

No. 192

AN ACT

HB 41

Amending the act of March 10, 1949 (P.L.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," transferring powers and duties of the county board of school directors to the intermediate unit, transferring certain duties of secretaries of school boards to the district superintendent, eliminating the titles of supervising principal, county superintendent, associate superintendent and assistant associate superintendent and making editorial changes.

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

Section 1. Clauses (1) and (2) of section 102, act of March 10, 1949 (P.L.30), known as the "Public School Code of 1949," are amended to read:

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

(1) "Board of school directors" shall include the board of public education in school districts of the first class, except where specifically limited to school districts of other classes. **[It shall also include the board of directors of vocational schools of vocational school districts in all cases where the provisions apply to school districts under the supervision of a county superintendent.]**

(2) "School district" shall include school districts of all classes, except where specifically limited to districts of a particular class or classes. **[It shall also include vocational school districts in all cases where the provisions apply to school districts under the supervision of a county superintendent.]**

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Section 2. Subsection (b) of section 303.1 of the act, amended February 2, 1966 (P.L.1868), is amended to read:

Section 303.1. Incumbent School Directors and Interim Operating Committee.—

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(b) On or before the fifteenth day of January immediately preceding the date of establishment, such incumbent school directors of the component school districts shall be called into convention by the county superintendent of schools *or, if necessary, after July 1, 1970, by the executive director of the intermediate unit* and shall select by majority vote an interim operating committee composed of nine incumbent school directors. In selecting the interim operating committee, the incumbent school directors shall take into consideration the principle of proportionate representation according to population. If, by reason of failure to receive a majority vote, a tie vote, or otherwise all nine members of the interim operating

committee are not selected at such convention, the county superintendent of schools shall call another convention within thirty days for the purpose of selecting the remaining members. If all remaining members are not selected at such second convention the court of common pleas of the proper county, upon the petition of the county superintendent of schools, shall within thirty days appoint to the interim operating committee, from the incumbent school directors, the remaining member or members and specify their terms. The decision of the convention in selecting the interim operating committee, except as hereinbefore provided, shall be final. Six of the members of the interim operating committee shall be selected for a term expiring on the first Monday of December, 1967; and three for a term expiring on the first Monday of December, 1969. In the event an incumbent director is selected for a term on the interim operating committee which would expire later than the term for which he was elected as a school director, he shall serve only until the end of his term for which he was elected as a school director. At the municipal elections held in November, 1967 three members shall be elected for a four-year term and three members shall be elected for a six-year term. Thereafter, all members shall be elected for six-year terms. The school directors elected at the municipal elections held in November, 1967, and thereafter, shall take the place of the appointed members of the board of school directors of the newly established school district as their terms expire. The members of the interim operating committee shall become and shall serve as the board of school directors of the school district on and after the date of establishment.

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Section 3. Section 317 of the act, amended July 27, 1953 (P.L.616), is amended to read:

Section 317. Vacancies in All Members.—If at any time vacancies exist or occur in the membership of all the members of any board of school directors in any school district, other than a school district of the first class or of the first class A, the court of common pleas of the county in which such district, or the largest part in area thereof, is located, shall, after ten (10) days from the time such vacancies exist or occur, appoint a qualified person to fill each vacancy for the remainder of the unexpired term. Whenever a vacancy of the entire membership of a board of school directors in any school district of the fourth class occurs, the [county superintendent of schools] *executive director of the intermediate unit* may enter and take full charge of and, at the expense of the district, maintain the schools thereof in accordance with the provisions of the school laws of the Commonwealth, under the direction of the Superintendent of Public Instruction, and may continue in charge thereof until a board of school directors has been appointed and has qualified.

Section 4. Section 322 of the act, amended January 12, 1968 (Act No. 2), is amended to read:

Section 322. Eligibility; Incompatible Offices.—Any citizen of this Commonwealth, having a good moral character, being twenty-one (21) 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, **[county superintendent or assistant county superintendent]** *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. A school director shall not be eligible to the office of member of council in any municipality.

Section 5. Section 325 of the act is amended to read:

Section 325. Offering Bribes; Penalty.—Every person who shall, individually or by or through any agent or representative, directly or indirectly, promise, pay, or give to any school director in this Commonwealth, any sum of money or other valuable thing, or make any promise of any office or appointment of any kind, in order to influence or secure the voting for, or the appointment of, himself, or any other person, as a teacher, **[county superintendent]** *executive director or assistant executive director of an intermediate unit*, district superintendent, assistant superintendent, **[associate superintendent,]** tax collector, attendance officer, or to any other position connected with the public schools of this Commonwealth, or for the purpose of having his salary increased while holding any appointment under the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine of not less than five dollars (\$5) or more than five hundred dollars (\$500), or be sentenced to the county jail for not less than thirty (30) days or more than one year, or both, at the discretion of the court. Any person so convicted shall thereafter be ineligible to be engaged as a teacher or to hold any office or appointment provided for by the provisions of this act.

Section 6. Section 508 of the act, amended May 10, 1951 (P.L.287) and September 28, 1951 (P.L.1546), is amended to read:

Section 508. Majority Vote Required; Recording.—The affirmative vote of a majority of all the members of the board of school directors in every school district, duly recorded, showing how each member voted, shall be required in order to take action on the following subjects:—

Fixing length of school term.

Adopting textbooks.

Appointing or dismissing district superintendents, assistant district superintendents, associate superintendents, principals, and teachers.

Appointing tax collectors and other appointees.

Adopting the annual budget.

Levying and assessing taxes.

Purchasing, selling, or condemning land.

Locating new buildings or changing the locations of old ones.

Dismissing a teacher after a hearing.

Creating or increasing any indebtedness.

Adopting courses of study.

Establishing additional schools or departments.

Designating depositories for school funds.

Entering into contracts of any kind, including contracts for the purchase of fuel or any supplies, where the amount involved exceeds one hundred dollars (\$100).

Fixing salaries or compensation of officers, teachers, or other appointees of the board of school directors.

Entering into contracts with and making appropriations to the [county board of school directors] *intermediate unit* for the district's proportionate share of the cost of services provided or to be provided for by the [county board] *intermediate unit*.

Failure to comply with the provisions of this section shall render such acts of the board of school directors void and unenforceable.

Section 7. Section 509 of the act is repealed.

Section 8. Section 516.1 of the act, amended June 23, 1965 (P.L.141), is amended to read:

Section 516.1. Expenses for Attendance at Meetings of Educational or Financial Advantage to District.—When, in the opinion of the board of school directors or of the board of public education, attendance of one or more of its members and of its non-member secretary, if any, and of its solicitor, if any, at any meeting held within the Commonwealth (other than annual State [and county] conventions of school directors and [meetings called by the county superintendent] *conventions and meetings called by the executive director of an intermediate unit*) or the attendance of one or more of its members and of its non-member secretary, if any, and of its solicitor, if any, at the annual convention of the National School Boards Association or any other educational convention, will be of educational or financial advantage to the district, it may authorize the attendance of any of such persons at such meeting within the Commonwealth and at the annual convention of the National School Boards Association or any other educational convention, wherever held, not exceeding two meetings in any one school year. Each person so authorized to attend and attending shall be reimbursed for all expenses actually and necessarily incurred in

going to, attending and returning from the place of such meeting, including travel, travel insurance, lodging, meals, registration fees and other incidental expenses necessarily incurred, but not exceeding twenty-five dollars (\$25) per day for lodging and meals. Actual travel expenses shall be allowed with mileage for travel by car at the rate of ten cents (\$.10) for each mile in going to and returning from each meeting. Such expenses shall be paid by the treasurer of the school district in the usual manner out of the funds of the district, upon presentation of an itemized verified statement of such expenses: Provided, That advanced payments may be made by the proper officers of the district upon presentation of estimated expenses to be incurred, to be followed by a final itemized, verified statement of such expenses actually incurred upon return from such conventions, and a refund be made to the district of such funds remaining or an additional payment be made to meet the verified expenses actually incurred.

