

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1705** Session of  
1995

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INTRODUCED BY PETTIT, JUNE 7, 1995

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REFERRED TO COMMITTEE ON EDUCATION, JUNE 7, 1995

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AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," authorizing boards of directors to  
6 contract for services; and making an editorial change.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding a  
11 section to read:

12 Section 528. Contracts with Private Entities to Operate  
13 Public Schools.--(a) A board of directors of a school district,  
14 intermediate unit, joint school or an area vocational-technical  
15 school board may enter into a contract with one or more persons  
16 or entities to provide instruction, administer, operate or  
17 maintain any or all of the public schools of the school  
18 district, intermediate unit, joint school or area vocational-  
19 technical school.

1     (b) A contract providing for the operation or maintenance of  
2 a public school or schools pursuant to this section shall  
3 require compliance with all provisions of law relating to the  
4 operation and maintenance of the public schools, except as  
5 provided by subsection (c) of this section.

6     (c) With respect to those public schools operated under  
7 contract pursuant to this section, neither the board nor the  
8 contractor shall be required to comply with the provisions of  
9 Article XI, except:

10     (1) Subsection (a) of section 1109 of this act, section 1111  
11 of this act and subsection (a) of section 1112 of this act.

12     (2) As might be provided by the contract between the school  
13 district and the contractors.

14     (3) As provided in subsection (e) of this section.

15     (d) The persons employed to perform the contractor's duties  
16 under a contract made pursuant to this section shall not be  
17 deemed employes of the school district except to the extent  
18 provided by the contract between the school district and the  
19 contractor.

20     (e) In the event that a contract executed pursuant to this  
21 section should make it unnecessary to retain the full staff of  
22 professional employes, the contract shall be deemed to be a  
23 cause for suspension under section 1124 of this act, and the  
24 board of school directors may suspend the necessary number of  
25 employes in accordance with section 1125.1 of this act.

26     Section 2. Section 1109 of the act, amended March 19, 1970  
27 (P.L.189, No.73), is amended to read:

28     Section 1109. Qualifications.--(a) Every teacher employed  
29 to teach in the public schools of this Commonwealth must be a  
30 person of good moral character, must be at least eighteen years

1 of age, and must be a citizen of the United States: Provided,  
2 That citizenship may be waived in the case of exchange teachers  
3 not permanently employed, and teachers employed for the purpose  
4 of teaching foreign languages, including special teachers who  
5 speak the idiomatic or colloquial language of immigrants  
6 residing in the school district, and employed for the purpose of  
7 easing the transition period of such immigrants.

8     **(b)** Every principal appointed after August thirty-first, one  
9 thousand nine hundred fifty-three, employed in the public  
10 schools of this Commonwealth, who devotes one-half or more of  
11 his time to supervision and administration, shall be properly  
12 certificated by the Department of Public Instruction in  
13 accordance with such standards as the State Board of Education  
14 may establish.

15     Section 3. This act shall take effect immediately.