

further information concerning ability to pay. The liability of parent for payment of the maintenance of any mentally defective or epileptic shall be the amount so fixed or so changed by the Department of Revenue, and payment of the amount so fixed or so changed shall relieve the parent of all further liability for payment of the maintenance of the patient. The liability of any parent for the payment of the maintenance of any mentally defective or epileptic patient heretofore admitted shall be determined in the same manner as the liability of a parent of <sup>1</sup> a patient hereafter admitted; but no provision of this section shall be construed to require redetermination of liability of any parent for the purpose of securing refunds for payments heretofore made.

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APPROVED—The 21st day of October, A. D. 1965.

WILLIAM W. SCRANTON

No. 312

AN ACT

SB 822

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," transferring functions, powers and duties of the State Council of Education to the State Board of Education, the Council of Basic Education, the Council of Higher Education and the Department of Public Instruction.

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

Section 1. Section 201, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended May 11, 1949 (P. L. 1089), is amended to read:

Section 201. How Constituted.—All school districts shall remain as now constituted until changed as authorized by this act. Except as otherwise now or hereafter constituted, each city, incorporated town, borough, or township in this Commonwealth, now existing or hereafter created, shall constitute a separate school district, to be designated and known as the "School District of .....:" Provided, That where any city, incorporated town, borough, or township, or a part of

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<sup>1</sup>"a" not in original.

the school district remaining after its separation would constitute a third or fourth class school district, it shall remain a part of the school district to which it formerly belonged until the change to a new school district is approved by the [State] Council of Basic Education, as hereinafter provided.

Section 2. Section 203 of the act, amended May 11, 1949 (P. L. 1089) and May 13, 1949 (P. L. 1332), is amended to read:

Section 203. Creation of New Cities, Boroughs, and Townships.—When a new school district is formed by the creation of a new city, borough, or township, the court of common pleas having jurisdiction shall determine and enter in its decree the class of school districts to which such new district, if formed, shall belong, and if of the first, first class A, or second class, it shall thereupon become a new school district of such class. If the newly created city, borough, or township would constitute a school district of the fourth class, the court of common pleas having jurisdiction shall so certify and a new school district shall be formed only if and when it is approved by the [State] Council of Basic Education as hereinafter provided.

Section 3. Section 228 of the act, amended July 3, 1957 (P. L. 467) and August 18, 1961 (P. L. 1013), is amended to read:

Section 228. Approval or Disapproval of Creation or Change of Third or Fourth Class Districts.—(a) If the newly created city, borough, or township, or independent school district, or union school district, or the part of a school district remaining after the separation would constitute a school district of the third or fourth class, the receipt of said certified copy shall be deemed an application for the creation of a new school district of the third or fourth class or change in the boundaries of an existing school district of the third or fourth class, and the Superintendent of Public Instruction shall, within sixty days thereafter, [cause the State Council of Education to be convened. The council shall] notify the school districts, which will be affected [by the council's decision,] that an application has been received and that a time and place for hearing the application will be determined upon receipt of request from any such district. If no such request is filed within thirty days, the Department of Public Instruction may certify approval of the application without a hearing. At the hearing, if one is requested, the proper officials of or the counsel for the districts shall present to the council, or its designated representative, the reasons for approval or disapproval of the application, and the council shall then determine

whether such new school district, or independent school district, or union school district, or change in the boundaries of an existing school district of the third or fourth class, is desirable, and whether the welfare of the pupils within the territory affected thereby will be promoted by the creation of such district or change in the boundaries of such existing district.

(b) If the council shall approve such application, it shall certify its findings and its approval of such new district or change in such existing district thereon, and transmit a certified copy thereof to the clerk of the courts or other proper officer from whom the application was received, who shall file the same in such original proceedings, whereupon unless an appeal is filed with the State Board of Education the new city, borough, or township will become a new school district of the third or fourth class, or the school district of the third or fourth class remaining after such annexation shall constitute a separate school district as so changed.

(c) If, in the judgment of the council, the application should not be granted, it shall endorse thereon "not approved," and transmit a certified copy thereof to the clerk of the courts or other proper officer from whom the application was received, who shall file the same in the original proceedings. In such event, if no [request for a review] appeal to the State Board of Education is filed within ninety days, [or within ninety days of the effective date of this act, whichever is later] the action of the council is final and the boundaries of the existing school district shall remain unchanged. Within ninety days after the decision of the council, [or within ninety days of the effective date of this act, whichever is later] ten taxables of any school district affected by the council's decision may [file a request for a review of the action of the council] appeal to the State Board of Education in which case the [council] board, for cause shown, may vacate such refusal, and may approve the creation of such new district of the third or fourth class or change in boundaries of an existing district of the third or fourth class. [and thereupon the same proceedings shall be had as herein provided upon the original application and with like effect.] After the elapse of five years from the date of any refusal by the [State] Council of Basic Education to approve an annexation for school purposes, the [State Council] council shall reconsider its decision upon petition of ten taxables of any school district affected by the council's decision.

Section 4. The first two paragraphs of section 263 of the act, amended July 31, 1963 (P. L. 389), are amended to read:

Section 263. Petitions and Elections for Mergers; Returns; When Effective.—Upon the approval of said plans by the [State] Council of Basic Education, it shall be the duty of the county board of school directors to prepare and present petitions for such mergers to the court of common pleas of the county. In case such districts or parts of districts are situated in two or more counties, the petitions shall be presented to the court of common pleas of the county in which the largest part in area of the land affected is situated, which court shall have exclusive jurisdiction over the matter.

Whenever the [State] Council of Basic Education approves said plans, at least one hundred days prior to a general, municipal or primary election, and the county board of school directors fail to present petitions to the court for submission of the question at such election, then any elector of a school district involved may present such a petition to the court, signed by at least fifteen percent of the electors in each school district, for submission of the question at any subsequent general, municipal or primary election.

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Section 5. Section 271 of the act, amended August 22, 1961 (P. L. 1022), is amended to read:

Section 271. Amicable Adjustment and Apportionment.—In any case where (1) any school district is abolished and its land reverts to or becomes a part of two or more school districts, or (2) any land heretofore annexed to one school district is made a part of the district in which it is located, or (3) a new district is made by the creation of a new city, borough, township, or independent school district, out of one or more school districts, or (4) the boundary lines of any district are changed by the changing of the boundary lines of any city, incorporated town, borough, township, or school district, or (5) any part of any school district is merged with any other district or districts or parts thereof, then, in any such case, the school districts to which land has been annexed or from which land has been taken, or which have been newly created, shall make a just and proper adjustment and apportionment of all school property, real and personal, including funds, as well as indebtedness, and rental obligations to an approved school building authority, if any, to and among such school districts. Such adjustment and apportionment shall be made as of the date of the decree or order creating such new city, borough, township, or school district, or of the decree

of the court or vote of the electors effecting such annexation or merger, or the first Monday of July following approval by the [State] Council of Basic Education of the annexation for school purposes.

Section 6. Section 307 of the act, amended May 11, 1949 (P. L. 1089), is amended to read:

Section 307. Newly Formed Districts.—Where a new school district of the first, second, or third class is formed by the creation of a new city, borough or township, and where a new school district of the third or fourth class is so formed and is approved by the [State] Council of Basic Education, the court of common pleas having jurisdiction shall appoint a board of school directors for such new school district, which shall serve until the first Monday of December next following the first municipal election occurring more than thirty (30) days after the formation of such new school district.

Section 7. Clause (4) of section 433 of the act is amended to read:

Section 433. Duties.—The secretary of the board of school directors shall perform the following duties:

\* \* \*

(4) He shall furnish, whenever requested, any and all reports concerning the school affairs of the district, on such form, and in such manner, as the State [Council] Board of Education or the Superintendent of Public Instruction may require;

\* \* \*

Section 8. The last paragraph of section 503 of the act, amended September 21, 1959 (P. L. 925), is amended to read:

Section 503. Kindergartens.—\* \* \*

The board of school directors shall appoint and assign a sufficient number of teachers to such kindergartens, who shall be certified in accordance with the rules and regulations prescribed by the [State] Council of Basic Education.

Section 9. Section 505 of the act, amended April 14, 1949 (P. L. 457), is amended to read:

Section 505. Establishment and Maintenance of Consolidated Schools.—The board of directors of any school district may establish, equip, furnish, and maintain consolidated schools formed by uniting two or more public schools, which prior to such union were maintained in separate buildings, and after such union are maintained in one school organization taught by two or more teachers. The board of school directors may transport pupils to and from such schools as provided for by this act.

[The State Council of Education is hereby authorized and directed to

investigate and to aid in the establishment of consolidated and joint consolidated schools, and to inspect and approve such schools.]