Each member of an intermediate unit board of directors shall be reimbursed by the intermediate unit for all expenses actually and necessarily incurred in attending meetings, conventions and other functions of and on behalf of the intermediate unit.

Section 9. Subsection (a) and clause (9) of subsection (b) of section 520 of the act are amended to read:

Section 520. Temporary Emergency War Provisions.—(a) Whenever, during the continuance of any war in which this Nation is or may become engaged, it shall be found as a fact by the board of school directors of any school district and so recorded on the minutes of a regular or special meeting of such board and certified to the Department of Public Instruction, that the normal operation of the schools, as required by this act, in respect to any of the matters hereinafter set forth, shall interfere with the prosecution of such war, such board of school directors shall have power [**subject to the approval of the district or county superintendent,**] to put into operation in such school district any one or more temporary emergency war provisions authorized by this act, but in no event longer than for a period of one year after the cessation of the hostilities of such war.

(b) Subject to the foregoing provisions, any board of school directors may
* * *

(9) Obtain the full State subsidy provided for fully and regularly certificated teachers when, at the request of the responsible [**local district or county superintendent of schools**] *school district*, the Superintendent of Public Instruction has issued to a teacher temporarily employed, a special emergency wartime certificate to teach in the subject or field for which wartime emergency conditions make it necessary to employ such teacher.

Section 10. Subsection (b) of section 523 of the act, amended August 24, 1963 (P.L.1192), is amended to read:

Section 523. Educational Broadcasting.—* * *

(b) The board of school directors of any school district may enter into

an agreement or agreements with one or more school districts and/or **[county boards of school directors] intermediate units** and/or with other educational institutions or agencies and/or with non-profit organizations for the joint operation of an educational television and/or radio station. In the case where the members of the board of school directors and/or **[county board of school directors] intermediate unit board of directors** are members of any non-profit community corporation holding a valid Federal Communications Commission broadcasting license for a television and/or radio station, these non-profit community corporations which are a part of the State Plan for Educational Broadcasting, may enter into contracts with the State Public School Building Authority for the purpose of constructing, improving, maintaining, operating, furnishing and equipping these educational broadcasting facilities as a part of the public school system of the Commonwealth of Pennsylvania.

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Section 11. Subsections (c), (d) and (e) of section 523 of the act, amended September 12, 1961 (P.L.1272), are amended to read:

Section 523. Educational Broadcasting.—* * *

(c) The board of school directors of any school district and any **[county board of school directors] intermediate unit board of directors** may enter into an agreement or agreements with one or more school districts and/or **[county boards of school directors] intermediate unit boards of directors** and/or other educational institutions or agencies and/or non-profit or commercial organizations for broadcasting.

(d) The Department of Public Instruction may enter into agreements with educational or commercial radio and/or television networks or stations, non-profit organizations radio and/or television production centers, or any **[county board of school directors] intermediate units**, school district or districts for the purpose of educational broadcasting.

(e) The Department of Public Instruction and boards of school directors of any school district or **[county board of school directors] intermediate units**, or both, may contract for educational broadcasts for children or adults, using State funds or State-administered Federal funds appropriated for that purpose, or private grants or gifts.

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Section 12. The first paragraph of section 524 of the act, amended October 21, 1965 (P.L.601), is amended to read:

Section 524. The board of school directors of any school district **[or vocational school district]**, including merged or union districts, and any boards of school directors establishing any joint school or department, shall not close any school or department during the school term, unless such action shall advance the orderly development of attendance areas within an approved administrative unit and has been approved by the **[county board of school directors and the]** Department of Public Instruction. In the event a school board shall determine prior to the beginning of the next school term to close

any school or department, sixty (60) days' notice, in writing, prior to the closing of any school or department, shall be given to all temporary professional and professional employes affected thereby, unless such action shall advance the orderly development of attendance areas within an approved administrative unit and has been approved by the **[county board of school directors and the]** Department of Public Instruction. Upon failure to give written notice of intention to close any school or department, the school district shall pay such employes their salaries until the end of the school year during which such schools or departments were closed.

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Section 13. Subsection (b) of section 687 of the act is amended to read:

Section 687. Annual Budget; Additional or Increased Appropriations; Transfer of Funds.—* * *

(b) The board of school directors, after making such revisions and changes therein as appear advisable, shall adopt the budget and the necessary appropriation measures required to put it into effect. The total amount of such budget shall not exceed the amount of funds, including the proposed annual tax levy and State appropriation, available for school purposes in that district. Within fifteen (15) days after the adoption of the budget, the board of school directors shall file a copy of the same in the office of the Department of Public Instruction. **[In all school districts under the direction of a county superintendent, the county board of school directors shall inspect the annual budget and shall render such advice and assistance regarding the same, as may seem proper, before the budget shall be signed and forwarded to the department by the county superintendent.]**

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Section 14. The first paragraph of section 690 of the act, amended October 21, 1965 (P.L.601), is amended to read:

Section 690. Creation of Capital Reserve Fund for Approved School Building Project Programs.—Any school district shall have the power to create a special fund, which may be designated as a Capital Reserve Fund, and to accumulate therein moneys to be expended, in accordance with the provisions of this act, during a period not to exceed five years from the date when the first payment was made into the fund, for the purpose of constructing a school building project or projects under a long-term project program approved by the Department of Public Instruction. The proposed project program may include the cost of acquiring suitable sites for school buildings, the cost of constructing new school buildings, or the cost of providing needed additions or alterations to existing buildings. The Department of Public Instruction may approve any project programs if it shall find in the case of all school districts, except school districts of the first class, first class A and second class which are not part of a county-wide plan, that each component of the proposed project program is in conformity to **[approved county-wide]** plans for the orderly development of improved attendance areas and administrative units and for the improved housing of public schools in the Commonwealth and in the case of all school

districts, that the building or buildings will conform to standards prescribed by the State Board of Education with respect to educational and architectural design, building materials, fixtures and equipment, location, usefulness for community activities, safety, comfort and convenience and that the school district will have the ability to meet from current revenues the rental or sinking fund charge which may be necessary to amortize that portion of the cost of the proposed project or projects which is not covered by anticipated accumulation of money in the district's capital reserve fund. Moneys accumulated in the district's capital reserve fund may be paid as a lump sum at the time that construction of the project or projects is begun or payment of such accumulated sums may be spread over a period of years as a part of the annual rental or sinking fund charge approved by the Department of Public Instruction for the proposed project or projects.

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Section 15. Section 692 of the act, amended July 31, 1963 (P.L.407), is amended to read:

Section 692. Special Board of Control; Petition; Appointments.—Whenever on the basis of a proper investigation as herein provided for, the Superintendent of Public Instruction has declared any school district to be a distressed school district he or his designated representative who shall be a person trained in public school administration, possessing the certification prerequisites demanded of a district **[county associate]** or assistant **[county]** superintendent, or holding in the Department of Public Instruction the rank of Deputy Superintendent, shall petition the court of common pleas of the county in which such district, or the largest part in area, is located to appoint two citizens who shall be qualified electors and taxpayers in the county in which the school district is located. School directors and employes of any such school district shall be ineligible for appointment by the court. The appointees, together with the Superintendent of Public Instruction or his designated representative, shall constitute a special board of control. Vacancies occurring because of death or resignation of appointed members of the board shall be filled by the court. The special board of control shall assume control of the affairs of the district and operate it in the place of the school directors during the period necessary to reestablish a sound financial structure in the district. The costs of the court proceedings shall be paid by the Department of Public Instruction.

