

No. 1980-30

## AN ACT

HB 11

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 intermediate unit board of directors, adoption of the intermediate unit budget, annual conventions, and powers and duties of intermediate unit boards of directors, making editorial changes and authorizing intermediate units to contract with private residential rehabilitative institutions.

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

Section 1. Section 910-A, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended April 24, 1978 (P.L.67, No.33), is amended to read:

Section 910-A. Intermediate Unit Board of Directors.—(a) **[Each]** *The* intermediate unit board of directors shall be composed of thirteen members *except as otherwise provided for in this subsection*, chosen for terms of three years from among members of the boards of school directors of school districts comprising the intermediate unit. An intermediate unit director may succeed himself without limitation as to the number of terms. **[Unless there are fewer than thirteen school districts in an intermediate unit, at]** *At* no time shall more than one director from any school district be elected to an intermediate unit board of directors. Where there are fewer than thirteen school districts within an intermediate unit, there shall be **[at least]** one school director from each school district elected to the intermediate unit board of directors. *When there are more than thirteen districts in an intermediate unit each district, as far as practicable, may have one member on the unit board, up to a maximum of twenty members.* The election of intermediate unit boards of directors shall be by proportionate ballot, and each school director of each school district within an intermediate unit shall be entitled to cast votes determined by dividing the weighted average daily membership of the school district by the total weighted average daily membership within the intermediate unit, multiplying the quotient so obtained by one thousand, dividing the product so obtained by **[thirteen]** *the number of directors as provided for above*, and rounding such dividend to the nearest whole number: Provided, however, That each school director shall have at least one vote. The Secretary of Education shall annually, not later than the first day of February, certify the weighted average daily membership for the previous school year for each school district and for each intermediate unit, and shall compute the number of votes to which each school

director of each school district within an intermediate unit shall be entitled.

(b) Except for the initial election, directors shall be elected annually **[in April] between February 1 and June 30** by convention *or by mail ballot* of the school directors of the school districts comprising an intermediate unit as follows: five every third year, four each other year. *An intermediate unit board choosing to elect members by mail ballot shall notify the secretary of the board of directors of each school district comprising the intermediate unit annually prior to January 1. The act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law shall not apply to the election of members by mail ballot.* Intermediate unit boards of directors shall organize annually in July.

(c) The initial election of directors shall be held between the effective date of this act and January 15, 1971; and thirteen directors shall be elected for terms to begin on January 15, 1971, to expire for four directors on June 30, 1972, for four directors on June 30, 1973 and for five directors on June 30, 1974. From the date of election to July 1, 1971 the directors elected initially shall serve as intermediate unit planning committees to plan for the operations of intermediate units commencing July 1, 1971.

(d) Vacancies on an intermediate unit board of directors shall be filled by appointment by majority vote of the remaining intermediate unit directors. A director so appointed shall serve until the annual **[convention] election**, at which time **[the convention shall elect]** a director *shall be elected* to serve the unexpired portion of the term. An intermediate unit director elected to fill a vacancy may succeed himself without limitations as to the number of terms. Vacancies shall occur upon the death, resignation, or removal of an intermediate unit director, or when he no longer holds office as a school director. In the event vacancies exist or occur in the membership of all of the members of an intermediate unit board of directors, a special convention, called by the Secretary of Education, shall be held of school directors of the school districts comprising the intermediate unit for the purpose of electing directors to fill the vacancies.

(e) Any member of an intermediate unit board of directors may be removed in the same manner and for the same cause as provided by law for removal of members of boards of school directors.

(f) Elections of intermediate unit directors and the organization of intermediate unit boards of directors shall be conducted in accordance with regulations adopted by the State Board of Education.

(g) In the case of an intermediate unit comprised of a single school district, the board of education of the school district shall be the intermediate unit board of directors.