Section 10. Subsection (a) of section 523 of the act, amended September 12, 1961 (P. L. 1272), is amended to read:

Section 523. Educational Broadcasting.--

(a) The State [Council] Board of Education shall [formulate] adopt and amend, when necessary, a State Plan for Educational Broadcasting. The State plan shall provide for the development of educational broadcasting facilities in the Commonwealth and shall define educational broadcasting service areas which shall be served by specified broadcasting centers. The Department of Public Instruction shall promulgate regulations to implement the State plan.

\* \* \*

Section 11. Section 524 of the act, added December 28, 1959 (P. L. 2021), is amended to read:

Section 524. The board of school directors of any school district or vocational school district, including merged or union districts, and any boards of school directors establishing any joint school or department, shall not close any school or department during the school term, unless such action shall advance the orderly development of attendance areas within an approved administrative unit [approved by the State Council of Education] and has been approved by the county board of school directors and the Department of Public Instruction. In the event a school board shall determine prior to the beginning of the next school term to close any school or department, sixty (60) days' notice, in writing, prior to the closing of any school or department, shall be given to all temporary professional and professional employes affected thereby, unless such action shall advance the orderly development of attendance areas within an approved administrative unit [approved by the State Council of Education] and has been approved by the county board of school directors and the Department of Public Instruction. Upon failure to give written notice of intention to close any school or department, the school district shall pay such employes their salaries until the end of the school year during which such schools or departments were closed.

Temporary professional or professional employes, whose positions are abolished as a result of the action of the board of school directors in closing a school or department, or reassigning pupils in its effort to consummate partially or wholly the orderly development of approved administrative and attendance areas, [approved by the State Council of Education] may not be suspended until the end of the school year if

such action is taken during the school year or later than sixty (60) days prior to the opening of the next school term.

The payment of salary to any temporary professional or professional employe shall be discontinued immediately, if such employe obtains other employment which, in the judgment of the board of school directors, could not have been obtained or held if such school or department had not been closed: Provided, however, That if the salary in the new position is less than the salary the professional employe would have received had he remained in the employment of the school district, the school district shall be liable for the difference.

Section 12. Section 525 of the act, added September 12, 1961 (P. L. 1272), is amended to read:

Section 525. Establishment and Operation of Educational Television and Broadcasting Facilities.—Whenever funds become available from any source whatever for the purpose of (1) establishing and where necessary operating such pilot educational television projects, [as may be requested by the State Council of Education] (2) purchasing, producing and contracting for the purchase or production of tapes, films and recordings for educational broadcasting, (3) making special grants to school districts, county boards of school directors and State colleges for educational broadcasting services procured by them where it is determined by the Department of Public Instruction that the awarding of such special grants will materially encourage the use of educational television facilities, (4) establishing educational television facilities in accordance with the State plan for educational broadcasting, and (5) establishing network facilities to link educational broadcasting facilities as may be required by the State plan for educational broadcasting or any of these purposes, [The] the Department of Public Instruction may expend such funds for such purpose or purposes in amounts to be determined by the Department of Public Instruction in accordance with policies approved by the State [Council] Board of Education. This section shall not be construed to authorize the expenditure of any State funds for such purposes unless specifically appropriated by the General Assembly.

Section 13. The first paragraph of section 690 of the act, added November 30, 1959 (P. L. 1597), is amended to read:

Section 690. Creation of Capital Reserve Fund for Approved School Building Project Programs.—Any school district shall have the power to create a special fund, which may be designated as a Capital Reserve Fund, and to accumulate therein moneys to be expended, in accordance

with the provisions of this act, during a period not to exceed five years from the date when the first payment was made into the fund, for the purpose of constructing a school building project or projects under a long-term project program approved by the Department of Public Instruction. The proposed project program may include the cost of acquiring suitable sites for school buildings, the cost of constructing new school buildings, or the cost of providing needed additions or alterations to existing buildings. The Department of Public Instruction may approve any project programs if it shall find in the case of all school districts, except school districts of the first class, first class A and second class which are not part of a county-wide plan, that each component of the proposed project program is in conformity to approved county-wide plans [prepared by the county board of school directors and approved by the State Council of Education] for the orderly development of improved attendance areas and administrative units and for the improved housing of public schools in the Commonwealth and in the case of all school districts, that the building or buildings will conform to standards [and regulations] prescribed by the [department] State Board of Education with respect to educational and architectural design, building materials, fixtures and equipment, location, usefulness for community activities, safety, comfort and convenience and that the school district will have the ability to meet from current revenues the rental or sinking fund charge which may be necessary to amortize that portion of the cost of the proposed project or projects which is not covered by anticipated accumulation of money in the district's capital reserve fund. Moneys accumulated in the district's capital reserve fund may be paid as a lump sum at the time that construction of the project or projects is begun or payment of such accumulated sums may be spread over a period of years as a part of the annual rental or sinking fund charge approved by the Department of Public Instruction for the proposed project or projects.

\* \* \*

Section 14. Sections 705, 733, 734 and 735 of the act are amended to read:

Section 705. Residences for Teachers and Janitors.—The board of directors of any school district of the fourth class, when they consider it necessary, may purchase or build a residence or residences for the use of the principal or teacher or janitor, or any of them, as shall be deemed advisable, in the same manner and upon the same procedure as other school buildings are purchased or erected. Such school districts, with the



approval of the [State Council of Education, in the manner and form to be prescribed by said State Council of Education] Department of Public Instruction, are authorized to expend the funds of the school district and to borrow money for the purchase or erection of such residences in the same manner as for other school buildings. Any such district may fix and charge a rental for the use of such building, which rental shall be paid into the school treasury. All property acquired under this section shall be held by the school district the same as other school property.

Section 733. Standards of State [Council] Board of Education; Health Room.—All public school buildings hereafter built or rebuilt in school districts of the second, third and fourth classes shall conform to standards established by the State [Council] Board of Education as to light area, floor space and cubical contents. The [council] board shall, at least once during each period of five years, completely review and revise such standards in the light of improved facilities, equipment and methods, and in the light of changing philosophies of classroom efficiency, and with a view to utilizing natural advantages wherever available. Such standards shall permit of opportunity for individuality in design and equipment to meet the requirements and possibilities of each public school building to be built or rebuilt.

Every public school building of ten classrooms or more hereafter erected shall contain a room to be known as the health room, which shall be not less than twenty-one (21) feet in length, and which shall be furnished and equipped for use as quarters in which regular school medical inspections may be given, and as a first aid room for pupils requiring medical attention while attending classes.

Section 734. Heating and Ventilating Standards.—The State [Council] Board of Education shall establish proper standards for heating and ventilating every school building hereafter erected or reconstructed in school districts of the second, third and fourth classes and shall prescribe such rules and regulations as shall be necessary to make such standards effective: Provided, That the board of school directors shall in each case have the power to determine the type of heating and ventilating system to be used.

The State [Council] Board of Education shall, at least once during each period of five years, completely review and revise such standards in the light of improved facilities, equipment and methods, and in the

light of changing philosophies of classroom efficiency and with a view to utilizing natural advantages wherever available.

Section 735. Advisory Committee on Standards.—For the purpose of advising the State [Council] Board of Education in making revisions of standards as required by sections seven hundred thirty-three (733) and seven hundred thirty-four (734) of this act, the Governor shall immediately before the time for making any revision, appoint an advisory committee consisting of fifteen members, five of whom shall be registered architects experienced in designing school buildings, three of whom shall be school administrators and three of whom shall be educators. The members of such committees shall serve without compensation, but shall be reimbursed for their necessary expenses actually incurred in the performance of their duties.

Section 15. The third paragraph of section 775 of the act, amended October 7, 1955 (P. L. 676), is amended to read:

Section 775. Use of School Buildings for Other Purposes; Arrangements with City, Borough or Township.—\* \* \*

The board of school directors of any school district shall have power and authority to lease any part of their respective school building, equipment and premises, or any vacant building, for any educational purpose. Such leases shall be subject to the terms and regulations which may be adopted by the board of school directors, and except in districts of the first class, shall be further subject to the approval of the [State Council of Education] Department of Public Instruction.

