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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 209 Session of  
1985

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Report of the Committee of Conference

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To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 209, entitled:  
"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,' requiring instruction relating to the cause and prevention of drug and alcohol abuse; and permitting the employment of a certified addiction counselor by school districts,"

respectfully submit the following bill as our report:

JAMES J. MANDERINO

MAX PIEVSKY

SAMUEL E. HAYES, JR.

(Committee on the part of the House of Representatives.)

RALPH W. HESS

JOHN STAUFFER

J. WILLIAM LINCOLN

(Committee on the part of the Senate.)

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 Commonwealth payments to intermediate units; further providing for demotion of certain employees; further providing for sabbatical leaves and for salary while on leave; providing for the emergency resulting from flooding conditions in Western Pennsylvania with regard to the length of the school year and subsidy reimbursements; requiring instruction relating to the cause and prevention of drug and alcohol abuse; permitting the employment of a certified addiction counselor by school districts; authorizing the development and offering of programs regarding alcohol and chemical abuse for parents; further providing for annual reports by the Secretary of Education relating to vocational education programs; further providing for the powers and duties of the Board of Governors; further providing for educational subsidies; further providing for payments on account of approved vocational extension classes and preemployment training; further providing for payments for building site costs; further providing for continuing professional development plans and requirements; further providing for the powers and duties of intermediate units to obtain space for facilities; and authorizing a one-year program for the Department of Education to make technology upgrade and acquisition grants on behalf of full-time equivalent undergraduate students attending institutions of higher education in this Commonwealth.

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

Section 1. Section 914-A(11) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended April 6, 1980 (P.L.86, No.30), is amended to read:

Section 914-A. Powers and Duties of the Intermediate Unit Board of Directors.--An intermediate unit board of directors shall have the power and its duty shall be:

\* \* \*

(11) To lease land and buildings and to own office space and warehouse facilities.

\* \* \*

Section 2. Section 917.1-A of the act, added August 24, 1977 (P.L.199, No.59), is amended to read:

Section 917.1-A. Commonwealth Payments.--(a) For the school year 1977-1978 [and each year thereafter] through the school year 1985-1986 the Commonwealth shall pay to intermediate units an amount equal to the product of the Statewide median actual instruction expense per weighted average daily membership (WADM) by the product of forty-five one hundredths of one percent (0.45%) and the average daily membership of all school districts in the Commonwealth, as determined by the Secretary of Education according to the latest available actual data. For the school year 1986-1987 and each school year thereafter, the Commonwealth shall pay to intermediate units an amount equal to the product of the Statewide median actual instruction expense per weighted average daily membership (WADM) by the product of forty one hundredths of one percent (0.40%) and the average daily membership of all school districts in the Commonwealth, as determined by the Secretary of Education according to the latest available data.

(b) For the school year 1977-1978 and each school year thereafter, each intermediate unit shall be paid the amount it received from the Commonwealth for the 1976-1977 school year.

(c) In addition to the amount paid to each intermediate unit under subsection (b), each intermediate unit shall be paid for the 1977-1978 school year [and each year thereafter] through the 1985-1986 school year an amount determined by subtracting the total payments under subsection (b) from the total allocation under subsection (a) divided by the average daily membership (ADM) of all school districts in the Commonwealth multiplied by the average daily membership (ADM) of all component school

1 districts in the intermediate unit, as determined by the  
2 Secretary of Education according to the latest actual data  
3 available. In addition to the amount paid to each intermediate  
4 unit under subsection (b), each intermediate unit shall be paid  
5 for the 1986-1987 school year and each year thereafter an amount  
6 determined by subtracting the total payments under subsection  
7 (b) from the total allocation under subsection (a). One-half of  
8 that amount shall be divided by twenty-nine and the amount  
9 derived paid to each intermediate unit. The remaining one-half  
10 shall be divided by the average daily membership (ADM) of all  
11 school districts in the Commonwealth and multiplied by the  
12 average daily membership (ADM) of all component school districts  
13 in the intermediate unit, as determined by the Secretary of  
14 Education according to the latest actual available data, and the  
15 amount derived paid to each intermediate unit.

16 (d) In January of each year, the Secretary of Education  
17 shall determine for each intermediate unit the amount to be  
18 received for the succeeding fiscal year.

19 (e) Any funds expended by intermediate units on special  
20 education instruction shall be added to the special education  
21 base allocation for purposes of calculating the base increase  
22 for special education programs.