Section 2. Section 911-A and clauses (6) and (11) of section 914-A of the act, added May 4, 1970 (P.L.311, No.102), are amended and section 914-A is amended by adding a clause to read:

Section 911-A. **[Annual] Conventions.**—**[The executive director of each intermediate unit shall call a convention to be held annually in April for the purpose of electing members to the intermediate unit board of directors, approval of the budget of the intermediate unit by a majority of votes of the directors present and voting and for the consideration and discussion of matters pertaining to the improvement of education in the public schools within the intermediate unit and such other business as may properly come before the convention. The executive director shall at least one week prior to such annual convention furnish each director of each district comprising the unit with a printed copy of the budget proposed for adoption.]** *The intermediate unit board of directors may direct the executive director to call a convention to be held between February 1 and June 30 for the purpose of electing members to the intermediate unit board of directors, for consideration and discussion of matters pertaining to the improvement of education in the schools within the intermediate unit, and for such other business as may properly come before the convention.* In addition, the intermediate unit board of directors may call into special convention the school directors of all school districts **[within] comprising** an intermediate unit at any time for the consideration of business which may properly come before a special convention. On petition of a majority of the school **[directors of all school] districts [within] comprising** the *intermediate* unit for a special convention for a stated purpose relating to proper business of the intermediate unit, *including the election of members to the intermediate unit board of directors*, the intermediate unit board of directors shall *direct the executive director to call into special convention the school directors of all school districts [within] comprising the intermediate unit for consideration of such stated purpose or election: Provided, That petitions for a convention to elect members of the intermediate unit board of directors must be received by the secretary of the intermediate unit board of directors no later than February 1.* Notice to each such district director shall be given at least five days prior to such special convention.

Section 914-A. **Powers and Duties of the Intermediate Unit Board of Directors.**—An intermediate unit board of directors shall have the power and its duty shall be:

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(6) To adopt and advertise the intermediate unit budget. The budget shall be approved by (i) at least a majority of the school districts comprising the intermediate unit; and (ii) at least a majority of the proportionate votes of all school directors **[present and voting in convention,]** and shall be filed annually with the **[Superintendent of Public Instruction] Secretary of Education** and advertised or notice thereof given to the public in each of its component school districts as required of local school district budgets by section 687 of this act on or before the first day of May. Budgeted expenditures shall be those

expenditures classified as current expenses, capital outlays, debt redemptions and outgoing transfers according to the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems and amendments and supplements thereto published by the Department of [Public Instruction] *Education*.

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(11) To lease land[,] *and* buildings [and equipment].

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(17) *To purchase or lease equipment and motor vehicles to be used for educational programs and services.*

Section 3. The act is amended by adding a section to read:

**Section 914.1-A. Contracts with Private Residential Rehabilitative Institutions.**—(a) *Intermediate units shall have the power to contract with private residential rehabilitative institutions for educational services to be provided to children as part of any rehabilitative program required in conjunction with the placement of a child in any such institution pursuant to a proceeding under 42 Pa.C.S. Ch.63 (relating to juvenile matters).*

(b) *The actual cost of such services shall be borne by the school district of the child's residence and the department shall effectuate the reimbursement of the various intermediate unit expenditures administratively through the deduction of an appropriate amount from the basic instructional subsidy of any school district which had resident students that were provided educational services by a private residential rehabilitative institution.*

(c) *For the purpose of this section, a "private residential rehabilitative institution" means a facility, other than one operated by a public agency, which as of December 31, 1977 provided to juveniles legally committed thereto pursuant to a proceeding under the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act," educational services as part of a total rehabilitative package, funded, at least in part, through contractual agreements with the county of which each child is a resident, whereby the institution received from the county an amount per diem for each child legally committed thereto.*

(d) *A private residential rehabilitative institution shall be exempt from administrative control by the intermediate unit contracting therewith other than those controls necessary to assure the proper expenditure of funds for the maintenance of the minimum education program provided for in the contract. Such contracts shall not require compliance with this act to any extent greater than such compliance existed on the effective date of this amendatory act.*

Section 4. This act shall take effect immediately.

APPROVED—The 6th day of April, A. D. 1980.

DICK THORNBURGH