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INTRODUCED BY GALLAGHER, PANCOAST, BURNS, RHODES, DAVIES, WISE,
GARZIA AND MANDERINO, MARCH 22, 1977

REFERRED TO COMMITTEE ON EDUCATION, MARCH 22, 1977

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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- 10 § 5151. Right to sabbatical leave.
- 11 § 5152. Salary while on sabbatical leave.
- 12 § 5153. Priority and number of sabbatical leaves.
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- 14 § 5155. Regulations governing sabbatical leave.
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- 16 § 5157. Military training leave.
- 17 § 5158. Right to sick leave.
- 18 § 5159. Transfer of accumulated sick leave.
- 19 § 5160. Regulations governing sick leave.
- 20 § 5161. Emergency leave.
- 21 § 5162. Leave to serve as teacher in foreign country.
- 22 § 5163. Leave for maternity purposes.
- 23 § 5164. Leave with or without pay.
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25 Subchapter E. Commissioned Personnel

- 26 § 5171. Selection and qualifications.
- 27 § 5172. Term of office and compensation.
- 28 § 5173. Oath of office.
- 29 § 5174. Reelection, retention and resignation.
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1 § 5176. Commissioning of personnel.
2 § 5177. Acting and substitute superintendents.
3 § 5178. Removal for cause.
4 § 5179. Duties of superintendent.
5 § 5180. Duties of assistant superintendent.

6 Subchapter F. Principals

7 § 5191. Duties of principals.

8 PART III. HIGHER EDUCATION (Reserved)

9 PART V. MISCELLANEOUS PROVISIONS (Reserved)

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

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

15 TITLE 24
16 EDUCATION

17 Parts

- 18 I. Preliminary Provisions
19 II. Basic Education
20 III. Higher Education (Reserved)
21 V. Miscellaneous Provisions (Reserved)

22 PART I
23 PRELIMINARY PROVISIONS

24 Subpart

- 25 A. General Provisions
26 B. Commonwealth Agencies
27 C. Nonpublic and Private Schools

28 SUBPART A
29 GENERAL PROVISIONS

30 Chapter

1 1. General Provisions

2 CHAPTER 1

3 GENERAL PROVISIONS

4 Sec.

5 101. Short title of title.

6 102. Definitions.

7 103. Rule-making procedure.

8 104. Access to information and public records.

9 105. Public agency open meeting laws.

10 106. Prohibition of certain tests and qualifications.

11 107. Reservation of unassigned powers and duties.

12 § 101. Short title of title.

13 This title shall be known and may be cited as the "Education
14 Code."

15 § 102. Definitions.

16 (a) General rule.--Subject to additional definitions
17 contained in subsequent provisions of this title which are
18 applicable to specific provisions of this title, the following
19 words and phrases when used in this title shall have, unless the
20 context clearly indicates otherwise, the meanings given to them
21 in this section:

22 "Auxiliary personnel." Persons employed by a governing board
23 in positions for which commissions or certificates are not
24 required.

25 "Board of school directors." Includes board of public
26 education.

27 "Department." The Department of Education of the
28 Commonwealth.

29 "Fiscal year." The period of time from July 1 to the
30 following June 30 or, if fixed by the governing board by a two-

1 thirds vote and approved by the department, the period of time
2 from January 1 to December 31. Any school district having a
3 fiscal year running from January 1 to December 31 on the
4 effective date of this title may continue to use that fiscal
5 year.

6 "Governing board." The board of school directors,
7 intermediate unit board of directors and area vocational-
8 technical school board of directors.

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

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

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

21 "Public school." Any school or program operated by a school
22 entity.

23 "Quorum." A majority of the legally qualified membership of
24 a governing board.

25 "Regulation" or "rule." A properly issued statement of
26 general applicability and future effect promulgated under
27 statutory authority designed to:

- 28 (1) implement law or prescribe policy; or
29 (2) describe the organization or operating procedure of
30 the issuing authority.

1 "School director." A duly elected or appointed member of a
2 governing board.

3 "School entity." A school district, intermediate unit or
4 area vocational-technical school.

5 "School term" or "school year." The period of time during a
6 fiscal year out of which the school calendar requirements of
7 section 3721 (relating to establishment of school calendar) are
8 satisfied.

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

10 "Standard." A criterion which implements a statute or
11 regulation by setting forth the minimal level of performance
12 which shall be accepted as constituting compliance with that
13 statute or regulation.

14 "State board." The State Board of Education of the
15 Commonwealth.

16 (b) Limitation.--The definitions contained in this section
17 shall not be used in any way to determine collective bargaining
18 rights under the act of July 23, 1970, (P.L.563, No.195), known
19 as the "Public Employe Relations Act."

20 § 103. Rule-making procedure.

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

27 (b) Standards.--Where the secretary, the department or the
28 comptroller of the department are authorized by this title to
29 promulgate standards, the secretary, department or comptroller
30 shall promulgate the standards in accordance with the

1 Commonwealth Documents Law.

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

4 (1) intention to adopt the rules or regulations has been
5 made public in accordance with the procedures provided by the
6 act of June 21, 1957 (P.L.392, No.213) and the act of July
7 19, 1974 (P.L.486, No.175), referred to as the Public Agency
8 Open Meeting Laws, and the public has been afforded the
9 opportunity to comment on the proposed rules or regulations
10 at an open meeting; or

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

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

20 (e) Construction of section.--This section does not prevent
21 school entity personnel from establishing standards and
22 guidelines which implement governing board regulations.

23 § 104. Access to information and public records.

24 Rules, regulations, standards and all public records of the
25 State board, the department, the State boards of private schools
26 and any governing board of any school entity shall, at
27 reasonable times, be open for the examination, inspection and
28 reproduction by any citizen of this Commonwealth in accordance
29 with the provisions of the act of June 21, 1957 (P.L.390,
30 No.212), referred to as the Right-to-Know Law. The school entity

1 may charge for the actual cost of reproduction including the
2 cost of clerical labor.

3 § 105. Public agency open meeting laws.

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

10 § 106. Prohibition of certain tests and qualifications.

11 No test or qualification based on religion, political
12 affiliation, sex or race shall be required of any director,
13 officer, appointee, employee or any visitor in the public
14 schools of this Commonwealth.

15 § 107. Reservation of unassigned powers and duties.

16 Powers and duties not assigned by this title are reserved to
17 the General Assembly.

18 SUBPART B

19 COMMONWEALTH AGENCIES

20 Chapter

21 5. State Board of Education

22 7. Department of Education

23 CHAPTER 5

24 STATE BOARD OF EDUCATION

25 Sec.

26 501. Membership and operation of State board.

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

29 503. Powers and duties of State board.

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

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

2 506. State board requirements binding upon department.

3 507. State board staff and department assistance.

4 § 501. Membership and operation of State board.

5 (a) Membership.--The State Board of Education shall consist
6 of 21 members, four of whom shall be the majority and minority
7 chairmen of the standing committees on education in the House of
8 Representatives and the Senate or their respective designees
9 (who shall be members of the respective standing committees on
10 education) who shall serve at large. The remaining 17 members
11 shall be appointed by the Governor, by and with the advice and
12 consent of two-thirds of all the members of the Senate, and
13 shall hold office for terms of six years each and until a
14 successor has been appointed and has qualified.

15 (b) Compensation.--Members shall receive no salary but shall
16 be entitled to travel and other necessary expenses incurred in
17 the performance of their duties as members of the State board.
18 Reimbursement for expenses shall not exceed the greater of the
19 following amounts:

20 (1) The sum of \$40 per day for food and lodging and 15¢
21 per mile for travel by automobile.

22 (2) Amounts for traveling expenses determined by the
23 Commissioner of Internal Revenue under the authority of
24 section 274 of the Internal Revenue Code of 1954 and
25 regulations promulgated thereunder as not requiring
26 substantiation by adequate records or other sufficient
27 evidence.

28 (c) Quorum and meetings.--Eleven members shall constitute a
29 quorum provided that at least four members serving on each of
30 the councils are present. The affirmative vote of a majority of

1 all the members of the State board duly recorded showing how
2 each member voted shall be required in order to take action
3 formulating policies and adopting rules and regulations. The
4 State board shall meet at least five times a year at such times
5 and places as it shall determine except that the board shall
6 meet from time to time in various areas of this Commonwealth.
7 Special meetings may be called by the chairman or at the request
8 of a majority of the members of the State board. The State board
9 shall provide at all of its meetings a reasonable opportunity
10 for public comment.

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

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

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

25 § 502. Membership and operation of councils of basic and higher
26 education.

27 (a) Chairman of State board.--The person designated by the
28 Governor to serve as chairman of the State board shall also
29 serve as a member of both the Council of Basic Education and the
30 Council of Higher Education.

1 (b) Members of State board.--Of the remaining 20 members of
2 the board, the four legislative members shall not be assigned to
3 the councils but shall serve at large. Of the remaining 16,
4 eight shall serve as members of the Council of Basic Education
5 and eight shall serve as members of the Council of Higher
6 Education, as designated by the Governor.

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

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

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

17 § 503. Powers and duties of State board.

18 The State board shall:

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

22 (2) Investigate programs, conduct research studies and
23 formulate educational policies which are applicable both to
24 basic and to higher education.

25 (3) Adopt policy, rules and regulations upon the
26 recommendation of the Councils of Basic and Higher Education
27 as provided in this title. Before any proposal to create or
28 revise any policy, rule or regulation may be placed on the
29 agenda for intent to adopt or for adoption, the proposal must
30 be accompanied by a fiscal note prepared by the department

1 containing a statement of cost to the Commonwealth and the
2 various school entities affected.

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

9 (5) Apply for, receive and administer, subject to any
10 applicable regulations or laws of the Federal Government or
11 any agency thereof, any Federal grants, programs,
12 appropriations and allocations on behalf of the Commonwealth,
13 any of its school districts or any institution of higher
14 education, public or private, within this Commonwealth. This
15 paragraph does not affect the right of school entities or
16 institutions of higher education to apply for, receive and
17 administer Federal funds in accordance with Federal laws or
18 regulations.

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

27 (7) Adopt regulations governing educational broadcasting
28 as provided in section 4301 (relating to educational
29 broadcasting and communication technologies).

30 (8) Submit annually to the department an estimate of the

1 financial requirements of the State board for administrative
2 expenses.

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

10 (10) Perform such other duties as may be required by the
11 provisions of this chapter.

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

13 The Council for Basic Education shall:

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

17 (i) The minimum program to be provided by all public
18 schools.

19 (ii) The qualifications for employment of
20 professional personnel in the public schools.

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

23 (iv) All matters pertaining to school construction.

24 (v) The operation of all programs of supportive
25 services.

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

27 (vii) Action to be taken on changes in school entity
28 boundary lines as provided by law.

29 (viii) All standards and practices for professional
30 education and certification as provided for in section

1 5112 (relating to Professional Standards and Practices
2 Commission).

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

5 (3) Recommend to the State board policies, rules and
6 regulations relating to the operation of vocational
7 education, special education and intermediate units.

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

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

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

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

19 (i) Define the role of each type of institution
20 (State-owned colleges and universities, State-related
21 universities, community colleges, private colleges and
22 universities and off-campus centers of any of these and
23 other institutions authorized to grant degrees) in the
24 Commonwealth system of higher education.

25 (ii) Recommend enrollment levels for each
26 institution.

27 (iii) Recommend a method for governance of the
28 system.

29 (iv) Provide formulas for the distribution of
30 Commonwealth funds among the institutions.

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

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

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

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

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

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

(7) Recommend to the State board regulations under which the department shall approve or disapprove any action of a State-owned college or university, community college or State-related or State-aided college or university in establishing new professional schools or upper division programs by two-year institutions.

(8) Recommend to the State board regulations under which the department shall approve or disapprove applications by State-owned colleges for admission to university status and

1 approve or disapprove applications by two-year institutions
2 to become four-year institutions.

3 (9) Recommend to the State board regulations under which
4 the department shall approve or disapprove the request of any
5 private institution of higher education for admission to
6 State-related or State-aided status or for eligibility for
7 other financial support from the Commonwealth.

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

11 (b) Board of State College and University Directors.--With
12 regard to State-owned institutions, approval or disapproval by
13 the department under the provisions of subsection (a)(6) through
14 (8) shall not be made until after recommendation by the Board of
15 State College and University Directors whenever such
16 recommendation is deemed necessary or required by law.

17 (c) Department of Education.--No institution of higher
18 education may proceed with any action described in subsection
19 (a)(6) through (9) unless it has been approved by the
20 department.

21 (d) Budget approval.--With regard to approval by the
22 department under the provisions of subsection (a)(6) through
23 (9), no action to be financed wholly or in part from
24 Commonwealth appropriations shall be taken by an institution of
25 higher learning prior to the next fiscal year or until the
26 General Assembly approves the Budget of the Governor for the
27 next fiscal year, and prior to each member of the General
28 Assembly, the Governor and the Budget Secretary being provided
29 with written notification of such approval, including projected
30 five-year fiscal analysis and an explanation as to the necessity

1 for the proposed action in relation to the master plan for
2 higher education.

3 § 506. State board requirements binding upon department.

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

6 § 507. State board staff and department assistance.

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

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

13 (c) Assistance from department.--The department shall
14 furnish upon request of the State board such data and
15 information as the State board may from time to time require and
16 the department shall provide administrative services for and on
17 behalf of the State board to assist the State board in the
18 performance of its duties.

19 CHAPTER 7

20 DEPARTMENT OF EDUCATION

21 Subchapter

22 A. General Provisions

23 B. Financially Distressed School Districts

24 C. Firemen's Training

25 SUBCHAPTER A

26 GENERAL PROVISIONS

27 Sec.

28 701. Appointment of secretary.

29 702. Powers and duties of secretary.

30 703. Emergency powers.

1 704. Power to withhold financial aid.

2 705. Departmental approval of plans.

3 § 701. Appointment of secretary.

4 The secretary shall assume all powers and duties of the
5 former Superintendent of Public Instruction and shall be
6 appointed by the Governor as provided by law.

7 § 702. Powers and duties of secretary.

8 (a) Standards for compliance with laws.--The secretary as
9 the chief school officer of this Commonwealth shall have the
10 power and it shall be his duty to secure compliance with all
11 statutes of this Commonwealth which pertain to education and
12 with rules and regulations of the State board promulgated
13 pursuant to statute. The secretary shall adopt pursuant to law
14 those standards necessary to assure compliance, shall publish
15 the standards and shall make them available in accordance with
16 the provisions of the act of July 31, 1968 (P.L.769, No.240),
17 known as the "Commonwealth Documents Law."

18 (b) State board consideration of standards.--Any standard
19 issued by the secretary in an area under the jurisdiction of the
20 State board shall be submitted to the State board for its
21 approval at the same time as it is published as a proposed
22 standard as provided in the "Commonwealth Documents Law."
23 Failure to approve, disapprove or modify a standard within 60
24 days of submission shall be deemed approval.

25 (c) Issuance of guidelines.--The secretary may issue
26 nonbinding guidelines.

27 (d) Powers and duties provided by law.--The secretary shall
28 perform such duties and exercise such powers as are provided in
29 this title.

30 (e) Proceedings to enforce compliance.--When, in the

1 judgment of the secretary, compliance with the law or
2 regulations of the State board have not been effected, the
3 secretary may bring appropriate enforcement proceedings in the
4 Commonwealth Court or in the appropriate court of common pleas,
5 as provided for by law, seeking such orders as may be necessary
6 and just to effect compliance.

7 (f) Inspections and reports.--The department shall inspect
8 and require reports of the educational work in the elementary
9 and secondary schools and institutions, wholly or partly
10 supported by the Commonwealth, which are not supervised by the
11 public school authorities. A copy of the report of any
12 inspection which may be made shall be sent to the head of the
13 institution.

14 (g) Fiscal agent of department.--The comptroller for the
15 department shall be the fiscal agent of the department and as
16 such shall calculate payments and disburse funds in accordance
17 with this title.

18 (h) Distribution of school laws.--The department shall
19 provide each member of every board of school directors in this
20 Commonwealth a copy of each new edition of the "Public School
21 Code" and related laws as soon as possible after publication.

22 § 703. Emergency powers.

23 Whenever a state of extreme emergency has been declared by
24 the Governor in accordance with the provisions of the act of
25 March 19, 1951 (P.L.28, No.4), known as the "State Council of
26 Civil Defense Act of 1951," or the act of July 6, 1961 (P.L.515,
27 No.265), relating to disaster and emergency relief, any board of
28 school directors whose district has been encompassed by such an
29 order may request the secretary to suspend any provisions of
30 this title to the extent necessary to cope with the

1 circumstances of the emergency. Upon making a finding of the
2 need for such suspension, the secretary may suspend such
3 provisions effective immediately and inform the State Council of
4 Civil Defense of the action. A labor dispute involving school
5 district employees shall not constitute an emergency for the
6 purposes of this section.

7 § 704. Power to withhold financial aid.

8 (a) General rule.--When the department determines that a
9 school entity is not in compliance with any provision of this
10 title or with any regulation of the State board promulgated
11 thereunder, the department may withhold from such school entity
12 any or all of any appropriations, subsidies or other
13 Commonwealth moneys due that entity until such entity shall
14 comply. The amount withheld shall be reasonably related to the
15 appropriation for the specific category of violation and to the
16 degree of the noncompliance so as to secure compliance.

17 (b) Determination as an adjudication.--The determination to
18 withhold financial aid shall be considered 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 § 705. Departmental approval of plans.

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

29 (b) Statement of reasons for denial.--Where in this title
30 the department is required to approve plans and approval is

1 denied it shall state the reasons for denial of approval.

2 (c) Action as an adjudication.--The approval or denial of
3 approval of the department shall constitute 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 SUBCHAPTER B

9 FINANCIALLY DISTRESSED SCHOOL DISTRICTS

10 Sec.

11 711. Financially distressed district defined.

12 712. Appointment of special board of control.

13 713. Powers of special board of control.

14 714. Status of school directors.

15 715. Termination of financial distress of district.

16 § 711. Financially distressed district defined.

17 (a) General rule.--A school district shall be deemed to be
18 financially distressed when any one of the following
19 circumstances shall arise and the secretary, after proper
20 investigation of the financial condition of the district, the
21 governing practices of the board and such other matters as the
22 secretary may deem pertinent, has issued a certificate declaring
23 such district to be financially distressed:

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

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

30 (3) Any amount due another school entity or political

1 subdivision under a cooperative agreement remains unpaid for
2 a period of 90 calendar days beyond the due date specified in
3 the agreement.

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

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

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

15 (7) A new school district has been formed and one or
16 more of the former school districts which compose the new
17 school district was a financially distressed school district
18 at the time of the formation of the new school district.

19 (b) Default in Commonwealth payments.--No school district
20 shall be deemed to be financially distressed by reason of any of
21 the above circumstances arising as a result of the failure of
22 the Commonwealth to make any payment of money due the district
23 at the time such payment is due.

24 § 712. Appointment of special board of control.

25 (a) General rule.--Whenever on the basis of a proper
26 investigation as provided for in this subchapter, the secretary
27 has declared any school district to be a financially distressed
28 school district, the secretary or his designated representative,
29 who shall be a person trained in public school administration
30 possessing the certification prerequisites demanded of a

1 district or assistant superintendent or holding in the
2 department the rank of deputy secretary, shall petition the
3 court of common pleas of the county in which the district, or
4 the largest part in area is located, to appoint two citizens who
5 shall be qualified electors and taxpayers in the county in which
6 the school district is located. School directors and employees
7 of the school district shall be ineligible for appointment by
8 the court. The appointees, together with the secretary or his
9 designated representative, shall constitute a special board of
10 control. Vacancies occurring because of death or resignation of
11 appointed members of the board shall be filled by the court. The
12 special board of control shall continue in existence during the
13 period necessary to reestablish a sound financial structure in
14 the district. The costs of the court proceedings shall be paid
15 by the department.

16 (b) Failure of court to appoint board.--In the event that
17 the court of common pleas has made no appointment of members to
18 a special board of control within 30 days of the date of the
19 filing of the petition for such appointment, the secretary may
20 designate the executive director of the intermediate unit in
21 which the financially distressed district is located, and a
22 member of that intermediate unit board, to serve until the court
23 makes the appointments. A school director of the financially
24 distressed school district serving on the intermediate unit
25 board of school directors shall be ineligible for appointment.

26 (c) Compensation of board.--The members of the special board
27 appointed by the court, or the member other than the
28 intermediate unit executive director appointed on a temporary
29 basis by the secretary, shall be paid \$25 for each meeting of
30 the regular board of school directors of the financially

1 distressed school district which they attend plus actual
2 expenses incurred in the performance of their duties. Payment
3 shall be made from the funds of the school district and shall be
4 charged to administrative services even though no previous
5 provision has been made in the budget of the school district for
6 the expenses.

7 § 713. Powers of special board of control.

8 (a) General rule.--The special board of control shall
9 approve all actions of the board of school directors of the
10 financially distressed district. The board of school directors
11 of the financially distressed district shall remain in office
12 but shall have no power to act without the approval of the
13 special board of control. The special board of control shall
14 have power to require the board of directors within 60 days to
15 revise the district budget for the purpose of effecting such
16 economies as the special board deems necessary to improve the
17 district financial condition. To this end, the special board of
18 control may require the board:

19 (1) To cancel or to renegotiate any contract, other than
20 collective bargaining agreements of school employees, to
21 which the board or the school district is a party, if the
22 cancellation or renegotiation of contract will effect needed
23 economies in the operation of the schools of the district.

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

26 (3) To appoint a special collector of delinquent taxes
27 for the district who need not be a resident of the school
28 district. The special tax collector shall exercise all the
29 rights and perform all the duties imposed by law on tax
30 collectors for school districts. The superseded tax collector

1 or collectors shall not be entitled to any commissions on the
2 taxes collected by the special collector of delinquent taxes.

3 (4) To direct the special school auditors of the
4 department or to appoint a competent independent public
5 accountant to audit the accounts of the financially
6 distressed school district.

7 (5) To dispense with the services of such auxiliary
8 employees as in the judgment of the special board are not
9 actually needed for the economical operation of the school
10 system.

11 (6) To furlough, in accordance with the provisions of
12 sections 5135 (relating to furlough of employee from staff
13 reduction) and 5136 (relating to criteria for furlough and
14 reinstatement), such number of professional employees as may
15 be necessary to maintain a pupil-teacher ratio of not less
16 than 26 pupils per teacher for the combined elementary and
17 secondary school enrollments.

18 (b) Failure of school directors to perform duties.--In the
19 event that the board of school directors of a financially
20 distressed district shall fail or refuse to perform any duties
21 required of it by the special board of control, then the special
22 board of control shall have the power and is hereby authorized
23 to perform such duties as the special board deems necessary.

24 (c) Levy of additional taxes.--When the special board of
25 control determines that the financially distressed district is
26 in need of additional tax revenues, the special board of control
27 shall require the board of school directors of the financially
28 distressed district or, where the board of school directors does
29 not have the power to tax, the appropriate taxing authority to
30 levy an additional tax or taxes sufficient to liquidate the

1 indebtedness of the district. Present limitations on tax rates
2 imposed by law shall not apply to distressed school districts
3 during the period of financial distress.

4 § 714. Status of school directors.

5 (a) General rule.--The school directors of a financially
6 distressed district may not resign their offices except with the
7 unanimous consent of the special board of control and shall
8 continue in office for the remainder of their terms during the
9 time the district is operated by the special board of control
10 and shall perform any duties delegated to them by the special
11 board of control unless:

12 (1) they are removed from office for neglect of duty
13 under the provisions of section 2314 (relating to removal of
14 directors for neglect of duty) by the court of common pleas
15 of the county in which such district or the largest part in
16 area is located; or

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

20 (b) Election or appointment of school directors.--The
21 existence of the special board of control shall in no way
22 interfere with the regular election, reelection, appointment or
23 reappointment of school directors for the district.

24 § 715. Termination of financial distress of district.

25 When the secretary or the special board of control determines
26 after proper investigation that the school district is no longer
27 financially distressed, the secretary or the special board may
28 present to the court of common pleas a petition certifying that
29 the district is no longer in financial distress. The court, upon
30 satisfaction of the financial soundness of the district, shall

enter an appropriate order terminating the special board of control and returning the board of school directors to its former position of full and rightful control and authority.

SUBCHAPTER C

FIREMEN'S TRAINING

Sec.

721. Firemen's training.

§ 721. Firemen's training.

The management and control of the "Pennsylvania State Firemen's Training School" shall be vested in the department. The school shall be operated for the purpose of providing a training program for firemen regularly employed by political subdivisions of this Commonwealth and all regularly enrolled members of volunteer fire companies utilizing said school and such other facilities as may be needed in the program.

SUBPART C

NONPUBLIC AND PRIVATE SCHOOLS

Chapter

11. Nonpublic and Private Schools

CHAPTER 11

NONPUBLIC AND PRIVATE SCHOOLS

Subchapter

A. General Provisions

B. Regulated Private Schools

C. Private Driver Education and Training Schools

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

1101. Definitions.

1102. Auxiliary services to nonpublic school children.

1 1103. Educational aids for nonpublic school children.

2 1104. Speech and hearing defect services to nonpublic school
3 children.

4 § 1101. Definitions.

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

8 "Agent" or "field representative." Any person, whether
9 employed by a private school or operating on his own behalf, or
10 whether acting on behalf of any private school located within or
11 outside of this Commonwealth who, for consideration, shall
12 personally procure or solicit any individual within this
13 Commonwealth to enroll in a private school.

14 "Appropriate authority." Either the State Board of Private
15 Academic Schools, the State Board of Private Business Schools,
16 the State Board of Private Trade Schools, the State Board of
17 Private Correspondence Schools or the department, depending on
18 which authority has administrative jurisdiction over the private
19 school in question.

20 "License year." The period from July 1 to the following June
21 30.

22 "Motor vehicle." A motor vehicle as defined in Title 75
23 (relating to vehicles).

24 "Private academic school." A private school maintained or
25 classes conducted for five or more students at one and the same
26 time, or for 25 or more students during any school year, for the
27 purpose of educating an individual generally or specially or to
28 prepare an individual for more advanced study and includes all
29 schools engaged in such education but does not include colleges
30 or universities, or schools for the blind, deaf and dumb

1 receiving Commonwealth appropriations, or schools accredited by
2 accrediting associations approved by the department, or any type
3 of private school which is nonacademic in character.

4 "Private business school." A private school maintained or
5 classes conducted for the purpose of preparing an individual to
6 pursue a recognized occupation in commercial pursuits and
7 business phases of other occupations for which graduation from a
8 degree granting institution of college grade is not required but
9 does not include junior colleges.

10 "Private correspondence school." A private school conducted
11 for the purpose of providing, by correspondence, systematic
12 instruction in any field or fields of study.

13 "Private driver education or training school." A private
14 school maintained, classes conducted or instruction offered by
15 any individual, association, partnership or corporation to
16 educate or train an individual or individuals, either
17 practically or theoretically or both, to operate or drive a
18 motor vehicle but does not include colleges or universities,
19 schools accredited by accrediting associations approved by the
20 department or schools licensed by the State Board of Private
21 Academic Schools.

22 "Private school." A private academic school, private
23 business school, private trade school, private correspondence
24 school or private driver education or training school privately
25 owned and operated for the purpose of offering instruction for a
26 consideration, profit or tuition, but does not include schools
27 maintained or classes conducted by employers for their own
28 employees where no fee or tuition is charged, schools or classes
29 sponsored and operated by bona fide religious institutions or by
30 the Commonwealth or any political subdivision thereof.

1 "Private trade school." A school maintained or classes
2 conducted for the purpose of offering instruction to prepare an
3 individual to pursue a recognized profitable occupation in
4 skilled trades or industries or to give occupational training
5 but does not include any school maintained or class conducted
6 for training for the vocation of homemaking or to give training
7 in public and other service occupations or correspondence
8 schools, business schools, private academic schools, barber
9 schools, beauty culture schools, flight schools or degree
10 granting institutions.

