

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2063

Session of
1986

INTRODUCED BY REINARD, GALLAGHER AND BURNS, JANUARY 28, 1986

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 29, 1986

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing that rules and regulations
6 adopted by boards of school directors shall not prevent the
7 photographing, videotaping or recording of meetings of the
8 board; FURTHER PROVIDING FOR CONTRACTS WITH PRIVATE
9 RESIDENTIAL REHABILITATIVE INSTITUTIONS AND FOR DAY TREATMENT
10 PROGRAMS; AND PROVIDING FOR WEATHER EMERGENCY FOR 1985-1986. <—

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

13 Section 1. Section 510 of the act of March 10, 1949 (P.L.30,
14 No.14), known as the Public School Code of 1949, amended June
15 29, 1976 (P.L.450, No.110), is amended to read:

16 Section 510. Rules and Regulations; Safety Patrols.--The
17 board of school directors in any school district may adopt and
18 enforce such reasonable rules and regulations as it may deem
19 necessary and proper, regarding the management of its school
20 affairs and the conduct and deportment of all superintendents,
21 teachers, and other appointees or employes during the time they

1 are engaged in their duties to the district, as well as
2 regarding the conduct and deportment of all pupils attending the
3 public schools in the district, during such time as they are
4 under the supervision of the board of school directors and
5 teachers, including the time necessarily spent in coming to and
6 returning from school. Such rules and regulations shall not be
7 used to prevent members of the board, the general public or the
8 news media from photographing, videotaping or recording meetings <—
9 of the board, other than meetings authorized by law to be closed
10 and executive sessions called by the board under ALL PUBLIC <—
11 MEETINGS OF THE BOARD, INCLUDING WORK MEETINGS OR WORK SESSIONS,
12 NO MATTER HOW DESIGNATED, EXCEPT THAT THE BOARD MAY RESTRICT
13 THAT PORTION OF ANY WORK MEETING OR EXECUTIVE SESSION WHERE THE
14 SOLE ITEM FOR DISCUSSION RELATES TO MATTERS SPECIFIED IN SECTION
15 3(1) AND (2) OF the act of July 19, 1974 (P.L.486, No.175),
16 referred to as the Public Agency Open Meeting Law.

17 In the exercise of this authority the board of school
18 directors is empowered to organize school safety patrols and,
19 with the permission of the parents, to appoint pupils as members
20 thereof, for the purpose of influencing and encouraging the
21 other pupils to refrain from crossing public highways at points
22 other than at regular crossings, and for the purpose of
23 directing pupils not to cross highways at times when the
24 presence of traffic would render such crossing unsafe. Nothing
25 herein contained shall be construed to authorize or permit the
26 use of any safety patrol member for the purpose of directing
27 vehicular traffic, nor shall any safety patrol member be
28 stationed in that portion of the highway intended for the use of
29 vehicular traffic. No liability shall attach either to the
30 school district, or any individual director, superintendent,

1 teacher, or other school employe, by virtue of the organization,
2 maintenance, or operation of a school safety patrol organized,
3 maintained, and operated under authority of this section.

4 All flags, belts, apparel and devices issued, supplied or
5 furnished to persons acting in the capacity of special school
6 police, or special police appointed to control and direct
7 traffic at or near schools, in order to enhance the conspicuity
8 of such persons, shall be made from retro-reflective and
9 fluorescent materials visible both day and night at three
10 hundred (300) feet to approaching motorists using lawful low
11 beam headlights and shall conform to standards, specifications,
12 or regulations issued by the State Board of Education. All belts
13 supplied or furnished to pupils active in the capacity of school
14 safety patrol members shall be fluorescent.

15 SECTION 2. SECTIONS 914.1-A(B) AND 1310(C) OF THE ACT, <—
16 AMENDED DECEMBER 17, 1982 (P.L.1378, NO.316), ARE AMENDED TO
17 READ:

18 SECTION 914.1-A. CONTRACTS WITH PRIVATE RESIDENTIAL
19 REHABILITATIVE INSTITUTIONS.--* * *

20 (B) THE ACTUAL COST, NOT TO EXCEED ONE AND ONE-HALF TIMES
21 THE TUITION CHARGES OF THE SCHOOL DISTRICT IN WHICH SUCH PRIVATE
22 RESIDENTIAL REHABILITATIVE INSTITUTION IS LOCATED, SHALL BE
23 BORNE [BY THE SCHOOL DISTRICT OF THE CHILD'S RESIDENCE. IF THE]
24 AS FOLLOWS:

25 (1) THE FULL TUITION CHARGE OF THE SCHOOL DISTRICT IN WHICH
26 THE PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION IS LOCATED
27 SHALL BE PAID BY THE SCHOOL DISTRICT OF THE CHILD'S RESIDENCE.

28 (2) ANY ADDITIONAL CHARGES NOT TO EXCEED ONE-HALF OF THE
29 TUITION CHARGE UNDER CLAUSE (1) SHALL BE PAID BY THE
30 COMMONWEALTH. IF THE SCHOOL DISTRICT OF RESIDENCE OF THE CHILD

1 CANNOT BE DETERMINED, THE COSTS SHALL BE BORNE BY THE DEPARTMENT
2 OF EDUCATION. THE DEPARTMENT SHALL EFFECTUATE NECESSARY
3 PROCEDURES FOR THE TRANSFER OF FUNDS FROM THE SCHOOL DISTRICT OF
4 RESIDENCE TO THE SCHOOL DISTRICT OR INTERMEDIATE UNIT IN WHICH
5 THE PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION IS LOCATED.
6 IN EFFECTUATING THE TRANSFER OF FUNDS, THE DEPARTMENT MAY DEDUCT
7 THE APPROPRIATE AMOUNT FROM THE BASIC INSTRUCTIONAL SUBSIDY OF
8 ANY SCHOOL DISTRICT WHICH HAD RESIDENT STUDENTS THAT WERE
9 PROVIDED EDUCATIONAL SERVICES BY A PRIVATE RESIDENTIAL
10 REHABILITATIVE INSTITUTION.