23 Section 3. Section 919.1-A of the act, added August 24, 1977  
24 (P.L.199, No.59), is amended to read:

25 Section 919.1-A. Capital Subsidy.--(a) All [leases] lease  
26 agreements, security agreements or any other contracts,  
27 instruments or agreements for office space, classrooms,  
28 warehouse space and similar facilities shall be pre-approved by  
29 the Secretary of Education. Loan agreements and mortgages for  
30 office and warehouse facilities shall be pre-approved by the

1 Secretary of Education. For the 1977-1978 school year and each  
2 school year thereafter, in addition to any payments required  
3 under section 917.1-A, the Commonwealth shall allocate to the  
4 intermediate units on account of approved [leases] lease  
5 agreements, loan agreements, mortgages, security agreements, or  
6 any other contracts, instruments or agreements, an amount to be  
7 determined as follows: by obtaining the product of the number of  
8 students in average daily membership (ADM) multiplied by the  
9 median actual instruction expense per weighted average daily  
10 membership of all the school districts, to be further multiplied  
11 by three one-hundredths of one percent (0.03%), based on the  
12 latest actual data available to the Secretary of Education.

13 (b) The distribution to each intermediate unit shall be  
14 computed by applying the intermediate unit aid ratio to each  
15 approved [lease] payment under any such lease agreement, loan  
16 agreement, mortgage, security agreement, or other contract,  
17 instrument or agreement. The aid ratio computed initially shall  
18 apply as a minimum for the duration of the lease agreement, loan  
19 agreement, mortgage, security agreement, or other contract,  
20 instrument or agreement: Provided, however, That no intermediate  
21 unit shall receive less on account of approved [leases] lease  
22 agreements, loan agreements, mortgages, security agreements, or  
23 any other contracts, instruments or agreements, than it received  
24 for the 1976-1977 school year.

25 (c) Where the allocations under this section do not satisfy  
26 [lease] reimbursement requirements under any lease agreements,  
27 mortgages, security agreements, or any other contracts,  
28 instruments or agreements, each intermediate unit shall receive  
29 a pro rata share of the amount determined by the above formula.

30 Section 4. Section 1125.1(d) of the act, added November 20,

1 1979 (P.L.465, No.97), is amended to read:

2 Section 1125.1. Persons to be Suspended.--\* \* \*

3 (d) (1) No suspended employe shall be prevented from  
4 engaging in another occupation during the period of suspension.

5 (2) Suspended professional employes or professional employes  
6 demoted for the reasons set forth in section 1124 shall be  
7 reinstated on the basis of their seniority within the school  
8 entity. No new appointment shall be made while there is such a  
9 suspended or demoted professional employe available who is  
10 properly certificated to fill such vacancy. For the purpose of  
11 this subsection, positions from which professional employes are  
12 on approved leaves of absence shall also be considered temporary  
13 vacancies.

14 (3) To be considered available a suspended professional  
15 employe must annually report to the governing board in writing  
16 his current address and his intent to accept the same or similar  
17 position when offered.

18 (4) A suspended employe enrolled in a college program during  
19 a period of suspension and who is recalled shall be given the  
20 option of delaying his return to service until the end of the  
21 current semester.

22 \* \* \*

23 Section 5. Section 1166 of the act, amended May 14, 1968  
24 (P.L.119, No.62), is amended to read:

25 Section 1166. Persons Entitled.--Any person employed in the  
26 public school system of this Commonwealth who has completed ten  
27 (10) years of satisfactory service as a professional employe or  
28 member of the supervisory, instructional or administrative  
29 staff, or as a commissioned officer, of any board of school  
30 directors, county board of school directors, or any other part

1 of the public school system of the Commonwealth, shall be  
2 entitled to a leave of absence for restoration of health, study  
3 or travel, or, at the discretion of the board of school  
4 directors, for other purposes. At least five consecutive years  
5 of such service shall have been in the school district from  
6 which leave of absence is sought, unless the board of school  
7 directors shall in its discretion allow a shorter time:  
8 Provided, however, That in the case of professional employes of  
9 area vocational-technical schools or technical institutes prior  
10 service in the participating school districts shall be credited  
11 toward such service requirement. Such leave of absence shall be  
12 for a half or full school term or for two half school terms  
13 during a period of two years, at the option of such person:  
14 Provided, however, if a sabbatical leave is requested because of  
15 the illness of an employe, a leave shall be granted for a period  
16 equivalent to a half or full school term or equivalent to two  
17 half school terms during a period of two years: Provided  
18 further, That a sabbatical leave for travel shall be taken in  
19 one full school term, unless authorized by the board of school  
20 directors to be taken for a half school term or for two half  
21 school terms during a period of two years: Provided further,  
22 That if a sabbatical leave for one half school term or its  
23 equivalent has been granted and the employe is unable to return  
24 to school service because of illness or physical disability, the  
25 employe, upon written request prior to the expiration of the  
26 original leave, shall be entitled to a further sabbatical leave  
27 for one half school term or its equivalent: Provided further,  
28 That if a sabbatical leave for a full school term or its  
29 equivalent has been granted and the employe is unable to return  
30 to school service because of illness or physical disability, the

1 board of school directors may extend such sabbatical leave for  
2 such periods as it may determine but not to exceed one full  
3 school term or its equivalent. Thereafter, one leave of absence  
4 shall be allowed after each seven years of service.

5 A sabbatical leave granted to a regular employe shall also  
6 operate as a leave of absence without pay from all other school  
7 activities.