11 § 1102. Auxiliary services to nonpublic school children.

12 (a) Declaration of policy.--The welfare of this Commonwealth
13 requires that the present and future generations of school age
14 children be assured ample opportunity to develop to the fullest
15 their intellectual capacities. It is the intent of the General
16 Assembly by this section to ensure that the intermediate units
17 in this Commonwealth shall furnish on an equal basis auxiliary
18 services to all pupils in this Commonwealth in both public and
19 nonprofit nonpublic schools.

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

30 (c) Program of auxiliary services.--Students attending

1 nonpublic schools shall be furnished a program of auxiliary
2 services which are provided to public school students in the
3 school district in which their nonpublic school is located. The
4 program of auxiliary services shall be provided by the
5 intermediate unit in which the nonpublic school is located in
6 accordance with standards of the secretary. The services shall
7 be provided directly to the nonpublic school students by the
8 intermediate unit except that the services shall not be provided
9 in a church or in any facility under the control of a sectarian
10 school. The auxiliary services shall be provided directly by the
11 intermediate units and no auxiliary services presently provided
12 to public school students by the intermediate units or school
13 districts by means of State or local revenues during the school
14 year 1974-1975 shall be eliminated. No school districts may be
15 required to offer auxiliary services provided by any other
16 school districts within the intermediate unit.

17 (d) Allocation and payment of funds.--In July of 1975 and
18 annually thereafter in July, the department shall allocate to
19 each intermediate unit an amount equal to the number of
20 nonpublic school students as of October 1 of the preceding
21 school year who are enrolled in nonpublic schools within the
22 intermediate unit times \$45. The department shall increase this
23 figure on a proportionate basis whenever the maximum
24 reimbursable limit for the basic instructional subsidy under
25 section 2922 (relating to amount of payments) is increased. The
26 Commonwealth shall pay to each intermediate unit 15% of its
27 allocation on August 1, 75% on October 1 and the remaining 10%
28 on February 1.

29 (e) Limitations on use of funds.--The intermediate unit
30 shall not use more than 6% of the funds it receives for

1 administration or 18% for rental of facilities. The department
2 shall not use more than 1% of the funds it allocates under this
3 section for administrative expenses. If all funds allocated by
4 the intermediate units to administration or rental facilities
5 are not expended for those purposes, the funds may be used for
6 the program costs.

7 (f) Interest on funds.--There shall be no adjustment in the
8 allocation provided in subsection (d) because of interest earned
9 on the allocations by the intermediate units. Interest so earned
10 shall be used for the purposes of this section but shall not be
11 subject to the limitations of subsection (e).

12 (g) Budgets and financial reports.--Annually, each
13 intermediate unit shall submit to the department a preliminary
14 budget on or before January 31 and a final budget on or before
15 June 15 for the succeeding year and shall file a final financial
16 report on or before October 31 for the preceding year.

17 § 1103. Educational aids for nonpublic school children.

18 (a) Declaration of policy.--The welfare of this Commonwealth
19 requires that the present and future generations of school age
20 children be assured ample opportunity to develop to the fullest
21 their intellectual capacities. To further this objective, the
22 Commonwealth provides, through tax funds of this Commonwealth,
23 textbooks and instructional materials free of charge to children
24 attending public schools within this Commonwealth. Approximately
25 one quarter of all children in this Commonwealth, in compliance
26 with the compulsory attendance provisions of this title, attend
27 nonpublic schools. Although their parents are taxpayers of this
28 Commonwealth, these children do not receive textbooks or
29 instructional materials from the Commonwealth. It is the intent
30 of the General Assembly by this section to assure such a

1 distribution of such educational aids so that every school child
2 in this Commonwealth will equitably share in the benefits
3 thereof.

4 (b) Definitions.--As used in this section the following
5 words and phrases shall have the meanings given to them in this
6 subsection:

7 "Instructional materials." Pre-prepared learning materials
8 which are secular, neutral and non-ideological in character and
9 are of benefit to the instruction of school children on an
10 individual basis and are presently or hereafter provided for
11 public school children in this Commonwealth.

12 "Textbooks." Books, reusable or nonreusable workbooks, or
13 manuals, whether bound or in looseleaf form, intended for use as
14 a principal source of study material for a given class or group
15 of students, a copy of which is expected to be available for the
16 individual use of each pupil in the class or group. The
17 textbooks shall be textbooks which are acceptable for use in any
18 public elementary or secondary school of this Commonwealth.

19 (c) Purchase and loan of instructional aids.--The
20 department, directly or through the intermediate units, shall
21 have the power and duty to purchase textbooks and instructional
22 materials and, upon individual request, to loan them to all
23 children residing in this Commonwealth who are enrolled in
24 grades kindergarten through 12 of a nonpublic school. The
25 textbooks and instructional materials shall be loaned free to
26 the children subject to such rules and regulations as may be
27 prescribed by the State board, due regard being had to the
28 feasibility of making loans of particular instructional
29 materials on an individual basis.

30 (d) Limitation on amount of purchases.--The department shall

1 not be required to purchase or otherwise acquire textbooks
2 pursuant to this section, the total cost of which, in any school
3 year, exceeds an amount equal to \$12 for the school year 1973-
4 1974, \$15 for the school year beginning July 1, 1974 and \$20 for
5 each school year thereafter or instructional materials, the
6 total cost of which, in any school year, exceeds an amount equal
7 to \$5, multiplied by the number of children residing in this
8 Commonwealth who on October 1 of the school year immediately
9 preceding are enrolled in grades kindergarten through twelve of
10 a nonpublic school.

11 § 1104. Speech and hearing defect services to nonpublic school
12 children.

13 (a) Declaration of policy.--Defects in speech and hearing
14 are health-related. They are also the frequent cause of
15 emotional instability in children and are vitally connected to
16 behavior and to learning ability. Services to remedy these
17 defects can best be conducted upon the premises of the school
18 which the child regularly attends, and forcing children to go to
19 other premises in order to have such needed services is found by
20 the General Assembly to be both inadequate and harmful. The
21 General Assembly expressly finds and declares speech and hearing
22 correctional services to be health services, and it is the
23 intention of the General Assembly now to make these available,
24 on a general and even-handed basis to all school children in
25 this Commonwealth.

26 (b) Provision of services.--The department, directly or
27 through the intermediate units, out of their allocation under
28 section 1102 (relating to auxiliary services to nonpublic school
29 children) shall have the power and duty to furnish free to
30 nonpublic school students, upon the premises of the nonpublic

1 schools which they regularly attend, services adequate for the
2 diagnosis and correction of speech and hearing defects provided
3 that the services are also afforded to public school students by
4 the school district in which the nonpublic school is located.

5 SUBCHAPTER B

6 REGULATED PRIVATE SCHOOLS

7 Sec.

8 1111. State boards of private schools.

9 1112. Jurisdiction of boards and department.

10 1113. Optional licensing of private schools.

11 1114. Mandatory licensing of private schools and agents.

12 1115. Application for license.

13 1116. Issuance and renewal of license.

14 1117. Scope of license.

15 1118. License fees.

16 1119. List of licensed schools and agents.

17 1120. Requirements for licensure and operation.

18 1121. Refusal, suspension or revocation of license.

19 1122. Penalties for violations of chapter.

20 § 1111. State boards of private schools.

21 (a) Appointment of members.--The secretary shall appoint
22 members to each of the State boards of private schools as
23 follows:

24 (1) The State Board of Private Academic Schools shall
25 consist of seven members four or more of whom shall be active
26 in the private academic school field.

27 (2) The State Board of Private Business Schools shall
28 consist of seven members four or more of whom shall have
29 occupied executive or management positions in private
30 business schools in this Commonwealth.

(3) The State Board of Private Trade Schools shall consist of seven members five or more of whom shall be active in the private trade school field.

(4) The State Board of Private Correspondence Schools shall consist of seven members.

(b) Quorum.--A majority of the members of each board shall constitute a quorum.

(c) Chairman.--Each board shall, annually, select a chairman from among its members.

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

(e) Compensation and expenses.--The members of each board shall be paid \$30 per diem and necessary expenses when actively engaged in the performance of their official duties. Reimbursement for expenses shall not exceed the greater of the following amounts:

(1) The sum of \$40 per day for food and lodging and 15¢ per mile for travel by automobile.

(2) Amounts for traveling expenses determined by the Commissioner of Internal Revenue under the authority of section 274 of the Internal Revenue Code of 1954 and regulations promulgated thereunder as not requiring substantiation by adequate records or other sufficient evidence.

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

(g) Department to issue documents.--All certificates and

1 other official documents of each board shall be issued by the
2 department.

3 § 1112. Jurisdiction of boards and department.

4 The power to adopt and enforce rules and regulations and to
5 promulgate standards of instruction for schools within their
6 jurisdiction shall be as follows:

7 (1) The State Board of Private Academic Schools shall
8 adopt and enforce rules and regulations regarding private
9 academic schools.

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

13 (3) The State Board of Private Trade Schools shall adopt
14 and enforce rules and regulations regarding private trade
15 schools.

16 (4) The State Board of Private Correspondence Schools
17 shall adopt and enforce rules and regulations regarding
18 private correspondence schools.

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

21 § 1113. Optional licensing of private schools.

22 All schools not otherwise required to obtain a license may
23 choose to apply for a license and, upon approval and issuance
24 thereof, shall be subject to the provisions of this chapter.
25 Such schools may voluntarily surrender their license and revert
26 to their original status.

27 § 1114. Mandatory licensing of private schools and agents.

28 (a) Operation of school.--No private school shall continue
29 in operation or be established within this Commonwealth unless
30 the school shall apply for and obtain from the appropriate

1 authority a license issued in the manner and form prescribed.

2 (b) Agent for new school in Commonwealth.--Within this
3 Commonwealth, no person or persons shall advertise in behalf of,
4 or solicit prospective students to enroll in, a private school
5 to be established within this Commonwealth prior to the
6 establishment of the school unless the person or persons shall
7 apply to the appropriate authority for a license in the manner
8 and form prescribed and shall receive from the appropriate
9 authority authorization to conduct such activities.

10 (c) Agent for new school outside Commonwealth.--Within this
11 Commonwealth, no person or persons shall solicit prospective
12 students to enroll in a school to be established outside this
13 Commonwealth prior to the establishment of the school unless the
14 person or persons shall apply for and obtain from the
15 appropriate authority an agent's license in the manner and form
16 prescribed.

17 (d) Agent for existing school.--No person or persons shall
18 solicit any prospective student within this Commonwealth to
19 enroll in a school located within or outside this Commonwealth
20 unless the school has been approved by the appropriate authority
21 and unless the person or persons shall apply for and obtain from
22 the appropriate authority an agent's license in the manner and
23 form prescribed.

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

28 § 1115. Application for license.

29 (a) General rule.--Before any license is issued to a private
30 school, a verified application shall be made, in writing, to the

1 appropriate authority on a form prepared and furnished by the
2 appropriate authority. The application shall require a statement
3 showing, where appropriate:

4 (1) The title or name and address of the school or
5 classes together with ownership and controlling officers
6 thereof.

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

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

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

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

16 (6) The qualifications of instructors and supervisors in
17 each field.

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

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

22 (9) Such additional information as the appropriate
23 authority may deem necessary to enable it to determine the
24 adequacy of the program of instruction, the business
25 integrity and matters pertaining thereto.

26 (b) Surety bond.--At the discretion of the appropriate
27 authority, at any time it may designate, the private school
28 shall provide a surety bond in reasonable amount to the
29 Commonwealth conditioned for the protection of the contractual
30 rights of students.

1 § 1116. Issuance and renewal of license.

2 (a) Issuance.--The appropriate authority shall issue an
3 original license to the applicant if the appropriate authority
4 finds that the application and the school or classes or agent
5 for which a license is sought complies with the provisions of
6 this chapter and with the rules and regulations promulgated
7 under this chapter.

8 (b) Duration and renewal.--Each original license issued
9 shall be effective from the date of issue until July 1 following
10 the issuance of the original license and shall be renewed
11 annually thereafter on a form prepared and furnished by the
12 appropriate authority. Each license year is to continue from
13 July 1 to the following June 30, inclusive.

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

16 § 1117. Scope of license.

17 (a) Schools.--Any license issued to a private school shall
18 be restricted to the fields or courses specifically indicated in
19 the application for a license. A licensed school shall present a
20 supplementary application, as may be directed by the appropriate
21 authority, for approval of additional fields or courses in which
22 it is desired to offer instruction during the effective period
23 of the license.

24 (b) Agents.--Any license issued to an agent shall be
25 restricted to the school or schools specifically listed in the
26 application for a license. A licensed agent desiring to solicit
27 prospective students to enroll in schools other than those
28 specifically listed in any application for license shall present
29 a supplementary application, as may be directed by the
30 appropriate authority, for approval to solicit for such schools

1 or additional schools.

2 § 1118. License fees.

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

5 (1) The sum of \$50 for each original application and \$25
6 for each annual renewal application for private academic
7 schools, private business schools and private correspondence
8 schools.

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

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

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

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

29 (b) Special license fund.--All private school and agent
30 license fees shall be placed in a special private school license

1 fund to be used to defray the costs of processing the licenses.
2 At the end of each fiscal year any surplus remaining in the
3 special fund shall be transferred to the General Fund. The
4 secretary shall request any additional appropriations necessary
5 to defray the costs of processing the licenses should the
6 special fund be inadequate for this purpose.

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

9 § 1119. List of licensed schools and agents.

10 The appropriate authority shall maintain a list of schools
11 and agents licensed under their jurisdiction which shall be
12 available for the information of the public.

13 § 1120. Requirements for licensure and operation.

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

16 (1) It shall permit the appropriate authority and its
17 representatives to inspect the school or classes and shall
18 make available to the appropriate authority at any time when
19 requested to do so full information pertaining to any or all
20 items of information contained in the application form
21 provided.

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

25 (3) The advertising and representations made by any
26 person representing the school or classes as an agent or
27 contractual agent to prospective students shall be free from
28 misrepresentation or fraud.

29 (i) A school shall not use any name, other than its
30 licensed name, for advertising or publicity purposes, nor

1 shall a school advertise or imply that it is
2 "supervised," "recommended," "endorsed," "accredited" or
3 "approved" by the secretary, the department, the State
4 board or any State board of private schools of the
5 Commonwealth.

6 (ii) A school shall not claim or imply that it is
7 endorsed by colleges, universities or other institutions
8 of higher learning, bus companies, trucking associations,
9 automobile clubs or taxi companies unless written
10 evidence of that fact is presented to the appropriate
11 authority by the endorsing college, university, bus
12 company, trucking association, automobile club or taxi
13 company.

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

18 (iv) A school shall not by means of "blind"
19 advertisements or advertisements in the "help wanted" or
20 other employment columns of newspapers and other
21 publications solicit prospective students to enroll in
22 the school.

23 (4) The premises, equipment and conditions of the school
24 or classes shall be adequate, safe and sanitary in accordance
25 with such standards of the Commonwealth or any of its
26 political subdivisions as are applicable to such premises and
27 equipment.

28 § 1121. Refusal, suspension or revocation of license.

29 (a) General rule.--The appropriate authority shall have the
30 power to refuse to issue and the power to suspend or revoke a

1 license in any case where:

2 (1) The licensee has violated any of the provisions of
3 this chapter or any of the rules and regulations of the
4 appropriate authority.

5 (2) The applicant or licensee has knowingly presented to
6 the appropriate authority, false, incomplete or misleading
7 information relating to licensure.

8 (3) The applicant or licensee has pleaded guilty,
9 entered a plea of nolo contendere or has been found guilty of
10 a crime involving moral turpitude by a judge or jury in any
11 State or Federal court.

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

16 (5) The applicant or licensee has failed or refused to
17 permit the appropriate authority or their representatives to
18 inspect the school or classes or has failed or refused to
19 make available to the appropriate authority, at any time when
20 requested to do so, full information pertaining to any or all
21 items of information contained in an application for license
22 or pertaining to the program of instruction and matters
23 relating thereto.

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

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

1 (8) A licensed agent has failed or refused to display or
2 produce his license when requested to do so by prospective
3 students or designated officials of the appropriate
4 authority.

5 (9) The applicant or licensee has failed to provide or
6 maintain premises, equipment or conditions which are
7 adequate, safe and sanitary in accordance with such standards
8 of the Commonwealth or any of its political subdivisions as
9 are applicable to the premises and equipment.

10 (10) The licensee has perpetrated or committed fraud or
11 deceit in advertising the school or classes or in presenting
12 to prospective students written or oral information relating
13 to the school or classes or to employment opportunities or to
14 opportunities for enrollment in institutions of higher
15 learning.

16 (11) The licensee is employing teachers, supervisors or
17 administrators who have not been approved by the appropriate
18 authority or agents who have not been licensed by the
19 appropriate authority.

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

24 (13) The licensee has failed to provide and maintain
25 adequate standards of instruction or an adequate and
26 qualified administrative supervisory or teaching staff.

27 (14) The applicant or licensee is unable to provide and
28 maintain financial resources in sufficient amount to equip
29 and maintain adequately and effectively the school or
30 classes.

1 (15) The licensee has moved the school into new premises
2 or facilities or has altered or made additions to premises or
3 facilities before or without notifying the appropriate
4 authority of the change and before receiving from the
5 appropriate authority approval for the new premises or
6 facilities, alterations or additions.

7 (16) The licensee has offered training or instruction in
8 courses or subjects which have not been approved and
9 authorized by the appropriate authority.

10 (17) A licensed agent has solicited prospective students
11 to enroll in a school which has not been approved by the
12 appropriate authority and which is not listed on the license
13 issued by the appropriate authority.

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

16 (19) The school was operated or conducted under an
17 ownership constituency not approved by the appropriate
18 authority.

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

24 § 1122. Penalties for violations of chapter.

25 Any person who violates or fails to comply with any of the
26 provisions of this chapter or any of the rules, regulations or
27 standards promulgated thereunder shall be guilty of a
28 misdemeanor of the third degree. If the violation shall be by a
29 corporation, partnership or association, the officers and
30 directors of the corporation or the members of the partnership

1 or association, its agents and employees with guilty knowledge
2 of the fact, shall also be guilty of a misdemeanor of the third
3 degree and, upon conviction thereof, shall be punished as
4 provided by law.

5 SUBCHAPTER C

6 PRIVATE DRIVER EDUCATION AND TRAINING SCHOOLS

7 Sec.

8 1131. Location and construction of facilities.

9 1132. Qualifications of teachers and directors.

10 1133. Instructional equipment and materials.

11 1134. Program of instruction.

12 1135. Notice of fees and charges.

13 1136. Financial and student records.

14 1137. Qualifications and duties of agents.

15 1138. Ownership qualifications and changes.

16 § 1131. Location and construction of facilities.

17 (a) Location.--

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

26 (2) The outdoor area used during the first three hours
27 of practical instruction by persons who hold a learner's
28 permit shall be one which is reasonably free of pedestrian
29 and vehicular traffic and shall not include primary traffic
30 arteries, main highway routes or other thoroughfares that

1 carry large amounts of traffic.

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

5 (1) The premises, equipment and facilities of the school
6 shall conform to all safety and sanitary requirements of the
7 Commonwealth or any of its political subdivisions applicable
8 thereto.

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

12 (3) The artificial lighting facilities shall provide a
13 minimum of 25-foot-candles of illumination on the horizontal
14 surface of all indoor activity areas used for school
15 purposes.

16 (4) The heating facilities shall be sufficient to
17 provide for the maintenance of normal room temperatures in
18 all rooms occupied by students when the outside temperature
19 is less than normal room temperature. When the school does
20 not use mechanical ventilation, windows shall be used and
21 equipped for ventilating purposes.

22 (5) The premises, facilities and any alterations or
23 additions to the premises or facilities must be approved by
24 the department before the premises or facilities may be used
25 for school purposes and before any alterations or additions
26 may be made.

27 § 1132. Qualifications of teachers and directors.

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

1 (b) Driver's license and experience.--Every teacher shall
2 have a valid motor vehicle driver's license issued by the
3 Commonwealth and shall submit documentary evidence of having
4 driven a minimum of 15,000 miles under all kinds of weather
5 conditions in both urban and rural areas.

6 (c) Driving record.--Every teacher shall maintain, during
7 any consecutive three year period, a driving record which does
8 not include more than one reportable accident, as defined in
9 Title 75 (relating to vehicles), resulting in a suspension or
10 revocation of his motor vehicle driver's license.

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

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

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

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

28 (f) Director or supervisor.--Every school that employs five
29 or more full-time teachers or an equivalent number of part-time
30 teachers shall designate a director who shall devote at least

1 one-half of his time to the performance of administrative and
2 supervisory duties. A director or supervisor of a school or
3 branch thereof shall meet the qualifications of a teacher as set
4 forth in this section and shall have had a minimum of two years
5 successful teaching experience in a private or public driver
6 training school or class.

7 § 1133. Instructional equipment and materials.

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

18 (b) Text and reference materials.--Every school shall
19 provide text, test and reference materials, including pamphlets
20 and visual aids, for the instruction in the theoretical and
21 practical phases of driver training.

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

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

5 § 1134. Program of instruction.

6 (a) General rule.--Driver training schools licensed under
7 this chapter shall make available both theoretical and practical
8 instruction.

9 (b) Theoretical instruction.--Theoretical instruction in
10 driver education shall include subject matter relating to rules
11 and regulations of the road, safe driving practices, pedestrian
12 safety care, mechanics of driving, types of automobile insurance
13 and the use of automobile safety devices.

14 (c) Practical instruction.--Practical instruction in driver
15 education shall include the demonstration of an actual
16 instruction in starting, stopping, shifting, turning, backing,
17 parking and steering in a training vehicle which shall meet the
18 standards of the department.

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

25 § 1135. Notice of fees and charges.

26 Every school shall inform each student, prior to the time
27 instruction commences, of the character and amount of any and
28 all fees or charges made for enrollment or registration,
29 tuition, use of equipment, texts and reference materials,
30 supplies and any other service, equipment or materials provided

1 by the school.

2 § 1136. Financial and student records.

3 (a) Financial records.--Every school shall establish and
4 maintain complete, accurate and detailed financial records that
5 shall include data pertaining to assets, liabilities, sources
6 and amounts of income, and the character and amount of
7 expenditures. The records shall be kept current and available
8 for inspection during regular school hours by representatives of
9 the department.

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

19 § 1137. Qualifications and duties of agents.

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

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

28 (c) Submission of information to department.--An agent
29 representing a school which is located outside this Commonwealth
30 shall submit to the department such information and data

1 pertaining to the school as the department may deem necessary
2 and require in order to validate any representation made in
3 behalf of the school by the agent. The department may require
4 the information and data to be certified by such educational
5 authorities of the other state as the department may designate.

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

9 § 1138. Ownership qualifications and changes.

10 (a) Qualifications of owners and employees.--Each individual
11 proprietor of a school, each member of a partnership,
12 association or company that owns a school and each officer and
13 director of a corporation that owns a school, who is directly
14 connected with the conduct and operation of the educational
15 program, shall be a person of good moral character and at least
16 18 years of age. Such persons and any school employee thereof
17 shall not be addicted to the use of alcoholic liquors, morphine,
18 cocaine or other drugs having a similar effect and shall not be
19 mentally incompetent.

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

24 (c) Change in ownership or situs.--Any change in ownership
25 or in school situs must be approved by the department prior to
26 the date of the change. A change in ownership requires an
27 application for an original license, which application shall be
28 submitted to the department at least 30 days in advance of the
29 effective date of the change, and the school shall not be
30 conducted or operated under the new or different individual

1 proprietorship, partnership, association, company or corporation
2 until and unless an original license has been granted and issued
3 to the new or different ownership constituency.

4 PART II

5 BASIC EDUCATION

6 Subpart

7 A. Preliminary Provisions

8 B. School Entities

9 C. Fiscal Affairs and Taxation

10 D. School Programs

11 E. Students

12 F. Physical Plant and Construction

13 G. Personnel

14 SUBPART A

15 PRELIMINARY PROVISIONS

16 Chapter

17 21. General Provisions

18 CHAPTER 21

19 GENERAL PROVISIONS

20 Sec.

21 2101. Short title of part.

22 2102. Purposes of part.

23 2103. Definitions.

24 2104. Oath for directors and commissioned personnel.

25 2105. Compensation of governing board members.

26 2106. Conflict of interest and additional compensation.

27 2107. Funds collected by school organizations.

28 2108. Membership of governing boards in organizations.

29 § 2101. Short title of part.

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

1 School Code."

2 § 2102. Purposes of part.

3 The general purposes of this part are:

4 (1) To provide for the maintenance and support of a
5 thorough and efficient system of public education to serve
6 the needs of this Commonwealth.

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

10 (3) To provide a mechanism by which students may be
11 equipped with those analytical skills of reading, writing,
12 calculating and thinking which are needed to function
13 effectively, earn a living and become knowledgeable citizens
14 in our society.

15 (4) To broaden, expand and equalize the educational
16 opportunities available to citizens of every age, race,
17 religion, color, ancestry, national origin or sex and to
18 encourage them to take advantage of and complete a basic
19 educational program appropriate to their needs.

20 (5) To foster flexibility, accountability, effectiveness
21 and excellence throughout all the schools of this
22 Commonwealth.

23 (6) To encourage use of modern techniques of
24 administration and management.

25 (7) To broaden the discretionary powers of boards of
26 school directors to carry out their educational
27 responsibilities.

28 (8) To encourage the development of alternative
29 approaches to student learning.

30 (9) To promote community involvement and participation

by all segments of the public, including students, in the educational life and affairs of the schools.

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

(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

1 affirmation, which may be administered by any person qualified
2 to administer an oath:

3 "I do solemnly swear (or affirm) that I will support,
4 obey and defend the Constitution of the United
5 States and the Constitution of this Commonwealth, and
6 that I will discharge the duties of my office with
7 fidelity."

8 (b) Board president qualified to administer oaths.--The
9 president of a governing board shall be qualified to administer
10 oaths.

11 § 2105. Compensation of governing board members.

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

15 § 2106. Conflict of interest and additional compensation.

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

23 (b) School entity officers and employees.--Except as
24 otherwise provided in this section, no officer, appointee or
25 employee shall be employed in any other capacity by the school
26 entity or engage in any outside activity or employment which
27 conflicts with or prevents the full and complete performance of
28 his school duties to be determined for professional employees in
29 accordance with sections 5134(c) (relating to ratings) and 5138
30 (relating to causes for dismissal, suspension or demotion).

1 (c) Approved services by commissioned personnel.--

2 Commissioned personnel may receive compensation for services in
3 a summer school maintained by a college or university devoted to
4 the education of teachers or for services rendered evenings or
5 Saturdays if released for such services by the governing board
6 of the school entity where the personnel are employed.

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

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

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

26 (f) Penalty.--Any person willfully violating the provisions
27 of this section shall be guilty of a misdemeanor of the third
28 degree.

29 § 2107. Funds collected by school organizations.

30 (a) General rule.--Subject to the rules and regulations of

1 the governing board, any school or class, or school
2 organization, club, society or group may raise and control funds
3 under its own name and management under the supervision of an
4 employee designated by the board. The funds shall not be the
5 funds of the school entity but shall remain the property of the
6 respective school or school organization and be kept in a
7 separate account for each particular group raising funds under
8 this title. The funds shall not be integrated with district
9 funds nor spent or consumed by the district and shall be
10 consumed only for the purposes for which the funds were raised.

11 (b) Accounting and auditing.--The funds shall be considered
12 school funds for the purpose of accounting and auditing, and
13 expenditures of the funds shall be subject to the provisions of
14 Chapter 31 (relating to local finance).

