

No. 1980-159

AN ACT

SB 1341

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," prohibiting fee sharing among school district officers, employes and consultants or persons contracting for personal services with the school district and providing for certain visual services.

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

Section 1. Section 751, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," is amended by adding a subsection to read:

Section 751. Work to be Done Under Contract Let on Bids; Exception.—* * *

(e) No person, consultant, firm or corporation contracting with a school district for purposes of rendering personal or professional services to the school district shall share with any school district officer or employe, and no school district officer or employe shall accept, any portion of the compensation or fees paid by the school district for the contracted services provided to the school district except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the board of school directors.

(2) The board of school directors must approve the sharing of any fee or compensation for personal or professional services prior to the performance of said services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of that commensurate for similar personal or professional services.

Section 2. The act is amended by adding a section to read:

Section 751.1. Architects and Engineers Employed Prohibited From Bidding on Public Works; Penalty.—It shall be unlawful for any architect or engineer, in the employ of any school district, and engaged in the preparation of plans, specifications or estimates, to bid or negotiate on any public work at any letting of such work by the school district, except that any such architect or engineer who shall have prepared preliminary plans only shall not be prohibited from bidding or negotiating on the final contract for such work.

It shall be unlawful for the officers of school districts charged with the duty of letting any public work, to award a contract to any such architect or engineer, in the employ of the school district who is in any way interested in any contract for public work for the school district or for any such architect or engineer to receive any remuneration or gratuity from any person interested in such contract except under the terms and conditions as provided in section 751 (e).

Any person violating any of the provisions of this section shall forfeit his office, and shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment for not more than six months, or both.

Section 3. The definition of "auxiliary services" in subsection (b) of section 922.1-A of the act, added August 1, 1975 (P.L.180, No.89), is amended to read:

Section 922.1-A. Auxiliary Services.—* * *

(b) Definitions. The following terms, whenever used or referred to in this section, shall have the following meanings, except in those circumstances where the context clearly indicates otherwise:

"Auxiliary services" means guidance, counseling and testing services; psychological services; *visual services as defined in section 923.2-A*; services for exceptional children; remedial services; speech and hearing services; services for the improvement of the educationally disadvantaged (such as, but not limited to, the teaching of English as a second language), and such other secular, neutral, nonideological services as are of benefit to all school children and are presently or hereafter provided for public school children of the Commonwealth.

* * *

Section 4. The act is amended by adding a section to read:

Section 923.2-A. Visual Services.—(a) Legislative Finding; Declaration of Policy. Defects in vision are health-related. It is today recognized that the diagnosis and evaluation of those defects and the rendering of instruction in skills appropriate for the education, safety and independence of children afflicted by visual impairments are closely related to their physical, mental and emotional health. Such services can best be rendered upon the premises of the school which the child regularly attends and forcing children to go to other premises in order to have such needed services is found by the General Assembly to be both inadequate and harmful. The General Assembly expressly finds and declares diagnostic, evaluative and instructional services for such children to be health services and it is the intention of the General Assembly now to make these available, on a general and even-handed basis to all school children in the Commonwealth.

(b) Definitions. As used in this section:

"Nonpublic school" means any nonprofit school, other than a public school within the Commonwealth of Pennsylvania, wherein a

resident of the Commonwealth may legally fulfill the compulsory school attendance requirements and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

“Visual services” means diagnostic, evaluative and instructional visual services for children.

(c) Provision of Services. The Secretary of Education, directly or through the intermediate units out of their allocation under section 922.1-A shall have the power and duty to furnish free to nonpublic school students, upon the premises of the nonpublic schools which they regularly attend, services adequate for the diagnosis and evaluation of visual defects and instruction and training in skills advisable for the education, independence and safety of such children, including but not limited to mobility training, provided that such services are also afforded to public school students by the public school district in which such nonpublic school is located.

Section 5. The amendments to section 751 and the addition of section 751.1 shall take effect in 60 days. The amendments to section 922.1-A and the addition of section 923.2-A shall take effect immediately and shall be applicable to the 1980-1981 school year.

APPROVED—The 10th day of October, A. D. 1980.

DICK THORNBURGH