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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL  
No. 821

Session of  
1979

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INTRODUCED BY MR. LEVI, MRS. HONAMAN, MESSRS. KLINGAMAN, GEIST  
AND MACKOWSKI, MARCH 26, 1979

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, SEPTEMBER 23, 1980

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AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for qualifications  
6 for the office of school director; FURTHER PROVIDING FOR <—  
7 INTERMEDIATE DIRECTORS; INCREASING CERTAIN AUTHORIZED  
8 ACQUISITION ALLOWANCES CONCERNING TEXTBOOKS FOR NONPUBLIC  
9 SCHOOL CHILDREN, RESIDENCY OF SCHOOL EMPLOYES, THE GRADUATION  
10 OF QUALIFIED STUDENTS AND FOR PAYMENT OF REIMBURSEMENT DURING  
11 CERTAIN EMERGENCIES.

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

14 Section 1. ~~Section 322,~~ SECTIONS 322, 910-A(A), 923-A(D), <—  
15 1106, 1501 AND 2523, act of March 10, 1949 (P.L.30, No.14),  
16 known as the "Public School Code of 1949," ~~amended June 16, 1972~~ <—  
17 ~~(P.L.449, No.138), is~~ SECTION 322 AMENDED FEBRUARY 8, 1980 <—  
18 (NO.2), SECTION 910-A(A) AMENDED APRIL 6, 1980 (NO.30), SECTION <—  
19 923-A(D) AMENDED AUGUST 24, 1977 (P.L.199, NO.59), SECTION 1501  
20 AMENDED SEPTEMBER 21, 1959 (P.L.925, NO.373), AND SECTION 2523  
21 AMENDED JANUARY 14, 1970 (1969 P.L.468, NO.192), ARE amended to

1 read:

2 Section 322. Eligibility; Incompatible Offices.--Any citizen  
3 of this Commonwealth, having a good moral character, being  
4 eighteen (18) years of age or upwards, being a registered  
5 elector, and having been a resident of the district for at least  
6 one (1) year prior to the date of his election or appointment,  
7 shall be eligible to the office of school director therein:

8 Provided, That any person holding any office or position of  
9 profit under the government of any city of the first class, or  
10 the office of mayor, chief burgess, county commissioner,  
11 district attorney, city, borough, or township treasurer, member  
12 of council in any municipality, township commissioner, township  
13 supervisor, tax collector, assessor, assistant assessor, any  
14 comptroller, auditor, constable, executive director or assistant  
15 executive director of an intermediate unit, supervisor,  
16 principal, teacher, or employe of any school district, shall not  
17 be eligible as a school director in this Commonwealth. This  
18 section shall not prevent any district superintendent, assistant  
19 district superintendent, supervisor, teacher, or employe of any  
20 school district, from being a school director in a district  
21 other than the one in which he is so employed, and other than in  
22 a district with which the district in which he is employed

23 operates a joint school or department: PROVIDED, HOWEVER, THAT A <—  
24 JOINT SCHOOL OR DEPARTMENT DOES NOT INCLUDE A VOCATIONAL SCHOOL,  
25 INTERMEDIATE UNIT OR COMMUNITY COLLEGE: AND PROVIDED FURTHER,  
26 THAT A SCHOOL DIRECTOR WHO IS A SUPERVISOR, PRINCIPAL, TEACHER  
27 OR EMPLOYE OF A VOCATIONAL SCHOOL, INTERMEDIATE UNIT OR  
28 COMMUNITY COLLEGE SHALL NOT SERVE AS A MEMBER OF A BOARD OF THE  
29 VOCATIONAL SCHOOL, INTERMEDIATE UNIT OR COMMUNITY COLLEGE IN  
30 WHICH HE IS A SUPERVISOR, PRINCIPAL, TEACHER OR EMPLOYE. A

1 school director shall not be eligible to the office of member of  
2 council in any municipality.