Section 16. Sections 692.1 and 692.2 of the act, added July 31, 1963 (P.L.407), are amended to read:

Section 692.1. When No Appointment Is Made.—In the event that the court of common pleas has made no appointment of members to a special board of control within thirty (30) days of the date of the filing of the petition for such appointment, the Superintendent of Public Instruction may designate the **[county superintendent of schools and a member of the county board of school directors of the county]** *executive director of the intermediate unit and a member of the intermediate unit board of directors of the*

intermediate unit in which the petition is presented to serve until the court makes its appointments. A school director of the distressed school district serving on the [county board of school] *intermediate board of directors* shall be ineligible for appointment.

Section 692.2. Compensation of Special Board of Control.—The members of the special board appointed by the court, or the member other than the [county superintendent of schools] *executive director of the intermediate unit* appointed on a temporary basis by the Superintendent of Public Instruction, shall be paid ten dollars (\$10) for each meeting of the regular board of school directors of the distressed school district which they attend: Provided, however, That the total amount to be paid in any fiscal year to each such member shall not exceed one hundred twenty dollars (\$120). Such payments shall be made from the funds of the school district and shall be charged to *administrative services* even though no previous provision has been made in the budget of the school district for such expenses.

Section 17. Section 701 of the act, amended May 6, 1955 (P.L.43), is amended to read:

Section 701. Duty to Provide; Conditions.—The board of school directors of each district shall provide the necessary grounds and suitable school buildings to accommodate all the children between the ages of six and twenty-one years, in said district, who attend school. Such buildings shall be constructed, furnished, equipped, and maintained in a proper manner as herein provided. Suitable provisions shall be made for the heating (including the purchase of fuel), ventilating, adequate lighting and sanitary conditions thereof, and for a safe supply of water, so that every pupil in any such building may have proper and healthful accommodations. [In all school districts under the direction of a county superintendent, all grounds and the plans for all buildings shall be approved only with the advice and consent of the county board of school directors.]

Section 18. The first paragraph of section 786 of the act, added May 9, 1949 (P.L.1017), is amended to read:

Section 786. Joint Action of Districts.—With the approval of the Department of Public Instruction [and of the county board of school directors] any two or more school districts may (1) jointly enter into contracts and leases with the State Public School Building Authority for the construction or improvement of a school building and the furnishings and equipment thereof for the joint use of school districts, and may (2) either jointly or individually convey or lease, as hereinbefore provided, to the Authority, any lands and improvements now owned or hereafter acquired by any one or more of such school districts, and may (3) jointly acquire title to additional lands or interests in land, as hereinbefore provided.

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Section 19. The first paragraph of subsection (a) of section 791 of the act, amended October 21, 1965 (P.L.601), is amended to read:

Section 791. Grants, Conveyances, Appropriations to, Contracts with, and Leases from, Profit or Nonprofit Corporations, Partnerships, Associations, or Persons.—(a) The board of school directors of any school district or the boards of school directors of any two or more school districts jointly may, if project conforms to **[county-wide approved]** plans for the orderly development of administrative units and attendance areas upon the written approval of the **[county board of school directors and the]** Department of Public Instruction.

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Section 20. Section 803 of the act is amended to read:

Section 803. Time and Manner of Adopting and Furnishing Textbooks and Supplementary Books.—*All school textbooks, in school districts of the second, third and fourth class, shall be adopted by the board of school directors at any regular meeting between the first day of April and the first day of August following. Such books, so adopted, shall be provided for the use of the schools at the beginning of the school terms next following. If in said school districts there shall be a district superintendent [or supervising principal], such district superintendent [or supervising principal] shall report in which subjects new textbooks are needed, and after consultation with the teachers under his supervision, what textbooks should be adopted or changed. No adoption or change of textbooks shall be made without his recommendation, except by a two-thirds vote of the board. Books, supplementary to textbooks regularly adopted, may be adopted and purchased for use in the schools at any time. Such supplementary books shall be adopted in the same manner as textbooks are herein required to be adopted.*

Section 21. Sections 901, 902, 903, 904, 905, 906, 907, 908, 921, 922, 923, 924, 925, 926, 927, 928, 929 and 930 of the act are repealed.

Section 22. The heading of Article X of the act is amended to read:

ARTICLE X
[COUNTY,] DISTRICT AND ASSISTANT
SUPERINTENDENTS.[, AND SUPERVISORS OF SPECIAL
EDUCATION]

* * *

Section 23. Section 1001 of the act, amended September 28, 1951 (P.L.1551), is amended to read:

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,]** *and* assistant superintendents. **[and supervisors of special education.]**

Section 24. Section 1002 of the act is amended to read:

Section 1002. Good Moral Character.—Every person elected or appointed as **[county,]** district or assistant **[county or]** district superintendent

[, or associate superintendent, or supervisor of special education] must be a person of good moral character.

Section 25. Section 1003 of the act, amended October 21, 1965 (P.L.601), is amended to read:

Section 1003. Eligibility.—No person shall be eligible for election or appointment as a [county,] district, or assistant [county or] district superintendent, [or associate superintendent,] unless—

(1) He holds a diploma from a college or other institution approved by the Department of Public Instruction;

(2) He has had six (6) years' successful teaching experience, not less than three of which shall have been in a supervisory or administrative capacity;

(3) He has completed in a college or university a graduate course in education approved by the Department of Public Instruction.

Serving either as county, district, or assistant county or district superintendent, 'or associate superintendent, in this Commonwealth, at the time this act becomes effective, shall, irrespective of the foregoing requirements, be considered sufficient qualification for any of the aforesaid offices.

[The State Board of Education may, in lieu of the qualifications prescribed above, prescribe other qualifications necessary for appointment or election to the office of assistant county superintendent.]

Section 26. Section 1004 of the act, amended September 29, 1951 (P.L.1572), is amended to read:

Section 1004. Oath of Office.—Every person elected or appointed as [county superintendent,] *executive director of the intermediate unit*, district superintendent, assistant [county or] *executive director of the intermediate unit*, or district superintendent [, or associate superintendent,] shall, before entering upon the duties of his office, subscribe to and take, before the Superintendent of Public Instruction, or before any judge of a court of common pleas in this Commonwealth, the same oath or affirmation as has herein been prescribed to be taken by persons elected to the office of school director. Such oath or affirmation, being attested by the Superintendent of Public Instruction or judge, shall be filed in the office of the Superintendent of Public Instruction.

Section 27. Sections 1005 and 1006 of the act are amended to read:

Section 1005. Enforcement of Branches of Study; Withholding State Appropriations.—It shall be the duty of each [county and] district superintendent to see that in every district there shall be taught the several branches required by this act, as well as such other branches as the board of school directors may require.

