

No. 1986-178

## AN ACT

HB 2174

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 continuing professional development plans and requirements; further providing for compulsory school attendance requirements; prohibiting the refusal to enroll students because of race or color; and further specifying requirements for high school certificates.

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

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

**Section 1205.1. Continuing Professional Development.**—(a) *During the 1986-1987 school year, every school district, joint school district, intermediate unit and area vocational-technical school shall submit to the Secretary of Education for approval a continuing professional development plan, developed pursuant to the provisions of subsection (b) and including, at a minimum, the elements provided for in subsection (c). The secretary shall determine approximately one-third of the school districts, joint school districts, intermediate units and area vocational-technical schools which shall submit two-year plans, one-third which shall submit three-year plans and one-third which shall submit four-year plans during the 1986-1987 school year. Thereafter, upon the expiration of the existing professional development plan, each school district, joint school district, intermediate unit and area vocational-technical school shall submit to the secretary for approval a two-year professional development plan.*

(b) *The professional development plan provided for in subsection (a) shall be prepared by teacher representatives chosen by the teachers and administrative representatives chosen by the administrative personnel of the school district, joint school district, intermediate unit or area vocational-technical school and shall then be approved by the board of directors prior to submission to the secretary for approval. The secretary may specify the time at which and the form in which such plans are to be submitted. The State Board of Education shall promulgate regulations, subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," establishing the minimal content of such plans. The provisions of section 2552 shall apply to any school district, joint school district, intermediate unit or area vocational-technical school failing to comply with the provisions of this section.*

(c) *The professional development plan of each school district, joint school district, intermediate unit and area vocational-technical school shall be designed to meet the educational needs of that school entity and its profes-*

*sional employes. Each plan shall include options for professional development and for fulfilling the professional development requirements of subsection (d), including activities such as professionally related graduate level coursework, obtaining a professionally related master's degree, Department of Education approved inservice courses, curriculum development work, attendance at professional conferences and supervised classroom observations of other professional employes. In its professional development plan, a school district, joint school district, intermediate unit or area vocational-technical school may provide for undertaking joint or cooperative professional development activities with another school entity or an institution of higher education.*

*(d) All professional employes of school districts, joint school districts, intermediate units or area vocational-technical schools receiving their initial Pennsylvania teaching or administrative certification, as provided for in this article, on or after June 1, 1987, shall be required at least once during every five-year period, commencing upon receipt of a permanent teaching certificate or an initial administrative certificate, to participate in professional development activity pursuant to the professional development plan of that professional employe's school district, joint school district, intermediate unit or area vocational-technical school. A professional employe who obtains a professionally related master's degree shall be deemed to have complied permanently with the provisions of this subsection. The chief school administrator of every school district, joint school district, intermediate unit and area vocational-technical school shall certify annually to the secretary the names of professional employes who have received their initial Pennsylvania teaching or administrative certification on or after June 1, 1987, and the professional development activities in which these employes have participated. The certification shall be made at such time and in such form as the secretary may require.*

*(e) The provisions of State Board of Education regulations in 22 Pa. Code § 49.17(a) and (b), promulgated September 13, 1984, are hereby specifically declared to be contrary to the provisions of this section and therefore null and void. Nothing in this section shall be deemed to affect the provisions of 22 Pa. Code § 49.17(c), (d) and (e).*

Section 2. Section 1327 of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Section 1327. Compulsory School Attendance.—[Every] *(a) Except as hereinafter provided, every child of compulsory school age having a legal residence in this Commonwealth, as provided in this article, and every migratory child of compulsory school age, is required to attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. In lieu of such school attendance, any child fifteen years of age with the approval of the district superintendent and the approval of the [Superintendent of Public Instruction] Secretary of Education, and any child sixteen years of age with the approval of the district superintendent of schools, may enroll as a day student in a private trade school or in a private business school licensed by*

