by any school entity and who shall
3 volunteer for or be inducted into military service in the Armed
4 Forces of the United States of America in time of war or during
5 a state of national emergency or who shall be inducted for
6 military service in the Armed Forces of the United States of
7 America at any time shall, within 30 days after the receipt of
8 notice to report for duty, send a copy of the notice to the
9 governing board by which he is employed.

10 (b) Duty of board.--The governing board, upon verification
11 of the notice, shall record the notice in the records of the
12 governing board and shall notify the person that he shall be
13 considered to be upon military service leave for the duration of
14 such service.

15 (c) Retention of rights.--All persons on approved military
16 service leave shall be entitled to the same rights as persons
17 awarded sabbatical leaves except for salary.

18 § 5157. Military training leave.

19 Any employee of any school entity who is a member of the
20 National Guard or any reserve component of the Armed Forces of
21 the United States engaged in active service or field training
22 shall be entitled to a leave of absence from his duties without
23 loss of pay, time or efficiency rating on all days not exceeding
24 15 in any one school year. If the employee has an option as to
25 when he shall serve, he shall opt for service while school is
26 not in session.

27 § 5158. Right to sick leave.

28 (a) General rule.--In any school year, whenever a
29 professional employee or commissioned officer is prevented by
30 illness or accidental injury from performing his duties, the

1 school entity shall pay to the employee for each day of absence
2 the full salary to which the employee may be entitled as if
3 actually engaged in the performance of duty for a period of ten
4 days.

5 (b) Accumulation of leave.--Any unused leave shall be
6 cumulative from year to year in the school entity of current
7 employment or its predecessors without limitation. All or any
8 part of such accumulated unused leave may be taken with full pay
9 in any one or more school years.

10 (c) Entitlement after combination of entities.--Whenever any
11 two or more school entities combine, as provided in this title,
12 the professional or commissioned persons shall be entitled to
13 the sick leave accumulated in the individual school entities
14 effecting such combination.

15 (d) Alternative payment plan.--In any school year whenever a
16 professional or nontenured professional employee is prevented by
17 illness or accidental injury from following his or her
18 occupation, the school ~~district~~ ENTITY by written agreement with <—
19 the employee may, as an alternative to the payments provided in
20 subsection (a), establish a plan excluding from wages payments
21 made as provided in section 209(b) of the Federal Social
22 Security Act (42 U.S.C. § 409(b)).

23 § 5159. Transfer of accumulated sick leave.

24 Professional employees and commissioned officers who transfer
25 employment from one school entity within this Commonwealth
26 directly to another school entity shall be entitled to a
27 transfer of all accumulated sick leave not to exceed a maximum
28 of 25 days of the accumulated leave. ~~Professional employees and~~ <—
29 ~~commissioned officers who are transferred from an intermediate~~
30 ~~unit to a school district within that intermediate unit, or who~~

1 ~~are transferred from a school district within an intermediate~~
2 ~~unit to that intermediate unit, shall be entitled to transfer~~
3 ~~all accumulated sick leave.~~

4 § 5160. Regulations governing sick leave.

5 (a) Physician's certificate.--The governing board may
6 require the professional employee or commissioned officer on
7 sick leave for three consecutive days or more to furnish a
8 certificate from a physician or other practitioner certifying
9 that the person was unable to perform his duties during the
10 period of absence for which compensation is required to be paid
11 under this subchapter.

12 (b) Record of accumulated leave.--The governing board of
13 each school entity shall maintain and supply annually to each
14 professional employee and commissioned officer a copy of a
15 cumulative record of sick leave credited to and used by such
16 person. In any case involving a dispute over the amount of
17 accumulated sick leave, the person shall have a right of appeal
18 to the Secretary of Education in accordance with such procedure
19 as he may establish.

20 (c) Compensation during leave.--

21 (1) Except as provided in paragraph (2), all
22 compensation required to be paid under the provisions of this
23 chapter shall be paid to the employed person in the same
24 manner and at the same time the person would have received
25 his salary if actually engaged in the performance of his
26 duties.

27 (2) The school ~~district~~ ENTITY by written agreement with <—
28 the employee may, as an alternative to the sick leave
29 payments provided in this chapter, establish a plan excluding
30 from wages payments made as provided in section 209(b) of the

1 Federal Social Security Act (42 U.S.C. § 409(b)).

2 (d) Adoption of regulations.--The governing board may adopt
3 rules or regulations pertaining to sick leave and to the payment
4 of salaries of employees when absent from duty, extending the
5 period of sick leave with or without pay in excess of that
6 herein provided.

7 § 5161. Bereavement leave.

8 (a) Death in immediate family.--Any professional employee or
9 commissioned officer of any school entity shall be entitled to
10 three days leave with full pay in the event of a death in the
11 employee's immediate family. Immediate family includes a father,
12 mother, sister, brother, husband, wife, parent-in-law, son,
13 daughter, or relative actually domiciled in the employee's
14 residence or any person with whom the employee has made his
15 home.

16 (b) Death of relative.--In the event of a death of a near
17 relative, any professional employee or commissioned officer
18 shall be entitled to one day of leave, without loss of pay, on
19 the day of the funeral. Near relative shall include a first
20 cousin, grandparent, grandchild, aunt, uncle, nephew, niece, son
21 or daughter-in-law and brother or sister-in-law.

22 (c) Extension of leave.--The governing board of any school
23 entity may, in its discretion as the exigencies of the case may
24 warrant, extend the period of bereavement leave with or without
25 pay.

26 § 5162. Leave to serve as teacher in foreign country.

27 (a) General rule.--Any governing board of any school entity
28 is hereby authorized to grant leaves of absence as exchange
29 teachers or as teachers at overseas schools for the children of
30 citizens of the United States and to pay any professional

1 employee the salary he would be entitled to if teaching in the
2 school entity from which he is granted a leave to serve as an
3 exchange teacher in any foreign country or territory or
4 possession of the United States of America.

5 (b) Retention of rights.--Any employee on leave of absence
6 as an exchange teacher or as a teacher at an overseas school for
7 the children of citizens of the United States shall be entitled
8 to the same rights, privileges and limitations as an employee on
9 sabbatical leave.

10 § 5163. Leave for maternity purposes.

11 Governing boards shall promulgate appropriate rules and
12 regulations providing for leave for maternity purposes
13 consistent with relevant State and Federal law.

14 § 5164. Leave with or without pay.

15 (a) General rule.--The governing board of any school entity
16 shall have the authority to promulgate rules and regulations
17 under which it may grant leaves of absence with or without pay.

18 (b) Leave for professional study.--Any school employee who
19 has been granted a leave of absence approved by the governing
20 board for professional study shall be considered to be in
21 regular full-time daily attendance in the position from which
22 the leave was granted during the period of said leave for the
23 purpose of determining the employee's length of service and
24 right to make contributions as a member of the Public School
25 Employees' Retirement Fund and continue his membership therein
26 except that, if the employee does not return to the employment
27 of the school entity for a period of at least one year, the
28 contributions made by and on behalf of the employee during the
29 period of the leave of absence shall be refunded.

