

PUBLIC SCHOOL CODE OF 1949 - AMEND FINANCING, WEATHER EMERGENCY

Act of Mar. 28, 1994, P.L. 117, No. 12

Cl. 24

Session of 1994

No. 1994-12

SB 375

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for use of funds by the State Public School Building Authority; and providing for financing for school building property , for leasing of telecommunications and distance learning equipment, for the Center for Rural Pennsylvania and for the weather emergency of 1994.

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

Section 1. Section 783 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added May 9, 1949 (P.L.1017, No.296), is amended to read:

Section 783. Appropriations; Use of Proceeds of Bond Issues.--Any school district shall have power and authority, with approval of the Department of [Public Instruction] **Education**, to appropriate to the State Public School Building Authority any funds available for building purposes **or for purposes set forth in sections 784.1 and 784.2 of this act.** Any such funds which represent the proceeds of any general obligation bonds issued by the school district shall be used by the State Public School Building Authority for or toward the purpose or purposes for which such bonds were issued, and in the event that any such bonds were issued pursuant to a vote of the electors, any appropriation of such proceeds, as above set forth, shall not be deemed such a change of purpose from that for which such bonds were authorized as shall require the question to be again submitted to a vote of the electors under any existing law.

Section 2. The act is amended by adding sections to read:

Section 784.1. Financing for School Building Property.--(a) Any school district shall have the power and authority, with the approval of the Department of Education, to enter into loan agreements or other financing contracts with the State Public School Building Authority for the financing of the construction, operation, maintenance and improvements of school buildings and the furnishing and equipment of school buildings for a term not exceeding forty (40) years, at such debt service payments as may be determined by the Authority. There shall be included in the annual budget of the school districts an appropriation to meet the amount of such loan payment.

(b) Any school district shall have the power and authority to pay for operation and maintenance of any school building, or any improvement or furnishings or equipment of a school building, purchased by the school district through financing provided by the Authority under the provisions of the first paragraph of this section.

Section 784.2. Contracts for Lease or Purchase of Educational Telecommunications and Distance Learning Equipment and Facilities and for Installation, Operation and Maintenance.--(a) The General Assembly finds and declares as follows:

(1) Due to a small population base, rural schools and businesses are often unable to provide the specialized courses or training needed for tomorrow's economy.

(2) Telecommunications offer a largely untapped potential to cross-geographic boundaries to connect specialized teachers and instructors to remote or distant rural settings.

(3) Current telecommunications development efforts, which are the key to the economies of the future, have not been coordinated. This has resulted in duplication of efforts in some areas of this Commonwealth and the exclusion of many rural areas in telecommunications development.

(b) Any school district shall have the power and authority, with the approval of the Department of Education, to enter into contracts or other agreements with the State Public School Building Authority for the financing of a lease or purchase of and the installation, operation and maintenance of any equipment or technology for the purpose of establishing or enhancing educational telecommunications or distance learning applications for a term not exceeding the estimated useful life of the equipment as certified by a professional from the telecommunications/distance learning field, at such rentals or for such purchase price as may be determined by the Authority. There shall be included in the annual budget of the school district an appropriation to meet the amount of such rentals or purchase price.

(c) Any school district shall have the power to sublease or lease equipment and related facilities leased or purchased under this section to governmental or nonprofit organizations subject to reasonable rules and regulations adopted by the board of school directors and further subject to charges as the school board shall consider proper. All proceeds derived from the sublease or lease of the equipment or facility are to be used to defray Authority rental or loan payments or for the purchase of additional telecommunications or distance learning equipment. At the time of the sublease or lease, the school board should request a statement of the governmental or nonprofit purposes for which the sublease or lease is requested and obtain from the sublessee or lessee proper insurance against damage or liability.

(d) Any school district shall have the power and authority to pay for operation and maintenance of any equipment or technology for the purpose of establishing or enhancing educational telecommunications or distance learning applications leased as lessee by it from the authority under the provisions of the first paragraph of this section.

Section 784.3. Center.--(a) The center shall provide Statewide coordination and training necessary for teachers, school administrators and businesspeople to participate effectively in distance learning. This subsection includes distance learning concepts, transport systems, scheduling needs and opportunities and pilot programs.

(b) The center may continue to provide grants to training centers, postsecondary institutions, intermediate units or other appropriate organizations in order to provide local technical support and training coordination for the program on a regional basis.

