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HOUSE BILL

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1975

INTRODUCED BY MESSRS. GALLAGHER AND PANCOAST, MARCH 19, 1975

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 1, 1975

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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7 § 5147. Employment of part-time employees.

8 Subchapter D. Leave and Retirement Benefits

- 9 § 5151. Right to sabbatical leave.
10 § 5152. Salary while on sabbatical leave.
11 § 5153. Priority and number of sabbatical leaves.
12 § 5154. Failure to return following sabbatical leave.
13 § 5155. Regulations governing sabbatical leave.
14 § 5156. Military service leave.
15 § 5157. Military training leave.
16 § 5158. Right to sick leave.
17 § 5159. Transfer of accumulated sick leave.
18 § 5160. Regulations governing sick leave.
19 § 5161. Emergency leave.
20 § 5162. Leave to serve as exchange teacher.
21 § 5163. Leave for maternity purposes.
22 § 5164. Leave WITH OR without pay. <—
23 § 5165. Retirement.

24 Subchapter E. Commissioned Personnel

- 25 § 5171. ~~Election of commissioned personnel~~ SELECTION <—
26 AND QUALIFICATIONS.
27 § 5172. Term of office and compensation.
28 § 5173. Oath of office.
29 § 5174. Reelection, retention and resignation.
30 § 5175. Superintendent of new combined districts.

1 § 5176. Commissioning of personnel.

2 § 5177. Acting AND SUBSTITUTE superintendents following
3 ~~vacancies.~~ <—

4 § 5178. Removal for cause.

5 § 5179. Duties of superintendent.

6 § 5180. Duties of assistant superintendent.

7 Subchapter F. Principals

8 § 5191. Duties of principals.

9 PART III. HIGHER EDUCATION (Reserved)

10 PART IV. RETIREMENT FOR STATE EMPLOYEES (Reserved)

11 PART V. MISCELLANEOUS PROVISIONS (Reserved)

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

14 Section 1. Title 24, act of November 25, 1970 (P.L.707,
15 No.230), known as the Pennsylvania Consolidated Statutes, is
16 amended by adding a title analysis and parts to read:

17 TITLE 24

18 EDUCATION

19 Parts

20 I. Preliminary Provisions

21 II. Basic Education

22 III. Higher Education (Reserved)

23 IV. Retirement for State Employees (Reserved)

24 V. Miscellaneous Provisions (Reserved)

25 PART I

26 PRELIMINARY PROVISIONS

27 Subpart

28 A. General Provisions

29 B. Commonwealth Agencies

30 C. Nonpublic and Private Schools

1 SUBPART A

2 GENERAL PROVISIONS

3 Chapter

4 1. General Provisions

5 CHAPTER 1

6 GENERAL PROVISIONS

7 Sec.

8 101. Short title of title.

9 102. Definitions.

10 ~~103. Saving clauses.~~ <—

11 ~~104~~ 103. Rule-making procedure. <—

12 ~~105~~ 104. Access to information and public records. <—

13 ~~106~~ 105. Public agency open meeting laws. <—

14 ~~107~~ 106. Prohibition of certain tests and qualifications. <—

15 107. RESERVATION OF UNASSIGNED POWERS AND DUTIES. <—

16 § 101. Short title of title.

17 This title shall be known and may be cited as the "Education

18 Code."

19 § 102. Definitions.

20 (A) GENERAL RULE.--Subject to additional definitions <—

21 contained in subsequent provisions of this title which are

22 applicable to specific provisions of this title, the following

23 words and phrases when used in this title shall have, unless the

24 context clearly indicates otherwise, the meanings given to them

25 in this section:

26 "Auxiliary personnel." Persons employed by a governing board

27 in positions for which commissions or certificates are not

28 required.

29 "Board of school directors." Includes boards of public

30 education.

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

3 "Fiscal year." The period of time from July 1 to the
4 following June 30 or, if fixed by the governing board by a two-
5 thirds vote and approved by the department, the period of time
6 from January 1 to December 31. ANY SCHOOL DISTRICT HAVING A <—
7 FISCAL YEAR RUNNING FROM JANUARY 1 TO DECEMBER 31 ON THE
8 EFFECTIVE DATE OF THIS TITLE MAY CONTINUE TO USE THAT FISCAL
9 YEAR.

10 "Governing board." The board of school directors,
11 intermediate unit board of directors and area vocational-
12 technical school board of directors.

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

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

20 "Professional employee." Any person other than a
21 commissioned employee who holds a professional certificate
22 issued by the department as provided in Chapter 51 (relating to
23 personnel) and is employed by a governing board in a position
24 requiring a certificate.

25 "Public school." Any school or program operated by a school
26 entity.

27 "Quorum." A majority of the legally qualified membership of
28 a governing board.

29 "Regulation" or "rule." A properly issued statement of
30 general applicability and future effect promulgated under

1 statutory authority designed to:

2 (1) implement ~~or interpret~~ law or prescribe policy; or <—

3 (2) describe the organization or operating procedure of
4 the issuing authority.

5 "School director." A duly elected or appointed member of a
6 governing board.

7 "School entity." A school district, intermediate unit or
8 area vocational-technical school.

9 "School term" or "school year." The period of time during a
10 fiscal year out of which the school calendar requirements of
11 section 3721 (relating to establishment of school calendar) are
12 satisfied.

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

14 "Standard." A criterion which implements a statute or
15 regulation by setting forth the minimal level of performance
16 which shall be accepted as constituting compliance with that
17 statute or regulation.

18 "State board." The State Board of Education of the
19 Commonwealth.

20 (B) LIMITATION.--THE DEFINITIONS CONTAINED IN THIS SECTION <—
21 SHALL NOT BE USED IN ANY WAY TO DETERMINE COLLECTIVE BARGAINING
22 RIGHTS UNDER THE ACT OF JULY 23, 1970, (P.L.563, NO.195), KNOWN
23 AS THE "PUBLIC EMPLOYE RELATIONS ACT."

24 ~~§ 103. Saving clauses.~~ <—

25 ~~(a) Continuation of existing laws. The provisions of this~~
26 ~~title, in so far as they are the same as those of existing laws,~~
27 ~~are intended as a continuation of such laws and not as new~~
28 ~~enactments. The repeal by the act enacting this title of any~~
29 ~~statute or part thereof shall not revive any statute or part~~
30 ~~thereof heretofore repealed or superseded. The provisions of~~

1 ~~this title shall not affect title to, or ownership of, any~~
2 ~~property, real or personal, vested prior to the effective date~~
3 ~~of this title.~~

4 ~~(b) Existing rights and liabilities. The provisions of this~~
5 ~~title shall not affect any act done, liability incurred or right~~
6 ~~accrued or vested, or affect any suit or prosecution pending or~~
7 ~~to be instituted to enforce any right or penalty or punish any~~
8 ~~offense under the authority of statutes repealed by the act~~
9 ~~enacting this title.~~

10 ~~(c) Regulations. All rules and regulations, not~~
11 ~~inconsistent with this title, made pursuant to any statute~~
12 ~~repealed by the act enacting this title shall continue with the~~
13 ~~same force and effect for one year from the effective date of~~
14 ~~this title as if such statute had not been repealed. The~~
15 ~~department shall revise, recodify, publish and promulgate all~~
16 ~~departmental standards within 12 months of the effective date of~~
17 ~~this title so as to assure consistency with this title.~~

18 ~~(d) Persons holding office. Any person holding office under~~
19 ~~any statute repealed by the act enacting this title shall~~
20 ~~continue to hold such office under the statute in effect on the~~
21 ~~date prior to the effective date of this title.~~

22 § 104 103. Rule-making procedure.

<—

23 (a) Regulations.--The State Board of Education, the State
24 Board for Vocational Education and the State boards of private
25 schools shall promulgate and issue regulations where authorized
26 by law in accordance with the procedure provided in the act of
27 July 31, 1968 (P.L.769, No.240), known as the "Commonwealth
28 Documents Law."

29 (b) Standards.--Where the secretary, THE DEPARTMENT or the
30 comptroller of the department are authorized by this title to

<—

1 promulgate standards, the secretary, DEPARTMENT or comptroller <—
2 shall promulgate the standards in accordance with the procedure
3 provided by the act of July 31, 1968 (P.L.769, No.240), known as
4 the "Commonwealth Documents Law."

5 (c) Governing boards.--A governing board shall adopt rules
6 or regulations where authorized by this title only after either:

7 (1) intention to adopt the rules or regulations has been
8 made public in accordance with the procedures provided by the
9 act of June 21, 1957 (P.L.392, No.213) and the act of July
10 19, 1974 (No.175), referred to as the Public Agency Open
11 Meeting Laws and the public has been afforded the opportunity
12 to comment on the proposed rules or regulations at an open
13 meeting; or

14 (2) the text of the proposed rules or regulations has
15 been published once in a newspaper of general circulation at
16 least 30 days prior to adoption and the public has been
17 afforded the opportunity to comment on the proposed rules or
18 regulations in writing.

19 (d) By whom issued.--A rule or regulation may be promulgated
20 only by the State Board of Education, the State Board for
21 Vocational Education, a State board for private education or a
22 governing board.

23 (E) CONSTRUCTION OF SECTION.--THIS SECTION DOES NOT PREVENT <—
24 SCHOOL ENTITY PERSONNEL FROM ESTABLISHING STANDARDS AND
25 GUIDELINES WHICH IMPLEMENT GOVERNING BOARD REGULATIONS.

26 § ~~105~~ 104. Access to information and public records. <—

27 Rules, regulations, standards and all public records of the
28 State board, the department, the State boards of private schools
29 and any governing board of any school entity shall, at
30 reasonable times, be open for the examination, inspection and

1 reproduction by any citizen of this Commonwealth in accordance
2 with the provisions of the act of June 21, 1957 (P.L.390,
3 No.212), referred to as the Right-to-Know Law. THE SCHOOL ENTITY <—
4 MAY CHARGE FOR THE ACTUAL COST OF REPRODUCTION INCLUDING THE
5 COST OF CLERICAL LABOR.

6 § ~~106~~ 105. Public agency open meeting laws. <—

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

13 § ~~107~~ 106. Prohibition of certain tests and qualifications. <—

14 No test or qualification based on ~~religious, political or~~ <—
15 ~~racial grounds~~ RELIGION, POLITICAL AFFILIATION, SEX OR RACE <—
16 shall be required of any director, officer, appointee, employee
17 or any visitor in the public schools of this Commonwealth.

18 § 107. RESERVATION OF UNASSIGNED POWERS AND DUTIES. <—

19 POWERS AND DUTIES NOT ASSIGNED BY THIS TITLE ARE RESERVED TO
20 THE GENERAL ASSEMBLY.

21 SUBPART B

22 COMMONWEALTH AGENCIES

23 Chapter

24 5. State Board of Education

25 7. Department of Education

26 CHAPTER 5

27 STATE BOARD OF EDUCATION

28 Sec.

29 501. Membership and operation of State board.

30 502. Membership and operation of councils of basic and higher

1 education.

2 503. Powers and duties of State board.

3 504. Powers and duties of Council for Basic Education.

4 505. Powers and duties of Council for Higher Education.

5 506. State board requirements binding upon department.

6 507. State board staff and department assistance.

7 § 501. Membership and operation of State board.

8 (a) Membership.--The State Board of Education shall consist
9 of ~~17 members. Members~~ 21 MEMBERS, FOUR OF WHOM SHALL BE THE <—
10 MAJORITY AND MINORITY CHAIRMEN OF THE STANDING COMMITTEES ON
11 EDUCATION IN THE HOUSE OF REPRESENTATIVES AND THE SENATE OR
12 THEIR RESPECTIVE DESIGNEES WHO SHALL SERVE AT LARGE. THE
13 REMAINING 17 MEMBERS shall be appointed by the Governor, by and
14 with the advice and consent of two-thirds of all the members of
15 the Senate, and shall hold office for terms of six years each
16 and until a successor has been appointed and has qualified.

17 (b) Compensation.--Members shall receive no salary but shall
18 be entitled to travel and other necessary expenses incurred in
19 the performance of their duties as members of the State board.
20 REIMBURSEMENT FOR EXPENSES SHALL NOT EXCEED THE GREATER OF THE <—
21 FOLLOWING AMOUNTS:

22 (1) THE SUM OF \$40 PER DAY FOR FOOD AND LODGING AND 15¢
23 PER MILE FOR TRAVEL BY AUTOMOBILE.

24 (2) AMOUNTS FOR TRAVELING EXPENSES DETERMINED BY THE
25 COMMISSIONER OF INTERNAL REVENUE UNDER THE AUTHORITY OF
26 SECTION 274 OF THE INTERNAL REVENUE CODE OF 1954 AND
27 REGULATIONS PROMULGATED THEREUNDER AS NOT REQUIRING
28 SUBSTANTIATION BY ADEQUATE RECORDS OR OTHER SUFFICIENT
29 EVIDENCE.

30 (c) Quorum and meetings.--~~Nine~~ ELEVEN members shall <—

1 constitute a quorum provided that at least four members serving
2 on each of the councils are present. The affirmative vote of a
3 majority of all the members of the State board duly recorded
4 showing how each member voted shall be required in order to take
5 action formulating policies and adopting rules and regulations.
6 The State board shall meet at least five times a year at such
7 times and places as it shall determine EXCEPT THAT THE BOARD <—
8 SHALL MEET FROM TIME TO TIME IN VARIOUS AREAS OF THIS
9 COMMONWEALTH. Special meetings may be called by the chairman or
10 at the request of a majority of the members of the State board.
11 THE STATE BOARD SHALL PROVIDE AT ALL OF ITS MEETINGS A <—
12 REASONABLE OPPORTUNITY FOR PUBLIC COMMENT.

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

15 (e) Eligibility.--Except for the chairman, not more than two
16 members serving on each council may be employed in a school
17 system or by any educational institution. At least two members
18 serving on each council shall have had previous experience with
19 technical education or training. No person employed by the
20 department may serve as a member.

21 (f) Executive officer.--The secretary or his designated
22 representative shall be the chief executive officer of the State
23 Board of Education and the State Board for Vocational Education,
24 shall be entitled to attend all meetings of the State board and
25 the councils and shall have the right to speak on all matters
26 before the board and the councils but not to vote.

27 § 502. Membership and operation of councils of basic and higher
28 education.

29 (a) Chairman of State board.--The person designated by the
30 Governor to serve as chairman of the State board shall also

1 serve as a member of both the Council of Basic Education and the
2 Council of Higher Education.

3 (b) Members of State board.--Of the remaining ~~16~~ 20 members <—
4 of the board, THE FOUR LEGISLATIVE MEMBERS SHALL NOT BE ASSIGNED <—
5 TO THE COUNCILS BUT SHALL SERVE AT LARGE. OF THE REMAINING 16,
6 eight shall serve as members of the Council of Basic Education
7 and eight shall serve as members of the Council of Higher
8 Education, as designated by the Governor.

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

12 (d) Meetings.--Each council shall meet at the call of its
13 chairman or at the request of a majority of the members of the
14 council.

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

19 § 503. Powers and duties of State board.

20 The State board shall:

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

24 (2) Investigate programs, conduct research studies and
25 formulate educational policies WHICH ARE applicable ~~to~~ both <—
26 TO basic and TO higher education. <—

27 (3) ~~Formulate policies and adopt~~ ADOPT POLICY, rules and <—
28 regulations UPON THE RECOMMENDATION OF THE COUNCILS OF BASIC <—
29 AND HIGHER EDUCATION as provided in this title. BEFORE ANY <—
30 PROPOSAL TO CREATE OR REVISE ANY POLICY, RULE OR REGULATION

1 MAY BE PLACED ON THE AGENDA FOR INTENT TO ADOPT OR FOR
2 ADOPTION, THE PROPOSAL MUST BE ACCOMPANIED BY A FISCAL NOTE
3 PREPARED BY THE DEPARTMENT CONTAINING A STATEMENT OF COST TO
4 THE COMMONWEALTH AND THE VARIOUS SCHOOL ENTITIES AFFECTED.

5 (4) In January in odd-numbered years, submit a
6 comprehensive report of its activities to the Governor and
7 General Assembly together with its recommendations for
8 improvements in education in this Commonwealth. The report
9 shall include a statement outlining the expected benefits and
10 projected costs of any recommended course of action.

11 (5) Apply for, receive and administer, subject to any
12 applicable regulations or laws of the Federal Government or
13 any agency thereof, any Federal grants, programs,
14 appropriations and allocations on behalf of the Commonwealth,
15 any of its school districts or any institution of higher
16 education, public or private, within this Commonwealth. THIS <—
17 PARAGRAPH DOES NOT AFFECT THE RIGHT OF SCHOOL ENTITIES OR
18 INSTITUTIONS OF HIGHER EDUCATION TO APPLY FOR, RECEIVE AND
19 ADMINISTER FEDERAL FUNDS IN ACCORDANCE WITH FEDERAL LAWS OR
20 REGULATIONS.

21 (6) Serve as the State Board for Vocational Education to
22 carry out the provisions of any and all Federal and State
23 laws relating to vocational education so far as the same
24 relate to the cooperation of the State and Federal
25 governments, and have full power to take all necessary steps
26 in the formulation of plans for the administration of
27 vocational education and to formulate and execute plans for
28 the preparation of teachers of vocational subjects.

29 (7) Adopt regulations governing educational
30 broadcasting, educational communications technologies and

1 educational computer systems.

2 (8) Submit annually to the department an estimate of the
3 financial requirements of the State board for administrative
4 expenses.

5 (9) Provide for summer schools in State colleges,
6 colleges, universities and other educational institutions,
7 and for extension courses and correspondence courses for all
8 teachers employed in the public school system of this
9 Commonwealth who wish to acquire the minimum qualifications
10 prescribed in Chapter 51 (relating to personnel) or WHO WISH <—
11 TO ACQUIRE such further qualifications as may be desirable.

12 (10) Perform such other duties as may be required by or
13 ~~may be necessary to carry out~~ ARE NECESSARILY IMPLIED BY the <—
14 provisions of this ~~title~~ CHAPTER. <—

15 § 504. Powers and duties of Council for Basic Education.

16 The Council for Basic Education shall:

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

20 (i) The minimum program to be provided by all public
21 schools.

22 (ii) The qualifications for employment of
23 professional personnel in the public schools.

24 (iii) Admission, attendance, graduation and other
25 separation requirements for the public schools.

26 (iv) All matters pertaining to school construction.

27 (v) The operation of all programs of supportive
28 services.

29 (vi) The operation of special schools and programs.

30 (vii) Action to be taken on changes in school entity

boundary lines as provided by law.

(viii) All standards and practices for professional
~~practice~~ EDUCATION AND CERTIFICATION as provided for in
section 5112 (relating to Professional Standards and
Practices Commission).

~~(ix) Any area where uniform regulation is necessary
to implement the provisions of this title.~~

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

(3) Recommend to the State board policies, rules and
regulations ~~governing~~ RELATING TO the operation of vocational
education, special education and intermediate units.

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

~~(5) Perform such other duties as may be necessary to
promote an effective system of basic education within this
Commonwealth.~~

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

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

(1) Develop for State board approval a master plan for
higher education in this Commonwealth for the guidance of the
Governor, General Assembly and all institutions of higher
education financed wholly or in part from Commonwealth
appropriations. The master plan shall:

(i) Define the role of each type of institution
~~(State-owned~~ STATE-OWNED COLLEGES AND UNIVERSITIES,
STATE-RELATED UNIVERSITIES, COMMUNITY colleges, private
colleges and universities and off-campus centers of any

1 of these and other institutions authorized to grant
2 degrees) in the Commonwealth system of higher education.

3 (ii) Recommend enrollment levels for each
4 institution.

5 (iii) Recommend a method for governance of the
6 system.

7 (iv) Provide formulas for the distribution of
8 Commonwealth funds among the institutions.

9 (v) Otherwise provide for an orderly development of
10 the system.

11 (2) Review the annual budget requests of institutions of
12 higher education.

13 (3) Recommend to the State board policies, rules and
14 regulations for the approval of colleges and universities for
15 the granting of certificates and degrees.

16 (4) Recommend to the State board policies, rules and
17 regulations for all higher education building projects
18 involving the use of Commonwealth funds or the funds of any
19 Commonwealth instrumentality.

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

24 (6) Recommend to the State board regulations under which
25 the department shall approve or disapprove any action of a
26 State-owned college or university, community college or
27 State-related or State-aided college or university in
28 establishing additional branches or campuses or in
29 discontinuing branches or campuses.

30 (7) 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 new professional schools or upper division
5 programs by two-year institutions.

6 (8) Recommend to the State board regulations under which
7 the department shall approve or disapprove applications by
8 State-owned colleges for admission to university status and
9 approve or disapprove applications by two-year institutions
10 to become four-year institutions.

11 (9) Recommend to the State board regulations under which
12 the department shall approve or disapprove the request of any
13 private institution of higher education for admission to
14 State-related or State-aided status or for eligibility for
15 other financial support from the Commonwealth.

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

19 (b) Board of State College and University Directors.--With
20 regard to State-owned institutions, approval or disapproval by
21 the department under the provisions of subsection (a)(6) through
22 (8) shall not be made until after recommendation by the Board of
23 State College and University Directors whenever such
24 recommendation is deemed necessary or required by law.

25 (c) Department of Education.--No institution of higher
26 education may proceed with any action described in subsection
27 (a)(6) through ~~(8)~~ (9) unless it has been approved by the
28 department. <—

29 (d) Budget approval.--With regard to approval by the
30 department under the provisions of subsection (a)(6) through

1 (9), no action to be financed wholly or in part from
2 Commonwealth appropriations shall be taken by an institution of
3 higher learning prior to the next fiscal year or until the
4 General Assembly approves the Budget of the Governor for the
5 next fiscal year, and prior to each member of the General
6 Assembly, the Governor and the Budget Secretary being provided
7 with written notification of such approval, including projected
8 five-year fiscal analysis and an explanation as to the necessity
9 for the proposed action in relation to the master plan for
10 higher education.

11 § 506. State board requirements binding upon department.

12 Policies, rules and regulations promulgated by the State
13 board shall be binding upon the department.

14 § 507. State board staff and department assistance.

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

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

21 (c) Assistance from department.--The department shall
22 furnish upon request of the State board such data and
23 information as the State board may from time to time require and
24 the department shall provide administrative services for and on
25 behalf of the State board to assist the State board in the
26 performance of its duties.

27 CHAPTER 7

28 DEPARTMENT OF EDUCATION

29 Subchapter

30 A. General Provisions

1 B. Financially Distressed School Districts

2 C. Firemen's Training

3 SUBCHAPTER A

4 GENERAL PROVISIONS

5 Sec.

6 701. Appointment of secretary.

7 702. Powers and duties of secretary.

8 703. Emergency powers.

9 704. Power to withhold financial aid.

10 705. Departmental approval of plans.

11 § 701. Appointment of secretary.

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

15 § 702. Powers and duties of secretary.

16 (a) Standards for compliance with laws.--The secretary as
17 the chief school officer of this Commonwealth shall have the
18 power and it shall be his duty to secure compliance with all
19 statutes of this Commonwealth which pertain to education and
20 with rules and regulations of the State board PROMULGATED <—
21 PURSUANT TO STATUTE. The secretary shall adopt PURSUANT TO LAW <—
22 those standards necessary to assure compliance, shall publish
23 the standards and shall make them available in accordance with
24 the provisions of the act of July 31, 1968 (P.L.769, No.240),
25 known as the "Commonwealth Documents Law."

26 (b) State board consideration of standards.--Any standard
27 issued by the secretary in an area under the jurisdiction of the
28 State board shall be submitted to the State board for its
29 ~~information and consideration~~ APPROVAL at the same time as it is <—
30 published as a proposed standard as provided in the

1 "Commonwealth Documents Law." ~~The State board may then take~~ <—
2 ~~whatever action it deems appropriate.~~ FAILURE TO APPROVE, <—
3 DISAPPROVE OR MODIFY A STANDARD WITHIN 60 DAYS OF SUBMISSION
4 SHALL BE DEEMED APPROVAL.

5 (c) Issuance of guidelines.--The secretary may ~~issued~~ ISSUE <—
6 nonbinding guidelines.

7 (d) Powers and duties provided by law.--The secretary shall
8 perform such duties and exercise such powers as are provided in
9 this title.

10 (e) Proceedings to enforce compliance.--When, in the
11 judgment of the secretary, compliance with the law or
12 regulations of the State board have not been effected, the
13 secretary may bring appropriate enforcement proceedings in the
14 Commonwealth Court or in the appropriate court of common pleas,
15 as provided for by law, seeking such orders as may be necessary
16 and just to effect compliance.

17 (f) Inspections and reports.--The department shall inspect
18 and require reports of the educational work in the elementary
19 and secondary schools and institutions, wholly or partly
20 supported by the Commonwealth, which are not supervised by the
21 public school authorities. A copy of the report of any
22 inspection which may be made shall be sent to the head of the
23 institution.

24 (g) Reports to the General Assembly.--Annually, by December
25 31, the secretary shall submit to the members of the General
26 Assembly a report on the operation of the intermediate units for
27 the purpose of enabling it to evaluate the system. The
28 obligation to submit this report shall cease on July 1, 1980.

29 (h) Fiscal agent of department.--The comptroller for the
30 department shall be the fiscal agent of the department and as

1 such shall calculate payments and ~~disperse~~ DISBURSE funds in <—
2 accordance with this title.

3 (I) DISTRIBUTION OF SCHOOL LAWS.--THE DEPARTMENT SHALL <—
4 PROVIDE EACH MEMBER OF EVERY BOARD OF SCHOOL DIRECTORS IN THIS
5 COMMONWEALTH A COPY OF EACH NEW EDITION OF THE "PUBLIC SCHOOL
6 CODE" AND RELATED LAWS AS SOON AS POSSIBLE AFTER PUBLICATION.

7 § 703. Emergency powers.

8 Whenever a state of extreme emergency has been declared by
9 the Governor in accordance with the provisions of the act of
10 March 19, 1951 (P.L.28, No.4), known as the "State Council of
11 Civil Defense Act of 1951," or the act of July 6, 1961 (P.L.515,
12 No.265), relating to disaster and emergency relief, any board of
13 school directors whose district has been encompassed by such an
14 order may request the secretary to suspend any provisions of
15 this title to the extent necessary to cope with the
16 circumstances of the emergency. Upon making a finding of the
17 need for such suspension, the secretary may suspend such
18 provisions effective immediately and inform the State Council of
19 Civil Defense of the action. A labor dispute involving school
20 district employees shall not constitute an emergency for the
21 purposes of this section.

22 § 704. Power to withhold financial aid.

23 (a) General rule.--When the department determines that a
24 school entity is not in compliance with any provision of this
25 title or with any regulation of the State board promulgated
26 thereunder, the department may withhold from such school entity
27 any or all of any appropriations, subsidies or other
28 Commonwealth moneys due that entity until such entity shall
29 comply. The amount withheld shall be reasonably related to the
30 APPROPRIATION FOR THE SPECIFIC CATEGORY OF VIOLATION AND TO THE <—

1 degree of the noncompliance so as to secure compliance.

2 (b) Determination as an adjudication.--The determination to
3 withhold financial aid shall be considered an adjudication
4 within the meaning of the act of June 4, 1945 (P.L.1388,
5 No.442), known as the "Administrative Agency Law," and all
6 notices, hearings and appeals shall be conducted in accordance
7 therewith.

8 § 705. Departmental approval of plans.

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

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

17 (c) Action as an adjudication.--The approval or denial of
18 approval of the department shall constitute an adjudication
19 within the meaning of the act of June 4, 1945 (P.L.1388,
20 No.442), known as the "Administrative Agency Law," and all
21 notices, hearings and appeals shall be conducted in accordance
22 therewith.

23 SUBCHAPTER B

24 FINANCIALLY DISTRESSED SCHOOL DISTRICTS

25 Sec.

26 711. Financially distressed district defined.

27 712. Appointment of special board of control.

28 713. Powers of special board of control.

29 714. Status of school directors.

30 715. Termination of financial distress of district.

1 § 711. Financially distressed district defined.

2 (a) General rule.--A school district shall be deemed to be
3 financially distressed when any one of the following
4 circumstances shall arise and the secretary, after proper
5 investigation of the financial condition of the district, the
6 governing practices of the board and such other matters as the
7 secretary may deem pertinent, has issued a certificate declaring
8 such district to be financially distressed:

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

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

15 (3) Any amount due another school entity or political
16 subdivision under a cooperative agreement remains unpaid for
17 a period of 90 calendar days beyond the due date specified in
18 the agreement.

19 (4) The school district has defaulted in payment of its
20 bonds or interest on the bonds or in payment of rentals due
21 any authority for a period of 90 calendar days and no action
22 has been initiated within that period of time to make
23 payment.

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

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

30 (7) A new school district has been formed and one or

1 more of the former school districts which compose the new
2 school district was a financially distressed school district
3 at the time of the formation of the new school district.

4 (b) Default in Commonwealth payments.--No school district
5 shall be deemed to be financially distressed by reason of any of
6 the above circumstances arising as a result of the failure of
7 the Commonwealth to make any payment of money due the district
8 at the time such payment is due.

9 § 712. Appointment of special board of control.

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

1 (b) Failure of court to appoint board.--In the event that
2 the court of common pleas has made no appointment of members to
3 a special board of control within 30 days of the date of the
4 filing of the petition for such appointment, the secretary may
5 designate the executive director of the intermediate unit in
6 which the financially distressed district is located, and a
7 member of that intermediate unit board, to serve until the court
8 makes the appointments. A school director of the financially
9 distressed school district serving on the intermediate unit
10 board of school directors shall be ineligible for appointment.

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

22 § 713. Powers of special board of control.

23 (a) General rule.--The special board of control shall
24 approve all actions of the board of school directors of the
25 financially distressed district. The board of school directors
26 of the financially distressed district shall remain in office
27 but shall have no power to act without the approval of the
28 special board of control. The special board of control shall
29 have power to require the board of directors within 60 days to
30 revise the district budget for the purpose of effecting such

1 economies as the special board deems necessary to improve the
2 district financial condition. To this end, the special board of
3 control may require the board:

4 (1) To cancel or to renegotiate any contract, other than
5 ~~contracts of teachers,~~ COLLECTIVE BARGAINING AGREEMENTS OF <—
6 SCHOOL EMPLOYEES, to which the board or the school district
7 is a party, if the cancellation or renegotiation of contract
8 will effect needed economies in the operation of the schools
9 of the district.

