

reason of his having been drafted shall expire ninety (90) days after the expiration of the period for which he was drafted.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 13th day of June, A. D. 1963.

WILLIAM W. SCRANTON

No. 94

AN ACT

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," abolishing the State Council of Education; creating a State Board of Education and granting to it certain powers, and providing for a Council of Basic Education and a Council of Higher Education; and granting certain powers and duties to the Department of Public Instruction and the superintendent of Public Instruction.

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

The Administrative Code of 1929.

Section 1. So much as relates to the Department of Public Instruction of section 202, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," amended January 8, 1960 (P. L. 2130), is amended to read:

Section 202, act of April 9, 1929, P. L. 177, amended January 8, 1960, P. L. 2130, further amended.

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

* * * * *

In the Department of Public Instruction,
[State Council of Education,]

State Real Estate Commission,
 Pennsylvania State Board of Censors,
 Public School Employes' Retirement Board,
 Board of Trustees of Thaddeus Stevens Trade School,
 Board of Trustees of Pennsylvania State Oral School
 for the Deaf,
 Board of Trustees of Scotland School for Veterans'
 Children,
 Board of Trustees of West Chester State College,
 Board of Trustees of Millersville State College,
 Board of Trustees of Kutztown State College,
 Board of Trustees of East Stroudsburg State College,
 Board of Trustees of Mansfield State College,
 Board of Trustees of Bloomsburg State College,
 Board of Trustees of Shippensburg State College,
 Board of Trustees of Lock Haven State College,
 Board of Trustees of Indiana State College,
 Board of Trustees of California State College,
 Board of Trustees of Slippery Rock State College,
 Board of Trustees of Edinboro State College,
 Board of Trustees of Clarion State College,
 Board of Trustees of Cheyney State College,
 State Board of Medical Education and Licensure,
 State Board of Pharmacy,
 State Dental Council and Examining Board,
 State Board of Optometrical Examiners,
 State Board of Osteopathic Examiners,
 State Board of Nurse Examiners,
 State Board of Barber Examiners,
 State Board of Cosmetology,
 State Board of Veterinary Medical Examiners,
 State Board of Chiropractic Examiners,
 State Board of Chiropody Examiners,
 State Board for the Examination of Public Account-
 ants,
 State Board of Examiners of Architects,
 State Registration Board for Professional Engineers,
 Public Service Institute Board,
 State Board of Private Academic Schools,
 State Board of Private Business Schools,
 State Board of Private Trade Schools,
 State Board of Private Correspondence Schools,
State Board of Education.

* * * * *

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

Section 408
repealed.

Section 2. Section 408 of the act is repealed.

Act amended by
adding a new
section 408.1.

Section 3. The act is amended by adding, after section 408, a new section to read:

Section 408.1. The State Board of Education.—The State Board of Education shall consist of seventeen members, seven of whom shall also serve as members of the Council of Basic Education, seven of whom shall also serve as members of the Council of Higher Education, and three of whom shall be members at large. Each member shall be appointed by the Governor, by and with the advice and consent of two-thirds of all the members of the Senate, and shall, except as hereinafter provided, hold office for terms of six years each and until his successor has been appointed and has qualified. Members shall receive no salary but shall be entitled to travel and other necessary expenses incurred in the performance of their duties as members of the board.

Nine members shall constitute a quorum provided that at least four members serving on each of the councils are present. The affirmative vote of a majority of all the members of the board duly recorded showing how each member voted shall be required in order to take action adopting policies, standards, rules and regulations. The board shall meet at least five times a year at such times and places as it shall determine. Special meetings may be called by the chairman or at the request of a majority of the members of the board.

Of the members first appointed, three shall be appointed for a term of one year, three shall be appointed for a term of two years, three shall be appointed for a term of three years, three shall be appointed for a term of four years, three shall be appointed for a term of five years, and two shall be appointed for a term of six years. Thereafter, all terms shall be for six years, except that an appointment to fill a vacancy shall be for the unexpired term.

The Governor shall designate, to serve at his pleasure, a member as Chairman of the State Board of Education.

None of the members of the board serving at large and not more than two members serving on each council shall be employed either in a school system in the Department of Public Instruction or by any educational institution. At least two members serving on each council shall have had previous experience with technical education or training.