In case the board of school directors of any school district shall fail to provide competent teachers to teach the several branches required in this act, it shall be the duty of the [county or] district superintendent to notify the board of school directors, in writing, of its neglect. In case provision is not

“as” in original.

made forthwith for teaching of branches aforesaid, he shall report such fact to the Superintendent of Public Instruction, whose duty it shall be to withhold any order for such district's share of the State appropriation until the [county or] district superintendent shall notify him that competent teachers of such branches have been employed. In case of neglect or refusal by the board of school directors to employ competent teachers, for one month after receiving notice from the [county or] district superintendent that such teachers have not been provided, such district shall forfeit absolutely its whole share of the State appropriation for that year.

Section 1006. Reports.—Every [county and every] district superintendent shall annually, on or before the first Monday of August, forward to the Superintendent of Public Instruction the reports of the several school districts under his supervision, and shall accompany the same with such extended report of the public schools under his supervision as he may think proper, suggesting such improvements or changes in the public school system as he may see fit to suggest. He shall further furnish to the Superintendent of Public Instruction, whenever required so to do, such additional reports and information as the Superintendent of Public Instruction may request.

Section 28. Sections 1007, 1008 and 1009 of the act, amended September 29, 1951 (P.L.1572), are amended to read:

Section 1007. Not to Engage in Teaching; Exceptions.—No [county,] *executive director of the intermediate unit*, district, or assistant [county or] district superintendent [, or associate superintendent] or *assistant executive director of an intermediate unit* in this Commonwealth shall engage in the business or profession of teaching in this Commonwealth, unless it is done without any other compensation than that paid to him as such superintendent: Provided, That he may receive compensation for services in a summer school, maintained in a State teachers' college, or other college or university, devoted to the training of teachers, if he is released for such service by the board of school directors of the district in which he is employed.

Section 1008. Additional Compensation and Interest in Sale or Adoption of Books or Supplies Prohibited.—No [county,] *executive director of the intermediate unit*, district, [assistant county] or *assistant district superintendent* [, or associate superintendent,] or *assistant executive director of an intermediate unit* shall receive any compensation for services rendered in connection with the public schools under his jurisdiction except the compensation herein provided. No [county,] *executive director of the intermediate unit*, district, [assistant county] or *assistant district superintendent* [, or associate superintendent,] or *assistant executive director of an intermediate unit* who is engaged as such, or any person who is an applicant for such position, shall be an agent for, nor shall he be in any way financially interested in, the sale or adoption of any book or books or supplies in the county or district in which he is engaged, or in which he is an applicant for such position.

Section 1009. Influencing Elections; Penalty.—Any person who shall, either directly or indirectly, pay or give to a school director any sum of money, or other thing of value, for his vote or support in the election of **[a county,] an executive director or assistant executive director of an intermediate unit, or district or assistant [county or] district superintendent, [or associate superintendent,]** or pay or give to a school director any or all of his expenses incurred in and about the convention for the election of **[a county] an executive director or assistant executive director of an intermediate unit, or district or assistant [county or] district superintendent, [or associate superintendent,]** shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than five dollars (\$5) or more than five hundred dollars (\$500), or to undergo imprisonment for not less than thirty (30) days, or more than one (1) year, either or both, at the discretion of the court. In addition thereto, he shall forever thereafter be disqualified from holding the office of **[county superintendent] executive director or assistant executive director of an intermediate unit, district superintendent, assistant [county or] district superintendent, [associate superintendent,]** school director, or any other office in the public school system of this Commonwealth.

Section 29. Sections 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1066, 1067 and 1068 of the act are repealed.

Section 30. Section 1071 of the act, amended August 19, 1953 (P.L.1136), is amended to read:

Section 1071. Election.—(a) The board of school directors in every school district **[of the first and second class] shall, [and in every district of the third class (subject to approval where hereinafter required) may,]** by a majority vote of all the members thereof, elect a properly qualified person as district superintendent, together with such properly qualified assistant superintendents as it deems wise. If a district superintendent has jurisdiction over a joint school system including grades 1 to 12, he shall be elected by a majority vote of all the school directors in the districts operating the joint school system. **[The directors of any other school district employing a district superintendent of schools shall not participate in the election of a county superintendent. The public schools of any district employing a district superintendent shall not be subject to the superintendence or supervision of a county or an assistant county superintendent but shall all be under the supervision of the district superintendent.]**

(b) *Any person in the employ of a school district as a supervising principal during the school year 1969-1970 shall be issued a commission by the Superintendent of Public Instruction if elected as district superintendent for a term beginning July 1, 1970, and shall serve as district superintendent in the employing school district for a term ending June 30, 1974, and thereafter shall be eligible for election*

as district superintendent in any school district in the Commonwealth.

Section 31. Sections 1072, 1072.1, added August 17, 1951 (P.L.1281); 1072.1 added September 29, 1951 (P.L.1572) and amended January 14, 1952 (P.L.2081) and section 1072.2 of the act are repealed.

Section 32. Section 1073 of the act, reenacted and amended August 19, 1953 (P.L.1136) and amended July 31, 1963 (P.L.389) and August 8, 1963 (P.L.564), is amended to read:

Section 1073. Manner of Election [**; Change of Class of District**].—(a) The board of school directors of each *school* district [**of the second or third class electing a district superintendent, or in districts of the third class electing an associate superintendent,**] shall meet in convention at its regular place of meeting, on the second Tuesday of April, one thousand nine hundred [**fifty (1950)**] *seventy (1970)* and every four years thereafter, at an hour previously fixed by the board. Where school districts [**of the third class or of the third and fourth class**] operating a joint school system employ a district superintendent for the joint school system, the boards of school directors of all the districts shall meet jointly in convention on the second Tuesday of April, one thousand nine hundred [**fifty-four (1954)**] *seventy (1970)* and every four years thereafter, at an hour and place previously agreed on. The secretary of each board of school directors shall mail to each member thereof at least five days beforehand, a notice of the time, place and purpose of such convention. Such convention shall [**in the same manner as a county superintendent is elected and certified,**] elect and certify a properly qualified district superintendent [**or associate superintendent,**] to serve for four years from the first day of July next following his election.

(b) Whenever the term of office of any district superintendent [**or associate superintendent**] expires, he shall continue in office for a further term of four years unless at least sixty (60) days before the date fixed for the election of such a superintendent, [(1) **four**] *five* or more members of a board of school directors [**in a second class district or three or more members of a board of school directors in a third class district**] or a majority of the boards operating a joint school system employing such officer shall forward, by registered mail, a notice to the district superintendent [**or associate superintendent**] that another or other candidates will be considered for the office. [**or (2) notice is given of the discontinuance of the office by action of the board of school directors in a third class district.**]

(c) The term of office or commission of a district superintendent, assistant district superintendent or associate superintendent shall not be shortened by reason of the fact that the district in which he serves shall, because of loss of population, enter a class of districts for which there is no provision for a district superintendent, assistant district superintendent or associate superintendent, and such superintendent, assistant district superintendent or associate superintendent shall continue to serve such district for the term of his office or commission.]

(d) The term of office or commission of a district superintendent *or*

assistant district superintendent [**or associate superintendent,**] shall not be shortened by reason of the fact that the district in which he serves shall become part of a joint school [**or union or merged district**], or by reason of the fact that the district in which he serves shall become a part of a new school district established as the result of reorganization of school districts pursuant to Article II., subdivision (i) *or section 224* of this act. [**Possession of a commission as district superintendent, assistant district superintendent or associate superintendent, shall not give the holder priority status as a candidate for the position of supervising principal or for the office of district superintendent or associate superintendent of the joint school or union, merged or newly established school district, in which the district he serves becomes a part.**] Any district superintendent, assistant district superintendent or [**associate superintendent**] *supervising principal* not selected as the [**supervising principal or**] district superintendent of the joint school [**or union, merged**] or newly established school district in which the district he serves becomes a part shall be assigned to a position or office for which he is eligible: Provided, however, That in a new school district reorganized under Article II., subdivision (i) *or section 224* of this act, he shall be assigned to a position or office which is administrative or supervisory in nature only, but there shall be no reduction in salary until the expiration of his commission. Thereafter, unless elected to an office requiring a commission he shall have the status of a professional employe: Provided, That the board of school directors may adjust the salary according to the classification of the position to which he may be assigned, and that the period of service as a commissioned district superintendent, assistant district superintendent or associate superintendent shall be counted as *time served as a professional employe* in determining his seniority rights.