the Department of **[Public Instruction] Education**, or in a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board for Vocational Education. **[Every] Except as hereinafter provided, every** parent, guardian, or other person having control or charge of any child or children of compulsory school age is required to send such child or children to a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. Such parent, guardian, or other person having control or charge of any child or children, fifteen or sixteen years of age, in accordance with the provisions of this act, may send such child or children to a private trade school or private business school licensed by the Department of **[Public Instruction] Education**, or to a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board for Vocational Education. Such child or children shall attend such school continuously through the entire term, during which the public schools in their respective districts shall be in session, or in cases of children of migrant laborers during the time the schools are in session in the districts in which such children are temporarily domiciled. The financial responsibility for the education of such children of migrant laborers shall remain with the school district in which such children of migrant laborers are temporarily domiciled; except in the case of special schools or classes conducted by an intermediate unit and approved by the Department of **[Public Instruction] Education** or conducted by the Department of **[Public Instruction] Education**. The certificate of any principal or teacher of a private school, or of any institution for the education of children, in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language, setting forth that the work of said school is in compliance with the provisions of this act, shall be sufficient and satisfactory evidence thereof. Regular daily instruction in the English language, for the time herein required, by a properly qualified private tutor, shall be considered as complying with the provisions of this section, if such instruction is satisfactory to the proper district superintendent of schools.

*(b) A child enrolled in a day school which is operated by a bona fide church or other religious body, and the parent, guardian or other person having control or charge of any such child or children of compulsory school age shall be deemed to have met the requirements of this section if that school provides a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction per year at the elementary level or nine hundred ninety (990) hours per year of instruction at the secondary level and:*

*(1) At the elementary school level, the following courses are taught: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art.*

*(2) At the secondary school level, the following courses are offered: English, to include language, literature, speech and composition; science, to include biology and chemistry; geography; social studies, to include civics, economics, world history, history of the United States and Pennsylvania; a foreign language; mathematics, to include general mathematics and statistics, algebra and geometry; art; music; physical education; health and physiology; and safety education, including regular and continuous instruction in the dangers and prevention of fires.*

*The requirements contained in sections 1511 and 1605 of this act shall not apply to such schools. The notarized affidavit of the principal of any such school, filed with the Department of Education and setting forth that such subjects are offered in the English language in such school, whether it is a nonprofit organization, and that such school is otherwise in compliance with the provisions of this act, shall be satisfactory and sufficient evidence thereof. It is the policy of the Commonwealth to preserve the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the education and training for such child. Nothing contained in this act shall empower the Commonwealth, any of its officers, agencies or subdivisions to approve the course content, faculty, staff or disciplinary requirements of any religious school referred to in this section without the consent of said school.*

*(c) A child enrolled in a day or boarding school accredited by an accrediting association which is approved by the State Board of Education, and the parent, guardian or other person having designated control or charge of any child or children of compulsory school age shall be deemed to have met the requirements of subsection (a).*

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

*Section 1521. Limitation of Refusal to Enroll Student.—No public or private school shall refuse to enroll any students because of race or color.*

Section 4. Section 1613 of the act, added July 27, 1953 (P.L.629, No.184), is amended to read:

Section 1613. High School Certificates.—*(a) The board of school directors, joint board of joint school committee operating any high school shall issue a certificate to each pupil satisfactorily completing the prescribed course of instruction in the high school.*

*(b) For those pupils graduating at the close of the school year 1989-1990, and each school year thereafter, the following minimum courses in grades nine through twelve are established as a requirement for high school graduation in schools operated by a bona fide church or other religious body:*

- (1) Four years of English.*
- (2) Three years of mathematics.*
- (3) Three years of science.*
- (4) Three years of social studies.*
- (5) Two years of arts and humanities.*

*(c) A child enrolled in a day or boarding school accredited by an accrediting association which is approved by the State Board of Education shall be deemed to have met the requirements of subsection (b).*

Section 5. Section 1 of this act shall be retroactive to July 1, 1986.

Section 6. This act shall take effect immediately.

APPROVED—The 15th day of December, A. D. 1986.

DICK THORNBURGH