8 Section 6. Section 1169 of the act, amended July 30, 1963  
9 (P.L.358, No.190), is amended to read:

10 Section 1169. Salary While on Leave.--The person on leave of  
11 absence shall receive at least one-half of his or her regular  
12 salary during the period he or she is on sabbatical leave.

13 Section 7. The act is amended by adding sections to read:

14 Section 1501.5. Weather Emergency of 1985.--(a) For the  
15 school year 1985-1986, all public and approved private  
16 kindergartens, elementary and secondary schools, vocational-  
17 technical schools and intermediate unit programs of instruction  
18 shall make every effort to keep open for at least one hundred  
19 seventy-six (176) days of instruction for students and, in the  
20 alternative, the Secretary of Education shall authorize, without  
21 need of application, each school district to have the option of  
22 computing the instructional time on an hourly basis, rather than  
23 a daily basis, of nine hundred (900) hours for elementary and  
24 nine hundred ninety (990) hours for secondary schools. No public  
25 or approved private kindergarten, elementary or secondary  
26 school, vocational-technical school, or intermediate unit  
27 program of instruction which was closed because of the weather  
28 emergency caused by flood conditions and which makes a good  
29 faith effort as determined by the Secretary of Education to keep  
30 open for at least one hundred seventy-six (176) days or the



1 optional hourly basis of instruction for students shall receive  
2 less subsidy payments or reimbursements than it would otherwise  
3 be entitled to receive on account of the school year 1985-1986.  
4 No employe of any school closed by reason of the weather  
5 emergency of 1985 shall receive more or less compensation than  
6 that to which the employe would otherwise have been entitled to  
7 from the school district, intermediate unit or vocational-  
8 technical school, had the weather emergency of 1985 not  
9 occurred.

10 Section 1547. Alcohol and Chemical Abuse Program.--(a)  
11 Beginning with school year 1987-1988 and each year thereafter,  
12 each public school student shall receive mandatory instruction  
13 in alcohol and chemical abuse within the health course of study  
14 required in accordance with the State Board of Education  
15 regulations. The Department of Health, Office of Drug and  
16 Alcohol Programs, shall make available information about  
17 appropriate curriculum materials upon request of a school  
18 district. In developing its alcohol and chemical abuse  
19 instructional program, each school district shall consult with  
20 the single county authority designated by the Department of  
21 Health to provide drug and alcohol services in the school  
22 district's area.

23 (b) Each school district is hereby authorized to develop and  
24 offer programs relating to alcohol and chemical abuse for  
25 parents of students enrolled in the public schools. If a school  
26 district does develop such programs, they shall be developed in  
27 consultation with the single county authority designated by the  
28 Department of Health to provide drug and alcohol services in the  
29 school district's area. Such programs shall be offered at no  
30 cost to parents.

1 Section 8. Section 1704 of the act, amended June 28, 1951  
2 (P.L.934, No.180), is amended to read:

3 Section 1704. Joint Authority of Boards; Title to  
4 Property.--The affairs of joint schools or departments shall be  
5 supervised and directed (1) jointly by the several boards of  
6 school directors, establishing and maintaining such joint  
7 schools or departments, or (2) by a joint school committee, as  
8 provided in section one thousand seven hundred seven of this  
9 act. When there is no joint school committee, the several boards  
10 of school directors are hereby authorized to meet jointly, and  
11 exercise the same power and authority over the same as the  
12 several boards exercise over the schools in their respective  
13 districts. Whatever matter is required by law to be decided by a  
14 vote of the majority of all the directors of a school district  
15 shall in a joint school or department be required to be decided  
16 by a vote of two-thirds of all the constituent boards comprising  
17 said joint operation. The vote of any constituent board shall be  
18 determined by a majority vote of all the school directors  
19 comprising such constituent board. In addition thereto, the  
20 matter shall have been voted for by a majority of all the school  
21 directors of all of the constituent boards. All voting on the  
22 affairs of joint schools or departments by the school directors  
23 of the constituent boards shall be conducted either in a joint  
24 meeting or by mail ballot, whichever procedure the majority of  
25 all school directors select. The title to any real estate,  
26 acquired for the purpose of establishing any such joint school  
27 or department, shall be held in the name of one or more of the  
28 district establishing the same, as they may agree.

29 Section 9. Section 1705 of the act, amended January 14, 1970  
30 (1969 P.L.468, No.192), is amended to read:

1       Section 1705. Treasurer; Budget.--The several boards of  
2 school directors of the school districts establishing such joint  
3 school or department shall [meet in joint session at least once  
4 a year, for the purpose of adopting], by joint meeting or mail  
5 ballot, adopt the annual school budget. The presiding officer  
6 and secretary of the joint session shall be the president and  
7 secretary of the joint board or joint school committee. At such  
8 joint session, or by mail ballot, they shall elect, from the  
9 treasurers of their respective districts, one who shall act as  
10 the treasurer of such joint school or department, for a one year  
11 term beginning on the first day of July following his election,  
12 to whom shall be paid, by the several districts establishing  
13 such joint school or department, the amount agreed upon to be  
14 contributed by each district for the support of such joint  
15 school or department. They shall fix the salary of the treasurer  
16 of such joint school or department annually, at an amount not  
17 exceeding two per centum of the funds passing through his hands.