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

12 (3) To appoint a special collector of delinquent taxes
13 for the district who need not be a resident of the school
14 district. The special tax collector shall exercise all the
15 rights and perform all the duties imposed by law on tax
16 collectors for school districts. The superseded tax collector
17 or collectors shall not be entitled to any commissions on the
18 taxes collected by the special collector of delinquent taxes.

19 (4) To direct the special school auditors of the
20 department or to appoint a competent independent public
21 accountant to audit the accounts of the financially
22 distressed school district.

23 (5) To dispense with the services of such auxiliary
24 employees as in the judgment of the special board are not
25 actually needed for the economical operation of the school
26 system.

27 (6) To furlough, in accordance with the provisions of
28 sections 5135 (relating to furlough of employee from staff
29 reduction) and 5136 (relating to criteria for furlough and
30 reinstatement), such number of professional employees as may

1 be necessary to maintain a pupil-teacher ratio of not less
2 than 26 pupils per teacher for the combined elementary and
3 secondary school enrollments.

4 (b) Failure of school directors to perform duties.--In the
5 event that the board of school directors of a financially
6 distressed district shall fail or refuse to perform any duties
7 required of it by the special board of control, then the special
8 board of control shall have the power and is hereby authorized
9 to perform such duties as the special board deems necessary.

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

20 § 714. Status of school directors.

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

28 (1) they are removed from office for neglect of duty
29 under the provisions of section 2314 (relating to removal of
30 directors for neglect of duty) by the court of common pleas

1 of the county in which such district or the largest part in
2 area is located; or

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

6 (b) Election or appointment of school directors.--The
7 existence of the special board of control shall in no way
8 interfere with the regular election, reelection, appointment or
9 reappointment of school directors for the district.

10 § 715. Termination of financial distress of district.

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

20 SUBCHAPTER C

21 FIREMEN'S TRAINING

22 Sec.

23 721. Firemen's training.

24 § 721. Firemen's training.

25 The management and control of the "Pennsylvania State
26 Firemen's Training School" shall be vested in the department.
27 The school shall be operated for the purpose of providing a
28 training program for firemen regularly employed by political
29 subdivisions of this Commonwealth and all regularly enrolled
30 members of volunteer fire companies utilizing said school and

1 such other facilities as may be needed in the program.

2 SUBPART C

3 NONPUBLIC AND PRIVATE SCHOOLS

4 Chapter

5 11. Nonpublic and Private Schools

6 CHAPTER 11

7 NONPUBLIC AND PRIVATE SCHOOLS

8 Subchapter

9 A. General Provisions

10 B. Regulated Private Schools

11 C. Private Driver Education and Training Schools

12 SUBCHAPTER A

13 GENERAL PROVISIONS

14 Sec.

15 1101. Definitions.

16 1102. Auxiliary services to nonpublic school children.

17 1103. Educational aids for nonpublic school children.

18 § 1101. Definitions.

19 The following words and phrases when used in this chapter
20 shall have, unless the context clearly indicates otherwise, the
21 meanings given to them in this section:

22 "Agent" or "field representative." Any person, whether
23 employed by a private school or operating on his own behalf, or
24 whether acting on behalf of any private school located within or
25 outside of this Commonwealth who, for consideration, shall
26 personally procure or solicit any individual within this
27 Commonwealth to enroll in a private school.

28 "Appropriate authority." Either the State Board of Private
29 Academic Schools, the State Board of Private Business Schools,
30 the State Board of Private Trade Schools, the State Board of

1 Private Correspondence Schools or the department, depending on
2 which authority has administrative jurisdiction over the private
3 school in question.

4 "License year." The period from July 1 to the following June
5 30.

6 "Motor vehicle." A motor vehicle as defined in the act of
7 April 29, 1959 (P.L.58, No.32), known as "The Vehicle Code."

8 "Private academic school." A private school maintained or
9 classes conducted for five or more students at one and the same
10 time, or for 25 or more students during any school year, for the
11 purpose of educating an individual generally or specially or to
12 prepare an individual for more advanced study and includes all
13 schools engaged in such education but does not include colleges
14 or universities, or schools for the blind, deaf and dumb
15 receiving Commonwealth appropriations, or schools accredited by
16 accrediting associations approved by the department, or any type
17 of private school which is nonacademic in character.

18 "Private business school." A private school maintained or
19 classes conducted for the purpose of preparing an individual to
20 pursue a recognized ~~profitable~~ occupation in commercial <—
21 pursuits and business phases of other occupations for which
22 graduation from a degree granting institution of college grade
23 is not required but does not include junior colleges.

24 "Private correspondence school." A private school conducted
25 for the purpose of providing, by correspondence, systematic
26 instruction in any field or fields of study.

27 "Private driver education or training school." A private
28 school maintained, classes conducted or instruction offered by
29 any individual, association, partnership or corporation to
30 educate or train an individual or individuals, either

1 practically or theoretically or both, to operate or drive a
2 motor vehicle but does not include colleges or universities,
3 schools accredited by accrediting associations approved by the
4 department or schools licensed by the State Board of Private
5 Academic Schools.

6 "Private school." A private academic school, private
7 business school, private trade school, private correspondence
8 school or private driver education or training school privately
9 owned and operated for the purpose of offering instruction for a
10 consideration, profit or tuition, but does not include schools
11 maintained or classes conducted by employers for their own
12 employees where no fee or tuition is charged, schools or classes
13 sponsored and operated by bona fide religious institutions or by
14 the Commonwealth or any political subdivision thereof.

15 "Private trade school." A school maintained or classes
16 conducted for the purpose of offering instruction to prepare an
17 individual to pursue a recognized profitable occupation in
18 skilled trades or industries or to give occupational training
19 but does not include any school maintained or class conducted
20 for training for the vocation of homemaking or to give training
21 in public and other service occupations or correspondence
22 schools, business schools, private academic schools, barber
23 schools, beauty culture schools, flight schools or degree
24 granting institutions.

25 § 1102. Auxiliary services to nonpublic school children.

26 (a) Declaration of policy.--The welfare of this Commonwealth
27 requires that the present and future generations of school age
28 children be assured ample opportunity to develop to the fullest
29 their intellectual capacities. ~~To further this objective, the~~
30 ~~Commonwealth provides, through tax funds of this Commonwealth,~~

<—

1 ~~auxiliary services free of charge to children attending public~~
2 ~~schools within this Commonwealth. Approximately one quarter of~~
3 ~~all children in this Commonwealth, in compliance with the~~
4 ~~compulsory attendance provision of this title, attend nonpublic~~
5 ~~schools. Although their parents are taxpayers of this~~
6 ~~Commonwealth, these children do not receive auxiliary services~~
7 ~~from the Commonwealth. It is the intent of the General Assembly~~
8 ~~by this section to assure the providing of such auxiliary~~
9 ~~services in such a manner that every school child in this~~
10 ~~Commonwealth will equitably share in the benefits thereof. IT IS~~ <—
11 THE INTENT OF THE GENERAL ASSEMBLY BY THIS SECTION TO ENSURE
12 THAT THE INTERMEDIATE UNITS IN THIS COMMONWEALTH SHALL FURNISH
13 ON AN EQUAL BASIS AUXILIARY SERVICES TO ALL PUPILS IN THIS
14 COMMONWEALTH IN BOTH PUBLIC AND NONPROFIT NONPUBLIC SCHOOLS.

15 (b) Definition.--As used in this section "auxiliary
16 services" means guidance, counseling and testing services;
17 psychological services; services for exceptional children;
18 remedial ~~and therapeutic~~ services; speech and hearing services; <—
19 services for the improvement of the educationally disadvantaged
20 (such as, but not limited to, teaching English as a second
21 language); and such other secular, neutral, non-ideological
22 services as are of benefit to nonpublic school children and are
23 presently or hereafter provided for public school children in
24 this Commonwealth.

25 ~~(c) General rule. Pursuant to rules and regulations~~ <—
26 ~~established by the State board, each intermediate unit shall~~
27 ~~provide auxiliary services to all children who are enrolled in~~
28 ~~grades kindergarten through twelve in nonpublic schools in which~~
29 ~~the requirements of the compulsory attendance provisions of this~~
30 ~~title may be met and which are located within the area served by~~

1 ~~the intermediate unit which auxiliary services shall be provided~~
2 ~~in their respective schools. The department shall, each fiscal~~
3 ~~year, apportion to each intermediate unit an amount equal to the~~
4 ~~cost of providing the services but in no case shall the amount~~
5 ~~apportioned be in excess of \$36 per pupil enrolled in nonpublic~~
6 ~~schools within the area served by the intermediate unit.~~

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. THE SERVICES SHALL
14 BE PROVIDED DIRECTLY TO THE NONPUBLIC SCHOOL STUDENTS BY THE
15 INTERMEDIATE UNIT EXCEPT THAT THE SERVICES SHALL NOT BE PROVIDED
16 IN A CHURCH OR IN ANY FACILITY UNDER THE CONTROL OF A SECTARIAN
17 SCHOOL. THE AUXILIARY SERVICES SHALL BE PROVIDED DIRECTLY BY THE
18 INTERMEDIATE UNITS AND NO AUXILIARY SERVICES PRESENTLY PROVIDED
19 TO PUBLIC SCHOOL STUDENTS BY THE INTERMEDIATE UNITS OF SCHOOL
20 DISTRICTS BY MEANS OF STATE OR LOCAL REVENUES DURING THE SCHOOL
21 YEAR 1974-1975 SHALL BE ELIMINATED. NO SCHOOL DISTRICTS MAY BE
22 REQUIRED TO OFFER AUXILIARY SERVICES PROVIDED BY ANY OTHER
23 SCHOOL DISTRICTS WITHIN THE INTERMEDIATE UNIT.

24 (D) ALLOCATION AND PAYMENT OF FUNDS.--IN JULY OF 1975 AND
25 ANNUALLY THEREAFTER IN JULY, THE DEPARTMENT SHALL ALLOCATE TO
26 EACH INTERMEDIATE UNIT AN AMOUNT EQUAL TO THE NUMBER OF
27 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 \$45. THE DEPARTMENT SHALL INCREASE THIS
30 FIGURE ON A PROPORTIONATE BASIS WHENEVER THE MAXIMUM

1 REIMBURSABLE LIMIT FOR THE BASIC INSTRUCTIONAL SUBSIDY UNDER
2 SECTION 2922 (RELATING TO AMOUNT OF PAYMENTS) IS INCREASED. THE
3 COMMONWEALTH SHALL PAY TO EACH INTERMEDIATE UNIT 15% OF ITS
4 ALLOCATION ON AUGUST 1, 75% ON OCTOBER 1 AND THE REMAINING 10%
5 ON FEBRUARY 1.

6 (E) LIMITATIONS ON USE OF FUNDS.--THE INTERMEDIATE UNIT
7 SHALL NOT USE MORE THAN 6% OF THE FUNDS IT RECEIVES FOR
8 ADMINISTRATION OR 18% FOR RENTAL OF FACILITIES. THE DEPARTMENT
9 SHALL NOT USE MORE THAN 1% OF THE FUNDS IT ALLOCATES UNDER THIS
10 SECTION FOR ADMINISTRATIVE EXPENSES. IF ALL FUNDS ALLOCATED BY
11 THE INTERMEDIATE UNITS TO ADMINISTRATION OR RENTAL FACILITIES
12 ARE NOT EXPENDED FOR THOSE PURPOSES, THE FUNDS MAY BE USED FOR
13 THE PROGRAM COSTS.

14 (F) INTEREST ON FUNDS.--THERE SHALL BE NO ADJUSTMENT IN THE
15 ALLOCATION PROVIDED IN SUBSECTION (D) BECAUSE OF INTEREST EARNED
16 ON THE ALLOCATIONS BY THE INTERMEDIATE UNITS. INTEREST SO EARNED
17 SHALL BE USED FOR THE PURPOSES OF THIS SECTION BUT SHALL NOT BE
18 SUBJECT TO THE LIMITATIONS OF SUBSECTION (E).

19 (G) BUDGETS AND FINANCIAL REPORTS.--ANNUALLY, EACH
20 INTERMEDIATE UNIT SHALL SUBMIT TO THE DEPARTMENT A PRELIMINARY
21 BUDGET ON OR BEFORE JANUARY 31 AND A FINAL BUDGET ON OR BEFORE
22 JUNE 15 FOR THE SUCCEEDING YEAR AND SHALL FILE A FINAL FINANCIAL
23 REPORT ON OR BEFORE OCTOBER 31 FOR THE PRECEDING YEAR.

24 § 1103. Educational aids for nonpublic school children.

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

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

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

14 "Instructional equipment." Instructional ~~devices~~ EQUIPMENT, <—
15 other than fixtures annexed to and forming part of the real
16 estate, which are IS suitable for and to be used by children or <—
17 teachers. The term includes, but is not limited to, projection
18 equipment, recording equipment, laboratory equipment and any
19 other educational secular, neutral, non-ideological equipment as
20 may be of benefit to the instruction of nonpublic school
21 children and are presently or hereafter provided for public
22 school children in this Commonwealth.

23 ~~"Instructional materials." Books, periodicals, documents,~~ <—
24 ~~pamphlets, photographs, reproductions, pictorial or graphic~~
25 ~~works, musical scores, maps, charts, globes, sound recordings,~~
26 ~~including but not limited to those on discs and tapes, processed~~
27 ~~slides, transparencies, films, filmstrips, kinescopes and video~~
28 ~~tapes, or any other printed and published materials of a similar~~
29 ~~nature made by any method now developed or hereafter to be~~
30 ~~developed. The term includes such other secular, neutral, non-~~

1 ~~ideological materials as are of benefit to the instruction of~~
2 ~~nonpublic school children and are presently or hereafter~~
3 ~~provided for public school children in this Commonwealth.~~

4 "INSTRUCTIONAL MATERIALS." PRE-PREPARED LEARNING MATERIALS <—
5 WHICH ARE SECULAR, NEUTRAL AND NON-IDEOLOGICAL IN CHARACTER AND
6 ARE OF BENEFIT TO THE INSTRUCTION OF SCHOOL CHILDREN ON AN
7 INDIVIDUAL BASIS AND ARE PRESENTLY OR HEREAFTER PROVIDED FOR
8 PUBLIC SCHOOL CHILDREN IN THIS COMMONWEALTH.

9 "Textbooks." Books, ~~workbooks including reusable and non-~~ <—
10 ~~reusable workbooks, and~~ REUSABLE WORKBOOKS, OR manuals, whether <—
11 bound or in looseleaf form, intended for use as a principal
12 source of study material for a given class or group of students,
13 a copy of which is expected to be available for the individual
14 use of each pupil in the class or group. The textbooks shall be
15 textbooks which are acceptable for use in any public elementary
16 or secondary school of this Commonwealth.

17 (c) Purchase and loan of ~~textbooks~~ INSTRUCTIONAL AIDS.--The <—
18 department, directly or through the intermediate units, shall
19 have the power and duty to purchase textbooks and, upon
20 individual request, to loan them to all children residing in
21 this Commonwealth who are enrolled in grades kindergarten
22 through twelve of a nonpublic school. The textbooks shall be
23 loaned free to the children subject to such rules and
24 regulations as may be prescribed by the State board, DUE REGARD <—
25 BEING HAD TO THE FEASIBILITY OF MAKING LOANS OF PARTICULAR
26 INSTRUCTIONAL MATERIALS ON AN INDIVIDUAL BASIS. ~~The department~~ <—
27 ~~shall not be required to purchase or otherwise acquire textbooks~~
28 ~~pursuant to this subsection, the total cost of which, in any~~
29 ~~school year, shall exceed an amount equal to \$15 multiplied by~~
30 ~~the number of children residing in this Commonwealth who on~~

~~October 1 of the school year are enrolled in grades kindergarten through twelve of a nonpublic school within this Commonwealth in which the requirements of the compulsory attendance provisions of this title may be met.~~

~~(d) Purchase and loan of materials and equipment. Pursuant to requests from the appropriate nonpublic school official on behalf of nonpublic school pupils, the department shall have the power and duty to purchase directly or through the intermediate units or otherwise acquire, and to loan to the nonpublic schools, instructional materials and equipment useful to the education of such children the total cost of which, in any school year, shall not exceed \$25 multiplied by the number of children residing in this Commonwealth who, on October 1 of the school year, are enrolled in grades kindergarten through 12 of a nonpublic school.~~

(D) LIMITATION ON AMOUNT OF PURCHASES.--THE DEPARTMENT SHALL NOT BE REQUIRED TO PURCHASE OR OTHERWISE ACQUIRE TEXTBOOKS PURSUANT TO THIS SECTION, THE TOTAL COST OF WHICH, IN ANY SCHOOL YEAR, EXCEEDS AN AMOUNT EQUAL TO \$12 FOR THE SCHOOL YEAR 1973-1974, \$15 FOR THE SCHOOL YEAR BEGINNING JULY 1, 1974 AND \$20 FOR EACH SCHOOL YEAR THEREAFTER OR INSTRUCTIONAL MATERIALS, THE TOTAL COST OF WHICH, IN ANY SCHOOL YEAR, EXCEEDS AN AMOUNT EQUAL TO \$5, MULTIPLIED BY THE NUMBER OF CHILDREN RESIDING IN THIS COMMONWEALTH WHO ON OCTOBER 1 OF THE SCHOOL YEAR IMMEDIATELY PRECEDING ARE ENROLLED IN GRADES KINDERGARTEN THROUGH TWELVE OF A NONPUBLIC SCHOOL.

SUBCHAPTER B

REGULATED PRIVATE SCHOOLS

Sec.

1111. State boards of private schools.

1 1112. Jurisdiction of boards and department.
2 1113. Optional licensing of private schools.
3 1114. Mandatory licensing of private schools and agents.
4 1115. Application for license.
5 1116. Issuance and renewal of license.
6 1117. Scope of license.
7 1118. License fees.
8 1119. List of licensed schools and agents.
9 1120. Requirements for licensure and operation.
10 1121. Refusal, suspension or revocation of license.
11 1122. Penalties for violations of chapter.
12 § 1111. State boards of private schools.
13 (a) Appointment of members.--The secretary shall appoint
14 members to each of the State boards of private schools as
15 follows:
16 (1) The State Board of Private Academic Schools shall
17 consist of seven members four or more of whom shall be active
18 in the private academic school field.
19 (2) The State Board of Private Business Schools shall
20 consist of seven members four or more of whom shall have
21 occupied executive or management positions in private
22 business schools in this Commonwealth.
23 (3) The State Board of Private Trade Schools shall
24 consist of seven members five or more of whom shall be active
25 in the private trade school field.
26 (4) The State Board of Private Correspondence Schools
27 shall consist of seven members.
28 (b) Quorum.--A majority of the members of each board shall
29 constitute a quorum.
30 (c) Chairman.--Each board shall, annually, select a chairman

1 from among its members.

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

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

8 REIMBURSEMENT FOR EXPENSES SHALL NOT EXCEED THE GREATER OF THE
9 FOLLOWING AMOUNTS: <—

10 (1) THE SUM OF \$40 PER DAY FOR FOOD AND LODGING AND 15¢
11 PER MILE FOR TRAVEL BY AUTOMOBILE.

12 (2) AMOUNTS FOR TRAVELING EXPENSES DETERMINED BY THE
13 COMMISSIONER OF INTERNAL REVENUE UNDER THE AUTHORITY OF
14 SECTION 274 OF THE INTERNAL REVENUE CODE OF 1954 AND
15 REGULATIONS PROMULGATED THEREUNDER AS NOT REQUIRING
16 SUBSTANTIATION BY ADEQUATE RECORDS OR OTHER SUFFICIENT
17 EVIDENCE.

18 (f) Location of meetings and records.--The meetings of each
19 board shall be held and the proceedings of the meetings and the
20 records of each board shall be maintained in the City of
21 Harrisburg, Dauphin County, Pennsylvania.

22 (g) Department to issue documents.--All certificates and
23 other official documents of each board shall be issued by the
24 department.

25 § 1112. Jurisdiction of boards and department.

26 The power to adopt and enforce rules and regulations and to
27 promulgate standards of instruction for schools within their
28 jurisdiction shall be as follows:

29 (1) The State Board of Private Academic Schools shall
30 adopt and enforce rules and regulations regarding private

1 academic schools.

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

5 (3) The State Board of Private Trade Schools shall adopt
6 and enforce rules and regulations regarding private trade
7 schools.

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

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

13 § 1113. Optional licensing of private schools.

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

19 § 1114. Mandatory licensing of private schools and agents.

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

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

1 authority authorization to conduct such activities.

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

9 (d) Agent for existing school.--No person or persons shall
10 solicit any prospective student within this Commonwealth to
11 enroll in a school located within or outside this Commonwealth
12 unless the school has been approved by the appropriate authority
13 and unless the person or persons shall apply for and obtain from
14 the appropriate authority an agent's license in the manner and
15 form prescribed.

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

20 § 1115. Application for license.

21 (a) General rule.--Before any license is issued to a private
22 school, a verified application shall be made, in writing, to the
23 appropriate authority on a form prepared and furnished by the
24 appropriate authority. The application shall require a statement
25 showing, where appropriate:

26 (1) The title or name and address of the school or
27 classes together with ownership and controlling officers
28 thereof.

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

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

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

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

8 (6) The qualifications of instructors and supervisors in
9 each field.

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

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

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

18 (b) Surety bond.--At the discretion of the appropriate
19 authority, at any time it may designate, the private school
20 shall provide a surety bond in reasonable amount to the
21 Commonwealth conditioned for the protection of the contractual
22 rights of students.

23 § 1116. Issuance and renewal of license.

24 (a) Issuance.--The appropriate authority shall issue an
25 original license to the applicant if the appropriate authority
26 finds that the application and the school or classes or agent
27 for which a license is sought complies with the provisions of
28 this chapter and with the rules and regulations promulgated
29 under this chapter.

30 (b) Duration and renewal.--Each original license issued

1 shall be effective from the date of issue until July 1 following
2 the issuance of the original license and shall be renewed
3 annually thereafter on a form prepared and furnished by the
4 appropriate authority. Each license year is to continue from
5 July 1 to the following June 30, inclusive.

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

8 § 1117. Scope of license.

9 (a) Schools.--Any license issued to a private school shall
10 be restricted to the fields or courses specifically indicated in
11 the application for a license. A licensed school shall present a
12 supplementary application, as may be directed by the appropriate
13 authority, for approval of additional fields or courses in which
14 it is desired to offer instruction during the effective period
15 of the license.

16 (b) Agents.--Any license issued to an agent shall be
17 restricted to the school or schools specifically listed in the
18 application for a license. A licensed agent desiring to solicit
19 prospective students to enroll in schools other than those
20 specifically listed in any application for license shall present
21 a supplementary application, as may be directed by the
22 appropriate authority, for approval to solicit for such schools
23 or additional schools.

24 § 1118. License fees.

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

27 (1) The sum of \$50 for each original application and \$25
28 for each annual renewal application for private academic
29 schools, private business schools and private correspondence
30 schools.

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

6 (3) The sum of \$10 for each teacher based on the highest
7 number of teachers estimated to be employed at any one time
8 during the license year for each original application to
9 conduct a private driver education and training school. If
10 the applicant uses or employs at any one time more teachers
11 than the number originally estimated, the applicant shall pay
12 the additional fee due therefor at the time the applicant
13 applies for the next annual renewal. Each renewal application
14 shall be accompanied by a fee based on the highest number of
15 teachers used or employed at any one time during the license
16 year immediately preceding the year in which the renewal is
17 to be effective.

18 (4) The sum of \$5 annually for agents.

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

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

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

1 § 1119. List of licensed schools and agents.

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

5 § 1120. Requirements for licensure and operation.

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

8 (1) It shall permit the appropriate authority and its
9 representatives to inspect the school or classes and shall
10 make available to the appropriate authority at any time when
11 requested to do so full information pertaining to any or all
12 items of information contained in the application form
13 provided.

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

17 (3) The advertising and representations made by any
18 person representing the school or classes as an agent or
19 contractual agent to prospective students shall be free from
20 misrepresentation or fraud.

21 (i) A school shall not use any name, other than its
22 licensed name, for advertising or publicity purposes, nor
23 shall a school advertise or imply that it is
24 "supervised," "recommended," "endorsed," "accredited" or
25 "approved" by the secretary, the department, the State
26 board or any State board of private schools of the
27 Commonwealth.

28 (ii) A school shall not claim or imply that it is
29 endorsed by colleges, universities or other institutions
30 of higher learning, bus companies, trucking associations,

1 automobile clubs or taxi companies unless written
2 evidence of that fact is presented to the appropriate
3 authority by the endorsing college, university, bus
4 company, trucking association, automobile club or taxi
5 company.

6 (iii) A school shall not claim or imply that it will
7 guarantee admission to any educational institution,
8 employment upon completion of the course or the securing
9 of a license to drive an automobile.

10 (iv) A school shall not by means of "blind"
11 advertisements or advertisements in the "help wanted" or
12 other employment columns of newspapers and other
13 publications solicit prospective students to enroll in
14 the school.

15 (4) The premises, equipment and conditions of the school
16 or classes shall be adequate, safe and sanitary in accordance
17 with such standards of the Commonwealth or any of its
18 political subdivisions as are applicable to such premises and
19 equipment.

20 § 1121. Refusal, suspension or revocation of license.

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

24 (1) The licensee has violated any of the provisions of
25 this chapter or any of the rules and regulations of the
26 appropriate authority.

27 (2) The applicant or licensee has knowingly presented to
28 the appropriate authority, false, incomplete or misleading
29 information relating to licensure.

30 (3) The applicant or licensee has pleaded guilty,

1 entered a plea of nolo contendere or has been found guilty of
2 a crime involving moral turpitude by a judge or jury in any
3 State or Federal court.

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

8 (5) The applicant or licensee has failed or refused to
9 permit the appropriate authority or their representatives to
10 inspect the school or classes or has failed or refused to
11 make available to the appropriate authority, at any time when
12 requested to do so, full information pertaining to any or all
13 items of information contained in an application for license
14 or pertaining to the program of instruction and matters
15 relating thereto.

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

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

23 (8) A licensed agent has failed or refused to display or
24 produce his license when requested to do so by prospective
25 students or designated officials of the appropriate
26 authority.

27 (9) The applicant or licensee has failed to provide or
28 maintain premises, equipment or conditions which are
29 adequate, safe and sanitary in accordance with such standards
30 of the Commonwealth or any of its political subdivisions as

1 are applicable to the premises and equipment.

2 (10) The licensee has perpetrated or committed fraud or
3 deceit in advertising the school or classes or in presenting
4 to prospective students written or oral information relating
5 to the school or classes or to employment opportunities or to
6 opportunities for enrollment in institutions of higher
7 learning.

8 (11) The licensee is employing teachers, supervisors or
9 administrators who have not been approved by the appropriate
10 authority or agents who have not been licensed by the
11 appropriate authority.

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

16 (13) The licensee has failed to provide and maintain
17 adequate standards of instruction or an adequate and
18 qualified administrative supervisory or teaching staff.

19 (14) The applicant or licensee is unable to provide and
20 maintain financial resources in sufficient amount to equip
21 and maintain adequately and effectively the school or
22 classes.

23 (15) The licensee has moved the school into new premises
24 or facilities or has altered or made additions to premises or
25 facilities before or without notifying the appropriate
26 authority of the change and before receiving from the
27 appropriate authority approval for the new premises or
28 facilities, alterations or additions.

29 (16) The licensee has offered training or instruction in
30 courses or subjects which have not been approved and

1 authorized by the appropriate authority.

2 (17) A licensed agent has solicited prospective students
3 to enroll in a school which has not been approved by the
4 appropriate authority and which is not listed on the license
5 issued by the appropriate authority.

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

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

11 (b) Adjudicatory procedure.--The procedure to be followed in
12 the refusal, suspension and revocation of licenses and in
13 appeals taken from such action shall be that prescribed by the
14 act of June 4, 1945 (P.L.1388, No.442), known as the
15 "Administrative Agency Law."

16 § 1122. Penalties for violations of chapter.

17 Any person who violates or fails to comply with any of the
18 provisions of this chapter or any of the rules, regulations or
19 standards promulgated thereunder shall be guilty of a
20 misdemeanor of the third degree and, upon conviction thereof,
21 shall be sentenced to pay a fine of not less than \$50 nor more
22 than \$500 or to undergo imprisonment for not more than one year,
23 or both. If the violation shall be by a corporation, partnership
24 or association, the officers and directors of the corporation or
25 the members of the partnership or association, its agents and
26 employees with guilty knowledge of the fact, shall also be
27 guilty of a misdemeanor of the third degree and, upon conviction
28 thereof, shall be punished as provided in this section.

29 SUBCHAPTER C

30 PRIVATE DRIVER EDUCATION AND TRAINING SCHOOLS

1 Sec.

2 1131. Location and construction of facilities.

3 1132. Qualifications of teachers and directors.

4 1133. Instructional equipment and materials.

5 1134. Program of instruction.

6 1135. Notice of fees and charges.

7 1136. Financial and student records.

8 1137. Qualifications and duties of agents.

9 1138. Ownership qualifications and changes.

10 § 1131. Location and construction of facilities.

11 (a) Location.--

12 (1) The situs of a driver training school, branch school
13 and practice driver training area shall be a distance of at
14 least 1,500 feet from any official examination point used by
15 the Pennsylvania State Police for examination of motor
16 vehicle operators, which distance shall be measured along the
17 public streets by the nearest route from the school, branch
18 school or practice driver training area to the official
19 examination point.

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

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

29 (1) The premises, equipment and facilities of the school
30 shall conform to all safety and sanitary requirements of the

1 Commonwealth or any of its political subdivisions applicable
2 thereto.

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

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

10 (4) The heating facilities shall be sufficient to
11 provide for the maintenance of normal room temperatures in
12 all rooms occupied by students when the outside temperature
13 is less than normal room temperature. When the school does
14 not use mechanical ventilation, windows shall be used and
15 equipped for ventilating purposes.

16 (5) The premises, facilities and any alterations or
17 additions to the premises or facilities must be approved by
18 the department before the premises or facilities may be used
19 for school purposes and before any alterations or additions
20 may be made.

21 § 1132. Qualifications of teachers and directors.

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

25 (b) Operating license and experience.--Every teacher shall
26 have a valid motor vehicle operator's license issued by the
27 Commonwealth and shall submit documentary evidence of having
28 driven a minimum of 15,000 miles under all kinds of weather
29 conditions in both urban and rural areas.