3 SECTION 910-A. INTERMEDIATE UNIT BOARD OF DIRECTORS.--(A) <—  
4 THE INTERMEDIATE UNIT BOARD OF DIRECTORS SHALL BE COMPOSED OF  
5 THIRTEEN MEMBERS EXCEPT AS OTHERWISE PROVIDED FOR IN THIS  
6 SUBSECTION, CHOSEN FOR TERMS OF THREE YEARS FROM AMONG MEMBERS  
7 OF THE BOARDS OF SCHOOL DIRECTORS OF SCHOOL DISTRICTS COMPRISING  
8 THE INTERMEDIATE UNIT. AN INTERMEDIATE UNIT DIRECTOR MAY SUCCEED  
9 HIMSELF WITHOUT LIMITATION AS TO THE NUMBER OF TERMS. [AT NO  
10 TIME SHALL MORE THAN ONE DIRECTOR FROM ANY SCHOOL DISTRICT BE  
11 ELECTED TO AN INTERMEDIATE UNIT BOARD OF DIRECTORS.] WHERE THERE  
12 ARE FEWER THAN THIRTEEN SCHOOL DISTRICTS WITHIN AN INTERMEDIATE  
13 UNIT, THERE SHALL BE ONE SCHOOL DIRECTOR FROM EACH SCHOOL  
14 DISTRICT ELECTED TO THE INTERMEDIATE UNIT BOARD OF DIRECTORS,  
15 BUT ANY SUCH SCHOOL DISTRICT INTERMEDIATE UNIT BOARD OF <—  
16 DIRECTORS MAY ELECT ONE ADDITIONAL AT-LARGE MEMBER. WHEN THERE  
17 ARE MORE THAN THIRTEEN DISTRICTS IN AN INTERMEDIATE UNIT EACH  
18 DISTRICT, AS FAR AS PRACTICABLE, MAY HAVE ONE MEMBER ON THE UNIT  
19 BOARD, UP TO A MAXIMUM OF TWENTY MEMBERS. THE ELECTION OF  
20 INTERMEDIATE UNIT BOARDS OF DIRECTORS SHALL BE BY PROPORTIONATE  
21 BALLOT, AND EACH SCHOOL DIRECTOR OF EACH SCHOOL DISTRICT WITHIN  
22 AN INTERMEDIATE UNIT SHALL BE ENTITLED TO CAST VOTES DETERMINED  
23 BY DIVIDING THE WEIGHTED AVERAGE DAILY MEMBERSHIP OF THE SCHOOL  
24 DISTRICT BY THE TOTAL WEIGHTED AVERAGE DAILY MEMBERSHIP WITHIN  
25 THE INTERMEDIATE UNIT, MULTIPLYING THE QUOTIENT SO OBTAINED BY  
26 ONE THOUSAND, DIVIDING THE PRODUCT SO OBTAINED BY THE NUMBER OF  
27 DIRECTORS AS PROVIDED FOR ABOVE, AND ROUNDING SUCH DIVIDEND TO  
28 THE NEAREST WHOLE NUMBER: PROVIDED, HOWEVER, THAT EACH SCHOOL  
29 DIRECTOR SHALL HAVE AT LEAST ONE VOTE. THE SECRETARY OF  
30 EDUCATION SHALL ANNUALLY, NOT LATER THAN THE FIRST DAY OF

1 FEBRUARY, CERTIFY THE WEIGHTED AVERAGE DAILY MEMBERSHIP FOR THE  
2 PREVIOUS SCHOOL YEAR FOR EACH SCHOOL DISTRICT AND FOR EACH  
3 INTERMEDIATE UNIT, AND SHALL COMPUTE THE NUMBER OF VOTES TO  
4 WHICH EACH SCHOOL DIRECTOR OF EACH SCHOOL DISTRICT WITHIN AN  
5 INTERMEDIATE UNIT SHALL BE ENTITLED.

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7 SECTION 923-A. LOAN OF TEXTBOOKS, INSTRUCTIONAL MATERIALS  
8 AND EQUIPMENT, NONPUBLIC SCHOOL CHILDREN.--\* \* \*

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9 (D) PURCHASE OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS. THE  
10 SECRETARY SHALL NOT BE REQUIRED TO PURCHASE OR OTHERWISE ACQUIRE  
11 TEXTBOOKS, PURSUANT TO THIS SECTION, THE TOTAL COST OF WHICH, IN  
12 ANY SCHOOL YEAR, SHALL EXCEED AN AMOUNT EQUAL TO TWELVE DOLLARS  
13 (\$12) FOR THE SCHOOL YEAR 1973-1974, FIFTEEN DOLLARS (\$15) FOR  
14 THE SCHOOL YEAR BEGINNING JULY 1, 1974 [AND], ~~+~~ TWENTY DOLLARS  
15 ~~(\$20)+~~ FOR THE SCHOOL YEAR BEGINNING JULY 1, 1975 AND TWENTY-  
16 SEVEN DOLLARS (\$27) FOR THE SCHOOL YEAR BEGINNING JULY 1, 1980  
17 AND FOR EACH SCHOOL YEAR THEREAFTER OR INSTRUCTIONAL MATERIALS,  
18 THE TOTAL COST OF WHICH, IN ANY SCHOOL YEAR, SHALL EXCEED AN  
19 AMOUNT EQUAL TO TEN DOLLARS (\$10), MULTIPLIED BY THE NUMBER OF  
20 CHILDREN RESIDING IN THE COMMONWEALTH WHO ON THE FIRST DAY OF  
21 OCTOBER OF THE SCHOOL YEAR IMMEDIATELY PRECEDING ARE ENROLLED IN  
22 GRADES KINDERGARTEN THROUGH TWELVE OF A NONPUBLIC SCHOOL.