18       Section 10. Section 1707 of the act, amended August 14, 1963  
19 (P.L.1065, No.463), is amended to read:

20       Section 1707. Joint School Committee.--The boards of school  
21 directors, establishing any joint school or department, may  
22 supervise and direct its affairs, jointly, in the same manner as  
23 the affairs of individual school districts are managed; or they  
24 may agree that the affairs of such joint school or department  
25 may be managed by a joint school committee within the limits of  
26 the budget adopted by the joint board. Where such management is  
27 delegated to a joint school committee, every school board  
28 establishing joint schools or departments shall, at the annual  
29 meeting during the month of December, select one or more of its  
30 members who, with the members chosen in like manner in the other

1 districts, shall constitute the joint school committee. Every  
2 such school board may also select at any annual or regular  
3 meeting one or more alternates from its members to serve in the  
4 event selected members are unable to attend a meeting of the  
5 joint school committee. The alternate, when directed by the  
6 president of the school board to attend a meeting of the joint  
7 school committee in the absence of the selected member, shall  
8 have all the powers and duties of a regular member of such  
9 committee. This committee shall have all the powers and duties  
10 and be subject to all the liabilities with reference to the  
11 supervision, maintenance and regulation of such joint schools or  
12 departments as are now conferred or imposed by law upon school  
13 boards generally. The affirmative vote of a majority of all the  
14 members of this committee, duly recorded, showing how each  
15 member voted, shall be required in order to take action upon  
16 those subjects enumerated in section five hundred eight of this  
17 act. Such votes may be recorded in a joint meeting or by mail  
18 ballot. Failure to comply with the provisions of this act shall  
19 render void and unenforceable the acts of the joint school  
20 committee with reference thereto. The joint board and the joint  
21 school committee, if authorized, shall organize annually during  
22 the month of December by electing a president, vice-president  
23 and secretary, who shall perform the duties imposed by this act  
24 on the president, vice-president and secretary of regular school  
25 boards. The secretary so elected shall serve for a term of four  
26 years. The expenses of maintaining the joint school or  
27 department shall be paid by warrant drawn on the joint board  
28 treasurer by the president and secretary of the joint board or  
29 the joint school committee.

30 Whenever two or more boards of school directors, who are at

1 the time members of a joint board operating a joint school or  
2 department, join with other boards of school directors in the  
3 formation of a joint school committee operating an area  
4 vocational-technical school or technical institute, the joint  
5 committee may be formed as may be agreed: Provided, That each  
6 joint school or department have at least one member on the joint  
7 school committee.

8 Section 11. The act is amended by adding a section to read:

9 Section 1803.1. Duty of Secretary to Report Annually.--The  
10 Secretary of Education shall report annually, to the Standing  
11 Committees on Education of the Senate and House of  
12 Representatives, the following information for each area  
13 vocational-technical school:

14 (1) Number of approved vocational programs during the  
15 current and prior years.

16 (2) Number of students enrolled during the current and prior  
17 years.

18 (3) Number of secondary school students enrolled in  
19 participating school districts during the current and prior  
20 years.

21 (4) Scheduling patterns, including grades in which programs  
22 are offered, whether programs are full time or part time, and  
23 rotation schedules.

24 (5) Number of hours of instruction per year for each program  
25 for the current and prior years.

26 (6) Anticipated scheduling changes for the succeeding year.

27 Section 12. Section 2006-A(a)(8) of the act, added November  
28 12, 1982 (P.L.660, No.188), is amended to read:

29 Section 2006-A. Powers and Duties of the Board of  
30 Governors.--(a) The Board of Governors shall have overall

responsibility for planning and coordinating the development and operation of the system. The powers and duties of the Board of Governors shall be:

\* \* \*

(8) To establish general personnel policies under which the institutions shall operate consistent with merit principles[,]; to determine equivalent degree and teaching experience qualifications for appointment or promotion of faculty employees within the classifications enumerated in the act of January 18, 1952 (1951 P.L.2111, No.600), referred to as the State College Faculty Compensation Law, to include, but not be limited to, the Degrees of Juris Doctor and Master of Fine Arts; and to enter into collective bargaining agreements pursuant to the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," in accordance with section 2008-A of this act.