30 (c) Leave for legislative service.--Any employee of a school

1 entity who shall be elected to public office as a Representative
2 or Senator in either the Congress of the United States or the
3 General Assembly of this Commonwealth, shall be entitled to
4 elect legislative leave without pay for the duration of the
5 elected period of service. The employee shall, if he so elects,
6 file within 30 days of official certification of election a copy
7 of that certification with the secretary of the school entity,
8 which, shall be recorded in the school board minutes and notice
9 of leave sent to the employee. Any employee qualifying for and
10 electing legislative leave shall be considered in regular full-
11 time attendance in the school entity, without pay, for the
12 duration of the legislative leave for the purpose of determining
13 the length of service of the employee. No employee on
14 legislative leave shall be eligible for retirement credit or for
15 purchase of retirement credit at any future date for time spent
16 on legislative leave. No legislative leave shall be granted
17 unless the employee agrees in writing to return to similar
18 employment in the school entity for a period of not less than
19 one school year upon termination of the legislative service
20 leave.

21 (d) Leave for elected county service.--Any full-time
22 employee of a school entity who has been an employee for at
23 least five years and who has been elected to public office as a
24 county official in any county of this Commonwealth, shall be
25 entitled to a leave of absence without pay for the first four
26 years of the elected period of service. Any employee qualifying
27 for and desiring leave for elective public office shall file a
28 written statement declaring the employee's intent to take a
29 leave of absence together with a copy of the employee's official
30 certification of election with the secretary of the school

1 entity. Certification of election shall be recorded in the
2 school board minutes at the next regular meeting of the ~~board of~~ <—
3 ~~directors~~ GOVERNING BOARD. No employee on such leave of absence <—
4 shall be eligible for retirement credit or for purchase of
5 retirement credit at any future date for time spent on leave of
6 absence. Should the employee decide to return to full-time
7 employment with the school entity at the conclusion of the leave
8 of absence, the employee shall be entitled to a position similar
9 to that which the employee held prior to the leave of absence.
10 Nothing in this subsection shall prohibit a board of school
11 directors from granting a leave of absence, at its discretion,
12 to any employee who has been elected to any public office other
13 than as a county official.

14 (e) Other types of leave.--The governing board may define
15 and establish regulations on other types of personal leave.
16 § 5165. Retirement.

17 All rights and duties of personnel with respect to retirement
18 shall be determined in accordance with Part IV (relating to
19 retirement for school employees).

20 SUBCHAPTER E
21 COMMISSIONED PERSONNEL

22 Sec.

23 5171. Selection and qualifications.

24 5172. Term of office and compensation.

25 5173. Oath of office.

26 5174. Reelection, retention and resignation.

27 5175. Superintendent of new combined districts.

28 5176. Commissioning of personnel.

29 5177. Acting and substitute superintendents.

30 5178. Removal for cause.

1 5179. Duties of superintendent.

2 5180. Duties of assistant superintendent.

3 § 5171. Selection and qualifications.

4 (a) Selection.--For the superintendence and supervision of
5 the public schools of this Commonwealth, there shall be elected
6 or appointed, in the manner provided in this subchapter,
7 district superintendents and assistant superintendents.

8 (b) Qualifications.--Every person elected or appointed as
9 district or assistant district superintendent must be a person
10 of good moral character. No person shall be eligible for
11 election or appointment as a district or assistant district
12 superintendent unless he:

13 (1) holds a diploma from a college or other institution
14 approved by the department;

15 (2) has had six years successful teaching experience,
16 not less than three of which shall have been in a supervisory
17 or administrative capacity; and

18 (3) has completed in a college or university a graduate
19 course in education approved by the department.

20 (c) ~~Districts of first class~~ EQUIVALENT SERVICE.--In school <—
21 districts of the first class, five years of administrative
22 experience at the level of assistant, associate or deputy
23 superintendent may be substituted for prescribed graduate
24 administrative courses AND, IN OTHER SCHOOL DISTRICTS, <—
25 EXPERIENCE AS BUSINESS MANAGER OR OTHER CENTRAL OFFICE
26 ADMINISTRATIVE EXPERIENCE MAY BE SUBSTITUTED FOR OTHER TEACHING
27 OR SUPERVISORY EXPERIENCE REQUIREMENTS. The department shall
28 review these equivalences to determine conformity with State
29 board regulations.

30 § 5172. Term of office and compensation.

1 (a) Superintendents.--Any time that a vacancy shall occur in
2 the office of superintendent, the board of school directors
3 shall elect and establish the salary of a properly certificated
4 superintendent to serve through the term of the district
5 superintendent or for a term of three, four or five years, as
6 the board may determine, to begin July 1 next following the
7 election or on a date mutually agreed upon by the
8 superintendent-elect and the board of school directors.

9 (b) Assistant superintendents.--Any time that a vacancy
10 shall occur in the office of an assistant superintendent, or
11 such a new position is created by the board of school directors,
12 upon the nomination by the superintendent, the board may elect
13 and establish the salary of a properly qualified assistant
14 superintendent to serve for a term of three, four or five years,
15 as the board may determine, to begin July 1 next after the
16 election or on a date to be mutually agreed upon by the
17 assistant superintendent-elect and the board of school
18 directors.

19 § 5173. Oath of office.

20 Before entering upon the duties of their office, all
21 commissioned personnel shall take and subscribe to the same oath
22 or affirmation as has been prescribed to be taken by persons
23 elected to the office of school director, which oath may be
24 administered by anyone qualified to administer an oath.

25 § 5174. Reelection, retention and resignation.

26 (a) Notice of intent of school board.--At a regular meeting
27 of the board of school directors occurring at least 150 days
28 prior to the expiration date of the term of office of the
29 district superintendent or assistant superintendent, the agenda
30 shall include an item requiring affirmative action by five or

1 more members of the board of school directors to notify the
2 district superintendent or assistant superintendent, as the case
3 may be, that the board intends to retain him for a further term
4 of from three to five years or that another or other candidates
5 will be considered for the office.

6 (b) Absence of board action.--In the event that the board
7 fails to take such action at a regular meeting of the board of
8 school directors occurring at least 150 days prior to the
9 expiration date of the term of the district superintendent or
10 assistant superintendent, he shall continue in office for a
11 further term of similar length to that which he is serving.

12 (c) Notice of resignation.--A superintendent or an assistant
13 superintendent shall give the board at least 90 days' notice of
14 intent to terminate his contract.

15 § 5175. Superintendent of new combined districts.

16 (a) Selection of superintendent.--In the event that any two
17 or more school districts combine to create a larger school
18 district in accordance with the provisions of section 2531
19 (relating to voluntary combination of school districts), the new
20 board of school directors shall select, from the incumbent
21 superintendents, one person to serve as the superintendent of
22 the new school district. A contract shall be negotiated with the
23 superintendent in accordance with the provisions of this
24 chapter.

25 (b) Status of existing superintendents.--Each of the other
26 superintendents from the original school districts not selected
27 as the superintendent of the new district shall serve as
28 assistant superintendent in the newly organized school district
29 for the period of time remaining on his contract without
30 reduction in compensation.

(c) Status of existing assistant superintendents.--Persons who held positions as assistant superintendents in the original school districts shall continue to serve for the period of time remaining in their contracts without reduction in compensation and will be assigned duties for which they are eligible, as the board shall deem necessary and appropriate.

§ 5176. Commissioning of personnel.

(a) General rule.--District superintendents and assistant district superintendents, executive directors of intermediate units and assistant executive directors of intermediate units shall be commissioned by the Secretary of Education.

