

entitled "An act providing for the joint acquisition and maintenance by the Commonwealth of Pennsylvania and the State of New Jersey of certain toll-bridges over the Delaware River." Said new bridge shall be erected jointly by the Commonwealth of Pennsylvania and the State of New Jersey, and the expense thereof shall be paid fifty per centum by the Commonwealth of Pennsylvania and fifty per centum by the State of New Jersey.

APPROVED—The 12th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 340.

AN ACT

To further amend sections one thousand four hundred five, one thousand four hundred six, one thousand four hundred seven, one thousand four hundred eight, and one thousand four hundred and eighteen of an act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith."

Public schools

Section 1405 of act of May 18, 1911 (P. L. 309), amended.

Section 1. Be it enacted, &c., That section one thousand four hundred and five of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," is hereby amended to read as follows:

Districts shall be subdivided.

Section 1405. The board of school directors of every school district in this Commonwealth shall, for the purpose of designating the schools to be attended by the several pupils in said districts, subdivide the same in such manner that all the pupils in each school district shall be assigned to, and reasonably accommodated in, one of the public schools in said school district: Provided, That the board of school directors may, upon cause shown, permit any pupil or pupils in any school district to attend such other school in said district as the board may deem proper, or may

Proviso.

Pupils may be permitted to attend school in another district.

classify and assign the pupils in the district to any such school or schools therein as it may deem best, in order to properly educate the same: *Provided further, That whenever any child or children of compulsory school age have their residence more than two miles by the nearest public highway from the school to which they have been assigned within the district, and free transportation for such child or children to a school within the district is not provided, and there is a school in session in some other district in the Commonwealth within two miles by the nearest public highway of the residence of such child or children, the board of school directors shall re-assign such child or children to this school in another district, unless the consent of the board of directors of said district is refused, and shall pay to said district the cost of tuition, text-books, and supplies of such child or children; and this provision shall include also in like manner assignment to high schools in the case of pupils under sixteen years of age who are qualified to be enrolled in such high schools: Provided further, That hereafter it shall be unlawful for any school director, superintendent, or teacher to make any distinction whatever, on account of, or by reason of, the race or color of any pupil or scholar who may be in attendance upon, or seeking admission to, any public school maintained wholly or in part under the school laws of the Commonwealth.*

Section 2. That section one thousand four hundred and six of said act, as amended by an act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred and ten), entitled "An act to amend section one thousand four hundred and six, as amended, of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith,'" is hereby further amended to read as follows:

Section 1406. The board of school directors of any school district in this Commonwealth may, on account of the small number of pupils in attendance, or the condition of the then existing school building, or for the purpose of better gradation and classification, [or for economical] or other reasons, close [and consolidate] any one or more of the public schools in its district, and upon such school or schools being so

Proviso.

Child residing more than two miles from assigned school.

May re-assign child to school in another district.

Shall include assignment to high schools.

Proviso.

Unlawful to make distinction as to race or color.

Section 1406, as amended by act of June 28, 1923 (P.L. 910), further amended.

School may be closed.

closed; the pupils who belong to the same shall be assigned to other schools, or *upon cause shown be permitted to attend schools in other districts:*

Proviso.

Provided, That whenever the average term attendance of pupils regularly enrolled at any one-room school in any school district of the fourth class or township which is a district of the third class is ten, or less than ten, the board of school directors shall close such school [and provide proper transportation for the pupils of such closed school to and from the nearest or most convenient school, to which the pupils shall be assigned].

Board may petition  
State Council of  
Education.

If the board of school directors [do] *does* not deem it feasible to close such school, [they] *it* may present [their] *its* petition to the State Council of Education, showing the reasons why such school should not be closed; thereupon the State Council of Education shall consider such petition, and shall make such order as may seem just in the premises: [Provided further, That in any district of the fourth class, pupils who belong to any such closed school shall not have transportation provided if they reside less than one and one-half miles, by the public road, from the school in which they are assigned].

Proviso.

Provided, however, If any school as aforesaid has been closed because the average term attendance of pupils enrolled was ten, or less than ten, and has been reopened *upon an order of the State Council of Education*, and the average term attendance is twelve or more after such reopening, such school shall be considered re-established: Provided further, That in any

Proviso.

district of the fourth class or township which is a district of the third class, pupils who *reside within that part of the school district last served by any elementary school closed since the eighteenth day of May, one thousand nine hundred and eleven, or within a district all of whose schools have been closed, or who are assigned to a training school of a State Normal School*, [belong to any such closed school] and reside one and one-half miles or more from the school to which they are assigned, shall be furnished proper transportation, at the expense of the district, to and from the school to which they are assigned: [except in case where schools are closed because of an average term attendance of ten or less than ten pupils regularly enrolled, in which case one-half of the cost of such transportation, not to exceed one dollar per diem per pupil, shall be paid by the Commonwealth, provision for which shall be made by separate appropriation in the general appropriation act].

Proviso.