\* \* \*

Section 16. The first paragraph of subsection (a) of section 791 of the act, added July 11, 1957 (P. L. 775), is amended to read:

Section 791. Grants, Conveyances, Appropriations to, Contracts with, and Leases from, Profit or Nonprofit Corporations, Partnerships, Associations, or Persons.—(a) The board of school directors of any school district or the boards of school directors of any two or more school districts jointly may, if project conforms to county-wide approved plans [prepared by the county board and approved by the State Council of Education] for the orderly development of administrative units and attendance areas upon the written approval of the county board of school directors and the Department of Public Instruction.—

\* \* \*

Section 17. Clauses (3), (4), (5) and (9) of subsection (a) of section 925 of the act, amended March 29, 1956 (P. L. 1356), are amended to read:

Section 925. Powers and Duties.—(a) The county board of school directors, whose directors are eligible to vote at the election of members of the county board, shall have power and its duty shall be—

\* \* \*

(3) To apportion, subject to the approval of the [State Council of Education] Department of Public Instruction, the cost of free transportation among school districts in all cases where such districts jointly use the same transportation facilities;

(4) To recommend the approval or disapproval of school sites and buildings by the [State Council of Education] Department of Public Instruction;

(5) To prepare county-wide plans for the merger of school districts or parts of school districts, and for the reorganization of attendance areas and administrative units, and to submit the same to the [State Council of Education] Department of Public Instruction as hereinbefore required;

\* \* \*

(9) To make such studies and reports as may be suggested by the State [Council] Board of Education or the Department of Public Instruction;

\* \* \*

Section 18. Clauses (2) and (10) of subsection (b) of section 925 of the act, amended August 11, 1959 (P. L. 671) and November 9, 1959 (P. L. 1392), are amended to read:

Section 925. Powers and Duties.—\* \* \*

(b) The county board of school directors in respect to second, third and fourth class school districts within the county or adjoining counties shall have power and its duty shall be—

\* \* \*

(2) To provide, maintain, administer, supervise and operate schools and classes for [handicapped] exceptional children in accordance with a plan approved by the [State Council of Education] Department of Public Instruction as hereinafter provided;

\* \* \*

(10) Such audio-visual libraries and instructional materials centers shall meet such regulations as are promulgated by the State [Council] Board of Education and administered by the Department of Public

Instruction before they shall be declared eligible for any Federal or State moneys as may be available.

\* \* \*

Section 19. Subsection (c) of section 925 of the act, added December 8, 1959 (P. L. 1724), is amended to read:

Section 925. Powers and Duties.—\* \* \*

(c) When a school district considers itself aggrieved by the decision of a county board of school directors disapproving or refusing to amend a county-wide plan for the merger of school districts or parts of school districts and for the reorganization of attendance areas and administrative units, an appeal by petition, setting forth the grounds for such appeal, may be taken by such school district to the [State] Council of Basic Education at Harrisburg. Such appeal shall be filed within thirty (30) days after receipt of a written notice of the decision of the county board. A copy of such appeal shall be served by registered mail on the secretary of the county board.

The [State] Council of Basic Education or its representative shall fix a day and time for hearing, shall give written notice to all parties interested, and may hear and consider such testimony as it may deem advisable to enable it to make a proper order.

After hearing and argument and reviewing all the testimony filed or taken before it, the [State] Council of Basic Education or its representative shall enter such order as appears just and proper, approving or disapproving the decision of the county board, ordering an amendment to the county-wide plan or, in lieu of ordering an amendment to the county-wide plan and in a proper case, certifying to the Department of Public Instruction that the school district may be approved for supplemental payments under section 2502.1 of this act, which such district would receive if the county-wide plan were amended. \* \* \*

Section 20. Section 1003 of the act, amended May 11, 1949 (P. L. 1138), is amended to read:

Section 1003. Eligibility.—No person shall be eligible for election or appointment as a county, district, or assistant county or district superintendent, or associate superintendent, unless—

(1) He holds a diploma from a college or other institution approved by the [State Council of Education of this Commonwealth] Department of Public Instruction;

(2) He has had six (6) years' successful teaching experience, not less

than three of which shall have been in a supervisory or administrative capacity;

(3) He has completed in a college or university a graduate course in education approved by the [State Council of Education] Department of Public Instruction.

Serving either as county, district, or assistant county or district superintendent, or associate superintendent, in this Commonwealth, at the time this act becomes effective, shall, irrespective of the foregoing requirements, be considered sufficient qualification for any of the aforesaid offices.

[After the first day of July, one thousand nine hundred fifty, the] The State [Council] Board of Education may, in lieu of the qualifications prescribed above, prescribe other qualifications necessary for appointment or election to the office of assistant county superintendent.

Section 21. Section 1052 of the act, amended August 19, 1953 (P. L. 1136), is amended to read:

Section 1052. Number of Supervisors of Special Education.—In addition to the assistant county superintendents herein provided for, in each county in which there are five hundred fifty (550) or more teachers under the supervision of the county superintendent, there shall be appointed at least one supervisor of special education, and in each county in which there are fewer than five hundred fifty (550) teachers under the supervision of the county superintendent, there shall be appointed a part-time supervisor of special education, who shall serve jointly in two or more counties, except in the case of a county which employs fewer than five hundred fifty (550) teachers and is not adjacent to any other county employing fewer than five hundred fifty (550) teachers, in which case a full-time or a part-time supervisor of special education shall be appointed. In no instance shall such supervisor of special education serve in more than three counties. The [State Council of Education shall have power, and it shall be their duty, to] Department of Public Instruction shall determine the counties which shall be served jointly by a joint supervisor of special education. The time of the joint supervisor of special education shall be apportioned among the several counties on the basis of the number of teachers under the supervision of the county superintendent in each county.

In lieu of a part-time supervisor of special education in any county in which there are fewer than five hundred fifty (550) teachers under the county superintendent, there may be appointed, pursuant to a

majority vote of the county convention, a full-time supervisor of special education either for the school districts of the county under the county superintendent alone or jointly with one or more school districts not under the county superintendent.

The teachers of a joint school system operated by school districts of the third or fourth class that employ a district superintendent for the joint school system, union school district or merged school district of the third class employing a district superintendent of schools shall be counted in determining the appointment of a supervisor of special education.

Section 22. Section 1053 of the act, amended May 23, 1961 (P. L. 214), is amended to read:

Section 1053. Appointment of Assistant Superintendents.—Assistant county superintendents shall be appointed by majority vote of the county board of school directors to serve a single county or two or more counties jointly, on nomination of the county superintendent, to serve until the end of the term of office of the county superintendent. The superintendent of each county entitled to one or more assistant superintendents shall, within fifteen (15) days after receiving his commission, nominate to the county board of school directors the number of assistant superintendents to which he is entitled. The persons so nominated shall furnish the president of the county board of school directors evidence of eligibility in accordance with the regulations of the State [Council] Board of Education. The county superintendent of two or more counties may agree with the Superintendent of Public Instruction to recommend to the county board that an assistant county superintendent be appointed to serve two or more counties jointly: Provided, however, That the Superintendent of Public Instruction may appoint in lieu of an assistant county superintendent an educational specialist to perform specialized supervisory and related services in two or more counties jointly, when such appointment is approved by the county board of school directors of the county entitled to an additional assistant county superintendent.

Section 23. Subsection (b) of section 1061, added August 10, 1951 (P. L. 1150), is amended to read:

Section 1061. Number of Technical Personnel; Qualifications; Appointment.—

\* \* \*

(b) Any person who is certified by the Department of Public Instruction in accordance with standards prescribed by the State [Council]

Board of Education shall be eligible for appointment as a technical employee.

\* \* \*

Section 24. Section 1085 of the act, added August 10, 1951 (P. L. 1215), is amended to read:

Section 1085. Supervisors' Qualifications; Appointment.—Any person who is certified to teach in the public schools of the Commonwealth and who is certified by the Department of Public Instruction as a supervisor in accordance with standards prescribed by the State [Council] Board of Education shall be eligible for appointment as a supervisor.

Such supervisors shall be appointed by a majority vote of the county board of school directors or, in the case of supervisors employed by more than one county, by a majority vote of the members of the several county boards of the counties served, on the nomination of the county superintendents, to serve for a period to be determined by the county convention of school directors, not to exceed the end of the county superintendent's term of office.

Section 25. Section 1109 of the act, amended June 28, 1951 (P. L. 930), is amended to read:

Section 1109. Qualifications.—Every teacher employed to teach in the public schools of this Commonwealth must be a person of good moral character, must be at least eighteen years of age, and must be a citizen of the United States: Provided, That citizenship may be waived in the case of exchange teachers not permanently employed, and teachers employed for the purpose of teaching foreign languages.

Every principal appointed after August thirty-first, one thousand nine hundred fifty-three, employed in the public schools of this Commonwealth, who devotes one-half or more of his time to supervision and administration, shall be properly certificated by the Department of Public Instruction in accordance with such standards as the State [Council] Board of Education may establish.

Section 26. Clauses (1) and (5) and the last paragraph of section 1141 are amended to read:

Section 1141. Definitions.—For the purposes of this subdivision.—

(1) "Teacher" shall include all professional employes and temporary professional employes, who devote fifty per centum (50%) of their time, or more, to teaching or other direct educational activities, such as class room teachers, demonstration teachers, museum teachers, counsellors, librarians, school nurses, dental hygienists, home and school visitors, and other similar professional employes and temporary professional em-

ployes, certificated in accordance with the qualifications established by the State [Council] Board of Education.

