

No. 1982-115

AN ACT

HB 517

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," providing for official school visitors; further providing for eligibility to the office of school director; for annual reports by State-owned colleges and the State-owned university; for budget reports by school districts of the first class; for school subsidies; prohibiting certain reduced payments for certain activities of school districts and making repeals.

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

Section 1. Section 102, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," is amended by adding a definition to read:

Section 102. Definitions.—When used in this act the following words and phrases shall have the following meanings:

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(5) "*Official visitor*" shall include the Governor, Lieutenant Governor, members of the Senate and the House of Representatives, the Secretary of Education and members of the State Board of Education.

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

Section 110. Official Visitors Access to Public Schools.—An official visitor shall have access to and may not be denied access to any public school in the Commonwealth at any time.

Section 3. Section 322 of the act, amended June 24, 1981 (P.L.109, No.36), is amended to read:

Section 322. Eligibility; Incompatible Offices.—Any citizen of this Commonwealth, having a good moral character, being eighteen (18) years of age or upwards, and having been a resident of the district for at least one (1) year prior to the date of his election or appointment, shall be eligible to the office of school director therein: Provided, That any person holding any office or position of profit under the government of any city of the first class, or the office of mayor, chief burgess, county commissioner, district attorney, city, borough, or township treasurer, member of council in any municipality, township commissioner, township supervisor, tax collector, assessor, assistant assessor, any comptroller, auditor, constable, executive director or assistant executive director of an intermediate unit, supervisor, principal, teacher, or employe of any school district, shall not be eligible as a school director in this Commonwealth. This section shall not prevent any district superintendent, assistant district superintendent, supervisor, teacher, or employe of any school district, from being a school director in a district other than the

one in which he is so employed, and other than in a district with which the district in which he is employed operates a joint school or department. Provided, however, That a joint school or department does not include a vocational school, intermediate unit or community college: And provided further, That a school director who is a supervisor, principal, teacher or employe of a vocational school, intermediate unit or community college shall not serve as a member of a board of the vocational school, intermediate unit or community college in which he is a supervisor, principal, teacher or employe: And provided further, That a school director who is a supervisor, principal, teacher or employe of a vocational school, intermediate unit or community college, shall not be assigned to a position of employment under the supervision of the district in which he or she serves as a member of the board of school directors. A school director shall not be eligible to the office of member of council in any municipality. *Notwithstanding anything in this section or any other act to the contrary, no person shall be deemed ineligible for the office of school director solely on the basis that such person is a member of the classified service under any applicable State civil service law.*

Section 4. Section 2013 of the act, added July 13, 1979 (P.L.94, No.41), is amended to read:

Section 2013. Annual Reports.—(a) An annual report shall be submitted by each State college and State-owned university to the Governor and the Appropriations and Education Committees of the Senate and House of Representatives which shall include data for all programs of the State college or State-owned university. Each such report, to be submitted prior to October 1, shall cover the 12-month period beginning September 1 of the preceding year, and shall include for each term during the period:

(1) The following counts and distributions:

(i) The definitions and numbers of faculty members employed full time, of faculty members employed part time, of full time students enrolled in graduate courses, of full time students enrolled in undergraduate courses, of part time students enrolled in graduate courses, and of part time students enrolled in undergraduate courses.

(ii) A distribution of faculty members employed part time by the percentage of full time employment.

(iii) Total numbers of undergraduate student credit hours, divided into lower division and upper division course levels, and of graduate student credit hours divided into three course levels—master's, first professional and doctoral.

(iv) Number of different courses scheduled by level of instruction, and the number of sections of individual instruction at each level of instruction.

(v) Number of terms scheduled and the dates thereof.