\* \* \*

Section 13. Sections 2501(19) and 2502.5 of the act, amended July 1, 1985 (P.L.103, No.31), are amended to read:

Section 2501. Definitions.--For the purposes of this article the following terms shall have the following meanings:

\* \* \*

(19) "Factor for Educational Expense." For the school years 1982-1983 and 1983-1984, the factor for educational expense used to compute school district entitlements to payments on account of instruction, as provided for in subsection (d) of section 2502, shall be one thousand six hundred fifty-six dollars (\$1,656) unless later changed by statute. For the school year 1983-1984, the Factor for Educational Expense shall be one thousand seven hundred twenty-five dollars (\$1,725), unless later changed by statute, for those school districts

1 participating, during the 1984-1985 school year, in a Statewide  
2 program for testing and remediation which is designed to  
3 identify and provide remediation services to individual students  
4 pursuant to section 1511.1. For the 1984-1985 school year [and  
5 each school year thereafter], notwithstanding any other  
6 provisions of this act to the contrary, the Factor for  
7 Educational Expense used to compute all school districts'  
8 entitlements to payments on account of instruction, as provided  
9 for in subsection (d) of section 2502, shall be one thousand  
10 eight hundred seventy-five dollars (\$1,875). For the 1985-1986  
11 school year and each school year thereafter, the Factor for  
12 Educational Expense used to compute all school districts'  
13 entitlements to payments on account of instruction, as provided  
14 for in subsection (d) of section 2502, shall be one thousand  
15 nine hundred seventy dollars (\$1,970).

16 Section 2502.5. Limitation of Certain Payments.--(a)  
17 Notwithstanding any other provision of law, for the school year  
18 1970-1971 through the school year 1980-1981, no school district  
19 shall be paid under subsections (d) and (e) of section 2502 or  
20 section 2592, whichever is applicable, and subsection (f) of  
21 section 2502, and section 2502.3 and section 2502.4 of this act  
22 an amount in excess of one hundred percent (100%) of the total  
23 approved reimbursable instructional expenditures of such school  
24 district. The provisions of this subsection shall not apply to  
25 any school district receiving any payment under subsection (g)  
26 of section 2502 of this act.

27 (b) Notwithstanding any other provisions of law, for the  
28 school year 1982-1983 and 1983-1984, no school district shall be  
29 paid under subsections (d) and (e) of section 2502 and section  
30 2502.11 or for the school year 1984-1985 and each school year

1 thereafter, no school district shall be paid under subsections  
2 (d) and (e) of section 2502, subsection (e) of this section,  
3 section 2502.11 and section 2502.13 or, for the school year  
4 1985-1986, no school district shall be paid under subsections  
5 (d) and (e) of section 2502, subsection (e) of this section,  
6 section 2502.11, section 2502.13, section 2502.14 and section  
7 2502.15 an amount in excess of one hundred percent (100%) of the  
8 total reimbursable instructional expenditures of the school  
9 district. For the 1982-1983 school year, all school districts  
10 qualifying for payments under subsections (d) and (e) of section  
11 2502 and section 2502.11 shall be limited to an increase payment  
12 on account of those sections which shall not exceed nine percent  
13 (9%) over the sums received on account of section 2502.9 for the  
14 1981-1982 school year, nor shall any school district receive an  
15 increase of less than two percent (2%) of the 1982-1983 school  
16 year payments on account of the 1981-1982 school year. For the  
17 1984-1985 school year [and each school year thereafter], each  
18 school district qualifying for payments under subsections (d)  
19 and (e) of section 2502 and section 2502.11 shall be limited to  
20 an increase payment on account of those sections which shall not  
21 exceed eight and forty-five one hundredths percent (8.45%) over  
22 the sums received on account of such sections for the school  
23 year 1983-1984, nor shall any school district receive an  
24 increase of less than two percent (2%) of such payments for the  
25 school year 1983-1984: Provided, however, That such payments for  
26 the school year 1983-1984 shall be computed using a Factor for  
27 Educational Expense of one thousand six hundred fifty-six  
28 dollars (\$1,656) and a maximum payment increase of seven and  
29 forty-five one hundredths percent (7.45%) and a minimum payment  
30 increase of two percent (2%) and the eighty percent (80%)



1 guarantee provided for in section 2502.5(e). For the 1985-1986  
2 school year and each school year thereafter, each school  
3 district qualifying for payments under subsections (d) and (e)  
4 of section 2502, subsection (e) of this section, and section  
5 2502.11 shall be limited to an increase payment on account of  
6 those sections which shall not exceed seven percent (7%) over  
7 the sums received on account of such sections for the school  
8 year 1984-1985, nor shall any school district receive an  
9 increase less than two percent (2%) of such payments for the  
10 school year 1984-1985.