\* \* \*

(5) "Master's Degree" shall mean a degree secured at a college or university approved by the [State Council of Education or its equivalent] Department of Public Instruction.

The State [Council] Board of Education shall [formulate] establish equivalents for both college certificates and master's degrees. In determining the equivalents, in the case of teachers of applied arts and vocational subjects, the State [Council] Board of Education shall give due consideration to practical experience in the field taught.

Section 27. The first paragraph of section 1161 of the act, amended May 11, 1949 (P. L. 1182), is amended to read:

Section 1161. Employment in Districts Third and Fourth Class.—The board of school directors of any school district of the third or fourth class which has no district superintendent may employ a supervising principal of the public schools of the school district or districts, under and subject to the provisions of this article governing the employment and tenure of professional employes. Every supervising principal shall be properly certificated by the Department of Public Instruction in accordance with such standards as the State [Council] Board of Education may establish.

\* \* \*

Section 28. Section 1201 of the act is amended to read:

Section 1201. Certificates Qualifying Persons to Teach.—Only those persons holding one of the following certificates shall be qualified to teach in the public schools of this Commonwealth—(1) Permanent college certificate, (2) provisional college certificate, (3) normal school diploma, (4) normal school certificate, (5) special permanent certificate, (6) special temporary certificate, (7) permanent State certificate, (8) certificates which are permanent licenses to teach by virtue of the provisions of section one thousand three hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309), as amended, which is repealed hereby, or (9) such other kinds of certificates as are issued under the [rules and regulations of] standards prescribed by the State [Council] Board of Education. The State [Council] Board of Education shall also provide for issuance of certificates by county or district superintendents to meet such emergencies or shortage of teachers as may occur.



Section 29. Section 1204 of the act, amended August 7, 1961 (P. L. 959), is amended to read:

Section 1204. Granting Provisional College Certificates.—The Superintendent of Public Instruction may grant a provisional college certificate to every person who presents to him satisfactory evidence of good moral character, and of being a graduate of [a] an approved college or university, [approved by the State Council of Education] who has completed such work in education as may be [approved by] required by the standards of the State [Council] Board of Education, and to every person who presents to him satisfactory evidence of good moral character, and of being a graduate of music, with the degree of bachelor of music of [a] an approved college or university, [approved by the State Council of Education] who has during such musical course completed the prescribed number of hours of professional studies, which certificate shall entitle him to teach for three annual school terms, and may be renewed for one additional three-year period in accordance with [criteria] standards to be established by the State, [Council] Board of Education.

Section 30. Section 1205 of the act, amended November 30, 1959 (P. L. 1612), is amended to read:

Section 1205. Issuing Permanent College Certificates.—The Superintendent of Public Instruction shall issue a permanent college certificate to every graduate of [a] an approved college or university, [approved by the State Council of Education] and of such departments therein as are approved by him, when such graduate furnishes satisfactory evidence of good moral character and successful experience of three years' teaching on a provisional college certificate in the public schools of this Commonwealth, in private institutions from which the Department of Public Instruction purchases services on a tuition basis, and in state-aided and state-owned secondary schools, and has completed such work in education as may be [approved by] required by the standards of the State [Council] Board of Education. Such <sup>1</sup>certificate shall entitle its holder to teach without further examination.

Section 31. Section 1208 of the act, amended May 9, 1949 (P. L. 939), is amended to read:

Section 1208. Summer Schools, etc.—The State [Council] Board of Education shall provide for summer schools in State [Teachers'] col-

<sup>1</sup> "certificates" in original.

leges, colleges, universities and other educational institutions, and for extension courses and correspondence courses for all teachers employed in the public school system of the Commonwealth who wish to acquire the minimum qualifications <sup>1</sup> prescribed herein, or such further qualifications as may be desirable.

Section 32. Section 1304 of the act, amended July 27, 1953 (P. L. 629), is amended to read:

Section 1304. Admission of Beginners.—The admission of beginners to the public schools shall be confined to the first two weeks of the annual school term in districts operating on an annual promotion basis, and to the first two weeks of either the first or the second semester of the school term in districts operating on a semi-annual promotion basis. Admission shall be limited to beginners who have attained the age of five years and seven months before the first day of September if they are to be admitted in the fall, and to those who have attained the age of five years and seven months before the first day of February if they are to be admitted at the beginning of the second semester. The board of school directors of any school district may admit beginners who are less than five years and seven months of age, in accordance with [rules and regulations established] standards prescribed by the State [Council] Board of Education. The board of school directors may refuse to accept or retain beginners who have not attained a mental age of five years, as determined by the county supervisor of special education or a properly certificated public school psychologist in accordance with [rules and regulations established] standards prescribed by the State [Council] Board of Education.

The term “beginners,” as used in this section, shall mean any child that should enter the lowest grade of the primary school or the lowest primary class above the kindergarten level.

Section 33. Subsection (b) of section 1311 of the act is amended to read:

Section 1311. Closing <sup>2</sup> Schools.— \* \* \*

(b) Whenever the average term attendance of pupils regularly enrolled at any one-room school in any school district of the fourth class or in any district of the third class, which is located wholly within the boundary lines of a township, is ten (10), or less than ten (10), the board of school directors shall close such school. If the board of school directors does not deem it feasible to close such school, it may present its

<sup>1</sup> “prescribed” in original.

<sup>2</sup> “Closing” in original.

petition to the [State Council of Education] Department of Public Instruction, showing the reasons why such school should not be closed. Thereupon the [State Council of Education] department shall consider such petition, and shall make such order as may seem just in the premises. If any school has been closed because the average term attendance of pupils enrolled was ten (10), or less than ten (10), and has been reopened upon order of the [State Council of Education] department, and the average term attendance is twelve (12), or more, after such reopening, such school shall be considered re-established.

Section 34. Section 1327 of the act, amended July 25, 1961 (P. L. 841), is amended to read:

Section 1327. Compulsory School Attendance.—Every child of compulsory school age having a legal residence in this Commonwealth, as provided in this article, and every migratory child of compulsory school age, is required to attend a day school in which the subjects and activities prescribed by the standards of the State [Council] Board of Education are taught in the English language. In lieu of such school attendance, any child fifteen years of age with the approval of the chief public school administrator of the administrative unit where the child resides, if such is employed, otherwise the county superintendent of schools and the approval of the Superintendent of Public Instruction, and any child sixteen years of age with the approval of the chief public school administrator of the administrative unit where the child resides, if such is employed, otherwise the county superintendent of schools, may enroll as a day student in a private trade school or in a private business school licensed by the Department of Public Instruction, or in a trade or business school, or department operated by a local school district or districts or by the county board of school directors. Such modified program offered in a public school must meet the standards prescribed by the State [Council] Board of Education or the State Board of Vocational Education. Every parent, guardian, or other person having control or charge of any child or children of compulsory school age is required to send such child or children to a day school in which the subjects and activities prescribed by the standards of the State [Council] Board of Education are taught in the English language. Such parent, guardian, or other person having control or charge of any child or children, fifteen or sixteen years of age, in accordance with the provisions of this act, may send such child or children to a private trade school or private business school licensed by the [State] Department of Public Instruction, or to

a trade or business school, or department operated by a local school district or districts or by the county board of school directors. Such modified program offered in a public school must meet the standards prescribed by the State [Council] Board of Education or the State Board of Vocational Education. Such child or children shall attend such school continuously through the entire term, during which the public schools in their respective districts shall be in session, or in cases of children of migrant laborers during the time the schools are in session in the districts in which such children are temporarily domiciled. The financial responsibility for the education of such children of migrant laborers shall remain with the school district in which such children of migrant laborers are temporarily domiciled, except in the case of special schools or classes conducted by the county board of school directors and approved by the Department of Public Instruction or conducted by the Department of Public Instruction. The certificate of any principal or teacher of a private school, or of any institution for the education of children, in which the subjects and activities prescribed by the standards of the State [Council] Board of Education are taught in the English language, setting forth that the work of said school is in compliance with the provisions of this act, shall be sufficient and satisfactory evidence thereof. Regular daily instruction in the English language, for the time herein required, by a properly qualified private tutor, shall be considered as complying with the provisions of this section, if such instruction is satisfactory to the proper county or district superintendent of schools.

Section 35. Clause (2) of section 1330, sections 1341, 1363 and 1364 of the act, are amended to read:

Section 1330. Exceptions to Compulsory Attendance.—The provisions of this act requiring regular attendance shall not apply to any child who—

\* \* \*

(2) Has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner, and has been found to be unable to profit from further public school attendance, and who has been reported to the board of school directors and excused, in accordance with regulations prescribed by the State [Council] Board of Education.