(2) Two classifications: first, a classification of faculty members or other professional employes by title including: professor, associate professor, assistant professor, instructor, lecturer, research associate, librar-

ian and academic administrator; faculty members or other professional employes under each title to be subdivided by type of assignment: instructional or noninstructional divided into teaching and nonteaching, and each such set of faculty members or other professional employes to be further subdivided by type of employment: full time or part time; and second, a classification of faculty members and other professional employes by school and department to be subdivided by type of assignment: instructional or noninstructional divided into teaching and nonteaching, and each such set of faculty members or other professional employes to be further subdivided by type of employment: full time or part time; and the following aggregates for each subdivision in each classification:

- (i) The number.
- (ii) The sum of credits assigned to undergraduate classroom courses and the sum of credits assigned to graduate classroom courses taught, divided into lower division, upper division, master's, first professional and doctoral course levels.
- (iii) The sum of undergraduate classroom student credit hours and the sum of graduate classroom student credit hours generated; divided into lower division, upper division, master's, first professional and doctoral course levels.
- (iv) The sum of undergraduate individual instruction student credit hours and the sum of graduate individual instruction student credit hours generated; divided into lower division, upper division, master's, first professional and doctoral course levels.
- (v) Total salary paid.
- (vi) Total salary paid from college or university funds.
- (vii) Total salary paid from Federal funds.
- (viii) Total salary paid from other funds.

(3) For each term of the period covered for each faculty member employed full time identified by school, department and title, the report shall contain an analysis of the average hours per week spent in college or university-related activities, stating specifically hours spent in undergraduate classroom contact and graduate classroom contact, hours spent in preparation, hours spent in research and hours spent in public service.

(b) In addition to the requirements of subsection (a), each report covering the 12-month period shall include for all programs of the State college or State-owned university:

(1) Minimum number of credits required for a baccalaureate degree and for a master's degree.

(2) Number of bachelor's degrees, master's degrees, first professional degrees, and doctoral degrees awarded in the three previous years and those estimated for that year.] (a) *An annual report shall be submitted by each State college and State-owned university to the Governor and the Appropriations and Education Committees of the Senate and House of Representatives which shall include data for all programs of the State college or State-owned university. Each such report, to be sub-*

mitted prior to September 1, shall cover the 12-month period beginning with the summer term of the preceding year and shall include:

(1) The following counts and distributions for each term during the period:

(i) The definitions and numbers of faculty members employed full time, of faculty members employed part time, of full-time students enrolled in graduate courses, of full-time students enrolled in undergraduate courses, of part-time students enrolled in graduate courses, and of part-time students enrolled in undergraduate courses.

(ii) Total numbers of undergraduate student credit hours, divided into lower division and upper division course levels, and of graduate student credit hours divided into three course levels—master's, first professional and doctoral.

(iii) Number of different courses scheduled by level of instruction and the number of sections of individual instruction at each level of instruction.

(iv) Number of terms scheduled and the dates thereof.

(2) For the summer term and the following academic year in total and for each two digit Hegis category of instructional programs in higher education as defined by the National Center for Education Statistics, United States Department of Education, a classification of faculty members or other professional employes by title including: professor, associate professor, assistant professor, instructor, lecturer, research associate, librarian and academic administrator; faculty members or other professional employes under each title to be subdivided by type of assignment: teaching and nonteaching, and each such set of faculty members or other professional employes to be further subdivided by type of employment: full time or part time; and the following aggregates for each such subdivided classification:

(i) The number of faculty and other professional employes and their full-time equivalence in instructional and noninstructional functions.

(ii) The sum of credits assigned to undergraduate classroom courses and the sum of credits assigned to graduate classroom courses taught, divided into lower division, upper division, master's, first professional and doctoral course levels.

(iii) The sum of credits assigned to undergraduate individual instruction courses and the sum of credits assigned to graduate individual instruction courses taught, divided into lower division, upper division, master's, first professional and doctoral course levels.

(iv) The sum of undergraduate classroom student credit hours and the sum of graduate classroom student credit hours generated; divided into lower division, upper division, master's, first professional and doctoral course levels.