11 (e) For the school [year] years 1983-1984 and [each school  
12 year thereafter] 1984-1985, no school district shall be paid  
13 under subsections (d) and (e) of section 2502 and under section  
14 2502.11 less than eighty percent (80%) of the total amount to  
15 which it is entitled under said sections, notwithstanding any  
16 limitations on increases in such payments enacted by the General  
17 Assembly to the contrary. For the school year 1985-1986 and each  
18 school year thereafter, no school district shall be paid under  
19 subsections (d) and (e) of section 2502 and under section  
20 2502.11 less than eighty-five percent (85%) of the total amount  
21 to which it is entitled under said sections, notwithstanding any  
22 limitations on increases in such payments enacted by the General  
23 Assembly to the contrary. For the school year 1983-1984,  
24 payments under this subsection shall be computed using a Factor  
25 for Educational Expense of one thousand six hundred fifty-six  
26 dollars (\$1,656) and a maximum payment increase of seven and  
27 forty-five one hundredths percent (7.45%) and a minimum payment  
28 increase of two percent (2%). For the school year 1984-1985 and  
29 each school year thereafter, payments under this subsection  
30 shall be computed using the Factor for Educational Expense as

1 defined in section 2501(19) and minimum and maximum increase  
2 limits provided for in subsection (b) of this section. No school  
3 district shall, as a result of this subsection, be paid an  
4 amount in excess of one hundred percent (100%) of the total  
5 reimbursable instructional expenditures of the school district.

6 Section 14. Section 2502.6(b) of the act, amended December  
7 20, 1983 (P.L.267, No.73), is amended to read:

8 Section 2502.6. Proportionate Reduction of Payments.--\* \* \*

9 (b) If the sums appropriated for the 1982-1983 school year  
10 and each school year thereafter are not sufficient to pay in  
11 full the total amounts to which all qualified school districts,  
12 intermediate units, area vocational-technical schools and  
13 nonpublic schools are entitled to receive under the provisions  
14 of sections 917.1-A, 919.1-A, 922.1-A, 923-A(d) and 2502.8 for  
15 such year, the allocations to the school districts, intermediate  
16 units, area vocational-technical schools and nonpublic schools  
17 shall be proportionately reduced to the extent necessary to  
18 bring the aggregate of the school district, intermediate unit,  
19 area vocational-technical school and nonpublic school  
20 allocations within the limits of the amounts appropriated.

21 Section 15. Section 2502.8 of the act, added May 11, 1982  
22 (P.L.396, No.115), is amended to read:

23 Section 2502.8. Payments on Account of Pupils Enrolled in  
24 Vocational Curriculum.--(a) For the purpose of reimbursement  
25 in accordance with this section, vocational curriculums are  
26 agriculture education, distributive education, health  
27 occupations education, home economics education (gainful),  
28 business education, technical education, trade and industrial  
29 education, or any other occupational oriented program approved  
30 by the Secretary of Education.

1 (b) For the 1981-1982 school year [and each school year  
2 thereafter] through the 1984-1985 school year, each school  
3 district so entitled shall be paid, in addition to any other  
4 subsidy to which it is entitled, an amount on account of  
5 resident pupils enrolled in vocational curriculums--and, for the  
6 1985-1986 school year and each school year thereafter, each  
7 school district and area vocational-technical school shall be  
8 paid an amount on account of students enrolled in vocational  
9 curriculums--determined as follows:

10 (1) Determine the increase in the weighted average daily  
11 membership by multiplying the number of students in average  
12 daily membership in vocational curriculums in area vocational-  
13 technical schools by twenty-one hundredths (.21) and the number  
14 of students in average daily membership in school district  
15 vocational curriculums by seventeen hundredths (.17).

16 (2) Multiply the lesser of the district's actual instruction  
17 expense per weighted average daily membership or the base earned  
18 for reimbursement by the market value/income aid ratio or by  
19 three hundred seventy-five thousandths (.375), whichever is  
20 greater.

21 (3) Multiply the increase in weighted average daily  
22 membership determined in clause (1) by the result of clause (2).

23 (4) For the 1985-1986 school year and each school year  
24 thereafter, the Commonwealth shall pay the amount required by  
25 this section to the school district or area vocational-technical  
26 school which provides the program upon which reimbursement is  
27 based.

28 Section 16. Section 2502.13 of the act, added July 1, 1985  
29 (P.L.103, No.85), is amended to read:

30 Section 2502.13. Small District Assistance.--For the 1984-

1 1985 school year and each school year thereafter, the  
2 Commonwealth shall pay, to each school district which has an  
3 average daily membership of one thousand five hundred (1,500) or  
4 less and has a market value/income aid ratio of five thousand  
5 ten-thousandths (0.5000) or greater, an amount equal to fifty  
6 dollars (\$50) multiplied by that district's average daily  
7 membership. For the 1985-1986 school year, no school district  
8 shall receive less on account of this section than it did for  
9 the 1984-1985 school year.

