

No. 125

AN ACT

SB 1231

Amending the act of March 10, 1949 (P.L.30, No.14), 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," further providing for school athletics and organizations and for confidentiality of student communications; increasing the maximum subsidy payable on account of instruction and the minimum reimbursement per pupil and providing for use of the increase in the school year 1973-1974; changing provisions relating to payments on account of poverty and providing for minimum payments; providing for a modified schedule of subsidy payments to school districts; and further providing for certain reimbursements for pupil transportation.

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

Section 1. Subsection (b.1) of section 511, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," added October 16, 1972 (P.L.916, No.219), is amended to read:

Section 511. School Athletics, Publications, and Organizations.—
* * *

(b.1) Private schools shall be permitted, if otherwise qualified, to be members of the Pennsylvania Interscholastic Athletic Association *except that private schools located in cities of the second class which are members of the Pennsylvania Interscholastic Athletic Association shall, if they so elect, be assigned to a district or section outside of the geographical boundary of the second class city but contiguous thereto, and shall participate in Pennsylvania Interscholastic Athletic Association sponsored athletic contests in that section. The association shall not prohibit a private school from being a member solely on the grounds that the coach or a member of the coaching staff of any athletic team is not a teacher, or professional employe, either full-time or part-time, at such private school, except that this provision shall not apply to coaches or members of the coaching staff initially employed after January 1, 1965.*

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Section 2. Section 1319 of the act, added December 6, 1972 (P.L.1335, No.287), is amended to read:

Section 1319. Confidentiality of Student Communications.—No guidance counselor, school nurse, [or] school psychologist, *or home and school visitor* in the public schools or in private or parochial schools or other educational institutions providing elementary or secondary education, including any clerical worker of such schools and institutions, who, while in the course of his professional *or clerical* duties for a guidance counselor, *home and school visitor*, school nurse or school psychologist, has acquired information from a student in

confidence shall be compelled or allowed without the consent of the student, if the student is eighteen (18) years of age or over, or, if the student is under the age of eighteen (18) years, without the consent of his or her parent or legal guardian, to disclose that information in any legal proceeding, civil or criminal, trial, investigation before any grand, traverse or petit jury, or any officer thereof, before the General Assembly or any committee thereof, or before any commission, department or bureau of this Commonwealth, or municipal body, officer or committee thereof. Notwithstanding the confidentiality provision of this section, no such person shall be excused or prevented from complying with the act of August 14, 1967 (P.L.239, No.91), entitled "An act relating to gross physical neglect of, or injury to, children under eighteen years of age; requiring reports in such cases by examining physicians or heads of institutions to county public child welfare agencies; imposing powers and duties on county public child welfare agencies based on such reports; and providing penalties."

Section 3. Clauses (12) and (15) of section 2501, subsection (d) of section 2502, sections 2502.3, 2502.4 and 2502.5, of the act amended or added August 18, 1971 (P.L.339, No.88), are amended to read:

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

* * *

(12) "State's Share of Total Cost." For the school year 1966-1967 and each school year thereafter, the State's share of total reimbursable cost shall be fifty percent (50%). Total reimbursable cost shall be the lesser of actual expense per WADM as defined in clause (11.1) or a maximum amount to be fixed by the General Assembly from time to time to represent the estimated average actual expense per WADM in the year for which the reimbursement is to be payable. For the school year commencing the first day of July [within the year of the effective date of this amendment through the school year 1969-1970, the maximum amount shall be five hundred fifty dollars (\$550). For the 1970-1971 school year, the maximum amount shall be six hundred twenty dollars (\$620). For the 1971-1972 school year and each school year thereafter the maximum amount shall be six hundred sixty-five dollars (\$665)] *1973 and each school year thereafter the maximum amount shall be seven hundred fifty dollars (\$750)*. The Secretary of Education annually shall calculate the State average "actual instruction expense per weighted average daily membership" and shall supply the same to the General Assembly to assist the General Assembly in evaluating the adequacy of such maximum amount.

