

No. 395

AN ACT

To amend the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), 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," by making corrections and conforming certain provisions to existing practice.

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

Section 1. Clause (1) of section 103, section 635, subsection (a) of section 921 and section 1001 of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), 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," are hereby amended to read as follows:

"Public School Code of 1949."

Clause (1) of section 103, section 635, subsection (a) of section 921 and section 1001, act of March 10, 1949, P. L. 30, amended.

Section 103. Excluded Provisions.—This act does not include any provisions of, and shall not be construed to repeal:

(1) The *Public School Employees Retirement Law*, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1043).

* * * * *

Section 635. Limit on Temporary Debt for Current Expenses and Debt Service.—The total amount of temporary indebtedness incurred for current expenses and debt service shall, at no time, exceed an amount equal to the State appropriations not received but payable during the fiscal year, and the tax levied upon property taxable for school purposes within such school district [for school purposes], and remaining uncollected and unpledged for the current *fiscal year. All such loans shall be paid out of the receipts available, or pledged for the repayment thereof when and as the funds are received. The total amount of the temporary indebtedness for such purpose remaining unpaid at the close of the fiscal year shall become an obligation upon the following year's budget, and be included therein.

Section 921. Election; Vacancies; Qualifications; Removals.—(a) In every county having a county superintendent of public schools, there shall be a county board of school directors consisting of five (5) members, who

* "fiscal" omitted in original.

shall be elected at the annual convention of the school directors of the county next preceding the expiration of their respective terms of office, by majority vote of the school directors of the districts under the supervision of the county superintendent, attending such annual convention. They shall serve for terms of six years *from the first day of July following their election*, or until their successors are chosen. *The terms of the members shall be staggered so that two members shall be elected in the year one thousand nine hundred fifty-two, two in the year one thousand nine hundred fifty-four, and one in the year one thousand nine hundred fifty-six; and thereafter, two members or one member, as is required to fill the expiring terms.* All vacancies occurring by reason of death, resignation, removal from the county, or otherwise, shall be filled by a majority vote of the remaining members of the county board of school directors. The person elected to fill such vacancy shall hold his office until the next annual convention, at which a successor shall be elected for the [balance] *remainder* of the unexpired term.

Section 1001. Purpose.—For the superintendence and supervision of the public schools of this Commonwealth, there shall be elected or appointed, in the manner herein provided, county superintendents, district superintendents, associate superintendents, *assistant superintendents* and supervisors of special education.

Section 1121,
said act, as
amended by act
of May 9, 1949,
P. L. 939,
further amended.

Section 2. Section 1121 of said act, as amended by the act, approved the ninth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 939), is hereby further amended to read as follows:

Section 1121. Contracts; Execution; Form.—In all school districts, all contracts with professional employes shall be in writing, in duplicate, and shall be executed on behalf of the board of school directors by the president and secretary and signed by the professional employe.

Each board of school directors in all school districts shall hereafter enter into contracts, in writing, with each professional employe who has satisfactorily completed two (2) years of service in any school district of this Commonwealth. Said contracts shall contain only the following:

“IT IS AGREED by and between..... Professional Employe, and the Board of Directors (or Board of Public Education) of the school district of, Pennsylvania, that said professional employe shall, under the authority of the said board and its successors, and subject to the supervision and authority of the properly authorized superintendent of schools or supervising principal, serve as a professional

employee in the said school district for a term of months, for an annual compensation of \$. , payable monthly or semi-monthly during the school term or year, less the contribution required by law to be paid to the [Teachers'] *Public School Employes'* Retirement Fund, and less other proper deductions for loss of time.

"This contract is subject to the provisions of the 'Public School Code of 1949' and the amendments thereto.

"AND IT IS FURTHER AGREED by the parties hereto that none of the provisions of this act may be waived either orally or in writing, and that this contract shall continue in force year after year, with the right of the board of school directors (or board of public education) to increase the compensation over the compensation herein stated, from time to time, as may be provided under the provisions and proper operation of the established salary schedule, if any, for the school district, subject to the provisions of law, without invalidating any other provision of this contract, unless terminated by the professional employe by written resignation presented sixty (60) days before resignation becomes effective, or by the board of school directors (or board of public education) by official written notice presented to the professional employe: Provided, That the said notice shall designate the cause for the termination and shall state that an opportunity to be heard shall be granted if the said professional employe, within ten (10) days after receipt of the termination notice, presents a written request for such hearing."