\* \* \*

Section 1341. Duty to Employ; Power of Arrest; Certification.—The board of school directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may,

employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Public Instruction, upon meeting such [requirements] standards as shall be prescribed by the State [Council] Board of Education.

Any two or more school districts may join in the appointment of an attendance officer on such terms as they may mutually agree upon.

Section 1363. Standards for Vehicles.—All vehicles hereafter purchased or placed in use for the transportation of pupils, whether owned or hired by the school district, shall conform to standards prescribed by the State [Council] Board of Education. Such standards, when promulgated by the State [Council] Board of Education, may be revised not oftener than once each year, and whenever new [requirements are made] standards are adopted, they shall be published at least six (6) months before they shall become effective, and shall apply only to vehicles thereafter purchased or put in use.

Section 1364. Transportation in Districts Under Direction of County Superintendent.—In all school districts under the direction of a county superintendent, all transportation routes to be used shall be established with the advice and assistance of the county board of school directors. District owned school buses may be used under contract with another school district to transport nonresident pupils provided the transportation is approved by the county board of school directors and the Department of Public Instruction. In any case where two or more such school districts jointly use the same transportation facilities, the cost of such transportation shall, subject to the approval of the [State Council of Education] Department of Public Instruction be apportioned among such districts by the county board of school directors. The State [Council] Board of Education shall prescribe and adopt standards and regulations, including qualifications of school bus drivers, to govern the transportation of public school pupils.

Section 36. Subsections (1), (2) and (5) of section 1372 and section

1373 of the act, amended September 12, 1961 (P. L. 1245), are amended to read:

Section 1372. (1) Standards for Proper Education and Training of Exceptional Children. The State [Council] Board of Education shall adopt and prescribe standards and regulations for the proper education and training of all exceptional children by school districts or counties singly or jointly. The [State Council of Education] Department of Public Instruction shall have power, and it shall be its duty, to determine the counties which shall be joined for the purpose of providing proper education and training of exceptional children. Standards and regulations shall recognize such factors as number of exceptional children, types of handicaps, facility of transportation, adequacy of existing provisions for exceptional children, and availability of school plant facilities.

(2) Plans for Education and Training Exceptional Children. The county board of school directors cooperatively with other county boards and with boards of directors of districts of the second, third and fourth class shall prepare and submit to the Department of Public Instruction, on or before the first day of July, one thousand nine hundred fifty-six, for its approval or disapproval, plans for the proper education and training of all exceptional children in districts of the second, third and fourth class in accordance with the standards and regulations adopted by the State [Council] Board of Education. Plans as provided for in this section shall be subject to revision from time to time as conditions warrant, subject to the approval of the Department of Public Instruction.

\* \* \*

(5) Day-Care Training Centers, Classes and Schools for the Proper Education and Training of Exceptional Children. Where in the judgment of the State Superintendent of Public Instruction, the provisions of this act relating to the proper education and training of exceptional children have not been complied with or the needs of exceptional children are not being adequately served, the Department of Public Instruction is hereby authorized to provide, including the payment of rental when necessary, maintain, administer, supervise and operate classes and schools for the proper education and training of exceptional children. Pupil eligibility for enrollment in classes for exceptional children shall be determined according to standards and regulations promulgated by the State [Council] Board of Education. For each child enrolled in any special class or school for exceptional children operated

by the Department of Public Instruction, the school district in which the child is resident shall pay to the Commonwealth, a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil" as determined for the schools operated by the district or by a joint board of which the district is a member, based upon the costs of the preceding school term as provided for in section two thousand five hundred sixty-one of the act to which this is an amendment plus a sum equal to ten (10) per centum of such tuition charges. In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Superintendent of Public Instruction shall fix a reasonable charge for such district for the year in question. In order to facilitate such payments by the several school districts, the Superintendent of Public Instruction shall withhold from any moneys due to such district out of any State appropriation, except from reimbursement due on account of rentals as provided in section two thousand five hundred eleven point one of the act to which this is an amendment, the amounts due by such school districts to the Commonwealth. All amounts so withheld are hereby specifically appropriated to the Department of Public Instruction for the maintenance and administration of centers and classes for exceptional children.

\* \* \*

Section 1373. State Reimbursement; Reports.—School districts maintaining special classes in the public schools or special public schools or providing special education, as specified in this subdivision of this article, shall receive reimbursement, as provided by this act, so long as such classes, such schools, and such special education are approved by the [State Council of Education] Department of Public Instruction as to location, constitution and size of classes, conditions of admission and discharge of pupils, equipment, courses of study, methods of instruction and qualification of teachers.

On or before the first day of November of each year, the secretary of the board of school directors in each district in which special education for exceptional children is provided shall make such reports as may be required by the Department of Public Instruction, in regard to such special education being maintained for the current school year for which [the approval of the State Council of Education] approval is desired.

Section 37. Section 1375 of the act, amended January 14, 1952 (P. L. 1925), is amended to read:

Section 1375. Uneducable Children Provided for by Department of Public Welfare.—The State [Council] Board of Education shall establish [regulations] standards for temporary or permanent exclusion from the public school of children who are found to be uneducable and untrainable in the public schools. Any child who is reported by a person who is certified as a public school psychologist as being uneducable and untrainable in the public schools, may be reported by the board of school directors to the Superintendent of Public Instruction and when approved by him, in accordance with the [regulations] standards of the State [Council] Board of Education, shall be certified to the Department of Public Welfare as a child who is uneducable and untrainable in the public schools. When a child is thus certified, the public schools shall be relieved of the obligation of providing education or training for such child. The Department of Public Welfare shall thereupon arrange for the care, training and supervision of such child in a manner not inconsistent with the laws governing mentally defective individuals.

Section 38. Section 1380 of the act, amended July 27, 1953 (P. L. 629), is amended to read:

Section 1380. Education of Blind Children Under Eight Years.—The [State Council of Education] Department of Public Instruction is authorized to educate blind children, residing in this Commonwealth, under the age of eight (8) years, whenever, from any cause, the parent or parents thereof may be unable properly to educate them. With the written consent of the parents, parent, or nearest relative, if there be no parents, or the local authorities of the proper institution district, if there be neither parents nor relatives, the [State Council of Education] Department of Public Instruction may contract with any nonsectarian institution in this State, or elsewhere, established for the education of the blind, whereby any such child may, at a cost not exceeding three dollars (\$3) per day, to be paid by the Commonwealth, out of funds appropriated to the Department of Public Instruction for the education of blind children, be educated until it shall reach the age of eight (8) years. Such education may be continued beyond the age of eight (8) years, when, for physical, mental or other proper reasons, such child or children need special care for a longer period. The contract may be canceled and the child or children removed at any time by the [State Council of Education] Department of Public Instruction. The provisions



of this section shall not repeal or modify any existing acts relative to the education of the blind.

Section 39. Clause 2 of subsection (a) of section 1421 of the act, added July 15, 1957 (P. L. 937), is amended to read:

Section 1421. Powers and Duties of the Secretary of Health and of the Superintendent of Public Instruction; Rules and Regulations.—  
(a) The technical content of the medical, dental, nursing and sanitary portions of the school health program shall be prescribed by and under the general direction of the Secretary of Health who shall—

\* \* \*

2. Suggest or recommend to the State [Council] Board of Education standards of qualification for school nurses and dental hygienists for employment by a school district or joint school board in the school health services program and advise school administrators on matters connected with carrying out the school health program.

\* \* \*

Section 40. Section 1511 of the act, amended May 9, 1949 (P. L. 939), is amended to read:

Section 1511. Subjects of Instruction; Flag Code.—In every elementary public and private school, established and maintained in this Commonwealth, the following subjects shall be taught, in the English language and from English texts: English, including spelling, reading and writing, arithmetic, geography, the history of the United States and of Pennsylvania, civics, including loyalty to the State and National Government, safety education, and the humane treatment of birds and animals, health, including physical education, and physiology, music and art. Other subjects shall be taught in the public elementary schools and also in the public high schools as may be [designated or approved by] prescribed by the standards of the State [Council] Board of Education. All such subjects, except foreign languages, shall be taught in the English language and from English texts. Each school district shall provide and distribute to each pupil, enrolled in the eighth grade of the public schools, one illustrated copy of the National Flag Code, and shall, from time to time, make available such copies as are necessary for replacements from year to year. It shall be the duty of each teacher in the public schools to make such use of the code as may, from time to time, seem proper.

Section 41. Section 1519 of the act, amended January 8, 1952 (P. L. 1857), is amended to read:

Section 1519. Teaching of Safe Driving of Motor Vehicles.—

(a) Any school district may provide for the teaching of safe driving of motor vehicles in the elementary and secondary schools of the district or in the secondary schools only, in accordance with the standardized program established by the Department of Public Instruction. In the case of pupils under the age of sixteen (16) years, such instruction shall be limited to class room instruction by those who shall possess the qualifications prescribed by the State [Council] Board of Education. In the case of pupils of the age of sixteen (16) years and over, the instruction may include practical instruction in the operation of motor vehicles on the public highways, or other places, selected by the board of school directors or by the principal of the school where the instruction is given.