11 * * *

12 SECTION 1310. ASSIGNMENT OF PUPILS TO SCHOOLS.--* * *

13 (C) THE ACTUAL COST, NOT TO EXCEED ONE AND ONE-HALF TIMES
14 THE TUITION CHARGES OF THE SCHOOL DISTRICT IN WHICH SUCH DAY
15 TREATMENT PROGRAM IS LOCATED, SHALL BE BORNE [BY THE SCHOOL
16 DISTRICT OF THE CHILD'S RESIDENCE. IF THE SCHOOL DISTRICT OF] AS
17 FOLLOWS:

18 (1) THE FULL TUITION CHARGE OF THE SCHOOL DISTRICT IN WHICH
19 THE PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION IS LOCATED
20 SHALL BE PAID BY THE SCHOOL DISTRICT OF THE CHILD'S RESIDENCE.

21 (2) ANY ADDITIONAL CHARGES NOT TO EXCEED ONE-HALF OF THE
22 TUITION CHARGE UNDER CLAUSE (1) SHALL BE PAID BY THE
23 COMMONWEALTH. IF THE SCHOOL DISTRICT OF RESIDENCE OF THE CHILD
24 CANNOT BE DETERMINED, THE COSTS SHALL BE BORNE BY THE DEPARTMENT
25 OF EDUCATION. THE DEPARTMENT SHALL EFFECTUATE NECESSARY
26 PROCEDURES FOR THE TRANSFER OF FUNDS FROM THE SCHOOL DISTRICT OF
27 RESIDENCE TO THE SCHOOL DISTRICT IN WHICH THE DAY TREATMENT
28 PROGRAM IS LOCATED. IN EFFECTUATING THE TRANSFER OF FUNDS, THE
29 DEPARTMENT MAY DEDUCT THE APPROPRIATE AMOUNT FROM THE BASIC
30 INSTRUCTIONAL SUBSIDY OF ANY SCHOOL DISTRICT WHICH HAD RESIDENT

1 STUDENTS WHO WERE PROVIDED EDUCATIONAL SERVICES BY AN APPROVED
2 CHILDREN AND YOUTH AGENCY.

3 * * *

4 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

5 SECTION 1501.5. WEATHER EMERGENCY OF 1985-86.--FOR THE
6 SCHOOL YEAR OF 1985-86 ALL PUBLIC AND APPROVED PRIVATE
7 KINDERGARTENS, ELEMENTARY AND SECONDARY SCHOOLS, VOCATIONAL-
8 TECHNICAL SCHOOLS AND INTERMEDIATE UNIT PROGRAMS OF INSTRUCTION
9 SHALL MAKE EVERY EFFORT TO KEEP OPEN FOR AT LEAST ONE HUNDRED
10 SEVENTY-SIX (176) DAYS OF INSTRUCTION FOR STUDENTS AND, IN THE
11 ALTERNATIVE, THE SECRETARY OF EDUCATION SHALL AUTHORIZE, WITHOUT
12 NEED OF APPLICATION, EACH SCHOOL DISTRICT TO HAVE THE OPTION OF
13 COMPUTING THE INSTRUCTIONAL TIME ON AN HOURLY BASIS, RATHER THAN
14 A DAILY BASIS, OF NINE HUNDRED (900) HOURS FOR ELEMENTARY AND
15 NINE HUNDRED NINETY (990) HOURS FOR SECONDARY SCHOOLS. NO PUBLIC
16 OR APPROVED PRIVATE KINDERGARTEN, ELEMENTARY OR SECONDARY
17 SCHOOL, VOCATIONAL-TECHNICAL SCHOOL, OR INTERMEDIATE UNIT
18 PROGRAM OF INSTRUCTION WHICH WAS CLOSED BECAUSE OF THE WEATHER
19 EMERGENCY CAUSED BY FLOOD CONDITIONS AND WHICH MAKES A GOOD
20 FAITH EFFORT AS DETERMINED BY THE SECRETARY OF EDUCATION TO KEEP
21 OPEN FOR AT LEAST ONE HUNDRED SEVENTY-SIX (176) DAYS OR THE
22 OPTIONAL HOURLY BASIS OF INSTRUCTION FOR STUDENTS SHALL RECEIVE
23 LESS SUBSIDY PAYMENTS OR REIMBURSEMENTS THAN IT WOULD OTHERWISE
24 BE ENTITLED TO RECEIVE ON ACCOUNT OF THE SCHOOL YEAR 1985-86. NO
25 EMPLOYEE OF ANY SCHOOL CLOSED BY REASON OF THE WEATHER EMERGENCY
26 OF 1985 SHALL RECEIVE MORE OR LESS COMPENSATION THAN THAT TO
27 WHICH THE EMPLOYEE WOULD OTHERWISE HAVE BEEN ENTITLED TO FROM THE
28 SCHOOL DISTRICT, INTERMEDIATE UNIT OR VOCATIONAL-TECHNICAL
29 SCHOOL, HAD THE WEATHER EMERGENCY OF 1985 NOT OCCURRED.

30 Section 2 4. This act shall take effect in 60 days.

<—