30 (c) Driving record.--Every teacher shall maintain, during

1 any consecutive three year period, a driving record which does
2 not include more than one reportable accident, as defined in the
3 act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle
4 Code," resulting in a suspension or revocation of his motor
5 vehicle operator's license.

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

7 (1) a written theoretical examination prepared and
8 administered by the Secretary of Education or such agency as
9 he may designate, and embracing subject matter pertinent to
10 the care, operation and use of a motor vehicle on the
11 highways and to general highway safety principles and
12 practices; and

13 (2) a practical examination, prepared and administered
14 by the Secretary of Transportation, or such agency as he may
15 designate, for the purpose of testing a teacher's competency
16 and fitness in the operation of a motor vehicle.

17 (e) Certificate from physician.--Every teacher shall present
18 a certificate from a physician, legally qualified to practice
19 medicine in this Commonwealth, setting forth that the teacher is
20 neither mentally nor physically disqualified by reason of
21 tuberculosis or any other chronic or acute physical defect from
22 performing the duties of a driver education teacher.

23 (f) Director or supervisor.--Every school that employs five
24 or more full-time teachers or an equivalent number of part-time
25 teachers shall designate a director who shall devote at least
26 one-half of his time to the performance of administrative and
27 supervisory duties. A director or supervisor of a school or
28 branch thereof shall meet the qualifications of a teacher as set
29 forth in this section and shall have had a minimum of two years
30 successful teaching experience in a private or public driver

1 training school or class.

2 § 1133. Instructional equipment and materials.

3 (a) Amount and type.--The amount and type of school
4 furniture, instructional equipment and instructional materials
5 shall be governed by the character and scope of the educational
6 program of the school, the number of pupils enrolled and the
7 objectives of the educational program of the school and shall
8 conform to generally accepted educational standards. The amount
9 and type of school furniture, instructional equipment and
10 materials shall not be required to exceed or to vary from that
11 which is generally used in connection with the programs of
12 driver education in public schools of like character and scope.

13 (b) Text and reference materials.--Every school shall
14 provide text, test and reference materials, including pamphlets
15 and visual aids, for the instruction in the theoretical and
16 practical phases of driver training.

17 (c) Age and equipment of vehicles.--Every vehicle used for
18 practical driver training shall be a recent model not more than
19 five years old with special equipment as follows: operable extra
20 brake pedal, and in the case of vehicles equipped with standard
21 transmission an operable extra clutch pedal, defroster and
22 heater in working order, rear-view mirror placed on the inside
23 of the car in the vicinity of the cowl, two outside rear-view
24 mirrors one on each side of the vehicle and cushions for the
25 proper seating of the students.

26 (d) Insurance on vehicles.--Every school shall provide
27 insurance coverage on all vehicles used for practical driver
28 training. The coverage shall include at least \$50,000 - \$100,000
29 public liability, \$5,000 property damage and \$2,000 medical.

30 § 1134. Program of instruction.

1 (a) General rule.--Driver training schools licensed under
2 this chapter shall make available both theoretical and practical
3 instruction.

4 (b) Theoretical instruction.--Theoretical instruction in
5 driver education shall include subject matter relating to rules
6 and regulations of the road, safe driving practices, pedestrian
7 safety care, mechanics of driving, types of automobile insurance
8 and the use of automobile safety devices.

9 (c) Practical instruction.--Practical instruction in driver
10 education shall include the demonstration of an actual
11 instruction in starting, stopping, shifting, turning, backing,
12 parking and steering in a training vehicle which shall meet the
13 standards of the department.

14 (d) Information on fees.--Driver training schools licensed
15 under this chapter shall publish a schedule or prospectus of
16 fees or charges for behind-the-wheel lessons, classroom lessons,
17 refresher lessons and all other fees or charges made by the
18 school. A copy of a prospectus setting forth this information
19 shall be filed with the department.

20 § 1135. Notice of fees and charges.

21 Every school shall inform each student, prior to the time
22 instruction commences, of the character and amount of any and
23 all fees or charges made for enrollment or registration,
24 tuition, use of equipment, texts and reference materials,
25 supplies and any other service, equipment or materials provided
26 by the school.

27 § 1136. Financial and student records.

28 (a) Financial records.--Every school shall establish and
29 maintain complete, accurate and detailed financial records that
30 shall include data pertaining to assets, liabilities, sources

1 and amounts of income, and the character and amount of
2 expenditures. The records shall be kept current and available
3 for inspection during regular school hours by representatives of
4 the department.

5 (b) Student records.--Every school shall maintain adequate
6 records of individuals and each school shall maintain a
7 permanent cumulative record card for each student. The record
8 card shall indicate the number of clock hours of instruction
9 received by each student and shall contain information on
10 attendance, achievement test scores, personal characteristics,
11 health and other pertinent topics. The records shall be kept
12 current and available for inspection at all times during regular
13 school hours by representatives of the department.

14 § 1137. Qualifications and duties of agents.

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

17 (b) Qualifications of school represented.--An agent's
18 license shall not be granted to an agent of a school which is
19 located outside this Commonwealth unless the school maintains
20 educational standards and policies that are substantially
21 equivalent to those prescribed in this chapter for driver
22 training schools in this Commonwealth.

23 (c) Submission of information to department.--An agent
24 representing a school which is located outside this Commonwealth
25 shall submit to the department such information and data
26 pertaining to the school as the department may deem necessary
27 and require in order to validate any representation made in
28 behalf of the school by the agent. The department may require
29 the information and data to be certified by such educational
30 authorities of the other state as the department may designate.

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

§ 1138. Ownership qualifications and changes.

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

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

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

PART II

BASIC EDUCATION

- 1 Subpart
- 2 A. Preliminary Provisions
- 3 B. School Entities
- 4 C. Fiscal Affairs and Taxation
- 5 D. School Programs
- 6 E. Students
- 7 F. Physical Plant and Construction
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9 SUBPART A

10 PRELIMINARY PROVISIONS

11 Chapter

- 12 21. General Provisions

13 CHAPTER 21

14 GENERAL PROVISIONS

15 Sec.

- 16 2101. Short title of part.
- 17 2102. Purposes of part.
- 18 2103. Definitions.
- 19 2104. Oath for directors and commissioned personnel.
- 20 2105. Compensation of governing board members.
- 21 2106. Conflict of interest and additional compensation.
- 22 2107. Funds collected by school organizations.
- 23 2108. MEMBERSHIP OF GOVERNING BOARDS IN ORGANIZATIONS. <—

- 24 § 2101. Short title of part.

25 This part shall be known and may be cited as the "Public

26 School Code."

- 27 § 2102. Purposes of part.

28 The general purposes of this part are:

- 29 (1) To provide for the maintenance and support of a
- 30 thorough and efficient system of public education to serve

1 the needs of this Commonwealth.

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

5 (3) To provide a mechanism by which students may be
6 equipped with those analytical skills of reading, writing,
7 calculating and thinking which are needed to function
8 effectively, earn a living and become knowledgeable citizens
9 in our society.

10 (4) To broaden, expand and equalize the educational
11 opportunities available to citizens of every age, race,
12 religion, color, ancestry, national origin or sex and to
13 encourage them to take advantage of and complete a basic
14 educational program appropriate to their needs.

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

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

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

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

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

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

30 (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, unless the context clearly indicates otherwise, the meanings given to them in this section:

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

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

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

§ 2104. Oath for directors and commissioned personnel.

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

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth, and

1 that I will discharge the duties of my office with
2 fidelity."

3 (b) Board president authorized to administer oaths.--The
4 president of a governing board shall be qualified to administer
5 oaths.

6 § 2105. Compensation of governing board members.

7 Any person elected or appointed as a member of any governing
8 board shall serve without pay except that such persons shall be
9 reimbursed for necessary expenses as provided in this part.

10 § 2106. Conflict of interest and additional compensation.

11 (a) Governing board members.--Except as otherwise provided
12 in this section, no member of any governing board shall, during
13 the term for which he was elected or appointed, as a private
14 person, be employed in any capacity by the school entity,
15 receive pay for any services rendered to the school entity or
16 engage in any business transaction with the school entity with
17 which the member is associated.

18 (b) School entity officers and employees.--Except as
19 otherwise provided in this section, no officer, appointee or
20 employee shall be employed in any other capacity by the school
21 entity or engage in any outside activity or employment which
22 conflicts with or prevents the full and complete performance of
23 his school duties TO BE DETERMINED FOR PROFESSIONAL EMPLOYEES IN <—
24 ACCORDANCE WITH SECTIONS 5134(C) (RELATING TO RATINGS) AND 5138
25 (RELATING TO CAUSES FOR DISMISSAL, SUSPENSION OR DEMOTION).

26 (c) Approved services by commissioned personnel.--
27 Commissioned personnel may receive compensation for services in
28 a summer school maintained by a college or university devoted to
29 the education of teachers or for services rendered evenings or
30 Saturdays if released for such services by the governing board

1 of the school entity where the personnel are employed.

2 (d) Notification of interest and approval of transaction.--

3 Any school director, officer, appointee or employee who receives
4 compensation from an individual, firm, partnership, corporation
5 or other entity doing business with or rendering service to the
6 school entity in a capacity where he can be financially
7 benefited in any way, shall notify the governing board and shall
8 have the interest noted in the minutes. The governing board
9 shall not authorize or approve any transaction in which such
10 person has a substantial or material financial interest. The
11 governing board may authorize and approve a transaction in which
12 such person has a nonmaterial interest by an affirmative vote of
13 a majority of all legally qualified board members, with the
14 interested school director refraining from discussing and voting
15 upon the contract.

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

21 (f) Penalty.--Any person willfully violating the provisions
22 of this section shall be guilty of a misdemeanor of the third
23 degree.

24 § 2107. Funds collected by school organizations.

25 (a) General rule.--Subject to the rules and regulations of
26 the governing board, any school or class, or school
27 organization, club, society or group may raise and control funds
28 under its own name and management under the supervision of an
29 employee designated by the board. The funds shall not be the
30 funds of the school entity but shall remain the property of the

1 Subchapter

2 A. General Provisions

3 B. Selection and Removal of Personnel

4 C. Selection of Directors

5 D. Organization of Board

6 E. Conduct of Business

7 SUBCHAPTER A

8 GENERAL PROVISIONS

9 Sec.

10 2301. Designation and powers of governing board.

11 2302. Policies, rules and regulations.

12 2303. Levy and collection of taxes.

13 2304. Joint action with other government agencies.

14 2305. Furnishing information to incoming directors.

15 § 2301. Designation and powers of governing board.

16 (a) Governing board of school districts.--The public school
17 districts of this Commonwealth shall be governed by a board of
18 school directors to be elected or appointed as provided in this
19 chapter.

20 (b) General powers and duties.--The board of school
21 directors in each school district is hereby granted such powers
22 and is charged with such duties as are necessary to establish,
23 maintain and govern ~~an effective~~ A THOROUGH AND EFFICIENT system <—
24 of education ~~designed~~ AS DETERMINED BY THE GENERAL ASSEMBLY to <—
25 provide quality education and equal educational opportunity for
26 all students within its jurisdiction who desire to attend the
27 public schools. Accordingly, the operation of each school
28 district shall be within the reasonable discretion of the board
29 of school directors except where that discretion is limited by
30 law.

1 § 2302. Policies, rules and regulations.

2 (A) GENERAL RULE.--Within the limitations set forth in <—
3 section 2301 (relating to designation and powers of governing
4 board), the educational and operational policies of each school
5 district shall be determined by the board of school directors
6 with the advice of the district superintendent. The board shall
7 prescribe rules and regulations ~~as shall be~~ necessary for the <—
8 conduct and operation of the public schools in the district.

9 (B) SCOPE OF REGULATIONS.--REGULATIONS OF THE BOARD OF <—
10 SCHOOL DIRECTORS MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

11 (1) REGULATIONS CONCERNING THE CONDUCT OF ALL SCHOOL
12 ADMINISTRATORS, TEACHERS, OTHER EMPLOYEES AND APPOINTEES
13 DURING THE TIME THEY ARE ENGAGED IN THEIR DUTIES TO THE
14 DISTRICT.

15 (2) REGULATIONS CONCERNING THE CONDUCT OF STUDENTS WHILE
16 ATTENDING SCHOOL AND DURING THE TIME SPENT IN COMING TO AND
17 RETURNING FROM SCHOOL.

18 (3) REGULATIONS CONCERNING ATHLETICS, SCHOOL
19 PUBLICATIONS, FORENSIC, DRAMATIC, MUSICAL, AND OTHER
20 ACTIVITIES AND ORGANIZATIONS RELATED TO THE SCHOOL PROGRAM.

21 § 2303. Levy and collection of taxes.

22 Except as otherwise provided by law, the board of school
23 directors, in each school district is hereby vested with all the
24 necessary authority and power annually to levy and collect, in
25 the manner provided by law, the necessary taxes required to
26 carry out its responsibilities under this title.

27 § 2304. Joint action with other government agencies.

28 In order to better or more efficiently fulfill any of the
29 duties imposed upon it by this title or to better carry out the
30 powers granted to it by this title, any board of school

1 directors may act jointly in any lawful manner with any other
2 school entity or with any other political subdivision or
3 Commonwealth agency.

4 § 2305. Furnishing information to incoming directors.

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

9 SUBCHAPTER B

10 SELECTION AND REMOVAL OF PERSONNEL

11 Sec.

12 2311. Appointments by the governing board.

13 2312. Employment of professional and other employees.

14 2313. Removal of officers, employees and appointees.

15 2314. Removal of directors for neglect of duty.

16 § 2311. Appointments by the governing board.

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

20 (1) A solicitor.

21 (2) An assistant solicitor or solicitors.

22 (3) A school auditor.

23 (4) A tax collector or collectors EXCEPT AS OTHERWISE
24 PROVIDED FOR BY LAW.

<—

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

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

30 (c) Duties and salaries.--The board shall define in

1 accordance with law the duties and fix the salaries of each
2 person appointed under subsection (a).

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

9 § 2312. Employment of professional and other employees.

10 (a) General rule.--The board of school directors in each
11 district shall employ such qualified professional, commissioned
12 and auxiliary personnel and substitute employees as are
13 necessary to keep the public schools open and to effectively
14 discharge the responsibilities vested in the board under this
15 title.

16 (b) Recommendation by superintendent.--No person other than
17 the superintendent shall be employed under the authority of
18 subsection (a) ~~without the written recommendation of the~~ <—
19 ~~superintendent~~ UNLESS THE BOARD OF SCHOOL DIRECTORS HAS <—
20 REQUESTED FROM THE SUPERINTENDENT ONE OR MORE RECOMMENDATIONS OF
21 A PERSON TO FILL THE POSITION. THIS SUBSECTION DOES NOT PREVENT
22 THE GOVERNING BOARD FROM HIRING A PERSON NOT RECOMMENDED BY THE
23 SUPERINTENDENT.

24 § 2313. Removal of officers, employees and appointees.

25 (a) General rule.--Except as otherwise provided in this
26 title, the board of school directors in any school district
27 shall, after giving due notice and the reasons for removal and
28 after a hearing if requested, have the right at any time to
29 remove any of its officers, employees or appointees for
30 incompetency, intemperance, neglect of duty, violation of any of

1 the school laws of this Commonwealth or other improper conduct.

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

8 § 2314. Removal of directors for neglect of duty.

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

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

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

28 (b) Rule to show cause.--Upon receiving the petition, the
29 court shall grant a rule to show cause why the school director
30 or directors should not be removed from office, returnable in

1 not less than ten nor more than 20 days from the date of the
2 issuance of the rule. The school director or directors shall
3 have at least five days notice of the hearing to make the rule
4 final.

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

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

19 (e) Imposition of costs of proceedings.--The court shall
20 impose the costs of the proceedings upon the petitioners, the
21 school directors or the school district, or may apportion the
22 costs among them as it shall deem just and proper.

23 SUBCHAPTER C

24 SELECTION OF DIRECTORS

25 Sec.

26 2341. Method of appointment or election.

27 2342. Combined districts.

28 2343. School districts divided into electoral regions.

29 2344. Number and terms of directors.

30 2345. Ineligibility for office for malfeasance and nonfeasance.

1 2346. Qualifications for office.

2 2347. Vacancies in office.

3 2348. Vacancy where director fails to qualify or attend
4 meetings.

5 § 2341. Method of appointment or election.

6 (a) Districts of the first class.--Appointment of school
7 board members in districts of the first class shall conform to
8 the provisions of the Home Rule Charter adopted under the former
9 provisions of the act of August 9, 1963 (P.L.643, No.341), known
10 as the "First Class City Public Education Home Rule Act," or
11 Subchapter C of Chapter 25 (relating to first class city home
12 rule districts), EXCEPT THAT WHERE AN EDUCATIONAL NOMINATING <—
13 PANEL IS USED, IT SHALL BE SUBJECT TO THE PROVISIONS OF SECTION
14 105 (RELATING TO PUBLIC AGENCY OPEN MEETING LAWS).

15 (b) Districts of the first class A.--Appointment of school
16 board members in districts of the first class A shall be made by
17 the court of common pleas of the county in which the district is
18 situated and shall be in conformity with the provisions of
19 section 2344(a) (relating to number and terms of directors).
20 WHEN MAKING SUCH APPOINTMENTS, THE COURTS ARE AGENCIES TAKING <—
21 FORMAL ACTION AND SHALL ACT IN ACCORDANCE WITH THE ACT OF JULY
22 19, 1974 (P.L.486, NO.175), REFERRED TO AS THE PUBLIC AGENCY
23 OPEN MEETING LAW.

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

29 § 2342. Combined districts.

30 (a) Selection of directors.--When two or more districts are

1 combined into one district the directors then in office in each
2 component district shall, until the end of their respective
3 terms, be directors of the newly formed district. Vacancies
4 occurring in such incumbent positions shall not be filled except
5 where the membership falls below nine. At the first municipal
6 election following the date of establishment of the new district
7 ~~and at each subsequent municipal election, three directors shall~~ <—
8 ~~be elected for six year terms at large or by regions as provided~~
9 ~~in this subchapter. The term of office of directors shall begin~~
10 ~~at the organizational meeting following their election. TWO~~ <—
11 SCHOOL DIRECTORS SHALL BE ELECTED FOR TERMS OF FOUR YEARS AND
12 ONE FOR A TERM OF TWO YEARS. AT THE SECOND MUNICIPAL ELECTION
13 FOLLOWING ESTABLISHMENT OF THE NEW DISTRICT AND EVERY FOUR YEARS
14 THEREAFTER, FOUR DIRECTORS SHALL BE ELECTED FOR TERMS OF FOUR
15 YEARS. AT THE THIRD MUNICIPAL ELECTION FOLLOWING ESTABLISHMENT
16 OF THE NEW DISTRICT AND EVERY FOUR YEARS THEREAFTER, FIVE
17 DIRECTORS SHALL BE ELECTED FOR TERMS OF FOUR YEARS. SUCH SCHOOL
18 DIRECTORS SHALL BE ELECTED AT LARGE OR BY REGIONS AS PROVIDED IN
19 THIS SUBCHAPTER. THE TERM OF OFFICE OF DIRECTORS SHALL BEGIN AT
20 THE ORGANIZATIONAL MEETING FOLLOWING THEIR ELECTION.

21 (b) Development of electoral region plan.--The school
22 directors of the component districts of the new district before
23 the date of establishment or the board of school directors after
24 the establishment may develop a plan to divide the new school
25 district into three or nine regions as provided in section 2343
26 (relating to school districts divided into electoral regions).

27 (c) Interim planning committee.--The incumbent school
28 directors may serve as the planning committee or may select from
29 their membership a planning committee to prepare the budget and
30 perform the necessary administrative functions for the

1 establishment of the new district.

2 § 2343. School districts divided into electoral regions.

3 The optional plan to divide a district into three or nine
4 regions described in section 2342 (relating to combined
5 districts) shall be as follows:

6 (1) The boundaries of the regions shall be fixed and
7 established in such manner that the population of each region
8 shall be as nearly equal as possible and shall be compatible
9 with the boundaries of election districts. EACH REGION SHALL <—
10 BE COMPOSED OF CONTIGUOUS TERRITORY. The plan for the
11 division of the school district shall be submitted for
12 approval to the court of common pleas. If approved by the
13 court, the prothonotary shall certify the regional boundaries
14 contained in the plan to the county board of elections. In
15 the event of any division, redivision, alteration, change or
16 consolidation of election districts which alters regional
17 boundaries of election districts, a new plan shall be
18 developed and submitted for court approval in like manner.
19 Any proposed change in an approved plan, including abolition
20 of regional representation, shall be submitted for approval
21 to the court of common pleas by the board of school
22 directors. REAPPORTIONMENT OF THE REGIONS SHALL TAKE PLACE <—
23 AFTER THE DECENNIAL CENSUS IF NECESSARY.

24 (2) In any case where the newly established school
25 district is situated in two or more counties, the plan for
26 regional representation shall be submitted for approval to
27 the court of common pleas of the county in which the largest
28 part in area of the land affected is situated, which court
29 shall have exclusive jurisdiction over the matter.

30 (3) Where a three region plan is approved, three school

1 directors who reside in each region shall be elected by or
2 appointed from each region as provided in this subchapter. At
3 all times each region shall be represented by three directors
4 from that region. Where a nine region plan is approved, one
5 school director who resides in each region shall be elected
6 by or appointed from each region as provided in this
7 subchapter. At all times each region shall be represented by
8 a director from that region.

9 § 2344. Number and terms of directors.

10 (a) Districts of the first class.--In school districts of
11 the first class the number of directors on the Board of Public
12 Education and their terms of office shall be determined under
13 the provisions of the Home Rule Charter adopted under the former
14 provisions of the act of August 9, 1963 (P.L.643, No.341), known
15 as the "First Class City Public Education Home Rule Act," or
16 Subchapter C of Chapter 25 (relating to first class city home
17 rule districts).

18 (b) Districts of the first class A.--In school districts of
19 the first class A, the board shall be known as the "Board of
20 Public Education" and shall consist of 15 school directors whose
21 terms of office shall be six years. The terms of five of the
22 members shall expire on the second Monday of November of each
23 odd numbered year. The court of common pleas of the county in
24 which the school district is situated shall, in October of every
25 odd numbered year, appoint five members for terms of six years.
26 Their terms of office shall begin on the second Monday of
27 November next following their appointment.

28 (c) Districts of the second class.--In each school district
29 of the second class, there shall be a board of nine school
30 directors who, except as otherwise provided in this title, shall

1 be elected at large for terms of ~~six~~ FOUR years. ~~the terms of~~ <—
2 ~~three of the members shall expire immediately prior to the~~
3 ~~organizational meeting of each odd numbered year. At each~~
4 ~~municipal election, three school directors shall be elected to~~
5 ~~terms of office to begin at the organizational meeting following~~
6 ~~their election.~~ AT THE MUNICIPAL ELECTION IN 1977, TWO SCHOOL <—
7 DIRECTORS SHALL BE ELECTED FOR TERMS OF FOUR YEARS AND ONE FOR A
8 TERM OF TWO YEARS. AT THE MUNICIPAL ELECTION IN 1979 AND EVERY
9 FOUR YEARS THEREAFTER, FOUR DIRECTORS SHALL BE ELECTED FOR TERMS
10 OF FOUR YEARS. AT THE MUNICIPAL ELECTION IN 1981 AND EVERY FOUR
11 YEARS THEREAFTER, FIVE DIRECTORS SHALL BE ELECTED FOR TERMS OF
12 FOUR YEARS. SUCH SCHOOL DIRECTORS SHALL BE ELECTED AT LARGE OR
13 BY REGIONS AS PROVIDED IN THIS SUBCHAPTER. IN EVERY NINE REGION
14 DISTRICT, AND IN EVERY THREE REGION DISTRICT EXCEPT THOSE IN
15 WHICH ALL THE DIRECTORS WHOSE TERMS EXPIRE IN 1977 REPRESENT A
16 SINGLE REGION, THE BOARD OF SCHOOL DIRECTORS SHALL, PRIOR TO THE
17 FIRST DAY IN WHICH PETITIONS FOR THE 1977 PRIMARY ELECTION MAY
18 BE CIRCULATED, DETERMINE BY DRAWING LOTS WHICH REGION SHALL
19 ELECT A SCHOOL DIRECTOR FOR A TERM OF TWO YEARS.

20 § 2345. Ineligibility for office for malfeasance and
21 nonfeasance.

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

27 (b) Nonfeasance.--Any person removed from the office of
28 school director for neglect of duty under section 2314 (relating
29 to removal of directors for neglect of duty) shall not be
30 eligible again as a school director for the period of eight

1 years from the date of removal.

2 § 2346. Qualifications for office.

3 (a) General rule.--Any qualified elector of the school
4 district shall be eligible to the office of school director of
5 the school district IF HE HAS BEEN A RESIDENT OF THE DISTRICT <—
6 FOR AT LEAST ONE YEAR PRIOR TO HIS ELECTION OR APPOINTMENT
7 except that any person holding any office or position of profit
8 under the government of any city of the first class, or any
9 elective office in any other political subdivision, shall not be
10 eligible to the office of school director.

11 (b) Eligibility of school employee.--A person employed in a
12 school district may serve as a school director in another school
13 district except that any person employed by a school entity or
14 community college shall not be eligible to serve as a school
15 director in ~~any district served by or participating with his~~ <—
16 ~~place of employment~~ A COMPONENT DISTRICT OF THE ENTITY OR A <—
17 SPONSORING DISTRICT OF THE COMMUNITY COLLEGE.

18 § 2347. Vacancies in office.

19 ~~(a) Districts of the first class and first class A. In case~~ <—
20 ~~any vacancy shall occur in any board of school directors in a~~
21 ~~school district of the first class or first class A by reason of~~
22 ~~death, resignation, removal from the district or otherwise, the~~
23 ~~vacancy shall be filled for the unexpired term by the court of~~
24 ~~common pleas of the county in which the school district is~~
25 ~~situated.~~

26 (A) DISTRICTS OF THE FIRST CLASS.--IN CASE ANY VACANCY <—
27 OCCURS IN ANY BOARD OF SCHOOL DIRECTORS OF THE FIRST CLASS BY
28 REASON OF DEATH, RESIGNATION, REMOVAL FROM THE DISTRICT OR
29 OTHERWISE, IT SHALL BE FILLED IN ACCORDANCE WITH PROVISIONS OF
30 THE HOME RULE CHARTER ADOPTED UNDER THE FORMER PROVISIONS OF THE

1 ACT OF AUGUST 9, 1963 (P.L.643, NO.341), KNOWN AS THE "FIRST
2 CLASS CITY PUBLIC EDUCATION HOME RULE ACT," OR SUBCHAPTER C OF
3 CHAPTER 25 (RELATING TO FIRST CLASS CITY HOME RULE DISTRICTS).

4 (B) DISTRICTS OF THE FIRST CLASS A.--IN SCHOOL DISTRICTS OF
5 THE FIRST CLASS A THE VACANCY SHALL BE FILLED FOR THE UNEXPIRED
6 TERM BY THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE
7 SCHOOL DISTRICT IS SITUATED.

8 ~~(b)~~ (C) Districts of the second class.--In school districts <—
9 of the second class, vacancies shall be filled as follows:

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

28 (2) If at any time vacancies exist or occur in the
29 membership of a majority of the members of a board of school
30 directors of a second class district, the court of common

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

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

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

26 § 2348. Vacancy where director fails to qualify or attend
27 meetings.

28 (a) Failure to qualify.--If any person elected or appointed
29 as school director, who has been notified of his election or
30 appointment, shall refuse or neglect to qualify as such director

1 within ten days next succeeding the beginning of his term of
2 office, the remaining members of the board, by a majority vote,
3 may declare his office as director vacant.

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

16 SUBCHAPTER D

17 ORGANIZATION OF BOARD

18 Sec.

19 2371. Officers required and authorized.

20 2372. President.

21 2373. Vice-president.

22 2374. Secretary.

23 2375. Assistant secretary.

24 2376. Business administrator.

25 2377. Treasurer.

26 2378. Corporation as treasurer.

27 2379. Assistant treasurer.

28 2380. President and secretary pro tempore.

29 2381. Organization meetings.

30 2382. First class city home rule districts.

1 § 2371. Officers required and authorized.

2 The officers of boards of school directors shall include a
3 president, vice-president, secretary and treasurer and may
4 include an assistant secretary or secretaries, an assistant
5 treasurer or treasurers, a president pro tempore and a secretary
6 pro tempore.

7 § 2372. President.

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

10 (1) Preside at all meetings.

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

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

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

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

21 § 2373. Vice-president.

22 (a) Duties.--The vice-president shall, in the absence or
23 disability of the president, perform the duties and exercise the
24 powers of the president.

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

27 § 2374. Secretary.

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

30 (1) Keep a correct and proper record of all the

1 proceedings of the board and prepare such reports as are
2 required by the provisions of this title.

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

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

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

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

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

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

25 § 2375. Assistant secretary.

26 The assistant secretary or secretaries shall assist the
27 secretary as requested and, in the absence or disability of the
28 secretary, shall perform the duties and exercise the powers of
29 the secretary.

30 § 2376. Business administrator.

1 (a) Duties.--The board of school directors shall employ <—
2 DESIGNATE a school business administrator ~~who is recommended by~~ <—
3 ~~the superintendent and who, under the direction and supervision~~
4 ~~of the superintendent, shall:~~ AFTER THE BOARD HAS REQUESTED FROM <—
5 THE SUPERINTENDENT ONE OR MORE RECOMMENDATIONS OF A PERSON TO
6 FILL THE POSITION. THE BUSINESS ADMINISTRATOR SHALL:

7 (1) Have general responsibility for all business aspects
8 of the school district subject to the rules and regulations
9 of the board.

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

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

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

24 § 2377. Treasurer.

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

26 (1) Receive and account for all Commonwealth
27 appropriations, district school taxes and other funds
28 belonging to the school district.

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

1 (3) Make payments on proper orders approved by the board
2 and signed by the president and ~~school business administrator~~ <—
3 THE SECRETARY. <—

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

6 (5) Report monthly to the ~~school business administrator~~ <—
7 ~~and to the secretary of the~~ board on the amount of funds
8 received and disbursed during the month.

9 (6) Settle accounts of the treasurer annually with the
10 board for each ~~school~~ FISCAL year. <—

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

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

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

24 ~~(c) Nonmember of board in second class districts. In school~~ <—
25 ~~districts of the second class the treasurer shall not be a~~
26 ~~member of the board.~~

27 ~~(d)~~ (C) Compensation.--The treasurer of the board may <—
28 receive for services rendered such reasonable compensation as
29 the board shall fix.