* * *

(15) "Minimum Subsidy." In no case shall a district receive for each pupil in weighted average daily membership through the school year 1969-1970, an amount less than ten percent (10%) of the actual cost of

instruction or fifty-five dollars (\$55) whichever is the lesser amount. For the school year [1970-1971 in no case shall a district receive for each pupil in weighted average daily membership an amount less than ten percent (10%) of the actual cost of instruction or sixty-two dollars (\$62) whichever is the lesser amount. For the school year 1971-1972 and each school year thereafter, in no case shall a district receive for each pupil in weighted average daily membership an amount less than ten percent (10%) of the actual cost of instruction or sixty-six dollars and fifty cents (\$66.50)] 1973-1974 and each school year thereafter, in no case shall a district receive for each pupil in weighted average daily membership an amount less than ten percent (10%) of the actual cost of instruction or seventy-five dollars (\$75), whichever is the lesser amount.

* * *

Section 2502. Payments on Account of Instruction.—

* * *

(d) For the school year commencing the first day of July within the year of the effective date of this amendment and each school year thereafter, each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the aid ratio times the actual instruction expense per weighted average daily membership or by five hundred fifty dollars (\$550), whichever is less, and by the weighted average daily membership for the district. [For the school year 1967-1968 through the school year 1969-1970 each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the aid ratio times the actual instruction expense per weighted average daily membership, or by five hundred fifty dollars (\$550), whichever is less. For the school year 1970-1971, each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the aid ratio times the actual instruction expense per weighted average daily membership or by six hundred twenty dollars (\$620), whichever is less. For the school year 1971-1972 and each school year thereafter, each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the aid ratio times the actual instruction expense per weighted average daily membership or by six hundred sixty-five dollars (\$665)] For the school year 1973-1974 and each school year thereafter each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the aid ratio times the actual instruction expense per weighted average daily membership or by seven hundred fifty dollars (\$750), whichever is less. [Each school district qualifying for density and sparsity payments under section 2501, (16) or (17), shall be paid by the Commonwealth on account of instruction of

the district's pupils an amount to be determined by decreasing the actual instruction expense per weighted pupils in average daily membership (WADM) by the amount of the density or sparsity payments per WADM (except where payments are made to school districts with a WADM in excess of fifty thousand (50,000) where there shall be no decrease) but in no case shall the amount of the remainder be less than four hundred dollars (\$400) per WADM, and then by multiplying the remainder by the aid ratio and then by the WADM of the district provided that the remainder upon which payment is calculated shall not be less than four hundred dollars (\$400) nor more than five hundred fifty dollars (\$550), or for the school year 1970-1971, six hundred twenty dollars (\$620), or for the school year 1971-1972 and thereafter six hundred sixty-five dollars (\$665).]

* * *

Section 2502.3. Payments on Account of Poverty.—For the school year 1966-1967, and each school year thereafter, each school district shall be paid, in addition to any other subsidy to which it is entitled, an amount on account of children of low income families equal to the sum of (1) the number of children aged five (5) to seventeen (17) years, inclusive, in the district of families having an annual income of less than two thousand dollars (\$2,000), and (2) the number of children aged five (5) to seventeen (17) years, inclusive, in such district of families having an annual income in excess of two thousand dollars (\$2,000) which receive Commonwealth payments on account of dependent children under title iv of the Federal Social Security Act, multiplied by one hundred and twenty dollars (\$120) through the 1969-1970 school year and one hundred forty dollars (\$140) for the school year 1970-1971, *1971-1972 and 1972-1973 and one hundred sixty-five dollars (\$165) for the school year 1973-1974* and each school year thereafter.

The Secretary of Education shall determine the number of children under clauses (1) and (2) of this section from the most recent satisfactory data available in the same manner as provided under the Federal Elementary and Secondary Education Act of 1965.

For the school year 1973-1974, and each school year thereafter, for the purpose of this section, in each school district, not less than the number of children shall be counted in each category as were counted therefor under this section for the school year 1972-1973.