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23 SECTION 1106. DUTY TO EMPLOY.--THE BOARD OF SCHOOL DIRECTORS  
24 IN EVERY SCHOOL DISTRICT SHALL EMPLOY THE NECESSARY QUALIFIED  
25 PROFESSIONAL EMPLOYEES, SUBSTITUTES AND TEMPORARY PROFESSIONAL  
26 EMPLOYEES TO KEEP THE PUBLIC SCHOOLS OPEN IN THEIR RESPECTIVE  
27 DISTRICTS IN COMPLIANCE WITH THE PROVISIONS OF THIS ACT. NO  
28 SCHOOL DISTRICT SHALL REQUIRE THAT ANY EMPLOYEE RESIDE WITHIN THE  
29 SCHOOL DISTRICT AS A CONDITION FOR APPOINTMENT OR CONTINUED  
30 EMPLOYMENT. A SCHOOL DISTRICT MAY REQUIRE ITS SCHOOL EMPLOYEES TO

1 RESIDE IN PENNSYLVANIA.

2       SECTION 1501. MINIMUM NUMBER OF DAYS; SCHOOL MONTH.--ALL  
3 PUBLIC KINDERGARTENS, ELEMENTARY AND SECONDARY SCHOOLS SHALL BE  
4 KEPT OPEN EACH SCHOOL YEAR FOR AT LEAST ONE HUNDRED EIGHTY (180)  
5 DAYS OF INSTRUCTION FOR PUPILS. NO DAYS ON WHICH THE SCHOOLS ARE  
6 CLOSED SHALL BE COUNTED AS DAYS TAUGHT, AND NO TIME SHALL BE  
7 COUNTED AS A PUPIL SESSION FOR ANY ACTIVITY TO WHICH ADMISSION  
8 IS CHARGED. NO FOR THE SCHOOL YEAR 1979-1980, NO SCHOOL DISTRICT <—  
9 SHALL BE REQUIRED TO CHANGE ITS GRADUATION SCHEDULE OR REQUIRE  
10 GRADUATING STUDENTS TO RETURN TO SCHOOL AFTER GRADUATION TO MAKE  
11 UP CLASS DAYS LOST DUE TO SEVERE WEATHER CONDITIONS OR FOR  
12 SITUATIONS BEYOND THE CONTROL OF THE SCHOOL DISTRICT AS A RESULT  
13 OF MAJOR CONSTRUCTION AND RENOVATION TO THE SCHOOL BUILDING. NO <—  
14 FOR THE SCHOOL YEAR 1979-1980, NO DISTRICT WHICH MAKES A BONA  
15 FIDE EFFORT AS DETERMINED BY THE SECRETARY OF EDUCATION TO  
16 PROVIDE ONE HUNDRED EIGHTY (180) DAYS OF INSTRUCTION FOR  
17 GRADUATING STUDENTS SHALL RECEIVE LESS SUBSIDY PAYMENTS OR  
18 REIMBURSEMENTS THAN IT WOULD OTHERWISE BE ENTITLED TO RECEIVE ON  
19 ACCOUNT OF THE SCHOOL YEAR BECAUSE OF THE PROVISIONS OF THIS  
20 SECTION. UNLESS OTHERWISE PROVIDED BY THIS ACT, THE BOARD OF  
21 SCHOOL DIRECTORS IN ANY DISTRICT OR JOINT BOARD MAY KEEP SUCH  
22 OTHER SCHOOLS OR DEPARTMENTS AS IT MAY ESTABLISH OPEN DURING  
23 SUCH TIME AS IT MAY DIRECT.

24       TWENTY DAYS OF ACTUAL TEACHING SHALL CONSTITUTE A SCHOOL  
25 MONTH.

26       SECTION 2523. SCHOOLS CLOSED ON ACCOUNT OF CONTAGIOUS  
27 DISEASE, ETC.--WHEN ANY BOARD OF SCHOOL DIRECTORS OR  
28 INTERMEDIATE UNIT WITH RESPECT TO AREA TECHNICAL SCHOOLS IS  
29 COMPELLED TO CLOSE ANY SCHOOL OR SCHOOLS ON ACCOUNT OF ANY  
30 CONTAGIOUS DISEASE, [THE DESTRUCTION OR DAMAGE OF A SCHOOL

1 BUILDING BY FIRE OR OTHERWISE,] MAJOR CONSTRUCTION OR RENOVATION  
2 TO A SCHOOL BUILDING, NATURAL DISASTER OR OTHER EMERGENCY, NOT  
3 INCLUDING LABOR DISPUTES INVOLVING SCHOOL EMPLOYES, AND THEREFOR  
4 IS UNABLE TO KEEP SUCH SCHOOL OR SCHOOLS OPEN FOR THE MINIMUM  
5 TERM REQUIRED BY THIS ACT, THE [SUPERINTENDENT OF PUBLIC  
6 INSTRUCTION] SECRETARY OF EDUCATION MAY PAY TO SUCH SCHOOL  
7 DISTRICT OR INTERMEDIATE UNIT ANY OR ALL OF ITS SHARE OF THE  
8 ANNUAL STATE APPROPRIATION AS HE DEEMS PROPER.

9 Section 2. This act shall take effect immediately.