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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE BILL

No. **690** Session of  
1961

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MESSRS. SEYLER, HAYS, WAGNER, SILVERT, SHAFER,  
STROUP AND KALMAN, IN PLACE, MAY 24, 1961.

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AS AMENDED ON THIRD READING, AUGUST 7, 1961.

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## AN ACT

Amending the act of March 10 1949 (P L 30) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools amending revising consolidating and changing the laws relating thereto" granting powers to and imposing duties upon the State Council of Education granting and imposing certain powers to and duties upon the Department of Public Instruction and requiring a biennial report to the General Assembly

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1 Section 1 The act of March 10 1949 (P L 30) known as the "Public  
2 School Code of 1949" is amended by adding a new article to read

3 Article XXVI-B

4 State Council of Education

5 Section 2601-B Powers and Duties In General (a) The State Council  
6 of Education shall be a policy-making body and shall have the power and  
7 its duty shall be to formulate and establish policies to implement all laws  
8 governing

9 (1) The procurement and utilization of land for school purposes  
10 EXCEPT IN SCHOOL DISTRICTS OF THE FIRST CLASS

11 (2) The design location construction and financing of school build-  
12 ings and facilities EXCEPT IN SCHOOL DISTRICTS OF THE FIRST  
13 CLASS

14 (3) The management use and operation of school buildings and  
15 facilities EXCEPT IN SCHOOL DISTRICTS OF THE FIRST CLASS

16 (4) The preliminary and professional education and training for  
17 prospective professional employes in the public schools and the certifica-  
18 tion of professional employes in the public schools

- 1       (5) The organization and approval of in-service teachers' education  
2       programs
- 3       (6) The conduct of research and experimentation in methods of in-  
4       struction
- 5       (7) The subjects to be taught and the activities to be conducted in  
6       elementary secondary adult education and other schools as well as the  
7       requirements for graduation from the senior high school
- 8       (8) The instruction of gifted handicapped emotionally disturbed  
9       culturally deprived
- 10       (9) The requirements for admission to and separation from the  
11       public schools
- 12       (10) Except as provided in Article XXVI-C the creation merger and  
13       consolidation of school districts
- 14       (11) Except as provided in Article XXVI-C the establishment of  
15       joint consolidated or union schools
- 16       (12) The transportation of pupils in the public school system
- 17       (13) The award of competitive scholarships and the guarantee of  
18       student loans
- 19       (14) The establishment and operation of community colleges

1       (15) The development of plans for the expansion and development  
2 of facilities and programs for higher education in State Colleges and in  
3 State-aided colleges and universities Provided that nothing contained in  
4 this Act shall be construed as authorizing the State Council of Educa-  
5 tion or the Department of Public Instruction to exercise any direction  
6 supervision or control over or impose any requirements or conditions  
7 with respect to the personnel methods of instruction specific courses or  
8 specific course content in any institution of higher education

9       (16) The approval of degree-granting institutions and the types of  
10 degrees and diplomas to be awarded by State Colleges

11       (17) The facilities for and training offered to vocational students

12       (18) The financing of public education

13       (19) Such other matters as relate to education

14       (b) All other powers and duties heretofore granted to and imposed  
15 by law upon the State Council of Education are hereby granted to and  
16 imposed upon and shall be exercised and performed by the Department  
17 of Public Instruction in accordance with the law except that the powers  
18 and duties granted and imposed on the State Council of Education by  
19 the Act of May 28 1937 (P L 274) entitled "Concerning vocational  
20 education providing for the acceptance by the Commonwealth of Penn-

1 sylvania of the provisions of the act of Congress approved June eighth  
2 one thousand nine hundred and thirty-six entitled 'An act to provide for  
3 the further development of vocational education in the several States  
4 and Territories' and conferring powers and imposing duties on the State  
5 Treasurer and the State Council of Education" and the amendments  
6 thereto and by the Act of May 22 1945 (P L 849) entitled "Providing  
7 for vocational rehabilitation for disabled individuals by the State Board  
8 of Vocational Education authorizing cooperation with other departments  
9 and agencies and reciprocal agreements with other states requiring co-  
10 operation with the Federal government making the State Treasurer cus-  
11 todian and disbursement agent of Federal vocational rehabilitation lists  
12 and records limiting political activity by persons engaged in the adminis-  
13 tration of vocational rehabilitation and prescribing penalties" and the  
14 amendments thereto shall continue to be exercised by the State Council  
15 of Education as heretofore

16 Section 2602-B Policies Binding Upon the Department of Public  
17 Instruction All policies promulgated by the State Council of Education  
18 pursuant to the powers granted in section 2601-B shall be binding upon  
19 the Department of Public Instruction which shall formulate rules and  
20 regulations or perform such other acts as may be necessary to effectuate

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1 the policies of the council except that any policy which is contrary to  
2 any provision of the law shall not be binding Any rules or regulations  
3 heretofore or hereafter issued by the Department of Public Instruction  
4 which are inconsistent with or contrary to any policies of the State  
5 Council of Education as found in the Minutes of its meetings shall be  
6 null and void

7 Section 2603-B Matters for Approval by the State Council of Edu-  
8 cation (a) In any policy which the State Council of Education promul-  
9 gates pursuant to the provisions of section 2601-B of this act the Council  
10 may require that an act activity plan or thing shall not be done or be  
11 made or be effective without the approval of the Council

12 (b) Whenever the approval of the State Council of Education is  
13 required in any matter the State Council of Education may require the  
14 Department of Public Instruction to make and report its findings and  
15 recommendations on such matter to the State Council of Education

16 Section 2604-B Additional Powers Granted to the State Council of  
17 Education In addition to the powers granted to the State Council of  
18 Education by section 2601-B of this act the Council is empowered to  
19 conduct such studies and investigations as it deems appropriate on any  
20 matter related to education and shall from time to time recommend to

1 the Governor and the General Assembly such legislation as in its judg-  
2 ment will improve education in the Commonwealth

3 Section 2605-B Power of State Council of Education to Inspect  
4 Examine Require Reports (a) The State Council of Education or such  
5 other persons as the Council authorizes shall have the power

6 (1) To inspect any public school building public education facilities  
7 buildings and facilities of State-aided educational institutions

8 (2) To examine any materials records books or texts used in any  
9 public school or State-aided educational institution

10 (3) To require a report on any matter from any department agency  
11 committee commission or board which may be vested by law with any  
12 responsibility connected with the administration of public education

13 (b) This section shall not diminish any power to inspect or to require  
14 reports now given by law to the Department of Public Instruction or to  
15 the Superintendent of Public Instruction

16 Section 2606-B Biennial Report to the Governor and General As-  
17 sembly Biennially in even-numbered years the State Council of Educa-  
18 tion shall submit a comprehensive report of its activities to the Governor  
19 and the General Assembly

20 Section 2 This act shall become effective July 1 1962

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1961.

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Governor