30 § 2378. Corporation as treasurer.

1 The treasurer may be any corporation duly qualified and
2 legally authorized to transact a fiduciary business in this
3 Commonwealth but such corporation may not simultaneously be an
4 authorized depository as defined in section 3101 (relating to
5 definitions).

6 § 2379. Assistant treasurer.

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

11 § 2380. President and secretary pro tempore.

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

17 § 2381. Organization meetings.

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

24 (b) Districts of the first class and first class A.--In
25 school districts of the first class and first class A, the
26 annual organization meeting shall be held during the second week
27 of November, at which meeting the directors shall elect a
28 president, vice-president and secretary who shall begin their
29 terms of office January 1.

30 (c) Districts of the second class.--In school districts of

1 the second class, the school directors shall effect an
2 organization as follows:

3 (1) Each year, at ~~the first~~ A regularly scheduled <—
4 meeting in December, the board shall elect a president and a
5 vice-president to serve until ~~the first~~ A regularly scheduled <—
6 meeting in December of the ensuing calendar year.

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

10 (3) Beginning in the year 1977 and every four years
11 thereafter during the month of May, the directors shall elect
12 a person to serve as secretary for a term of four years
13 beginning July 1 following the election.

14 (d) Filling vacancies.--Vacancies occurring in the offices
15 of president, vice-president, secretary and treasurer shall be
16 filled for the unexpired term.

17 (e) Holding two offices.--The same person shall not hold at
18 the same time more than one of the offices enumerated in this
19 section.

20 (f) Employees as officers.--No employee of the board of
21 school directors, except the secretary, treasurer, assistant
22 secretary and assistant treasurer, shall serve as an officer of
23 the board of school directors by which he is employed.

24 (g) Notice of meeting.--All members of the board of school
25 directors, including those persons newly elected or appointed to
26 the board, shall be given five days written notice by the
27 secretary of the board of the time and place of the organization
28 meeting.

29 (h) Organization of board.--If a quorum is present, the
30 meeting shall be organized as provided in this subsection. There

1 shall be elected from the holdover members a temporary
2 president. The secretary of the board shall serve as secretary
3 of the organization meeting. The certificates of election or
4 appointment of any new members and a list of legally qualified
5 directors shall be duly recorded. New members shall take and
6 subscribe to the oath of office as required by this part. After
7 the new members have been sworn, the temporary president shall
8 effect the permanent organization as provided in this section.
9 § 2382. First class city home rule districts.

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

18 SUBCHAPTER E

19 CONDUCT OF BUSINESS

20 Sec.

21 2391. Quorum and voting.

22 2392. Regular and special meetings.

23 § 2391. Quorum and voting.

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

26 (b) Voting.--An affirmative vote of a majority of all
27 legally qualified members of the board of school directors,
28 showing in the board minutes how each member voted, shall be
29 required to take action on all matters except as otherwise
30 provided in this title. NO MEMBER OF THE BOARD MAY ABSTAIN FROM

<—

1 VOTING EXCEPT AS PROVIDED FOR IN SECTIONS 2106 (RELATING TO
2 CONFLICT OF INTEREST AND ADDITIONAL COMPENSATION) AND 5104
3 (RELATING TO PERSONNEL ACTIONS CONCERNING RELATIVES OF SCHOOL
4 DIRECTORS).

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

8 § 2392. Regular and special meetings.

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

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

20 (c) Notice of meetings.--Members shall have reasonable
21 notice of all special meetings and the board may adopt
22 reasonable rules directing the kind and length of notice of the
23 meetings of the board that shall be given to its members by the
24 secretary.

25 (d) Matters considered at special meetings.--No business
26 shall be transacted at any special meeting except that specified
27 in the call letter. Special meetings may be called for general
28 purposes.

29 CHAPTER 25

30 SCHOOL DISTRICTS

1 Subchapter

2 A. General Provisions.

3 B. Boundary Changes and Annexation.

4 C. First Class City Home Rule Districts.

5 SUBCHAPTER A

6 GENERAL PROVISIONS

7 Sec.

8 2501. How constituted.

9 2502. Status and powers.

10 2503. Classification.

11 2504. Change of classification.

12 2505. Corporate seal.

13 § 2501. How constituted.

14 All school districts shall remain as now constituted until
15 changed as authorized by this title.

16 § 2502. Status and powers.

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

21 (b) Suits and service of process.--Each school district
22 shall have the right to sue and be sued in its corporate name.
23 Legal process against any school district shall be served on the
24 president or secretary of the board of school directors.

25 § 2503. Classification.

26 There shall be three classes of school districts according to
27 population as follows:

28 (1) Each school district having a population of

29 ~~1,500,000~~ 1,000,000 or more shall be a school district of the <—
30 first class.

1 (2) Each school district having a population of 400,000
2 or more but less than ~~1,500,000~~ 1,000,000 shall be a school <—
3 district of the first class A.

4 (3) Each school district having a population of less
5 than 400,000 shall be a school district of the second class.

6 § 2504. Change of classification.

7 (a) General rule.--Whenever it shall appear that the
8 population of any school district is such that it should be
9 included in another class of school district, the department,
10 upon receiving the appropriate population data as the department
11 shall require, shall make the necessary change of classification
12 and issue a certificate to the school district notifying it of
13 the change in class.

14 (b) Effective date of change.--A change in classification of
15 a school district shall take effect upon the beginning of the
16 next fiscal year after the certificate has been issued under
17 subsection (a).

18 § 2505. Corporate seal.

19 Each school district in this Commonwealth may, by a majority
20 vote of the members of the board of school directors of the
21 district, adopt a corporate seal for the use of the district.
22 The seal shall have engraved thereon the following: "School
23 District of , Pennsylvania," or " School
24 District of Pennsylvania," and such other inscription or design
25 as the board of school directors may direct.

26 SUBCHAPTER B

27 BOUNDARY CHANGES AND ANNEXATION

28 Sec.

29 2531. Voluntary combination of school districts.

30 2532. Adjustment of property and obligations of combined

1 districts.

2 2533. Change of boundaries following municipal annexation.

3 2534. Fiscal powers pending change of boundaries.

4 2535. Temporary special tax levies in partitioned districts.

5 2536. Annexation to first class or first class A districts.

6 2537. Establishment of transfer districts.

7 2538. Adjustment of property and obligations of annexed

8 districts.

9 2539. Effective date of changes in districts.

10 § 2531. Voluntary combination of school districts.

11 (a) General rule.--Upon approval by a majority of the

12 membership of each board of school directors and upon approval

13 by the State board, any two or more contiguous school districts

14 may combine to create a larger school district.

15 (b) Referendum.--No combination shall be approved by the

16 State board unless it has been approved by the electors of each

17 district by referendum. Referenda shall be held as provided by

18 law for the approval of incurring indebtedness by referendum.

19 § 2532. Adjustment of property and obligations of combined

20 districts.

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

22 property, indebtedness and rental obligations to an approved

23 building authority or nonprofit corporation, if any, of former

24 school districts forming a new school district, shall become the

25 property, indebtedness and rental obligations of the newly

26 constituted school district. All rights of creditors against any

27 of the component former school districts shall be preserved

28 against the new school district. All property vested in the

29 component former school districts, all debts and taxes owing to

30 the component former school districts uncollected in the several

1 component former school districts, and all moneys in the
2 treasuries of the component former school districts shall be
3 paid to the treasurer of the newly constituted school district.

4 (b) Operating obligations.--All operating obligations of any
5 component former school district contracted for concurrent
6 operating expenses after June 30, 1966, shall continue to be an
7 obligation of the taxable property within the former component
8 school district. In levying and assessing taxes for the first
9 fiscal year of operation and for each subsequent fiscal year,
10 the board of school directors of the newly established school
11 districts shall levy and assess upon the taxable property within
12 the component former school district a tax in addition to all
13 other school district taxes in an amount sufficient to discharge
14 the obligation for operating expenses in a period of ten years.

15 § 2533. Change of boundaries following municipal annexation.

16 (a) Notice of annexation.--Whenever territory is annexed to
17 any municipality comprising in whole or in part an existing
18 school district of the second class, a certified copy of the
19 order of annexation, agreement, ordinance or vote of the
20 electors effecting such annexation shall be forwarded within ten
21 days to the Secretary of Education. The document or documents
22 shall be mailed to the secretary by the prothonotary of the
23 court granting the decree or by any other proper officer.

24 (b) Boundary change application and hearing.--The receipt of
25 the certified copy shall be deemed an application for the change
26 in the boundaries of an existing school district and the
27 Secretary of Education shall, within 60 days thereafter, notify
28 the school districts which will be affected that an application
29 has been received and that a time and place for hearing the
30 application will be determined upon receipt of request from any

1 district affected. If no such request is filed within 30 days,
2 the State board may certify approval of the application without
3 a hearing if the boundaries of the affected school district or
4 districts were coextensive with the boundaries of the affected
5 municipalities before the annexation took place. If the
6 boundaries were not coextensive, the State board may disapprove
7 the application without a hearing. At the hearing, if one is
8 requested, the proper officials of or the counsel for the
9 districts shall present to the State board or its designated
10 representatives the reasons for approval or disapproval of the
11 application, and the State board shall then determine whether
12 such change in the boundaries of an existing school district is
13 desirable and whether the welfare of the pupils within the
14 territory affected thereby will be promoted by the change in the
15 boundaries of such existing district.

16 (c) Approval of application.--If the State board approves
17 the application, it shall certify its findings and its approval
18 of the change in such existing district thereon and transmit a
19 certified copy of the approval to the clerk of the courts or
20 other proper officer from whom the application was received who
21 shall file the certification with the documents of the original
22 proceedings.

23 (d) Disapproval of application.--If, in the judgment of the
24 State board, the application should not be granted, it shall
25 endorse "Not Approved" on the application and transmit a
26 certified copy of the disapproval to the clerk of the courts or
27 other proper officer from whom the application was received, who
28 shall file the certification with the documents of the original
29 proceedings.

30 (e) Appeal from decision.--Appeals from the decision of the

1 State board shall be made in accordance with the act of June 4,
2 1945 (P.L.1388, No.442), known as the "Administrative Agency
3 Law."

4 § 2534. Fiscal powers pending change of boundaries.

5 While proceedings are pending in court for the changing of
6 any boundary lines of any school district of the second class,
7 the board of school directors in every school district to be
8 affected by the change of boundary lines shall be permitted to
9 levy and assess a school tax and incur debts for the purpose of
10 purchasing ground or constructing or enlarging a school building
11 in the same manner as though the proceedings were not pending in
12 court for the changing of any boundary lines.

13 § 2535. Temporary special tax levies in partitioned districts.

14 When it is shown to the appropriate court of common pleas
15 that, by reason of the partition of any school district and the
16 apportionment of the debts of the original district, the debts
17 of the school district exceed the amount which the board of
18 school directors may collect in any year by taxation, the court,
19 after ascertaining the amount of indebtedness of the school
20 district, may direct the board of school directors to collect by
21 special taxation an amount sufficient to pay the debts. If the
22 amount of indebtedness is so large as to render it inadvisable
23 to collect the taxes in any one year, taking into consideration
24 other necessary taxation, the court may direct the taxes to be
25 levied and collected by annual installments and may order the
26 special taxes to be levied and collected during such successive
27 years as may be required for the payment of the debts. The
28 special tax shall be subject to the same penalties for
29 nonpayment, and shall be computed and collected in the same
30 manner, as other taxes.

1 § 2536. Annexation to first class or first class A districts.

2 Whenever the territory comprising a school district of the
3 second class is annexed to a city comprising a school district
4 of the first class or of the first class A, the annexed school
5 district shall immediately become a part of the school district
6 of the first class or first class A.

7 § 2537. Establishment of transfer districts.

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

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

14 "Transfer district." An independent district created for the
15 sole purpose of transferring a contiguous territory from one
16 existing school district to an adjacent school district using
17 procedures provided in this section.

18 (b) Petition for establishment.--A majority of the eligible
19 voters of any contiguous territory may present a petition for
20 establishment of a transfer district to the State board. Where
21 the territory described in the petition is to be taken from two
22 or more school districts, the petition shall be signed by a
23 majority of all the eligible voters of the part of each school
24 district which is to be included in the transfer district. The
25 petition shall set forth a proper description of the boundaries
26 of the territory to be included in the proposed transfer
27 district together with the reasons for requesting the transfer
28 to another school district and shall include the name of the
29 school district into which transfer of the territory is desired.

30 (c) Hearing on petition.--Upon receipt of the petition

1 properly filed, the State board shall notify or cause to be
2 notified within ten days all school districts which would be
3 affected by the granting or denial of the petition that a
4 hearing will be held on the petition. An opportunity to be heard
5 shall be given to all affected parties in accordance with the
6 act of June 4, 1945 (P.L.1388, No.442), known as the
7 "Administrative Agency Law."

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

23 (e) Costs of proceedings.--In all cases where the
24 proceedings result in the transfer, the cost of the proceedings
25 shall be paid by the petitioners or by the receiving district.

26 (f) Appeal from decision.--Appeals from the decision of the
27 State board shall be made in accordance with the act of June 4,
28 1945 (P.L.1388, No.442), known as the "Administrative Agency
29 Law."

30 § 2538. Adjustment of property and obligations of annexed

1 districts.

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

13 (b) Adjustment by court upon petition.--In case the boards
14 of school directors of the several school districts cannot make
15 amicable apportionment and adjustment of their property,
16 indebtedness and rental obligations to an approved school
17 building authority, before or during the first fiscal year
18 beginning after any change in their boundary lines is made, any
19 one of the school districts may, at any time within the
20 succeeding fiscal year, present its petition to the court of
21 common pleas of the county in which the school district is
22 located. The court shall appoint a review board of three
23 disinterested resident taxpayers of the county, who shall not
24 reside in either of the districts whose boundary lines are
25 changed. The review board, after a hearing, shall make a report
26 to the court making an apportionment and adjustment according to
27 the provisions of this section. The report shall state the
28 amount, if any, that shall be due and payable from one district
29 to another, as well as the amount of indebtedness, including
30 rental obligations to an approved school building authority, if

1 any, that shall be assumed by any district. Due notice of the
2 hearing shall be given to the several districts interested as
3 the court may direct. The review board shall give the several
4 districts interested at least five days notice of the filing of
5 the report. Unless exceptions are filed to the report by any
6 district interested within 30 days after the date of filing, the
7 report shall be confirmed by the court absolutely. Any sum
8 awarded or debt apportioned by the report to any school district
9 shall be a legal and valid claim in its favor against the school
10 district charged therewith. Upon the report of the review board
11 being confirmed, the claims or indebtedness charged against any
12 school district may be collected in the same manner as a
13 judgment is collected against a school district. In case
14 exceptions are filed to the report of the review board, the
15 court shall dispose of the same, taking any testimony therein it
16 deems advisable. The decision of the court thereon shall be
17 final and binding on the several districts.

18 (c) Costs of proceedings.--The review board shall be paid
19 all necessary expenses and receive such fees as the court
20 determines. All costs and expenses of the proceeding shall be
21 apportioned by the court to and among the several school
22 districts as it shall deem proper.

23 (d) Adjustment by court in equity.--If the respective school
24 districts shall neglect or refuse to petition the court for the
25 appointment of a review board to secure an apportionment and
26 adjustment within the period of the second year, either of the
27 school districts or ten percent of the eligible voters within
28 either of the school districts may file a complaint in equity at
29 any time within six years from the date of the change in
30 boundary lines, in the name of the school district or for the

1 use of the school district, against the other school district,
2 in the court of common pleas of the proper county, to have such
3 indebtedness apportioned and adjusted.

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

11 § 2539. Effective date of changes in districts.

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

18 SUBCHAPTER C

19 FIRST CLASS CITY HOME RULE DISTRICTS

20 Sec.

21 2551. Short title of subchapter.

22 2552. Definitions.

23 2553. Cities authorized to adopt home rule charters.

24 2554. Proceedings for appointment of charter commission.

25 2555. Examination and rejection of petitions.

26 2556. Objections in court to petitions.

27 2557. Appointment and organization of charter commission.

28 2558. Proposed charter provisions and ballot questions.

29 2559. Election on proposed charter provisions.

30 2560. Recording, filing and publication of charter provisions.

1 2561. Payment of expenses of proceedings.

2 2562. Status of approved charter provisions.

3 2563. Amendments to charter provisions.

4 2564. Limitations on frequency of proceedings.

5 2565. Powers and authority of city.

6 2566. Status and authority of home rule district.

7 2567. Penalties for violations of subchapter.

8 § 2551. Short title of subchapter.

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

11 § 2552. Definitions.

12 The following words and phrases when used in this subchapter
13 shall have, unless the context clearly indicates otherwise, the
14 meanings given to them in this section.

15 "Charter provisions." Either those sections which shall be
16 added to an existing home rule charter or those sections which
17 comprise a separate home rule charter for public education of a
18 city without a previously existing home rule charter.

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

20 "Commission." The commission authorized and appointed
21 pursuant to this subchapter.

22 "Home rule school district." A school district designated as
23 provided in this subchapter and brought into existence through
24 the exercise of powers contained in this subchapter.

25 "School district." Any school district or school districts
26 in existence within a city at the time the city exercises the
27 powers under this subchapter.

28 § 2553. Cities authorized to adopt home rule charters.

29 Any city of the first class may frame and adopt charter
30 provisions governing the administration of a separate and

1 independent home rule school district as provided in this
2 subchapter.

3 § 2554. Proceedings for appointment of charter commission.

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

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

22 (c) Filing and notice of ordinance.--The clerk of the city
23 council of the city shall file with the mayor of the city, the
24 secretary of the school district, the secretary of the board of
25 judges of the court or courts of common pleas located in the
26 city and the Secretary of the Commonwealth a copy of the
27 ordinance, certified by him, within the five days next following
28 its final passage, and shall also cause the public notice to be
29 given as provided in the ordinance.

30 § 2555. Examination and rejection of petitions.

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

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

25 (1) contains material errors or defects apparent on the
26 face thereof or on the face of the appended or accompanying
27 affidavits;

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

30 (3) does not contain a sufficient number of genuine

1 signatures as required by this subchapter.

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

13 § 2556. Objections in court to petitions.

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

26 (b) Notice and hearing.--Upon the presentation of a
27 petition, the court shall make an order fixing the time for
28 hearing, which shall not be later than ten days after the
29 presentation of the petition to the court, and specifying the
30 time and manner of notice, by public advertising or otherwise,

1 that shall be given of the hearing. On the day fixed for the
2 hearing, the court shall proceed, without delay, to hear the
3 objections and shall give the hearing precedence over any other
4 business before it, and shall finally determine the matter not
5 later than 15 days after the last day for presentation of the
6 petition to the court.

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

17 (d) Payment of costs of proceedings.--In case the petition
18 is dismissed, the court shall make such order as to the payment
19 of the costs of the proceeding, including witness fees, as it
20 shall deem just.

21 § 2557. Appointment and organization of charter commission.

22 (a) Appointment.--Within 30 days after the final passage of
23 the ordinance, the mayor of the city, the board of judges of the
24 court or courts of common pleas located in the city and the
25 Governor of the Commonwealth shall appoint a commission
26 consisting of nine registered electors of the city, three of
27 whom shall be appointed by the mayor, three by the board of
28 judges of the court or courts of common pleas located in the
29 city and three by the Governor of this Commonwealth.

30 (b) Vacancies.--Any vacancy in the membership of the

1 commission caused by death, resignation, removal from the city
2 or otherwise shall be filled by the remaining members of the
3 commission by appointing as a member of the commission a
4 registered elector of the city.

5 (c) Organization and meetings.--The mayor of the city shall
6 call the first meeting of the members of the commission so
7 appointed within 30 days after their appointment, to be held at
8 a time and place fixed by him in his call, and at the meeting
9 the commission shall organize by selecting from their number a
10 chairman and a secretary, adopt rules to govern its proceedings
11 and proceed to discharge the duties set forth in this
12 subchapter. All meetings of the commission shall be open to the
13 public, ~~except when the commission may desire an executive~~ <—
14 ~~session~~ SUBJECT TO THE PROVISIONS OF THE ACT OF JULY 19, 1974 <—
15 (P.L.486, NO.175), REFERRED TO AS THE PUBLIC AGENCY OPEN MEETING
16 LAW. All actions of the commission shall be by a majority vote
17 of all members.

18 § 2558. Proposed charter provisions and ballot questions.

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

26 (b) Distribution and publication.--The pamphlets shall be
27 made ready for distribution at least 28 days before the election
28 at which the proposals are to be voted upon the electors and the
29 proposals, together with the ballot questions, shall also be
30 published once a week for three weeks in at least two newspapers

1 of general circulation in the weeks immediately preceding the
2 election at which the vote is to be taken upon the proposals.

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

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

20 § 2559. Election on proposed charter provisions.

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

29 (b) Notice of election.--At least 30 days' notice of each
30 election shall be given by proclamation of the mayor of the

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

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

21 § 2560. Recording, filing and publication of charter
22 provisions.

23 The clerk of the city council of the city shall forthwith
24 cause the charter provisions, as approved by the qualified
25 electors, to be recorded in the ordinance book of the city. He
26 shall also file certified copies thereof in the office of the
27 Secretary of the Commonwealth, the secretary of the board of
28 public education of the school district and the Director of the
29 Legislative Reference Bureau, and the text thereof shall be
30 published in the Pennsylvania Code.

1 § 2561. Payment of expenses of proceedings.

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

12 § 2562. Status of approved charter provisions.

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

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

29 (c) Existing contracts.--No contract existing at the time of
30 the adoption of the charter provisions pursuant to this

1 subchapter shall be affected thereby, but the contract shall
2 have the same force and effect and be of the same validity as if
3 the charter provisions had not been adopted.

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

9 (e) Constitutional limitation.--Charter provisions adopted
10 or amended in accordance with this subchapter shall not be
11 inconsistent with the Constitution of the United States or of
12 this Commonwealth.

13 § 2563. Amendments to charter provisions.

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

18 § 2564. Limitations on frequency of proceedings.

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

22 (b) Appointment of commission.--No petition by registered
23 electors of the city for the appointment of a commission shall
24 be presented to the city council of the city if the city council
25 shall at the time already have provided, by ordinance, for the
26 appointment of the commission, or if a petition by registered
27 electors for the appointment of a commission shall then already
28 have been presented to the city council, until the expiration of
29 four years and six months next following the submission to the
30 qualified electors of the city for their approval or disapproval

1 of the charter provisions proposed by the commission, unless, in
2 the case of a petition by registered electors already presented,
3 the petition shall have been then rejected or set aside under
4 the provisions of section 2555 (relating to examination and
5 rejection of petitions) or 2556 (relating to objections in court
6 to petitions).

7 § 2565. Powers and authority of city.

8 (a) General rule.--Any city of the first class taking
9 advantage of this subchapter and framing and adopting provisions
10 hereunder shall have, and may exercise, the following enumerated
11 powers:

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

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

20 (3) The power to:

21 (i) Set the term, number and qualifications of board
22 of education members.

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

25 (iii) Either to provide for a method of appointment
26 in case the power shall include the designation of the
27 appointing authority or to provide for a method of
28 election.

29 (b) Limitations.--Any city of the first class taking
30 advantage of this subchapter and framing and adopting provisions

hereunder shall not have powers and authority greater than those express and implied powers granted by subsection (a). The powers granted by subsection (a) shall not be construed to include:

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

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

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

§ 2566. Status and authority of home rule district.

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

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

(2) Assume all assets, property, real and personal, tangible and intangible, all easements and all evidences of ownership, in part or in whole, and all records and other evidences pertaining thereto.

(3) Assume all debt and other contractual obligations of the school district, the long term debt to be issued, secured

1 and retired in the manner now provided by law.

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

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

20 § 2567. Penalties for violations of subchapter.

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

23 (1) knowingly signs any petition provided for in this
24 subchapter without having the qualifications prescribed by
25 this subchapter or sets opposite a signature on the petition
26 a date other than the actual date the signature was affixed
27 thereto or sets opposite the signature on the petition a
28 false statement of the signer's place of residence or
29 occupation;

30 (2) knowingly makes a false statement in any affidavit

1 required by the provisions of this subchapter to be appended
2 to or to accompany a petition provided for in this subchapter
3 or fraudulently signs any name not his own to any petition or
4 affidavit or fraudulently alters any petition without the
5 consent of the signers;

6 (3) makes any wilful false statement under oath or
7 affirmation or in writing stating that it is so made although
8 the oath or affirmation may not have actually been made by
9 any persons regarding any material matter or thing relating
10 to any subject being investigated, heard, determined or acted
11 upon by the clerk of the city council or any other officers
12 of the city or by any court or judge thereof, in accordance
13 with the terms of this subchapter;

14 (4) wilfully defaces or destroys any petition provided
15 for in this subchapter or any part thereof or presents or
16 files or causes to be presented or filed any petition knowing
17 the same or any part thereof to be falsely made or suppresses
18 any petition or any part thereof which has been duly
19 presented or filed;

20 (5) is an officer of a city, county or school district
21 or any employee of the officer, city, county or school
22 district or is any other person on whom a duty is imposed
23 under this subchapter, and wilfully neglects or refuses to
24 perform his duty; or

25 (6) violates any of the provisions of this subchapter
26 for which a penalty is not specifically provided under this
27 section.

28 (b) Limitation on fines.--In the event a person convicted of
29 an offense under this section is sentenced to pay a fine as part
30 of the sentence, the fine shall not exceed \$500 for offenses

1 under subsection (a)(1), (2) and (3) or \$1,000 for other
2 offenses.

3 CHAPTER 27

4 INTERMEDIATE UNITS

5 Subchapter

6 A. General Provisions

7 B. Intermediate Unit Board and Staff

8 SUBCHAPTER A

9 GENERAL PROVISIONS

10 Sec.

11 2701. Status, purpose and component districts.

12 2702. Transfer of district to another unit.

13 2703. Merger of units.

14 § 2701. Status, purpose and component districts.

15 (a) Status and purpose.--Intermediate units are ~~regional~~ <—
16 service units designed to provide to component school districts
17 educational program services AS ADOPTED BY THE INTERMEDIATE UNIT <—
18 BOARD OF DIRECTORS OR AS DETERMINED BY LAW.

19 (b) Assignment of districts to unit.--Each school district
20 of this Commonwealth shall continue to be assigned to the
21 intermediate unit to which it was assigned as of the effective
22 date of this title. A list of intermediate units and their
23 component school districts shall be maintained by the
24 department.

25 § 2702. Transfer of district to another unit.

26 Any school district may apply for transfer from one
27 intermediate unit to another intermediate unit with which its
28 boundaries are contiguous by submitting a written request for
29 such transfer to the State board with reasons for requesting the
30 transfer. If the State board approves the transfer, it shall be

1 effective the following July 1. In no event shall a transfer be
2 made unless:

3 (1) the boards of directors of two-thirds of the
4 component school districts ~~involved~~ WITHIN EACH INTERMEDIATE <—
5 UNIT vote in favor of approving the said transfer; and

6 (2) the intermediate unit boards of directors involved
7 approve the transfer.

8 § 2703. Merger of units.

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

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

14 (2) the intermediate unit boards of directors involved
15 approve the merger.

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

18 SUBCHAPTER B

19 INTERMEDIATE UNIT BOARD AND STAFF

20 Sec.

21 2711. Election and term of board members.

22 2712. Vacancies on board.

23 2713. Removal of directors and employees.

24 2714. Annual and special conventions.

25 2715. Election and compensation of officers.

26 2716. Staff of intermediate unit.

27 2717. Election of executive director and assistants.

28 2718. Powers and duties of board.

29 2719. Program services provided by board.

30 2720. Powers and duties of executive director.

1 2721. Intermediate unit advisory council.

2 2722. Budget.

3 2723. School district contributions to intermediate units.

4 § 2711. Election and term of board members.

5 (a) Election by districts.--The school directors of all
6 component school districts shall, at the annual convention,
7 elect intermediate unit board members as provided in this
8 section.

9 (b) Composition of board.--Each intermediate unit board
10 shall be composed of AT LEAST 13 members chosen from among the <—
11 members of the boards of school directors of the component
12 districts. Unless there are fewer than 13 school districts in
13 the intermediate unit, no more than one director from any school
14 district shall be elected to the intermediate unit board. Where
15 there are fewer than 13 component school districts, at least one
16 school director from each school district shall be elected to
17 the intermediate unit board. WHERE THERE ARE 13 OR MORE <—
18 DISTRICTS IN AN INTERMEDIATE UNIT, EACH DISTRICT, AS FAR AS
19 PRACTICABLE, SHALL HAVE ONE MEMBER ON THE INTERMEDIATE UNIT
20 BOARD UP TO A MAXIMUM OF 20 MEMBERS.

21 (c) Terms of office.--At the initial election, the terms of
22 four directors shall be set to expire on June 30, 1972; four
23 directors on June 30, 1973; and five directors on June 30, 1974.
24 Thereafter, terms shall be for three years on the same staggered
25 basis. Terms of office shall begin on July 1.

26 (d) Election voting procedure.--The election of intermediate
27 unit directors shall be by proportionate ballot. The election
28 shall be determined on the basis of a majority of the
29 proportionate vote cast by the school board members present and
30 voting. ~~a quorum being present.~~ Each school director of each <—

1 component school district shall be entitled to at least one vote
2 and shall be entitled to cast votes to be determined as follows:

3 (1) The weighted average daily membership of the school
4 district of the director shall be divided by the total
5 weighted average daily membership within the intermediate
6 unit.

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

9 (3) The product obtained under paragraph (2) shall be
10 divided by 13.

11 (4) The dividend shall be rounded to the nearest whole
12 number.

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

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

23 § 2712. Vacancies on board.

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

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

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

29 (b) Filling vacancy.--Vacancies on an intermediate unit
30 board shall be filled by appointment by majority vote of the

1 remaining intermediate unit board of directors. A director so
2 appointed shall serve until the annual convention at which time
3 the convention shall elect a director to serve the unexpired
4 portion of the term.

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

11 § 2713. Removal of directors and employees.

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

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

20 § 2714. Annual and special conventions.

21 (a) Annual convention.--The executive director of each
22 intermediate unit shall call a convention of the school
23 directors of the component districts to be held annually, no
24 later than May 1, for the purpose of:

25 (1) Electing members to the intermediate unit board in
26 accordance with section 2711 (relating to election and term
27 of board members).