15 (c) Reversion.--The funds may revert to the school entity
16 for general purposes if the funds are left inactive by the
17 school or organization for five years after abandonment of the
18 organization or graduation of a particular class.

19 (d) Receivership.--The governing board of the school entity
20 may assume control over the funds in the event that obligations
21 of the funds remain due and unpaid for more than 60 days.

22 § 2108. Membership of governing boards in organizations.

23 The governing board of any school entity may become a member
24 of the Pennsylvania School Boards Association, Inc. and any
25 other organization or study group which will aid it in
26 exercising the powers and duties imposed or conferred upon it by
27 this title.

28 SUBPART B

29 SCHOOL ENTITIES

30 Chapter

1 23. Boards of School Directors

2 25. School Districts

3 27. Intermediate Units

4 CHAPTER 23

5 BOARDS OF SCHOOL DIRECTORS

6 Subchapter

7 A. General Provisions

8 B. Selection and Removal of Personnel

9 C. Selection of Directors

10 D. Organization of Board

11 E. Conduct of Business

12 SUBCHAPTER A

13 GENERAL PROVISIONS

14 Sec.

15 2301. Designation and powers of governing board.

16 2302. Policies, rules and regulations.

17 2303. Levy and collection of taxes.

18 2304. Joint action with other government agencies.

19 2305. Furnishing information to incoming directors.

20 § 2301. Designation and powers of governing board.

21 (a) Governing board of school districts.--The public school
22 districts of this Commonwealth shall be governed by a board of
23 school directors to be elected or appointed as provided in this
24 chapter.

25 (b) General powers and duties.--The board of school
26 directors in each school district is hereby granted such powers
27 and is charged with such duties as are necessary to establish,
28 maintain and govern a thorough and efficient system of education
29 as determined by the General Assembly to provide quality
30 education and equal educational opportunity for all students

1 within its jurisdiction who desire to attend the public schools.
2 Accordingly, the operation of each school district shall be
3 within the reasonable discretion of the board of school
4 directors except where that discretion is limited by law.

5 § 2302. Policies, rules and regulations.

6 (a) General rule.--Within the limitations set forth in
7 section 2301 (relating to designation and powers of governing
8 board), the educational and operational policies of each school
9 district shall be determined by the board of school directors
10 with the advice of the district superintendent. The board shall
11 prescribe rules and regulations necessary for the conduct and
12 operation of the public schools in the district.

13 (b) Scope of regulations.--Regulations of the board of
14 school directors may include, but need not be limited to:

15 (1) Regulations concerning the conduct of all school
16 administrators, teachers, other employees and appointees
17 during the time they are engaged in their duties to the
18 district.

19 (2) Regulations concerning the conduct of students while
20 attending school and during the time spent in coming to and
21 returning from school.

22 (3) Regulations concerning athletics, school
23 publications, forensic, dramatic, musical, and other
24 activities and organizations related to the school program.

25 § 2303. Levy and collection of taxes.

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

1 § 2304. Joint action with other government agencies.

2 In order to better or more efficiently fulfill any of the
3 duties imposed upon it by this title or to better carry out the
4 powers granted to it by this title, any board of school
5 directors may act jointly in any lawful manner with any other
6 school entity or with any other political subdivision or
7 Commonwealth agency.

8 § 2305. Furnishing information to incoming directors.

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

13 SUBCHAPTER B

14 SELECTION AND REMOVAL OF PERSONNEL

15 Sec.

16 2311. Appointments by governing board.

17 2312. Employment of professional and other employees.

18 2313. Removal of officers, employees and appointees.

19 2314. Removal of directors for neglect of duty.

20 § 2311. Appointments by governing board.

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

24 (1) A solicitor.

25 (2) An assistant solicitor or solicitors.

26 (3) A school auditor.

27 (4) A tax collector or collectors except as otherwise
28 provided for by law.

29 (5) Such other appointees, clerks or staff persons as
30 the board may deem necessary for the proper functioning of

1 the board.

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

4 (c) Duties and salaries.--The board shall define in
5 accordance with law the duties and fix the salaries of each
6 person appointed under subsection (a).

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

13 § 2312. Employment of professional and other employees.

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

20 (b) Recommendation by superintendent.--No person other than
21 the superintendent shall be employed under the authority of
22 subsection (a) unless the board of school directors has
23 requested from the superintendent one or more recommendations of
24 a person to fill the position. This subsection does not prevent
25 the governing board from hiring a person not recommended by the
26 superintendent.

27 § 2313. Removal of officers, employees and appointees.

28 (a) General rule.--Except as otherwise provided in this
29 title, the board of school directors in any school district
30 shall, after giving due notice and the reasons for removal and

1 after a hearing if requested, have the right at any time to
2 remove any of its officers, employees or appointees for
3 incompetency, intemperance, neglect of duty, violation of any of
4 the school laws of this Commonwealth or other improper conduct.

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

11 § 2314. Removal of directors for neglect of duty.

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

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

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

1 (b) Rule to show cause.--Upon receiving the petition, the
2 court shall grant a rule to show cause why the school director
3 or directors should not be removed from office, returnable in
4 not less than ten nor more than 20 days from the date of the
5 issuance of the rule. The school director or directors shall
6 have at least five days notice of the hearing to make the rule
7 final.

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

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

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

26 SUBCHAPTER C

27 SELECTION OF DIRECTORS

28 Sec.

29 2341. Method of appointment or election.

30 2342. Combined districts.

1 2343. School districts divided into electoral regions.
2 2344. Number and terms of directors.
3 2345. Ineligibility to office for malfeasance and nonfeasance.
4 2346. Qualifications for office.
5 2347. Vacancies in office.
6 2348. Vacancy for failure to qualify or attend meetings.
7 § 2341. Method of appointment or election.

8 (a) Districts of the first class.--Appointment of school
9 board members in districts of the first class shall conform to
10 the provisions of the Home Rule Charter adopted under the former
11 provisions of the act of August 9, 1963 (P.L.643, No.341), known
12 as the "First Class City Public Education Home Rule Act," or
13 Subchapter C of Chapter 25 (relating to first class city home
14 rule districts), except that where an educational nominating
15 panel is used, it shall be subject to the provisions of section
16 105 (relating to public agency open meeting laws).

17 (b) Districts of the first class A.--Election of school
18 board members in districts of the first class A shall be by
19 popular vote as provided in section 2344(b) (relating to number
20 and terms of directors) except that members shall continue to be
21 appointed until the first elected board takes office as provided
22 in section 2344(b)(4) as follows: appointment of school board
23 members in districts of the first class A shall be made by the
24 court of common pleas of the county in which the district is
25 situated and shall be in conformity with the provisions of
26 section 2344(a). When making such appointments, the courts are
27 agencies taking formal action and shall act in accordance with
28 the act of July 19, 1974 (P.L.486, No.175), referred to as the
29 Public Agency Open Meeting Law.

30 (c) Districts of the second class.--Election of school board

1 members in districts of the second class shall be by popular
2 vote at municipal elections. Each qualified voter shall be
3 entitled to cast one vote for each school director to be elected
4 from that district or electoral region.

5 § 2342. Combined districts.

6 (a) Selection of directors.--When two or more districts are
7 combined into one district the directors then in office in each
8 component district shall, until the end of their respective
9 terms, be directors of the newly formed district. Vacancies
10 occurring in such incumbent positions shall not be filled except
11 where the membership falls below nine. At the first municipal
12 election following the date of establishment of the new district
13 two school directors shall be elected for terms of four years
14 and one for a term of two years. At the second municipal
15 election following establishment of the new district and every
16 four years thereafter, four directors shall be elected for terms
17 of four years. At the third municipal election following
18 establishment of the new district and every four years
19 thereafter, five directors shall be elected for terms of four
20 years. Such school directors shall be elected at large or by
21 regions as provided in this subchapter. The term of office of
22 directors shall begin at the organizational meeting following
23 their election.

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

30 (c) Interim planning committee.--The incumbent school

1 directors may serve as the planning committee or may select from
2 their membership a planning committee to prepare the budget and
3 perform the necessary administrative functions for the
4 establishment of the new district.

5 § 2343. School districts divided into electoral regions.

6 (a) Electoral districts in districts of the first class A.--

7 (1) In each school district of the first class A, a
8 School Director District Apportionment Commission shall be
9 constituted for the purpose of establishing an odd number not
10 less than seven nor more than 15 school director districts
11 within the first class A school district by assigning each
12 election district within the school district into one of the
13 school director districts. The commission shall select that
14 odd number of districts from seven to 15 which will best
15 provide for racial balance and proportional representation of
16 all segments of the population at the time of the
17 apportionment. The school director districts shall be
18 compact, contiguous and as nearly equal in population as
19 practicable.

20 (2) The commission shall consist of six members, two to
21 be appointed by the mayor of the most populous municipality
22 in the school district, three by the city council of such
23 municipality and one by the mayor of any other municipality
24 in the school district with the approval of the legislative
25 body thereof. The commission shall elect one of its members
26 chairman and shall act by a majority of its entire
27 membership. If any of the appointing authorities fails to
28 make any or all of the appointments within 15 days after the
29 effective date of this title, the appointment or appointments
30 shall be made by the court of common pleas.

1 (3) No later than 45 days after the commission has been
2 duly certified, the commission shall file an apportionment
3 plan with the county board of elections to be submitted to
4 the voters of the district at the next primary election
5 occurring not less than 91 days after the plan is filed with
6 the county board and at which primary election the candidates
7 for members of the school board shall be nominated.

8 (4) Each year following the year in which the Federal
9 census data is officially reported, a School Director
10 District Reapportionment Commission shall be constituted in
11 like manner and with like composition as the initial School
12 Director District Apportionment Commission in this section
13 set forth. The commission shall file its plan no later than
14 45 days after either the commission has been duly certified
15 or the population data for the first class A school district
16 as determined by the Federal decennial census are available,
17 whichever is later.

18 (5) The school district shall appropriate sufficient
19 funds for the compensation and expenses of members and staff
20 appointed by the apportionment and reapportionment
21 commissions and other necessary expenses. The members of the
22 commissions shall be entitled to such compensation for their
23 services as the school district from time to time shall
24 determine but no part of the compensation shall be paid until
25 a plan is filed.

26 (6) If an apportionment or reapportionment plan is not
27 filed by the commission within the time prescribed by this
28 section, the court of common pleas of the county in which the
29 district is located shall immediately proceed on its own
30 motion to apportion or reapportion the school director

1 districts.

2 (7) Any apportionment or reapportionment plan, filed by
3 any commission or prepared by the court of common pleas of
4 the county in which the district is located upon the failure
5 of the commission to act, shall be published by the county
6 board of elections once in at least one newspaper of general
7 circulation in the most populous municipality of the school
8 district, which publication shall contain a map of the school
9 district showing the complete apportionment or
10 reapportionment of the school director districts. The
11 publication shall also state the population of the school
12 director districts having the smallest and largest population
13 and the percentage variation of such districts from the
14 average population for such districts.

15 (8) The county board of elections shall place upon the
16 ballot to be submitted to the voters of each first class A
17 school district under the act of June 3, 1937 (P.L.1333,
18 No.320), known as the "Pennsylvania Election Code," the
19 following question:

20 Shall the apportionment plan submitted by the School
21 Director District Apportionment Commission for the
22 election of members of the board of public education
23 of the School District of (Name) be approved?

24 In the event the voters reject the apportionment plan, the
25 nomination of school directors under this section shall be
26 void and the present board shall continue. But a second
27 referendum, upon the petition of 15% of the registered voters
28 of the school district, may be held after two years from the
29 date of the first election.

30 (b) Optional electoral district plans.--The optional plan to

1 divide a district into three or nine regions described in
2 section 2342 (relating to combined districts) shall be as
3 follows:

4 (1) The boundaries of the regions shall be fixed and
5 established in such manner that the population of each region
6 shall be as nearly equal as possible and shall be compatible
7 with the boundaries of election districts. Each region shall
8 be composed of contiguous territory except that if the school
9 district is composed of noncontiguous territory, a region may
10 be composed of noncontiguous 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.--

19 (1) In each school district of the first class A, the
20 school board shall be known as the "Board of Public
21 Education" and shall consist of an odd number of members not
22 less than seven nor more than 15 school directors, to be
23 elected by the qualified voters of the school district by
24 specified districts.

25 (2) There shall be a corresponding odd number not less
26 than seven nor more than 15 separate districts for each of
27 which only one candidate shall be elected. Each candidate
28 shall be nominated only for the specified district in which
29 he resides and each elected member shall represent only a
30 specified district in which he resides, such districts to be

1 constituted as set forth in section 2343(a) (relating to
2 school districts divided into electoral regions).

3 (3) All elected members shall serve for a term of four
4 years except that the three, four, five, six or seven members
5 elected at the initial election in even-numbered school
6 director districts shall serve for two years. In the event
7 the first election occurs in an even-numbered year, the terms
8 of the initial members shall be increased by one year so that
9 future elections can be held in odd-numbered years.

10 (4) The terms of existing appointed board members shall
11 terminate on the first Monday of December in 1976 or in any
12 subsequent year in which the initial elected members are
13 elected at which time the terms of all members to be elected
14 as shall be deemed to begin. Thereafter the terms of all
15 elected members shall expire on the first Monday of December
16 in the year in which the length of term to which such members
17 shall have been elected has been served.

18 (5) Until the initial members are elected, the board
19 shall consist of 15 school directors whose terms of office
20 shall be six years. The terms of five of the members shall
21 expire on the second Monday of November of each odd-numbered
22 year. The court of common pleas of the county in which the
23 school district is situated shall, in October of every odd-
24 numbered year, appoint five members for terms of six years.
25 Their terms of office shall begin on the second Monday of
26 November next following their appointment.

27 (c) Districts of the second class.--In each school district
28 of the second class, there shall be a board of nine school
29 directors who, except as otherwise provided in this title, shall
30 be elected at large for terms of four years. At the municipal

1 election in 1977, two school directors shall be elected for
2 terms of four years and one for a term of two years. At the
3 municipal election in 1979 and every four years thereafter, four
4 directors shall be elected for terms of four years. At the
5 municipal election in 1981 and every four years thereafter, five
6 directors shall be elected for terms of four years. Such school
7 directors shall be elected at large or by regions as provided in
8 this subchapter. In every nine region district, and in every
9 three region district except those in which all the directors
10 whose terms expire in 1977 represent a single region, the board
11 of school directors shall, prior to the first day in which
12 petitions for the 1977 primary election may be circulated,
13 determine by drawing lots which region shall elect a school
14 director for a term of two years.

15 § 2345. Ineligibility to office for malfeasance and
16 nonfeasance.

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

22 (b) Nonfeasance.--Any person removed from the office of
23 school director for neglect of duty under section 2314 (relating
24 to removal of directors for neglect of duty) shall not be
25 eligible again as a school director for the period of eight
26 years from the date of removal.

27 § 2346. Qualifications for office.

28 (a) General rule.--Any qualified elector of the school
29 district shall be eligible to the office of school director of
30 the school district if he has been a resident of the district

1 for at least one year prior to his election or appointment
2 except that any person holding any office or position of profit
3 under the government of any city of the first class, or any
4 elective office in any other political subdivision, shall not be
5 eligible to the office of school director.

6 (b) Eligibility of school employee.--A person employed in a
7 school district may serve as a school director in another school
8 district except that any person employed by a school entity or
9 community college shall not be eligible to serve as a school
10 director in a component district of the entity or a sponsoring
11 district of the community college.

12 § 2347. Vacancies in office.

13 (a) Districts of the first class.--In case any vacancy
14 occurs in any board of school directors of the first class by
15 reason of death, resignation, removal from the district or
16 otherwise, it shall be filled in accordance with provisions of
17 the home rule charter adopted under the former provisions of the
18 act of August 9, 1963 (P.L.643, No.341), known as the "First
19 Class City Public Education Home Rule Act," or Subchapter C of
20 Chapter 25 (relating to first class city home rule districts).

21 (b) Districts of the first class A.--In school districts of
22 the first class A the mayor of the most populous municipality
23 contained in the school district shall fill any vacancy from the
24 same school director district in which the vacancy occurred
25 until the first Monday in December following the next municipal
26 primary occurring 120 days after the vacancy occurred. Until the
27 first elected board takes office, the vacancy shall be filled
28 for the unexpired term by the court of common pleas of the
29 county in which the school district is situated.

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

1 the second class, vacancies shall be filled as follows:

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

20 (2) If at any time vacancies exist or occur in the
21 membership of a majority of the members of a board of school
22 directors of a second class district, the court of common
23 pleas of the county in which such district or the largest
24 part in area thereof is located shall, after ten days from
25 the time the vacancies exist or occur, appoint qualified
26 persons who shall serve, if the terms thereof continue so
27 long, until the organizational meeting after the first
28 municipal election occurring more than 60 days after their
29 appointment at which election a board of school directors for
30 such district shall be elected for the remainder of the

1 respective unexpired terms.

2 (3) Whenever a vacancy of the entire membership of a
3 board of school directors in any school district of the
4 second class occurs, the superintendent of the district shall
5 carry on the business of the district in accordance with
6 provisions of the school laws of this Commonwealth, subject
7 to the supervision of the Secretary of Education, and may
8 continue in charge thereof until a board of school directors
9 has been appointed and has qualified.

10 (d) Temporary vacancy during military service.--When any
11 member of any board of school directors enlists or is inducted
12 into the armed forces of the United States in time of war, a
13 temporary vacancy shall be declared which shall be filled by the
14 remaining members of the board or the court, as the case may be,
15 until the return of the member of the board from military
16 service or until the expiration of the term for which the member
17 shall have been elected, whichever first occurs.

18 § 2348. Vacancy for failure to qualify or attend meetings.

19 (a) Failure to qualify.--If any person elected or appointed
20 as school director, who has been notified of his election or
21 appointment, shall refuse or neglect to qualify as such director
22 within ten days next succeeding the beginning of his term of
23 office, the remaining members of the board, by a majority vote,
24 may declare his office as director vacant.

25 (b) Failure to attend meetings.--If any person having
26 qualified as a school director of a district and any qualified
27 school director who is a member of an intermediate unit board or
28 area vocational-technical school board shall neglect or refuse
29 to attend three successive regular meetings of the governing
30 board in question, unless prevented by sickness, necessary

1 absence from district or other pressing responsibilities, or if
2 in attendance at any meetings shall neglect or refuse to act in
3 his official capacity as a school director of the governing
4 board in question, the remaining members of the board in
5 question, by a majority vote, may declare his office as director
6 on that board vacant.

7 SUBCHAPTER D

8 ORGANIZATION OF BOARD

9 Sec.

10 2371. Enumeration of officers.

11 2372. President.

12 2373. Vice president.

13 2374. Secretary.

14 2375. Assistant secretary.

15 2376. Business administrator.

16 2377. Treasurer.

17 2378. Corporation as treasurer.

18 2379. Assistant treasurer.

19 2380. President and secretary pro tempore.

20 2381. Organization meetings.

21 2382. First class city home rule districts.

22 § 2371. Enumeration of officers.

23 The officers of boards of school directors shall include a
24 president, vice president, secretary and treasurer and may
25 include an assistant secretary or secretaries, an assistant
26 treasurer or treasurers, a president pro tempore and a secretary
27 pro tempore.

28 § 2372. President.

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

1 (1) Preside at all meetings.

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

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

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

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

12 § 2373. Vice president.

13 (a) Duties.--The vice president shall, in the absence or
14 disability of the president, perform the duties and exercise the
15 powers of the president.

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

18 § 2374. Secretary.

19 (a) Duties.--The secretary of the board of school directors
20 shall:

21 (1) Keep a correct and proper record of all the
22 proceedings of the board and prepare such reports as are
23 required by the provisions of this title.

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

27 (3) Furnish, whenever requested, any and all reports
28 concerning the affairs of the board of school directors on
29 such forms, and in such manner, as the State board or the
30 department may require.

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

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

6 (b) Member of board.--In school districts of the first class
7 and first class A, the secretary shall not be a member of the
8 board of school directors. In school districts of the second
9 class, the secretary may be a member of the board of school
10 directors so long as he is not also the school business
11 administrator provided for in section 2376 (relating to business
12 administrator).

13 (c) Limitation on other office.--Whether or not the
14 secretary is a member of the board of school directors, he shall
15 not serve simultaneously as earned income tax officer.

16 (d) Compensation.--The secretary of the board of school
17 directors may receive for services rendered such reasonable
18 compensation as the board shall fix.

19 § 2375. Assistant secretary.

20 The assistant secretary or secretaries shall assist the
21 secretary as requested and, in the absence or disability of the
22 secretary, shall perform the duties and exercise the powers of
23 the secretary.

24 § 2376. Business administrator.

25 (a) Duties.--The board of school directors shall designate a
26 school business administrator after the board has requested from
27 the superintendent one or more recommendations of a person to
28 fill the position. The business administrator shall:

29 (1) Have general responsibility for all business aspects
30 of the school district subject to the rules and regulations

1 of the board.

2 (2) Prepare and sign an order on the treasurer for the
3 payment of bills on account legally approved by the board.

4 The business administrator may prepare and sign orders on the
5 treasurer for the payment of amounts owing under any
6 contracts which shall previously have been approved by the
7 board, and by the prompt payment of which the district will
8 receive a discount or other advantage, without first securing
9 the approval of the board.

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

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

16 § 2377. Treasurer.

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

18 (1) Receive and account for all Commonwealth
19 appropriations, district school taxes and other funds
20 belonging to the school district.

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

23 (3) Make payments on proper orders approved by the board
24 and signed by the president and the secretary.

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

27 (5) Report monthly to the board on the amount of funds
28 received and disbursed during the month.

29 (6) Settle accounts of the treasurer annually with the
30 board for each fiscal year.

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

3 (8) Pay promptly at the end of the term of office of
4 treasurer to the successor in office the balance of any and
5 all funds remaining in the school district accounts and
6 deliver to the successor all books, accounts and other
7 property of the school district in the possession of the
8 treasurer.

9 (b) City treasurer as treasurer.--In school districts of the
10 first class and first class A the board shall elect the
11 treasurer of the city constituting all or the greater part of
12 the school district as the treasurer for the ensuing fiscal
13 year.

14 (c) Compensation.--The treasurer of the board may receive
15 for services rendered such reasonable compensation as the board
16 shall fix.

17 § 2378. Corporation as treasurer.

18 The treasurer may be any corporation duly qualified and
19 legally authorized to transact a fiduciary business in this
20 Commonwealth but such corporation may not simultaneously be an
21 authorized depository as defined in section 3101 (relating to
22 definitions).

23 § 2379. Assistant treasurer.

24 The assistant treasurer shall assist the treasurer as
25 requested and, in the absence or disability of the treasurer,
26 shall perform the duties and exercise the powers of the
27 treasurer.

28 § 2380. President and secretary pro tempore.

29 In the absence of both the president and vice president, or
30 of the secretary and the assistant secretary, the board of

1 school directors may elect a president pro tempore or secretary
2 pro tempore for such meeting only and the appointment of the
3 temporary officer shall be noted on the minutes of the meeting.

4 § 2381. Organization meetings.

5 (a) Organization.--The board of school directors in every
6 school district of this Commonwealth shall meet annually to
7 effect a permanent organization of the board of school
8 directors. Notwithstanding section 2391(b) (relating to quorum
9 and voting), a plurality of the votes cast for election of
10 officers shall be sufficient for election.

11 (b) Districts of the first class.--In school districts of
12 the first class, the annual organization meeting shall be held
13 during the second week of November, at which meeting the
14 directors shall elect a president, vice president and secretary
15 who shall begin their terms of office January 1.

16 (c) Districts of the first class A.--In school districts of
17 the first class A, the annual organization meeting shall be held
18 annually on the first Monday of December, at which meeting the
19 directors shall elect a president, vice president and secretary
20 to serve until the first Monday in December of the ensuing
21 calendar year.

22 (d) Districts of the second class.--In school districts of
23 the second class, the school directors shall effect an
24 organization as follows:

25 (1) Each year, at a regularly scheduled meeting in
26 December, the board shall elect a president and a vice
27 president to serve until a regularly scheduled meeting in
28 December of the ensuing calendar year.

29 (2) Annually, during the month of May, the directors
30 shall elect a treasurer to serve for a term of one year

beginning July 1 following the election.

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

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

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

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

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

(i) Organization of board.--If a quorum is present, the meeting shall be organized as provided in this subsection. There shall be elected from the holdover members a temporary president. The secretary of the board shall serve as secretary of the organization meeting. The certificates of election or appointment of any new members and a list of legally qualified directors shall be duly recorded. New members shall take and subscribe to the oath of office as required by this part. After the new members have been sworn, the temporary president shall effect the permanent organization as provided in this section.

1 § 2382. First class city home rule districts.

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

10 SUBCHAPTER E

11 CONDUCT OF BUSINESS

12 Sec.

13 2391. Quorum and voting.

14 2392. Regular and special meetings.

15 § 2391. Quorum and voting.

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

18 (b) Voting.--An affirmative vote of a majority of all
19 legally qualified members of the board of school directors,
20 showing in the board minutes how each member voted, shall be
21 required to take action on all matters except as otherwise
22 provided in this title. No member of the board may abstain from
23 voting except as provided for in sections 2106 (relating to
24 conflict of interest and additional compensation) and 5104
25 (relating to personnel actions concerning relatives of school
26 directors).

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

30 § 2392. Regular and special meetings.

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

5 (b) Special meetings.--Special meetings of the board of
6 school directors may be called at any time by the president or
7 upon written request to the president by any three members of
8 the board. Should the president fail or refuse to act upon the
9 written request of three members, a special meeting may be
10 called at any time by a majority of the legally qualified
11 members of the board.

12 (c) Notice of meetings.--Members shall have reasonable
13 notice of all special meetings and the board may adopt
14 reasonable rules directing the kind and length of notice of the
15 meetings of the board that shall be given to its members by the
16 secretary.

17 (d) Matters considered at special meetings.--No business
18 shall be transacted at any special meeting except that specified
19 in the call letter. Special meetings may be called for general
20 purposes.

21 CHAPTER 25

22 SCHOOL DISTRICTS

23 Subchapter

24 A. General Provisions.

25 B. Boundary Changes and Annexation.

26 C. First Class City Home Rule Districts.

27 SUBCHAPTER A

28 GENERAL PROVISIONS

29 Sec.

30 2501. How constituted.

1 2502. Status and powers.

2 2503. Classification.

3 2504. Change of classification.

4 2505. Corporate seal.

5 § 2501. How constituted.

6 All school districts shall remain as now constituted until
7 changed as authorized by this title.

8 § 2502. Status and powers.

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

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

17 § 2503. Classification.

18 There shall be three classes of school districts according to
19 population as follows:

20 (1) Each school district having a population of
21 1,000,000 or more shall be a school district of the first
22 class.

23 (2) Each school district having a population of 400,000
24 or more but less than 1,000,000 shall be a school district of
25 the first class A.

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

28 § 2504. Change of classification.

29 (a) General rule.--Whenever it shall appear that the
30 population of any school district is such that it should be

1 included in another class of school district, the department,
2 upon receiving the appropriate population data as the department
3 shall require, shall make the necessary change of classification
4 and issue a certificate to the school district notifying it of
5 the change in class.

6 (b) Effective date of change.--A change in classification of
7 a school district shall take effect upon the beginning of the
8 next fiscal year after the certificate has been issued under
9 subsection (a).

10 § 2505. Corporate seal.

11 Each school district in this Commonwealth may, by a majority
12 vote of the members of the board of school directors of the
13 district, adopt a corporate seal for the use of the district.
14 The seal shall have engraved thereon the following: "School
15 District of (Name), Pennsylvania," or "(Name) School District of
16 Pennsylvania," and such other inscription or design as the board
17 of school directors may direct.

18 SUBCHAPTER B

19 BOUNDARY CHANGES AND ANNEXATION

20 Sec.

21 2531. Voluntary combination of school districts.