(b) Validity of commission.--The commission issued by the secretary shall be valid for the period of time that the commissioned officer serves on an uninterrupted basis in the position in the school district or intermediate unit for which he was commissioned.

(c) Recommissioning for new position.--Whenever a commissioned officer leaves the position for which he was commissioned, he shall be recommissioned if he accepts employment in another position requiring a commission.

§ 5177. Acting and substitute superintendents.

Whenever a board of school directors finds it impractical to fill immediately a vacancy in the office of the superintendent or assistant superintendent, it shall appoint an acting superintendent or acting assistant superintendent to serve not longer than one year from the date of appointment. When a leave of absence has been granted to any district superintendent or assistant district superintendent, and it is deemed necessary or desirable, the board of school directors may appoint a substitute district superintendent or assistant district

1 superintendent to serve for such period of time as the regular
2 district superintendent or assistant district superintendent is
3 absent on leave.

4 § 5178. Removal for cause.

5 (a) General rule.--A proceeding for removal for cause may be
6 initiated upon the affirmative vote of a majority of the legally
7 qualified members of the governing board for cruelty,
8 negligence, wilful violation of the school laws, incompetency,
9 immorality or intemperance.

10 (b) Procedures for removal.--Procedures for removal by the
11 governing board for cause shall be conducted in accordance with
12 Title 2 (relating to administrative law and procedure).

13 § 5179. Duties of superintendent.

14 (a) Chief executive officer.--The superintendent shall be
15 the chief executive officer of the board of school directors
16 responsible for the total supervision and proper administration
17 of all school district matters. He shall see that the provisions
18 of this title and all other relevant laws, the regulations of
19 the State board and the policies, rules and regulations of the
20 board of school directors are carried into effect.

21 (b) Board duties.--The superintendent shall have a seat on
22 the board of school directors of the district and the right to
23 speak on all matters before the board but not to vote.

24 § 5180. Duties of assistant superintendent.

25 Assistant superintendents shall perform such duties as may be
26 assigned them by the superintendent with the approval of the
27 board.

28 SUBCHAPTER F

29 PRINCIPALS

30 Sec.

1 5191. Employment and duties of principals

2 § 5191. Employment and duties of principals.

3 (a) General rule.--The board of school directors shall
4 employ school principals who shall hold valid administrative
5 certificates and who shall organize and supervise the operation
6 and management of the school or schools and property as the
7 board determines necessary and shall see to it that the law,
8 regulations, policies and standards applicable to the school
9 district are properly observed and carried into effect.

10 (b) Supervision of staff and students.--The principal shall
11 be responsible for the supervision and direction of the staff
12 and students and the general maintenance of order and
13 discipline. The principal may be asked to submit recommendations
14 to the superintendent regarding the appointment, assignment,
15 promotion, transfer and dismissal of all personnel assigned to
16 the building or buildings except as provided for in collective
17 bargaining agreements in accordance with the act of July 23,
18 1970 (P.L.563, No.195), known as the "Public Employe Relations
19 Act".

20 (c) Responsibility for educational programs.--The principal
21 shall assume administrative responsibility and instructional
22 leadership, under the supervision of the superintendent and in
23 accordance with rules and regulations of the board, for the
24 planning, management, operation and evaluation of the
25 educational program of the building or buildings to which the
26 principal is assigned.

27 (d) Other duties.--The principal shall perform such other
28 duties as may be assigned by the superintendent pursuant to the
29 rules and regulations of the board of school directors.

30 PART III

HIGHER EDUCATION

(RESERVED)

Chapter

~~61. State owned Colleges and Universities and Community
Colleges.~~

~~CHAPTER 61~~

~~STATE OWNED COLLEGES AND UNIVERSITIES~~

~~AND COMMUNITY COLLEGES~~

~~Sec.~~

~~6101. Senior citizen college education.~~

~~§ 6101. Senior citizen college education.~~

~~(a) Attendance at State owned and community colleges.~~

~~Subject to the rules and regulations of the Board of State
College and University Directors, a resident of this
Commonwealth who is 60 years of age or older may attend any
class in the State owned colleges and universities and the
community colleges in this Commonwealth without any charge for
tuition or institutional fees provided:~~

~~(1) there is available space in the class; and~~

~~(2) the person desiring to attend the class meets the
requirements of the institution for admission to the course.~~

~~(b) Fee. A nominal charge may be assessed by the
institution to cover the cost of processing the student's
records.~~

~~(c) Credits. The courses may be taken by the student on a
credit or not for credit basis.~~

Section 2. Section 8329 of Title 24 is amended to read:

§ 8329. Payments on account of social security deductions from
appropriations.

(a) Payments by Commonwealth.--Where the Secretary of

1 Education enters into an agreement with the Commonwealth to
2 place under the Federal Social Security Act members who have
3 elected coverage, the Commonwealth shall pay into the
4 contribution fund created under the provisions of the act of
5 January 5, 1952 (1951 P.L.1833, No.491), relating to social
6 security coverage for government employees, such amounts and at
7 such times as are required to be paid by the employers and the
8 covered employees on account of such coverage.

9 (b) Reimbursement by employers.--The Commonwealth shall be
10 reimbursed by the employers to the extent of the total amounts
11 contributable by covered employees and by one-half of the
12 contributions payable under the employer's tax established by
13 the Federal Social Security Act on all covered wages which are
14 not Federally funded. For the purpose of this part, the tax
15 contributions payable shall be the first obligation against any
16 State funds received by the employer for their use or authorized
17 under [the act of March 10, 1949 (P.L.30, No.14), known as the
18 "Public School Code of 1949,"] Part II (relating to basic
19 education) and shall first be paid therefrom.

20 (c) Deduction from appropriations.--The Secretary of
21 Education and the State Treasurer are hereby authorized to cause
22 to be deducted and paid into or retained in the State Treasury
23 from any moneys due to any employer on account of appropriations
24 for schools or other purposes the amounts payable under the
25 provisions of this section.

26 Section 3. Transfer of moneys in post war capital reserve
27 fund.--All moneys of school districts contained in a special
28 fund created under the act of April 30, 1943 (P.L.145, No.73)
29 entitled, as amended, "An act providing for and regulating the
30 accumulation, investment and expenditure by counties, cities,

1 boroughs incorporated towns, townships and school districts of
2 funds for post war projects," shall be transferred to the
3 special capital reserve fund created under 24 Pa.C.S. § 3164
4 (relating to capital reserve fund for construction projects).

5 ~~Section 4. Reports to General Assembly on intermediate~~ <—
6 ~~units. By December 31, 1979, and December 31, 1980, the~~
7 ~~Secretary of Education shall submit to the members of the~~
8 ~~General Assembly a report on the operation of the intermediate~~
9 ~~units, for the purpose of enabling the General Assembly to~~
10 ~~evaluate the system.~~

11 Section 5 4. Saving provisions.-- <—

12 (a) Continuation of existing laws.--The provisions of Title
13 24 as added by this act, insofar as they are the same as those
14 of existing laws, are intended as a continuation of such laws
15 and not as new enactments. The repeal by this act of any statute
16 or part thereof shall not revive any statute or part thereof
17 heretofore repealed or superseded. The provisions of Title 24
18 shall not affect title to, or ownership of, any property, real
19 or personal, vested prior to the effective date of this act.