28 (2) Reporting on the budget of the intermediate unit.

29 (3) Considering and discussing matters pertaining to the
30 improvement of education in the public schools within the

1 intermediate unit.

2 (4) Conducting such other business as may properly come
3 before the convention.

4 Except as otherwise specified, action shall be taken by a
5 majority of those school directors present and voting. ~~a quorum~~ <—
6 ~~being present.~~

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 within an intermediate
10 unit at any time for the consideration of business which may
11 properly come before a special convention.

12 (c) Special convention requested by school boards.--The
13 majority of the member school boards within the intermediate
14 unit may petition the intermediate unit board to call a special
15 convention for a stated purpose relating to proper business of
16 the intermediate unit in which case the intermediate unit
17 executive director shall call into special convention the school
18 directors of all school districts within the unit for
19 consideration of the stated purpose. Notice to each district
20 director shall be given at least five days prior to the special
21 convention.

22 § 2715. Election and compensation of officers.

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

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

30 (c) Secretary.--Every fourth year, during the month of June,

1 the newly elected board shall elect a secretary for a term to
2 begin July 1.

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

10 (e) Compensation.--The secretary and treasurer shall be
11 compensated as the intermediate unit board shall deem
12 appropriate.

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

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

22 (b) Employee rights.--All professional and other employees
23 of an intermediate unit shall have the same rights and
24 privileges as provided to similar employees of school districts
25 by this title.

26 (c) ~~Qualifications of~~ PROGRAM specialists.--Program ONLY <—
27 INTERMEDIATE UNITS MAY EMPLOY PROGRAM specialists WHO shall <—
28 satisfy minimum qualifications adopted by the State board.

29 (d) Membership in retirement system.--All eligible employees
30 of an intermediate unit shall, in accordance with the act of

1 June 1, 1959 (P.L.350, No.77), known as the "Public School
2 Employes' Retirement Code of 1959," be members of the Public
3 School Employes' Retirement System of this Commonwealth and
4 employees who are members of the State Employes' Retirement
5 System of this Commonwealth prior to employment by the
6 intermediate unit may elect to remain members of such retirement
7 system.

8 (e) Unit comprised of single district.--Where an
9 intermediate unit is comprised of a single school district, the
10 district superintendent shall serve as executive director of the
11 intermediate unit. The ~~salary~~ SALARIES of the executive director <—
12 ~~shall not be charged to the intermediate unit budget~~ and the <—
13 ~~salary of~~ assistants of the executive director shall be charged <—
14 to the intermediate unit budget only to the extent that ~~the~~ <—
15 ~~assistants~~ THEY are engaged in providing approved intermediate <—
16 unit services as 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 ~~qualified~~ CERTIFICATED assistant <—
23 executive 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.

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

2 (1) Employ professional staff but only ~~upon the written~~ <—
3 ~~recommendation of the executive director~~ AFTER THE <—
4 INTERMEDIATE UNIT BOARD HAS REQUESTED FROM THE EXECUTIVE
5 DIRECTOR ONE OR MORE RECOMMENDATIONS OF A PERSON TO FILL THE
6 POSITION.

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

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

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

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

27 (6) Provide and conduct programs of services as
28 authorized by the State board AND APPROVED BY THE <—
29 INTERMEDIATE UNIT BOARD.

30 (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 this ~~title~~ CHAPTER. <—

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

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

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

(3) Contract for specialized services.

(4) Lease land AND buildings ~~and equipment~~ in accordance with the provisions of Chapter 49 (relating to physical plant and construction) EXCEPT THAT NO CONTRACT TO LEASE FACILITIES FOR INTERMEDIATE UNIT ADMINISTRATIVE OFFICES FROM ONE OR MORE CONSTITUENT SCHOOL DISTRICTS SHALL BE ENTERED INTO WITHOUT THE APPROVAL OF THE BOARDS OF SCHOOL DIRECTORS OF ALL THE CONSTITUENT DISTRICTS. <—

(5) LEASE EQUIPMENT INCLUDING MOTOR VEHICLES.

§ 2719. Program services provided by board.

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

(1) Curriculum development and instructional improvement services.

(2) Educational planning services.

(3) Instructional materials services.

(4) Continuing professional education services.

(5) Pupil personnel services.

(6) State and Federal agency liaison services.

1 (7) Management services.

2 (8) Any other services approved by a majority of boards
3 of school directors comprising the intermediate unit.

4 (b) Contracts and additional services.--The intermediate
5 unit board may:

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

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

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

14 § 2720. Powers and duties of executive director.

15 The executive director of an intermediate unit shall:

16 (1) Administer the intermediate unit program of
17 services.

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

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

23 (4) Perform the duties of a business administrator as
24 defined in section 2376(a) (relating to business
25 administrator) or, with the approval of the board, delegate
26 the functions to ~~a business administrator~~ ANOTHER EMPLOYEE. <—

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

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

1 (7) Serve as the chief school administrator of an area
2 vocational-technical school if the intermediate unit board is
3 designated as the operating agent for the school or if the
4 executive director is appointed as chief school administrator
5 by the area vocational-technical board.

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

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

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

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

17 § 2721. Intermediate unit advisory council.

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

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

26 § 2722. Budget.

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

30 (b) Approval and advertising.--The intermediate unit board

1 shall:

2 (1) Approve ~~the~~ A proposed budget. <—

3 (2) Advertise the ~~budget~~ AVAILABILITY OF THE BUDGET FOR <—
4 INSPECTION in accordance with section 3112 (relating to
5 public notice of proposed budget).

6 (3) Furnish each director of each component school
7 district with a printed copy of the budget proposed for
8 adoption.

9 (c) Adoption.--The budget shall be adopted by:

10 (1) a majority of the school districts comprising the
11 intermediate unit; and

12 (2) a majority of the proportionate votes of all school
13 directors of the component school districts as they were
14 recorded voting in the minutes of their respective school
15 boards.

16 (d) Filing.--The adopted budget shall be filed annually with
17 the department on or before May 1.

18 § 2723. School district contributions to intermediate units.

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

25 ~~(1) Determine a weight factor for each school district~~ <—
26 ~~by multiplying the weighted average daily membership of the~~
27 ~~school district by the difference between 1.0000 and the aid~~
28 ~~ratio of the school district.~~

29 ~~(2) Determine a value per weight factor for the~~
30 ~~intermediate unit by dividing the amount by which the budget~~

~~exceeds the allocation by the total weight factors of all
school districts comprising the intermediate unit.~~

~~(3) Determine the share of each school district by
multiplying the value per weight factor by the weight factor
of the school district.~~

(1) DETERMINE A PER PUPIL DEFICIENCY FIGURE BY DIVIDING
THE AMOUNT BY WHICH THE BUDGET EXCEEDS THE ALLOCATION BY THE
WEIGHTED AVERAGE DAILY MEMBERSHIP, AS DEFINED IN SECTION 2921
(RELATING TO DEFINITIONS), OF ALL THE SCHOOL DISTRICTS WITHIN
THE INTERMEDIATE UNIT. <—

(2) DETERMINE THE SHARE OF EACH SCHOOL DISTRICT BY
MULTIPLYING THE PER PUPIL DEFICIENCY FIGURE COMPUTED IN
PARAGRAPH (1) BY THE WEIGHTED AVERAGE DAILY MEMBERSHIP OF THE
PARTICULAR SCHOOL DISTRICT.

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

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

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

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

(3) the intermediate unit board has determined that the
quality of the service is adequate and that such independent

- 1 L. Tuition
- 2 M. Vocational Education
- 3 N. State School Fund

4 SUBCHAPTER A

5 GENERAL PROVISIONS

6 Sec.

- 7 2901. Statements for reimbursement.
- 8 2902. Determining amount of payments.
- 9 2903. Deduction from Commonwealth appropriations.
- 10 2904. Withholding payments for delinquent debt.
- 11 2905. Penalties for unauthorized employees.
- 12 2906. Payments for schools closed during emergencies.
- 13 2907. Verification of amounts to school entities.
- 14 2908. Verification of amounts to State Treasurer.
- 15 2909. Guaranteed payments and limitations.
- 16 2910. Time of payments.
- 17 2911. Method and use of payments.

18 § 2901. Statements for reimbursement.

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

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

24 (c) Penalty for failure to file.--The department shall
25 withhold the payment of all moneys due any school entity until
26 the necessary statements and required reports have been properly
27 submitted.

28 (d) Corrections.--If any error in any statement shall occur
29 whereby a school entity would receive more or less Commonwealth
30 money than is justly due, the chief executive officer of the

1 school entity shall forward immediately to the department a
2 corrected statement and the department shall make the corrected
3 statement the basis for the appropriation.

4 § 2902. Determining amount of payments.

5 (a) General rule.--The department shall determine the amount
6 of funds required to meet each payment to each school entity
7 which becomes due and payable each fiscal year.

8 (b) Basis for determination.--The determination of the
9 amount required shall be based on the following:

10 (1) The data and material contained in the statements.

11 (2) The definitions of section 2921 (relating to
12 definitions).

13 (3) The deductions authorized in section 2903 (relating
14 to deduction from Commonwealth appropriations).

15 (4) The reimbursement formulae as contained in the
16 following provisions:

17 Subchapter B (relating to basic instruction).

18 Subchapter C (relating to building construction).

19 Subchapter E (relating to exceptional students).

20 Subchapter G (relating to homebound instruction).

21 Subchapter H (relating to intermediate units).

22 Subchapter K (relating to transportation).

23 § 2903. Deduction from Commonwealth appropriations.

24 (A) GENERAL RULE.-- The department may deduct from
25 Commonwealth appropriations to school entities the amounts due
26 and payable to the Commonwealth, political subdivisions and
27 other school entities. The exact amount deducted shall be
28 credited or paid to the appropriate government agency and the
29 school entity involved shall be properly notified.

30 (B) EXTENSION CLASS TUITION.--IF ANY SCHOOL DISTRICT IN

<—

<—

1 WHICH A PUPIL RESIDES, WHO IS ENTITLED BY LAW TO ATTEND AN
2 ELEMENTARY SCHOOL OR A HIGH SCHOOL FOR AN EXTENSION CLASS FOR
3 WHICH EXTENSION CLASS TUITION HAS BEEN APPROVED BY THE SENDING
4 DISTRICT FOR ATTENDANCE IN ANOTHER DISTRICT, NEGLECTS OR REFUSES
5 TO PAY THE TUITION OR ANY OTHER CHARGE, THE DEPARTMENT MAY
6 DEDUCT FROM ANY MONEYS DUE THE SENDING DISTRICT OUT OF ANY
7 COMMONWEALTH APPROPRIATION THE AMOUNT DUE FROM THE SENDING
8 DISTRICT TO THE DISTRICT WHERE THE PUPIL ATTENDS AND PAY THE
9 AMOUNT TO THE DISTRICT ENTITLED THERETO.

10 § 2904. Withholding payments for delinquent debt.

11 The department may refuse to authorize the payment of any
12 amount payable to any school entity when it fails or refuses to
13 pay its indebtedness when due. The department may continue to
14 withhold such amounts until the school entity has made provision
15 for payment of the delinquent debt.

16 § 2905. Penalties for unauthorized employees.

17 (a) Abuse of emergency certificates.--Any school entity
18 which for a period of two successive years either employs a
19 teacher who holds only an emergency certificate for any grade or
20 subject which he teaches, or employs in the same position
21 teachers who hold only emergency certificates for any grades or
22 subjects which they teach, shall forfeit the sum of \$300 for
23 each teacher so employed or for each position so filled.

24 ~~(b) Uncertificated professionals. Any school entity which~~ <—
25 ~~has in its employ any person in a teaching, specialist,~~
26 ~~supervisory or administrative capacity for more than four~~
27 ~~consecutive months of any school year who has not been~~
28 ~~certificated for the position by the department, or which has in~~
29 ~~its employ a substitute in a position where a vacancy exists for~~
30 ~~a full year or more without the specific written approval of the~~

1 ~~department, shall forfeit an amount equal to the actual salary~~
2 ~~being paid the employee for that school year.~~

3 (B) UNCERTIFICATED PROFESSIONALS.--ANY SCHOOL ENTITY WHICH <—
4 HAS IN ITS EMPLOY ANY PERSON REQUIRED BY LAW TO BE CERTIFICATED
5 IN A TEACHING, SPECIALIST, SUPERVISORY OR ADMINISTRATIVE
6 CAPACITY FOR MORE THAN FOUR CONSECUTIVE MONTHS OF ANY SCHOOL
7 YEAR WHO HAS NOT BEEN CERTIFICATED FOR THE POSITION BY THE
8 DEPARTMENT SHALL FORFEIT AN AMOUNT EQUAL TO THE ACTUAL SALARY
9 BEING PAID THE EMPLOYEE FOR THAT SCHOOL YEAR.

10 (C) SUBSTITUTES EMPLOYED IN VACANCIES.--ANY SCHOOL ENTITY
11 WHICH HAS IN ITS EMPLOY A SUBSTITUTE IN A POSITION WHERE A
12 VACANCY EXISTS FOR A FULL YEAR OR MORE WITHOUT THE SPECIFIC
13 WRITTEN APPROVAL OF THE DEPARTMENT SHALL FORFEIT AN AMOUNT EQUAL
14 TO THE ACTUAL SALARY BEING PAID THE EMPLOYEE FOR THAT SCHOOL
15 YEAR.

16 ~~(e)~~ (D) Payment of penalty.--The department shall deduct the <—
17 forfeitures from the amount of the Commonwealth appropriation
18 otherwise due the school entity.

19 § 2906. Payments for schools closed during emergencies.

20 When any governing board is compelled to close any school or
21 schools on account of any contagious disease, natural disaster
22 or other emergency, not including labor disputes involving
23 school employees, and thereby is unable to keep the school or
24 schools open for the minimum term required by this title, the
25 department may pay to the school entity any or all of its share
26 of the annual Commonwealth appropriations as the department
27 deems proper.

28 § 2907. Verification of amounts to school entities.

29 The department shall transmit to each school entity a
30 verification of the amount payable to the school entity.

1 § 2908. Verification of amounts to State Treasurer.

2 The department shall verify the amount payable to each school
3 entity to the State Treasurer who shall place the amounts to the
4 credit of the respective school entities.

5 § 2909. Guaranteed payments and limitations.

6 (a) Guaranteed payments.--Each school district shall receive
7 an amount which is the greater of:

8 (1) the guaranteed amount per weighted average daily
9 membership established for the 1970-1971 fiscal year for the
10 district times the weighted average daily membership
11 applicable to the year for which payment is being made; or

12 (2) the amount as determined in accordance with section
13 2922(a) and (b) (relating to amount of payments) for the
14 immediately preceding year.

15 (b) Limitations on payments.--Notwithstanding any other
16 provisions of law, for any fiscal year no school district shall
17 be paid under subsection (a) of this section, section 2922(c)
18 (relating to amount of payments) or section 2957(a) and (d)
19 (relating to payments for poverty children), an amount in excess
20 of 100% of the total approved reimbursable instruction expense
21 of the school district.

22 § 2910. Time of payments.

23 The amount apportioned and allotted to each school district
24 shall be divided into three payments and the department shall
25 draw a requisition three times annually upon the State Treasurer
26 in favor of each school district for the amount to which it is
27 entitled. The first two payments shall be estimates based on but
28 not to exceed 30% of the total amount apportioned and allocated
29 to the school district during the previous fiscal year for the
30 same purposes. The final payment shall be the balance of the

1 apportionment due for the applicable fiscal year. Payment shall
2 be made to all school districts on October 1, February 1 and
3 June 1, except that any school district whose fiscal year and
4 calendar year are identical on the effective date of this
5 section shall continue to receive payments as now provided by
6 law. This section shall apply to payments to which a school
7 district is entitled under provisions of sections 2909(a)
8 (relating to guaranteed payments and limitations), 2922
9 (relating to amount of payments) and 2957 (relating to payments
10 for poverty children).

11 § 2911. Method and use of payments.

12 The annual Commonwealth appropriation apportioned and
13 distributed by the department to each school entity shall be
14 paid to the treasurer of the school entity. The appropriations
15 shall be used by each school entity through its governing board
16 for the purposes authorized by this title.

17 SUBCHAPTER B

18 BASIC INSTRUCTION

19 Sec.

20 2921. Definitions.

21 2922. Amount of payments.

22 § 2921. Definitions.

23 The following words and phrases when used in this chapter
24 shall have, unless the context clearly indicates otherwise, the
25 meanings given to them in this section:

26 "Actual instruction expense per weighted average daily
27 membership." For each fiscal year, the department shall
28 calculate for each school district the actual instruction
29 expense per weighted average daily membership for each district
30 student. The actual instruction expense shall include all

1 general fund expenses of the school district except those for
2 health services, transportation, debt service, capital outlay,
3 homebound instruction and outgoing transfers to community
4 colleges. From this cost shall be deducted the amount received
5 from the Commonwealth for driver education, special class
6 operation, vocational education, area vocational-technical
7 schools, payment of tuition by district patrons, parents, other
8 school districts and the State and Federal Government and all
9 moneys received from the State and Federal Government under the
10 Federal Elementary and Secondary Education Act (Public Law 89-
11 10), Federal Economic Opportunity Act (Public Law 88-452) and
12 ~~the Federal Manpower Training and Development Act (Public Law~~ <—
13 ~~87-415)~~ COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973 <—
14 (PUBLIC LAW 93-203) and for projects under section 3904
15 (relating to intensive classes for unemployed or underemployed
16 persons). The actual instruction expense so determined, when
17 divided by the weighted average daily membership for the
18 district, shall be the actual instruction expense per weighted
19 average daily membership.

20 "Aid ratio." The State's share of reimbursable cost as
21 defined under the definition of "State's share of total cost."
22 The aid ratio shall be determined in the following manner:

23 (1) Divide the market value per weighted average daily
24 membership of the school district by the market value per
25 weighted average daily membership of this Commonwealth.

26 (2) Determine the product of paragraph (1) multiplied by
27 the school district's share of total cost.

28 (3) Subtract the resultant product in paragraph (2) from
29 one (1.0000) to determine the aid ratio.

30 ~~Aid ratio + 1.0000 — (District MV/WADM)~~ <—

1	_____x .50	<—
2	(State MV/WADM)	<—
3	AID RATIO = 1.0000 - DISTRICT MV/WADM	<—
4	----- X .50	
5	STATE MV/WADM	

6 No school district shall be assigned an aid ratio less than
7 .1000.

8 "Average daily membership." Membership computed in accordance
9 with rules of procedure established by the department.

10 "Density factor." The density factor shall be assigned for
11 those school districts whose population exceeds 10,000 per
12 square mile as determined by the department from the most recent
13 records of the United States Census Bureau. Any school district
14 which was assigned a density factor for any fiscal year prior to
15 1969-1970, and for any fiscal year thereafter is determined by
16 the department to have a population of 10,000 per square mile or
17 less shall qualify for a modified density payment which shall be
18 in the ratio of its population per square mile to 10,000 of the
19 amount to which it would have been entitled had its population
20 per square mile exceeded 10,000. Any school district which was
21 assigned a density factor for any fiscal year prior to 1969-1970
22 and for any fiscal year thereafter and as a result of a merger
23 with one or more other school districts becomes a part of a new
24 school district and the new school district is determined by the
25 department to have a population of 10,000 per square mile or
26 less, the new school district shall qualify for a modified
27 density payment which shall be in the ratio of its population
28 per square mile to 10,000 of the amount to which it would have
29 been entitled had its population per square mile exceeded
30 10,000. A school district qualifying under the density factor

1 shall be paid by the Commonwealth on account of excess
2 expenditures per weighted average daily membership not to exceed
3 for the fiscal year 1969-1970 and each fiscal year thereafter
4 \$250, in excess of \$400, an amount to be determined by
5 multiplying the excess expenditures by the aid ratio or by
6 0.375, whichever is greater, and by the number of weighted
7 students, which amount shall be in addition to any other
8 payments for the students.

9 "District students." Students of a school district enrolled
10 in the public schools of this Commonwealth and of adjacent
11 states who are residents of a given school district.

12 "District's share of total cost." The district's share of
13 total cost shall be the State's share subtracted from 1.00.

14 "Minimum subsidy." For the fiscal year 1973-1974 and each
15 fiscal year thereafter, in no case shall a district receive for
16 each student in weighted average daily membership an amount less
17 than 10% of the actual instruction expense or \$75, whichever is
18 the lesser amount.

19 "Secondary students" or "high school students." Students in a
20 secondary school program classified as such by the department.
21 The term does not include students below grade seven.

22 "Sparsity factor." The sparsity factor shall be assigned for
23 those districts whose population is less than 50 per square mile
24 as determined by the department from the most recent records of
25 the United States Census Bureau. A school district qualifying
26 under sparsity factor shall be paid by the Commonwealth on
27 account of excess expenditures per weighted average daily
28 membership, not to exceed for the fiscal year 1969-1970 and each
29 fiscal year thereafter \$250, in excess of \$400, an amount to be
30 determined by multiplying the excess expenditures by the aid

1 ratio or by 0.375, whichever is greater, and by the number of
2 weighted students, which amounts shall be in addition to any
3 other payment for the students. Any school district assigned
4 sparsity factor for any fiscal year prior to 1969-1970 or for
5 any subsequent fiscal year and any reorganized or merged school
6 district comprised of one or more component school districts any
7 of which had been assigned sparsity factor for any fiscal year
8 prior to 1969-1970 or any subsequent fiscal year which for any
9 fiscal year thereafter is determined by the department to have a
10 population of 50 per square mile or more shall, for the fiscal
11 year 1970-1971 and each fiscal year thereafter, qualify for a
12 modified sparsity payment which shall be the ratio of its
13 population per square mile to 50 subtracted from 2.00 and
14 multiplied by the amount to which it would have been entitled
15 had its population per square mile been less than 50.

16 "State's share of total cost." For the fiscal year 1966-1967
17 and each fiscal year thereafter, the average State's share of
18 total reimbursable cost shall be 50%. Total reimbursable cost
19 shall be the lesser of actual expense per weighted average daily
20 membership (WADM) or a maximum amount to be fixed by the General
21 Assembly from time to time to represent the estimated average
22 actual expense per WADM in the year for which the reimbursement
23 is payable. The department annually shall calculate the State
24 average "actual instruction expense per weighted average daily
25 membership" and shall supply the same to the General Assembly to
26 assist it in evaluating the adequacy of the maximum amount.

27 "Valuation." A school district's valuation used for computing
28 the aid ratio shall be the valuation placed upon its taxable
29 real property by the State Tax Equalization Board.

30 "Weighted average daily membership" or "WADM." The average

1 daily membership for all resident students in the various levels
2 of instruction shall be multiplied by the weight for that level
3 as indicated in the definition of "weighted student" to obtain
4 the weighted average daily membership. The sum of the products
5 so obtained shall be the weighted average daily membership for
6 the district.

7 "Weighted student." A value placed upon district students in
8 average daily membership at various levels of instruction. The
9 value shall be as follows:

10 (1) Kindergarten, 0.50 if attending one session per day
11 or 1.00 if attending two sessions per day.

12 (2) Elementary, 1.00.

13 (3) Secondary, 1.36.

14 § 2922. Amount of payments.

15 (a) General formula.--For the fiscal year 1973-1974 and each
16 fiscal year thereafter, each school district shall be paid by
17 the Commonwealth on account of instruction of the district's
18 students an amount to be determined by multiplying the aid ratio
19 times the actual instruction expense per weighted average daily
20 membership or by \$750, whichever is less.

21 (b) Minimum payments.--For any fiscal year, no district
22 shall receive less than an amount obtained by multiplying the
23 minimum subsidy by the weighted average daily membership for the
24 district.

25 (c) Density and sparsity payments.--For the fiscal year
26 1971-1972 and each fiscal year thereafter, each school district
27 so entitled shall be paid, in addition to any other subsidy to
28 which it is entitled, an amount for density or sparsity of
29 population. Except as otherwise provided, this amount shall be
30 paid on account of expenditures in excess of \$400 per weighted

1 average daily membership, not to exceed \$250 an amount to be
2 determined by multiplying the excess expenditures by the aid
3 ratio or by 0.375, whichever is greater, and by the number of
4 weighted average daily membership. The payment for density
5 factor for those qualifying school districts with a WADM in
6 excess of 50,000 shall be the actual cost of instruction per
7 WADM multiplied by 19% and by the WADM of the district.

8 SUBCHAPTER C

9 BUILDING CONSTRUCTION

10 Sec.

11 2931. Site costs.

12 2932. Building costs.

13 2933. Approval of leases and sinking fund charges.

14 2934. Payments on pre-1957 leases and contracts.

15 2935. Payments on other leases and contracts.

16 2936. Approved reimbursement.

17 2937. Change in rentals.

18 2938. Districts eligible under density factor.

19 2939. Method of payments on rentals.

20 2940. Payments on rentals of facilities for school use.

21 § 2931. Site costs.

22 Whenever any school district acquires a site for a school
23 building in advance of its need and in accordance with a long-
24 range development plan for school building construction approved
25 by the State board to the extent that the cost of the
26 acquisition shall be deemed reasonable by the department, the
27 Commonwealth shall pay, in the year of acquisition, 100% of the
28 reimbursement due the district under applicable statutes in
29 force at that time for the cost of acquisition. If the site is
30 not thereafter used by the district for school building purposes

1 within a period of ten years from date of purchase, the amounts
2 paid under this section shall be returned to the Commonwealth by
3 the district within two years of the end of the ten-year period
4 of non-use. If the amounts are not returned within the two-year
5 period, Commonwealth moneys due and payable to the district by
6 the department as a subsidy or reimbursement for any purpose
7 shall first be withheld in the amount of the moneys owed the
8 Commonwealth by the district under this section and credited as
9 returned in full hereunder before any part of the Commonwealth
10 reimbursement or subsidy is paid to the district.

11 § 2932. Building costs.

12 (a) Preliminary payments.--The Commonwealth shall pay to any
13 school district making a preliminary payment on account of the
14 approved building construction cost, as authorized by this
15 title, an amount determined by multiplying the district capital
16 account reimbursement fraction computed for the year 1967 or aid
17 ratio, whichever is greater, by the amount of the payment made
18 by the school district.

19 (b) Full payments.--Whenever any school district provides
20 the full payment on account of approved building construction
21 cost without incurring debt or without assuming a lease, the
22 Commonwealth shall pay to the school district an amount
23 determined by multiplying the district capital account
24 reimbursement fraction computed for the year 1967 or aid ratio,
25 whichever is greater, by the amount of the payment made by the
26 school district.

27 (c) Fiscal year of payment.--The payment required by this
28 section shall be made for the fiscal year in which the school
29 district made its payment on account of the approved building
30 construction cost.

1 § 2933. Approval of leases and sinking fund charges.

2 (a) General rule.--No payment shall be made to any school
3 district on account of any lease entered into with the State
4 Public School Building Authority or any municipal authority or
5 any profit or nonprofit corporation, partnership, association,
6 or person, or on account of sinking fund charges on indebtedness
7 for school buildings, unless the lease or sinking fund charge is
8 approved by the department in accordance with Chapter 49
9 (relating to physical plant and construction).

10 (b) Disapproval or modification.--The department shall have
11 the right to disapprove or approve with reservation a lease
12 because of any failure on the part of the authority or school
13 district to comply with the provisions of the statutes of this
14 Commonwealth relating to the authority or profit or nonprofit
15 corporation, partnership, association, or person, or school
16 district, only to such extent as will prevent the school
17 district from paying a greater sum as rental because of the
18 noncompliance with law. For that purpose, the department may
19 require a modification of the lease if not at the time executed
20 or may approve the lease with the reservation that the
21 department will pay the reimbursement on that amount only which
22 would have been determined by reason of the lower rental.

23 (c) Inspection prior to approval.--The department shall not
24 approve any project for which Commonwealth reimbursement is
25 sought unless an inspection has been made by the department of
26 the location and adequacy of existing school facilities and the
27 determination made that existing facilities are inadequate in
28 terms of prevailing educational standards.

29 § 2934. Payments on pre-1957 leases and contracts.

30 (a) Pre-1953 leases or contracts.--The Commonwealth shall

1 pay annually to each school district erecting or sharing in the
2 erection of a building or buildings or providing educational
3 equipment under the provisions of the act of July 5, 1947
4 (P.L.1217, No.498), known as the "State Public School Building
5 Authority Act," for every lease or contract entered into or
6 approved by the department prior to August 26, 1953, and to each
7 school district which shall have entered into a lease approved
8 by the department prior to August 26, 1953, with a municipality
9 authority or with a nonprofit corporation for the rental of a
10 school building or buildings or providing educational equipment,
11 an amount to be determined by multiplying the school district's
12 capital account reimbursement fraction computed for the year
13 1967 or aid ratio, whichever is greater, by the annual rental
14 charge as fixed by the State Public School Building Authority or
15 by the annual rental or share thereof provided for under its
16 lease with the municipality authority or nonprofit corporation,
17 as the case may be.

18 (b) 1953-1956 leases.--The Commonwealth shall pay annually
19 to each school district erecting or sharing in the erection of a
20 building or buildings under the provisions of the act of July 5,
21 1947 (P.L.1217, No.498), known as the "State Public School
22 Building Authority Act," for every lease approved by the
23 department on or after August 26, 1953, but prior to March 22,
24 1956, and to each school district which shall have entered into
25 a lease approved by the department on or after August 26, 1953,
26 but prior to March 22, 1956, with a municipality authority or
27 with a nonprofit corporation for the rental of a school building
28 or buildings, an amount to be determined by multiplying the
29 school district's capital account reimbursement fraction
30 computed for the year 1967 or aid ratio, whichever is greater,

1 by that portion of the annual rental charge or share thereof
2 provided for under its lease with the State Public School
3 Building Authority or municipality authority or nonprofit
4 corporation, as the case may be, sufficient during the period of
5 the lease to pay the cost of acquiring or constructing the
6 school buildings, the cost of acquiring the land upon which the
7 school buildings are situated and the interest on the cost.

8 § 2935. Payments on other leases and contracts.

9 (a) Post-1956 leases or contracts.--The Commonwealth shall
10 pay annually to each school district erecting or sharing in the
11 erection of a building or buildings under the provisions of the
12 act of July 5, 1947 (P.L.1217, No.498), known as the "State
13 Public School Building Authority Act," or the act of May 2, 1945
14 (P.L.382, No.164), known as the "Municipality Authorities Act of
15 1945," on account of buildings for which the lease is approved
16 on or after March 22, 1956, or through the incurring of
17 indebtedness by the issuance of general obligation bonds on
18 account of buildings for which the general construction contract
19 is awarded on or after March 22, 1956, an amount to be
20 determined by multiplying the district capital account
21 reimbursement fraction computed for the year 1967 or aid ratio,
22 whichever is greater, by the approved reimbursable rental or
23 approved reimbursable sinking fund charge.