22 2532. Adjustment of property and obligations of combined
23 districts.

24 2533. Change of boundaries following municipal annexation.

25 2534. Fiscal powers pending change of boundaries.

26 2535. Temporary special tax levies in partitioned districts.

27 2536. Annexation to first class or first class A districts.

28 2537. Establishment of transfer districts.

29 2538. Adjustment of property and obligations of annexed
30 districts.

1 2539. Effective date of changes in districts.

2 § 2531. Voluntary combination of school districts.

3 (a) General rule.--Upon approval by a majority of the
4 membership of each board of school directors and upon approval
5 by the State board, any two or more contiguous school districts
6 may combine to create a larger school district.

7 (b) Referendum.--No combination shall be approved by the
8 State board unless it has been approved by the electors of each
9 district by referendum. Referenda shall be held as provided by
10 law for the approval of incurring indebtedness by referendum.

11 § 2532. Adjustment of property and obligations of combined
12 districts.

13 (a) Property and indebtedness.--All real and personal
14 property, indebtedness and rental obligations to an approved
15 building authority or nonprofit corporation, if any, of former
16 school districts forming a new school district, shall become the
17 property, indebtedness and rental obligations of the newly
18 constituted school district. All rights of creditors against any
19 of the component former school districts shall be preserved
20 against the new school district. All property vested in the
21 component former school districts, all debts and taxes owing to
22 the component former school districts uncollected in the several
23 component former school districts, and all moneys in the
24 treasuries of the component former school districts shall be
25 paid to the treasurer of the newly constituted school district.

26 (b) Operating obligations.--All operating obligations of any
27 component former school district contracted for concurrent
28 operating expenses after June 30, 1966, shall continue to be an
29 obligation of the taxable property within the former component
30 school district. In levying and assessing taxes for the first

1 fiscal year of operation and for each subsequent fiscal year,
2 the board of school directors of the newly established school
3 districts shall levy and assess upon the taxable property within
4 the component former school district a tax in addition to all
5 other school district taxes in an amount sufficient to discharge
6 the obligation for operating expenses in a period of ten years.

7 § 2533. Change of boundaries following municipal annexation.

8 (a) Notice of annexation.--Whenever territory is annexed to
9 any municipality comprising in whole or in part an existing
10 school district of the second class, a certified copy of the
11 order of annexation, agreement, ordinance or vote of the
12 electors effecting such annexation shall be forwarded within ten
13 days to the Secretary of Education. The document or documents
14 shall be mailed to the secretary by the prothonotary of the
15 court granting the decree or by any other proper officer.

16 (b) Boundary change application and hearing.--The receipt of
17 the certified copy shall be deemed an application for the change
18 in the boundaries of an existing school district and the
19 Secretary of Education shall, within 60 days thereafter, notify
20 the school districts which will be affected that an application
21 has been received and that a time and place for hearing the
22 application will be determined upon receipt of request from any
23 district affected. If no such request is filed within 30 days,
24 the State board may certify approval of the application without
25 a hearing if the boundaries of the affected school district or
26 districts were coextensive with the boundaries of the affected
27 municipalities before the annexation took place. If the
28 boundaries were not coextensive, the State board may disapprove
29 the application without a hearing. At the hearing, if one is
30 requested, the proper officials of or the counsel for the

1 districts shall present to the State board or its designated
2 representatives the reasons for approval or disapproval of the
3 application, and the State board shall then determine whether
4 such change in the boundaries of an existing school district is
5 desirable and whether the welfare of the pupils within the
6 territory affected thereby will be promoted by the change in the
7 boundaries of such existing district.

8 (c) Approval of application.--If the State board approves
9 the application, it shall certify its findings and its approval
10 of the change in such existing district thereon and transmit a
11 certified copy of the approval to the clerk of the courts or
12 other proper officer from whom the application was received who
13 shall file the certification with the documents of the original
14 proceedings.

15 (d) Disapproval of application.--If, in the judgment of the
16 State board, the application should not be granted, it shall
17 endorse "Not Approved" on the application and transmit a
18 certified copy of the disapproval to the clerk of the courts or
19 other proper officer from whom the application was received, who
20 shall file the certification with the documents of the original
21 proceedings.

22 (e) Appeal from decision.--Appeals from the decision of the
23 State board shall be made in accordance with the act of June 4,
24 1945 (P.L.1388, No.442), known as the "Administrative Agency
25 Law."

26 § 2534. Fiscal powers pending change of boundaries.

27 While proceedings are pending in court for the changing of
28 any boundary lines of any school district of the second class,
29 the board of school directors in every school district to be
30 affected by the change of boundary lines shall be permitted to

1 levy and assess a school tax and incur debts for the purpose of
2 purchasing ground or constructing or enlarging a school building
3 in the same manner as though the proceedings were not pending in
4 court for the changing of any boundary lines.

5 § 2535. Temporary special tax levies in partitioned districts.

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

23 § 2536. Annexation to first class or first class A districts.

24 Whenever the territory comprising a school district of the
25 second class is annexed to a city comprising a school district
26 of the first class or of the first class A, the annexed school
27 district shall immediately become a part of the school district
28 of the first class or first class A.

29 § 2537. Establishment of transfer districts.

30 (a) Definitions.--As used in this section the following

1 words and phrases shall have the meanings given to them in this
2 subsection:

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

6 "Transfer district." An independent district created for the
7 sole purpose of transferring a contiguous territory from one
8 existing school district to an adjacent school district using
9 procedures provided in this section.

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

22 (c) Hearing on petition.--Upon receipt of the petition
23 properly filed, the State board shall notify or cause to be
24 notified within ten days all school districts which would be
25 affected by the granting or denial of the petition that a
26 hearing will be held on the petition. An opportunity to be heard
27 shall be given to all affected parties in accordance with the
28 act of June 4, 1945 (P.L.1388, No.442), known as the
29 "Administrative Agency Law."

30 (d) Approval of petition.--If, in the judgment of the State

1 board, the petition should be approved, the State board shall
2 issue an order establishing a transfer district. In its order,
3 the State board shall determine, after consultation with all
4 parties, the amount, if any, of the indebtedness and obligations
5 of the school district from whose territory the transfer
6 district is taken that the transfer district shall assume and
7 pay. The State board shall prorate the Commonwealth subsidies
8 payable between or among the losing district or districts and
9 the receiving district and shall determine the disposal of all
10 real and personal property. A transfer district created under
11 the provisions of this section shall not become an operating
12 school district but is created for transfer of territory only.
13 If the petition is approved, the State board shall assign the
14 transfer district to the designated school district.

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

18 (f) Appeal from decision.--Appeals from the decision of the
19 State board shall be made in accordance with the Administrative
20 Agency Law.

21 § 2538. Adjustment of property and obligations of annexed
22 districts.

23 (a) Amicable adjustment.--In any case where land annexed to
24 one school district is made a part of the district in which it
25 is located, the school districts to which land has been annexed
26 or from which land has been taken shall make a just and proper
27 adjustment and apportionment of all school property, real and
28 personal, including funds, as well as indebtedness, and rental
29 obligations to an approved school building authority, if any, to
30 and among the school districts. The adjustment and apportionment

1 shall take effect at the beginning of the fiscal year following
2 approval by the State board of the change of boundaries for
3 school purposes.

4 (b) Adjustment by court upon petition.--In case the boards
5 of school directors of the several school districts cannot make
6 amicable apportionment and adjustment of their property,
7 indebtedness and rental obligations to an approved school
8 building authority, before or during the first fiscal year
9 beginning after any change in their boundary lines is made, any
10 one of the school districts may, at any time within the
11 succeeding fiscal year, present its petition to the court of
12 common pleas of the county in which the school district is
13 located. The court shall appoint a review board of three
14 disinterested resident taxpayers of the county, who shall not
15 reside in either of the districts whose boundary lines are
16 changed. The review board, after a hearing, shall make a report
17 to the court making an apportionment and adjustment according to
18 the provisions of this section. The report shall state the
19 amount, if any, that shall be due and payable from one district
20 to another, as well as the amount of indebtedness, including
21 rental obligations to an approved school building authority, if
22 any, that shall be assumed by any district. Due notice of the
23 hearing shall be given to the several districts interested as
24 the court may direct. The review board shall give the several
25 districts interested at least five days notice of the filing of
26 the report. Unless exceptions are filed to the report by any
27 district interested within 30 days after the date of filing, the
28 report shall be confirmed by the court absolutely. Any sum
29 awarded or debt apportioned by the report to any school district
30 shall be a legal and valid claim in its favor against the school

1 district charged therewith. Upon the report of the review board
2 being confirmed, the claims or indebtedness charged against any
3 school district may be collected in the same manner as a
4 judgment is collected against a school district. In case
5 exceptions are filed to the report of the review board, the
6 court shall dispose of the same, taking any testimony therein it
7 deems advisable. The decision of the court thereon shall be
8 final and binding on the several districts.

9 (c) Costs of proceedings.--The review board shall be paid
10 all necessary expenses and receive such fees as the court
11 determines. All costs and expenses of the proceeding shall be
12 apportioned by the court to and among the several school
13 districts as it shall deem proper.

14 (d) Adjustment by court in equity.--If the respective school
15 districts shall neglect or refuse to petition the court for the
16 appointment of a review board to secure an apportionment and
17 adjustment within the period of the second year, either of the
18 school districts or ten percent of the eligible voters within
19 either of the school districts may file a complaint in equity at
20 any time within six years from the date of the change in
21 boundary lines, in the name of the school district or for the
22 use of the school district, against the other school district,
23 in the court of common pleas of the proper county, to have such
24 indebtedness apportioned and adjusted.

25 (e) Jurisdiction of court.--In cases in which the districts
26 are situated in two or more counties, the court of common pleas
27 of the county in which the largest part in area of the land
28 annexed to or taken from any district is situated shall have
29 exclusive jurisdiction over the matter. If the review board is
30 to be appointed, the court may appoint the review board from any

1 one or more of the counties.

2 § 2539. Effective date of changes in districts.

3 If any new school district is created by combination of
4 existing districts or if the boundary lines of any school
5 district are changed, the change, so far as it related to school
6 districts or school affairs, shall take effect at the beginning
7 of the first fiscal year after the new district has been created
8 or the change in boundary lines is permanently effected.

9 SUBCHAPTER C

10 FIRST CLASS CITY HOME RULE DISTRICTS

11 Sec.

12 2551. Short title of subchapter.

13 2552. Definitions.

14 2553. Cities authorized to adopt home rule charters.

15 2554. Proceedings for appointment of charter commission.

16 2555. Examination and rejection of petitions.

17 2556. Objections in court to petitions.

18 2557. Appointment and organization of charter commission.

19 2558. Proposed charter provisions and ballot questions.

20 2559. Election on proposed charter provisions.

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

22 2561. Payment of expenses of proceedings.

23 2562. Status of approved charter provisions.

24 2563. Amendments to charter provisions.

25 2564. Limitations on frequency of proceedings.

26 2565. Powers and authority of city.

27 2566. Status and authority of home rule district.

28 2567. Penalties for violations of subchapter.

29 § 2551. Short title of subchapter.

30 This subchapter shall be known and may be cited as the "First

1 Class City Public Education Home Rule Act."

2 § 2552. Definitions.

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

6 "Charter provisions." Either those sections which shall be
7 added to an existing home rule charter or those sections which
8 comprise a separate home rule charter for public education of a
9 city without a previously existing home rule charter.

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

11 "Commission." The commission authorized and appointed
12 pursuant to this subchapter.

13 "Home rule school district." A school district designated as
14 provided in this subchapter and brought into existence through
15 the exercise of powers contained in this subchapter.

16 "School district." Any school district or school districts
17 in existence within a city at the time the city exercises the
18 powers under this subchapter.

19 § 2553. Cities authorized to adopt home rule charters.

20 Any city of the first class may frame and adopt charter
21 provisions governing the administration of a separate and
22 independent home rule school district as provided in this
23 subchapter.

24 § 2554. Proceedings for appointment of charter commission.

25 (a) General rule.--The city council of any city of the first
26 class by a two-thirds vote of its elected members may, or upon
27 petition presented to the city council and filed in the form
28 prescribed by the city council signed by not less than 20,000
29 registered electors of the city shall, without undue delay,
30 provide, by ordinance, for the appointment of a commission to

1 frame charter provisions and for giving public notice of the
2 passage of the ordinance.

3 (b) Signatures on petition.--Each elector signing the
4 petition shall add to his signature his occupation and residence
5 and the date of signing. Signatures to the petition may be on
6 separate sheets but each sheet shall have appended to it the
7 affidavit of some person not necessarily a signer and not
8 necessarily the same person as on other sheets that to the best
9 of affiant's knowledge and belief, the signers are registered
10 electors of the city, that they signed with full knowledge of
11 the contents of the petition and that their residences are
12 correctly given.

13 (c) Filing and notice of ordinance.--The clerk of the city
14 council of the city shall file with the mayor of the city, the
15 secretary of the school district, the secretary of the board of
16 judges of the court or courts of common pleas located in the
17 city and the Secretary of the Commonwealth a copy of the
18 ordinance, certified by him, within the five days next following
19 its final passage, and shall also cause the public notice to be
20 given as provided in the ordinance.

21 § 2555. Examination and rejection of petitions.

22 (a) General rule.--When any petition is presented to the
23 city council of the city under the provisions of section 2554
24 (relating to proceedings for appointment of charter commission),
25 it shall be the duty of the clerk of the city council, with the
26 assistance and advice of the city solicitor or head of the
27 department of law of the city, to examine the petition. The
28 clerk of the city council shall be entitled to a reasonable time
29 in which to examine the petition and to summon and interrogate
30 the persons presenting the petition or any of the signers

1 thereof or any of the affiants to any of the appended or
2 accompanying affidavits and his retention of the petition for
3 the purpose of making the examination or interrogation shall not
4 be construed as the filing thereof.

5 (b) Rejection of petition.--Although not hereby required so
6 to do, the clerk of the city council may question the
7 genuineness of any signature or signatures appearing on the
8 petition and if he shall thereupon find that any signature or
9 signatures are not genuine, the signature or signatures shall be
10 disregarded by him in determining whether the petition contains
11 a sufficient number of signatures, as required by this
12 subchapter. The invalidity of any sheet of a petition shall not
13 affect the validity of the petition if a sufficient petition
14 remains after eliminating the invalid sheet. No petition shall
15 be permitted to be filed if it:

16 (1) contains material errors or defects apparent on the
17 face thereof or on the face of the appended or accompanying
18 affidavits;

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

21 (3) does not contain a sufficient number of genuine
22 signatures as required by this subchapter.

23 (c) Judicial review.--The action of the clerk of the city
24 council in rejecting and refusing to file any petition may be
25 reviewed by the court or courts of common pleas located in the
26 city, in an action of mandamus to compel its reception, as of
27 the tenth day next following the day it was presented to the
28 city council. Unless the complaint in mandamus shall be made and
29 filed in the court of common pleas within ten days after the
30 refusal of the clerk of city council to file the petition, the

1 court shall be without jurisdiction to entertain or consider any
2 action in mandamus or any other proceeding to compel the filing
3 of the petition.

4 § 2556. Objections in court to petitions.

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

17 (b) Notice and hearing.--Upon the presentation of a
18 petition, the court shall make an order fixing the time for
19 hearing, which shall not be later than ten days after the
20 presentation of the petition to the court, and specifying the
21 time and manner of notice, by public advertising or otherwise,
22 that shall be given of the hearing. On the day fixed for the
23 hearing, the court shall proceed, without delay, to hear the
24 objections and shall give the hearing precedence over any other
25 business before it, and shall finally determine the matter not
26 later than 15 days after the last day for presentation of the
27 petition to the court.

28 (c) Disposition of petition.--If the court shall find that
29 the petition is defective under the provisions of section 2555,
30 or does not contain a sufficient number of genuine signatures of

1 registered electors entitled to sign the petition under the
2 provisions of this subchapter, it shall be set aside. If the
3 objections relate to material errors or defects apparent on the
4 face of the petition or on the face of the accompanying or
5 appended affidavits, the court after hearing may, in its
6 discretion, permit amendments within such time and upon such
7 terms as to payment of costs as the said court may specify.

8 (d) Payment of costs of proceedings.--In case the petition
9 is dismissed, the court shall make such order as to the payment
10 of the costs of the proceeding, including witness fees, as it
11 shall deem just.

12 § 2557. Appointment and organization of charter commission.

13 (a) Appointment.--Within 30 days after the final passage of
14 the ordinance, the mayor of the city, the board of judges of the
15 court or courts of common pleas located in the city and the
16 Governor of the Commonwealth shall appoint a commission
17 consisting of nine registered electors of the city, three of
18 whom shall be appointed by the mayor, three by the board of
19 judges of the court or courts of common pleas located in the
20 city and three by the Governor of this Commonwealth.

21 (b) Vacancies.--Any vacancy in the membership of the
22 commission caused by death, resignation, removal from the city
23 or otherwise shall be filled by the remaining members of the
24 commission by appointing as a member of the commission a
25 registered elector of the city.

26 (c) Organization and meetings.--The mayor of the city shall
27 call the first meeting of the members of the commission so
28 appointed within 30 days after their appointment, to be held at
29 a time and place fixed by him in his call, and at the meeting
30 the commission shall organize by selecting from their number a

1 chairman and a secretary, adopt rules to govern its proceedings
2 and proceed to discharge the duties set forth in this
3 subchapter. All meetings of the commission shall be open to the
4 public subject to the provisions of the act of July 19, 1974
5 (P.L.486, No.175), referred to as the Public Agency Open Meeting
6 Law. All actions of the commission shall be by a majority vote
7 of all members.

8 § 2558. Proposed charter provisions and ballot questions.

9 (a) Filing and printing.--The charter provisions proposed by
10 the commission for submission to the qualified electors of the
11 city for their approval or disapproval shall be filed with the
12 city council which shall thereupon cause the proposal or
13 proposals, together with the form of the question or questions,
14 to be printed in pamphlet form in sufficient number for general
15 distribution.

16 (b) Distribution and publication.--The pamphlets shall be
17 made ready for distribution at least 28 days before the election
18 at which the proposals are to be voted upon the electors and the
19 proposals, together with the ballot questions, shall also be
20 published once a week for three weeks in at least two newspapers
21 of general circulation in the weeks immediately preceding the
22 election at which the vote is to be taken upon the proposals.

23 (c) Framing ballot questions.--Each ballot question shall be
24 framed in brief form of not more than 75 words by the
25 commission. The commission may require that the proposed charter
26 provisions be submitted in two or more parts, and may also
27 submit alternative charter provisions to supersede designated
28 portions of the proposed charter provisions, if adopted. In such
29 case, the commission shall prescribe the form of questions in
30 such a manner as will clearly indicate the effect of the

1 approval of such questions.

2 (d) Certification to board of elections.--The clerk of the
3 city council shall, within five days after the filing of the
4 charter provisions proposed by the commission, certify an exact
5 copy of the text of the charter provisions, together with the
6 necessary ballot questions, to the board of elections in the
7 county wherein the city is situate. The board of elections shall
8 cause the ballot questions to be properly printed on the ballots
9 or ballot labels.

10 § 2559. Election on proposed charter provisions.

11 (a) Time of election.--The proposed charter provisions shall
12 be submitted to the electors for approval or disapproval by the
13 use of the ballot questions at a special election occurring more
14 than 45 days after the proposed charter provisions are filed
15 with the city council of the city. The special election shall be
16 held on the day fixed and designated by the commission, which
17 day may be the day for holding any primary or regular November
18 election.

19 (b) Notice of election.--At least 30 days' notice of each
20 election shall be given by proclamation of the mayor of the
21 city. A copy of the proclamation shall be posted at each polling
22 place of the city on the day of the election and shall be
23 published in at least two newspapers of general circulation in
24 the city once a week for three consecutive weeks during the
25 period of 30 days prior to the election, which publications may
26 be included in the publication required to be made under the
27 provisions of section 2558 (relating to proposed charter
28 provisions and ballot questions).

29 (c) Conduct of elections and returns.--All elections shall
30 be conducted by the election officers for the city in accordance

1 with the act of June 3, 1937 (P.L.1333, No.320), known as the
2 "Pennsylvania Election Code." The election officers shall count
3 the votes cast and make return thereof to the board of
4 elections. The result of the election shall be computed by the
5 board of elections in the same manner as is provided by law for
6 computation of similar returns at any election. Certificates of
7 the result of the election shall be filed by the board of
8 elections with the city council of the city, with the secretary
9 of the board of public education of the school district and with
10 the Secretary of the Commonwealth.

11 § 2560. Recording, filing and publication of charter
12 provisions.

13 The clerk of the city council of the city shall forthwith
14 cause the charter provisions, as approved by the qualified
15 electors, to be recorded in the ordinance book of the city. He
16 shall also file certified copies thereof in the office of the
17 Secretary of the Commonwealth, the secretary of the board of
18 public education of the school district and the Director of the
19 Legislative Reference Bureau, and the text thereof shall be
20 published in the Pennsylvania Code.

21 § 2561. Payment of expenses of proceedings.

22 The expenses of the charter commission and the cost of
23 publishing, distributing and advertising the proposal or
24 proposals of the commission or of the city council of the city
25 or of electors and the proclamations as required by section 2559
26 (relating to election on proposed charter provisions), and all
27 other expenses of the commission and of the city council
28 incurred in connection with any proceedings under this
29 subchapter, when not otherwise provided for by law, may be paid
30 from the city treasury as the city council of the city may

1 provide.

2 § 2562. Status of approved charter provisions.

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

8 (b) Existing laws.--So far as the charter provisions are
9 consistent with the grant of powers and the limitations,
10 restrictions and regulations prescribed in this subchapter, they
11 shall supersede all statutes, or parts of statutes, local,
12 special or general, affecting the organization, government and
13 powers of the school district to the extent that they are
14 inconsistent or in conflict therewith. All existing statutes, or
15 parts of statutes, ordinances and resolutions affecting the
16 organization, government and powers of the school district, not
17 inconsistent or in conflict with the charter provisions so
18 adopted, shall remain in full force.

19 (c) Existing contracts.--No contract existing at the time of
20 the adoption of the charter provisions pursuant to this
21 subchapter shall be affected thereby, but the contract shall
22 have the same force and effect and be of the same validity as if
23 the charter provisions had not been adopted.

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

29 (e) Constitutional limitation.--Charter provisions adopted
30 or amended in accordance with this subchapter shall not be

1 inconsistent with the Constitution of the United States or of
2 this Commonwealth.

3 § 2563. Amendments to charter provisions.

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

8 § 2564. Limitations on frequency of proceedings.

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

12 (b) Appointment of commission.--No petition by registered
13 electors of the city for the appointment of a commission shall
14 be presented to the city council of the city if the city council
15 shall at the time already have provided, by ordinance, for the
16 appointment of the commission, or if a petition by registered
17 electors for the appointment of a commission shall then already
18 have been presented to the city council, until the expiration of
19 four years and six months next following the submission to the
20 qualified electors of the city for their approval or disapproval
21 of the charter provisions proposed by the commission, unless, in
22 the case of a petition by registered electors already presented,
23 the petition shall have been then rejected or set aside under
24 the provisions of section 2555 (relating to examination and
25 rejection of petitions) or 2556 (relating to objections in court
26 to petitions).

27 § 2565. Powers and authority of city.

28 (a) General rule.--Any city of the first class taking
29 advantage of this subchapter and framing and adopting provisions
30 hereunder shall have, and may exercise, the following enumerated

1 powers:

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

5 (2) The power to provide for a board of education of the
6 home rule school district which shall be charged with the
7 administration, management and operation of the home rule
8 school district.

9 (3) The power to:

10 (i) Set the term, number and qualifications of board
11 of education members.

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

14 (iii) Either to provide for a method of appointment
15 in case the power shall include the designation of the
16 appointing authority or to provide for a method of
17 election.

18 (b) Limitations.--Any city of the first class taking
19 advantage of this subchapter and framing and adopting provisions
20 hereunder shall not have powers and authority greater than those
21 express and implied powers granted by subsection (a). The powers
22 granted by subsection (a) shall not be construed to include:

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

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

30 (3) A grant of authority to frame charter provisions

1 which contravene any statute applicable in every part of this
2 Commonwealth or applicable to all school districts of this
3 Commonwealth.

4 § 2566. Status and authority of home rule district.

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

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

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

18 (3) Assume all debt and other contractual obligations of
19 the school district, the long term debt to be issued, secured
20 and retired in the manner now provided by law.

21 (b) Bylaws, resolutions and regulations.--Any board of
22 education established pursuant to this subchapter may enact
23 bylaws, resolutions, rules and regulations necessary and proper
24 to carry into execution the powers under subsection (a) and all
25 other powers vested in the board of education under this title.

26 (c) Intergovernmental agreements.--The board of education
27 established pursuant to this subchapter may enter into
28 agreements including, but not limited to, joint tax collection,
29 joint purchasing of supplies, equipment and contractual
30 services, use of recreational and park equipment and facilities,

1 control and prevention of juvenile delinquency, city planning,
2 capital budgeting, capital programming and comprehensive
3 development planning, with any municipal or former county
4 department, agency, office, board or commission or any agency of
5 the Commonwealth or the United States Government, when, in the
6 opinion of the board of education or its authorized agents, the
7 agreement will further the efficient and effective
8 administration of public education.

9 (d) Existing home rule districts.--Any home rule school
10 district of a city of the first class brought into existence by
11 the adoption of a charter or charter provisions pursuant to the
12 former provisions of the act of August 9, 1963 (P.L.643,
13 No.341), known as the "First Class City Public Education Home
14 Rule Act," shall continue to have all powers of home rule
15 granted under that act and shall have such additional powers as
16 may now or hereafter be granted in this subchapter. No
17 provisions of this title shall be construed to limit or
18 supersede any existing home rule school district charter or
19 charter provision adopted pursuant to and consistent with the
20 former provisions of the act of August 9, 1963 (P.L.643,
21 No.341).

22 § 2567. Penalties for violations of subchapter.

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

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

1 occupation;

2 (2) knowingly makes a false statement in any affidavit
3 required by the provisions of this subchapter to be appended
4 to or to accompany a petition provided for in this subchapter
5 or fraudulently signs any name not his own to any petition or
6 affidavit or fraudulently alters any petition without the
7 consent of the signers;

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

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

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

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

30 (b) Limitation on fines.--In the event a person convicted of

1 an offense under this section is sentenced to pay a fine as part
2 of the sentence, the fine shall not exceed \$500 for offenses
3 under subsection (a)(1), (2) and (3) or \$1,000 for other
4 offenses.

5 CHAPTER 27

6 INTERMEDIATE UNITS

7 Subchapter

8 A. General Provisions

9 B. Intermediate Unit Board and Staff

10 SUBCHAPTER A

11 GENERAL PROVISIONS

12 Sec.

13 2701. Status, purpose and component districts.

14 2702. Transfer of district to another unit.

15 2703. Merger of units.

16 § 2701. Status, purpose and component districts.

17 (a) Status and purpose.--Intermediate units are service
18 units designed to provide to component school districts
19 educational program services as adopted by the intermediate unit
20 board of directors or as determined by law.

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

27 § 2702. Transfer of district to another unit.

28 Any school district may apply for transfer from one
29 intermediate unit to another intermediate unit with which its
30 boundaries are contiguous by submitting a written request for

1 such transfer to the State board with reasons for requesting the
2 transfer. If the State board approves the transfer, it shall be
3 effective the following July 1. In no event shall a transfer be
4 made unless:

5 (1) the boards of directors of two-thirds of the
6 component school districts within each intermediate unit vote
7 in favor of approving the said transfer; and

8 (2) the intermediate unit boards of directors involved
9 approve the transfer.

10 § 2703. Merger of units.

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

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

16 (2) the intermediate unit boards of directors involved
17 approve the merger.