20 (b) Existing rights and liabilities.--The provisions of
21 Title 24 shall not affect any act done, liability incurred or
22 right accrued or vested, or affect any suit or prosecution
23 pending or to be instituted to enforce any right or penalty or
24 punish any offense under the authority of statutes repealed by
25 this act.

26 (c) Regulations AND STANDARDS.--All ~~rules and~~ regulations <—
27 AND STANDARDS, not inconsistent with Title 24, made pursuant to <—
28 any statute repealed by this act shall continue with the same
29 force and effect for one year from the effective date of this
30 act as if such statute had not been repealed. The ~~department~~ <—

1 STATE BOARD OF EDUCATION SHALL REVISE, RECODIFY, PUBLISH AND
2 PROMULGATE ALL REGULATIONS AND THE DEPARTMENT OF EDUCATION shall
3 revise, recodify, publish and promulgate all departmental
4 standards within 12 months of the effective date of this act so
5 as to assure consistency with Title 24.

6 (d) Persons holding office.--Any person holding office under
7 any statute repealed by this act shall continue to hold such
8 office under the statute in effect on the date prior to the
9 effective date of this act.

10 (e) Validation of employment actions.--Any temporary or
11 emergency increases in salary heretofore or hereafter granted by
12 any school entity, and the discontinuance thereof at the end of
13 the period for which granted, and any contracts, rights, tenure
14 rights or other privileges or terms of employment heretofore in
15 effect in any school entity, provided they meet the requirements
16 of Title 24, are hereby ratified, confirmed and made valid
17 notwithstanding the terms or provisions of any other act or that
18 the same may have been done without previous authority of law.

19 Section ~~6~~ 5. Repeals.--(a) The following acts and parts of <—
20 acts are repealed:

21 Act of February 8, 1821 (P.L.30, No.25), entitled "An act to
22 incorporate and endow the Pennsylvania Institution for the Deaf
23 and Dumb."

24 Act of April 14, 1828 (P.L.458, No.196), entitled "An act to
25 enable the controllers of the public schools, for the city and
26 county of Philadelphia, and the commissioners of said county, to
27 sell and convey certain real estate."

28 Act of April 4, 1838 (P.L.263, No.49), entitled "An act
29 granting aid to the Pittsburg Hospital for the destitute sick
30 and insane of Western Pennsylvania, and to incorporate the

1 Orphans' Asylum of Lancaster, and to provide for the education
2 of the Deaf and Dumb in this commonwealth."

3 Act of April 9, 1844 (P.L.221, No.154), entitled "An act to
4 provide for the education of the deaf mutes of this
5 commonwealth."

6 Section 3, act of April 17, 1846 (P.L.365, No.309), entitled
7 "An act authorizing the school directors of Mahoning township,
8 in the county of Columbia, to sell certain real estate, and for
9 other purposes."

10 Section 17, act of April 19, 1849 (P.L.524, No.354), entitled
11 "A supplement to an act relative to the venders of mineral
12 waters; and an act relative to the Washington coal company; to
13 sheriff's sales of real estate; to the substitution of executors
14 and trustees when plaintiffs; to partition in the courts of
15 common pleas, and for other purposes."

16 Section 17, act of April 9, 1849 (P.L.528, No.355), entitled
17 "An act relative to certain school districts in Jefferson,
18 Indiana, Cambria, Westmoreland, Blair, Carbon, Schuylkill,
19 Bedford, Chester, Delaware, Washington and Northampton counties;
20 relative to supplying the several schools of the commonwealth
21 with the state maps; and providing for a public high school, and
22 for the education of colored children in the city of Pittsburg."

23 Section 17, act of April 30, 1850 (P.L.644, No.380), entitled
24 "A supplement to an act, entitled 'An Act to erect the village
25 of Oxford, in the county of Chester, into a borough,' passed
26 April eighth, Anno Domini, one thousand eight hundred and
27 thirty-three; and relative to roads in the township of
28 Birmingham, in Chester county; to Wager and Marsh streets, in
29 Kensington, Philadelphia county; and relative to the borough of
30 Hookstown, in Beaver county; and to the Robeson school house, in

1 Manayunk, Philadelphia county."

2 Section 26, act of April 3, 1851 (P.L.320, No.218), entitled
3 "An act regulating boroughs."

4 Sections 48 and 52, act of February 2, 1854 (P.L.21, No.16),
5 entitled "A further supplement to an act, entitled 'An act to
6 incorporate the City of Philadelphia'."

7 Act of May 20, 1857 (P.L.617, No.657), entitled "An act
8 relative to School Directors in the First School District."

9 Section 16, act of April 11, 1862 (P.L.471, No.466), entitled
10 "A further supplement to the act, entitled 'An Act for the
11 regulation and continuance of a system of Education by Common
12 Schools,' approved the eighth day of May, one thousand eight
13 hundred and fifty-four."

14 Act of February 16, 1865 (P.L.151, No.144), entitled "A
15 further supplement to an act to incorporate the city of
16 Philadelphia, providing for the time of meeting of sectional
17 school board, and filling vacancies therein."

18 Act of March 17, 1865 (P.L.410, No.397), entitled "An act
19 relative to apprentices."

20 Section 5, act of March 21, 1866 (P.L.248, No.228), entitled
21 "A further supplement to an act to incorporate the city of
22 Philadelphia, relative to the election of additional school
23 directors in the Twenty-third ward, and defining the duties
24 thereof, in the Twenty-third and Twenty-fifth wards."

25 Act of April 5, 1867 (P.L.779, No.726), entitled "An act to
26 provide for the appointment of controllers of the public schools
27 of the First school district of Pennsylvania."

28 Act of February 18, 1871 (P.L.100, No.109), entitled "An act
29 relating to the erection of school buildings, by the board of
30 public education, in the city of Philadelphia."

1 Act of May 25, 1871 (P.L.1157, No.1062), entitled "An act to
2 empower the sectional school boards of the First school district
3 to elect the principal of the grammar schools in said sections."

4 Act of May 24, 1881 (P.L.29, No.32), entitled "An act
5 defining the power of boards of directors of sub-district
6 schools, of cities of the second class, to provide for the
7 purchasing of lots of ground, erection of school buildings, and
8 other expenses of maintaining schools in their respective
9 districts, and to borrow money for such purposes."

10 Act of June 10, 1881 (P.L.119, No.138), entitled "A
11 supplement to an act of assembly, approved the eleventh day of
12 April, Anno Domini one thousand eight hundred and sixty-two,
13 entitled 'A further supplement to an act, entitled "An act for
14 the regulation and continuance of a system of education by
15 common schools," approved the eighth day of May, Anno Domini one
16 thousand eight hundred and fifty-four,' authorizing the
17 appointment of trustees for the better preservation of the funds
18 and estate transferred to any school district by the trustees of
19 any academy or seminary."

20 Act of February 12, 1889 (P.L.3, No.1), entitled "An act to
21 provide for the commencement of the terms of office of
22 councilmen, constables and school directors in new wards, when
23 erected in cities of the first class under existing laws and
24 where the several wards constitute separate school districts, to
25 provide for the supervision of the public schools in such new
26 wards until the organization of the board of school directors of
27 the new school section, and to provide for the term of
28 councilmen and constables already elected by the voters of the
29 old ward."