Section 33. Section 1074 of the act is repealed.

Section 34. Section 1075 of the act, amended December 9, 1965 (P.L.1057), is amended to read:

Section 1075. Salary.—The board of school directors at any convention electing a district superintendent or an assistant district superintendent [**or the board of school directors of any district of the third class at any convention electing an associate superintendent or an assistant associate superintendent**] shall determine the amount of salary to be paid such district superintendent or assistant district superintendent [**or associate superintendent or assistant associate superintendent,**] which compensation shall be paid out of the funds of the district. If a district superintendent or an assistant district superintendent is employed in a joint school system including *kindergarten or grades 1 to 12*, his salary shall be fixed by a majority vote of all the school directors in the districts operating the joint school systems, and shall be paid by the districts in the same proportions as they contribute to the support of the joint school.

District superintendents *and* assistant district superintendents

[associate superintendents and assistant associate superintendents] shall be entitled to the following minimum annual salaries:

(1) Assistant district superintendents [and assistant associate superintendents] having less than one hundred (100) teachers under their supervision, nine thousand dollars (\$9,000).

(2) Assistant district superintendents [and assistant associate superintendents] having one hundred (100) teachers or more but less than three hundred (300) teachers under their supervision, ten thousand dollars (\$10,000).

(3) Assistant district superintendents [and assistant associate superintendents] having three hundred (300) or more teachers under their supervision, eleven thousand dollars (\$11,000).

(4) District superintendents [and associate superintendents] having less than one hundred (100) teachers under their supervision, thirteen thousand dollars (\$13,000).

(5) District superintendents [and associate superintendents] having one hundred (100) teachers or more but less than three hundred (300) teachers under their supervision, fourteen thousand dollars (\$14,000).

(6) District superintendents [and associate superintendents] having three hundred (300) or more teachers under their supervision, fifteen thousand dollars (\$15,000).

Section 35. Sections 1078 and 1081 of the act are amended to read:

Section 1078. Commissions [; **Objections to Election**].—District superintendents [, **associate superintendents,**] and assistant district superintendents shall be commissioned by the Superintendent of Public Instruction. [in the same manner and under the same conditions as in the case of county superintendents. **Objections to the election of district superintendents, associate superintendents, or assistant district superintendents may be made in writing to the Superintendent of Public Instruction, signed, among others, by at least one-third of the members of the board of school directors of said district, verified by the oath or affirmation of at least three objectors and such case shall be disposed of as in the case of county superintendents.**]

Section 1081. Duties of Superintendents.—The duties of district superintendents shall be [the same as those now required of county superintendents, and also such as shall be required of them by the boards of school directors of their respective district.] *to visit personally as often as practicable the several schools under his supervision, to note the courses and methods of instruction and branches taught, to give such directions in the art and methods of teaching in each school as he deems expedient and necessary, and to report to the board of school directors any insufficiency found, so that each school shall be equal to the grade for which it was established and that there may be, as far as practicable, uniformity in the courses of study in the schools of the several grades, and such other duties as may be required by the board of school directors.* The district superintendent shall have a seat on the board of

school directors of the district, and the right to speak on all matters before the board, but not to vote.

Section 36. Section 1083.1 of the act, added July 3, 1957 (P.L.461) and subsection (c) added August 8, 1963 (P.L.564), is amended to read:

Section 1083.1. Reorganization of Districts.—(a) When two or more school districts, each having a district superintendent, form a joint school or union or merged school district, the board of school directors of the joint school or union or merged district shall select a district superintendent from one of the component districts regardless of seniority or rating as supervising principal or district superintendent of the joint school or union or merged district. Remaining district superintendent or superintendents shall be assigned, without reduction in pay, to positions or offices within the school system **[for which they are eligible,]** until the expiration of his commission.

(b) When two or more school districts in which one or more employ a district superintendent and one or more employ a supervising principal, form a joint school or union or merged district, the board of school directors of the joint school or union or merged district shall select a district superintendent **[or supervising principal]** from one of the component districts, regardless of seniority or rating as supervising principal or district superintendent of the joint school or union or merged district. The board of school directors shall assign district superintendents and supervising principals not selected as **[supervising principal or]** district superintendent of the joint school **[, union or merged]** district to positions **[or] of administration or supervision or to** offices for which they are certificated. **[, and may adjust the salaries according to the classification of the positions to which they may be assigned.]**

(c) The interim operating committee of each school district established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, shall appoint a district superintendent **[or supervising principal]** for the newly established school district. If the person selected is chosen from among incumbent district superintendents or supervising principals of the component school districts forming the newly established school district, the selection may be made without regard to seniority or rating as district superintendent or supervising principal. Incumbent district superintendents of the component school districts forming the newly established school district shall be assigned to positions or offices which are administrative or supervisory in nature only without reduction in pay until the expiration of their commissions. Incumbent supervising principals shall be assigned to positions or offices for which they are certificated, and their salaries may be adjusted according to the classification of the positions or offices to which they are assigned.

Section 37. Sections 1084, 1085, 1086, 1087, 1088 and 1091 of the act are repealed.

¹“Section” in original.

Section 38. Subsections (a) and (b) of section 1108, section 1123 and subsection (a) of section 1125 of the act, amended August 10, 1951 (P.L.1157), (b) of section 1108, amended May 14, 1968 (Act No. 62), are amended to read:

Section 1108. Temporary Professional Employees.—(a) It shall be the duty of the [county superintendent of schools or the] district superintendent [, as the case may be,] to notify each temporary professional employe, at least twice each year during the period of his or her employment, of the professional quality, professional progress, and rating of his or her services. No temporary professional employe shall be dismissed unless rated unsatisfactory, and notification, in writing, of such unsatisfactory rating shall have been furnished the employe within ten (10) days following the date of such rating. The rating of a temporary professional employe shall be done as provided in section one thousand one hundred twenty-three of this act.

(b) A temporary professional employe whose work has been certified by [the county superintendent of schools or] the district superintendent to the secretary of the school district, during the last four (4) months of the second year of such service, as being satisfactory shall thereafter be a “professional employe” within the meaning of this article. The attainment of this status shall be recorded in the records of the board and written notification thereof shall be sent also to the employe. The employe shall then be tendered forthwith a regular contract of employment as provided for professional employes. No professional employe who has attained tenure status in any school district of this Commonwealth shall thereafter be required to serve as a temporary professional employe before being tendered such a contract when employed by any other part of the public school system of the Commonwealth.