24 (b) Vocational-technical buildings.--The Commonwealth shall
25 pay annually to each school district which constructs, purchases
26 or leases with the approval of the department an area
27 vocational-technical school building or which shares in the
28 construction, purchase or lease of the building or buildings
29 under the provisions of the act of July 5, 1947 (P.L.1217,
30 No.498), known as the "State Public School Building Authority

1 Act," or the act of May 2, 1945 (P.L.382, No.164), known as the
2 "Municipality Authorities Act of 1945," or other agency, or
3 through the incurring of indebtedness by the issuance of general
4 obligation bonds, an amount to be determined by multiplying the
5 district aid ratio or 50%, whichever is greater, by the approved
6 reimbursable rental or approved reimbursable sinking fund charge
7 multiplied by the district proportionate share of the rental
8 sinking fund charge.

9 § 2936. Approved reimbursement.

10 (a) Rental or sinking fund charges.--For school building
11 projects for which the general construction contract is awarded
12 subsequent to March 22, 1956, and for approved school building
13 projects for which the general construction contract was awarded
14 but for which a lease was not approved by the department prior
15 to March 22, 1956, the department shall calculate approved
16 reimbursable rental or approved reimbursable sinking fund
17 charges. Reimbursable sinking charges may include charges for
18 temporary indebtedness within constitutional limitations if the
19 indebtedness is incurred for approved permanent improvements to
20 the school plant, including the cost of acquiring a suitable
21 site for a school building, the cost of constructing a new
22 school building, or the cost of providing needed additions or
23 alterations to existing buildings, for which no bond issue is
24 provided and for which an approved obligation or obligations
25 other than bonds have been issued and the obligation or
26 obligations are payable within five years from the date of issue
27 of the obligation in equal annual installments. Approved
28 reimbursable rental or sinking fund charge shall consist of that
29 part of the annual rental or sinking fund charge attributable
30 to:

1 (1) the cost of acquiring the land upon which the school
2 buildings are situated, the cost of necessary rough grading
3 to permit proper placement of the building upon the land and
4 the cost of sewage treatment plants, as required by the
5 Department of Environmental Resources, to the extent that the
6 costs are deemed reasonable by the Department of Education,
7 and the interest on the costs of acquisition, grading and
8 sewage treatment plants earned subsequent to the date the
9 construction contract is awarded; and

10 (2) the approved building construction cost and the
11 interest on the construction cost.

12 (b) New building construction cost.--For new school
13 buildings the approved buildings construction cost shall be the
14 lesser of:

15 (1) the cost of constructing the school buildings
16 including the cost of essential fixtures and equipment but
17 excluding architect fees in excess of 6% of the contract
18 price; or

19 (2) (i) for school buildings for which the general
20 construction contract is awarded prior to July 1, 1966,
21 and for approved school building projects for which a
22 lease was approved by the department prior to July 1,
23 1966, the product of the rated student capacity as
24 determined by the department at the time the project is
25 approved; and

26 (A) \$1,100 in the case of elementary schools;

27 (B) \$1,700 in the case of secondary schools; or

28 (C) an amount in the case of combined

29 elementary-secondary schools obtained by multiplying
30 the rated elementary student capacity by \$1,100 and

1 the rated secondary student capacity by \$1,700 and
2 dividing the sum by the total rated student capacity;
3 or

4 (ii) for school buildings for which the general
5 construction contract is awarded subsequent to July 1,
6 1966 and for approved school buildings projects for which
7 the general construction contract was awarded but for
8 which a lease was not approved by the department prior to
9 July 1, 1966, the product of the rated student capacity
10 as determined by the department at the time the project
11 is approved; and

12 (A) \$2,300 in the case of elementary schools;

13 (B) \$3,000 in the case of secondary schools; or

14 (C) an amount in the case of combined

15 elementary-secondary schools obtained by multiplying
16 the rated elementary student capacity by \$2,300 and
17 the rated secondary student capacity by \$3,000 and
18 dividing the sum by the total rated student capacity.

19 (c) Additions or alterations.--For additions or alterations
20 to existing buildings, approved building construction cost shall
21 be the lesser of:

22 (1) the cost of constructing the additions or
23 alterations including the cost of essential fixtures and
24 equipment but excluding architect fees in excess of 6% of the
25 contract price; or

26 (2) (i) for all school building projects for which the
27 general construction contract is awarded prior to July 1,
28 1966, and for approved school building projects for which
29 a lease was approved by the department prior to July 1,
30 1966, the difference obtained by subtracting the

1 appraisal value of the existing buildings from the
2 product of rated student capacity of the altered or
3 expanded buildings as determined by the department at the
4 time the project is approved; and

5 (A) \$1,100 in the case of elementary schools;

6 (B) \$1,700 in the case of secondary schools; or

7 (C) an amount in the case of combined

8 elementary-secondary schools obtained by multiplying

9 the rated elementary student capacity of the altered

10 or expanded building by \$1,100 and the rated

11 secondary student capacity of the altered or expanded

12 building by \$1,700 and dividing the sum by the total

13 rated student capacity of the altered or expanded

14 building; or

15 (ii) for school buildings for which the general

16 construction contract is awarded subsequent to July 1,

17 1966, and for approved school building projects for which

18 the general construction contract was awarded but for

19 which a lease was not approved by the department prior to

20 July 1, 1966, the difference obtained by subtracting the

21 appraisal value of the existing building from the product

22 of rated student capacity of the altered or expanded

23 buildings as determined by the department at the time the

24 project is approved; and

25 (A) \$2,300 in the case of elementary schools;

26 (B) \$3,000 in the case of secondary schools; or

27 (C) an amount in the case of combined

28 elementary-secondary schools obtained by multiplying

29 the rated elementary student capacity of the altered

30 or expanded building by \$2,300 and the rated

1 secondary student capacity of the altered or expanded
2 building by \$3,000 and dividing the sum by the total
3 rated student capacity of the altered or expanded
4 building.

5 For the purposes of this subsection, "appraisal value" means the
6 valuation made immediately before the additions or alterations
7 are begun by three competent appraisers, one appointed by the
8 governing board or boards, one by the secretary, and the third
9 by the other two appraisers.

10 (d) Deduction of prior payments.--If the Commonwealth makes
11 any payment under section 2932 (relating to building costs) on
12 account of a preliminary payment by a school district on the
13 approved building construction cost, the amount of the
14 preliminary payment by the school district shall be subtracted
15 from the amount of the approved building construction cost for
16 the purpose of calculating the approved reimbursable rental on
17 projects undertaken pursuant to this title. If the Commonwealth
18 makes a payment of 50% under section 2931 (relating to site
19 costs) on account of the approved cost of the acquisition of a
20 site for a school building, the amount payable under this
21 section on account of the approved cost of site acquisition
22 shall be reduced by 50%.

23 (e) Payments for joint projects.--For purposes of
24 calculating the amount of rental reimbursement, the approved
25 reimbursable rental for a school project constructed for two or
26 more school districts shall annually be apportioned among the
27 participating school districts on the basis of the proportion
28 which the valuation of each district as certified by the State
29 Tax Equalization Board during the preceding school year bears to
30 the total valuation of all participating districts. In special

1 cases where the best interests of the Commonwealth and of the
2 school districts will be better served by permitting the
3 districts to establish for themselves some method other than
4 market valuation as the basis for determining their respective
5 shares of the annual lease rental, the department may issue a
6 special order approving such method of sharing the rental and
7 authorizing that the rental reimbursement for that particular
8 project shall be calculated on the basis of the proportionate
9 share of rental actually paid by each school district.

10 (f) Vocational-technical projects.--

11 (1) For area vocational-technical school projects leased
12 subsequent to July 1, 1964, by or for lease to a board of
13 school directors authorized to operate the school, the
14 department shall calculate an approved reimbursable rental
15 charge. For area vocational-technical school projects
16 constructed or purchased subsequent to July 1, 1964, by a
17 board of school directors authorized to operate the school,
18 the department may calculate an approved reimbursable sinking
19 fund charge. Approved reimbursable rental or sinking fund
20 charge shall consist of that part of the annual rental or
21 sinking fund attributable to:

22 (i) The cost of acquiring land and preparing it for
23 use to the extent that the costs are deemed reasonable by
24 the department and the interest on the cost of
25 acquisition, cost of preparation and the cost of sewage
26 treatment and the interest on the cost.

27 (ii) Machinery, apparatus, furniture and equipment
28 and all other necessary expenses and interest charges,
29 but excluding architects fees in excess of 6% of the
30 construction cost.

1 (2) The approved building construction cost and the
2 interest on the construction cost shall not exceed the
3 product of the rated full-time student capacity, as
4 determined by the department at the time the project is
5 approved, and:

6 (i) the sum of \$2,200 for all school building
7 projects for which the general construction contract is
8 awarded prior to July 1, 1966, and for approved school
9 building projects for which a lease was approved by the
10 department prior to July 1, 1966; or

11 (ii) the sum of \$3,700 for school buildings for
12 which the general construction contract is awarded
13 subsequent to July 1, 1966, and for approved school
14 building projects for which the general construction
15 contract was awarded but for which a lease was not
16 approved by the department prior to July 1, 1966.

17 (3) The department shall not approve the expenditure of
18 any funds borrowed or obtained by the sale of bonds by any
19 authority, nonprofit corporation, profit corporation, company
20 or individual for construction of area vocational-technical
21 schools for bleachers, athletic fields, lighting equipment or
22 apparatus used to promote and conduct interscholastic
23 athletics.

24 (g) Purchase of buildings.--For the purchase of any
25 building, reimbursement shall be computed in the same manner as
26 for constructed school buildings and approved building cost
27 shall be the lesser of:

28 (1) the cost of purchasing the site and structure and
29 the cost of approved renovations including appropriate
30 fixtures and equipment; or

(2) (i) for the purchase of any building, the product of the rated student capacity, as determined by the department at the time the purchase is approved, and \$1,100 in the case of elementary schools, \$1,700 in the case of secondary schools, and an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary student capacity by \$1,100 and the rated secondary student capacity by \$1,700 and dividing the sum by the total rated student capacity; and

(ii) in the case of renovation of any building including appropriate fixtures and equipment, reimbursement shall be \$1,200 for elementary schools, \$1,300 for secondary schools, and for combined elementary-secondary schools an amount obtained by multiplying the rated elementary capacity by \$1,200, and the rated secondary capacity by \$1,300 and dividing that sum by the total rated student capacity.

§ 2937. Change in rentals.

Reimbursements to school districts on account of rental payments in excess of the amount specified in the lease between the school districts and the State Public School Building Authority or any municipality authority or profit or nonprofit corporation, partnership, association or person, or in the case of refinancing on account of rental payments provided by a renegotiated lease, shall be calculated in the same manner as the specified lease rental.

§ 2938. Districts eligible under density factor.

Beginning with the school year 1965-1966 and in each school year thereafter, to districts eligible under the density factor,

1 payments on leases or sinking fund charges shall be no less than
2 50% of the approved reimbursable rental or sinking fund charge
3 for a school building project. The payments shall be made as
4 required by the terms of any agreement entered into by the
5 school district with the approval of the department.

6 § 2939. Method of payments on rentals.

7 (a) General rule.--Payments to a school district shall be
8 determined and approved by the department. The amount approved
9 shall be included in and be payable from future appropriations
10 made to the department. Payments to school districts shall be
11 made semi-annually where the school district lease agreement
12 specifies that lease payments shall be paid semi-annually.

13 (b) Vocational-technical schools.--All payments due school
14 districts by the Commonwealth on account of obligations to the
15 State Public School Building Authority, sinking fund charges or
16 rentals under leases with municipality authorities, profit or
17 nonprofit corporations, partnerships, associations or persons
18 for building or educational equipment for area vocational-
19 technical schools, shall be paid to the area vocational-
20 technical school board operating the school. School districts
21 not originally parties to an agreement with the State Public
22 School Building Authority or a lease with a municipality
23 authority, a profit or nonprofit corporation, partnership,
24 association or person for buildings or educational equipment for
25 an area vocational-technical school but later electing to
26 participate in the operation of the school and agreeing to pay a
27 part of the annual payments due under the agreement or lease
28 shall be entitled to payments by the Commonwealth to the extent
29 as though they had originally been parties to the agreement or
30 lease. The amount thereof shall be paid to the area vocational-

1 technical school board. No payments shall be made on account of
2 obligations or rentals for buildings or educational equipment
3 for area vocational-technical schools unless the schools conform
4 to plans approved by the State Board for Vocational Education.

5 § 2940. Payments on rentals of facilities for school use.

6 (a) General rule.--The Commonwealth shall pay annually for
7 the school year 1972-1973 and each school year thereafter, to
8 each school district which leases, with the approval of the
9 department, buildings and facilities for school use under the
10 provisions of section 4943 (relating to lease of buildings for
11 school use) an amount to be determined by multiplying the
12 district's aid ratio by the approved reimbursable annual rental,
13 as computed by the department. In the case of districts eligible
14 under the density factor, the annual payment shall be no less
15 than 50% of the approved reimbursable annual rental.

16 (b) Reimbursable rental for constructed facilities.--The
17 approved reimbursable annual rental for approved leases of
18 buildings constructed for school use shall be the lesser of:

19 (1) the product of the annual rental payable under the
20 provisions of approved lease agreement times the ratio of the
21 pupil scheduled area to the architectural area; or

22 (2) the product of the rated pupil capacity as
23 determined by the department at the time of initial lease
24 times \$160 for elementary schools, \$220 for secondary schools
25 or \$270 for area vocational-technical schools.

26 (c) Reimbursable rental for altered facilities.--The annual
27 approved rental payable for approved leases of existing
28 facilities altered for school use shall be the lesser of:

29 (1) the product of the annual rental payable under the
30 provisions of the approved lease agreement times the ratio of

1 the pupil scheduled area to the architectural area; or
2 (2) the product of the rated pupil capacity as
3 determined by the department at the time of initial lease
4 times \$112 for elementary, \$154 for secondary or \$189 for
5 area vocational-technical schools.

6 SUBCHAPTER D

7 DRIVER EDUCATION

8 Sec.

9 2943. Payments for driver education.

10 § 2943. Payments for driver education.

11 (a) Payments to school districts.--Every school district
12 complying with the standardized driver education program
13 established by the department shall be paid by the Commonwealth
14 from the Motor License Fund an amount to be determined by
15 multiplying the number of students who have completed the
16 secondary school standardized driver education program conducted
17 by any given school district by a basic figure of \$35 per
18 student.

19 (b) Department administrative costs.--Annual expenditures of
20 the department from the Motor License Fund for:

21 (1) salaries and expenses of employees of the department
22 essential to the program;

23 (2) purchase of visual training aids and psychophysical
24 testing equipment; and

25 (3) costs of preparation, publication and distribution
26 of driver education instructional material, for assistance to
27 the driver education programs;

28 shall not exceed 3% of the annual total amount paid by the
29 Commonwealth to all school districts on account of standardized
30 driver education programs.

1 SUBCHAPTER E

2 EXCEPTIONAL STUDENTS

3 Sec.

4 2945. Payments for special education personnel and equipment.

5 2946. Payments for special education courses.

6 § 2945. Payments for special education personnel and equipment.

7 (a) General rule.--The Commonwealth shall reimburse school
8 districts on account of special education for the cost of
9 readers, helpers, guides, aids, appliances, special school books
10 and supplies and devices for any student between 6 and 21 years
11 of age who is blind, partially sighted, deaf, hard of hearing or
12 afflicted with cerebral palsy and who is enrolled, with the
13 approval of the department, in any of the public schools of this
14 Commonwealth, an amount equal to the costs of the services and
15 equipment multiplied by the district's aid ratio.

16 (b) Maximum amount of payment.--The total expenditure by the
17 Commonwealth under this section shall not exceed 75% of a sum
18 which would have been expended for the tuition and maintenance
19 of the student in a residential school for the blind, including
20 partially sighted, deaf, hard of hearing or those afflicted with
21 cerebral palsy, that has been approved by the department.

22 (c) Establishment of standards.--The secretary shall
23 establish such necessary standards as he may deem necessary for
24 carrying out the provisions of this section.

25 § 2946. Payments for special education courses.

26 (a) General rule.--Every school district shall be paid by
27 the Commonwealth an amount to be determined by multiplying the
28 average daily membership in a course or courses for exceptional
29 students approved by the department as follows:

30 (1) At the elementary level, by an amount determined by

1 subtracting the "instruction cost per elementary student" as
2 defined in section 2972 (relating to determination of charge
3 for nonresident students) from the "instruction cost per
4 exceptional class student" as determined in this section for
5 the preceding fiscal year, or from the instruction expense
6 per exceptional class elementary student as approved for
7 reimbursement by the department in the budget for classes or
8 schools for exceptional students for the fiscal year in which
9 the class is operated, whichever is lesser.

10 (2) At the secondary level, by an amount determined by
11 subtracting the "instruction cost per secondary student" as
12 defined in section 2972 from the "actual instruction expense
13 per exceptional class student" as determined in this section
14 for the preceding school year, or from the instruction
15 expense per exceptional class secondary student as approved
16 for reimbursement by the department in the budget for classes
17 or schools for exceptional students for the fiscal year in
18 which the class is operated, whichever is lesser.

19 (b) Determining actual instruction expense.--"Actual
20 instruction expense per exceptional class student" is determined
21 as follows:

22 (1) (i) Salaries of directors and supervisors of special
23 education, public school psychologists, principals of
24 special schools and assistants, teachers of approved
25 classes for exceptional children, clerks and assistants
26 employed in the school district's program for special
27 education.

28 (ii) The school district's contribution to the
29 retirement fund on behalf of the persons listed in
30 subparagraph (i).

(iii) The cost of textbooks and supplies used in the school district's special education classes or schools.

(iv) The cost of telephonic system equipment which enables handicapped children to remain in their homes and still participate in classroom activities.

(2) Divide the sum obtained under paragraph (1), or that part thereof which is approved by the department for reimbursement by the total number of students, including students who have available for use telephonic system equipment whereby they may remain at home and still participate in classroom activities, in average daily membership in the school district's approved classes for exceptional children. The quotient so obtained shall be the "actual instruction expense per special class student."

(c) Speech correction class daily membership.--The average daily membership of speech correction classes shall be calculated as follows:

(1) Multiply the average number of students in speech correction classes per week by:

(i) the number of periods per week that speech correction is provided for the individual student; and

(ii) the number of minutes per period in speech correction class.

(2) Divide the product obtained under paragraph (1) by the total number of minutes spent in all classes weekly by the average student. The quotient thus obtained will be the "average daily membership for students in speech correction classes."

(d) Amount of advance payment.--For the fiscal year 1972-1973 and for each fiscal year thereafter, the payments shall

1 § 2949. Payments for health services.

2 (a) General rule.--Every school entity which renders health
3 services to students shall be reimbursed by the Commonwealth on
4 account of health services which conform to standards approved
5 by the Secretary of Health. Reimbursements shall be paid by the
6 Secretary of Health. The amount of reimbursement shall be the
7 actual cost of the medical and dental services and school nurse
8 services as certified to the Secretary of Health except that the
9 reimbursement:

10 (1) For medical services shall not for any fiscal year
11 exceed the sum of 80¢ multiplied by the average daily
12 membership of students enrolled for that fiscal year and for
13 whom the school entity maintains comprehensive health records
14 as defined in section 4341 (relating to school health
15 services program).

16 (2) For dental services shall not for any fiscal year
17 exceed the sum of 40¢ multiplied by the average daily
18 membership of students enrolled for that fiscal year and for
19 whom the school entity maintains comprehensive health records
20 as defined in section 4341 and section 4746 (relating to
21 confidentiality of student records and communications).

22 (3) For school nurse services shall not for any fiscal
23 year exceed the sum of \$3.50 multiplied by the average daily
24 membership of students enrolled for that fiscal year.

25 (b) Alternate reimbursement for dental hygiene services.--
26 Every school entity which employs one or more dental hygienists
27 for the purpose of dental hygiene services to students shall be
28 reimbursed by the Commonwealth on account of services which
29 conform to standards approved by the Secretary of Health.
30 Reimbursement shall be made by the Secretary of Health. The

1 amount of reimbursement shall be the actual cost of the dental
2 hygiene services as certified to the Secretary of Health, but
3 for any fiscal year shall not exceed the sum of \$1 multiplied by
4 the average daily membership of students enrolled for the school
5 year who receive the dental hygiene services. Reimbursement
6 under this subsection shall be in lieu of any reimbursement
7 provided in subsection (a) for dental services.

8 (c) Limitations on reimbursements.--No reimbursement shall
9 be made under this section for services for which the
10 Commonwealth reimburses, in whole or in part, under any other
11 section of this title. Reimbursement on account of the
12 employment of school nurses shall be made under the provisions
13 of this section. Reimbursement on account of health services
14 rendered by a school entity may be withheld by the Secretary of
15 Health unless the actual expenditures for the health services
16 are certified to the Secretary of Health within three months
17 after the end of the fiscal year during which the payment for
18 the service was made by the school entity.

19 (d) Additional local expenditures authorized.--Any school
20 entity may expend for health services amounts in excess of the
21 reimbursable amounts.

22 SUBCHAPTER G

23 HOMEBOUND INSTRUCTION

24 Sec.

25 2950. Payments for homebound instruction.

26 § 2950. Payments for homebound instruction.

27 Each school district shall be reimbursed by the Commonwealth
28 on account of instructing homebound students an amount
29 determined by multiplying the mandated minimum hourly rate for
30 instructing homebound students by the district aid ratio. The

1 mandated minimum hourly rate for instructing homebound students
2 is \$4.

3 SUBCHAPTER H
4 INTERMEDIATE UNITS

5 Sec.

6 2951. Allocation of Commonwealth funds.

7 2952. General operating subsidy.

8 2953. Capital subsidy.

9 § 2951. Allocation of Commonwealth funds.

10 In January of each year, the department shall allocate to
11 each intermediate unit a portion of the amount included in the
12 Governor's budget for the succeeding fiscal year for the support
13 of intermediate units. The allocation shall be made in the
14 following manner:

15 (1) Determine for each intermediate unit the total
16 weighted average daily membership for all school districts
17 comprising the intermediate unit.

18 (2) Compute an aid ratio for each intermediate unit in
19 the same manner as in the case of school districts.

20 (3) Determine a weight factor for each intermediate unit
21 by multiplying the total weighted average daily membership of
22 all school districts comprising the intermediate unit by the
23 aid ratio of the intermediate unit.

24 (4) Determine a Statewide value per weight factor by
25 dividing the amount provided in the Governor's budget for the
26 succeeding fiscal year for the support of intermediate units
27 by the total weight factor of all intermediate units.

28 (5) Determine the allocation to each intermediate unit
29 by multiplying its weight factor by the Statewide value per
30 weight factor except that no intermediate unit shall be

1 allocated less than the amount received during the 1968-1969
2 fiscal year by the offices of the county superintendents of
3 schools replaced by the intermediate unit from the
4 Commonwealth and the estimated value of assistance from the
5 respective counties, as determined by the department.

6 § 2952. General operating subsidy.

7 (a) Annual submission of budget.--On or before May 1 of each
8 year, each intermediate unit shall submit to the department for
9 prior review and approval a budget statement estimating the cost
10 of operating and administering the intermediate unit program of
11 services for the ensuing fiscal year.

12 (b) Time of payment.--In May of each year the department
13 shall estimate the amount to be paid by the Commonwealth to each
14 intermediate unit based upon approved budgets. In July of each
15 year the Commonwealth shall pay to each intermediate unit an
16 advance payment equal to one-half of the estimated amount. In
17 December of each year the Commonwealth shall pay to each
18 intermediate unit the balance of the estimated amount less any
19 Commonwealth funds paid in the previous fiscal year which were
20 unexpended or unencumbered at the end of the previous fiscal
21 year.

22 (c) Federal payments excluded in computations.--In computing
23 approved amounts the department shall not consider Federal
24 payments and payments by the Commonwealth on behalf of the
25 Federal Government.

26 § 2953. Capital subsidy.

27 All leases for office space, classrooms, buses, garages,
28 warehouse space, equipment and similar facilities shall be pre-
29 approved by the department. The Commonwealth shall pay to each
30 intermediate unit on account of approved leases annually an

1 amount computed by applying the intermediate unit aid ratio to
2 the approved lease payment. The aid ratio computed initially
3 shall apply as a minimum for the duration of the lease and
4 payment is to be made from the Commonwealth allocation to the
5 intermediate unit.

6 SUBCHAPTER I

7 MIGRANT CHILDREN

8 Sec.

9 2956. Payments for migratory children.

10 § 2956. Payments for migratory children.

11 (a) Definition.--As used in this section "migratory child"
12 means any child domiciled temporarily in any school district for
13 the purpose of seasonal agricultural employment but not
14 acquiring residence therein and any child accompanying his
15 parents or guardian who are so domiciled.

16 (b) General rule.--Every school district shall be paid the
17 sum of \$1 per day not to exceed 40 days during any school year
18 for each migratory child attending any of its public schools.

19 SUBCHAPTER J

20 POVERTY CHILDREN

21 Sec.

22 2957. Payments for poverty children.

23 § 2957. Payments for poverty children.

24 (a) General rule.--Each school district shall be paid an
25 amount on account of children of low income families equal to
26 the sum of the following multiplied by \$165:

27 (1) The number of children 5 to 17 years of age,
28 inclusive, in the school district of families having an
29 annual income of less than \$2,000.

30 (2) The number of children 5 to 17 years of age,

1 inclusive, in the school district of families having an
2 annual income in excess of \$2,000 which receive Commonwealth
3 payments on account of dependent children under Title IV of
4 the Federal Social Security Act.

5 (b) Minimum number of children counted.--For the purpose of
6 this section, for the school year 1973-1974 and each school year
7 thereafter, in each school district not less than the number of
8 children shall be counted in each category as were counted for
9 the school year 1972-1973.

10 (c) Data for determining number of children.--The department
11 shall determine the number of children under subsection (a) from
12 the most recent satisfactory data available in the same manner
13 as provided under the Federal Elementary and Secondary Education
14 Act of 1965.

15 (d) Formula for determining payment.--Each school district
16 shall be paid on account of low income families an amount equal
17 to the sum of the number of children of low income families in
18 the district multiplied by the grant per poverty child fixed for
19 the percentage category of poverty children in the school
20 district according to the following table:

Percentage Category of Poverty Children	Grant Per Poverty Child
15% - 19.9%	\$ 30
20% - 24.9%	\$ 60
25% - 29.9%	\$ 85
30% - 34.9%	\$135
35% and over	\$150

SUBCHAPTER K

TRANSPORTATION

30 Sec.

1 2961. Payments for transportation.

2 2962. Board and lodging in lieu of transportation.

3 2963. Exceptional students and institutionalized children.

4 2964. Migratory children.

5 § 2961. Payments for transportation.

6 (a) General rule.--Each school district shall be paid on
7 account of student transportation which has been approved by the
8 department an amount to be determined by multiplying the cost of
9 approved reimbursable student transportation incurred by the
10 school district by the district's aid ratio. In addition the
11 Commonwealth shall pay to each qualifying school district a
12 payment for excessive cost of transportation to be determined by
13 subtracting from the cost of the approved reimbursable
14 transportation the sum of the basic Commonwealth transportation
15 payment plus the product of one-half mill times the latest
16 market value of the school district as determined by the State
17 Tax Equalization Board provided such amount is not negative. In
18 addition, the Commonwealth shall pay to school districts which
19 own their own vehicles an annual depreciation charge of 10% to
20 be calculated on the basis of the approved cost at which the
21 school district acquired the vehicle for which depreciation is
22 claimed. The annual depreciation charge shall not exceed ~~\$700~~ <—
23 \$1,000 for each vehicle. The number of annual depreciation
24 charges shall be limited so that the total amount of payments
25 shall not exceed the cost of the vehicle as approved by the
26 department at the time of the purchase. In no case shall the
27 Commonwealth pay, in depreciation charges, more than ~~\$10,500~~ <—
28 \$15,000 for any one vehicle.

29 (b) Restrictions on payments.--Payments for student
30 transportation on account of the fiscal year 1972-1973 and every

1 fiscal year thereafter shall be made only in the following
2 cases:

3 (1) To all school districts for the transportation to
4 and from school of elementary students, including
5 kindergarten, residing one and one-half miles or more by the
6 nearest public highway from the school in which the students
7 are enrolled and to which transportation is authorized under
8 this title or residing in areas where there are no sidewalks
9 and the road or traffic conditions are such that walking on
10 the shoulder of the road constitutes a hazard to the safety
11 of the student when so certified by the Department of
12 Transportation. Elementary students include nonresidents who
13 are placed in the home of a resident or who are residents of
14 an orphanage or home or children's home or other institution
15 for the care and training of orphans or other children.

16 (2) To all school districts for the transportation to
17 and from school of secondary students residing two miles or
18 more by the nearest public highway from the school in which
19 the students are enrolled and to which transportation is
20 authorized under this title or residing in areas where there
21 are no sidewalks and the road or traffic conditions are such
22 that walking on the shoulder of the road constitutes a hazard
23 to the safety of the student when so certified by the
24 Department of Transportation. Secondary students include
25 nonresidents who are placed in the home of a resident or who
26 are residents of an orphanage or home or children's home or
27 other institution for the care and training of orphans or
28 other children.

29 (3) To all school districts for students transported to
30 and from approved consolidated schools or approved joint

1 consolidated schools living one and one-half miles or more
2 from the school of attendance or residing in areas where
3 there are no sidewalks and the road or traffic conditions are
4 such that walking on the shoulder of the road constitutes a
5 hazard to the safety of the student when so certified by the
6 Department of Transportation. Consolidated schools or joint
7 consolidated schools are limited to schools which are
8 approved as to organization, control, location, equipment,
9 course of study, qualifications of teachers, methods of
10 instruction, condition of admission, expenditures of money,
11 methods and means of transportation and the contracts
12 providing therefor.

13 (4) To all school districts for the transportation of
14 exceptional students regularly enrolled in exceptional
15 classes approved by the department or enrolled in a regular
16 class in which approved educational provisions are made for
17 them.