30 Act of June 20, 1891 (P.L.371, No.296), entitled "An act

1 making an appropriation for the erection of a home for the
2 training in speech of deaf children before they are of school
3 age."

4 Act of May 10, 1893 (P.L.34, No.30), entitled "An act to
5 prohibit members of boards of control of school districts in
6 cities of the second class from holding any office of emolument
7 under or being employed by said boards."

8 Section 8, act of June 6, 1893 (P.L.335, No.278), entitled
9 "An act to provide for the consolidation of boroughs and the
10 government and regulation thereof."

11 Act of June 24, 1895 (P.L.257, No.168), entitled "An act to
12 empower the president of the Board of Public Education in cities
13 of the first class to deputize the vice president or the
14 assistant secretary of the board to sign warrants drawn in
15 payment of salaries."

16 Act of June 10, 1897 (P.L.139, No.117), entitled "An act to
17 validate the indebtedness of school districts in boroughs and
18 townships, created by such school districts in excess of two per
19 centum and less than seven per centum of the last assessed
20 valuation of taxable property of such district, with the assent
21 of the electors thereof where such assent has not been first
22 obtained, and providing for the issuing of bonds or other
23 evidences of such indebtedness."

24 Act of March 30, 1899 (P.L.25, No.20), entitled "An act to
25 empower the president of the board of public education in cities
26 of the first class to adopt and use a rubber stamp signature on
27 city warrants."

28 Act of July 18, 1901 (P.L.683, No.349), entitled "An act
29 making an appropriation to the Home for the Training in Speech
30 of Deaf Children before they are of School Age, at Belmont and

1 Monument avenues, in Philadelphia."

2 Act of March 2, 1905 (P.L.32, No.11), entitled "An act
3 authorizing the Superintendent of Public Instruction to employ
4 an additional skilled stenographer and typewriter in the
5 Department of Public Instruction."

6 Act of March 24, 1905 (P.L.54, No.38), entitled "A further
7 supplement to an act of Assembly, approved the eleventh day of
8 April, Anno Domini one thousand eight hundred and sixty-two,
9 entitled 'A further supplement to an act, entitled "An act for
10 the regulation and continuance of a system of education by
11 common schools," approved the eighth day of May, Anno Domini one
12 thousand eight hundred and fifty-four,' authorizing the board of
13 school directors in any school district to sell and convey any
14 real estate, buildings and property, the title to which shall
15 have been acquired from the trustees of any academy or seminary
16 in the Commonwealth, under and by virtue of said acts of
17 Assembly, whenever such real estate, buildings and property
18 shall have become useless to such school district, by reason of
19 dilapidation and decay, or otherwise; and providing for the
20 disposition of moneys or funds received from such sale and
21 conveyance; and ratifying and confirming any sales of such
22 property heretofore made on account of and for similar reasons,
23 provided no litigation or question of title, now pending and
24 undetermined, shall be affected hereby."

25 Section 12, act of February 7, 1906 (Sp.Sess., P.L.7, No.1),
26 entitled "An act to enable cities that are now, or may hereafter
27 be, contiguous or in close proximity, to be united, with any
28 intervening land other than boroughs, in one municipality;
29 providing for the consequences of such consolidation, the
30 temporary government of the consolidated city, payment of the

1 indebtedness of each of the united territories, and the
2 enforcement of debts and claims due to or from each."

3 Act of April 4, 1907 (P.L.43, No.40), entitled "An act being
4 a supplement to an act, entitled 'An act to regulate the time of
5 holding city teachers' institutes,' approved the twentieth day
6 of April, Anno Domini one thousand nine hundred and five,
7 extending its application to boroughs."

8 Act of May 28, 1907 (P.L.295, No.223), entitled "A supplement
9 to an act, entitled 'An act for the annexation of any city,
10 borough, township, or part of a township, to a contiguous city,
11 and providing for the indebtedness of the same,' approved the
12 twenty-eighth day of April, Anno Domini one thousand nine
13 hundred and three; to enable territory now annexed, or which may
14 hereafter be annexed under the provisions of said act, to be
15 arranged and erected into a ward, or wards, of the city to which
16 it is annexed; and providing the procedure for that purpose, and
17 for the proper representation of the ward or wards erected."

18 Act of May 13, 1909 (P.L.826, No.644), entitled "An act to
19 provide an appropriation for a circulating loan collection of
20 lantern slides, in connection with the Division of Education of
21 the Pennsylvania State Museum."

22 Act of June 19, 1911 (P.L.1045, No.805), entitled "An act to
23 create a Bureau of Professional Education, as a subdepartment of
24 the Department of Public Instruction; to define the powers and
25 duties of the said Bureau, and to make an appropriation
26 therefor."

27 Act of May 6, 1915 (P.L.273, No.168), entitled "An act to
28 validate bonds of any school district in this Commonwealth and
29 the indebtedness represented by said bonds, heretofore issued,
30 since the eighteenth day of May, one thousand nine hundred and

1 eleven, when such indebtedness or increase of indebtedness was
2 not incurred, and such bonds were not issued, at the time of
3 assessing and levying the annual school taxes."

4 Act of July 11, 1917 (P.L.757, No.281), entitled "An act
5 concerning vocational education; and providing for the
6 acceptance by the Commonwealth of Pennsylvania of the provisions
7 of the act of Congress, approved February twenty-third, one
8 thousand nine hundred seventeen, entitled 'An act to provide for
9 the promotion of vocational education; to provide for
10 cooperation with the States in the promotion of such education
11 in agriculture and the trades and industries; to provide for
12 cooperation with the States in the preparation of teachers of
13 vocational subjects; and to appropriate money and regulate its
14 expenditure,' and conferring certain powers upon the State Board
15 of Education."

16 Act of May 5, 1921 (P.L.344, No.167), entitled "An act
17 authorizing school districts of the fourth class, with the
18 assent of the electors, to use moneys, borrowed or authorized to
19 be borrowed for purposes which have proved impracticable or
20 undesirable, for other lawful purposes."

21 Act of June 29, 1923 (P.L.936, No.367), entitled "An act
22 validating certain elections of school districts of the third
23 class held pursuant to the provisions of an act, approved the
24 twentieth day of April, one thousand eight hundred and seventy-
25 four (Pamphlet Laws, sixty-five), entitled 'An act to regulate
26 the manner of increasing the indebtedness of municipalities, to
27 provide for the redemption of the same, and to impose penalties
28 for the illegal increase thereof,' and the amendments thereto;
29 and validating bonds issued or authorized to be issued in
30 pursuance of such elections."

1 Act of March 19, 1925 (P.L.46, No.28), entitled "An act to
2 validate the obligations of school districts issued prior to
3 January first, one thousand nine hundred and twenty-four,
4 pursuant to section five hundred and eight of the act approved
5 the eighteenth day of May, one thousand nine hundred and eleven
6 (Pamphlet Laws, three hundred and nine), entitled 'An act to
7 establish a public school system in the Commonwealth of
8 Pennsylvania, together with the provisions by which it shall be
9 administered, and prescribing penalties for the violation
10 thereof; providing revenue to establish and maintain the same,
11 and the method of collecting such revenue; and repealing all
12 laws, general, special or local, or any parts thereof, that are
13 or may be inconsistent therewith,' and its amendments,
14 notwithstanding that said obligations were not issued under the
15 seal of the district, if any; were not properly attested by the
16 president and secretary of the board of directors of such
17 district; and that the incurring of said indebtedness and the
18 issuing of obligations therefor were not first authorized by not
19 less than two-thirds of the members of the board of school
20 directors; and that no provision for the payment of the same
21 from the current revenue of said district was made."