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

20 SUBCHAPTER B

21 INTERMEDIATE UNIT BOARD AND STAFF

22 Sec.

23 2711. Election and term of board members.

24 2712. Vacancies on board.

25 2713. Removal of directors and employees.

26 2714. Annual and special conventions.

27 2715. Election and compensation of officers.

28 2716. Staff of intermediate unit.

29 2717. Election of executive director and assistants.

30 2718. Powers and duties of board.

1 2719. Program services provided by board.

2 2720. Powers and duties of executive director.

3 2721. Intermediate unit advisory council.

4 2722. Budget.

5 2723. School district contributions to intermediate units.

6 § 2711. Election and term of board members.

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

11 (b) Composition of board.--Each intermediate unit board
12 shall be composed of at least 13 members chosen from among the
13 members of the boards of school directors of the component
14 districts. Unless there are fewer than 13 school districts in
15 the intermediate unit, no more than one director from any school
16 district shall be elected to the intermediate unit board. Where
17 there are fewer than 13 component school districts, at least one
18 school director from each school district shall be elected to
19 the intermediate unit board. Where there are 13 or more
20 districts in an intermediate unit, each district, as far as
21 practicable, may have one member on the intermediate unit board
22 up to a maximum of 20 members if the intermediate board so
23 decides by a majority vote of the legally constituted component
24 districts at the annual convention.

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

30 (d) Election voting procedure.--The election of intermediate

1 unit directors shall be by proportionate ballot. The election
2 shall be determined on the basis of a majority of the
3 proportionate vote cast by the school board members present and
4 voting. Each school director of each component school district
5 shall be entitled to at least one vote and shall be entitled to
6 cast votes to be determined as follows:

7 (1) The weighted average daily membership of the school
8 district of the director shall be divided by the total
9 weighted average daily membership within the intermediate
10 unit.

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

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

15 (4) The dividend shall be rounded to the nearest whole
16 number.

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

23 (f) Unit comprised of single district.--In the case of an
24 intermediate unit comprised of a single school district, the
25 board of school directors of the school district shall be the
26 intermediate unit board of directors.

27 § 2712. Vacancies on board.

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

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

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

(b) Filling vacancy.--Vacancies on an intermediate unit board shall be filled by appointment by majority vote of the remaining intermediate unit board of directors. A director so appointed shall serve until the annual convention at which time the convention shall elect a director to serve the unexpired portion of the term.

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

§ 2713. Removal of directors and employees.

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

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

§ 2714. Annual and special conventions.

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

(1) Electing members to the intermediate unit board in accordance with section 2711 (relating to election and term

of board members).

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

(3) Considering and discussing matters pertaining to the improvement of education in the public schools within the intermediate unit.

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

Except as otherwise specified, action shall be taken by a majority of those school directors present and voting.

(b) Special convention called by unit board.--The intermediate unit board may call into special convention the school directors of all school districts within an intermediate unit at any time for the consideration of business which may properly come before a special convention.

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

§ 2715. Election and compensation of officers.

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

(b) Treasurer.--Annually, during the month of June, the

1 newly elected board shall elect a treasurer, corporate or
2 personal, for a term to begin July 1.

3 (c) Secretary.--Every fourth year, during the month of June,
4 the newly elected board shall elect a secretary for a term to
5 begin July 1.

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

13 (e) Compensation.--The secretary and treasurer shall be
14 compensated as the intermediate unit board shall deem
15 appropriate.

16 (f) Duties, removal and bond.--The provisions of Chapters 23
17 (relating to boards of school directors) and 31 (relating to
18 local finance) applicable to duties of board officers, removal
19 and bond shall apply to the intermediate unit board officers.
20 § 2716. Staff of intermediate unit.

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

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

29 (c) Qualifications of specialists.--Program specialists
30 shall satisfy minimum qualifications adopted by the State board.

1 (d) Membership in retirement system.--All eligible employees
2 of an intermediate unit shall, in accordance with Part IV
3 (relating to retirement for school employees), be members of the
4 Public School Employees' Retirement System and employees who are
5 members of the State Employees' Retirement System prior to
6 employment by the intermediate unit may elect to remain members
7 of such retirement 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 salaries of the executive director and
12 the assistants of the executive director shall be charged to the
13 intermediate unit budget only to the extent that they are
14 engaged in providing approved intermediate unit services as
15 determined by the executive director.

16 § 2717. Election of executive director and assistants.

17 (a) Election and compensation.--The intermediate unit board
18 by a majority vote of all members thereof shall elect and fix
19 the salary of a properly certificated executive director, and
20 upon the recommendation of the executive director may elect and
21 fix the salary of such properly certificated assistant executive
22 directors as it deems necessary.

23 (b) Terms, reelection and vacancies.--The terms of office,
24 reelection procedure and procedure in case of vacancy for the
25 executive director and assistant executive director shall
26 conform to the terms and procedures for superintendents and
27 assistant superintendents provided in Subchapter E of Chapter 51
28 (relating to commissioned personnel).

29 § 2718. Powers and duties of board.

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

1 (1) Employ professional staff but only after the
2 intermediate unit board has requested from the executive
3 director one or more recommendations of a person to fill the
4 position.

5 (2) Employ and adopt employment policies for auxiliary
6 personnel.

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

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

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

25 (6) Provide and conduct programs of services as
26 authorized by the State board and approved by the
27 intermediate unit board.

28 (7) Approve and advertise the intermediate unit budget
29 as provided for in sections 2722 (relating to budget) and
30 3112 (relating to public notice of proposed budget).

1 (8) Perform such other duties as may be required by
2 regulation of the State board to effectuate the purposes of
3 this chapter.

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

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

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

9 (3) Contract for specialized services.

10 (4) Lease land and buildings in accordance with the
11 provisions of Chapter 49 (relating to physical plant and
12 construction) except that no contract to lease facilities for
13 intermediate unit administrative offices from one or more
14 constituent school districts shall be entered into without
15 the approval of the boards of school directors of all the
16 constituent districts.

17 (5) Lease equipment including motor vehicles.

18 § 2719. Program services provided by board.

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

22 (1) Curriculum development and instructional improvement
23 services.

24 (2) Educational planning services.

25 (3) Instructional materials services.

26 (4) Continuing professional education services.

27 (5) Pupil personnel services.

28 (6) State and Federal agency liaison services.

29 (7) Management services.

30 (8) Any other services approved by a majority of boards

of school directors comprising the intermediate unit.

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

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

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

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

§ 2720. Powers and duties of executive director.

The executive director of an intermediate unit shall:

(1) Administer the intermediate unit program of services.

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

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

(4) Perform the duties of a business administrator as defined in section 2376(a) (relating to business administrator) or, with the approval of the board, delegate the functions to another employee.

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

(6) Provide the department with information and reports.

(7) Serve as the chief school administrator of an area vocational-technical school if the intermediate unit board is

1 designated as the operating agent for the school or if the
2 executive director is appointed as chief school administrator
3 by the area vocational-technical board.

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

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

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

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

15 § 2721. Intermediate unit advisory council.

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

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

24 § 2722. Budget.

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

28 (b) Approval and advertising.--The intermediate unit board
29 shall:

30 (1) Approve a proposed budget.

1 (2) Advertise the availability of the budget for
2 inspection in accordance with section 3112 (relating to
3 public notice of proposed budget).

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

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

8 (1) a majority of the school districts comprising the
9 intermediate unit; and

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

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

16 § 2723. School district contributions to intermediate units.

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

23 (1) Determine a per pupil deficiency figure by dividing
24 the amount by which the budget exceeds the allocation by the
25 weighted average daily membership, as defined in section 2921
26 (relating to definitions), of all the school districts within
27 the intermediate unit.

28 (2) Determine the share of each school district by
29 multiplying the per pupil deficiency figure computed in
30 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 action will not adversely affect the service to be offered to the remaining districts by the intermediate unit;

the intermediate unit board may relieve the school district of payment for such service.

(d) Method of payment.--Payments due from school districts to an intermediate unit shall be withheld by the Commonwealth from subsidies payable to school districts during October and paid to the intermediate unit not later than January of each year.

SUBPART C

FISCAL AFFAIRS AND TAXATION

Chapter

29. Reimbursement

1 31. Local Finance
2 33. Accounting and Auditing
3 35. Taxation

4	CHAPTER 29
5	REIMBURSEMENT

6 Subchapter

7	A.	General Provisions
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21 SUBCHAPTER A

22 GENERAL PROVISIONS

23 Sec.

24 2901. Statements for reimbursement.

25 2902. Determining amount of payments.

26 2903. Deduction from Commonwealth appropriations.

27 2904. Withholding payments for delinquent debt.

28 2905. Penalties for unauthorized employees.

29 2906. Payments for schools closed during emergencies.

30 2907. Verification of amounts to school entities.

1 2908. Verification of amounts to State Treasurer.

2 2909. Guaranteed payments and limitations.

3 2910. Time of payments.

4 2911. Method and use of payments.

5 § 2901. Statements for reimbursement.

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

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

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

15 (d) Corrections.--If any error in any statement shall occur
16 whereby a school entity would receive more or less Commonwealth
17 money than is justly due, the chief executive officer of the
18 school entity shall forward immediately to the department a
19 corrected statement and the department shall make the corrected
20 statement the basis for the appropriation.

21 § 2902. Determining amount of payments.

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

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

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

28 (2) The definitions of section 2921 (relating to
29 definitions).

30 (3) The deductions authorized in section 2903 (relating

1 to deduction from Commonwealth appropriations).

2 (4) The reimbursement formulae as contained in the
3 following provisions:

4 Subchapter B (relating to basic instruction).

5 Subchapter C (relating to building construction).

6 Subchapter E (relating to exceptional students).

7 Subchapter G (relating to homebound instruction).

8 Subchapter H (relating to intermediate units).

9 Subchapter K (relating to transportation).

10 § 2903. Deduction from Commonwealth appropriations.

11 (a) General rule.--The department may deduct from
12 Commonwealth appropriations to school entities the amounts due
13 and payable to the Commonwealth, political subdivisions and
14 other school entities. The exact amount deducted shall be
15 credited or paid to the appropriate government agency and the
16 school entity involved shall be properly notified.

17 (b) Extension class tuition.--If any school district in
18 which a pupil resides, who is entitled by law to attend an
19 elementary school or a high school for an extension class for
20 which extension class tuition has been approved by the sending
21 district for attendance in another district, neglects or refuses
22 to pay the tuition or any other charge, the department may
23 deduct from any moneys due the sending district out of any
24 Commonwealth appropriation the amount due from the sending
25 district to the district where the pupil attends and pay the
26 amount to the district entitled thereto.

27 § 2904. Withholding payments for delinquent debt.

28 The department may refuse to authorize the payment of any
29 amount payable to any school entity when it fails or refuses to
30 pay its indebtedness when due. The department may continue to

1 withhold such amounts until the school entity has made provision
2 for payment of the delinquent debt.

3 § 2905. Penalties for unauthorized employees.

4 (a) Abuse of emergency certificates.--Any school entity
5 which for a period of two successive years either employs a
6 teacher who holds only an emergency certificate for any grade or
7 subject which he teaches, or employs in the same position
8 teachers who hold only emergency certificates for any grades or
9 subjects which they teach, shall forfeit the sum of \$300 for
10 each teacher so employed or for each position so filled.

11 (b) Uncertificated professionals.--Any school entity which
12 has in its employ any person required by law to be certificated
13 in a teaching, specialist, supervisory or administrative
14 capacity for more than four consecutive months of any school
15 year who has not been certificated for the position by the
16 department shall forfeit an amount equal to the actual salary
17 being paid the employee for that school year.

18 (c) Substitutes employed in vacancies.--Any school entity
19 which has in its employ a substitute in a position where a
20 vacancy exists for a full year or more without the specific
21 written approval of the department shall forfeit an amount equal
22 to the actual salary being paid the employee for that school
23 year.

24 (d) Payment of penalty.--The department shall deduct the
25 forfeitures from the amount of the Commonwealth appropriation
26 otherwise due the school entity.

27 § 2906. Payments for schools closed during emergencies.

28 When any governing board is compelled to close any school or
29 schools on account of any contagious disease, natural disaster
30 or other emergency, not including labor disputes involving

1 school employees, and thereby is unable to keep the school or
2 schools open for the minimum term required by this title, the
3 department may pay to the school entity any or all of its share
4 of the annual Commonwealth appropriations as the department
5 deems proper.

6 § 2907. Verification of amounts to school entities.

7 The department shall transmit to each school entity a
8 verification of the amount payable to the school entity.

9 § 2908. Verification of amounts to State Treasurer.

10 The department shall verify the amount payable to each school
11 entity to the State Treasurer who shall place the amounts to the
12 credit of the respective school entities.

13 § 2909. Guaranteed payments and limitations.

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

16 (1) the guaranteed amount per weighted average daily
17 membership established for the 1970-1971 fiscal year for the
18 district times the weighted average daily membership
19 applicable to the year for which payment is being made; or

20 (2) the amount as determined in accordance with section
21 2922(a) and (b) (relating to amount of payments) for the
22 immediately preceding year.

23 (b) Limitations on payments.--Notwithstanding any other
24 provisions of law, for any fiscal year no school district shall
25 be paid under subsection (a), section 2922(c) or section 2957(a)
26 and (d) (relating to payments for poverty children), an amount
27 in excess of 100% of the total approved reimbursable instruction
28 expense of the school district.

29 § 2910. Time of payments.

30 The amount apportioned and allotted to each school district

1 shall be divided into three payments and the department shall
2 draw a requisition three times annually upon the State Treasurer
3 in favor of each school district for the amount to which it is
4 entitled. The first two payments shall be estimates based on but
5 not to exceed 30% of the total amount apportioned and allocated
6 to the school district during the previous fiscal year for the
7 same purposes. The final payment shall be the balance of the
8 apportionment due for the applicable fiscal year. Payment shall
9 be made to all school districts on October 1, February 1 and
10 June 1, except that any school district whose fiscal year and
11 calendar year are identical on the effective date of this
12 section shall continue to receive payments as now provided by
13 law. This section shall apply to payments to which a school
14 district is entitled under provisions of sections 2909(a)
15 (relating to guaranteed payments and limitations), 2922
16 (relating to amount of payments) and 2957 (relating to payments
17 for poverty children).

18 § 2911. Method and use of payments.

19 The annual Commonwealth appropriation apportioned and
20 distributed by the department to each school entity shall be
21 paid to the treasurer of the school entity. The appropriations
22 shall be used by each school entity through its governing board
23 for the purposes authorized by this title.

24 SUBCHAPTER B

25 BASIC INSTRUCTION

26 Sec.

27 2921. Definitions.

28 2922. Amount of payments.

29 § 2921. Definitions.

30 The following words and phrases when used in this chapter

1 shall have, unless the context clearly indicates otherwise, the
2 meanings given to them in this section:

3 "Actual instruction expense per weighted average daily
4 membership." For each fiscal year, the department shall
5 calculate for each school district the actual instruction
6 expense per weighted average daily membership for each district
7 student. The actual instruction expense shall include all
8 general fund expenses of the school district except those for
9 health services, transportation, debt service, capital outlay,
10 homebound instruction and outgoing transfers to community
11 colleges. From this cost shall be deducted the amount received
12 from the Commonwealth for driver education, special class
13 operation, vocational education, area vocational-technical
14 schools, payment of tuition by district patrons, parents, other
15 school districts and the State and Federal Government and all
16 moneys received from the State and Federal Government under the
17 Federal Elementary and Secondary Education Act (Public Law 89-
18 10), Federal Economic Opportunity Act (Public Law 88-452) and
19 Federal Comprehensive Employment and Training Act of 1973
20 (Public Law 93-203) and for projects under section 3904
21 (relating to intensive classes for unemployed or underemployed
22 persons). The actual instruction expense so determined, when
23 divided by the weighted average daily membership for the
24 district, shall be the actual instruction expense per weighted
25 average daily membership.

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

29 (1) Divide the market value per weighted average daily
30 membership of the school district by the market value per

weighted average daily membership of this Commonwealth.

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

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

$$\text{Aid ratio} = 1.0000 - \frac{(\text{District MV/WADM})}{(\text{State MV/WADM})} \times .50$$

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

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

"Density factor." The density factor shall be assigned for those school districts whose population exceeds 10,000 per square mile as determined by the department from the most recent records of the United States Census Bureau. Any school district which was assigned a density factor for any fiscal year prior to 1969-1970, and for any fiscal year thereafter is determined by the department to have a population of 10,000 per square mile or less shall qualify for a modified density payment which shall be in the ratio of its population per square mile to 10,000 of the amount to which it would have been entitled had its population per square mile exceeded 10,000. Any school district which was assigned a density factor for any fiscal year prior to 1969-1970 and for any fiscal year thereafter and as a result of a merger with one or more other school districts becomes a part of a new school district and the new school district is determined by the department to have a population of 10,000 per square mile or less, the new school district shall qualify for a modified density payment which shall be in the ratio of its population

1 per square mile to 10,000 of the amount to which it would have
2 been entitled had its population per square mile exceeded
3 10,000. A school district qualifying under the density factor
4 shall be paid by the Commonwealth on account of excess
5 expenditures per weighted average daily membership not to exceed
6 for the fiscal year 1969-1970 and each fiscal year thereafter
7 \$250, in excess of \$400, an amount to be determined by
8 multiplying the excess expenditures by the aid ratio or by
9 0.375, whichever is greater, and by the number of weighted
10 students, which amount shall be in addition to any other
11 payments for the students.

12 "District students." Students of a school district enrolled
13 in the public schools of this Commonwealth and of adjacent
14 states who are residents of a given school district.

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

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

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

25 "Sparsity factor." The sparsity factor shall be assigned for
26 those districts whose population is less than 50 per square mile
27 as determined by the department from the most recent records of
28 the United States Census Bureau. A school district qualifying
29 under sparsity factor shall be paid by the Commonwealth on
30 account of excess expenditures per weighted average daily

1 membership, not to exceed for the fiscal year 1969-1970 and each
2 fiscal year thereafter \$250, in excess of \$400, an amount to be
3 determined by multiplying the excess expenditures by the aid
4 ratio or by 0.375, whichever is greater, and by the number of
5 weighted students, which amounts shall be in addition to any
6 other payment for the students. Any school district assigned
7 sparsity factor for any fiscal year prior to 1969-1970 or for
8 any subsequent fiscal year and any reorganized or merged school
9 district comprised of one or more component school districts any
10 of which had been assigned sparsity factor for any fiscal year
11 prior to 1969-1970 or any subsequent fiscal year which for any
12 fiscal year thereafter is determined by the department to have a
13 population of 50 per square mile or more shall, for the fiscal
14 year 1970-1971 and each fiscal year thereafter, qualify for a
15 modified sparsity payment which shall be the ratio of its
16 population per square mile to 50 subtracted from 2.00 and
17 multiplied by the amount to which it would have been entitled
18 had its population per square mile been less than 50.

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

30 "Valuation." A school district's valuation used for

1 computing the aid ratio shall be the valuation placed upon its
2 taxable real property by the State Tax Equalization Board.

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

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

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

15 (2) Elementary, 1.00.

16 (3) Secondary, 1.36.

17 § 2922. Amount of payments.

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

25 (b) Minimum payments.--For any fiscal year, no district
26 shall receive less than an amount obtained by multiplying the
27 minimum subsidy by the weighted average daily membership for the
28 district.

29 (c) Density and sparsity payments.--For the fiscal year
30 1971-1972 and each fiscal year thereafter, each school district

1 so entitled shall be paid, in addition to any other subsidy to
2 which it is entitled, an amount for density or sparsity of
3 population. Except as otherwise provided, this amount shall be
4 paid on account of expenditures in excess of \$400 per weighted
5 average daily membership, not to exceed \$250 an amount to be
6 determined by multiplying the excess expenditures by the aid
7 ratio or by 0.375, whichever is greater, and by the number of
8 weighted average daily membership. The payment for density
9 factor for those qualifying school districts with a WADM in
10 excess of 50,000 shall be the actual cost of instruction per
11 WADM multiplied by 19% and by the WADM of the district.

12 SUBCHAPTER C

13 BUILDING CONSTRUCTION

14 Sec.

15 2931. Site costs.

16 2932. Building costs.

17 2933. Approval of leases and sinking fund charges.

18 2934. Payments on pre-1957 leases and contracts.

19 2935. Payments on other leases and contracts.

20 2936. Approved reimbursement.

21 2937. Change in rentals.

22 2938. Districts eligible under density factor.

23 2939. Method of payments on rentals.

24 2940. Payments on rentals of facilities for school use.

25 § 2931. Site costs.

26 Whenever any school district acquires a site for a school
27 building in advance of its need and in accordance with a long-
28 range development plan for school building construction approved
29 by the State board to the extent that the cost of the
30 acquisition shall be deemed reasonable by the department, the

1 Commonwealth shall pay, in the year of acquisition, 100% of the
2 reimbursement due the district under applicable statutes in
3 force at that time for the cost of acquisition. If the site is
4 not thereafter used by the district for school building purposes
5 within a period of ten years from date of purchase, the amounts
6 paid under this section shall be returned to the Commonwealth by
7 the district within two years of the end of the ten-year period
8 of nonuse. If the amounts are not returned within the two-year
9 period, Commonwealth moneys due and payable to the district by
10 the department as a subsidy or reimbursement for any purpose
11 shall first be withheld in the amount of the moneys owed the
12 Commonwealth by the district under this section and credited as
13 returned in full hereunder before any part of the Commonwealth
14 reimbursement or subsidy is paid to the district.

15 § 2932. Building costs.

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

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

1 (c) Fiscal year of payment.--The payment required by this
2 section shall be made for the fiscal year in which the school
3 district made its payment on account of the approved building
4 construction cost.

5 § 2933. Approval of leases and sinking fund charges.

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

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

27 (c) Inspection prior to approval.--The department shall not
28 approve any project for which Commonwealth reimbursement is
29 sought unless an inspection has been made by the department of
30 the location and adequacy of existing school facilities and the

1 determination made that existing facilities are inadequate in
2 terms of prevailing educational standards.

3 § 2934. Payments on pre-1957 leases and contracts.

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

22 (b) 1953-1956 leases.--The Commonwealth shall pay annually
23 to each school district erecting or sharing in the erection of a
24 building or buildings under the provisions of the State Public
25 School Building Authority Act, for every lease approved by the
26 department on or after August 26, 1953, but prior to March 22,
27 1956, and to each school district which shall have entered into
28 a lease approved by the department on or after August 26, 1953,
29 but prior to March 22, 1956, with a municipality authority or
30 with a nonprofit corporation for the rental of a school building

1 or buildings, an amount to be determined by multiplying the
2 school district's capital account reimbursement fraction
3 computed for the year 1967 or aid ratio, whichever is greater,
4 by that portion of the annual rental charge or share thereof
5 provided for under its lease with the State Public School
6 Building Authority or municipality authority or nonprofit
7 corporation, as the case may be, sufficient during the period of
8 the lease to pay the cost of acquiring or constructing the
9 school buildings, the cost of acquiring the land upon which the
10 school buildings are situated and the interest on the cost.

11 § 2935. Payments on other leases and contracts.

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

27 (b) Vocational-technical buildings.--The Commonwealth shall
28 pay annually to each school district which constructs, purchases
29 or leases with the approval of the department an area
30 vocational-technical school building or which shares in the

1 construction, purchase or lease of the building or buildings
2 under the provisions of the State Public School Building
3 Authority Act or the Municipality Authorities Act of 1945, or
4 other agency, or through the incurring of indebtedness by the
5 issuance of general obligation bonds, an amount to be determined
6 by multiplying the district aid ratio or 50%, whichever is
7 greater, by the approved reimbursable rental or approved
8 reimbursable sinking fund charge multiplied by the district
9 proportionate share of the rental sinking fund charge.

10 § 2936. Approved reimbursement.

11 (a) Rental or sinking fund charges.--For school building
12 projects for which the general construction contract is awarded
13 subsequent to March 22, 1956, and for approved school building
14 projects for which the general construction contract was awarded
15 but for which a lease was not approved by the department prior
16 to March 22, 1956, the department shall calculate approved
17 reimbursable rental or approved reimbursable sinking fund
18 charges. Reimbursable sinking charges may include charges for
19 temporary indebtedness within constitutional limitations if the
20 indebtedness is incurred for approved permanent improvements to
21 the school plant, including the cost of acquiring a suitable
22 site for a school building, the cost of constructing a new
23 school building, or the cost of providing needed additions or
24 alterations to existing buildings, for which no bond issue is
25 provided and for which an approved obligation or obligations
26 other than bonds have been issued and the obligation or
27 obligations are payable within five years from the date of issue
28 of the obligation in equal annual installments. Approved
29 reimbursable rental or sinking fund charge shall consist of that
30 part of the annual rental or sinking fund charge attributable

1 to:

2 (1) the cost of acquiring the land upon which the school
3 buildings are situated, the cost of necessary rough grading
4 to permit proper placement of the building upon the land and
5 the cost of sewage treatment plants, as required by the
6 Department of Environmental Resources, to the extent that the
7 costs are deemed reasonable by the Department of Education,
8 and the interest on the costs of acquisition, grading and
9 sewage treatment plants earned subsequent to the date the
10 construction contract is awarded; and

11 (2) the approved building construction cost and the
12 interest on the construction cost.

13 (b) New building construction cost.--For new school
14 buildings the approved buildings construction cost shall be the
15 lesser of:

16 (1) the cost of constructing the school buildings
17 including the cost of essential fixtures and equipment but
18 excluding architect fees in excess of 6% of the contract
19 price; or

20 (2) (i) for school buildings for which the general
21 construction contract is awarded prior to July 1, 1966,
22 and for approved school building projects for which a
23 lease was approved by the department prior to July 1,
24 1966, the product of the rated student capacity as
25 determined by the department at the time the project is
26 approved; and

27 (A) \$1,100 in the case of elementary schools;

28 (B) \$1,700 in the case of secondary schools; or

29 (C) an amount in the case of combined

30 elementary-secondary schools obtained by multiplying

1 the rated elementary student capacity by \$1,100 and
2 the rated secondary student capacity by \$1,700 and
3 dividing the sum by the total rated student capacity;
4 or

5 (ii) for school buildings for which the general
6 construction contract is awarded subsequent to July 1,
7 1966 and for approved school buildings projects for which
8 the general construction contract was awarded but for
9 which a lease was not approved by the department prior to
10 July 1, 1966, the product of the rated student capacity
11 as determined by the department at the time the project
12 is approved; and

13 (A) \$2,300 in the case of elementary schools;

14 (B) \$3,000 in the case of secondary schools; or

15 (C) an amount in the case of combined

16 elementary-secondary schools obtained by multiplying
17 the rated elementary student capacity by \$2,300 and
18 the rated secondary student capacity by \$3,000 and
19 dividing the sum by the total rated student capacity.

20 (c) Additions or alterations.--For additions or alterations
21 to existing buildings, approved building construction cost shall
22 be the lesser of:

23 (1) the cost of constructing the additions or
24 alterations including the cost of essential fixtures and
25 equipment but excluding architect fees in excess of 6% of the
26 contract price; or

27 (2) (i) for all school building projects for which the
28 general construction contract is awarded prior to July 1,
29 1966, and for approved school building projects for which
30 a lease was approved by the department prior to July 1,

1 1966, the difference obtained by subtracting the
2 appraisal value of the existing buildings from the
3 product of rated student capacity of the altered or
4 expanded buildings as determined by the department at the
5 time the project is approved; and

6 (A) \$1,100 in the case of elementary schools;

7 (B) \$1,700 in the case of secondary schools; or

8 (C) an amount in the case of combined

9 elementary-secondary schools obtained by multiplying

10 the rated elementary student capacity of the altered

11 or expanded building by \$1,100 and the rated

12 secondary student capacity of the altered or expanded

13 building by \$1,700 and dividing the sum by the total

14 rated student capacity of the altered or expanded

15 building; or

16 (ii) for school buildings for which the general

17 construction contract is awarded subsequent to July 1,

18 1966, and for approved school building projects for which

19 the general construction contract was awarded but for

20 which a lease was not approved by the department prior to

21 July 1, 1966, the difference obtained by subtracting the

22 appraisal value of the existing building from the product

23 of rated student capacity of the altered or expanded

24 buildings as determined by the department at the time the

25 project is approved; and

26 (A) \$2,300 in the case of elementary schools;

27 (B) \$3,000 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 of the altered

1 or expanded building by \$2,300 and the rated
2 secondary student capacity of the altered or expanded
3 building by \$3,000 and dividing the sum by the total
4 rated student capacity of the altered or expanded
5 building.