10 Section 17. The act is amended by adding sections to read:

11 Section 2502.14. School Supplement.--(a) For the 1985-1986  
12 school year only, each school district shall be paid an amount  
13 based upon the percentages of its entitlement under the  
14 provisions of subsections (d) and (e) of section 2502 and  
15 section 2502.11, as limited by the provisions of section 2502.5,  
16 in accordance with the following table:

<u>Percent of</u>	<u>Grant per</u>
<u>Fully Funded ESBE</u>	<u>WADM</u>
<u>100% or more</u>	<u>\$16.00</u>
<u>95% or greater, but less than 100%</u>	<u>\$17.60</u>
<u>90% or greater, but less than 95%</u>	<u>\$19.21</u>
<u>85% or greater, but less than 90%</u>	<u>\$20.81</u>

23 (b) For the 1985-1986 school year only, each school district  
24 which experienced an average annual percentage change decrease  
25 in personal income or an average annual percentage increase in  
26 personal income between 1981 and 1984 of less than one and one-  
27 half percent (1.5%) shall be paid one percent (1%) of its actual  
28 instruction expense for the 1985-1986 school year.

29 (c) For the 1985-1986 school year only, no school district  
30 shall receive a school supplement on account of the provisions

1 of subsections (a) and (b) which is less than \$18.09 per pupil  
2 in average daily membership during the 1985-1986 school year.

3 Section 2502.15. Class 1-A School District Supplement.--For  
4 the 1985-1986 school year only, each school district of the  
5 first class A shall receive a supplemental payment equal to one  
6 million three hundred twenty-five thousand dollars (\$1,325,000).

7 Section 18. Section 2507 of the act, amended August 14, 1963  
8 (P.L.1121, No.477), is amended to read:

9 Section 2507. Payments on Accounts of Approved Vocational  
10 Extension Classes and Pre-employment Training.--Every school  
11 district and every vocational school district and area  
12 vocational-technical school, regardless of classification, shall  
13 be paid by the Commonwealth for every school year, on account of  
14 approved vocational extension classes and pre-employment  
15 training, eighty per cent (80%) of the sum which was expended by  
16 the district or area vocational-technical school for the  
17 compensation of vocational extension and pre-employment training  
18 teachers and supervisors. For the purpose of computing  
19 reimbursement, the maximum compensation shall be four dollars  
20 (\$4.00) per hour and the amount expended for supervisory  
21 salaries shall not exceed twenty per cent (20%) of the sum  
22 expended for teachers' salaries: Provided, That in special cases  
23 when travel time or unusual preparation of instructional  
24 materials or other factors result in an inadequate compensation,  
25 the Department of [Public Instruction] Education may approve  
26 additional reimbursable employment time for such additional  
27 services upon the submission of adequate substantiative evidence  
28 from the responsible superintendent of schools. For the 1985-  
29 1986 school year and each school year thereafter, the  
30 Commonwealth shall pay the amount required by this section to

1 the school district or area vocational-technical school which  
2 provided the approved vocational extension classes and pre-  
3 employment training for which reimbursement is made.

4 Section 19. Section 2574.1 of the act, amended October 21,  
5 1965 (P.L.601, No.312) and January 26, 1966 (1965 P.L.1591,  
6 No.560), is amended to read:

7 Section 2574.1. Payments on Account of Building Site  
8 Costs.--Whenever any school district acquires a site for a  
9 school building in advance of its need and in accordance with a  
10 long range master plan for school building construction approved  
11 by the Department of [Public Instruction] Education to the  
12 extent that the cost of the acquisition shall be deemed  
13 reasonable by the Department of [Public Instruction] Education,  
14 the Commonwealth shall pay, in the year of such acquisition, one  
15 hundred percent (100%) of the reimbursement due the district  
16 under applicable laws in force at that time for the cost of  
17 acquisition. If such site is not thereafter used by the district  
18 for school building purposes, within a period of ten years from  
19 date of purchase, the amounts paid to the district under this  
20 section shall be returned to the Commonwealth by the district  
21 within two years of the end of such ten year period of non-user.  
22 If such amounts are not so returned within such two year period,  
23 Commonwealth moneys due and payable to the district by the  
24 Department of [Public Instruction] Education as a subsidy or  
25 reimbursement for any purpose shall first be withheld in the  
26 amount of the moneys owed the Commonwealth by the district under  
27 this section and credited as returned in full hereunder before  
28 any part of such Commonwealth reimbursement or subsidy is paid  
29 to the district. The district shall not be required to return  
30 the funds it received if the district can demonstrate in its

long range plan that the site will still be needed for a school building, even though the site may be used temporarily by a political subdivision, or agency thereof, for public purposes. If the district conveys or transfers the site to another party, the district shall repay the amount it was reimbursed and appropriate interest, as determined by the department.

Section 20. The act is amended by adding an article to read:

ARTICLE XXVI-A

SURPLUS GRANTS

Section 2601-A. Legislative Findings.--The General Assembly has found and hereby declares that:

(1) There exists within this Commonwealth a critical shortage of college and university instructional equipment needed in training and educational programs necessary to meet the growing needs of the citizens of this Commonwealth for opportunities for new and more rewarding employment.

(2) Due to the temporary availability of surplus funds, which may not recur in the future, it is necessary and proper to provide for a program of one year only.