(b) The board of school directors may employ and fix the compensation of qualified persons to teach the practical operation of motor vehicles on the highways, or elsewhere, who shall possess the qualifications prescribed by the State [Council] Board of Education. The board of school directors may purchase, rent or hire motor vehicles for such instruction and shall procure or require automobile liability insurance in such amounts as the board of school directors shall prescribe covering vehicles owned or operated pursuant to this section. Such insurance shall be for the public liability of the owner of the vehicle, when the owner is some one other than the school district, the employe of the school district, the employe of the owner and the pupil operating the vehicle, against claims for damages, for injuries to person or property. No liability shall attach to any individual, school director, superintendent, teacher or other school authority by reason of teaching safe driving, except that which is protected by the automobile liability insurance policies which are procured by reason of the authority granted herein.

(c) The board of school directors may appropriate and expend money of the school district for the purpose of paying the compensation of the instructors and to purchase, rent or hire motor vehicles, automobile liability insurance and to maintain and repair the same and to purchase fuel, lubricants, parts and accessories therefor.

Section 42. Section 1601 of the act, amended September 12, 1961 (P. L. 1270), is amended to read:

Section 1601. Types of High Schools; Regulations.—

High schools shall be designated either as junior high schools or senior high schools by the Department of Public Instruction when they conform to regulations promulgated by the Department of Public

Instruction in accordance with standards approved by the State [Council] Board of Education.

Section 43. Section 1604 of the act is amended to read:

Section 1604. Employment of Teachers; Subjects of Study.—Except in school districts of the first class, the board of school directors of every school district shall employ for its high school, during the entire term, a sufficient number of teachers for the teaching of any of the subjects included in the program of studies prescribed by the standards of the State [Council] Board of Education for which there shall be an application by fifteen pupils belonging to the grade in which said subject is specified in the program of studies. No pupil shall be counted among the applicants for such subject unless, in the judgment of the principal of the school, he is both qualified and entitled to take such subject in the curriculum he is pursuing. No teacher shall be employed to teach any branch other than those enumerated in his certificate.

Section 44. Section 1612 of the act, amended September 12, 1961 (P. L. 1255), September 12, 1961 (P. L. 1256), and September 12, 1961 (P. L. 1286), is amended to read:

Section 1612. State Scholarships for Pupils of Secondary Schools.—(a) For the purpose of assisting worthy young men and women graduates of secondary schools to obtain higher education, the State will award competitive scholarships of the value of two hundred dollars (\$200) per academic year for four years to enable selected students to attend any institution in the State of Pennsylvania approved by the Department of Public Instruction in accordance with standards prescribed by the State [Council] Board of Education.

(b) Beginning in September 1962, the State will award one hundred competitive scholarships, in addition to those to be awarded under subsection (a) of this section, each of the value of two hundred fifty dollars (\$250) per year for four years to enable selected students to attend any institution in the State of Pennsylvania approved by the Department of Public Instruction in accordance with standards prescribed by the State [Council] Board of Education. The scholarships to be awarded under the provisions of this subsection shall be awarded to selected students in the State at large.

(c) Appointments to such scholarships shall be made by the Department of Public Instruction in accordance with standards prescribed by the State [Council] Board of Education. Pennsylvania residents who

have graduated from out-of-state high schools shall be eligible for State scholarships. The persons entitled to such appointments shall be determined by competitive examinations to be conducted [under the supervision of the State Council of Education] by the Department of Public Instruction. Due notice of any examinations to be held under the provisions of this section shall be given in such manner as the [State Council of Education] Department of Public Instruction may prescribe.

(d) Of the scholarships to be awarded under subsection (a) of this section, one scholarship shall be awarded to each county. In any county where there is more than one entire senatorial district, one scholarship shall be awarded for each entire senatorial district.

Section 45. Clause (1) of section 1801 of the act is amended to read :

Section 1801. Definitions.—The following words and phrases as used in this article shall, unless a different meaning is plainly required by the context, have the following meanings:

(1) “State Board for Vocational Education” shall mean the State [Council] Board of Education, herein invested with powers to administer this article of this act under the designation of the State Board for Vocational Education.

\* \* \*

Section 46. Section 1906 of the act, amended September 12, 1961 (P. L. 1263), is amended to read :

Section 1906. Part of Public Schools; Standards.—General extension education shall be an integral part of the public schools of the Commonwealth and of the districts in which it is organized. It shall be under the supervision of the superintendent of the county or of the district, as are other public schools of that district. The State [Council] Board of Education shall adopt standards for the qualifications and certification of general extension teachers and leaders, pre-approval of instructional budgets and all other matters pertaining to general extension education not inconsistent with this act or other acts pertaining to the public schools of the Commonwealth.

Section 47. Section 2003 of the act, amended September 12, 1961 (P. L. 1258), is amended to read :

Section 2003. Purpose.—The colleges shall be a part of the public school system of the Commonwealth, and their purpose to serve as institutions and centers of learning for the best possible education of the youth of Pennsylvania in the arts and sciences and the education and preparation of able and dedicated teachers and for such other

purposes as may be determined by the State [Council] Board of Education. The colleges shall provide proper facilities for instruction in the arts and sciences and the instruction and education of teachers, for the boarding and lodging of students in residence, and other necessary or desirable facilities approved by the Superintendent of Public Instruction. The State colleges shall be subject to change to conform to any master plan for higher education in Pennsylvania which may be developed under the direction of the State [Council] Board of Education.

Section 48. Section 2007 of the act is amended to read:

Section 2007. Examinations; Certificates; Diplomas.—The Superintendent of Public Instruction shall prescribe and conduct such examinations of students in the several colleges as he may deem necessary to determine and fix the standards of instruction in, and of graduation from, any of the curriculums of the colleges. Each graduate from a college shall receive such a certificate or diploma as the [State Council of Education] Department of Public Instruction shall prescribe.

Section 49. Clause (5) of section 2401 of the act, amended June 18, 1959 (P. L. 472), is amended to read:

Section 2401. By Whom Audited.—The finances of every school district and of every joint school board, in every department thereof, together with the accounts of all school treasurers, school depositories, teachers' retirement funds, teachers' institute funds, directors' association funds, sinking funds, and other funds belonging to or controlled by the district, shall be properly audited as follows:

\* \* \*

(5) In any school district constituted of two or more municipal divisions by reason of the creation of a new city, borough or township, and the fact that such new city, borough or township, or a part of the original school district remaining after its separation, would constitute a fourth class school district, and the creation of such fourth class school district has not been approved, [by the State Council of Education] the auditors or the controllers of the cities, boroughs, towns, or townships last created and which do not form a separate school district shall meet annually with the auditors of the school district and participate in the audit of the school accounts, and such auditors or controllers shall have the same rights and powers as are conferred by this act upon the auditors of school accounts.

\* \* \*

Section 50. Clause (10) of section 2501 of the act, amended September 12, 1961 (P. L. 1277), is amended to read:

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

\* \* \*

(10) “Number of District Teaching Units for Purposes of Determination of Basic Account Standard Reimbursement Fraction, Subsidiary Account Reimbursement Fraction and Capital Account Reimbursement Fraction.” A school district’s or vocational school district’s number of district teaching units for purposes of determination of the basic account standard reimbursement fraction, the subsidiary account reimbursement fraction and the capital account reimbursement fraction shall be obtained as follows: (i) divide by twenty-two (22) the number of district pupils in average daily membership in a public high school and in high school grades of a laboratory school of a State-owned college during the preceding school term, (ii) divide by thirty (30) the number of district pupils in average daily membership in a public elementary school and laboratory school of a State-owned college during the preceding school term, and (iii) add the quotients obtained under (i) and (ii) above, except when the pupil-teacher ratio exceeds thirty-three (33), in which case, the sum obtained under (i) and (ii) above shall be multiplied by thirty-three (33) and the product so obtained shall be divided by the pupil-teacher ratio of the district. No school district or vocational school district shall be credited with less than one teaching unit. No school district or vocational school district shall be assigned a basic account standard reimbursement fraction lower in value than the minimum instruction subsidy divided by the maximum instruction subsidy. All one-room schools operated in accordance with the provisions of this act shall, if their operation is approved, [by the State Council of Education] be credited with at least one teaching unit. The State [Council] Board of Education shall withhold its approval of any one-room one-teacher school, unless (i) topography, distance or condition of roads are such as to make transportation of pupils impractical, or (ii) it is impossible to accommodate pupils in existing graded schools in the district or other districts, or (iii) the district is financially unable to construct a consolidated school.