6 For the purposes of this subsection, "appraisal value" means the
7 valuation made immediately before the additions or alterations
8 are begun by three competent appraisers, one appointed by the
9 governing board or boards, one by the secretary, and the third
10 by the other two appraisers.

11 (d) Deduction of prior payments.--If the Commonwealth makes
12 any payment under section 2932 (relating to building costs) on
13 account of a preliminary payment by a school district on the
14 approved building construction cost, the amount of the
15 preliminary payment by the school district shall be subtracted
16 from the amount of the approved building construction cost for
17 the purpose of calculating the approved reimbursable rental on
18 projects undertaken pursuant to this title. If the Commonwealth
19 makes a payment of 50% under section 2931 (relating to site
20 costs) on account of the approved cost of the acquisition of a
21 site for a school building, the amount payable under this
22 section on account of the approved cost of site acquisition
23 shall be reduced by 50%.

24 (e) Payments for joint projects.--For purposes of
25 calculating the amount of rental reimbursement, the approved
26 reimbursable rental for a school project constructed for two or
27 more school districts shall annually be apportioned among the
28 participating school districts on the basis of the proportion
29 which the valuation of each district as certified by the State
30 Tax Equalization Board during the preceding school year bears to

1 the total valuation of all participating districts. In special
2 cases where the best interests of the Commonwealth and of the
3 school districts will be better served by permitting the
4 districts to establish for themselves some method other than
5 market valuation as the basis for determining their respective
6 shares of the annual lease rental, the department may issue a
7 special order approving such method of sharing the rental and
8 authorizing that the rental reimbursement for that particular
9 project shall be calculated on the basis of the proportionate
10 share of rental actually paid by each school district.

11 (f) Vocational-technical projects.--

12 (1) For area vocational-technical school projects leased
13 subsequent to July 1, 1964, by or for lease to a board of
14 school directors authorized to operate the school, the
15 department shall calculate an approved reimbursable rental
16 charge. For area vocational-technical school projects
17 constructed or purchased subsequent to July 1, 1964, by a
18 board of school directors authorized to operate the school,
19 the department may calculate an approved reimbursable sinking
20 fund charge. Approved reimbursable rental or sinking fund
21 charge shall consist of that part of the annual rental or
22 sinking fund attributable to:

23 (i) The cost of acquiring land and preparing it for
24 use to the extent that the costs are deemed reasonable by
25 the department and the interest on the cost of
26 acquisition, cost of preparation and the cost of sewage
27 treatment and the interest on the cost.

28 (ii) Machinery, apparatus, furniture and equipment
29 and all other necessary expenses and interest charges,
30 but excluding architects fees in excess of 6% of the

1 construction cost.

2 (2) The approved building construction cost and the
3 interest on the construction cost shall not exceed the
4 product of the rated full-time student capacity, as
5 determined by the department at the time the project is
6 approved, and:

7 (i) the sum of \$2,200 for all school building
8 projects for which the general construction contract is
9 awarded prior to July 1, 1966, and for approved school
10 building projects for which a lease was approved by the
11 department prior to July 1, 1966; or

12 (ii) the sum of \$3,700 for school buildings for
13 which the general construction contract is awarded
14 subsequent to July 1, 1966, and for approved school
15 building projects for which the general construction
16 contract was awarded but for which a lease was not
17 approved by the department prior to July 1, 1966.

18 (3) The department shall not approve the expenditure of
19 any funds borrowed or obtained by the sale of bonds by any
20 authority, nonprofit corporation, profit corporation, company
21 or individual for construction of area vocational-technical
22 schools for bleachers, athletic fields, lighting equipment or
23 apparatus used to promote and conduct interscholastic
24 athletics.

25 (g) Purchase of buildings.--For the purchase of any
26 building, reimbursement shall be computed in the same manner as
27 for constructed school buildings and approved building cost
28 shall be the lesser of:

29 (1) the cost of purchasing the site and structure and
30 the cost of approved renovations including appropriate

1 fixtures and equipment; or

2 (2) (i) for the purchase of any building, the product of
3 the rated student capacity, as determined by the
4 department at the time the purchase is approved, and
5 \$1,100 in the case of elementary schools, \$1,700 in the
6 case of secondary schools, and an amount in the case of
7 combined elementary-secondary schools obtained by
8 multiplying the rated elementary student capacity by
9 \$1,100 and the rated secondary student capacity by \$1,700
10 and dividing the sum by the total rated student capacity;
11 and

12 (ii) in the case of renovation of any building
13 including appropriate fixtures and equipment,
14 reimbursement shall be \$1,200 for elementary schools,
15 \$1,300 for secondary schools, and for combined
16 elementary-secondary schools an amount obtained by
17 multiplying the rated elementary capacity by \$1,200, and
18 the rated secondary capacity by \$1,300 and dividing that
19 sum by the total rated student capacity.

20 § 2937. Change in rentals.

21 Reimbursements to school districts on account of rental
22 payments in excess of the amount specified in the lease between
23 the school districts and the State Public School Building
24 Authority or any municipality authority or profit or nonprofit
25 corporation, partnership, association or person, or in the case
26 of refinancing on account of rental payments provided by a
27 renegotiated lease, shall be calculated in the same manner as
28 the specified lease rental.

29 § 2938. Districts eligible under density factor.

30 Beginning with the school year 1965-1966 and in each school

1 year thereafter, to districts eligible under the density factor,
2 payments on leases or sinking fund charges shall be no less than
3 50% of the approved reimbursable rental or sinking fund charge
4 for a school building project. The payments shall be made as
5 required by the terms of any agreement entered into by the
6 school district with the approval of the department.

7 § 2939. Method of payments on rentals.

8 (a) General rule.--Payments to a school district shall be
9 determined and approved by the department. The amount approved
10 shall be included in and be payable from future appropriations
11 made to the department. Payments to school districts shall be
12 made semiannually where the school district lease agreement
13 specifies that lease payments shall be paid semiannually.

14 (b) Vocational-technical schools.--All payments due school
15 districts by the Commonwealth on account of obligations to the
16 State Public School Building Authority, sinking fund charges or
17 rentals under leases with municipality authorities, profit or
18 nonprofit corporations, partnerships, associations or persons
19 for building or educational equipment for area vocational-
20 technical schools, shall be paid to the area vocational-
21 technical school board operating the school. School districts
22 not originally parties to an agreement with the State Public
23 School Building Authority or a lease with a municipality
24 authority, a profit or nonprofit corporation, partnership,
25 association or person for buildings or educational equipment for
26 an area vocational-technical school but later electing to
27 participate in the operation of the school and agreeing to pay a
28 part of the annual payments due under the agreement or lease
29 shall be entitled to payments by the Commonwealth to the extent
30 as though they had originally been parties to the agreement or

1 lease. The amount thereof shall be paid to the area vocational-
2 technical school board. No payments shall be made on account of
3 obligations or rentals for buildings or educational equipment
4 for area vocational-technical schools unless the schools conform
5 to plans approved by the State Board for Vocational Education.

6 § 2940. Payments on rentals of facilities for school use.

7 (a) General rule.--The Commonwealth shall pay annually for
8 the school year 1972-1973 and each school year thereafter, to
9 each school district which leases, with the approval of the
10 department, buildings and facilities for school use under the
11 provisions of section 4943 (relating to lease of buildings
12 constructed or altered for school use) an amount to be
13 determined by multiplying the district's aid ratio by the
14 approved reimbursable annual rental, as computed by the
15 department. In the case of districts eligible under the density
16 factor, the annual payment shall be no less than 50% of the
17 approved reimbursable annual rental.

18 (b) Reimbursable rental for constructed facilities.--The
19 approved reimbursable annual rental for approved leases of
20 buildings constructed for school use shall be the lesser of:

21 (1) the product of the annual rental payable under the
22 provisions of approved lease agreement times the ratio of the
23 pupil scheduled area to the architectural area; or

24 (2) the product of the rated pupil capacity as
25 determined by the department at the time of initial lease
26 times \$160 for elementary schools, \$220 for secondary schools
27 or \$270 for area vocational-technical schools.

28 (c) Reimbursable rental for altered facilities.--The annual
29 approved rental payable for approved leases of existing
30 facilities altered for school use shall be the lesser of:

1 (1) the product of the annual rental payable under the
2 provisions of the approved lease agreement times the ratio of
3 the pupil scheduled area to the architectural area; or

4 (2) the product of the rated pupil capacity as
5 determined by the department at the time of initial lease
6 times \$112 for elementary, \$154 for secondary or \$189 for
7 area vocational-technical schools.

8 SUBCHAPTER D

9 DRIVER EDUCATION

10 Sec.

11 2943. Payments for driver education.

12 § 2943. Payments for driver education.

13 (a) Payments to school districts.--Every school district
14 complying with the standardized driver education program
15 established by the department shall be paid by the Commonwealth
16 from the Motor License Fund an amount to be determined by
17 multiplying the number of students who have completed the
18 secondary school standardized driver education program conducted
19 by any given school district by a basic figure of \$35 per
20 student.

21 (b) Department administrative costs.--Annual expenditures of
22 the department from the Motor License Fund for:

23 (1) salaries and expenses of employees of the department
24 essential to the program;

25 (2) purchase of visual training aids and psychophysical
26 testing equipment; and

27 (3) costs of preparation, publication and distribution
28 of driver education instructional material, for assistance to
29 the driver education programs;

30 shall not exceed 3% of the annual total amount paid by the

1 Commonwealth to all school districts on account of standardized
2 driver education programs.

3 SUBCHAPTER E

4 EXCEPTIONAL STUDENTS

5 Sec.

6 2945. Payments for special education personnel and equipment.

7 2946. Payments for special education courses.

8 § 2945. Payments for special education personnel and equipment.

9 (a) General rule.--The Commonwealth shall reimburse school
10 districts on account of special education for the cost of
11 readers, helpers, guides, aids, appliances, special school books
12 and supplies and devices for any student between 6 and 21 years
13 of age who is blind, partially sighted, deaf, hard of hearing or
14 afflicted with cerebral palsy and who is enrolled, with the
15 approval of the department, in any of the public schools of this
16 Commonwealth, an amount equal to the costs of the services and
17 equipment multiplied by the district's aid ratio.

18 (b) Maximum amount of payment.--The total expenditure by the
19 Commonwealth under this section shall not exceed 75% of a sum
20 which would have been expended for the tuition and maintenance
21 of the student in a residential school for the blind, including
22 partially sighted, deaf, hard of hearing or those afflicted with
23 cerebral palsy, that has been approved by the department.

24 (c) Establishment of standards.--The secretary shall
25 establish such necessary standards as he may deem necessary for
26 carrying out the provisions of this section.

27 § 2946. Payments for special education courses.

28 (a) General rule.--Every school district shall be paid by
29 the Commonwealth an amount to be determined by multiplying the
30 average daily membership in a course or courses for exceptional

1 students approved by the department as follows:

2 (1) At the elementary level, by an amount determined by
3 subtracting the "instruction cost per elementary student" as
4 defined in section 2972 (relating to determination of charges
5 for nonresident students) from the "instruction cost per
6 exceptional class student" as determined in this section for
7 the preceding fiscal year, or from the instruction expense
8 per exceptional class elementary student as approved for
9 reimbursement by the department in the budget for classes or
10 schools for exceptional students for the fiscal year in which
11 the class is operated, whichever is lesser.

12 (2) At the secondary level, by an amount determined by
13 subtracting the "instruction cost per secondary student" as
14 defined in section 2972 from the "actual instruction expense
15 per exceptional class student" as determined in this section
16 for the preceding school year, or from the instruction
17 expense per exceptional class secondary student as approved
18 for reimbursement by the department in the budget for classes
19 or schools for exceptional students for the fiscal year in
20 which the class is operated, whichever is lesser.

21 (b) Determining actual instruction expense.--"Actual
22 instruction expense per exceptional class student" is determined
23 as follows:

24 (1) (i) Salaries of directors and supervisors of special
25 education, public school psychologists, principals of
26 special schools and assistants, teachers of approved
27 classes for exceptional children, clerks and assistants
28 employed in the school district's program for special
29 education.

30 (ii) The school district's contribution to the

retirement fund on behalf of the persons listed in 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."

1 (d) Amount of advance payment.--For the fiscal year 1972-
2 1973 and for each fiscal year thereafter, the payments shall
3 consist of an amount payable in two equal installments during
4 the fiscal year with adjustments to be made during the next
5 succeeding fiscal year. The amount to be paid in equal
6 installments on or about August 1 and on or about January 1
7 shall be the sum of the products determined by multiplying the
8 anticipated equivalent full-time average daily membership in
9 courses for exceptional students as reported on the approved
10 budget for the operating year:

11 (1) at the elementary level, times an amount determined
12 by subtracting the estimated instruction cost per elementary
13 student from the budgeted instruction cost per exceptional
14 class elementary student as approved by the department for
15 the operating year; and

16 (2) at the secondary level, times an amount determined
17 by subtracting the estimated instruction cost per secondary
18 student from the budgeted instruction cost per exceptional
19 class secondary student as approved by the department.

20 (e) Adjustment following advance payments.--The adjustment
21 to be made during the fiscal year immediately succeeding the
22 operating year shall be determined by subtracting the advance
23 payments made during the preceding year from the actual amount
24 of reimbursement payable for the year under subsection (a). When
25 determined, the adjusted amount, if positive, shall be paid
26 promptly to the school district and, if negative, shall be
27 withheld from moneys due to the school district out of any
28 Commonwealth appropriation.

29 SUBCHAPTER F
30 HEALTH SERVICES

1 Sec.

2 2949. Payments for health services.

3 § 2949. Payments for health services.

4 (a) General rule.--Every school entity which renders health
5 services to students shall be reimbursed by the Commonwealth on
6 account of health services which conform to standards approved
7 by the Secretary of Health. Reimbursements shall be paid by the
8 Secretary of Health. The amount of reimbursement shall be the
9 actual cost of the medical and dental services and school nurse
10 services as certified to the Secretary of Health except that the
11 reimbursement:

12 (1) For medical services shall not for any fiscal year
13 exceed the sum of 80¢ multiplied by the average daily
14 membership of students enrolled for that fiscal year and for
15 whom the school entity maintains comprehensive health records
16 as defined in section 4341 (relating to school health
17 services program).

18 (2) For dental services shall not for any fiscal year
19 exceed the sum of 40¢ multiplied by the average daily
20 membership of students enrolled for that fiscal year and for
21 whom the school entity maintains comprehensive health records
22 as defined in section 4341 and section 4746 (relating to
23 confidentiality of student records and communications).

24 (3) For school nurse services shall not for any fiscal
25 year exceed the sum of \$3.50 multiplied by the average daily
26 membership of students enrolled for that fiscal year.

27 (b) Alternate reimbursement for dental hygiene services.--
28 Every school entity which employs one or more dental hygienists
29 for the purpose of dental hygiene services to students shall be
30 reimbursed by the Commonwealth on account of services which

1 conform to standards approved by the Secretary of Health.
2 Reimbursement shall be made by the Secretary of Health. The
3 amount of reimbursement shall be the actual cost of the dental
4 hygiene services as certified to the Secretary of Health, but
5 for any fiscal year shall not exceed the sum of \$1 multiplied by
6 the average daily membership of students enrolled for the school
7 year who receive the dental hygiene services. Reimbursement
8 under this subsection shall be in lieu of any reimbursement
9 provided in subsection (a) for dental services.

10 (c) Limitations on reimbursements.--No reimbursement shall
11 be made under this section for services for which the
12 Commonwealth reimburses, in whole or in part, under any other
13 section of this title. Reimbursement on account of the
14 employment of school nurses shall be made under the provisions
15 of this section. Reimbursement on account of health services
16 rendered by a school entity may be withheld by the Secretary of
17 Health unless the actual expenditures for the health services
18 are certified to the Secretary of Health within three months
19 after the end of the fiscal year during which the payment for
20 the service was made by the school entity.

21 (d) Additional local expenditures authorized.--Any school
22 entity may expend for health services amounts in excess of the
23 reimbursable amounts.

24 SUBCHAPTER G

25 HOMEBOUND INSTRUCTION

26 Sec.

27 2950. Payments for homebound instruction.

28 § 2950. Payments for homebound instruction.

29 Each school district shall be reimbursed by the Commonwealth
30 on account of instructing homebound students an amount

1 determined by multiplying the mandated minimum hourly rate for
2 instructing homebound students by the district aid ratio. The
3 mandated minimum hourly rate for instructing homebound students
4 is \$4.

5 SUBCHAPTER H

6 INTERMEDIATE UNITS

7 Sec.

8 2951. Allocation of Commonwealth funds.

9 2952. General operating subsidy.

10 2953. Capital subsidy.

11 § 2951. Allocation of Commonwealth funds.

12 In January of each year, the department shall allocate to
13 each intermediate unit a portion of the amount included in the
14 Governor's budget for the succeeding fiscal year for the support
15 of intermediate units. The allocation shall be made in the
16 following manner:

17 (1) Determine for each intermediate unit the total
18 weighted average daily membership for all school districts
19 comprising the intermediate unit.

20 (2) Compute an aid ratio for each intermediate unit in
21 the same manner as in the case of school districts.

22 (3) Determine a weight factor for each intermediate unit
23 by multiplying the total weighted average daily membership of
24 all school districts comprising the intermediate unit by the
25 aid ratio of the intermediate unit.

26 (4) Determine a Statewide value per weight factor by
27 dividing the amount provided in the Governor's budget for the
28 succeeding fiscal year for the support of intermediate units
29 by the total weight factor of all intermediate units.

30 (5) Determine the allocation to each intermediate unit

1 by multiplying its weight factor by the Statewide value per
2 weight factor except that no intermediate unit shall be
3 allocated less than the amount received during the 1968-1969
4 fiscal year by the offices of the county superintendents of
5 schools replaced by the intermediate unit from the
6 Commonwealth and the estimated value of assistance from the
7 respective counties, as determined by the department.

8 § 2952. General operating subsidy.

9 (a) Annual submission of budget.--On or before May 1 of each
10 year, each intermediate unit shall submit to the department for
11 prior review and approval a budget statement estimating the cost
12 of operating and administering the intermediate unit program of
13 services for the ensuing fiscal year.

14 (b) Time of payment.--In May of each year the department
15 shall estimate the amount to be paid by the Commonwealth to each
16 intermediate unit based upon approved budgets. In July of each
17 year the Commonwealth shall pay to each intermediate unit an
18 advance payment equal to one-half of the estimated amount. In
19 December of each year the Commonwealth shall pay to each
20 intermediate unit the balance of the estimated amount less any
21 Commonwealth funds paid in the previous fiscal year which were
22 unexpended or unencumbered at the end of the previous fiscal
23 year.

24 (c) Federal payments excluded in computations.--In computing
25 approved amounts the department shall not consider Federal
26 payments and payments by the Commonwealth on behalf of the
27 Federal Government.

28 § 2953. Capital subsidy.

29 All leases for office space, classrooms, buses, garages,
30 warehouse space, equipment and similar facilities shall be pre-

1 approved by the department. The Commonwealth shall pay to each
2 intermediate unit on account of approved leases annually an
3 amount computed by applying the intermediate unit aid ratio to
4 the approved lease payment. The aid ratio computed initially
5 shall apply as a minimum for the duration of the lease and
6 payment is to be made from the Commonwealth allocation to the
7 intermediate unit.

8 SUBCHAPTER I

9 MIGRANT CHILDREN

10 Sec.

11 2956. Payments for migratory children.

12 § 2956. Payments for migratory children.

13 (a) Definition.--As used in this section "migratory child"
14 means any child domiciled temporarily in any school district for
15 the purpose of seasonal agricultural employment but not
16 acquiring residence therein and any child accompanying his
17 parents or guardian who are so domiciled.

18 (b) General rule.--Every school district shall be paid the
19 sum of \$1 per day not to exceed 40 days during any school year
20 for each migratory child attending any of its public schools.

21 SUBCHAPTER J

22 POVERTY CHILDREN

23 Sec.

24 2957. Payments for poverty children.

25 § 2957. Payments for poverty children.

26 (a) General rule.--Each school district shall be paid an
27 amount on account of children of low income families equal to
28 the sum of the following multiplied by \$165:

29 (1) The number of children 5 to 17 years of age,
30 inclusive, in the school district of families having an

1 annual income of less than \$2,000.

2 (2) The number of children 5 to 17 years of age,
3 inclusive, in the school district of families having an
4 annual income in excess of \$2,000 which receive Commonwealth
5 payments on account of dependent children under Title IV of
6 the Federal Social Security Act as certified by the
7 Department of Public Welfare.

8 (b) Minimum number of children counted.--For the purpose of
9 this section, for the school year 1973-1974 and each school year
10 thereafter, in each school district not less than the number of
11 children shall be counted in each category as were counted for
12 the school year 1972-1973.

13 (c) Formula for determining payment.--Each school district
14 shall be paid on account of low income families an amount equal
15 to the sum of the number of children of low income families in
16 the district multiplied by the grant per poverty child fixed for
17 the percentage category of poverty children; in average daily
18 membership in the school district according to the following
19 table:

Percentage Category	Grant Per
of Poverty Children	Poverty Child
15% - 19.9%	\$ 30
20% - 24.9%	\$ 60
25% - 29.9%	\$ 85
30% - 34.9%	\$135
35% and over	\$150

27 SUBCHAPTER K

28 TRANSPORTATION

29 Sec.

30 2961. Payments for transportation.

1 2962. Board and lodging in lieu of transportation.

2 2963. Exceptional students and institutionalized children.

3 2964. Migratory children.

4 § 2961. Payments for transportation.

5 (a) General rule.--Each school district shall be paid on
6 account of student transportation which has been approved by the
7 department an amount to be determined by multiplying the cost of
8 approved reimbursable student transportation incurred by the
9 school district by the district's aid ratio. In addition the
10 Commonwealth shall pay to each qualifying school district a
11 payment for excessive cost of transportation to be determined by
12 subtracting from the cost of the approved reimbursable
13 transportation the sum of the basic Commonwealth transportation
14 payment plus the product of one-half mill times the latest
15 market value of the school district as determined by the State
16 Tax Equalization Board provided such amount is not negative. In
17 addition, the Commonwealth shall pay to school districts which
18 own their own vehicles an annual depreciation charge of 10% to
19 be calculated on the basis of the approved cost at which the
20 school district acquired the vehicle for which depreciation is
21 claimed. The annual depreciation charge shall not exceed \$1,000
22 for each vehicle. The number of annual depreciation charges
23 shall be limited so that the total amount of payments shall not
24 exceed the cost of the vehicle as approved by the department at
25 the time of the purchase. In no case shall the Commonwealth pay,
26 in depreciation charges, more than \$15,000 for any one vehicle.
27 With respect to school districts that contract for
28 transportation services, notwithstanding any provision of this
29 title to the contrary, the Commonwealth shall pay an annual
30 depreciation charge of \$1,000 per vehicle to the school

1 districts that contract for transportation services
2 substantiated by the purchase invoice of the contracted vehicle.
3 These depreciation charges shall not be subject to the school
4 district's aid ratio. The number of annual depreciation charges
5 shall be limited so that the total amount of payments shall not
6 exceed the total cost of the vehicle or \$15,000, whichever is
7 the lesser, so long as the contractor owns said vehicle. In no
8 event shall such depreciation exceed the limits for district
9 owned vehicles provided by this section. the depreciation
10 charges paid to school districts for either district owned buses
11 or buses operated under contract shall be subtracted from the
12 basic allowance of the reimbursement formula in determining
13 approved reimbursable transportation costs for the school
14 district.

15 (b) Restrictions on payments.--Payments for student
16 transportation on account of the fiscal year 1972-1973 and every
17 fiscal year thereafter shall be made only in the following
18 cases:

19 (1) To all school districts for the transportation to
20 and from school of elementary students, including
21 kindergarten, residing one and one-half miles or more by the
22 nearest public highway from the school in which the students
23 are enrolled and to which transportation is authorized under
24 this title or residing in areas where there are no sidewalks
25 and the road or traffic conditions are such that walking on
26 the shoulder of the road constitutes a hazard to the safety
27 of the student when so certified by the Department of
28 Transportation. Elementary students include nonresidents who
29 are placed in the home of a resident or who are residents of
30 an orphanage or home or children's home or other institution

1 for the care and training of orphans or other children.

2 (2) To all school districts for the transportation to
3 and from school of secondary students residing two miles or
4 more by the nearest public highway from the school in which
5 the students are enrolled and to which transportation is
6 authorized under this title or residing in areas where there
7 are no sidewalks and the road or traffic conditions are such
8 that walking on the shoulder of the road constitutes a hazard
9 to the safety of the student when so certified by the
10 Department of Transportation. Secondary students include
11 nonresidents who are placed in the home of a resident or who
12 are residents of an orphanage or home or children's home or
13 other institution for the care and training of orphans or
14 other children.

15 (3) To all school districts for students transported to
16 and from approved consolidated schools or approved joint
17 consolidated schools living one and one-half miles or more
18 from the school of attendance or residing in areas where
19 there are no sidewalks and the road or traffic conditions are
20 such that walking on the shoulder of the road constitutes a
21 hazard to the safety of the student when so certified by the
22 Department of Transportation. Consolidated schools or joint
23 consolidated schools are limited to schools which are
24 approved as to organization, control, location, equipment,
25 course of study, qualifications of teachers, methods of
26 instruction, condition of admission, expenditures of money,
27 methods and means of transportation and the contracts
28 providing therefor.

29 (4) To all school districts for the transportation of
30 exceptional students regularly enrolled in exceptional

1 classes approved by the department or enrolled in a regular
2 class in which approved educational provisions are made for
3 them.

4 (5) To all school districts for students transported to
5 and from area vocational-technical schools.

6 (c) Nonpublic schools and hazardous conditions.--The
7 Commonwealth shall reimburse the school districts for the school
8 year 1973-1974 and for each year thereafter for the approved
9 reimbursable costs incurred in providing transportation under
10 section 4351 (relating to transportation of resident students)
11 for nonpublic school pupils and under section 4352 (relating to
12 transportation facilities and liability insurance) for hazardous
13 conditions except that no school district shall receive less
14 than 50% of the approved reimbursable costs.

15 § 2962. Board and lodging in lieu of transportation.

16 In any case where the Commonwealth is required to reimburse
17 any school district on account of student transportation and the
18 school district, in lieu of transportation, is authorized to and
19 does pay for suitable board and lodging for any student, the
20 Commonwealth shall pay to the school district an amount to be
21 determined by multiplying the cost of the board and lodging by
22 the district's aid ratio except that in no case shall the
23 Commonwealth's share of the cost exceed \$1 per day per student
24 for the actual number of days such student is in attendance at
25 school, not exceeding five days in any one week.

26 § 2963. Exceptional students and institutionalized children.