22 Act of April 1, 1925 (P.L.112, No.78), entitled "An act
23 requiring all professional examining boards within the
24 Department of Public Instruction to pay into the general fund of
25 the State Treasury all fees received by them and all unexpended
26 balances of moneys accrued from fees heretofore received;
27 abolishing all special funds in the State Treasury for any such
28 boards; and transferring to the general fund of the State
29 Treasury any unexpended balances in any such funds."

30 Act of April 2, 1925 (P.L.122, No.87), entitled "An act to

1 authorize the Superintendent of Public Instruction to fix and to
2 collect reasonable fees for certain services rendered by that
3 Department."

4 Act of May 14, 1925 (P.L.705, No.383), entitled "An act
5 validating certain temporary indebtedness and bonds, issued to
6 fund the same, of school districts of the second, third, and
7 fourth classes, incurred for the payment of teachers' and
8 employes' salaries and for supplies and services rendered to the
9 district."

10 Act of May 4, 1927 (P.L.751, No.391), entitled "An act
11 appropriating excess moneys in the general sinking fund for
12 payment into the general fund of the State Treasury, and
13 dedicating present revenues payable into the sinking fund, and
14 accumulations on the moneys in the sinking fund, for payment
15 into the State School Fund."

16 Act of May 11, 1927 (P.L.965, No.458), entitled "An act
17 validating actions of boards of school directors in certain
18 cases where there was a failure to record the vote of the
19 members of the board."

20 Act of February 20, 1929 (P.L.3, No.1), entitled "An act to
21 validate and confirm certain contracts heretofore entered into
22 by boards of school directors, where there is no evidence of
23 fraud or conspiracy, and to ratify, confirm, and validate,
24 payments on such contracts by the school district."

25 Act of March 28, 1929 (P.L.92, No.100), entitled "An act to
26 validate contracts for the erection and construction of school
27 buildings and additions to existing school buildings, and to
28 authorize payments on such contracts by the school district
29 where there is no evidence of fraud or conspiracy."

30 Sections 408.1, 455, 456, 457, 458, 606-A, 708, 1301, 1302,

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1 1303, 1309, 1313, 1316, 1317, 1318, 1319 and 1320, act of April
2 9, 1929 (P.L.177, No.175), known as "The Administrative Code of
3 1929."

4 Act of May 15, 1929 (P.L.1764, No.573), entitled "An act
5 providing for the examination and investigation of the
6 Pennsylvania Institution for the Instruction of the Blind at
7 Overbrook, Philadelphia, the Western Pennsylvania School for the
8 Blind at Pittsburgh, and the Western Pennsylvania School for the
9 Deaf at Edgewood, Pittsburgh; providing for a report of the
10 findings and recommendations of the committee herein provided
11 for; and making an appropriation to carry out the provisions of
12 this act."

13 Act of May 1, 1931 (P.L.76, No.56), entitled "An act
14 ratifying, confirming and validating transactions by boards of
15 school directors involving defects and errors of law, but where
16 there was no fraud, corruption, dishonesty, or conspiracy to
17 violate the law; and exonerating school directors from surcharge
18 in such cases."

19 Act of May 29, 1931 (P.L.210, No.126), entitled, as amended,
20 "An act to regulate the certification and the registration of
21 persons qualified to teach in accredited elementary and secondary
22 schools in this State; imposing certain duties upon the
23 Department of Public Instruction and the State Board of
24 Education; defining violations; providing penalties, and for
25 appeal to the court of common pleas of Dauphin County."

26 Act of May 26, 1933 (P.L.1072, No.255), entitled "An act
27 fixing the minimum salaries of county and assistant county
28 superintendents for the terms which will begin on the first
29 Monday of July, one thousand nine hundred thirty-four; providing
30 for the payment of such minimum salaries by the Commonwealth;

1 restricting the number of assistant county superintendents; and
2 superseding any inconsistent acts and parts of acts."

3 Act of June 2, 1933 (P.L.1423, No.308), entitled "An act
4 relating to Sunday music; permitting musicians to receive
5 compensation for services rendered on Sunday; authorizing pay
6 concerts to be given and broadcast on Sunday under certain
7 circumstances, and allowing school and certain public buildings
8 and parks to be used therefor; conferring powers and imposing
9 duties on the Department of Public Instruction; and imposing
10 penalties."

11 Act of July 9, 1935 (P.L.613, No.216), entitled "An act
12 authorizing the State Historical Commission to investigate and
13 to report to the next session of the Legislature upon the area,
14 boundaries, and dimensions of the Brandywine Battlefield of the
15 Revolutionary War and to accept gifts or deeds of historic
16 objects or of land connected therewith."

17 Act of July 22, 1936 (Sp.Sess., P.L.70, No.26), entitled "An
18 act to provide for the participation of the Commonwealth of
19 Pennsylvania in a National Celebration of the One Hundred
20 Fiftieth Anniversary of the Framing, the Signing, the
21 Ratification by Pennsylvania and the Final Adoption and
22 Promulgation, of the Constitution of the United States, to be
23 held at Philadelphia, and elsewhere, on the fifteenth,
24 sixteenth, and seventeenth days of September, one thousand nine
25 hundred thirty-seven, and subsequent anniversary dates in
26 connection therewith; and making an appropriation."

27 Act of July 28, 1936 (Sp.Sess., P.L.79, No.31), entitled "An
28 act to provide for the commemoration by the Commonwealth of
29 Pennsylvania of the Three Hundredth Anniversary of the Earliest
30 Settlement, the First Courts of Law, and the First Capital

1 within what is now Pennsylvania; and making an appropriation."

2 Act of March 30, 1937 (P.L.113, No.38), entitled "An act to
3 validate and confirm certain contracts, heretofore entered into
4 by boards of school directors, where there is no evidence of
5 fraud or conspiracy, and to authorize, ratify, confirm, and
6 validate payments on such contracts by the school district."

7 Act of May 28, 1937 (P.L.1004, No.274), entitled, as amended,
8 "An act concerning vocational education; providing for the
9 acceptance by the Commonwealth of Pennsylvania of the provisions
10 of the act of Congress, approved June eighth, one thousand nine
11 hundred and thirty-six, entitled 'An act to provide for the
12 further development of vocational education in the several
13 States and Territories,' and conferring powers and imposing
14 duties on the State Treasurer and the State Board of Education."

15 Act of July 2, 1937 (P.L.2697, No.542), entitled "An act
16 supplementing the act, approved the twenty-eighth day of July,
17 one thousand nine hundred and thirty-six (Pamphlet Laws,
18 seventy-nine); and authorizing the Governor, directly or through
19 such agency as he may designate, to provide, plan, prepare,
20 supervise, and carry out a suitable program, within and without
21 Pennsylvania, for the commemoration by the Commonwealth of
22 Pennsylvania of the three hundredth anniversary of the earliest
23 settlement, the first courts of law, and the first capital
24 within what is now Pennsylvania; and making an appropriation
25 therefor out of the General Fund."