Section 2502.4. Additional Special Assistance Grants on Account of Low Income Families.—In addition to any other payments made to school districts, the Commonwealth for the school year [1970-1971] *1973-1974* and for each school year thereafter shall pay as a special assistance grant to each school district on account of children of low income families an amount equal to the sum of the number of children of low income families in the district multiplied by the grant per poverty pupil fixed for the percentage category of poverty pupils in average daily membership in the district according to the following table:

Percentage Category of Poverty Pupils in Average Daily Membership		Grant per Poverty Pupil
15	- 19.9 percent	\$ [25] 30
20	- 24.9 percent	[50] 60
25	- 29.9 percent	[75] 85
[over	- 30 percent]	[125]
30	- 34.9 percent	135
over	- 35 percent	150

The Secretary of Education shall determine the number of children of low income families from the most recent satisfactory data available in the same manner and according to the same standards and definitions as provided in the Elementary and Secondary Education Act of 1965 (Public Law 89-10), for assistance to local educational agencies for the education of children of low income families.

For the school year 1973-1974, and each school year thereafter, for the purpose of this section, in each school district, not less than the number of children shall be counted in each category as were counted therefor under this section for the school year 1972-1973.

Section 2502.5. Limitation of Certain Payments.—Notwithstanding any other provision of law, for the school year 1970-1971 and each school year thereafter, no school district shall be paid under subsections (d) and (e) of section 2502 or section 2592, whichever is applicable, and subsection (f) of section 2502, and section 2502.3 and section 2502.4 of this act an amount in excess of **[ninety percent (90%)] one hundred percent (100%)** of the total approved reimbursable instructional expenditures of such school district. The provisions of this section shall not apply to any school district receiving any payment under subsection (g) of section 2502 of this act.

Section 4. Section 2517 of the act, amended August 18, 1971 (P.L.339, No.88), is amended to read:

Section 2517. **[Quarterly] Tertiary** Payments.—The amount apportioned and allotted to each school district shall be divided into **[quarterly installments] three payments** and the Secretary of Education shall draw his requisition **[quarterly] three times annually** upon the State Treasurer in favor of each district for the amount to which it is entitled. The first **[three quarterly payments] two payments** shall be estimates based on but not to exceed **[twenty-five percent (25%)] thirty percent (30%)** each of the total amount apportioned and allocated to the school district during the previous school year for the same purposes. The final **[quarterly]** payment shall be the balance of the apportionment due for the applicable school year. Payment thereof shall be made to all school districts **[during the months of August, November, February and May of each year.] on the first day of October, February and June,**

except any school district whose fiscal year and calendar year are identical at the effective date of this amendatory act shall continue to receive payments as heretofore.

[Notwithstanding any other provisions of this act, this] This section shall apply to payments which a school district is entitled under any provision of sections 2502, 2592, 2502.3 or 2502.4.

Section 5. Section 2541 of the act is amended by adding a subsection to read:

Section 2541. Payments on Account of Pupil Transportation.—

* * *

(d) The Commonwealth shall reimburse the school districts for the school year 1973-1974 and for each year thereafter for the approved reimburseable costs incurred in providing transportation under section 1361 for nonpublic school pupils and under section 1362 for hazardous conditions: Provided, however, That no district shall receive less than fifty percent (50%) of such approved reimburseable costs.

Section 6. It is the legislative intent that, except in school districts of the first class and first class A, wherever possible, school districts use the additional subsidy payments to reduce school real property taxes.

Notwithstanding any other provisions of the "Public School Code of 1949" to which this is an amendment, the board of school directors of each school district except school districts of the first class is hereby authorized, for the school year 1974-1975 to reopen its 1974-1975 budget during the month of July, 1974 only and to make any revisions in the budget and tax levies heretofore adopted to reflect anticipated increases in State subsidies payable during 1974-1975 to the school district under the provisions of this act.

Section 7. This act shall take effect July 1, 1974.

APPROVED—The 26th day of June, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 125.



Secretary of the Commonwealth.