27 (a) General rule.--Annually, before July 1, every
28 intermediate unit shall submit for prior review and approval by
29 the department an estimate of the cost of operating and
30 administering classes or schools for exceptional students and

1 institutionalized children, including the cost of fiscal
2 controls and auditing and the necessary treasurer and secretary
3 bonds, to be operated by the intermediate unit during the
4 ensuing fiscal year, and for transportation of students to and
5 from classes and schools for exceptional students, whether or
6 not conducted by the intermediate unit. On or before August 1,
7 the Commonwealth shall pay to the intermediate unit a sum equal
8 to one-half of the approved estimated annual cost of operation
9 and administration of classes and schools for exceptional
10 students and institutionalized children and transportation for
11 exceptional students and, on or before January 1, shall pay an
12 equal sum, or a lesser sum as may be shown to be necessary by an
13 adjusted budget based upon expenditures during the first half of
14 the fiscal year.

15 (b) Unexpended funds and formula.--At the end of each school
16 year all unexpended funds shall be credited to the Commonwealth
17 payments due for the succeeding fiscal year on account of the
18 operation of the classes or, upon direction of the department,
19 shall be returned to the Commonwealth. The funds returned are
20 hereby specifically appropriated to the department for support
21 of schools and classes and transportation for exceptional
22 students. For each student enrolled in any special class or
23 school operated by an intermediate unit, the school district in
24 which the student is resident shall pay to the Commonwealth a
25 sum equal to the "tuition charge per elementary student" or the
26 "tuition charge per secondary student" as determined for the
27 schools operated by the school district, based upon the costs of
28 the preceding school year as provided for in this title. In the
29 event that any school district has not established a "tuition
30 charge per elementary student" or "tuition charge per secondary

1 student," the department shall fix a reasonable charge for the
2 school district for the year in question. In addition, the
3 school district shall pay on account of transportation by the
4 intermediate unit of students to and from classes and schools
5 for exceptional students, whether or not conducted by the
6 intermediate unit, an amount to be determined by subtracting
7 from the cost of transportation the reimbursement due the school
8 district on account of the transportation.

9 (c) Withholding funds.--In order to facilitate the payments
10 by the several school districts, the department shall withhold
11 from any moneys due to any district out of any Commonwealth
12 appropriation, except from reimbursements due on account of
13 rentals as provided in this title, the amounts due by school
14 districts to the Commonwealth. All amounts withheld are hereby
15 specifically appropriated to the department for the support of
16 public schools. The cost of operating and administering classes
17 and schools for institutionalized children, including the cost
18 of necessary fiscal controls, shall be paid by the Commonwealth.
19 § 2964. Migratory children.

20 (a) Costs of operation by school entity.--Annually every
21 intermediate unit planning to conduct summer classes or schools
22 for children of migrant laborers, and the extension of
23 established summer classes beyond the opening of school, which
24 extensions shall not be for more than 40 school days, shall
25 submit for prior review and approval by the department an
26 estimate of the cost of summer classes or schools for children
27 of migrant laborers to be operated by the intermediate unit
28 during the ensuing fiscal year and for transportation, in
29 conformity with existing law, of pupils to and from summer
30 classes and schools for children of migrant laborers whether

1 conducted by the intermediate unit or conducted by an
2 institution or school district employed by the intermediate unit
3 for that purpose.

4 (b) Operation by Commonwealth.--Where, in the judgment of
5 the secretary, the provisions of this title relating to the
6 proper education of children of migrant laborers have not been
7 complied with, the department may provide or arrange to have
8 provided transportation, classes or schools for the proper
9 education of children of migrant laborers as directed by this
10 title.

11 (c) Payments and unexpended funds.--On or before July 1, the
12 Commonwealth shall pay to the intermediate unit a sum equal to
13 the approved estimated annual cost of operation of the planned
14 summer classes or schools and transportation for children of
15 migrant laborers. At the end of each fiscal year, all unexpended
16 funds shall be credited to Commonwealth payments due for the
17 succeeding school year on account of the operation of such
18 classes or, upon direction of the department, shall be returned
19 to the Commonwealth.

20 SUBCHAPTER L

21 TUITION

22 Sec.

23 2971. Payments for nonresident students.

24 2972. Determination of charges for nonresident students.

25 2973. Sewer service charges for nonresident students.

26 2974. Payments for institutionalized children.

27 2975. Payment procedures for nonresident students.

28 2976. Special procedures for institutionalized children.

29 § 2971. Payments for nonresident students.

30 (a) General rule.--Each school district which accepts any

1 nonresident child in its schools under the provisions of section
2 4703 (relating to students residing in children's institutions)
3 or section 4704 (relating to nonresident student placed in home
4 of resident) shall be paid by the Commonwealth an amount equal
5 to the tuition charge per elementary student or the tuition
6 charge per secondary student or vocational or other extension
7 education student, as the case may be, as determined in this
8 subchapter, for each student so accepted.

9 (b) Liability of district of residence.--If the school
10 district of residence of the nonresident student can be
11 determined, the district shall be charged for tuition as
12 provided in this subchapter.

13 (c) Liability of Commonwealth.--If the school district of
14 residence of the nonresident student cannot be determined, the
15 Commonwealth shall pay the tuition in addition to any other
16 payments it may make to the school district.

17 (d) Proration for partial attendance.--When a nonresident
18 student attends the school district's public schools for less
19 than a full school year, the tuition charges shall be prorated
20 to the period of time during which the student actually attended
21 the district's school.

22 § 2972. Determination of charges for nonresident students.

23 A school district receiving elementary or secondary students,
24 vocational or other extension education students who are
25 residents of another school district, shall compute the tuition
26 charges as follows:

27 (1) General.--Add the salaries of offices of school
28 board secretaries and treasurers, salaries of offices of
29 educational and business administration, expenditures for
30 auditing services, costs of library books and supplies,

1 health services and operation and maintenance of school
2 plant, contributions to food services, insurance premiums and
3 the school district's contribution to funds on behalf of the
4 foregoing employees incurred for the fiscal year immediately
5 preceding. Divide the sum so obtained by the total average
6 daily membership of students in the receiving school
7 district's public schools during the fiscal year immediately
8 preceding. The quotient so obtained shall be designated the
9 "overhead cost per student."

10 (2) Elementary tuition charge.--Add the salaries of
11 principals, supervisors, teachers and other professional
12 instruction staff, instructional and noninstructional
13 assistants to instruction staff, directors and coordinators
14 of pupil services and guidance and psychological personnel
15 including clerical and nonprofessional assistants employed in
16 the receiving school district's elementary schools, the
17 school district's contribution to funds on behalf of their
18 employment in the school district's elementary schools, the
19 costs of textbooks, audio-visual aids and supplies used in
20 the school district's elementary schools incurred for the
21 fiscal year immediately preceding. Divide the sum so obtained
22 by the total average daily membership of students in the
23 receiving school district's elementary schools during the
24 fiscal year immediately preceding. The quotient so obtained
25 shall be designated as the "instruction cost per elementary
26 student." Add to the instruction cost per elementary student,
27 the overhead cost per student and a rental charge of \$8 per
28 student for the use of the receiving school district's school
29 plant. The cost so determined shall be the "tuition charge
30 per elementary student."

1 (3) Secondary tuition charge.--Add the salaries of
2 principals, supervisors, teachers and other professional
3 instruction staff, instructional and noninstructional
4 assistants to instruction staff, directors and coordinators
5 of pupil services and guidance and psychological personnel
6 including clerical and nonprofessional assistants employed in
7 the receiving school district's secondary schools, the school
8 district's contribution to funds on behalf of their
9 employment in the school district's secondary schools, the
10 cost of textbooks, audio-visual aids and supplies used in the
11 school district's secondary schools incurred for the fiscal
12 year immediately preceding. Divide the sum so obtained by the
13 total average daily membership of students in the receiving
14 school district's secondary schools during the fiscal year
15 immediately preceding. The quotient so obtained shall be
16 designated as the "instruction cost per secondary student."
17 Add to the instruction cost per secondary student the
18 overhead cost per student and a rental charge of \$18 per
19 student for the use of the receiving district's school plant.
20 The cost so determined shall be the "tuition charge per
21 secondary student."

22 (4) Vocational or other tuition charge.--Add the
23 salaries of educational administration, principals,
24 supervisors, teachers and other professional staff,
25 instructional and noninstructional assistants to instruction
26 staff, student services personnel, and custodians
27 specifically employed in the school district's annual program
28 of vocational or other extension education, and the school
29 district's contribution to funds on behalf of their
30 employment in the district's vocational extension programs,

1 the cost of textbooks, audio-visual aids and supplies issued
2 for the program incurred for the fiscal year immediately
3 preceding and a charge of 5¢ per student hour of instruction
4 for the district overhead and plant usage. Subtract from the
5 sum so obtained the amount of the Commonwealth appropriation
6 applicable. The remainder shall be designated as the
7 "district cost for vocational or other extension education."
8 Determine the total student hours of instruction during the
9 fiscal year immediately preceding and divide the "district
10 cost for vocational or other extension education" by the
11 total student hours of instruction. The cost so determined
12 shall be the "vocational or other extension tuition charge
13 per student hour of instruction."

14 (5) Adjustment of tuition charges.--A school district
15 shall compute the tuition charges for students who are
16 residents of another school district for budgetary purposes
17 at the beginning of each fiscal year and shall use the
18 expenses of the preceding fiscal year as a basis for the
19 computation. At the end of each fiscal year, the tuition
20 charges shall again be computed and be based on the actual
21 expenses and the tuition charges for nonresident students
22 shall then be adjusted in accordance with this latter
23 computation.

24 § 2973. Sewer service charges for nonresident students.

25 When any school district receiving students from other school
26 districts is required by the city, borough or township within
27 which the school building or buildings are located, or any
28 municipality authority operating therein, to pay a service
29 charge for sewer connection or a sewer rental measured by the
30 number of students attending the school or schools, the

1 receiving school district shall include in its bill for tuition
2 charge to each sending school district, and the sending school
3 district shall pay, the prorated per student sewer service or
4 sewer rental charge for each student accepted from the sending
5 school district. The charge shall be in addition to the tuition
6 charge provided for by section 2972 (relating to determination
7 of charges for nonresident students). In cases where students
8 are sent and the tuition charges paid by the parents or other
9 persons to the receiving school districts, the parents or other
10 persons shall pay the per student sewer charge or sewer rental.
11 § 2974. Payments for institutionalized children.

12 The cost of tuition for institutionalized children accepted
13 pursuant to section 4703 (relating to students residing in
14 children's institutions) shall be fixed in accordance with this
15 subchapter except where, for the accommodation of the children,
16 it shall be necessary to provide a separate school or to erect
17 additional school buildings, in which cases the charge for
18 tuition for the children may include a proportionate cost of the
19 operating expenses, rental and interest on any investment
20 required to be made in erecting new school buildings. The
21 tuition shall be paid annually by the department or the
22 institution, as the case may be.

23 § 2975. Payment procedures for nonresident students.

24 The board of school directors in any school district
25 maintaining an elementary school or a secondary school or an
26 extension class which is attended by any students residing in
27 another district shall, upon admission of the students, properly
28 certify to the board of school directors of the school district
29 in which such students reside the names of the students and
30 whether they are attending an elementary school or a secondary

1 school or an extension class, together with a statement of the
2 tuition charge per elementary student and the tuition charge per
3 secondary student and the vocational or other extension tuition
4 charge per student hour of instruction. All tuition charges
5 shall be billed per student and paid monthly to the school
6 district of attendance.

7 § 2976. Special procedures for institutionalized children.

8 (a) Statement by institution.--In all cases, if a charge is
9 made by any school district for tuition for nonresident students
10 living in an institution, the officers of the institution shall
11 submit to the board of school directors a sworn statement
12 setting forth the names, ages and school districts liable for
13 tuition of all students who desire to attend public school in
14 the district, together with an acknowledgment or disclaimer of
15 residence signed by the secretary of the school district in
16 which the institution declares the legal residence of the child
17 to be.

18 (b) Inaction by resident district.--If the resident school
19 district shall fail to file the acknowledgment or disclaimer
20 with the institution within 15 days from the date it is sent to
21 the school district by the institution by registered mail, the
22 institution shall again notify the school district of its
23 failure to comply with the provisions of this section. If the
24 school district shall fail to comply within 15 days following
25 the second notice, the failure to return the acknowledgment or
26 disclaimer shall be construed as an acknowledgment of such
27 residence.

28 (c) Withholding funds from district.--The tuition of
29 students included in the sworn statement to the board of school
30 directors shall be withheld by the department from any moneys

1 due to the school district liable for the tuition upon receipt
2 of a sworn statement setting forth the names, ages, tuition
3 charges and school district liable for tuition of the students.
4 All money withheld shall be paid by the department to the school
5 district entitled to receive payment. The school district
6 charged with tuition may file an appeal with the secretary in
7 which it shall be the complainant and the institution the
8 respondent. The decision of the secretary as to which of the
9 parties is responsible for tuition shall be final.

10 (d) Institution liability for tuition.--If the students have
11 been received from outside this Commonwealth or if the
12 institution cannot certify as to their residence, their tuition
13 shall be paid by the institution having the care or custody of
14 said children.

15 (e) Commonwealth liability for tuition.--If the secretary
16 decides that the legal residence of any of the students is in
17 this Commonwealth but cannot be fixed in a particular district,
18 the Commonwealth shall pay the tuition of the students out of
19 moneys appropriated to the department by the General Assembly
20 for the maintenance and support of the public schools of this
21 Commonwealth.

22 SUBCHAPTER M

23 VOCATIONAL EDUCATION

24 Sec.

25 2981. Payments for programs.

26 2982. Payments for equipment.

27 2983. Payments for resident students.

28 2984. Payments for expenses for post-secondary education.

29 2985. Payments for approved travel.

30 2986. Payments for compensation for extension education.

1 2987. Payments for approved instructional equipment.

2 2988. Submission of estimates to General Assembly and
3 appropriations.

4 2989. Method of payment.

5 2990. Allocation of unencumbered State and Federal funds.

6 § 2981. Payments for programs.

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

10 "Vocational agricultural education." That form of vocational
11 education designed for agricultural, off-farm agribusiness,
12 renewal natural resources and environmental occupations
13 including the development of leadership, knowledge and skills in
14 each area.

15 "Vocational distributive education." That form of vocational
16 education designed to meet the needs of persons who have entered
17 or are preparing to enter a distributive occupation requiring
18 competency in one or more of the functions of marketing or
19 knowledge of products and services in reference to the
20 occupational objective of the student.

21 "Vocational home economics education." That form of
22 vocational education that focuses on preparing pupils for the
23 role of homemaker or wage earner including gainful programs that
24 are designed to prepare students for employment in occupations
25 which use the knowledge, skills and attitudes in the subject
26 matter areas of home economics and useful programs that are
27 designed to help individuals and families improve home
28 environment and the quality of family life.

29 "Vocational industrial education." Those forms of vocational
30 education designed to develop manipulative skills, safety

1 judgments, technical knowledge and related occupational
2 information to prepare individuals for initial employment or to
3 upgrade or retrain out-of-school youth and adult workers in
4 trade, technical and industrial occupations.

5 (b) General rule.--Every school entity shall be paid on
6 account of vocational or technical education programs approved
7 by the department:

8 (1) The sum of \$35 for each student in average daily
9 membership in vocational agriculture and vocational
10 industrial education.

11 (2) The sum of \$20 for each student in average daily
12 membership in vocational home economics education.

13 (3) The sum of \$50 for each student in average daily
14 membership in vocational distributive education.

15 § 2982. Payments for equipment.

16 Every area vocational-technical board operating approved
17 vocational or technical education programs shall be paid on
18 account of approved replacement and improvement of equipment and
19 on account of approved new or additional equipment up to 50% of
20 the cost of the improvements and additions.

21 § 2983. Payments for resident students.

22 (a) Definition.--As used in this section "current expenses"
23 includes all expenditures classified administration through
24 community services according to the Manual of Accounting and
25 Related Financial Procedures for Pennsylvania School Systems
26 published by the department.

27 (b) General Rule.--The Commonwealth shall pay every school
28 district for every fiscal year on account of resident students
29 enrolled in area vocational-technical schools as follows:

30 (1) For each full-time student in attendance, either the

1 difference between the per student cost as provided in the
2 approved budget or the per student cost for current expenses,
3 whichever is less, for current expenses in the area
4 vocational-technical school and the per student cost for
5 current expenses in the school district's high school or in
6 the high school which the student attends as a tuition
7 student or \$75, whichever is less.

8 (2) For each part-time student attending an area
9 vocational-technical school, the difference between the cost
10 per student as provided in the approved budget or the per
11 student cost for current expenses, whichever is less, for
12 current expenses in the area vocational-technical school and
13 an amount to be determined by multiplying the cost per
14 student for current expenses in the school district's high
15 school or in the high school which the student attends as a
16 tuition student by a fraction the numerator of which shall be
17 the number of hours per day the student attends an area
18 vocational-technical school and the denominator shall be six
19 hours, or by \$75, whichever is less.

20 § 2984. Payments for expenses for post-secondary education.

21 The Commonwealth shall pay every school district having out-
22 of-school youth or adults enrolled in an approved post-secondary
23 vocational or technical program for each student in equivalent
24 full-time membership one-third of the total current expenses per
25 student as provided in the approved budget, or the per student
26 cost for current expenses, whichever is less. The remainder of
27 the cost of total current expenses may be borne by the school
28 district of residence or by the school district of residence and
29 the student but in no event shall the student bear more than
30 one-third of the total current expenses per student.

1 § 2985. Payments for approved travel.

2 Every school district shall be paid by the Commonwealth, for
3 every fiscal year, on account of approved travel expenses in the
4 discharge of teaching and supervisory responsibilities of
5 teachers, coordinators, supervisors and directors in vocational
6 education, 80% of the sum expended by the school district for
7 the approved travel.

8 § 2986. Payments for compensation for extension education.

9 Every school district shall be paid by the Commonwealth for
10 every fiscal year, on account of approved adult vocational
11 extension classes and preemployment training, 80% of the sum
12 which was expended by the district for the compensation of adult
13 vocational extension and preemployment training teachers and
14 supervisors. For the purpose of computing reimbursement, the
15 maximum compensation shall be \$4 per hour and the amount
16 expended for supervisory salaries shall not exceed 20% of the
17 sum expended for teachers salaries. In special cases when travel
18 time or unusual preparation of instructional materials or other
19 factors result in an inadequate compensation, the department may
20 approve additional reimbursable employment time for such
21 additional services upon the submission of adequate
22 substantiating evidence from the responsible commissioned
23 officer.

24 § 2987. Payments for approved instructional equipment.

25 Every area vocational-technical board operating approved area
26 vocational-technical schools shall be paid by the Commonwealth,
27 annually, on account of instructional equipment approved by the
28 department, purchased and installed, a proportionate share of
29 Federal and State funds available and expendable for that
30 purpose. The department may make advanced payment of available

1 but unencumbered State and Federal funds to expedite the
2 purchase of equipment.

3 § 2988. Submission of estimates to General Assembly and
4 appropriations.

5 On or before the first Wednesday of January of each year, the
6 State Board for Vocational Education shall present to the
7 General Assembly an estimate of the amount of money necessary to
8 meet the expenditures to be incurred in the administration of
9 this subchapter for the ensuing fiscal year and the maintenance
10 of approved vocational schools or departments under the
11 provisions of this subchapter for the current fiscal year. On
12 the basis of the statement, the General Assembly shall make an
13 appropriation of such amounts as may be necessary to meet the
14 expense of administering this subchapter and of reimbursing
15 school districts.

16 § 2989. Method of payment.

17 (a) Advanced payment formula.--Every area vocational-
18 technical board composed of school districts and every
19 intermediate unit authorized to operate an area vocational-
20 technical school and desiring to utilize advance payment of
21 funds to operate area vocational-technical schools shall be
22 paid, on or before August 1 and on or before January 1, of each
23 fiscal year that area vocational-technical schools are operated,
24 in as nearly equal installments as possible, the amount of
25 estimated cost for the operation thereof including approved
26 vocational extension classes. Deductions to equal the
27 installments paid to the area vocational-technical board or the
28 intermediate unit shall be made from reimbursements due the
29 school districts of residence of students attending area
30 vocational-technical schools. The deductions shall be made on

1 the basis of the approved per student cost of the program,
2 including current expenses and capital outlay, multiplied by the
3 number of students in average daily membership.

4 (b) Post secondary payment formula.--On or before August 1
5 of each year, the Commonwealth shall pay to every area
6 vocational-technical board and every intermediate unit
7 authorized to establish and operate approved post-secondary
8 vocational technical programs a sum obtained by adding one-third
9 of the current expenses and one-half of the capital expenses as
10 shown in the budget filed by the board or the intermediate unit.
11 On or before January 1, the Commonwealth shall pay an equal sum
12 or a sum shown to be necessary by an adjusted budget based upon
13 expenditures made during the first half of the fiscal term and
14 approved by the department.

15 (c) Unexpended funds.--At the end of each fiscal year, all
16 unexpended funds shall be credited to Commonwealth payments due
17 for the succeeding year on account of the operation of such
18 schools or, upon the direction of the department, shall be
19 returned to the Commonwealth and credited to the accounts from
20 which they were paid.

21 (d) Payments by districts.--For each student enrolled in
22 such schools, the school district of residence shall pay to the
23 Commonwealth the proportionate district share of the expenses.
24 The school district share of expenses shall be deducted from
25 reimbursement due to the school district.

26 § 2990. Allocation of unencumbered State and Federal funds.

27 The State Board for Vocational Education shall administer the
28 allocation of Federal and State vocational education funds which
29 are otherwise unencumbered. Allocations shall be made for the
30 furtherance of the provisions of the State and Federal

1 vocational education laws with emphasis on the improvement of
2 facilities, reimbursement of teachers salaries, research and
3 projects which will contribute to the economic welfare of youth
4 and adults.

5 SUBCHAPTER N

6 STATE SCHOOL FUND

7 Sec.

8 2993. Property and money in fund.

9 2994. Refund of proceeds of escheated estates.

10 2995. Management of fund.

11 2996. Investment of moneys.

12 2997. Use of moneys.

13 2998. Reports on condition of fund.

14 § 2993. Property and money in fund.

15 The State School Fund of Pennsylvania shall include all
16 escheated estates in this Commonwealth and all other property or
17 money which shall in any way accrue to the fund, whether by
18 devise, gift or otherwise.

19 § 2994. Refund of proceeds of escheated estates.

20 Whenever it shall appear that a claimant is lawfully entitled
21 to all or any portion of the proceeds of any escheated estate
22 which have been credited to the State School Fund, the claimant
23 shall have the right to petition the Board of Finance and
24 Revenue for a refund in accordance with the procedure provided
25 in section 504 of the act of April 9, 1929 (P.L.343, No.176),
26 known as "The Fiscal Code," with the right of appeal as therein
27 provided. So much of the principal of the State School Fund as
28 may be necessary for refunds is hereby appropriated for that
29 purpose.

30 § 2995. Management of fund.

1 (a) State board as manager.--The State School Fund shall be
2 wholly under the control and management of the State board.

3 (b) State Treasurer as custodian.--The net receipts derived
4 from or on account of any real or personal property in the State
5 School Fund, and all other moneys accruing to the fund, shall be
6 promptly paid to the State Treasurer, to be kept in a separate
7 account, subject to disposition by the State board.

8 (c) Responsibility of State Treasurer.--The State Treasurer
9 and his bondsman shall be responsible for the safekeeping of,
10 and accounting for, receipts from the State School Fund in the
11 same manner and under the same penalties as for the safekeeping
12 of, and accounting for, other funds of the Commonwealth.

13 § 2996. Investment of moneys.

14 The State board shall invest the State School Fund in
15 accordance with the act of April 9, 1929 (P.L.343, No.176),
16 known as "The Fiscal Code." The investments shall be converted
17 into cash whenever necessary to make payments provided for in
18 section 2997 (relating to use of moneys) and to pay the
19 necessary and pertinent expenses of administration of the State
20 School Fund.

21 § 2997. Use of moneys.

22 (a) General rule.--The State board may expend moneys from
23 the State School Fund for any purpose reasonably related to the
24 promotion of efficient and quality education within this
25 Commonwealth subject to the following:

26 (1) Moneys shall be expended only for projects approved
27 by the State board.

28 (2) Application for moneys shall be made in a manner
29 prescribed by the State board.

30 (3) The State board has discretion to expend or not

1 expend moneys from the State School Fund.

2 (b) Guidelines for State board.--In exercising its
3 discretion the State board shall consider the following factors:

4 (1) The extent to which a project promotes equal
5 educational opportunity in this Commonwealth.

6 (2) The extent to which a project benefits education
7 throughout this Commonwealth.

8 (3) The extent to which a project is necessary to
9 protect the health and safety of students in a school in this
10 Commonwealth.

11 (4) The extent to which no other funds, local, State,
12 Federal or private, are available to finance the project.

13 (c) Method of payment.--Payments may be made as
14 advancements, subject to reconciliation, as proposed uses are
15 approved, or as reimbursements to school districts.

16 § 2998. Reports on condition of fund.

17 (a) By the State Treasurer.--The State Treasurer shall
18 report to the State board at such time as the State board
19 requests, the condition of the State School Fund and shall in an
20 annual report make an itemized statement of the receipts,
21 disbursements and amount on hand of the State School Fund and
22 its income.

23 (b) By the State board.--The State board shall annually make
24 to the Governor and to the Auditor General a complete detailed
25 report of the condition of the State School Fund including its
26 receipts, expenditures and investments.

27 CHAPTER 31

28 LOCAL FINANCE

29 Subchapter

30 A. General Provisions

- B. Budget
- C. Receipts
- D. Purchasing
- E. Payment
- F. Expenditures
- G. Investment of Funds
- H. Indebtedness
- I. Protection of Funds and Property
- J. Miscellaneous Provisions

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

3101. Definitions.

§ 3101. Definitions.

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

"Authorized depository." A Pennsylvania bank, bank and trust company, savings bank, savings and loan association or credit union chartered under Federal or State banking laws.

"Official depository." Any authorized depository so designated by the governing board of any school entity.

SUBCHAPTER B

BUDGET

Sec.

3111. Preparation and submission of budget.

3112. Public notice of proposed budget.

3113. Adoption of budget.

3114. Amendment of current budget.

3115. First class city home rule districts.

1 § 3111. Preparation and submission of budget.

2 (a) General rule.--Except as otherwise provided in section
3 3115 (relating to first class city home rule districts), the
4 board of school directors of each school district shall cause to
5 be prepared a proposed general operating budget for the
6 succeeding fiscal year at least 30 days prior to the adoption of
7 the budget. The form shall be prescribed by the department and
8 shall list by function the expected receipts and expenditures of
9 the governing board, the expected Commonwealth appropriations
10 and the proposed tax levy, if any.

11 (b) Limitation on expenditures.--The total of estimated
12 expenditures shall not exceed the amount of estimated funds
13 available for school purposes in the school entity.

14 § 3112. Public notice of proposed budget.

15 The governing board of each school entity shall, at least 20
16 days prior to the date final action is to be taken on the
17 budget, provide public notice that the proposed budget has been
18 prepared and is open to public inspection at the office of the
19 governing board.

20 § 3113. Adoption of budget.

21 (a) School districts.--The board of school directors of each
22 school district shall adopt a budget for the following fiscal
23 year not later than the last day of the twelfth month of the
24 current fiscal year.

25 (b) Intermediate units.--Each intermediate unit budget shall
26 be adopted for the following fiscal year not later than the last
27 day of the tenth month of the current fiscal year. The adoption
28 procedures shall be in accordance with section 2722 (relating to
29 budget).

30 (c) Area vocational-technical schools.--Each area

1 vocational-technical school budget shall be adopted for the
2 following fiscal year not later than the last day of the
3 eleventh month of the current fiscal year. The adoption
4 procedures shall be in accordance with section 3915 (relating to
5 adoption of annual budget).

6 (d) Limitation on amount.--The total amount of the budget
7 shall not exceed the amount of funds available for school
8 purposes in the school entity.

9 (e) Filing with department.--Within 30 days after the
10 adoption of the budget, the governing board of each school
11 entity shall file a copy of the budget with the department.