18 (5) To all school districts for students transported to
19 and from area vocational-technical schools.

20 (c) Nonpublic schools and hazardous conditions.--The
21 Commonwealth shall reimburse the school districts for the school
22 year 1973-1974 and for each year thereafter for the approved
23 reimbursable costs incurred in providing transportation under
24 section 4351 (relating to transportation of resident students)
25 for nonpublic school pupils and under section 4352 (relating to
26 transportation facilities and liability insurance) for hazardous
27 conditions except that no school district shall receive less
28 than 50% of the approved reimbursable costs.

29 § 2962. Board and lodging in lieu of transportation.

30 In any case where the Commonwealth is required to reimburse

1 any school district on account of student transportation and the
2 school district, in lieu of transportation, is authorized to and
3 does pay for suitable board and lodging for any student, the
4 Commonwealth shall pay to the school district an amount to be
5 determined by multiplying the cost of the board and lodging by
6 the district's aid ratio except that in no case shall the
7 Commonwealth's share of the cost exceed \$1 per day per student
8 for the actual number of days such student is in attendance at
9 school, not exceeding five days in any one week.

10 § 2963. Exceptional students and institutionalized children.

11 (a) General rule.--Annually, before July 1, every
12 intermediate unit shall submit for prior review and approval by
13 the department an estimate of the cost of operating and
14 administering classes or schools for exceptional students and
15 institutionalized children, including the cost of fiscal
16 controls and auditing and the necessary treasurer and secretary
17 bonds, to be operated by the intermediate unit during the
18 ensuing fiscal year, and for transportation of students to and
19 from classes and schools for exceptional students, whether or
20 not conducted by the intermediate unit. On or before August 1,
21 the Commonwealth shall pay to the intermediate unit a sum equal
22 to one-half of the approved estimated annual cost of operation
23 and administration of classes and schools for exceptional
24 students and institutionalized children and transportation for
25 exceptional students and, on or before January 1, shall pay an
26 equal sum, or a lesser sum as may be shown to be necessary by an
27 adjusted budget based upon expenditures during the first half of
28 the fiscal year.

29 (b) Unexpended funds and formula.--At the end of each school
30 year all unexpended funds shall be credited to the Commonwealth

1 payments due for the succeeding fiscal year on account of the
2 operation of the classes or, upon direction of the department,
3 shall be returned to the Commonwealth. The funds returned are
4 hereby specifically appropriated to the department for support
5 of schools and classes and transportation for exceptional
6 students. For each student enrolled in any special class or
7 school operated by an intermediate unit, the school district in
8 which the student is resident shall pay to the Commonwealth a
9 sum equal to the "tuition charge per elementary student" or the
10 "tuition charge per secondary student" as determined for the
11 schools operated by the school district, based upon the costs of
12 the preceding school year as provided for in this title. In the
13 event that any school district has not established a "tuition
14 charge per elementary student" or "tuition charge per secondary
15 student," the department shall fix a reasonable charge for the
16 school district for the year in question. In addition, the
17 school district shall pay on account of transportation by the
18 intermediate unit of students to and from classes and schools
19 for exceptional students, whether or not conducted by the
20 intermediate unit, an amount to be determined by subtracting
21 from the cost of transportation the reimbursement due the school
22 district on account of the transportation.

23 (c) Withholding funds.--In order to facilitate the payments
24 by the several school districts, the department shall withhold
25 from any moneys due to any district out of any Commonwealth
26 appropriation, except from reimbursements due on account of
27 rentals as provided in this title, the amounts due by school
28 districts to the Commonwealth. All amounts withheld are hereby
29 specifically appropriated to the department for the support of
30 public schools. The cost of operating and administering classes

1 and schools for institutionalized children, including the cost
2 of necessary fiscal controls, shall be paid by the Commonwealth.
3 § 2964. Migratory children.

4 (a) Costs of operation by school entity.--Annually every
5 intermediate unit planning to conduct summer classes or schools
6 for children of migrant laborers, and the extension of
7 established summer classes beyond the opening of school, which
8 extensions shall not be for more than 40 school days, shall
9 submit for prior review and approval by the department an
10 estimate of the cost of summer classes or schools for children
11 of migrant laborers to be operated by the intermediate unit
12 during the ensuing fiscal year and for transportation, in
13 conformity with existing law, of pupils to and from summer
14 classes and schools for children of migrant laborers whether
15 conducted by the intermediate unit or conducted by an
16 institution or school district employed by the intermediate unit
17 for that purpose.

18 (b) Operation by Commonwealth.--Where, in the judgment of
19 the secretary, the provisions of this title relating to the
20 proper education of children of migrant laborers have not been
21 complied with, the department may provide or arrange to have
22 provided transportation, classes or schools for the proper
23 education of children of migrant laborers as directed by this
24 title.

25 (c) Payments and unexpended funds.--On or before July 1, the
26 Commonwealth shall pay to the intermediate unit a sum equal to
27 the approved estimated annual cost of operation of the planned
28 summer classes or schools and transportation for children of
29 migrant laborers. At the end of each fiscal year, all unexpended
30 funds shall be credited to Commonwealth payments due for the

1 succeeding school year on account of the operation of such
2 classes or, upon direction of the department, shall be returned
3 to the Commonwealth.

4 SUBCHAPTER L

5 TUITION

6 Sec.

7 2971. Payments for nonresident students.

8 2972. Determination of charge for nonresident students.

9 2973. Sewer service charges for nonresident students.

10 2974. Payments for institutionalized children.

11 2975. Payment procedures for nonresident students.

12 2976. Special procedures for institutionalized children.

13 § 2971. Payments for nonresident students.

14 (a) General rule.--Each school district which accepts any
15 nonresident child in its schools under the provisions of section
16 4703 (relating to students residing in children's institutions)
17 or section 4704 (relating to nonresident student placed in home
18 of resident) shall be paid by the Commonwealth an amount equal
19 to the tuition charge per elementary student or the tuition
20 charge per secondary student or vocational or other extension
21 education student, as the case may be, as determined in this
22 subchapter, for each student so accepted.

23 (b) Liability of district of residence.--If the school
24 district of residence of the nonresident student can be
25 determined, the district shall be charged for tuition as
26 provided in this subchapter.

27 (c) Liability of Commonwealth.--If the school district of
28 residence of the nonresident student cannot be determined, the
29 Commonwealth shall pay the tuition in addition to any other
30 payments it may make to the school district.

(d) Proration for partial attendance.--When a nonresident student attends the school district's public schools for less than a full school year, the tuition charges shall be prorated to the period of time during which the student actually attended the district's school.

§ 2972. Determination of charge for nonresident students.

A school district receiving elementary or secondary students, vocational or other extension education students who are residents of another school district, shall compute the tuition charges as follows:

(1) General.--Add the salaries of offices of school board secretaries and treasurers, salaries of offices of educational and business administration, expenditures for auditing services, costs of library books and supplies, health services and operation and maintenance of school plant, contributions to food services, insurance premiums and the school district's contribution to funds on behalf of the foregoing employees incurred for the fiscal year immediately preceding. Divide the sum so obtained by the total average daily membership of students in the receiving school district's public schools during the fiscal year immediately preceding. The quotient so obtained shall be designated the "overhead cost per student."

(2) Elementary tuition charge.--Add the salaries of principals, supervisors, teachers and other professional instruction staff, instructional and noninstructional assistants to instruction staff, directors and coordinators of pupil services and guidance and psychological personnel including clerical and nonprofessional assistants employed in the receiving school district's elementary schools, the

1 school district's contribution to funds on behalf of their
2 employment in the school district's elementary schools, the
3 costs of textbooks, audio-visual aids and supplies used in
4 the school district's elementary schools incurred for the
5 fiscal year immediately preceding. Divide the sum so obtained
6 by the total average daily membership of students in the
7 receiving school district's elementary schools during the
8 fiscal year immediately preceding. The quotient so obtained
9 shall be designated as the "instruction cost per elementary
10 student." Add to the instruction cost per elementary student,
11 the overhead cost per student and a rental charge of \$8 per
12 student for the use of the receiving school district's school
13 plant. The cost so determined shall be the "tuition charge
14 per elementary student."

15 (3) Secondary tuition charge.--Add the salaries of
16 principals, supervisors, teachers and other professional
17 instruction staff, instructional and noninstructional
18 assistants to instruction staff, directors and coordinators
19 of pupil services and guidance and psychological personnel
20 including clerical and nonprofessional assistants employed in
21 the receiving school district's secondary schools, the school
22 district's contribution to funds on behalf of their
23 employment in the school district's secondary schools, the
24 cost of textbooks, audio-visual aids and supplies used in the
25 school district's secondary schools incurred for the fiscal
26 year immediately preceding. Divide the sum so obtained by the
27 total average daily membership of students in the receiving
28 school district's secondary schools during the fiscal year
29 immediately preceding. The quotient so obtained shall be
30 designated as the "instruction cost per secondary student."

1 Add to the instruction cost per secondary student the
2 overhead cost per student and a rental charge of \$18 per
3 student for the use of the receiving district's school plant.
4 The cost so determined shall be the "tuition charge per
5 secondary student."

6 (4) Vocational or other tuition charge.--Add the
7 salaries of educational administration, principals,
8 supervisors, teachers and other professional staff,
9 instructional and noninstructional assistants to instruction
10 staff, student services personnel, and custodians
11 specifically employed in the school district's annual program
12 of vocational or other extension education, and the school
13 district's contribution to funds on behalf of their
14 employment in the district's vocational extension programs,
15 the cost of textbooks, audio-visual aids and supplies issued
16 for the program incurred for the fiscal year immediately
17 preceding and a charge of 5¢ per student hour of instruction
18 for the district overhead and plant usage. Subtract from the
19 sum so obtained the amount of the Commonwealth appropriation
20 applicable. The remainder shall be designated as the
21 "district cost for vocational or other extension education."
22 Determine the total student hours of instruction during the
23 fiscal year immediately preceding and divide the "district
24 cost for vocational or other extension education" by the
25 total student hours of instruction. The cost so determined
26 shall be the "vocational or other extension tuition charge
27 per student hour of instruction."

28 (5) Adjustment of tuition charges.--A school district
29 shall compute the tuition charges for students who are
30 residents of another school district for budgetary purposes

1 at the beginning of each fiscal year and shall use the
2 expenses of the preceding fiscal year as a basis for the
3 computation. At the end of each fiscal year, the tuition
4 charges shall again be computed and be based on the actual
5 expenses and the tuition charges for nonresident students
6 shall then be adjusted in accordance with this latter
7 computation.

8 § 2973. Sewer service charges for nonresident students.

9 When any school district receiving students from other school
10 districts is required by the city, borough or township within
11 which the school building or buildings are located, or any
12 municipality authority operating therein, to pay a service
13 charge for sewer connection or a sewer rental measured by the
14 number of students attending the school or schools, the
15 receiving school district shall include in its bill for tuition
16 charge to each sending school district, and the sending school
17 district shall pay, the prorated per student sewer service or
18 sewer rental charge for each student accepted from the sending
19 school district. The charge shall be in addition to the tuition
20 charge provided for by section 2972 (relating to determination
21 of charge for nonresident students). In cases where students are
22 sent and the tuition charges paid by the parents or other
23 persons to the receiving school districts, the parents or other
24 persons shall pay the per student sewer charge or sewer rental.

25 § 2974. Payments for institutionalized children.

26 The cost of tuition for institutionalized children accepted
27 pursuant to section 4703 (relating to students residing in
28 children's institutions) shall be fixed in accordance with this
29 subchapter except where, for the accommodation of the children,
30 it shall be necessary to provide a separate school or to erect

1 additional school buildings, in which cases the charge for
2 tuition for the children may include a proportionate cost of the
3 operating expenses, rental and interest on any investment
4 required to be made in erecting new school buildings. The
5 tuition shall be paid annually by the department or the
6 institution, as the case may be.

7 § 2975. Payment procedures for nonresident students.

8 The board of school directors in any school district
9 maintaining an elementary school or a secondary school or an
10 extension class which is attended by any students residing in
11 another district shall, upon admission of the students, properly
12 certify to the board of school directors of the school district
13 in which such students reside the names of the students and
14 whether they are attending an elementary school or a secondary
15 school or an extension class, together with a statement of the
16 tuition charge per elementary student and the tuition charge per
17 secondary student and the vocational or other extension tuition
18 charge per student hour of instruction. All tuition charges
19 shall be billed per student and paid monthly to the school
20 district of attendance.

21 § 2976. Special procedures for institutionalized children.

22 (a) Statement by institution.--In all cases, if a charge is
23 made by any school district for tuition for nonresident students
24 living in an institution, the officers of the institution shall
25 submit to the board of school directors a sworn statement
26 setting forth the names, ages and school districts liable for
27 tuition of all students who desire to attend public school in
28 the district, together with an acknowledgment or disclaimer of
29 residence signed by the secretary of the school district in
30 which the institution declares the legal residence of the child

1 to be.

2 (b) Inaction by resident district.--If the resident school
3 district shall fail to file the acknowledgment or disclaimer
4 with the institution within 15 days from the date it is sent to
5 the school district by the institution by registered mail, the
6 institution shall again notify the school district of its
7 failure to comply with the provisions of this section. If the
8 school district shall fail to comply within 15 days following
9 the second notice, the failure to return the acknowledgment or
10 disclaimer shall be construed as an acknowledgment of such
11 residence.

12 (c) Withholding funds from district.--The tuition of
13 students included in the sworn statement to the board of school
14 directors shall be withheld by the department from any moneys
15 due to the school district liable for the tuition upon receipt
16 of a sworn statement setting forth the names, ages, tuition
17 charges and school district liable for tuition of the students.
18 All money withheld shall be paid by the department to the school
19 district entitled to receive payment. The school district
20 charged with tuition may file an appeal with the secretary in
21 which it shall be the complainant and the institution the
22 respondent. The decision of the secretary as to which of the
23 parties is responsible for tuition shall be final.

24 (d) Institution liability for tuition.--If the students have
25 been received from outside this Commonwealth or if the
26 institution cannot certify as to their residence, their tuition
27 shall be paid by the institution having the care or custody of
28 said children.

29 (e) Commonwealth liability for tuition.--If the secretary
30 decides that the legal residence of any of the students is in

1 this Commonwealth but cannot be fixed in a particular district,
2 the Commonwealth shall pay the tuition of the students out of
3 moneys appropriated to the department by the General Assembly
4 for the maintenance and support of the public schools of this
5 Commonwealth.

6 SUBCHAPTER M

7 VOCATIONAL EDUCATION

8 Sec.

9 2981. Payments for programs.

10 2982. Payments for equipment.

11 2983. Payments for resident students.

12 2984. Payments for expenses for post-secondary education.

13 2985. Payments for approved travel.

14 2986. Payments for compensation for extension education.

15 2987. Payments for approved instructional equipment.

16 2988. Submission of estimates to General Assembly and
17 appropriations.

18 2989. Method of payment.

19 2990. Allocation of unencumbered State and Federal funds.

20 § 2981. Payments for programs.

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

24 "Vocational agricultural education." That form of vocational
25 education designed for agricultural, off-farm agribusiness,
26 renewal natural resources and environmental occupations
27 including the development of leadership, knowledge and skills in
28 each area.

29 "Vocational distributive education." That form of vocational
30 education designed to meet the needs of persons who have entered

1 or are preparing to enter a distributive occupation requiring
2 competency in one or more of the functions of marketing or
3 knowledge of products and services in reference to the
4 occupational objective of the student.

5 "Vocational home economics education." That form of
6 vocational education that focuses on preparing pupils for the
7 role of homemaker or wage earner including gainful programs that
8 are designed to prepare students for employment in occupations
9 which use the knowledge, skills and attitudes in the subject
10 matter areas of home economics and useful programs that are
11 designed to help individuals and families improve home
12 environment and the quality of family life.

13 "Vocational industrial education." Those forms of vocational
14 education designed to develop manipulative skills, safety
15 judgments, technical knowledge and related occupational
16 information to prepare individuals for initial employment or to
17 upgrade or retrain out-of-school youth and adult workers in
18 trade, technical and industrial occupations.

19 (b) General rule.--Every school entity shall be paid on
20 account of vocational or technical education programs approved
21 by the department:

22 (1) The sum of \$35 for each student in average daily
23 membership in vocational agriculture and vocational
24 industrial education.

25 (2) The sum of \$20 for each student in average daily
26 membership in vocational home economics education.

27 (3) The sum of \$50 for each student in average daily
28 membership in vocational distributive education.

29 § 2982. Payments for equipment.

30 Every area vocational-technical board operating approved

1 vocational or technical education programs shall be paid on
2 account of approved replacement and improvement of equipment and
3 on account of approved new or additional equipment up to 50% of
4 the cost of the improvements and additions.

5 § 2983. Payments for resident students.

6 (a) Definition.--As used in this section "current expenses"
7 includes all expenditures classified administration through
8 community services according to the Manual of Accounting and
9 Related Financial Procedures for Pennsylvania School Systems
10 published by the department.

11 (b) General Rule.--The Commonwealth shall pay every school
12 district for every fiscal year on account of resident students
13 enrolled in area vocational-technical schools as follows:

14 (1) For each full-time student in attendance, either the
15 difference between the per student cost as provided in the
16 approved budget or the per student cost for current expenses,
17 whichever is less, for current expenses in the area
18 vocational-technical school and the per student cost for
19 current expenses in the school district's high school or in
20 the high school which the student attends as a tuition
21 student or \$75, whichever is less.

22 (2) For each part-time student attending an area
23 vocational-technical school, the difference between the cost
24 per student as provided in the approved budget or the per
25 student cost for current expenses, whichever is less, for
26 current expenses in the area vocational-technical school and
27 an amount to be determined by multiplying the cost per
28 student for current expenses in the school district's high
29 school or in the high school which the student attends as a
30 tuition student by a fraction the numerator of which shall be

1 the number of hours per day the student attends an area
2 vocational-technical school and the denominator shall be six
3 hours, or by \$75, whichever is less.

4 § 2984. Payments for expenses for post-secondary education.

5 The Commonwealth shall pay every school district having out-
6 of-school youth or adults enrolled in an approved post-secondary
7 vocational or technical program for each student in equivalent
8 full-time membership one-third of the total current expenses per
9 student as provided in the approved budget, or the per student
10 cost for current expenses, whichever is less. The remainder of
11 the cost of total current expenses may be borne by the school
12 district of residence or by the school district of residence and
13 the student but in no event shall the student bear more than
14 one-third of the total current expenses per student.

15 § 2985. Payments for approved travel.

16 Every school district shall be paid by the Commonwealth, for
17 every fiscal year, on account of approved travel expenses in the
18 discharge of teaching and supervisory responsibilities of
19 teachers, coordinators, supervisors and directors in vocational
20 education, 80% of the sum expended by the school district for
21 the approved travel.

22 § 2986. Payments for compensation for extension education.

23 Every school district shall be paid by the Commonwealth for
24 every fiscal year, on account of approved adult vocational
25 extension classes and pre-employment training, 80% of the sum
26 which was expended by the district for the compensation of adult
27 vocational extension and pre-employment training teachers and
28 supervisors. For the purpose of computing reimbursement, the
29 maximum compensation shall be \$4 per hour and the amount
30 expended for supervisory salaries shall not exceed 20% of the

1 sum expended for teachers salaries. In special cases when travel
2 time or unusual preparation of instructional materials or other
3 factors result in an inadequate compensation, the department may
4 approve additional reimbursable employment time for such
5 additional services upon the submission of adequate
6 substantiating evidence from the responsible commissioned
7 officer.

8 § 2987. Payments for approved instructional equipment.

9 Every area vocational-technical board operating approved area
10 vocational-technical schools shall be paid by the Commonwealth,
11 annually, on account of instructional equipment approved by the
12 department, purchased and installed, a proportionate share of
13 Federal and State funds available and expendable for that
14 purpose. The department may make advanced payment of available
15 but unencumbered State and Federal funds to expedite the
16 purchase of equipment.

17 § 2988. Submission of estimates to General Assembly and
18 appropriations.

19 On or before the first Wednesday of January of each year, the
20 State Board for Vocational Education shall present to the
21 General Assembly an estimate of the amount of money necessary to
22 meet the expenditures to be incurred in the administration of
23 this subchapter for the ensuing fiscal year and the maintenance
24 of approved vocational schools or departments under the
25 provisions of this subchapter for the current fiscal year. On
26 the basis of the statement, the General Assembly shall make an
27 appropriation of such amounts as may be necessary to meet the
28 expense of administering this subchapter and of reimbursing
29 school districts.

30 § 2989. Method of payment.

1 (a) Advanced payment formula.--Every area vocational-
2 technical board composed of school districts and every
3 intermediate unit authorized to operate an area vocational-
4 technical school and desiring to utilize advance payment of
5 funds to operate area vocational-technical schools shall be
6 paid, on or before August 1 and on or before January 1, of each
7 fiscal year that area vocational-technical schools are operated,
8 in as nearly equal installments as possible, the amount of
9 estimated cost for the operation thereof including approved
10 vocational extension classes. Deductions to equal the
11 installments paid to the area vocational-technical board or the
12 intermediate unit shall be made from reimbursements due the
13 school districts of residence of students attending area
14 vocational-technical schools. The deductions shall be made on
15 the basis of the approved per student cost of the program,
16 including current expenses and capital outlay, multiplied by the
17 number of students in average daily membership.

18 (b) Post secondary payment formula.--On or before August 1
19 of each year, the Commonwealth shall pay to every area
20 vocational-technical board and every intermediate unit
21 authorized to establish and operate approved post-secondary
22 vocational technical programs a sum obtained by adding one-third
23 of the current expenses and one-half of the capital expenses as
24 shown in the budget filed by the board or the intermediate unit.
25 On or before January 1, the Commonwealth shall pay an equal sum
26 or a sum shown to be necessary by an adjusted budget based upon
27 expenditures made during the first half of the fiscal term and
28 approved by the department.

29 (c) Unexpended funds.--At the end of each fiscal year, all
30 unexpended funds shall be credited to Commonwealth payments due

1 for the succeeding year on account of the operation of such
2 schools or, upon the direction of the department, shall be
3 returned to the Commonwealth and credited to the accounts from
4 which they were paid.

5 (d) Payments by districts.--For each student enrolled in
6 such schools, the school district of residence shall pay to the
7 Commonwealth the proportionate district share of the expenses.
8 The school district share of expenses shall be deducted from
9 reimbursement due to the school district.

10 § 2990. Allocation of unencumbered State and Federal funds.

11 The State Board for Vocational Education shall administer the
12 allocation of Federal and State vocational education funds which
13 are otherwise unencumbered. Allocations shall be made for the
14 furtherance of the provisions of the State and Federal
15 vocational education laws with emphasis on the improvement of
16 facilities, reimbursement of teachers salaries, research and
17 projects which will contribute to the economic welfare of youth
18 and adults.

19 SUBCHAPTER N

20 STATE SCHOOL FUND

21 Sec.

22 2993. Property and money in fund.

23 2994. Refund of proceeds of escheated estates.

24 2995. Management of fund.

25 2996. Investment of moneys.

26 2997. Use of moneys.

27 2998. Reports of condition of fund.

28 § 2993. Property and money in fund.

29 The State School Fund of Pennsylvania shall include all
30 escheated estates in this Commonwealth and all other property or

1 money which shall in any way accrue to the fund, whether by
2 devise, gift or otherwise.

3 § 2994. Refund of proceeds of escheated estates.

4 Whenever it shall appear that a claimant is lawfully entitled
5 to all or any portion of the proceeds of any escheated estate
6 which have been credited to the State School Fund, the claimant
7 shall have the right to petition the Board of Finance and
8 Revenue for a refund in accordance with the procedure provided
9 in section 504 of the act of April 9, 1929 (P.L.343, No.176),
10 known as "The Fiscal Code," with the right of appeal as therein
11 provided. So much of the principal of the State School Fund as
12 may be necessary for refunds is hereby appropriated for that
13 purpose.

14 § 2995. Management of fund.

15 (a) State board as manager.--The State School Fund shall be
16 wholly under the control and management of the State board.

17 (b) State Treasurer as custodian.--The net receipts derived
18 from or on account of any real or personal property in the State
19 School Fund, and all other moneys accruing to the fund, shall be
20 promptly paid to the State Treasurer, to be kept in a separate
21 account, subject to disposition by the State board.

22 (c) Responsibility of State Treasurer.--The State Treasurer
23 and his bondsman shall be responsible for the safekeeping of,
24 and accounting for, receipts from the State School Fund in the
25 same manner and under the same penalties as for the safekeeping
26 of, and accounting for, other funds of the Commonwealth.

27 § 2996. Investment of moneys.

28 The State board shall invest the State School Fund in
29 accordance with the act of April 9, 1929 (P.L.343, No.176),
30 known as "The Fiscal Code." The investments shall be converted

1 into cash whenever necessary to make payments provided for in
2 section 2997 (relating to use of moneys) and to pay the
3 necessary and pertinent expenses of administration of the State
4 School Fund.

5 § 2997. Use of moneys.

6 (a) General rule.--The State board may expend moneys from
7 the State School Fund for any purpose reasonably related to the
8 promotion of efficient and quality education within this
9 Commonwealth subject to the following:

10 (1) Moneys shall be expended only for projects approved
11 by the State board.

12 (2) Application for moneys shall be made in a manner
13 prescribed by the State board.

14 (3) The State board has discretion to expend or not
15 expend moneys from the State School Fund.

16 (b) Guidelines for State board.--In exercising its
17 discretion the State board shall consider the following factors:

18 (1) The extent to which a project promotes equal
19 educational opportunity in this Commonwealth.

20 (2) The extent to which a project benefits education
21 throughout this Commonwealth.

22 (3) The extent to which a project is necessary to
23 protect the health and safety of students in a school in this
24 Commonwealth.

25 (4) The extent to which no other funds, local, State,
26 Federal or private, are available to finance the project.

27 (c) Method of payment.--Payments may be made as
28 advancements, subject to reconciliation, as proposed uses are
29 approved, or as reimbursements to school districts.

30 § 2998. Reports of condition of fund.

1 (a) By the State Treasurer.--The State Treasurer shall
2 report to the State board at such time as the State board
3 requests, the condition of the State School Fund and shall in an
4 annual report make an itemized statement of the receipts,
5 disbursements and amount on hand of the State School Fund and
6 its income.

7 (b) By the State board.--The State board shall annually make
8 to the Governor and to the Auditor General a complete detailed
9 report of the condition of the State School Fund including its
10 receipts, expenditures and investments.

11 CHAPTER 31

12 LOCAL FINANCE

13 Subchapter

14 A. General Provisions

15 B. Budget

16 C. Receipts

17 D. Purchasing

18 E. Payment

19 F. Expenditures

20 G. Investment of Funds

21 H. Indebtedness

22 I. Protection of Funds and Property

23 J. Miscellaneous Provisions

24 SUBCHAPTER A

25 GENERAL PROVISIONS

26 Sec.

27 3101. Definitions.

28 § 3101. Definitions.

29 The following words and phrases when used in this chapter
30 shall have, unless the context clearly indicates otherwise, the

1 meanings given to them in this section:

2 "Authorized depository." A Pennsylvania bank, bank and trust
3 company, savings bank, ~~or~~ savings and loan association OR <—
4 COMMUNITY CREDIT UNION chartered under Federal or State banking
5 laws.

6 "Official depository." Any authorized depository so
7 designated by the governing board of any school entity.

8 SUBCHAPTER B

9 BUDGET

10 Sec.

11 3111. Preparation and submission of budget.

12 3112. Public notice of proposed budget.

13 3113. Adoption of budget.

14 3114. Amendment of current budget.

15 3115. First class city home rule districts.

16 § 3111. Preparation and submission of budget.

17 (a) General rule.--Except as otherwise provided in section
18 3115 (relating to first class city home rule districts), the
19 chief executive officer of each school district shall submit a
20 proposed general operating budget for the succeeding fiscal year
21 to the board of school directors no later than the fifteenth day
22 of the tenth month of the current fiscal year. The form shall be
23 prescribed by the department and shall list by function the
24 expected receipts and expenditures of the governing board, the
25 expected Commonwealth appropriations and the proposed tax levy,
26 if any.

27 (b) Limitation on expenditures.--The total of estimated
28 expenditures shall not exceed the amount of ESTIMATED funds <—
29 available for school purposes in the school entity.

30 § 3112. Public notice of proposed budget.

1 The governing board of each school entity shall, at least 20
2 days prior to the date final action is to be taken on the
3 budget, provide public notice that the proposed budget has been
4 prepared and is open to public inspection at the office of the
5 governing board.

6 § 3113. Adoption of budget.

7 (a) School districts.--~~Each school district budget shall be~~ <—
8 ~~adopted~~ THE BOARD OF SCHOOL DIRECTORS OF EACH SCHOOL DISTRICT <—
9 SHALL ADOPT A BUDGET for the following fiscal year ~~prior to~~ NOT <—
10 LATER THAN the last day of the twelfth month of the current
11 fiscal year.

12 (b) Intermediate units.--Each intermediate unit budget shall
13 be adopted for the following fiscal year ~~prior to~~ NOT LATER THAN <—
14 the last day of the tenth month of the current fiscal year. The
15 adoption procedures shall be in accordance with section 2722
16 (relating to budget).

17 (c) Area vocational-technical schools.--Each area
18 vocational-technical school budget shall be adopted for the
19 following fiscal year ~~prior to~~ NOT LATER THAN the last day of <—
20 the eleventh month of the current fiscal year. The adoption
21 procedures shall be in accordance with section 3915 (relating to
22 adoption of annual budget).

23 (d) Limitation on amount.--The total amount of the budget
24 shall not exceed the amount of funds available for school
25 purposes in the school entity.

26 (E) FILING WITH DEPARTMENT.--WITHIN 15 DAYS AFTER THE <—
27 ADOPTION OF THE BUDGET, THE GOVERNING BOARD OF EACH SCHOOL
28 ENTITY SHALL FILE A COPY OF THE BUDGET WITH THE DEPARTMENT.

29 § 3114. Amendment of current budget.