And provided further, That whenever the board of school directors in any fourth class district or township which is a district of the third class agrees to or

is required to provide transportation for any pupils, such board of school directors may, upon petition of the parent, guardian, or person in parental relation to any of said pupils, in lieu of providing such transportation, pay for suitable board and lodging for such pupils, if such board and lodging is secured in the home of a near relative of the pupil or in a proper school or home approved by the person making the petition: Provided, That in no case shall [the State pay more than one-half of the amount which it would be required to pay for the transportation of such pupil, nor may] the State's share exceed one dollar (\$1.00) per day per pupil for the actual number of days such pupil is in attendance at school, not exceeding five days in any one week:

Proviso.

*Provided, That if the Department of Public Instruction approves the transportation as to methods and means and the contracts provided therefor, the Commonwealth will pay annually to the school district furnishing such transportation an amount determined by (a) the true valuation per teacher per district as provided by section one thousand two hundred and ten of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended; and by (b) a given per centum of the sum which has been expended during the previous school year by such a school district for transporting pupils of said schools to and from said schools as follows: The amount paid by the Commonwealth to a school district which has a true valuation per teacher of assessable property of fifty thousand dollars (\$50,000) or less shall be seventy-five (75) per centum; more than fifty thousand dollars (\$50,000) to one hundred thousand dollars (\$100,000) sixty (60) per centum; and more than one hundred thousand dollars (\$100,000), fifty (50) per centum: Provided, That in case said school district has purchased or shall hereafter purchase an approved school conveyance which is used exclusively for approved school purposes, said sum may include a reasonable charge for depreciation and repairs, not to exceed fifteen (15) per centum of the cost of said approved school conveyance: Provided, That the State's share of depreciation and repairs shall not exceed one hundred dollars (\$100) per vehicle per year: Provided*

Proviso.

Determination of portion of cost of transportation to be paid by Commonwealth.

Valuation per teacher.

Percentage of sum expended previous year.

Proviso.

Proviso.

Proviso.

*further, That the State's share for transportation shall not exceed one dollar (\$1.00) per day per pupil for the actual number of days such pupil is transported to and from school: Provided further, That districts receiving reimbursement on the basis of seventy-five (75) per centum and sixty (60) per centum shall not receive more than four thousand dollars (\$4,000) in any one school year from the State for transportation: Provided further, That districts receiving reimbursement on the basis of fifty (50) per centum shall not receive more than three thousand dollars (\$3,000) in any one year from the State for transportation.*

*On or before the first day of July of each year each school district of the third and fourth class, transporting pupils as herein provided, shall present to the Superintendent of Public Instruction in such form as he may prescribe and on blanks to be furnished by him a sworn statement of the amount expended during the previous school year for transporting pupils to and from school, as herein provided. On the basis of such a statement the Superintendent of Public Instruction shall by requisition upon the State Treasurer pay during the month of September to such school district such reimbursement for the previous year as is provided for in this act.*

Section 1407 amended.

Tuition, books and supplies shall be paid in district in which pupil resides.

Proviso.

Section 1408, amended by act of May 20, 1921 (P. L. 1088), further amended.

Section 3. That section one thousand four hundred and seven of said act be hereby amended to read as follows:

Section 1407. If any [such] pupils are assigned to an adjoining district, the district where such pupils reside shall promptly pay, to the district in which they attend school, the cost of tuition, text-books, and school supplies only, which shall not exceed that of the tuition, text-books, and school supplies of other pupils pursuing similar courses or studies in the same schools: Provided, That the consent of the board of school directors of the district to which the pupils of any closed school are [sent] assigned shall be first obtained.

Section 4. That section one thousand four hundred and eight of said act, as amended by an act, approved the twentieth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, one thousand and thirty-eight), entitled "An act to amend sections two hundred sixteen, three hundred twenty-three, one thousand one hundred forty-five, one thousand four hundred eight, of an act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting

such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," is hereby further amended to read as follows:

Section 1408. Where, by the terms of this act, or any other act, any distance is specified between the residence of any pupil and any public school to be attended by him, or any transportation is provided for within or beyond any particular distance, in computing such distance no allowance shall be made for the distance that the dwelling house of the pupil is situated off the public highway. All such distances shall be computed by the public highway from the [building to which the pupil has been assigned by the highway to the] nearest point where a private way or private road connects the dwelling house of the pupil with the said highway to the nearest point where said highway touches the school grounds of the school to which the pupil has been assigned: Provided, That the free transportation of pupils, as required or authorized by this act, or any other act, may be furnished by using [electric railways] either school conveyances, private conveyances, or [other public transportation] electric railways, or other common carriers, when the total distance which any pupil must travel by the public highway to or from school [between his residence and the school], in addition to such transportation, does not exceed one and one-half miles, and when stations or other proper shelters are provided for the use of such pupils where needed.

Method for computation of distances.

Proviso.

Transportation may be by school or private conveyances or common carriers.

Section 5. That section one thousand four hundred and eighteen of said act is hereby amended to read as follows:

Section 1418 amended.

Section 1418. In case there is no public school in session within two miles, by the nearest traveled road, of the residence of any child, such child shall be exempt from the provisions of this act relating to compulsory attendance, unless proper free transportation be furnished to such child to and from school: *Provided, If proper free transportation is furnished to such child to and from school, the Commonwealth shall reimburse the school district furnishing such transportation in the same manner and amounts as provided for in this act for transportation of pupils from closed schools.*

Child residing more than two miles from school.

Proviso.

APPROVED—The 13th day of May, A. D. 1925.

GIFFORD PINCHOT.