* * *

Section 1123. Rating System.—In determining whether a professional employe shall be dismissed for incompetency, and in rating the services of a temporary professional employe, the professional employe or temporary professional employe shall be rated by an approved rating system which shall give due consideration to personality, preparation, technique, and pupil reaction, in accordance with standards and regulations for such scoring as defined by rating cards to be prepared by the Department of Public Instruction, and to be revised, from time to time, by the Department of Public Instruction with the cooperation and advice of a committee appointed by the Superintendent of Public Instruction, including representation from [county and] district superintendents of schools, classroom teachers, school directors, school supervisors, and such other groups or interests as the Superintendent of Public Instruction may deem appropriate. Rating shall be done by or under the supervision of the [county or district] superintendent of schools or, if so directed by him, the same may be done by [an associate superintendent,] an assistant superintendent, [a supervising principal,] a supervisor, or a principal,

¹“school” in original.

who has supervision over the work of the professional employe or temporary professional employe who is being rated: Provided, That no unsatisfactory rating shall be valid unless approved by the [county or] district superintendent.

Section 1125. Suspensions and Reinstatements; How Made.—(a) Whenever a board of school directors decreases the size of the staff of professional employes, the suspensions to be made shall be determined by the [county superintendent of schools or] the district superintendent [, as the case may be,] on the basis of efficiency rank determined by ratings made in accordance with standards and regulations, determined by rating cards prepared by the Department of Public Instruction, as required by section one thousand one hundred twenty-three of this act. It shall be the duty of boards of school directors to cause to be established a permanent record system, containing ratings for each professional employe employed within the district. Copies of all ratings for the year shall be transmitted to the professional employe upon his or her request, or, if any rating during the year is unsatisfactory, a copy of same shall be transmitted to the professional employe concerned. No professional employe shall be dismissed under this act unless such rating records have been kept on file by the board of school directors. [: Provided, That boards of school directors in districts under supervision of the county superintendent may establish a filing system for rating cards in the office of the county superintendent of schools.]

* * *

Section 39. Section 1161 of the act is repealed.

Section 40. Section 1162 of the act, amended May 11, 1949 (P.L.1182), is amended to read:

Section 1162. Joint Employment Including Supervisors or Teachers of Special Subjects.—Two or more school districts may [, upon the nomination or joint nomination of the county superintendent, district superintendent or supervising principal under whose supervision such districts may be,] join in the employment of a supervisor or teacher of drawing, music, or other special subject, for part or all of the schools of such districts and may jointly prescribe his duties and fix and pay his compensation, under and subject to the provisions of this article governing the employment and tenure of professional employes.

Section 41. Section 1163 and subarticle (h); sections 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193 and 1194 of Article XI of the act are repealed.

Section 42. Section 1201 of the act, amended October 21, 1965 (P.L.601), is amended to read:

Section 1201. Certificates Qualifying Persons to Teach.—Only those persons holding one of the following certificates shall be qualified to teach in the public schools of this Commonwealth—(1) Permanent college certificate, (2) provisional college certificate, (3) normal school diploma, (4) normal school certificate, (5) special permanent certificate, (6) special temporary certificate, (7) permanent State certificate, (8) certificates which are permanent licenses to teach by virtue of the provisions of section one thousand

three hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309), as amended, which is repealed hereby, or (9) such other kinds of certificates as are issued under the standards prescribed by the State Board of Education. The State Board of Education shall also provide for issuance of certificates by [county or] district superintendents to meet such emergencies or shortage of teachers as may occur.

Section 43. Section 1212 of the act is amended to read:

Section 1212. Registration and Record of Certificates.—Before entering upon the work of teaching, every holder of a permanent, special or State certificate, of any kind, shall present it, for registration, to the proper superintendent, who shall record its kind, number, and date of issue, together with the branches which it covers. Whenever new branches are added to any certificate, these shall be added to the record upon presentation of said certificate to the superintendent.

Every [county and] district superintendent shall keep [in a book provided for that purpose, at the expense of the State,] an accurate record of all valid certificates held by the teachers of the schools within his jurisdiction.

Section 44. Section 1304 of the act, amended October 21, 1965 (P.L.601), is amended to read:

Section 1304. Admission of Beginners.—The admission of beginners to the public schools shall be confined to the first two weeks of the annual school term in districts operating on an annual promotion basis, and to the first two weeks of either the first or the second semester of the school term in districts operating on a semi-annual promotion basis. Admission shall be limited to beginners who have attained the age of five years and seven months before the first day of September if they are to be admitted in the fall, and to those who have attained the age of five years and seven months before the first day of February if they are to be admitted at the beginning of the second semester. The board of school directors of any school district may admit beginners who are less than five years and seven months of age, in accordance with standards prescribed by the State Board of Education. The board of school directors may refuse to accept or retain beginners who have not attained a mental age of five years, as determined by the [county] supervisor of special education or a properly certificated public school psychologist in accordance with standards prescribed by the State Board of Education.

The term "beginners," as used in this section, shall mean any child that should enter the lowest grade of the primary school or the lowest primary class above the kindergarten level.

Section 45. Subsection (b) of section 1305 and section 1318 of the act are amended to read:

Section 1305. Non-resident Child Placed in Home of Resident.—* * *

(b) Any resident of any school district, before accepting custody of a non-resident child of school age for compensation by order of court or by arrangement with an association, agency, or institution having the care of

dependent or neglected children, must secure, from the superintendent of schools [**supervising principal,**] or school board in that district, a statement in writing that the child can be accommodated in the schools of the district or that the child can not be accommodated and the reasons therefor. If such statements are not furnished within two weeks after a request in writing has been made to the board's secretary, the [**supervising principal, or the**] superintendent of schools, the board's assent shall be assumed, and the child shall be admitted to the schools of the district as a pupil. If such statement sets forth conditions such as to exempt the district under this section from accepting the child as a pupil, and if such exemption is not disapproved on appeal by the Superintendent of Public Instruction, and if other arrangement for the child's schooling satisfactory to the [**county or**] district superintendent is not made, the child may not be placed in the district.

Appeal from the claim of any school district for exemption, as provided in this section, may be taken to the Superintendent of Public Instruction, and his decision thereon after investigation shall be final.

Section 1318. Suspension and Expulsion of Pupils.—Every principal or teacher in charge of a public school may temporarily suspend any pupil on account of disobedience or misconduct, and any principal or teacher suspending any pupil shall promptly notify the district superintendent [**supervising principal,**] or secretary of the board of school directors. The board may, after a proper hearing, suspend such child for such time as it may determine, or may permanently expel him. Such hearings, suspension, or expulsion may be delegated to a duly authorized committee of the board.

Section 46. Section 1327 of the act, amended October 21, 1965 (P.L.601), is amended to read:

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 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 [**chief public school administrator of the administrative unit where the child resides, if such is employed, otherwise the county superintendent of schools**] *district superintendent* and the approval of the Superintendent of Public Instruction, and any child sixteen years of age with the approval of the [**chief public school administrator of the administrative unit where the child resides, if such is employed, otherwise the county**] *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, or in a trade or business school, or department operated by a local school district or districts. [**or by the county board of school directors.**] *Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board [of] for Vocational Education.* 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, or to a trade or business school, or department operated by a local school district or districts. [or by the county board of school directors] Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board [of] 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 [the county board of school directors] *an intermediate unit* and approved by the Department of Public Instruction or conducted by the Department of Public Instruction. 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 [county or] district superintendent of schools.