26 Act of July 2, 1937 (P.L.2700, No.543), entitled "An act
27 supplementing the act of July twenty-second, one thousand nine
28 hundred and thirty-six (Pamphlet Laws, seventy); and authorizing
29 the Governor, directly or through such agency as he may
30 designate, to provide, plan, prepare, supervise, and carry out,

1 a suitable program, throughout the Commonwealth of Pennsylvania
2 and elsewhere, for the Celebration of the 150th Anniversary of
3 the Framing, the Signing, the Ratification by Pennsylvania, and
4 the Final Adoption and Establishment of the Constitution of the
5 United States, during the years 1937-38-39; and making an
6 appropriation."

7 Act of May 24, 1939 (P.L.181, No.92), entitled "An act
8 authorizing school districts of the first class to fund floating
9 indebtedness, incurred prior to December 31, 1939, for current
10 expenses and debt service, and to issue and sell bonds for this
11 purpose."

12 Act of June 20, 1939 (P.L.478, No.272), entitled "An act to
13 confirm and validate past tax levies or assessments made by
14 school districts of the first class and liens filed thereon."

15 Act of May 22, 1941 (P.L.48, No.29), entitled "An act to
16 validate and quiet the title to lands and buildings heretofore
17 sold by boards of school directors at public auction without
18 full compliance with provisions of law authorizing such sales."

19 Act of August 5, 1941 (P.L.796, No.292), entitled "An act to
20 validate and confirm certain contracts heretofore entered into
21 by boards of school directors where there is no evidence of
22 fraud or conspiracy, and to authorize, ratify, confirm and
23 validate payments on such contracts by the school district."

24 Act of May 2, 1945 (P.L.401, No.165), entitled, as amended,
25 "An act defining and providing for the licensing and regulation
26 of private trade schools and classes; conferring powers and
27 imposing duties on the State Board of Private Trade Schools; and
28 prescribing penalties."

29 Act of May 23, 1947 (P.L.277, No.116), entitled "An act
30 ratifying, confirming and validating certain sales of unused and

1 unnecessary lands sold by any board of school directors."

2 Except section 12, act of June 20, 1947 (P.L.733, No.319),
3 entitled, as amended, "An act to provide revenue in school
4 districts of the first class A by imposing a temporary tax upon
5 certain classes of personal property; providing for its levy and
6 collection; conferring and imposing powers and duties on the
7 county assessing authority, board of revision of taxes, receiver
8 of school taxes, school treasurer, board of public education in
9 such districts and courts; providing for compensation to certain
10 officers, and employes and imposing penalties."

11 Except section 11, act of June 20, 1947 (P.L.745, No.320),
12 entitled "An act to provide revenue for school districts of the
13 first class by imposing a temporary mercantile license tax on
14 persons engaging in certain occupations and businesses therein;
15 providing for its levy and collection; for the issuance of
16 mercantile licenses upon the payment of fees therefor;
17 conferring and imposing powers and duties on boards of public
18 education, receivers of school taxes and school treasurers in
19 such districts; saving certain ordinances of council of certain
20 cities, and providing compensation for certain officers, and
21 employes and imposing penalties."

22 Act of June 25, 1947 (P.L.951, No.401), entitled, as amended,
23 "An act defining and providing for the licensing and regulation
24 of private academic schools; conferring powers and imposing
25 duties on the State Board of Private Academic Schools; and
26 imposing penalties."

27 Act of July 8, 1947 (P.L.1428, No.552), entitled "An act
28 defining and providing for the licensing and regulation of
29 private business schools and classes and agents thereof;
30 conferring powers and imposing duties upon the State Board of

1 Private Business Schools; and prescribing penalties."

2 Act of July 8, 1947 (P.L.1433, No.553), entitled, as amended,
3 "An act defining and providing for the licensing of private
4 correspondence schools and the registration of agents of such
5 schools; providing for contractual liability; conferring powers
6 and imposing duties on the State Board of Private Correspondence
7 Schools; and prescribing penalties."

8 Except Article XX, act of March 10, 1949 (P.L.30, No.14),
9 known as the "Public School Code of 1949."

10 Act of April 6, 1949 (P.L.398, No.45), entitled "An act to
11 validate and quiet the title to lands and buildings heretofore
12 sold by boards of school directors at public auction without
13 full compliance with provisions of law authorizing such sales."

14 Act of April 18, 1949 (P.L.492, No.106), entitled "An act
15 enabling and authorizing the Department of Public Instruction or
16 any of its departmental administrative boards, commissions, or
17 officers to proceed by injunction or any other process in the
18 court of common pleas in any county where the alleged
19 unauthorized practice was committed, to prohibit and restrain
20 any unlicensed person, association, copartnership, or
21 corporation from engaging in an activity for which a license is
22 required to be issued by the Department of Public Instruction,
23 and to set out the method and procedure therefor."

24 Act of May 9, 1949 (P.L.1023, No.297), entitled "An act
25 accepting the grants, requirements and benefits of an act of the
26 eighty-first Congress of the United States approved ,
27 one thousand nine hundred forty-nine, known as the Educational
28 Finance Act of 1949, bearing public act No. , entitled 'To
29 authorize the appropriation of funds to assist the States and
30 Territories in financing a minimum foundation education program

1 of public elementary and secondary schools, and in reducing the
2 inequalities of educational opportunities through public
3 elementary and secondary schools, for the general welfare, and
4 for other purposes'."

5 Act of May 11, 1949 (P.L.1106, No.326), entitled "An act
6 requiring the county commissioners to provide, at the expense of
7 the county, telephone service, typewriters, stenographers,
8 office space, materials, and other equipment, for the use of the
9 county superintendent of schools."

10 Act of May 11, 1949 (P.L.1202, No.365), entitled "An act
11 designating the Superintendent of Public Instruction as the
12 State educational authority authorized to apply to, and receive
13 from, the Federal Government or any agency thereof, grants in
14 aid of the public schools and for educational activities
15 therein; and providing for the disbursement of such funds."

16 Act of May 20, 1949 (P.L.1557, No.471), entitled "An act
17 making bonds of school districts valid and binding obligations
18 of such districts despite failure to advertise election in a
19 newspaper of general circulation."

20 Act of May 23, 1949 (P.L.1661, No.505), entitled, as amended,
21 "An act to impose a tax on real estate for public school
22 purposes in school districts of the first class and of the first
23 class A for current expenses."

24 Except section 10, act of May 23, 1949 (P.L.1669, No.508),
25 entitled, as amended, "An act to provide revenue for school
26 districts of the first class by imposing a tax on persons
27 engaging in certain businesses, professions, occupations,
28 trades, vocations and commercial activities therein; providing
29 for its levy and collection; conferring and imposing powers and
30 duties on the Board of Public Education, receiver of school

1 taxes and school treasurer in such districts; and prescribing
2 penalties."

3 Except sections 9 and 12, act of May 23, 1949 (P.L.1676,
4 No.509), entitled, as amended, "An act to provide revenue in
5 school districts of the first class by imposing a tax upon
6 certain classes of personal property; providing for its levy and
7 collection; conferring and imposing powers and duties on the
8 county assessing authority, board of revision of taxes, receiver
9 of school taxes, school treasurer, board of public education in
10 such districts, and courts; providing for compensation to
11 certain officers and employes; and imposing penalties."