\* \* \*

Section 51. Subsection (b) of section 2502 of the act, amended July 13, 1957 (P. L. 864), is amended to read:

Section 2502. Payments on Account of Instruction.—\* \* \*

(b) Notwithstanding the foregoing provisions of this section, when because of sparsity of population, road or climatic conditions, or lack of other available high school facilities, the [State Council of Education]

Department of Public Instruction has approved the continued operation of a small high school, the district shall receive an amount based on a number of teaching units equal to the number of teachers approved by the [State Council of Education] department as being required to provide a satisfactory educational program in such school, provided, that the number of teachers employed is not less than the number approved.

\* \* \*

Section 52. Subsection (d) of section 2502.1 of the act, amended December 30, 1959 (P. L. 2088), is amended to read:

Section 2502.1. Supplemental Payments.—\* \* \*

(d) In the case of school districts of the second class which became districts of that class as the result of the merger or the union of two or more districts of the third class or two or more districts of the fourth class or two or more districts of both classes, in compliance with provisions of a county plan for the reorganization of school administrative units and attendance areas established by the county board of school directors and approved [by] pursuant to the standards of the State [Council] Board of Education, and in the case of merged and union districts which became or which hereafter become school districts of the second class by virtue of population growth, eight hundred dollars (\$800) per teaching unit multiplied by the district's subsidiary account reimbursement fraction, and further in the case of school districts which result from the merger of the union of a district of the first Class A or of a district of the second class subsequent to the first Monday of July, 1961, with one or more districts of the third class or with one or more districts of the fourth class during the first year that supplemental payments are payable, eight hundred dollars (\$800) per teaching unit multiplied by twice the total number of teaching units reported by the third and fourth class districts of such merged or union district for the year immediately preceding the effective date of the merger or the union and by the subsidiary account reimbursement fraction of the district of residence for each year thereafter, eight hundred dollars (\$800) per teaching unit multiplied by the total number of teaching units reported by such merged or union district less the number of teaching units for which no payment was allowed on the first payment and by the subsidiary account reimbursement fraction of the district of residence.

\* \* \*

Section 53. The last three paragraphs of section 2502.1 of the act, amended September 12, 1961 (P. L. 1277) or added August 8, 1963 (P. L. 564), are amended to read:

Section 2502.1. Supplemental Payments.—\* \* \*

The supplemental payments specified for joint board membership shall be made only for organizations established and operated in accordance with standards and regulations prescribed by the State [Council] Board of Education and approved by the Department of Public Instruction.

All of the foregoing payments provided for in this section shall be terminated with the payments on account of the school year 1965-1966.

Supplemental payments shall be made on account of the school year 1966-1967 and every school year thereafter to all school districts on account of pupils enrolled in elementary and secondary schools in the amount of eight hundred dollars (\$800) per teaching unit multiplied by the district's subsidiary account reimbursement fraction. In the case of area technical schools, and in addition to the supplemental payments hereinabove provided, the following payments shall be made on account of pupils enrolled in area technical schools in which the district of residence participates: (1) eight hundred dollars (\$800) per eleven thousand eight hundred eighty class hours membership or more for pupils attending part time multiplied by the subsidiary account reimbursement fraction, or (2) eight hundred dollars (\$800) per teaching unit for pupils attending full time multiplied by the subsidiary account reimbursement fraction. Children who are in average daily membership in laboratory schools of State-owned colleges shall be included in the computation of teaching units for supplemental payments to school districts.

Section 54. Section 2518 of the act, amended September 12, 1961 (P. L. 1257), is amended to read:

Section 2518. Forfeitures for Employing Certain Teacher.—In the event that after the first day of July one thousand nine hundred fifty-one, any school district, or county board of school directors with respect to area technical schools, for a period of two successive years employs the same teacher, who holds only an emergency certificate for any grade or subject which he teaches, or for a period of two successive years, employs in the same position teachers, who hold only an emergency certificate for any grades or subjects which they teach, such school district or board shall forfeit the sum of three hundred dollars (\$300) for each teacher so employed or for each position so filled. No such penalty shall be imposed for any violation of the foregoing provision during the biennium one thousand nine hundred forty-seven—one thousand nine hundred forty-nine. Any school district or county board of school directors with respect to area technical schools that now or hereafter employs any teacher, who does not hold any form of teacher certification to



teach in the public schools of this Commonwealth, valid for the subjects or grades in which the teacher is giving instruction, shall forfeit one reimbursement unit for each such teacher employed. Any school district or county board of school directors with respect to area technical schools that employs any person in a supervisory capacity after the first Monday of July, 1962, who has not been certified for such position by the [State Council of Education] Department of Public Instruction, shall forfeit one reimbursement unit for each such person employed: Provided, That there shall not be any forfeiture for any uncertificated person who is employed in a supervisory capacity if such person was in the employ of any school district on or before July 1, 1962. Forfeiture shall apply only to uncertificated persons who are hired in a supervisory capacity after July 1, 1962. Any school district or county board of school directors with respect to area technical schools that employs a substitute after July first, one thousand nine hundred fifty-two, in a position where a vacancy exists for a full year or more, without the specific written approval of the Superintendent of Public Instruction, shall forfeit one reimbursement unit for each substitute so employed. The Superintendent of Public Instruction shall deduct such sum or sums from the amount of the Commonwealth appropriation otherwise due such district or board under the provisions of this act.

Section 55. Section 2525 of the act, added September 12, 1961 (P. L. 1274), is amended to read:

Section 2525. Audio-Visual Libraries and Instructional Materials Centers.—Annually, before the first day of July, every first class school district or county board of school directors, which operates or participates in the operation of an audio-visual library and instructional materials center, shall submit to the Department of Public Instruction a report of the cost of operating or participating in the operation of such audio-visual library and instructional materials center.

Whenever funds become available from any source whatever for the purpose of (1) making special grants to first class school districts and county boards of school directors to operate or participate in the operation of audio-visual libraries and instructional materials centers in accordance with policies approved by the State [Council] Board of Education, or (2) purchasing mobile units and/or portable exhibits for use in connection with or independently of established audio-visual libraries and instructional materials centers, or either of them, the Department of Public Instruction may expend such funds for such purpose or purposes in amounts to be determined by the Department of Public

Instruction in accordance with policies approved by the State [Council] Board of Education. This section shall not be construed to authorize the expenditure of any State funds for such purposes unless specifically appropriated by the General Assembly.

Section 56. Clause (4) of the second paragraph of section 2541 of the act, amended December 22, 1959 (P. L. 1975), is amended to read:

Section 2541. Payments on Account of Pupil Transportation.—\* \* \*

Such payments for pupil transportation shall be made in the following cases:

\* \* \*

(4) To all third and fourth class school districts, for pupils transported to and from approved consolidated schools or approved joint consolidated schools or approved vocational district schools living one and one-half miles or more from the school of attendance.

Consolidated schools or joint consolidated schools or vocational district schools shall so long as they are approved by the [State Council of Education] Department of Public Instruction as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, condition of admission, expenditures of money, methods and means of transportation and the contracts providing therefor, constitute approved consolidated schools or approved joint consolidated schools or approved vocational district schools.

\* \* \*

Section 57. Section 2543 of the act is amended to read:

Section 2543. Sworn Statement of Amount Expended for Reimbursable Transportation; Payment; Withholding.—On or before the first day of July of each year, each school district entitled to reimbursement on account of pupil transportation 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 reimbursable transportation of pupils to and from school, and any amount expended during the previous school year for board and lodging in lieu of <sup>1</sup> reimbursable transportation. On the basis of such 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 school year as is provided for in this act. The [State Council of Education] Department of Public Instruction may, for cause specified by it, [direct the withholding of] withhold such reimbursement,

<sup>1</sup> "reimbusable" in original.

in any given case, permanently, or until the school district has complied with the law or regulations of the State [Council] Board of Education.

Section 58. Section 2574.1 of the act, added September 12, 1961 (P. L. 1268), is amended to read:

Section 2574.1. Payments on Account of Building Site Costs.—Whenever any school district acquires a site for a school building in advance of its need and in accordance with a long range master plan for school building construction approved by the [State Council of Education] Department of Public Instruction to the extent that the cost of the acquisition shall be deemed reasonable by the Department of Public Instruction, the Commonwealth shall pay, in the year of such acquisition, fifty per cent (50%) of the reimbursement due the district under applicable laws in force at that time for the cost of acquisition; the balance due the district on account of the original approved site acquisition cost shall become part of the approved reimbursable rental or sinking fund charge at the time the school building project is approved and shall be subject to such applicable laws as may be in effect at that time. If such site is not thereafter used by the district for school building purposes, the amounts paid to the district under this section shall be returned to the Commonwealth.