Section 47. Clause (4) of section 1330, sections 1332, 1333 and 1334 of the act are amended to read:

Section 1330. Exceptions to Compulsory Attendance.—The provisions of this act requiring regular attendance shall not apply to any child who—

* * *

(4) Has attained the age of fourteen (14) years and is engaged in farm work or domestic service in a private home on a permit issued as provided in clause (3) of this section, and who has satisfactorily completed, either in public or private schools, the equivalent of the highest grade of the elementary school organization prevailing in the public schools of the district in which he resides, if the issuance of such a permit has first been recommended by the [county

"entire" in original.

or] district superintendent of schools having supervision of the schools of the district where such child resides, or by the principal of the private school where such child is enrolled, and the reason therefor has been approved by the Superintendent of Public Instruction;

* * *

Section 1332. Reports of Enrollments; Attendance and Withdrawals; Public and Private Schools.—Every principal or teacher in every public school, and every principal, teacher or tutor in every school other than a public school, and in every institution for children, and every private teacher in every school district, shall, immediately after their admission to such school or institution, or at the beginning of such private teaching, furnish to the district superintendents, [**supervising principals,**] attendance officers, home and school visitors, or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside, lists of the names and residences of all children between six (6) and eighteen (18) years of age enrolled in such school or institution, or taught by such private teachers; and shall further report at once to such district superintendent, [**supervising principal,**] or secretary of the board of school directors, the name and date of withdrawal of any such pupil withdrawing from any such school or institution, or from such private instruction, if such withdrawal occurs during the period of compulsory attendance in said district. Every principal or teacher in a school other than a public school, and every private teacher, shall also report at once to the superintendent, [**supervising principal,**] attendance officer, home and school visitor, or secretary of the board of school directors of the district, any such child who has been absent three (3) days, or their equivalent, during the term of compulsory attendance, without lawful excuse.

Section 1333. Penalties for Violation of Compulsory Attendance Requirements.—Every parent, guardian, or person in parental relation, having control or charge of any child or children of compulsory school age, who shall fail to comply with the provisions of this act regarding compulsory attendance, shall on summary conviction thereof, be sentenced to pay a fine, for the benefit of the school district in which such offending person resides, not exceeding two dollars (\$2) for the first offense, and not exceeding five dollars (\$5) for each succeeding offense, together with costs, and, in default of the payment of such fine and costs by the person so offending, shall be sentenced to the county jail for a period not exceeding five (5) days. Any person sentenced to pay any such fine may, at any time within five (5) days thereafter, appeal to the court of quarter sessions of the proper county, upon entering into a recognizance, with one or more proper sureties, in double the amount of penalty and costs. Before any proceedings are instituted against any parent, guardian, or person in parental relation, for failure to comply with the provisions of this act, the district superintendent, [**supervising principal,**] attendance officer, or secretary of the board of school directors, shall give the offending person three (3) days' written notice of such violation. If, after such notice has been given, the provisions of this act regarding compulsory attendance are again violated

by the persons so notified, at any time during the term of compulsory attendance, such person, so again offending, shall be liable under the provisions of this section without further notice.

Section 1334. Children Lacking Clothing or Food.—Whenever the board of school directors, or the attendance officer, home and school visitor, superintendent, [**supervising principal,**] or secretary of any board of school directors, ascertains that any child of compulsory school age, who is by the provisions of this act required to attend the public schools in the district over which such board of school directors has control, is unable to do so, on account of lack of necessary clothing or food, such case shall be promptly reported to any suitable relief agency operating in the school district, or, if there is no such suitable relief agency to which the case can be referred, it shall be reported to the proper county board of assistance for investigation and relief.

Section 48. Section 1338 of the act, amended May 9, 1949 (P.L.977), is amended to read:

Section 1338. Delinquent Children.—In case any child of compulsory school age cannot be kept in school in compliance with the provisions of this act, on account of incorrigibility, truancy, insubordination, or other bad conduct, 'or if the presence of any child attending school is detrimental to the welfare of such school, on account of incorrigibility, truancy, insubordination, or other bad conduct, the board of school directors may, by its superintendent, [**supervising principal,**] secretary, or attendance officer, under such rules and regulations as the board may adopt, proceed against said child before the juvenile court, or otherwise, as is now or may hereafter be provided by law for incorrigible, truant, insubordinate, or delinquent children.

Section 49. Sections 1345, 1353, 1354 and 1355 of the act are amended to read:

Section 1345. Penalty for Interfering with Inspections.—Any officer, director, superintendent, manager, employe, or other person, at any place where any child of compulsory school age is engaged, who refuses to permit, or in any way interferes with, the entrance therein of the attendance officer, any member of the board of school directors, the secretary thereof, *or* the district superintendent [, **or supervising principal**] of any school district, as provided for in this act, shall, on summary conviction thereof, be sentenced to pay a fine of not less than five dollars (\$5) or more than twenty-five dollars (\$25), and in default thereof he may be sentenced to imprisonment not exceeding thirty (30) days. Any person sentenced to pay any such fine may, upon giving proper surety in double the amount of penalty and costs, at any time within five (5) days thereafter, appeal to the court of quarter sessions of the proper county.

Section 1353. Cost of Enumeration; Additional Names and Information. The cost and expense of making a proper enumeration of the children of each school district, as herein provided, shall be paid per diem, or by the name, or

¹"of" in original.

in such other manner as the board of school directors may deem proper, out of the funds of the district. The attendance officer, the district superintendent, **[supervising principal,]** or the secretary of the board of school directors, shall have the power to add to this enumeration the names of any children whose names do not appear thereon, together with other information required by this act.

Section 1354. *Report of Children not Enrolling, or Withdrawing, or Being Illegally Absent.*—It shall be the duty of every principal or teacher of a public school to report immediately to the attendance officer, district superintendent, **[supervising principal,]** or secretary of the board of school directors, the names of all children in the list furnished to him who have not appeared for enrollment, and he shall also properly report, from time to time, to the attendance officer, district superintendent, **[supervising principal,]** or secretary of the board of school directors, the names of all children who having enrolled have subsequently withdrawn from school, or who have been absent three (3) days, or their equivalent, without lawful excuse. Such person shall thereupon serve upon the parent, guardian, or other person in parental relation to such children unlawfully absent from school, the written notice hereinbefore provided, and if it shall appear that, within three (3) days thereafter, any child, parent, guardian, or other person in parental relation shall have failed to comply with the provisions of this act, the superintendent, **[supervising principal,]** attendance officer, or secretary of the board of school directors, in the name of the school district, shall proceed against the person so offending, in accordance with the provisions of this act.

Section 1355. *Penalty for Failure to Comply.*—Any district superintendent, **[supervising principal,]** secretary of the board of school directors, attendance officer, or teacher of any public or private school, or any private teacher, or any principal or teacher in any institution for children, who wilfully refuses or neglects to comply with the provisions of this act, shall be liable for and pay a penalty, for the use of the school district, not exceeding twenty-five dollars (\$25) and costs, and, in default of payment thereof, may be committed to the county jail for a period not exceeding thirty (30) days. Such penalty may be recovered by, and in the name of, any school district, as like penalties are now collected by law. Any such superintendent, **[supervising principal,]** secretary, attendance officer, or teacher, upon whom a fine is imposed, may, at any time within five (5) days thereafter, appeal to the court of quarter sessions in the proper county, on furnishing proper bail, with one (1) surety, in double the amount of such penalty and costs.

Section 50. Section 1361 of the act, amended April 26, 1968 (Act No. 50), is amended to read:

Section 1361. *When Provided.*—The board of school directors in any school district may, out of the funds of the district, provide for the free transportation of any resident pupil to and from the public schools and to and from any points in the Commonwealth in order to provide tours for any purpose connected with the educational pursuits of the pupils. When provision

is made by a board of school directors for the transportation of resident pupils to and from the public schools, the board of school directors shall also make provision for the free transportation of pupils who regularly attend nonpublic elementary and high schools not operated for profit. Such transportation provided for pupils attending nonpublic elementary and high schools not operated for profit shall be over established public school bus routes. Such pupils shall be transported to and from the point or points on such routes nearest or most convenient to the school which such pupils attend. The board of school directors shall provide such transportation whenever so required by any of the provisions of this act or of any other act of Assembly.