12 § 3114. Amendment of current budget.

13 (a) Transfer of funds between functions.--The governing
14 board of any school entity may by a two-thirds vote of its
15 legally qualified membership transfer any unencumbered balance
16 or portion thereof from one major function to another. The
17 transfer may be made only during the last nine months of the
18 current fiscal year or one month after the end of the fiscal
19 year.

20 (b) Addition of unanticipated revenue.--The governing board
21 of any school entity may by a two-thirds vote of its legally
22 qualified membership add any unanticipated revenue to the
23 existing budget at any time in the fiscal year. The decision to
24 add the funds to the budget shall be deemed a regulation for the
25 purposes of section 103 (relating to rule-making procedure).

26 § 3115. First class city home rule districts.

27 In home rule school districts in cities of the first class,
28 the budget shall be prepared, submitted, advertised, amended and
29 adopted in accordance with the provisions of the home rule
30 charter adopted pursuant to the former provisions of the act of

1 August 9, 1963 (P.L.643, No.341), known as the "First Class City
2 Public Education Home Rule Act," or Subchapter C of Chapter 25
3 (relating to first class city home rule districts).

4 SUBCHAPTER C

5 RECEIPTS

6 Sec.

7 3121. Designation of official depositories.

8 3122. Deposit of school funds with official depositories.

9 § 3121. Designation of official depositories.

10 (a) General rule.--The governing board of each school entity
11 shall, after soliciting three quotations and after following the
12 procedures of section 3132(b) (relating to solicitation for
13 quotations for certain purchases), at least annually designate
14 one or more authorized depositories as the official depository
15 or depositories.

16 (b) Protection of funds.--Each official depository shall
17 pledge assets or provide insurance for the protection of all
18 school funds in accordance with section 3181 (relating to
19 insurance on deposits of funds).

20 § 3122. Deposit of school funds with official depositories.

21 The treasurer of each school entity shall promptly deposit or
22 cause to be deposited upon receipt all school funds into an
23 official depository in the name of the school entity.

24 SUBCHAPTER D

25 PURCHASING

26 Sec.

27 3131. General requirements for purchasing.

28 3132. Solicitation for quotations for certain purchases.

29 3133. Formal bidding for certain purchases.

30 3134. Contracts and payments for purchases.

1 3135. Joint purchases with government agencies.

2 3136. Bulk purchases through the Commonwealth.

3 § 3131. General requirements for purchasing.

4 (a) Duty of governing board.--The governing board of each
5 school entity shall provide for purchases necessary to carry out
6 the purposes and duties set forth in this title.

7 (b) Approval of purchases.--The governing board of each
8 school entity shall give prior approval to each purchase, except
9 those purchases resulting from a contract previously approved by
10 the governing board or those purchases \$1,500 or under approved
11 by any person authorized by the governing board to make
12 purchases without prior approval.

13 (c) System of purchase procedures.--The governing board of
14 each school entity shall provide for a system of purchase
15 procedures subject to section 3303 (relating to standards for
16 accounting system) and the limitations imposed under this
17 subchapter.

18 (d) Circumvention of bidding requirements.--No officer or
19 official of any school entity shall circumvent the provisions of
20 this subchapter by making partial or piecemeal purchases as
21 evidenced by a pattern of purchasing.

22 (e) Requiring bonds.--The governing board may require bid
23 bonds and performance bonds in accordance with sections 3184
24 (relating to bids accompanied by deposit) and 3185 (relating to
25 performance and payment bonds).

26 § 3132. Solicitation for quotations for certain purchases.

27 (a) General rule.--All purchases of more than \$1,500 but
28 less than \$7,500 shall be purchased from the lowest responsible
29 vendor after soliciting quotations by telephone or otherwise
30 from three or more firms, manufacturers or dealers.

1 (b) Records of quotations.--The quotations received shall be
2 noted in the records of the school entity along with any
3 relevant information about the product, quotation and vendor. If
4 the school entity is unable to obtain three quotations, a
5 statement of the reasons why more quotations were not obtained
6 shall be included in the records of the school entity.

7 (c) Authorized advertisements and notices.--Advertisements
8 or notices may be placed in trade journals and newspapers as an
9 inducement to competitive pricing.

10 (d) Exemptions.--

11 (1) The following shall be exempt from the provisions of
12 this section:

13 (i) School library and other media resources,
14 textbooks and other copyrighted material as may be
15 defined in the Department Accounting Manual.

16 (ii) Transportation, personal or professional
17 services and food supplies.

18 (iii) Purchases made in accordance with section 3136
19 (relating to bulk purchases through the Commonwealth).

20 (2) Exemptions from the provisions of this section do
21 not apply to instructional software devices, machines and
22 equipment which require servicing, parts, warranty work,
23 trade-ins or maintenance work other than that provided for in
24 the maintenance contract of the manufacturer or primary
25 producer.

26 § 3133. Formal bidding for certain purchases.

27 (a) General rule.--All purchases of \$7,500 or more shall be
28 made only after bids are solicited by due advertisement as
29 provided in this section.

30 (b) Advertisement for bids.--Public notice shall be given by

1 advertisement once a week for three weeks in not less than two
2 newspapers of general local circulation. If there are less than
3 two newspapers of general local circulation in the service area
4 of the school entity, the notice shall be published in one
5 newspaper of general local circulation and shall be posted in at
6 least five separate public places. In addition advertisements or
7 notices may also be placed in trade journals and other
8 newspapers as an inducement to competitive bidding.

9 (c) Submitting and opening bids.--All bids shall be in
10 writing and placed in an envelope bearing words indicating that
11 it is a sealed bid with reference to the bid subject. The
12 governing board or its designate shall open and record the bids
13 at the time and public place specified in the advertisement for
14 bids.

15 (d) Acceptance of bids.--The governing board shall accept
16 the bid of the lowest responsible bidder, kind, quality and
17 material being equal, but shall have the right to reject any and
18 all bids, waive minor irregularities or select a single item
19 from any bid.

20 (e) Exemptions.--

21 (1) The following shall be exempt from the provisions of
22 this section:

23 (i) School library and other media resources,
24 textbooks and other copyrighted material as may be
25 defined in the Department Accounting Manual.

26 (ii) Transportation, personal or professional
27 services and food supplies.

28 (iii) Purchases made in accordance with section 3136
29 (relating to bulk purchases through the Commonwealth).

30 (2) When, because of an emergency, time is of the

1 essence and the provisions of this section cannot be complied
2 with, the governing board may request the department for an
3 exemption from this section and upon approval shall follow
4 the procedure in section 3132 (relating to solicitation for
5 quotations for certain purchases).

6 (3) Exemptions from the provisions of this section do
7 not apply to instructional software devices, machines and
8 equipment which require servicing, parts, warranty work,
9 trade-ins or maintenance work other than that provided for in
10 the maintenance contract of the manufacturer or primary
11 producer.

12 § 3134. Contracts and payments for purchases.

13 (a) General rule.--The governing board of any school entity
14 may enter into contracts for executing the provisions of this
15 title and the laws of this Commonwealth.

16 (b) Execution of contracts.--All contracts shall be
17 authorized by the governing board and executed by the proper
18 officers.

19 (c) Payments.--Payments for work performed or services or
20 goods received shall be made in accordance with Subchapter E
21 (relating to payment).

22 (d) Performance bonds.--The governing board may require
23 performance bonds in accordance with section 3185 (relating to
24 performance and payment bonds).

25 (e) Contracts subject to bidding procedures.--Contracts for
26 purchases as defined in section 3131 (relating to general
27 requirements for purchasing), for expenditures as provided in
28 section 3151 (relating to authority to make expenditures) and
29 for construction, reconstruction, repairs or work as defined in
30 section 4951 (relating to general requirements for work

1 performed on school property) shall be subject to bidding
2 procedures provided in this subchapter.

3 § 3135. Joint purchases with government agencies.

4 (a) General rule.--Any school entity may join with any other
5 school entity or political subdivision in purchasing subject to
6 the provisions of this title.

7 (b) Application of section.--This section does not apply to
8 instructional software, machines and other equipment which have
9 servicing and warranty agreements unless all provisions relating
10 to warranty and servicing work that are included in the original
11 purchases shall be continued for this equipment irrespective of
12 a transfer in the ownership of this equipment.

13 § 3136. Bulk purchases through the Commonwealth.

14 Any school entity may participate in the bulk purchases
15 program as offered by the Commonwealth in accordance with
16 section 2403 of the act of April 9, 1929 (P.L.177, No.175),
17 known as "The Administrative Code of 1929."

18 SUBCHAPTER E

19 PAYMENT

20 Sec.

21 3141. System of payment procedures.

22 3142. Payments to be made on payment orders.

23 3143. Payroll obligations as preferential claims.

24 3144. Liability of officials for improper payment orders.

25 3145. Authorizing use of facsimile signatures.

26 3146. Transfer of funds between accounts or institutions.

27 § 3141. System of payment procedures.

28 (a) General rule.--The governing board of each school entity
29 shall provide for a system of cash disbursement procedures
30 subject to the provisions of sections 3122 (relating to deposit

1 of school funds with official depositories) and 3302 (relating
2 to accounting system to be maintained).

3 (b) Approval of payments.--No payment shall be made without
4 prior approval of the governing board except for the payment of:

5 (1) Amounts owing under contracts previously approved by
6 the board and by the prompt payment of which the school
7 entity will receive a discount or other advantage. All such
8 orders shall be presented to the board at its next meeting.

9 (2) Obligations incurred as a result of purchases made
10 in accordance with section 3131(b) (relating to general
11 requirements for purchasing).

12 § 3142. Payments to be made on payment orders.

13 (a) General rule.--All payments made by a school entity
14 shall be on a proper payment order drawn on the appropriate
15 account and signed and certified by the proper officers.

16 (b) Payment orders for payroll.--The payroll may be included
17 on one or more orders, which may be made payable to the order of
18 such person or persons, and distributed in such manner as the
19 governing board may determine.

20 (c) Limitation on expenditures.--No payment order shall be
21 executed:

22 (1) for expenditures for purposes not provided for in
23 the budget; or

24 (2) which will cause the sums appropriated to specific
25 major functions in the budget to be exceeded.

26 (d) Designation of function affected.--The payment order
27 shall state for each payment item the particular function of the
28 annual budget upon which the same is drawn.

29 § 3143. Payroll obligations as preferential claims.

30 (a) General rule.--The payroll obligations of each school

1 district shall be preferential claims. It shall be the duty of
2 the board of school directors of each district to provide for
3 the payment of payroll obligations before authorizing the
4 payment of any other current expense except for fuel, water,
5 electric service or such supplies as are actually essential for
6 keeping the schools in session.

7 (b) Short term loans.--In order to meet payroll requirements
8 the board shall, if necessary, negotiate such short term loans
9 as are necessary and possible in accordance with the law
10 governing the borrowing powers of the district.

11 (c) Interest on unpaid salaries.--In the event the payment
12 of salaries of employees of any school district is not made when
13 due, the school district shall be liable for the payment of the
14 salaries, together with interest at 6% per annum from the due
15 date, except that no school district shall be required to pay
16 interest on unpaid salaries if the failure to pay salaries is
17 occasioned by the failure of the Commonwealth to make timely
18 payment of allotment of appropriations due.

19 § 3144. Liability of officials for improper payment orders.

20 (a) General rule.--Any director, appointee or employee
21 acting on behalf of any school entity who either votes for or
22 approves a payment order for any other purpose, or drawn in any
23 other manner, than that provided for in this title, shall,
24 together with the surety or sureties on their bond, in addition
25 to any penalty imposed, be individually liable to the school
26 entity for the amount thereof.

27 (b) Discretion of court on appeal.--On appeal from an
28 auditor's report, it shall be within the discretion of the court
29 having jurisdiction of the matter to sustain or not to sustain a
30 surcharge where it appears that the appellant acted honestly and

1 in good faith for the best interest of the school entity and
2 where no loss or damage to the school entity resulted from the
3 action of the appellant.

4 § 3145. Authorizing use of facsimile signatures.

5 The governing board of any school entity may authorize the
6 use of a facsimile signature subject to the provisions of the
7 act of July 25, 1961 (P.L.849, No.367), known as the "Uniform
8 Facsimile Signature of Public Officials Act."

9 § 3146. Transfer of funds between accounts or institutions.

10 Lateral transfer of funds from one type of account to another
11 or from one bank to another for the purpose of facilitating
12 investments, debt service or for any other lawful purpose
13 wherein no expenditure is involved shall not be subject to
14 provisions of this subchapter provided adequate protection of
15 the funds is maintained in accordance with section 3181
16 (relating to insurance on deposits of funds).

17 SUBCHAPTER F

18 EXPENDITURES

19 Sec.

20 3151. Authority to make expenditures.

21 3152. Authorization of travel and reimbursement of expenses.

22 § 3151. Authority to make expenditures.

23 (a) General rule.--The governing board of any school entity
24 may make expenditures for the purposes authorized by this title.

25 (b) Limitation on expenditures.--No services shall be
26 secured, no materials purchased and no contracts executed by any
27 governing board which will cause the sums appropriated to a
28 major function in the budget to be exceeded.

29 § 3152. Authorization of travel and reimbursement of expenses.

30 (a) General rule.--The governing board of any school entity

1 may authorize any member, officer, appointee, employee or
2 student to travel for purposes authorized by this title and may
3 reimburse them for their expenses. Prior authorization to incur
4 expenses must be given by the governing board.

5 (b) Reimbursable expenses.--Expenses actually and
6 necessarily incurred in going to, attending and returning from
7 meetings, conferences, conventions or other sessions at which
8 attendance is authorized by the governing board may be
9 reimbursed. The expenses may include travel, travel insurance,
10 lodging, meals, registration fees and other incidental expenses
11 necessarily incurred.

12 (c) Advances on expenses.--The governing board may authorize
13 the proper officers to make an advance upon presentation of an
14 estimate of expenses to be incurred. Advances will be applied
15 against a final itemized statement of actual expenses and any
16 funds advanced in excess of actual expenses incurred shall be
17 immediately refunded to the treasurer of the school entity. Upon
18 failure to submit an itemized statement with required
19 documentation, the entire amount of the advance shall be
20 returned.

21 (d) Documentation of expenses incurred.--Final settlement,
22 including reimbursement and refund, if any, and approval of the
23 itemized statement of travel expenses shall not be made until
24 adequate documentation in support of such statement is certified
25 and filed with the business administrator or with such other
26 person as may be designated by the governing board.
27 Documentation may be in the form of receipted hotel bills,
28 mileage records and such other receipts as the governing board
29 may require.

30 (e) Rate of reimbursement.--Reimbursement for expenses

incurred in accordance with this section shall be established as follows:

(1) The governing board of the school entity shall establish rates for the reimbursement of expenses authorized by this section incurred by officers who are not members of the governing board, appointees, employees and students.

(2) Reimbursement for expenses of members of governing boards for expenses incurred in accordance with this section shall not exceed the greater of the following amounts:

(i) The sum of \$40 per day for food and lodging and 15¢ per mile for travel by automobile.

(ii) Amounts for traveling expenses determined by the Commissioner of Internal Revenue under the authority of section 274 of the Internal Revenue Code of 1954 and regulations promulgated thereunder as not requiring substantiation by adequate records or other sufficient evidence.

SUBCHAPTER G

INVESTMENT OF FUNDS

Sec.

3161. Investment of school funds required.

3162. Authorized investments for funds.

3163. Joint purchase of investments.

3164. Capital reserve fund for construction projects.

§ 3161. Investment of school funds required.

(a) General rule.--The governing board of each school entity shall invest school funds to the maximum extent consistent with sound business practice.

(b) Investment program.--The governing board of all school entities shall provide for an investment program and may

1 designate the proper officers or employees to administer the
2 program subject to this title or other statute and the rules and
3 regulations adopted by the governing board.

4 (c) Quotations from investment dealers.--Investments shall
5 be made so as to receive the highest possible return after
6 soliciting quotations from three or more dealers in authorized
7 investments.

8 § 3162. Authorized investments for funds.

9 (a) General rule.--Authorized types of investments for
10 school funds include:

11 (1) United States treasury bills.

12 (2) Direct short term obligations of the United States
13 Government.

14 (3) Deposits in time accounts, open time accounts, share
15 accounts and all other investments in authorized depositories
16 for which collateral is secured by the pledging of assets in
17 accordance with section 3181 (relating to insurance on
18 deposits of funds).

19 (b) Special funds.--Any devise, bequest, grant, endowment,
20 gift or donation of any property, real or personal, which may be
21 made to a school entity may be invested as provided in
22 subsection (a) and in investments declared to be legal
23 investments in Chapter 73 of Title 20 (relating to fiduciaries
24 investments).

25 § 3163. Joint purchase of investments.

26 (a) Purchases from own funds.--The governing board of any
27 school entity may make joint purchase of investments from among
28 the school funds accounts under its jurisdiction. The earnings
29 from the investments shall be separately and individually
30 computed and recorded and credited to the accounts from which

1 the investment was purchased. The investments shall be subject
2 to section 3132 (relating to solicitation for quotations for
3 certain purchases).

4 (b) Purchases with other agencies.--The governing board of
5 any school entity may join with any other government agency,
6 political subdivision or municipal authority for the purpose of
7 making joint purchase of investments. The earnings from the
8 investments shall be separately and individually computed,
9 recorded and credited to the accounts of the governing body from
10 which the investment was purchased. The investments shall be
11 subject to section 3132.

12 § 3164. Capital reserve fund for construction projects.

13 (a) Creation of fund.--Any school district may create a
14 special capital reserve fund and accumulate moneys therein to be
15 expended during a period not to exceed five years for the
16 purpose of constructing a school building project under a long-
17 term project program approved by the department in accordance
18 with Chapter 49 (relating to physical plant and construction).
19 The proposed project program may include the cost of acquiring
20 suitable sites for school buildings, the cost of constructing
21 new school buildings or the cost of providing needed additions
22 or alterations to existing buildings.

23 (b) Methods of payment from fund.--Moneys accumulated in the
24 district's capital reserve fund may be paid as a lump sum at the
25 time that construction of the project or projects is begun or
26 payment of the accumulated sums may be spread over a period of
27 years as a part of the annual rental or sinking fund charge
28 approved by the department for the proposed project or projects.

29 (c) Special tax to support fund.--The capital reserve fund
30 shall consist of receipts from a special tax which each board of

1 school directors is hereby authorized to levy in accordance with
2 the provisions of this title. The tax levy may not exceed three
3 mills in any one year nor may the tax be levied, on account of
4 any one project program, for a period of more than five years.
5 The tax may be levied only for the purpose of financing a school
6 building project or projects which have been approved by the
7 department for construction within five years from the date of
8 the approval given by the department. Upon the total and final
9 completion of a project program which, for the purpose herein
10 contemplated, may include the construction, reconstruction or
11 renovation of more than one building, the board of school
12 directors may proceed to set up a new project program for later
13 construction and may establish a new capital reserve fund to
14 finance such project program.

15 (d) Authorized expenditures from fund.--The moneys in any
16 such capital reserve fund may be expended by the school district
17 singly or jointly:

18 (1) with the Commonwealth or any department or agency
19 thereof;

20 (2) with the Federal Government or any department or
21 agency thereof; or

22 (3) with one or more other school districts;
23 only during the period of time for which the fund was created,
24 and only for capital improvements approved by the department and
25 for no other purpose.

26 (e) Disposition of unnecessary funds.--If for any reason the
27 project program for which the capital reserve fund was
28 established fails to materialize, the moneys accumulated in the
29 fund shall revert to the district's general fund in equal
30 amounts spread over a period of five years.

1 SUBCHAPTER H

2 INDEBTEDNESS

3 Sec.

4 3171. Authorization for temporary borrowing.

5 3172. Authorization to issue bonds.

6 3173. Withholding Commonwealth funds for unpaid indebtedness.

7 § 3171. Authorization for temporary borrowing.

8 The governing board of any school entity may authorize
9 temporary borrowing as it deems necessary to execute the duties
10 described in this title subject to the provisions and
11 limitations of the act of July 12, 1972 (P.L.781, No.185), known
12 as the "Local Government Unit Debt Act."

13 § 3172. Authorization to issue bonds.

14 The board of directors of any school district may issue bonds
15 for the purpose of executing duties described in this title
16 subject to the provisions and limitations of the act of July 12,
17 1972 (P.L.781, No.185), known as the "Local Government Unit Debt
18 Act."

19 § 3173. Withholding Commonwealth funds for unpaid indebtedness.

20 In all cases in which the board of directors of any school
21 entity fails to pay or to provide for the payment of the
22 principal of and the interest on any debt incurred in accordance
23 with the provisions of this subchapter, when and as due, or the
24 payment of any lease rental debt as defined in the act of July
25 12, 1972 (P.L.781, No.185), known as the "Local Government Unit
26 Debt Act," the department shall withhold out of any Commonwealth
27 appropriations due the school entity an amount equal to the
28 amount so due and shall pay the same to the bondholders or
29 noteholders or their respective trustees or paying agents.

30 SUBCHAPTER I

PROTECTION OF FUNDS AND PROPERTY

Sec.

3181. Insurance on deposits of funds.

3182. Bonding of officials for performance of duties.

3183. Authorization for insurance contracts.

3184. Bids accompanied by deposit.

3185. Performance and payment bonds.

§ 3181. Insurance on deposits of funds.

(a) General rule.--All school funds held in any authorized depository shall be fully insured with the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or the National Credit Union Administration, or by the pledging of assets in accordance with the act of November 30, 1965 (P.L.847, No.356), known as the "Banking Code of 1965."

(b) Pooling pledged assets.--The governing board of any school entity may permit assets pledged as collateral in subsection (a) to be pooled in accordance with the act of August 6, 1971 (P.L.281, No.72), relating to pledges of assets to secure deposits of public funds.

§ 3182. Bonding of officials for performance of duties.

(a) General rule.--The governing board of any school entity may require any officer, employee or appointee to furnish, before entering upon the duties of his office, to the governing board a proper bond conditioned upon the faithful performance of his duties, in such amount and with such corporate surety as the governing board shall determine. The amount of the bond shall be re-examined each year by the governing board for sufficiency and increased if insufficient. The school entity shall pay the premium on the bond for any officer or employee.

(b) Persons required to furnish bond.--The secretary,

1 treasurer and business administrator shall be required to
2 furnish bond in accordance with subsection (a).

3 (c) Personal collateral bond.--In lieu of furnishing a bond
4 under subsection (a), the persons may file their own collateral
5 bond, in the amount determined by the governing board in
6 accordance with the procedure described in subsection (a),
7 secured by an actual deposit with the governing board or with
8 any bank or bank and trust company within this Commonwealth
9 which may be agreed upon, of any of the securities which
10 depositories may use to secure the deposit of school funds. The
11 total market value of the securities thus deposited shall equal
12 the amount of the collateral bond. The collateral bonds shall be
13 conditioned upon the faithful performance of their duties. The
14 securities thus deposited shall constitute a trust fund to be
15 available for the satisfaction of any liability accruing upon
16 the collateral bond. The securities shall be accompanied by a
17 proper assignment or power of attorney for their transfer. In
18 the event of a decline in the market value of the securities,
19 additional securities shall be added to the trust deposit
20 sufficient to equal the amount of the collateral bond if
21 requested in writing by the governing board. The sufficiency of
22 the amount shall be reviewed annually by the governing board as
23 described in subsection (a). The governing board may permit the
24 director, officer or employee to substitute for any one or more
25 bonds or obligations included in any such securities, other
26 bonds or obligations that meet the requirements of this section.

27 (d) Refusal to furnish bond.--In case any director, officer
28 or employee shall refuse or fail to furnish a proper bond with
29 the proper sureties or securities within 15 days of notice to do
30 so, the governing board shall elect or employ another suitable

1 person to perform such duties in his place.

2 (e) Financial institution as treasurer.--In cases where the
3 treasurer is a bank or trust company, a surety bond shall not be
4 required.

5 § 3183. Authorization for insurance contracts.

6 (a) General rule.--The governing board of any school entity
7 may make and enter into any insurance contract it may deem
8 proper and desirable with any person, firm or corporation
9 (including any mutual insurance company) authorized to transact
10 business relating to insurance in this Commonwealth, for the
11 benefit of the governing board, school entity, its school
12 property, employees and their spouses and dependents, retired
13 employees and students. The insurance for the benefit of the
14 school entity and its school property may include, but need not
15 be limited to, fire and casualty insurance, liability insurance
16 and flood insurance. The insurance for the benefit of the
17 employees shall be limited to life, health, income protection,
18 travel accident, general liability and pension annuity plans.
19 Coverage for spouses and dependents, if any, shall be limited to
20 health benefits insurance. Coverage for retired employees, if
21 any, shall be limited to group life insurance and health
22 benefits.

23 (b) Joint contracts with other agencies.--The governing
24 board of any school entity may contract for insurance jointly
25 with one or more other school entities, government agencies,
26 political subdivisions and municipality authorities, and provide
27 for the proportionate share of the premium to be paid by each
28 school entity and for the escrowing of funds by each school
29 entity on account of any deductible amounts included in the
30 contract of insurance.

1 (c) Payroll deductions for premiums.--The act of June 22,
2 1931 (P.L.844, No.274), relating to contracts for benefits for
3 government employees, and the act of July 19, 1951 (P.L.1074,
4 No.231), relating to payroll deductions by government agencies
5 for insurance premiums, shall be followed with respect to
6 employee wage deductions for payment of premiums on insurance
7 policies.

8 § 3184. Bids accompanied by deposit.

9 (a) General rule.--The governing board of any school entity
10 may provide that all bids advertised for shall be accompanied by
11 cash or by a certified check or cashier's good faith check in an
12 amount required by the governing board.

13 (b) Deposit forfeited as liquidated damages.--In the event
14 any bidder shall, upon award of contract to him, fail to comply
15 with the requirements of the act of December 20, 1967 (P.L.869,
16 No.385), known as the "Public Works Contractors' Bond Law of
17 1967," as to guaranteeing the performance of the contract, the
18 good faith deposit, to the extent it does not exceed 10% of the
19 bid, shall be forfeited to the governing board as liquidated
20 damages.

21 § 3185. Performance and payment bonds.

22 All governing boards of any school entity shall comply with
23 the provisions of the act of December 20, 1967 (P.L.869,
24 No.385), known as the "Public Works Contractors' Bond Law of
25 1967," governing public performance and payment bonds on public
26 works contracts.

27 SUBCHAPTER J

28 MISCELLANEOUS PROVISIONS

29 Sec.

30 3191. Disposal of personal property.

1 § 3191. Disposal of personal property.

2 (a) Sale to educational institutions.--Whenever the
3 governing board of any school entity other than a district of
4 the first class or first class A shall by resolution declare any
5 books, furniture, supplies or equipment to be unused,
6 unnecessary, surplus or obsolete, the board shall first offer
7 the property to other school entities, nonpublic schools or
8 other nonprofit educational institutions at auction or by
9 solicitation of two or more bids.

10 (b) Other methods of disposal.--Any property which has not
11 been purchased by other schools or educational institutions may
12 be disposed of by any one or more of the following methods:

13 (1) Public auction after such notice as the board shall
14 fix.

15 (2) Solicitation of bids from two or more persons
16 engaged in a business related to the nature of the items to
17 be disposed of.

18 (3) Offer to the general public at prices fixed by
19 resolution of the board.

20 (4) Offer to suppliers of similar items who shall be
21 required to state their bid for the same as a dollar discount
22 against items they may be proposing to sell to the district.

23 (5) Such other method as the board may adopt by
24 resolution, which other method shall not be implemented
25 sooner than five days after the public meeting.

26 (c) Purchases by officers.--No member of the governing board
27 nor any officer, appointee or employee of any school entity may
28 purchase or cause to be purchased on his behalf any property
29 except under the procedure prescribed in subsection (b)(1).