For the purpose of formulating policy proposals applicable to basic technical education and higher education in the Commonwealth, there shall be two councils to consist of seven members of the board each, and to be known as the Council of Basic Education and the Council of Higher Education. The Governor shall designate to serve at his pleasure a member serving on each council to act as chairman of the council. Each council shall meet at the call of its chairman or at the request of a majority of the members of the council. The chair-

man of the board and the members at large shall be entitled to attend the meetings of the councils. The chairman of the board may appoint special joint committees from among the members of the board to formulate policy proposals in those areas which fall within the purview of both of the councils. The board shall employ and fix the compensation of such staff as is deemed necessary to perform the duties of the board. The board shall assign a member of the staff to each of the councils to serve as executive secretary.

The Superintendent of Public Instruction, or his designated representative, shall be the chief executive officer of the State Board of Education and shall be entitled to attend all meetings of the board and the councils, and shall have the right to speak on all matters before the board and the councils but not to vote.

Clause (k),
section 1302 of
act added May
15, 1945, P. L.
540, amended.

Section 4. Clause (k) of section 1302 of the act, added May 15, 1945 (P. L. 540), is amended to read:

Section 1302. Public Schools.—The Department of Public Instruction shall have the power, and its duty shall be:

* * * * *

(k) To hold examinations in secondary school subjects, at suitable times and places, to be designated by the Superintendent of Public Instruction, for the determination of the fitness of applicants unable to present satisfactory certificates showing completion of secondary school courses, and to issue such certificates to those found proficient: Provided, That admission to such examinations shall be denied any applicant eighteen years of age or under regularly enrolled in an accredited secondary school, and no applicant eighteen years of age or under not enrolled in an accredited secondary school, shall be allowed to obtain more units of secondary school credits through such examinations, during any year, than could be carried during any year through enrollment in an accredited secondary school; and to authorize accredited secondary schools to hold similar examinations and grant similar certificates under rules, regulations and standards issued by the Department of Public Instruction.

To establish and publish standards whereby the secondary education of any resident of Pennsylvania, who has not fully completed his or her studies in an accredited secondary school, but has otherwise completed educational studies of an equivalent standard, may be determined and evaluated. The department may, under rules and regulations issued by it, grant credits, certificates or diplomas for secondary school education for educational courses offered by—

- (1) The military, naval or merchant marine services.
- (2) The Armed Forces Institute.
- (3) Evening or extension courses established by schools and colleges, accredited or approved by the [State Council of Education, or the] Department of Public Instruction.
- (4) Institutions maintained by the Commonwealth.

The Department of Public Instruction may, under rules and regulations issued by it, authorize accredited secondary schools to determine and evaluate secondary school subjects, grant credits, certificates and diplomas in like manner.

Section 5. Section 1302 of the act is amended by adding, after clause (k), a new clause to read:

Section 1302 of act, amended by clause (l).

Section 1302. Public Schools.—The Department of Public Instruction shall have the power, and its duty shall be:

* * * * *

(l) To inspect and require reports of the educational work in the elementary and secondary schools and institutions, wholly or partly supported by the State, which are not supervised by the public school authorities: Provided, That a copy of the report of the inspection of any such institution which may be made shall be sent to the head of such institution.

Section 6. Section 1307 of the act is repealed.

Section 1307 repealed.

Section 7. The act is amended by adding, after section 1316, four new sections to read:

Act amended by adding four new sections 1317, 1318, 1319 and 1320.

Section 1317. The Powers and Duties of the State Board of Education.—

(a) The State Board of Education shall have the power, and its duty shall be, to review the policies, standards, rules and regulations formulated by the Council of Basic Education and the Council of Higher Education, and adopt broad policies and principles and establish standards governing the educational program of the Commonwealth:

(b) The State Board of Education shall:

(1) Hear appeals of schools districts which consider themselves aggrieved by a decision of the Council of Basic Education approving a county plan of organization of administrative units, or approving or disapproving an application for the creation of a new school district, or change in the boundaries of an existing school district;

(2) Establish, whenever deemed advisable, committees of professional and technical advisors to assist the

councils in performing research studies undertaken by them;

(3) Review annually the budget requests of the Department of Public Instruction and the budget requests of educational institutions not part of the public school system and return such requests to the department with comments, if any, prior to their submission to the budget secretary; and

(4) Make all reasonable rules and regulations necessary to effectuate the purposes of this act and carry out all duties placed upon it by law.