12 Act of May 26, 1949 (P.L.1844, No.547), entitled "An act
13 establishing the Pennsylvania State Firemen's Training School in
14 or adjacent to the borough of Lewistown; providing for its
15 operation and maintenance by the Department of Public
16 Instruction; authorizing the acquisition of a site either by
17 gift or purchase by the Commonwealth or by The General State
18 Authority, or the use of land now owned by the Commonwealth;
19 providing for the erection or construction and the furnishing
20 and equipping of the buildings and structures by The General
21 State Authority, and the leasing thereof by the Commonwealth;
22 and conferring powers and imposing duties upon the Department of
23 Public Instruction and the Public Service Institute Board."

24 Act of May 16, 1951 (P.L.299, No.59), entitled "An act to
25 validate and confirm certain contracts heretofore entered into
26 by boards of school directors where there is no evidence of
27 fraud or conspiracy, and to authorize, ratify, confirm and
28 validate payments on such contracts by the school district."

29 Act of August 16, 1951 (P.L.1238, No.284), entitled "An act
30 to authorize school districts of the first class to furnish free

1 milk to pupils in the kindergarten and first grade."

2 Act of January 18, 1952 (1951 P.L.2128, No.605), entitled "An
3 act defining and providing for the licensing and regulation of
4 private driver education or training schools; conferring powers
5 and imposing duties on the Department of Public Instruction; and
6 imposing penalties."

7 Act of July 27, 1953 (P.L.606, No.171), entitled "An act
8 validating and confirming certain contracts heretofore entered
9 into by boards of school directors where there is no evidence of
10 fraud or conspiracy and authorizing or ratifying payments on
11 such contracts by the school district."

12 Act of July 29, 1953 (P.L.1011, No.257), entitled "An act
13 making resolutions of school districts which impose a tax valid
14 notwithstanding failure to advertise intention to adopt such
15 resolutions in a newspaper of general circulation within such
16 school districts."

17 Act of August 19, 1953 (P.L.1200, No.334), entitled "An act
18 to provide revenue for school districts of the first class A by
19 imposing a tax on real estate in such districts for general
20 public school purposes, and providing for its levy and
21 collection."

22 Act of July 8, 1957 (P.L.548, No.303), entitled "An act to
23 impose an additional tax on real estate for public school
24 purposes in school districts of the first class for current
25 expenses."

26 Act of July 12, 1957 (P.L.837, No.386), entitled "An act
27 imposing a tax on real estate for public school purposes in
28 school districts of the first class A for current expenses."

29 Act of September 23, 1959 (P.L.968, No.398), entitled "An act
30 to validate and quiet the title to lands and buildings

1 heretofore sold by boards of school directors at public auction
2 without full compliance with provisions of law authorizing such
3 sales."

4 Act of September 23, 1959 (P.L.995, No.409), entitled, as
5 amended, "An act providing for the acceptance by the
6 Commonwealth of Pennsylvania of the provisions of the act of
7 Congress, approved September 2, 1958, concerning assistance to
8 states and subdivisions thereof for the training of manpower of
9 sufficient quality and quantity to meet our national defense
10 needs; and conferring powers and imposing duties on the State
11 Treasurer, the State Board of Education and the State Board for
12 Vocational Education."

13 Act of November 19, 1959 (P.L.1552, No.557), entitled "An act
14 imposing a tax on real estate for public school purposes in
15 school districts of the first class and first class A for
16 current expenses."

17 Act of August 24, 1961 (P.L.1135, No.508), entitled "An act
18 imposing a tax for general public school purposes in school
19 districts of the first class A on salaries, wages, commissions
20 and other compensation earned by residents thereof, and on the
21 net profits earned from businesses, professions or other
22 activities conducted by residents thereof; providing for its
23 levy and collection; requiring the filing of declarations and
24 returns and the giving of information by employers and by those
25 subject to the tax; imposing on employers the duty of collecting
26 the tax at source; conferring and imposing powers and duties on
27 boards of public education and school treasurers in such
28 districts; providing for the administration and enforcement of
29 the act and imposing penalties for violation thereof."

30 Act of August 8, 1963 (P.L.585, No.304), entitled, as

1 amended, "An act imposing a tax on real estate for public school
2 purposes in school districts of the first class A for current
3 expenses."

4 Act of August 8, 1963 (P.L.592, No.310), entitled, as
5 amended, "An act to impose an additional tax on real estate for
6 public school purposes in school districts of the first class
7 for general public school purposes."

8 Act of August 8, 1963 (P.L.613, No.321), entitled "An act
9 transferring powers and duties from the State Council of
10 Education to the State Board of Education and making an
11 appropriation to the Department of Public Instruction for
12 administrative expenses of the State Board of Education."

13 Act of August 9, 1963 (P.L.643, No.341), known as the "First
14 Class City Public Education Home Rule Act."

15 Act of December 7, 1965 (P.L.1046, No.394), entitled "An act
16 making a continuing appropriation out of the Motor License Fund
17 to the Department of Public Instruction to promote driver
18 education and to provide financial assistance to school
19 districts or joint organizations."

20 Act of July 8, 1968 (P.L.299, No.150), entitled "A supplement
21 to the act of March 10, 1949 (P.L.30, No.14), entitled 'An act
22 relating to the public school system, including certain
23 provisions applicable as well to private and parochial schools;
24 amending, revising, consolidating and changing the laws relating
25 thereto,' providing for the establishment of administrative
26 units comprised of certain school districts."

27 Act of November 26, 1968 (P.L.1098, No.340), entitled "An act
28 imposing a tax on real estate for public school purposes in
29 school districts of the first class A for general public school
30 purposes."

1 Act of August 27, 1971 (P.L.358, No.92), entitled "An act
2 creating an authority for the purpose of avoiding increased
3 costs of public education by providing partial reimbursement for
4 nonpublic education and defining its powers and duties."

5 Act of December 12, 1973 (P.L.397, No.141), entitled "An act
6 relating to certification of teachers in the public schools of
7 the Commonwealth and creating a Professional Standards and
8 Practices Commission."

9 Act of November 26, 1975 (P.L.460, No.129), entitled "An act
10 providing services for the diagnosis and correction of speech
11 and hearing defects to nonpublic school children."

12 Act of December 15, 1975 (P.L.483, No.143), entitled "An act
13 imposing a tax on real estate for public school purposes in
14 school districts of the first class A for general public school
15 purposes."

16 (b) The act of April 30, 1943 (P.L.145, No.73), entitled, as
17 amended, "An act providing for and regulating the accumulation,
18 investment and expenditure by counties, cities, boroughs,
19 incorporated towns, townships and school districts of funds for
20 post war projects," is repealed as to school districts.

21 (c) All other acts and parts of acts are repealed insofar as
22 they are inconsistent with this act.

23 (D) THE REPEAL OF ACTS OR PARTS OF ACTS BY THIS SECTION <—
24 INCLUDES ANY AMENDMENT TO THOSE ACTS OR PARTS OF ACTS BY THE
25 1981 AND 1982 SESSIONS OF THE GENERAL ASSEMBLY THROUGH ACT 1982-
26 187.

27 Section 7 6. Effective date.--This act shall take effect <—
28 July 1, 1982 1983. ~~EXCEPT FOR 24 PA.C.S. § 2292 WHICH SHALL TAKE~~ <—
29 ~~EFFECT IMMEDIATELY.~~