(c) The center shall provide coordination, training and advice to the Department of Education and the State Public School Building Authority concerning distance learning opportunities.

(d) For the purposes of this section, "center" means the Center for Rural Pennsylvania.

Section 3. Section 785 of the act, amended September 7, 1955 (P.L.582, No.150), is amended to read:

Section 785. Failure to Pay Rent or Make Payments; Withholding Appropriation.--In all cases where the board of directors of any school district fails to pay or to provide for the payment of any rental, **payment** or rentals **or payments** due the State Public School Building Authority for any period in accordance with the terms of any lease, **loan agreement or other lending instrument or contract**, entered into under the terms of subdivision (f) of this article, upon written notice thereof from the Authority, the [State Superintendent of Public Instruction] **Secretary of Education** shall notify such board of school directors of its obligation and shall withhold out of any State appropriation due such school district an amount equal to the amount of the rental, **payment** or rentals **or payments** owing by such school district to the State Public School Building Authority and shall pay over the amount so withheld to the Authority in payment of the rental **or payment**.

Section 4. The act is amended by adding a section to read:

Section 1501.6. Weather Emergency of 1994.--(a) This section applies only to the school year 1993-1994 as a result of the weather emergency of 1994.

(b) All school entities shall keep open for at least one hundred eighty (180) days of instruction for students by using all available days through June 30, 1994, and by using the provisions of this section and section 1502(b).

(c) As an alternative to providing one hundred eighty (180) days of instruction, the Secretary of Education shall authorize, without need of application, each school entity to have the option of computing instructional time on an hourly basis, rather than a daily basis, of nine hundred (900) hours for elementary and nine hundred ninety (990) hours for secondary schools. Each school entity which elects to compute instructional time on an hourly basis shall submit documentation to the Secretary of Education verifying the completion of the required hours of instruction.

(d) For purposes of computing instructional time pursuant to this section, the Secretary of Education shall calculate instructional days or time related to the weather emergency of 1994 prior to calculating any other lost instructional time.

(e) The chief commissioned officer of a school district, intermediate unit or area vocational-technical school shall, upon the written request of a parent or guardian, excuse any student from school attendance if such student has the opportunity to receive a program of advanced instruction, to participate in academic or skills competition or to engage in leadership development activities. The request shall identify and describe the instruction, competition or leadership development activities and the dates and hours for which the absence is requested. The parent or guardian shall, following each such absence, furnish in writing to the chief commissioned officer a statement attesting to the student's participation, including the dates and hours of such participation.

(f) The chief commissioned officer of a school district, intermediate unit or area vocational-technical school shall excuse a student to observe or participate in a religious

activity or function upon the written notification of such observance or participation by the student's parent or guardian. A student's absence from school pursuant to this subsection shall be considered an instructional day and shall not be recorded as an absence on the student's attendance record or on the record of any group or class of which the student is a member. There shall be no penalty attached for any such absences pursuant to this subsection.

(g) As used in this section, a school entity shall be any public, private or nonpublic school a child attends in order to fulfill the compulsory attendance requirements of this act.

Section 5. Section 1502 of the act, amended January 24, 1966 (1965 P.L.1508, No.529), is amended to read:

Section 1502. Days Schools not to be Kept Open.--[No] (a) **Except as provided in subsection (b), no school shall be kept open on any Saturday for the purpose of ordinary instruction, except when Monday is fixed by the board of school directors as the weekly holiday, or on Sunday, Memorial Day, Fourth of July, or Christmas nor shall any school be kept open in any district during the time of holding the teachers' institute for such district. Whenever Memorial day shall be on a Sunday, the following Monday shall be a holiday.**

(b) **For the school year 1993-1994 only, the board of school directors shall have the option of rescheduling instructional days on Saturday, but for not more than one Saturday per month, to make up instructional days lost from the adopted school calendar because school was closed as a result of the weather emergency of 1994. Notwithstanding the provisions of subsection (a), if the board of school directors reschedules an instructional day on Saturday, the schools may be open the following Monday.**

Section 6. This act shall take effect as follows:

- (1) The amendment or addition of sections 1501.6 and 1502 of the act shall take effect immediately.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.

APPROVED--The 28th day of March, A. D. 1994.

ROBERT P. CASEY