Section 1318. Cooperation Between the State Board of Education and Department of Public Instruction.—Educational policies, standards, rules and regulations promulgated by the State Board of Education shall be binding upon the Department of Public Instruction. The department shall submit to the State Board of Education for approval, modification or rejection all rules and regulations proposed by the department in the areas under the policy control of the State Board of Education. The Department of Public Instruction shall furnish upon request of the State Board of Education such data and information as the board may from time to time require, and the department shall provide administrative services for and on behalf of the board for the implementation of the board's policies, standards, rules and regulations.

Section 1319. Program and Procedure.—(a) The State Board of Education shall engage in a constant review and appraisal of education in the Commonwealth. The board's evaluation shall take into account such matters as educational objectives, alternative organizational patterns, alternative programs of study, and the operating efficiency of the educational system. The chairman of the State Board of Education shall refer all studies and investigations to one of its councils as hereinafter provided, and shall receive and place on the board's agenda the findings and recommendations of the councils for appropriate action by the board.

(b) The Council of Basic Education shall have the power, and its duty shall be to:

(1) Approve each county plan for the organization of administrative units submitted to the department for approval or prepared by the department.

(2) Review the annual budget requests for all educational programs other than higher educational programs.

(3) Investigate programs, conduct research studies and formulate policy proposals in all educational areas

not within the purview of higher education including, but not limited to,

(a) The creation, merger, consolidation and reorganization of school districts, the establishment of joint schools, area technical schools and such other administrative organizations as may be provided by law;

(b) The operation of small high schools, one-room schools, summer schools, extension education programs and such other special schools as may be provided by law;

(c) The location, design, safety, health and educational features of public school buildings and equipment;

(d) The transportation of public school pupils, vehicle characteristics and driver qualifications;

(e) Admission, attendance, graduation and other separation requirements;

(f) The education and training of exceptional children;

(g) The subjects to be taught and the activities to be conducted in elementary, secondary, adult education and other schools; and

(h) The qualifications for employment of professional personnel in the public schools.

(4) Encourage and promote such agricultural, industrial, vocational and technical education programs as the needs of the Commonwealth may from time to time require; and

(5) Investigate and, if deemed appropriate, make recommendations pertaining to the work of any schools of design, schools of industrial arts or industrial schools to which the General Assembly may make an appropriation.

(c) The Council of Higher Education shall have the power, and its duty shall be to:

(1) Develop a master plan for higher education in the Commonwealth, including a system of community colleges as provided by law;

(2) Review the annual budget requests of institutions of higher education;

(3) Develop standards for the approval of colleges and universities for the granting of certificates and degrees;

(4) Develop standards for all higher education building projects involving the use of State funds or the funds of any Commonwealth instrumentality; and

(5) Investigate programs, conduct research studies and formulate policy proposals in all areas pertaining

to higher education in the Commonwealth, including a system of community colleges and technical institutes as provided by law.

Section 1320. Reports and Recommendations.—Biennially in January in odd-numbered years, the State Board of Education shall submit a comprehensive report of its activities to the Governor and the General Assembly together with its recommendations for improvements in education in the Commonwealth. The board's reports shall include a statement outlining the expected benefits and projected costs of any recommended course of action.

Act effective immediately.

Section 8. This act shall take effect immediately. The terms of office of the members of the State Council of Education abolished by the provisions of this act shall expire on the effective date of this act.

APPROVED—The 17th day of June, A. D. 1963.

WILLIAM W. SCRANTON

No. 95

AN ACT

Amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth *classes; amending, revising, consolidating and changing the laws relating thereto," providing that no elected county officer or county solicitor shall at the same time serve as treasurer or tax collector of any city, borough, incorporated town or township.

The County Code.

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

Subsection (a), section 402, act of August 9, 1955, P. L. 323, amended.

Section 1. Subsection (a) of section 402, act of August 9, 1955 (P. L. 323), known as "The County Code," is amended to read:

Section 402. Incompatible Offices.—(a) No elected county officer or county solicitor shall, at the same time, serve as a member of the legislative body of any city, borough, town or township of any class, *nor as treasurer or tax collector of any city, borough, incorporated town or township*, nor as school director of any school district, nor as a member of any board of health.

* * * * *

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 19th day of June, A. D. 1963.

WILLIAM W. SCRANTON

* "classes" in original.