Section 2602-A. Definitions.--When used in this article the following words and phrases shall have the following meanings:

(1) "Community colleges" shall mean institutions now or hereafter created pursuant to Article XIX-A or the act of August 24, 1963 (P.L.1132, No.484), known as the "Community College Act of 1963."

(2) "Eligible institution" shall mean an independent institution of higher education, a community college, a State-owned institution or a State-related institution, any of which is approved by the Department of Education. It shall not mean an institution which is determined by the department to be a

medical school, a theological seminary or school of theology or a sectarian and denominational institution.

(3) "Full-time equivalent undergraduate students" shall mean the enrollment in undergraduate programs at eligible institutions expressed in terms of full-time students as determined by the Department of Education.

(4) "Independent institution of higher education" shall mean an institution of higher education which is operated not for profit, located in and incorporated or chartered by the Commonwealth, entitled to confer degrees as set forth in section 211 of the act of May 5, 1933 (P.L.289, No.105), known as the "Nonprofit Corporation Law," and entitled to apply to itself the designation "college" or "university" as provided for by standards and qualifications prescribed by the State Board of Education pursuant to the act of May 7, 1937 (P.L.585, No.150), entitled "An act prohibiting the use of the designation of college by any institution not conforming to the standards of a college prescribed by the State Board of Education; and providing for injunctions, and penalties."

(5) "Pennsylvania-based" shall mean manufactured or assembled within this Commonwealth or sold, leased or otherwise provided to an eligible institution by a vendor which has a place of business in this Commonwealth.

(6) "State-owned institutions" shall mean those institutions which are part of the State System of Higher Education pursuant to the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(7) "State-related institutions" shall mean the Pennsylvania State University, the University of Pittsburgh, Temple University and Lincoln University and their branch campuses.



1       (8) "Technology grant" shall mean money allocated by the  
2 Department of Education for education-related materials, capital  
3 items, hardware or software necessary for the educational  
4 mission of the categories of institutions named herein which  
5 will be an amount determined by dividing the funds appropriated,  
6 less reasonable administrative expenses, by the total of all  
7 certified full-time equivalent undergraduate students from all  
8 eligible institutions applying for grants.

9       Section 2603-A. Certification of Recipients.--From the  
10 information it receives from colleges and universities or, in  
11 the case of State-owned institutions, from the State System of  
12 Higher Education, the Department of Education shall certify the  
13 number of full-time equivalent undergraduate students attending  
14 each eligible institution during the most recent year for which  
15 data is available.

16       Section 2604-A. Surplus Grants.--For the academic year  
17 beginning on or about September 1, 1986, the Department of  
18 Education shall allot directly to eligible institutions, on  
19 behalf of each full-time equivalent undergraduate student  
20 attending an eligible institution as certified, a technology  
21 grant. Following the initial allocation and allotment, if any  
22 funds appropriated have not been and cannot be allocated to one  
23 or more institutions otherwise eligible for funds for any  
24 reason, the department shall reallocate these funds to the  
25 remaining eligible institutions so that all funds herein  
26 appropriated have been allotted.

27       Section 2605-A. Use of Moneys.--Grant moneys shall be used  
28 only for, or in connection with, expenses incurred by the  
29 eligible institution to purchase, lease or otherwise upgrade and  
30 acquire Pennsylvania-based education-related materials, capital

1 items, hardware or software necessary for the educational  
2 mission of the institution. If the eligible institution  
3 purchases, leases or otherwise acquires educational equipment  
4 which is not Pennsylvania based, it must file with the  
5 Department of Education a statement of justification as to why  
6 Pennsylvania-based educational equipment was not obtained.

7 Section 2606-A. Forfeiture.--Any eligible institution which  
8 refuses to submit such information or audit as required by this  
9 article or knowingly submits misrepresentations or false  
10 statements with the intention of fraudulently obtaining moneys  
11 from the Department of Education shall be denied status as an  
12 eligible institution under the provisions of this article.

13 Section 2607-A. Expiration.--This article shall expire June  
14 30, 1987.

15 Section 21. Notwithstanding any other provisions of the act,  
16 the board of school directors of each school district is  
17 authorized to and may reopen its 1986-1987 budget during the  
18 months of July and August 1986 to make revisions in the budget  
19 and tax levies previously adopted to reflect anticipated  
20 increases in subsidies payable to the school district during its  
21 1986-1987 fiscal year under this amendatory act.

22 Section 22. Payments on account of sections 2502.14 and  
23 2502.15 shall be made in accordance with the payment schedule  
24 set forth in section 2517.

25 Section 23. The provisions of sections 5 and 6 of this act  
26 shall not apply to persons who are scheduled to complete split  
27 sabbatical leaves of absence during the school year 1986-1987.

28 Section 24. (a) Section 18 shall be retroactive to July 1,  
29 1985.

30 (b) Sections 2, 13, 14, 15, 16, 17 and 18 shall be

1 retroactive to July 1, 1986.

2       Section 25. This act shall take effect July 1, 1986, or  
3 immediately, whichever is later.