(v) The sum of undergraduate individual instruction student credit hours and the sum of graduate individual instruction student-credit hours generated; divided into lower division, upper division, master's, first professional and doctoral course levels.

(vi) *Total salary paid for instructional functions and for noninstructional functions and the amount of this salary paid for each of these functions from college or university funds; Federal funds; and other funds.*

(3) *For each term of the period covered for each faculty member employed full time identified by two digit Hegis category and title, the report shall contain an analysis of the average hours per week spent in college or university-related activities, stating specifically hours spent in undergraduate classroom contact and graduate classroom contact, hours spent in preparation, hours spent in research and hours spent in public service.*

(b) *In addition to the requirements of subsection (a), each report covering the 12-month period shall include for all programs of the State college or State-owned university:*

(1) *Minimum number of credits required for a baccalaureate degree and for a master's degree.*

(2) *Number of bachelor's degrees, master's degrees, first professional degrees, and doctoral degrees awarded in the three previous years and those estimated for that year.*

Section 5. Subsections (a) and (b) of section 2133 of the act, added February 4, 1982 (P.L.1, No.1), are amended to read:

Section 2133. Budget Reports.—(a) All school districts of the first class shall prepare *for each individual district within the school district* a quarterly budget of revenues and expenditures. Such budget shall be compared to actual expenditures on a quarterly basis. Quarterly budgets shall cover the specific months: 1st quarter—July, August, September; 2nd quarter—October, November, December; 3rd quarter—January, February, March; 4th quarter—April, May and June.

(b) A budget shall also be prepared showing quarterly anticipated programmatic revenues and expenditures *for each district* within the school district of the first class. Such budget shall be compared to actual expenditures quarterly.

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Section 6. Section 2502.6 of the act, amended July 1, 1981 (P.L.200, No.62), is amended to read:

Section 2502.6. Proportionate Reduction of Payments.—If the sums appropriated for the 1978-1979 school year and each school year thereafter are not sufficient to pay in full the total amounts to which all qualified school districts, intermediate units and nonpublic schools are entitled to receive under the provisions of sections 917.1-A, 919.1-A, 922.1-A, 923-A(d), 2501, 2502, 2502.3, [and] 2502.4, and 2502.8 for such year, the allocations to the school districts, intermediate units and nonpublic schools shall be proportionately reduced to the extent necessary to bring the aggregate of the school district, intermediate unit and nonpublic school allocations within the limits of the amounts appropriated. However, no school district's gross allocation under the provisions of the sections referred to herein shall be less for the 1978-1979, 1979-1980,

1980-1981 or the 1981-1982 school year than its gross allocation under such sections for the previous school year.

Section 7. The act is amended by adding sections to read:

Section 2502.8. Payments on Account of Pupils Enrolled in Vocational Curriculums.—(a) For the purpose of reimbursement in accordance with this section, vocational curriculums are agriculture education, distributive education, health occupations education, home economics education (gainful), business education, technical education, trade and industrial education, or any other occupational oriented program approved by the Secretary of Education.

(b) For the 1981-1982 school year and each school year thereafter each school district so entitled shall be paid, in addition to any other subsidy to which it is entitled, an amount on account of resident pupils enrolled in vocational curriculums determined as follows:

(1) Determine the increase in the weighted average daily membership by multiplying the number of students in average daily membership in vocational curriculums in area vocational-technical schools by twenty-one hundredths (.21) and the number of students in average daily membership in school district vocational curriculums by seventeen hundredths (.17).

(2) Multiply the lesser of the district's actual instruction expense per weighted average daily membership or the base earned for reimbursement by the market value/income aid ratio or by three hundred seventy-five thousandths (.375), whichever is greater.

(3) Multiply the increase in weighted average daily membership determined in clause (1) by the result of clause (2).