Section 3. Section 1327 of said act, as amended by the act, approved the fourteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 454), is hereby further amended to read as follows:

Section 1327. Compulsory School Attendance.— 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 State Council of Education are taught in the English language. 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 State Council of Education are taught in the English language. Such child or children shall attend such school continuously through the entire term, during which the public [elementary] schools in their respective districts shall be in session, or in cases of migratory children during the time the schools are in session in the districts

Section 1327,
said act, as
amended by act
of April 14, 1949,
P. L. 454, further
amended.

in which such children are temporarily domiciled. The financial responsibility for the education of such migratory children shall remain with the school district in which such migratory children are temporarily domiciled. 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 State Council 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 county or district superintendent of schools.

Subsection (a) of section 1518, said act, as amended by act of May 9, 1949, P. L. 956, further amended.

Section 4. Subsection (a) of section 1518 of said act, as amended by the act, approved the ninth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 956), is hereby further amended to read as follows:

Section 1518. Text Books and Instruction on Fire Dangers and Prevention Drills.—(a) It shall be the duty of the Superintendent of Public Instruction, in consultation with the Pennsylvania State Police, to prepare books of instruction for use of teachers *of students of all grades*, in the public and private schools, [of students of all grades,] with regard to the dangers of fire and the prevention of fire waste. Such books of instruction shall be published at the expense of the State, under the direction of the Superintendent of Public Instruction, and shall be distributed in sufficient quantities for the use of the teachers in schools as herein provided. The curriculum of all schools shall include some regular and continuous study of such subjects during the entire school year.

Clause (5) of section 1801 and section 2131, said act, amended.

Section 5. Clause (5) of section 1801 and section 2131 of said act are hereby amended to read as follows:

Section 1801. Definitions.—The following words and phrases as used in this article shall, unless a different meaning is plainly required by the context, have the following meanings:

* * * * *

(5) "Vocational distributive occupational education" shall mean those forms of vocational education designed for those workers engaged in or preparing for employment as distributors to consumers, retailers, jobbers, wholesalers, and others *of* the products of farm and industry, including, also, managers operating or conducting a commercial service or personal service business, or selling the services of such a business.

Section 2131. Publication of Annual Financial Statements.—The annual financial statement, or any part thereof, furnished by the school controller in any district of the first class to the board of public education, [may] *shall* be published by the board of public education in two newspapers, designated by the board, once a week for three successive weeks, beginning the first week after the same has been furnished to it.

Section 6. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 28th day of September, A. D. 1951.

JOHN S. FINE

No. 396

AN ACT

To amend the act, approved the thirteenth day of June, one thousand nine hundred eleven (Pamphlet Laws 903), entitled "An act to prevent frauds against carriers of passengers for hire, within this Commonwealth, and prescribing penalties for the breach of the provisions hereof," by changing penalties and defining magistrate.

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

Public utilities.

Section 1. Sections one and two of the act, approved the thirteenth day of June, one thousand nine hundred eleven (Pamphlet Laws 903), entitled "An act to prevent frauds against carriers of passengers for hire, within this Commonwealth, and prescribing penalties for the breach of the provisions hereof," are hereby amended to read as follows:

Sections 1 and 2. act of June 13, 1911, P. L. 903. amended.

Section 1. Be it enacted, &c., That from and after the passage of this act, every person being a passenger for hire, who shall, upon demand by the conductor, agent, or person authorized to make such demand, refuse payment of the lawful fare, due and payable for his conveyance upon any steamboat or steam railroad car, or upon any electric or street railroad car, or upon any public conveyance whatsoever, used for carrying passengers for hire within this Commonwealth, or who shall fraudulently and knowingly fail to make, or by artifice avoid, the payment of such lawful fare, shall, [be guilty of a misdemeanor, and upon conviction shall be fined] *upon summary conviction before a magistrate, be sentenced to pay a fine of not more than five dollars (\$5.00), or imprisoned not more than ten (10) days, or either or both, at the discretion of the [court] magistrate.*

Refusal to pay lawful fare, etc., declared unlawful.

Penalty.

Section 2. Every person, *being a passenger for hire, to whom has been issued a [transfer] non-transferable*

Unlawful use of non-transferable ticket.