30 ~~(a) General rule. The governing board of each school entity~~ <—

1 ~~may amend, by a two thirds vote of its LEGALLY QUALIFIED~~ <—
2 ~~membership, the current annual budget and may transfer any~~
3 ~~unencumbered balance or portion thereof from one major function~~
4 ~~to another.~~

5 ~~(b) Time limitation. If any school entity shall effect a~~
6 ~~change in the annual budget, it shall be accomplished during the~~
7 ~~last nine months of the current fiscal year or not later than~~
8 ~~one month after the end of the fiscal year.~~

9 (A) TRANSFER OF FUNDS BETWEEN FUNCTIONS.--THE GOVERNING BOARD <—
10 OF ANY SCHOOL ENTITY MAY BY A TWO-THIRDS VOTE OF ITS LEGALLY
11 QUALIFIED MEMBERSHIP TRANSFER ANY UNENCUMBERED BALANCE OR
12 PORTION THEREOF FROM ONE MAJOR FUNCTION TO ANOTHER. THE TRANSFER
13 MAY BE MADE ONLY DURING THE LAST NINE MONTHS OF THE CURRENT
14 FISCAL YEAR OR ONE MONTH AFTER THE END OF THE FISCAL YEAR.

15 (B) ADDITION OF UNANTICIPATED REVENUE.--THE GOVERNING BOARD
16 OF ANY SCHOOL ENTITY MAY BY A TWO-THIRDS VOTE OF ITS LEGALLY
17 QUALIFIED MEMBERSHIP ADD ANY UNANTICIPATED REVENUE TO THE
18 EXISTING BUDGET AT ANY TIME IN THE FISCAL YEAR. THE DECISION TO
19 ADD THE FUNDS TO THE BUDGET SHALL BE DEEMED A REGULATION FOR THE
20 PURPOSES OF SECTION 103 (RELATING TO RULE-MAKING PROCEDURE).

21 § 3115. First class city home rule districts.

22 In home rule school districts in cities of the first class,
23 the budget shall be prepared, submitted, advertised, amended and
24 adopted in accordance with the provisions of the home rule
25 charter adopted pursuant to the former provisions of the act of
26 August 9, 1963 (P.L.643, No.341), known as the "First Class City
27 Public Education Home Rule Act," or subchapter C of Chapter 25
28 (relating to first class city home rule districts).

29 SUBCHAPTER C

30 RECEIPTS

1 Sec.

2 3121. Designation of official depositories.

3 3122. Deposit of school funds with official depositories.

4 § 3121. Designation of official depositories.

5 (a) General rule.--The governing board of each school entity
6 shall, AFTER FOLLOWING THE PROCEDURES OF SECTION 3132(B) <—
7 (RELATING TO SOLICITATION FOR QUOTATIONS FOR CERTAIN PURCHASES),
8 AT LEAST ANNUALLY designate one or more authorized depositories
9 as the official depository or depositories.

10 (b) Protection of funds.--Each official depository shall
11 pledge assets or provide insurance for the protection of all
12 school funds in accordance with section 3181 (relating to
13 insurance on deposits of funds).

14 § 3122. Deposit of school funds with official depositories.

15 The treasurer of each school entity shall promptly deposit or
16 cause to be deposited upon receipt all school funds into an
17 official depository in the name of the school entity.

18 SUBCHAPTER D

19 PURCHASING

20 Sec.

21 3131. General requirements for purchasing.

22 3132. Solicitation for quotations for certain purchases.

23 3133. Formal bidding for certain purchases.

24 3134. Contracts and payments for purchases.

25 3135. Joint purchases with government agencies.

26 3136. Bulk purchases through the Commonwealth.

27 § 3131. General requirements for purchasing.

28 (a) Duty of governing board.--The governing board of each
29 school entity shall provide for purchases necessary to carry out
30 the purposes and duties set forth in this title.

1 (b) Approval of purchases.--The governing board of each
2 school entity shall give prior approval to each purchase, except
3 those purchases resulting from a contract previously approved by
4 the governing board or those purchases \$1,500 or under approved
5 by any person authorized by the governing board to make
6 purchases without prior approval.

7 (c) System of purchase procedures.--The governing board of
8 each school entity shall provide for a system of purchase
9 procedures subject to section 3303 (relating to standards for
10 accounting system) and the limitations imposed under this
11 subchapter.

12 (d) Circumvention of bidding requirements.--No officer or
13 official of any school entity shall circumvent THE PROVISIONS OF <—
14 this subchapter by making partial or piecemeal purchases AS <—
15 EVIDENCED BY A PATTERN OF PURCHASING.

16 (e) Requiring bonds.--The governing board may require bid
17 bonds and performance bonds in accordance with sections 3184
18 (relating to bids accompanied by security) and 3185 (relating to
19 performance and payment bonds).

20 § 3132. Solicitation for quotations for certain purchases.

21 (a) General rule.--All purchases of more than \$1,500 but
22 less than \$7,500 shall be purchased from the lowest responsible
23 vendor after soliciting quotations from three or more firms,
24 manufacturers or dealers.

25 (b) Records of quotations.--The quotations received shall be
26 noted in the records of the school entity along with any
27 relevant information about the product, quotation and vendor. If
28 the school entity is unable to obtain three quotations, a
29 statement of the reasons why more quotations were not obtained
30 shall be included in the records of the school entity.

(c) Authorized advertisements and notices.--Advertisements or notices may be placed in trade journals and newspapers as an inducement to competitive pricing.

(d) Exemptions.--The following shall be exempt from the provisions of this section:

(1) ~~Instructional software~~ SCHOOL LIBRARY AND OTHER MEDIA RESOURCES, TEXTBOOKS AND OTHER COPYRIGHTED MATERIAL as may be defined in the Department Accounting Manual. <—

(2) Transportation, ~~insurance, surety company bonds,~~ personal or professional services and food supplies. <—

(3) Purchases made in accordance with section 3136 (relating to bulk purchases through the Commonwealth).

~~(4) School library media resources.~~ <—

§ 3133. Formal bidding for certain purchases.

(a) General rule.--All purchases of \$7,500 or more shall be made only after bids are solicited by due advertisement as provided in this section.

(b) Advertisement for bids.--Public notice shall be given by advertisement once a week for three weeks in not less than two newspapers of general local circulation. If there are less than two newspapers of general local circulation in the service area of the school entity, the notice shall be published in one newspaper of general local circulation and shall be posted in at least five separate public places. In addition advertisements or notices may also be placed in trade journals and other newspapers as an inducement to competitive bidding.

(c) Submitting and opening bids.--All bids shall be in writing and placed in an envelope bearing words indicating that it is a sealed bid with reference to the bid subject. The governing board or its designate shall open and record the bids

1 at the time and public place specified in the advertisement for
2 bids.

3 (d) Acceptance of bids.--The governing board shall accept
4 the bid of the lowest responsible bidder, kind, quality and
5 material being equal, but shall have the right to reject any and
6 all bids, waive minor irregularities or select a single item
7 from any bid.

8 (e) Exemptions.--

9 (1) The following shall be exempt from the provisions of
10 this section:

11 (i) ~~Instructional software~~ SCHOOL LIBRARY AND OTHER <—
12 MEDIA RESOURCES, TEXTBOOKS AND OTHER COPYRIGHTED MATERIAL
13 as may be defined in the Department Accounting Manual.

14 (ii) Transportation, ~~insurance, surety company~~ <—
15 ~~bonds~~, personal or professional services and food
16 supplies.

17 (iii) Purchases made in accordance with section 3136
18 (relating to bulk purchases through the Commonwealth).

19 ~~(iv) School library media resources.~~ <—

20 (2) When, because of an emergency, time is of the
21 essence and the provisions of this section cannot be complied
22 with, the governing board may ~~petition~~ REQUEST the department <—
23 for an exemption from this section and upon approval shall
24 follow the procedure in section 3132 (relating to
25 solicitation for quotations for certain purchases).

26 § 3134. Contracts and payments for purchases.

27 (a) General rule.--The governing board of any school entity
28 may enter into contracts for executing the provisions of this
29 title and the laws of this Commonwealth.

30 (b) Execution of contracts.--All contracts shall be

1 authorized by the governing board and executed by the proper
2 officers.

3 (c) Payments.--Payments for work performed or services or
4 goods received shall be made in accordance with Subchapter E
5 (relating to payment).

6 (d) Performance bonds.--The governing board may require
7 performance bonds in accordance with section 3185 (relating to
8 performance and payment bonds).

9 (e) Contracts subject to bidding procedures.--Contracts for
10 purchases as defined in section 3131 (relating to general
11 requirements for purchasing), for expenditures as provided in
12 section 3151 (relating to authority to make expenditures) and
13 for construction, reconstruction, repairs or work as defined in
14 section 4951 (relating to general requirements for work
15 performed on school property) shall be subject to bidding
16 procedures provided in this subchapter.

17 § 3135. Joint purchases with government agencies.

18 Any school entity may join with any other school entity or
19 political subdivision in purchasing subject to the provisions of
20 this title.

21 § 3136. Bulk purchases through the Commonwealth.

22 Any school entity may participate in the bulk purchases
23 program as offered by the Commonwealth in accordance with
24 section 2403 of the act of April 9, 1929 (P.L.177, No.175),
25 known as "The Administrative Code of 1929."

26 SUBCHAPTER E

27 PAYMENT

28 Sec.

29 3141. System of payment procedures.

30 3142. Payments to be made on payment orders.

1 3143. Payroll obligations as preferential claims.

2 3144. Liability of officials for improper payment orders.

3 3145. Authorizing use of facsimile signatures.

4 3146. Transfer of funds between accounts or institutions.

5 § 3141. System of payment procedures.

6 (a) General rule.--The governing board of each school entity
7 shall provide for a system of cash disbursement procedures
8 subject to the provisions of sections 3122 (relating to deposit
9 of school funds with official depositories) and 3302 (relating
10 to accounting system to be maintained).

11 (b) Approval of payments.--No payment shall be made without
12 prior approval of the governing board except for the payment of:

13 (1) Amounts owing under contracts previously approved by
14 the board and by the prompt payment of which the school
15 entity will receive a discount or other advantage. ALL SUCH <—
16 ORDERS SHALL BE PRESENTED TO THE BOARD AT ITS NEXT MEETING.

17 (2) Obligations incurred as a result of purchases made
18 in accordance with section 3131(b) (relating to general
19 requirements for purchasing).

20 § 3142. Payments to be made on payment orders.

21 (a) General rule.--All payments made by a school entity
22 shall be on a proper payment order drawn on the appropriate
23 account and signed and certified by the proper officers.

24 (b) Payment orders for payroll.--The payroll may be included
25 on one or more orders, which may be made payable to the order of
26 such person or persons, and distributed in such manner as the
27 governing board may determine.

28 (c) Limitation on expenditures.--No payment order shall be
29 executed:

30 (1) for expenditures for purposes not provided for in

1 the budget; or

2 (2) which will cause the sums appropriated to specific
3 major functions in the budget to be exceeded.

4 (d) Designation of function affected.--The payment order
5 shall state for each payment item the particular function of the
6 annual budget upon which the same is drawn.

7 § 3143. Payroll obligations as preferential claims.

8 (a) General rule.--The payroll obligations of each school
9 district shall be preferential claims. It shall be the duty of
10 the board of school directors of each district to provide for
11 the payment of payroll obligations before authorizing the
12 payment of any other current expense except for fuel, water,
13 electric service or such supplies as are actually essential for
14 keeping the schools in session.

15 (b) Short term loans.--In order to meet payroll requirements
16 the board shall, if necessary, negotiate such short term loans
17 as are necessary and possible in accordance with the law
18 governing the borrowing powers of the district.

19 (c) Interest on unpaid salaries.--In the event the payment
20 of salaries of employees of any school district is not made when
21 due, the school district shall be liable for the payment of the
22 salaries, together with interest at 6% per annum from the due
23 date, except that no school district shall be required to pay
24 interest on unpaid salaries if the failure to pay salaries is
25 occasioned by the failure of the Commonwealth to make timely
26 payment of allotment of appropriations due.

27 § 3144. Liability of officials for improper payment orders.

28 (a) General rule.--Any director, appointee or employee
29 acting on behalf of any school entity who either votes for or
30 approves a payment order for any other purpose, or drawn in any

1 other manner, than that provided for in this title, shall,
2 together with the surety or sureties on their bond, in addition
3 to any penalty imposed, be individually liable to the school
4 entity for the amount thereof.

5 (b) Discretion of court on appeal.--On appeal from an
6 auditor's report, it shall be within the discretion of the court
7 having jurisdiction of the matter to sustain or not to sustain a
8 surcharge where it appears that the appellant acted honestly and
9 in good faith for the best interest of the school entity and
10 where no loss or damage to the school entity resulted from the
11 action of the appellant.

12 § 3145. Authorizing use of facsimile signatures.

13 The governing board of any school entity may authorize the
14 use of a facsimile signature subject to the provisions of the
15 act of July 25, 1961 (P.L.849, No.367), known as the "Uniform
16 Facsimile Signature of Public Officials Act."

17 § 3146. Transfer of funds between accounts or institutions.

18 Lateral transfer of funds from one type of account to another
19 or from one bank to another for the purpose of facilitating
20 investments, debt service or for any other lawful purpose
21 wherein no expenditure is involved shall not be subject to
22 provisions of this subchapter provided adequate protection of
23 the funds is maintained in accordance with section 3181
24 (relating to insurance on deposits of funds).

25 SUBCHAPTER F

26 EXPENDITURES

27 Sec.

28 3151. Authority to make expenditures.

29 3152. Authorization of travel and reimbursement of expenses.

30 § 3151. Authority to make expenditures.

1 (a) General rule.--The governing board of any school entity
2 may make expenditures for the purposes authorized by this title.

3 (b) Limitation on expenditures.--No services shall be
4 secured, no materials purchased and no contracts executed by any
5 governing board which will cause the sums appropriated to a
6 major function in the budget to be exceeded.

7 § 3152. Authorization of travel and reimbursement of expenses.

8 (a) General rule.--The governing board of any school entity
9 may authorize any member, officer, appointee, employee or
10 student to travel for purposes authorized by this title and may
11 reimburse them for their expenses. Prior authorization to incur
12 expenses must be given by the governing board.

13 (b) Reimbursable expenses.--Expenses actually and
14 necessarily incurred in going to, attending and returning from
15 meetings, conferences, conventions or other sessions at which
16 attendance is authorized by the governing board may be
17 reimbursed. The expenses may include travel, travel insurance,
18 lodging, meals, registration fees and other incidental expenses
19 necessarily incurred.

20 (c) Advances on expenses.--The governing board may authorize
21 the proper officers to make an advance upon presentation of an
22 estimate of expenses to be incurred. Advances will be applied
23 against a final itemized statement of actual expenses and any
24 funds advanced in excess of actual expenses incurred shall be
25 immediately refunded to the treasurer of the school entity. Upon
26 failure to submit an itemized statement with required
27 documentation, the entire amount of the advance shall be
28 returned.

29 (d) Documentation of expenses incurred.--Final settlement,
30 including reimbursement and refund, if any, and approval of the

1 itemized statement of travel expenses shall not be made until
2 adequate documentation in support of such statement is certified
3 and filed with the business administrator or with such other
4 person as may be designated by the governing board.

5 Documentation may be in the form of receipted hotel bills,
6 mileage records and such other receipts as the governing board
7 may require.

8 (e) Rate of reimbursement.--Reimbursement for expenses
9 incurred in accordance with this section shall establish as
10 follows:

11 (1) The governing board of the school entity shall
12 establish rates for the reimbursement of expenses authorized
13 by this section incurred by officers who are not members of
14 the governing board, appointees, employees and students.

15 (2) Reimbursement for expenses of members of governing
16 boards for expenses incurred in accordance with this section
17 shall not exceed \$40 per day for lodging and meals. Actual <—
18 travel expenses shall be allowed with mileage for travel by
19 car at the rate of 15¢ per mile. The State board may
20 establish different per diem and travel expense rates of
21 reimbursement as conditions warrant. THE GREATER OF THE <—

22 FOLLOWING AMOUNTS:

23 (I) THE SUM OF \$40 PER DAY FOR FOOD AND LODGING AND
24 15¢ PER MILE FOR TRAVEL BY AUTOMOBILE.

25 (II) AMOUNTS FOR TRAVELING EXPENSES DETERMINED BY
26 THE COMMISSIONER OF INTERNAL REVENUE UNDER THE AUTHORITY
27 OF SECTION 274 OF THE INTERNAL REVENUE CODE OF 1954 AND
28 REGULATIONS PROMULGATED THEREUNDER AS NOT REQUIRING
29 SUBSTANTIATION BY ADEQUATE RECORDS OR OTHER SUFFICIENT
30 EVIDENCE.

1 SUBCHAPTER G

2 INVESTMENT OF FUNDS

3 Sec.

4 3161. Investment of school funds required.

5 3162. Authorized investments for funds.

6 3163. Joint purchase of investments.

7 3164. Capital reserve fund for construction projects.

8 § 3161. Investment of school funds required.

9 (a) General rule.--The governing board of each school entity
10 shall invest school funds to the maximum extent consistent with
11 sound business practice.

12 (b) Investment program.--The governing board of all school
13 entities shall provide for an investment program and may
14 designate the proper officers OR EMPLOYEES to administer the <—
15 program subject to this title or other statute and the rules and
16 regulations adopted by the governing board.

17 (C) QUOTATIONS FROM INVESTMENT DEALERS.--INVESTMENTS SHALL <—
18 BE MADE SO AS TO RECEIVE THE HIGHEST POSSIBLE RETURN AFTER
19 SOLICITING QUOTATIONS FROM THREE OR MORE DEALERS IN AUTHORIZED
20 INVESTMENTS.

21 § 3162. Authorized investments for funds.

22 (a) General rule.--Authorized types of investments for
23 school funds include:

24 (1) United States treasury bills.

25 (2) Direct short term obligations of the United States
26 Government.

27 (3) Deposits in time accounts, open time accounts, share
28 accounts and all other investments in authorized depositories
29 for which collateral is secured by the pledging of assets in
30 accordance with section 3181 (relating to insurance on

deposits of funds).

(b) Special funds.--Any devise, bequest, grant, endowment, gift or donation of any property, real or personal, which may be made to a school entity may be invested as provided in subsection (a) and in investments declared to be legal investments in Chapter 73 of Title 20 (relating to fiduciaries investments).

§ 3163. Joint purchase of investments.

(a) Purchases from own funds.--The governing board of any school entity may make joint purchase of investments from among the school funds accounts under its jurisdiction. The earnings from the investments shall be separately and individually computed and recorded and credited to the accounts from which the investment was purchased. The investments shall be subject to section 3132 (relating to solicitation for quotations for certain purchases).

(b) Purchases with other agencies.--The governing board of any school entity may join with any other government agency, political subdivision or municipal authority for the purpose of making joint purchase of investments. The earnings from the investments shall be separately and individually computed, recorded and credited to the accounts of the governing body from which the investment was purchased. The investments shall be subject to section 3132.

§ 3164. Capital reserve fund for construction projects.

(a) Creation of fund.--Any school district may create a special capital reserve fund and accumulate moneys therein to be expended during a period not to exceed five years for the purpose of constructing a school building project under a long-term project program approved by the department in accordance

1 with Chapter 49 (relating to physical plant and construction).
2 The proposed project program may include the cost of acquiring
3 suitable sites for school buildings, the cost of constructing
4 new school buildings or the cost of providing needed additions
5 or alterations to existing buildings.

6 (b) Methods of payment from fund.--Moneys accumulated in the
7 district's capital reserve fund may be paid as a lump sum at the
8 time that construction of the project or projects is begun or
9 payment of the accumulated sums may be spread over a period of
10 years as a part of the annual rental or sinking fund charge
11 approved by the department for the proposed project or projects.

12 (c) Special tax to support fund.--The capital reserve fund
13 shall consist of receipts from a special tax which each board of
14 school directors is hereby authorized to levy in accordance with
15 the provisions of this title. The tax levy may not exceed three
16 mills in any one year nor may the tax be levied, on account of
17 any one project program, for a period of more than five years.
18 The tax may be levied only for the purpose of financing a school
19 building project or projects which have been approved by the
20 department for construction within five years from the date of
21 the approval given by the department. Upon the total and final
22 completion of a project program which, for the purpose herein
23 contemplated, may include the construction, reconstruction or
24 renovation of more than one building, the board of school
25 directors may proceed to set up a new project program for later
26 construction and may establish a new capital reserve fund to
27 finance such project program.

28 (d) Authorized expenditures from fund.--The moneys in any
29 such capital reserve fund may be expended by the school district
30 singly or jointly:

1 (1) with the Commonwealth or any department or agency
2 thereof;

3 (2) with the Federal Government or any department or
4 agency thereof; or

5 (3) with one or more other school districts;
6 only during the period of time for which the fund was created,
7 and only for capital improvements approved by the department and
8 for no other purpose.

9 (e) Disposition of unnecessary funds.--If for any reason the
10 project program for which the capital reserve fund was
11 established fails to materialize, the moneys accumulated in the
12 fund shall revert to the district's general fund in equal
13 amounts spread over a period of five years.

14 SUBCHAPTER H

15 INDEBTEDNESS

16 Sec.

17 3171. Authorization for temporary borrowing.

18 3172. Authorization to issue bonds.

19 3173. Withholding Commonwealth funds for unpaid indebtedness.

20 § 3171. Authorization for temporary borrowing.

21 The governing board of any school entity may authorize
22 temporary borrowing as it deems necessary to execute the duties
23 described in this title subject to the provisions and
24 limitations of the act of July 12, 1972 (P.L.781, No.185), known
25 as the "Local Government Unit Debt Act."

26 § 3172. Authorization to issue bonds.

27 The board of directors of any school district may issue bonds
28 for the purpose of executing duties described in this title
29 subject to the provisions and limitations of the act of July 12,
30 1972 (P.L.781, No.185), known as the "Local Government Unit Debt

1 Act."

2 § 3173. Withholding Commonwealth funds for unpaid indebtedness.

3 In all cases ~~where~~ IN WHICH the board of directors of any <—
4 school entity fails to pay or to provide for the ~~payment of any~~ <—
5 ~~amounts due in accordance with the terms of any obligation~~
6 ~~incurred in accordance with this subchapter, the department~~
7 ~~shall withhold out of any Commonwealth appropriations due the~~
8 ~~school entity an amount equal to the amount due and shall pay~~
9 ~~over the amount withheld to the payment agent~~ PAYMENT OF THE <—

10 PRINCIPAL OF AND THE INTEREST ON ANY DEBT INCURRED IN ACCORDANCE
11 WITH THE PROVISIONS OF THIS SUBCHAPTER, WHEN AND AS DUE, OR THE
12 PAYMENT OF ANY LEASE RENTAL DEBT AS DEFINED IN THE ACT OF JULY
13 12, 1972 (P.L.781, NO.185), KNOWN AS THE "LOCAL GOVERNMENT UNIT
14 DEBT ACT," THE DEPARTMENT SHALL WITHHOLD OUT OF ANY COMMONWEALTH
15 APPROPRIATIONS DUE THE SCHOOL ENTITY AN AMOUNT EQUAL TO THE
16 AMOUNT SO DUE AND SHALL PAY THE SAME TO THE BONDHOLDERS OR
17 NOTEHOLDERS OR THEIR RESPECTIVE TRUSTEES OR PAYING AGENTS.

18 SUBCHAPTER I

19 PROTECTION OF FUNDS AND PROPERTY

20 Sec.

21 3181. Insurance on deposits of funds.

22 3182. Bonding of officials for performance of duties.

23 3183. Authorization for insurance contracts.

24 3184. Bids accompanied by deposit.

25 3185. Performance and payment bonds.

26 § 3181. Insurance on deposits of funds.

27 (a) General rule.--All school funds held in any authorized
28 depository shall be fully insured with the Federal Deposit
29 Insurance Corporation or the Federal Savings and Loan Insurance
30 Corporation OR THE NATIONAL CREDIT UNION ADMINISTRATION, or by <—

1 the pledging of assets in accordance with the act of November
2 30, 1965 (P.L.847, No.356), known as the "Banking Code of 1965."

3 (b) Pooling pledged assets.--The governing board of any
4 school entity may permit assets pledged as collateral in
5 subsection (a) to be pooled in accordance with the act of August
6 6, 1971 (P.L.281, No.72), relating to pledges of assets to
7 secure deposits of public funds.

8 § 3182. Bonding of officials for performance of duties.

9 (a) General rule.--The governing board of any school entity
10 may require any officer, employee or appointee to furnish,
11 before entering upon the duties of his office, to the governing
12 board a proper bond conditioned upon the faithful performance of
13 his duties, in such amount and with such corporate surety as the
14 governing board shall determine. The amount of the bond shall be
15 re-examined each year by the governing board for sufficiency and
16 increased if insufficient. The school entity shall pay the
17 premium on the bond FOR ANY OFFICER OR EMPLOYEE. <—

18 (b) Persons required to furnish bond.--The secretary,
19 treasurer and business administrator shall be required to
20 furnish bond in accordance with subsection (a).

21 (c) Personal collateral bond.--In lieu of furnishing a bond
22 under subsection (a), the persons may file their own collateral
23 bond, in the amount determined by the governing board in
24 accordance with the procedure described in subsection (a),
25 secured by an actual deposit with the governing board or with
26 any bank or bank and trust company within this Commonwealth
27 which may be agreed upon, of any of the securities which
28 depositories may use to secure the deposit of school funds. The
29 total market value of the securities thus deposited shall equal
30 the amount of the collateral bond. The collateral bonds shall be

1 conditioned upon the faithful performance of their duties. The
2 securities thus deposited shall constitute a trust fund to be
3 available for the satisfaction of any liability accruing upon
4 the collateral bond. The securities shall be accompanied by a
5 proper assignment or power of attorney for their transfer. In
6 the event of a decline in the market value of the securities,
7 additional securities shall be added to the trust deposit
8 sufficient to equal the amount of the collateral bond if
9 requested in writing by the governing board. The sufficiency of
10 the amount shall be reviewed annually by the governing board as
11 described in subsection (a). The governing board may permit the
12 director, officer or employee to substitute for any one or more
13 bonds or obligations included in any such securities, other
14 bonds or obligations that meet the requirements of this section.

15 (d) Refusal to furnish bond.--In case any director, officer
16 or employee shall refuse or fail to furnish a proper bond with
17 the proper sureties or securities within 15 days of notice to do
18 so, the governing board shall elect or employ another suitable
19 person to perform such duties in his place.

20 (e) Financial institution as treasurer.--In cases where the
21 treasurer is a bank or trust company, a surety bond shall not be
22 required.

23 § 3183. Authorization for insurance contracts.

24 (a) General rule.--The governing board of any school entity
25 may make and enter into any insurance contract it may deem
26 proper and desirable with any person, firm or corporation
27 (including any mutual insurance company) authorized to transact
28 business relating to insurance in this Commonwealth, for the
29 benefit of the governing board, school entity, its school
30 property, employees and their spouses and dependents, retired

1 employees and students. The insurance may include, but need not
2 be limited to, fire or casualty insurance, liability insurance,
3 flood insurance, pension annuity plans and travel and accident
4 insurance.

5 (b) Joint contracts with other agencies.--The governing
6 board of any school entity may contract for insurance jointly
7 with one or more other school entities, government agencies,
8 political subdivisions and municipality authorities, and provide
9 for the proportionate share of the premium to be paid by each
10 school entity and for the escrowing of funds by each school
11 entity on account of any deductible amounts included in the
12 contract of insurance.

13 (c) Payroll deductions for premiums.--The act of June 22,
14 1931 (P.L.844, No.274), relating to contracts for benefits for
15 government employees, and the act of July 19, 1951 (P.L.1074,
16 No.231), relating to payroll deductions by government agencies
17 for insurance premiums, shall be followed with respect to
18 employee wage deductions for payment of premiums on insurance
19 policies.

20 § 3184. Bids accompanied by deposit.

21 (a) General rule.--The governing board of any school entity
22 may provide that all bids advertised for shall be accompanied by
23 cash or by a certified check or cashier's good faith check in an
24 amount required by the governing board.

25 (b) Deposit forfeited as liquidated damages.--In the event
26 any bidder shall, upon award of contract to him, fail to comply
27 with the requirements of the act of December 20, 1967 (P.L.869,
28 No.385), known as the "Public Works Contractors' Bond Law of
29 1967," as to guaranteeing the performance of the contract, the
30 good faith deposit, to the extent it does not exceed 10% of the

1 bid, shall be forfeited to the governing board as liquidated
2 damages.

3 § 3185. Performance and payment bonds.

4 All governing boards of any school entity shall comply with
5 the provisions of the act of December 20, 1967 (P.L.869,
6 No.385), known as the "Public Works Contractors' Law of 1967,"
7 governing public performance and payment bonds on public works
8 contracts.

9 SUBCHAPTER J

10 MISCELLANEOUS PROVISIONS

11 Sec.

12 3191. Disposal of personal property.

13 § 3191. Disposal of personal property.

14 (a) ~~General rule~~ SALE TO EDUCATIONAL INSTITUTIONS.--Whenever <—
15 the governing board of any school entity other than a district
16 of the first class or first class A shall by resolution declare
17 any books, furniture, supplies or equipment to be unused,
18 unnecessary, surplus or obsolete, the ~~same may be disposed of by~~ <—
19 ~~any one or more of the following methods:~~ BOARD SHALL FIRST <—
20 OFFER THE PROPERTY TO OTHER SCHOOL ENTITIES, NONPUBLIC SCHOOLS
21 OR OTHER NONPROFIT EDUCATIONAL INSTITUTIONS AT AUCTION OR BY
22 SOLICITATION OF TWO OR MORE BIDS.

23 (B) OTHER METHODS OF DISPOSAL.--ANY PROPERTY WHICH HAS NOT
24 BEEN PURCHASED BY OTHER SCHOOLS OR EDUCATIONAL INSTITUTIONS MAY
25 BE DISPOSED OF BY ANY ONE OR MORE OF THE FOLLOWING METHODS:

26 (1) Public auction after such notice as the board shall
27 fix.

28 (2) Solicitation of bids from two or more persons
29 engaged in a business related to the nature of the items to
30 be disposed of.

1 (3) Offer to the general public at prices fixed by
2 resolution of the board.

3 (4) Offer to suppliers of similar items who shall be
4 required to state their bid for the same as a dollar discount
5 against items they may be proposing to sell to the district.

6 (5) Such other method as the board may adopt by
7 resolution, which other method shall not be implemented
8 sooner than five days after the public meeting.

9 ~~(b)~~ (C) Purchases by officers.--No member of the governing <—
10 board nor any officer, APPOINTEE OR EMPLOYEE of any school <—
11 entity may purchase or cause to be purchased on his behalf any
12 property except under the procedure prescribed in subsection ~~(a)~~ <—
13 (B)(1). <—