Section 2502.9. Equalized Supplement for Student Learning.—(a) For the 1981-1982 school year, and each school year thereafter, each school district's gross allocation on account of instruction of pupils, in accordance with sections 2501, 2502, 2502.3, 2502.4, 2502.5, 2502.6, 2502.7 and 2592 of the act, shall be equal to its gross allocation in accordance with such sections for the 1980-1981 school year, notwithstanding any other provision of the act to the contrary.

(b) In addition to the payment provided for in accordance with the provisions of subsection (a) of this section, each district will be paid for the 1981-1982 school year, and each school year thereafter an amount determined by multiplying the district's weighted average daily membership by the district's market value/income aid ratio, dividing the result by the product of the Statewide weighted average daily membership and the Statewide market value/income aid ratio, and multiplying the result by the amount appropriated in the payment year in excess of the amount appropriated in 1981-1982.

Section 8. Sections 2504, 2504.2, 2506 and 2508.2 of the act are repealed.

Section 9. Section 2517 of the act, amended June 25, 1974 (P.L.370, No.125), is amended to read:

Section 2517. **[Tertiary] Payments.**—(a) The amount apportioned and allotted to each school district shall be divided into three payments and the Secretary of Education shall draw his requisition three times annually upon the State Treasurer in favor of each district for the amount to which it is entitled. The first two payments shall be estimates based on but not to exceed 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 payment shall be the balance of the apportionment due for the applicable school year. Payment thereof shall be made to all school districts 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 heretofor.

(b) **[This] Subsection (a) of this section** shall apply to payments to which a school district is entitled under any provision of sections 2502, 2592, 2502.3 or 2502.4 of the act for any school year up to or including 1980-1981.

(c) *For the 1981-1982 school year and every school year thereafter, the amount apportioned and allotted to each school district shall be divided into six payments and the Secretary of Education shall draw his requisition six times upon the State Treasurer in favor of each district for the amount to which it is entitled. The first five payments shall be estimates based on but not to exceed fifteen percent (15%) each of the total net amount apportioned and allocated to the school district for the payment year. The final payment shall be the balance of the apportionment due for the applicable school year. Payment thereof shall be made to all school districts on the third Thursday of August, October, December, February and April and the first day of June.*

(d) *Subsection (c) of this section shall apply to all payments to which a school district is entitled under any provision of sections 2502, 2502.3, 2502.4, 2502.8, 2502.9 and 2592.*

Section 10. The act is amended by adding a section to read:

Section 2526. Reduction of Payments Prohibited.—*Notwithstanding any other provisions of this act, no subsidy payments made pursuant to the provisions of this act for the fiscal year 1981-1982 to any school district shall be reduced because a school district permitted students to matriculate to institutions of higher education prior to graduation to avoid the financial constraints imposed on the Social Security Insurance Program by section 2210 of the Omnibus Reconciliation Act of August 13, 1981, P.L. 97-35, 95 Stat. 357.*

Section 11. The act is amended by adding a section to read:

Section 2593. Responsibility for Vocational Programs.—(a) *Commencing on July 1, 1982, the department shall not deduct from any Commonwealth payments to school districts the payments owed by such school districts on account of programs in the school year 1981-1982, or any school year thereafter, notwithstanding the provisions of section 2508.2 of the act to the contrary.*

(b) It shall be the responsibility of every school district to comply with all provisions of the act and of regulations of the State Board of Education and standards of the department promulgated hereunder with regard to the provision of vocational education programs and to make such financing arrangements as it deems proper with area vocational-technical schools in order so to comply.

Section 12. All acts or parts of acts inconsistent herewith are hereby repealed to the extent of any inconsistency.

Section 13. This act shall take effect as follows:

- (1) Sections 1, 2, 4 and 10 of this act shall take effect immediately.
- (2) Section 5 of this act shall take effect July 1, 1983.
- (3) Sections 6, 7, 8, 9 and 11 of this act shall take effect July 1, 1982.
- (4) The remainder of this act shall take effect in 60 days.

APPROVED—The 11th day of May, A. D. 1982.

DICK THORNBURGH