Section 59. Subsection (a) of section 2576 of the act, amended July 11, 1957 (P. L. 775), is amended to read:

Section 2576. Approval of Department of Public Instruction.—(a) No payment shall be made to any school district on account of any lease entered into with the State Public School Building Authority or any municipality authority or nonprofit corporation under section 758 of this act or any profit or nonprofit corporation, partnership, association or person under section 791 of this act or on account of sinking fund charges on indebtedness for school buildings unless such lease or sinking fund charge is approved by the Department of Public Instruction. Except as hereinafter provided, the Department of Public Instruction may give its approval to any lease heretofore or hereafter entered into and to any payments on account of sinking fund charges on indebtedness for school buildings if it shall find in the case of all school districts, except school districts of the first class, first class A and second class which are not part of a county-wide plan, that the leased project or the project for which the indebtedness is incurred, is in conformance with county-wide plans prepared by the county board of school directors and approved [by] pursuant to the standards of the State [Council] Board of Education for the orderly development of improved attendance areas

and administrative units and for the improved housing of public schools in the Commonwealth, and in the case of all school districts, that the school building will conform with standards and regulations prescribed by the department with respect to educational and architectural design, building materials, fixtures and equipment, location, usefulness for community activities, safety, comfort and convenience, and that the school district or school districts which incur the indebtedness or to which the project is to be leased will have the ability to meet from current revenues the rental or sinking fund charge or their respective shares of rental or sinking fund charge and to defray the cost of their respective shares of the cost of operation and maintenance of the project.

\* \* \*

Section 60. Section 2602 of the act is amended to read:

Section 2602. Management and Custody.—All real and personal property belonging to the State School Fund shall be wholly under the control and management of the State [Council] Board of Education.

The net receipts derived in any way from, or on account of, any real or personal property belonging to the State School Fund, and all other moneys accruing to said fund, shall always be promptly paid to the State Treasurer, and kept by him in a separate account, subject to the disposal of the State [Council] Board of Education as herein provided.

The State Treasurer shall deposit said funds in the properly authorized depositories for State funds, and shall add to such funds the interest received from the depositories for the use of the same. All income derived from any investments of the State School Fund shall be paid to the State Treasurer, and kept deposited as herein provided in a separate account, subject to the order of the State [Council] Board of Education. The State Treasurer and his bondsmen shall be responsible for the safekeeping of, and accounting for, said funds, in the same manner and under the same penalties as for the safekeeping of, and accounting for, the other funds of this Commonwealth.

Section 61. Sections 2603, 2604 and 2605 of the act, amended January 7, 1960 (P. L. 2101), are amended to read:

Section 2603. Investments.—The State [Council] Board of Education shall promptly invest, and keep invested as constantly as possible, to the best advantage of the State School Fund, all appropriations, <sup>1</sup>devises, gifts, and other receipts for this purpose, as a permanent State School Fund. Investments of the permanent State School Fund may be made only in bonds properly issued by the Government of the United States,

<sup>1</sup>“devices” in original

the Commonwealth of Pennsylvania, a school district in this Commonwealth, or in municipal bonds in which savings banks of Pennsylvania are authorized by law to invest their deposits, and all such investments must be first approved by the Auditor General.

Such investments shall be converted into cash whenever necessary to make the payments provided for in this article, and to pay for salaries and wages, purchase of supplies and other necessary and pertinent expenses of administration of this article.

Section 2604. Use of Fund Appropriation.—In addition to equalizing educational opportunities throughout the Commonwealth, the State [Council] Board of Education may expend moneys from the State School Fund of Pennsylvania for the purpose of paying a part of the costs of repairs and/or <sup>1</sup> alterations to local public school buildings or buildings used by State [teachers'] colleges, which repairs and/or alterations are necessary to satisfy fire and safety standards or requirements and which are required by order of the Department of Labor and Industry, or in those cases in which the Department of Labor and Industry does not have jurisdiction, then by order of another governmental body of competent jurisdiction empowered by law to enforce such orders, including cities of the first class, cities of the second class, and cities of the second class A.

As much of the moneys in the State Fund of Pennsylvania, including principal and income, as may be necessary, is specifically appropriated to the State [Council] Board of Education to be used for the purposes and in the manner prescribed in this act.

Section 2605. Payments; How Made.—Applications for approval of the proposed work shall be submitted to the [Bureau of School Buildings] Department of Public Instruction and no project shall be undertaken until such application, together with plans and specifications, have been approved by the [Bureau of School Buildings] department.

Upon approval of the project, applications for payments, as hereinafter provided, may be made by the board of school directors of a school district or by a joint school board and by the trustees of a State [teachers'] college to the Department of Public Instruction in such form as the State [Council] Board of Education, with the approval of the Auditor General, Superintendent of Public Instruction and Secretary of Labor and Industry shall prescribe. Applications for payments under provisions of this act shall be considered in the order in which they are filed with the Department of Public Instruction.

<sup>1</sup> "alternations" in original

Applicants may qualify for payments on account of repairs and/or alterations made in compliance with orders issued subsequent to December 1, 1958, by the Department of Labor and Industry or by other governmental bodies of competent jurisdiction empowered by law to enforce such orders, including the cities of Philadelphia, Pittsburgh and Scranton.

Payments shall be made on order of the State [Council] Board of Education, signed by the [president] chairman and secretary thereof, drawn on the State Treasurer on such funds when the applications therefor have been approved by the Auditor General, the Superintendent of Public Instruction and the Secretary of Labor and Industry, provided the State [Council] Board of Education may grant ad interim authority to the Superintendent of Public Instruction to issue orders, which shall be confirmed by the [council] board at its next regular meeting. In the case of school districts which have less than three hundred fifty thousand dollars (\$350,000) valuation per district teaching unit, payments may be approved up to seventy-five per centum of the total cost of repairs and/or alterations. In the case of school districts which have more than three hundred fifty thousand dollars (\$350,000) but less than seven hundred fifty thousand dollars (\$750,000) valuation per district teaching unit, payments may be approved up to fifty per centum of the total cost of repairs and/or alterations. In the case of school districts which have more than seven hundred fifty thousand dollars (\$750,000) but less than one million <sup>1</sup>dollars (\$1,000,000) valuation per district teaching unit, payments may be approved up to twenty-five per centum of the total cost of repairs and/or alterations. Where school districts have more than one million dollars (\$1,000,000) valuation per district teaching unit, payments may be approved up to five per centum of the total cost of repairs and/or alterations. Payments up to one hundred per centum of the total cost of repairs and/or alterations may be approved in the case of applications made by State [teachers'] colleges and school districts which are determined by the Superintendent of Public Instruction to be financially handicapped and distressed in accordance with the provisions of this act. In no case shall any payment be made for repairs and/or alterations made to any school building which is closed finally by the Department of Labor and Industry or the Department of Public Instruction.

Except in the case of State [teachers'] colleges, payment on account

<sup>1</sup> "dollars" not in original

of any project under the provisions of this act shall preclude any further reimbursement from State funds for the project.

Section 62. Section 2606 of the act is amended to read:

Section 2606. Reports of Condition of Fund.—The State Treasurer shall report to the State [Council] Board of Education, at such times as the [council] board requests, the conditions of said fund, and shall in his annual report make an itemized statement of the receipts, disbursements, and amount on hand of said school fund and its incomes. The State [Council] Board of Education shall annually make to the Governor and to the Auditor General a complete detailed report of the condition of said fund, including its receipts, expenditures and investments.

Section 63. This act shall take effect immediately.

APPROVED—The 21st day of October, A. D. 1965.

WILLIAM W. SCRANTON

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No. 313

AN ACT

SB 854

Amending the act of December 22, 1951 (P. L. 1726), entitled "An act relating to the loyalty to the United States and the Commonwealth of Pennsylvania of public officers and employes, including teachers and other employes of the public school system, and officers and employes of State-aided institutions of learning; requiring oaths or affirmations by applicants for public office or employment and by present appointed officers and employes; prohibiting appointment or employment and requiring discharges after hearing in certain cases; imposing conditions on the payment of appropriations to State-aided institutions of learning; requiring statements under oath or affirmation of candidates for elective public offices; and imposing duties on State and local appointing authorities and certain other State officers," excluding from the provisions of the act certain teachers who have declarations of intent to secure United States citizenship.

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

Section 1. Subsection (c) of section 15, act of December 22, 1951 (P. L. 1726), known as the "Pennsylvania Loyalty Act," added September 1, 1961 (P. L. 1149), is amended to read:

Section 15. Effect and Applicability of Act.—\* \* \*

(c) The provisions of this act shall not apply to teachers in the State colleges, who are citizens or subjects of the foreign governments and whose appointments to these positions shall be temporary, and shall not