

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1170 Session of
1981

INTRODUCED BY HOFFEL, DAWIDA, LASHINGER, SWAIM, PERZEL, LEHR,
COCHRAN, SALVATORE, MICHLOVIC, HALUSKA, MICOZZIE AND KANUCK,
APRIL 8, 1981

REFERRED TO COMMITTEE ON EDUCATION, APRIL 8, 1981

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 the minimum
6 number of days schools are required to be kept open;
7 providing for an exception to the calculation of average
8 daily membership and the initiation of a protection factor
9 for reimbursement payments.

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

12 Section 1. Section 1501, act of March 10, 1949 (P.L.30,
13 No.14), known as the "Public School Code of 1949," amended June
14 30, 1980 (No.80), is amended to read:

15 Section 1501. Minimum Number of Days; School Month.--(a)
16 (1) All public kindergartens, elementary and secondary schools
17 shall be kept open each school year for at least one hundred
18 eighty (180) days of instruction for pupils. No days on which
19 the schools are closed shall be counted as days taught, and no
20 time shall be counted as a pupil session for any activity to
21 which admission is charged. No school district shall be required

1 to change its graduation schedule or require graduating students
2 to return to school after graduation to make up class days lost
3 due to severe weather conditions or, in the school year 1979-
4 1980 for situations beyond the control of the school district as
5 a result of major construction and renovation to the school
6 building. No district which makes a bona fide effort as
7 determined by the Secretary of Education to provide one hundred
8 eighty (180) days of instruction for graduating students shall
9 receive less subsidy payments or reimbursements than it would
10 otherwise be entitled to receive on account of the school year
11 because of the provisions of this section. Unless otherwise
12 provided by this act, the board of school directors in any
13 district or joint board may keep such other schools or
14 departments as it may establish open during such time as it may
15 direct.

16 (2) Twenty days of actual teaching shall constitute a school
17 month.

18 (b) The provisions of subsection (a) shall not be applicable
19 whenever a strike prevents the fulfillment of the one hundred
20 eighty (180) day school year within the time limits of the
21 officially adopted school calendar. In such situations, the
22 school year for the affected school district shall constitute
23 the actual number of days that school is taught. However, the
24 board of school directors shall, at the conclusion of the
25 strike, attempt to reschedule as many days as it, in the
26 exercise of its discretion, believes are proper and
27 educationally sound for the establishment of an appropriate
28 school year for the students of the district. The provisions of
29 subsection (a) requiring one hundred eighty (180) days of
30 instruction shall remain applicable in the case of a lockout or

1 other work stoppage constituting an unfair labor practice by the
2 employing school district.

3 Section 2. Clause (3) of section 2501 of the act, amended
4 February 1, 1966 (1965 P.L.1642, No.580), is amended and a
5 clause is added to read:

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

8 * * *

9 (3) "Average Daily Membership" shall be computed in
10 accordance with rules of procedure as established by the
11 [Superintendent of Public Instruction] Secretary of Education.
12 Such rules of procedure shall, however, allow for the
13 calculation of "Average Daily Membership" in those school
14 districts, intermediate units or other State supported
15 institutions that fail to complete a one hundred eighty (180)
16 day school year as the result of a work stoppage or strike on a
17 basis of the actual number of days completed.

18 * * *

19 (18) "Protection Factor." A formula developed in accordance
20 with rules of procedure established by the Secretary of
21 Education to assure that if there is any proportional loss of
22 reimbursement as a result of calculating the "Average Daily
23 Membership" following a work stoppage or strike, such
24 proportional loss shall occur in the regular basic reimbursement
25 payment only and only for one year. All other calculations shall
26 be determined as if the school district completed a one hundred
27 eighty (180) day school year.

28 Section 3. This act shall take effect immediately and shall
29 be applicable to school years beginning on or after July 1,
30 1981.