The board of school directors in any school district may, if the board deems it to the best interest of the school district, for the purposes of transporting pupils as required or authorized by any of the provisions of this act or of any other act of the Assembly, appropriate funds for urban common carrier mass transportation purposes from current revenues to urban common carrier mass transportation authorities to assist the authorities to meet costs of operation, maintenance, capital improvements, and debt service. Said contributions shall not be subject to reimbursement by the Commonwealth of Pennsylvania.

The State Board of Education shall adopt regulations, including qualifications of school bus drivers, to govern the transportation of school pupils.

Section 51. Section 1364 of the act is repealed.

Section 52. Section 1371 of the act, amended September 12, 1961 (P.L.1245), and August 8, 1963 (P.L.593), is amended to read:

Section 1371. Definition of Exceptional Children; Reports; Examination.—(1) The term "exceptional children" shall mean children of school age who deviate from the average in physical, mental, emotional or social characteristics to such an extent that they require special educational facilities or services and shall include all children in detention homes.

(2) It shall be the duty of the [secretary of the school board,] *district superintendent*, in every school district [of the second, third and fourth class,] in accordance with rules of procedure prescribed by the Superintendent of Public Instruction, to secure information and report to the [county board of school directors] *proper intermediate unit*, on or before the fifteenth day of October of each year, and thereafter as cases arise, every exceptional child within said district. As soon thereafter as possible the child shall be examined by a person certified by the Department of Public Instruction as a public school psychologist, and also by any other expert which the type of handicap and the child's condition may necessitate. A report shall be made to the [county board of school directors] *proper intermediate unit* of all such children examined and of all children residing in the district who are enrolled in special classes. [In school districts of the first and first A class, every exceptional child shall be reported to the superintendent of the district as he shall direct.]

Section 53. Section 1372 of the act, amended September 12, 1961 (P.L.1245), October 21, 1965 (P.L.601) and February 1, 1966 (P.L.1642), is amended to read:

Section 1372. Exceptional Children; Education and Training.—(1) Standards for Proper Education and Training of Exceptional Children. The State Board of Education shall adopt and prescribe standards and regulations for the proper education and training of all exceptional children by school districts or counties singly or jointly. The Department of Public Instruction shall have power, and it shall be its duty, to determine the counties which shall be joined for the purpose of providing proper education and training of exceptional children. Standards and regulations shall recognize such factors as number of exceptional children, types of handicaps, facility of transportation, adequacy of existing provisions for exceptional children, and availability of school plant facilities.

(2) Plans for Education and Training Exceptional Children. **[The county board of school directors cooperatively with other county boards and with boards of directors of districts of the second, third and fourth class]** *Each intermediate unit, cooperatively with other intermediate units and with school districts* shall prepare and submit to the **[Department]** *Superintendent* of Public Instruction, on or before the first day of **[July]** *August*, one thousand nine hundred **[fifty-six, for its]** *seventy for his* approval or disapproval, plans for the proper education and training of all exceptional children **[in districts of the second, third and fourth class]** in accordance with the standards and regulations adopted by the State Board of Education. Plans as provided for in this section shall be subject to revision from time to time as conditions warrant, subject to the approval of the **[Department]** *Superintendent* of Public Instruction.

(3) Special Classes or Schools Established and Maintained by School Districts. **[The county or district superintendent of schools shall submit, to the board or boards of school directors, plans for establishing and maintaining by the district or districts under his supervision special classes in the public schools or special public schools in the manner provided in the approved plan.]** Except as herein otherwise provided, it shall be the duty of the board of school directors of **[any]** *every school* district to provide and maintain, or to jointly provide and maintain with neighboring districts, special classes or schools in accordance with the approved plan. The **[State]** Superintendent of Public Instruction shall superintend the organization of such special classes and such other arrangements for special education and shall enforce the provisions of this act relating thereto. If the approved plan indicates that it is not feasible to form a special class in any district or to provide such education for any such child in the public schools of the district, the board of school directors of the district shall secure such proper education and training outside the public schools of the district or in special institutions, or by providing for teaching the child in his home, in accordance with rules and regulations prescribed by the Department of Public

Instruction, on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children.

In addition to the above and in accordance with rules and regulations prescribed by the Department of Public Instruction, homebound instruction shall be provided for children confined in detention homes as provided in section 7, act of June 2, 1933 (P.L.1433), as amended, for the period of their confinement, if their confinement exceeds or is expected to exceed ten days, even though such children are not exceptional.

(4) [County] Classes for Exceptional Children. [The county board of school directors] *The intermediate unit* shall have power, and it shall be [their] *its* duty, to provide, maintain, administer, supervise and operate such additional classes or schools as are necessary or to otherwise provide for the proper education and training [in the manner set forth in the approved plan] for all exceptional children who are not enrolled in classes or schools maintained and operated by school districts [of the second, third and fourth class] or who are not otherwise provided for [in accordance with the approved plan].

(5) Day-Care Training Centers, Classes and Schools for the Proper Education and Training of Exceptional Children. Where in the judgment of the [State] Superintendent of Public Instruction, the provisions of this act relating to the proper education and training of exceptional children have not been complied with or the needs of exceptional children are not being adequately served, the Department of Public Instruction is hereby authorized to provide, including the payment of rental when necessary, maintain, administer, supervise and operate classes and schools for the proper education and training of exceptional children. Pupil eligibility for enrollment in classes for exceptional children shall be determined according to standards and regulations promulgated by the State Board of Education. For each child enrolled in any special class or school for exceptional children operated by the Department of Public Instruction, the school district in which the child is resident shall pay to the Commonwealth, a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil" as determined for the schools operated by the district or by a joint board of which the district is a member, based upon the costs of the preceding school term as provided for in section two thousand five hundred sixty-one of the act to which this is an amendment plus a sum equal to ten (10) per centum of such tuition charges. In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Superintendent of Public Instruction shall fix a reasonable charge for such district for the year in question. In order to facilitate such payments by the several school districts, the Superintendent of Public Instruction shall withhold from any moneys due to such district out of any State appropriation, except from reimbursement due on account of rentals as provided in section

¹"taining" in original.

two thousand five hundred eleven point one of the act to which this is an amendment, the amounts due by such school districts to the Commonwealth. All amounts so withheld are hereby specifically appropriated to the Department of Public Instruction for the maintenance and administration of centers and classes for exceptional children.

(6) Pupils Credited to District of Residence. The average daily membership of pupils enrolled in classes and schools for exceptional children, operated by [a county board of school directors] *an intermediate unit* or by the Department of Public Instruction, shall be credited to the school district of residence for the purpose of determining the district's "teaching units" to be used in calculating the district's reimbursement fractions or weighted average daily membership to be used in calculating a district's aid ratio and in determining payments to the district on account of instruction as provided in section two thousand five hundred two of the act to which this is an amendment.

Section 54. Section 1374 of the act, amended September 12, 1961 (P.L.1245), is amended to read:

Section 1374. Free Transportation or Board and Lodging.—Any exceptional child, who is regularly enrolled in a special class that is approved by the Department of Public Instruction, or who is enrolled in a regular class in which approved educational provisions are made for him, may be furnished with free transportation by the school district. When it is not feasible to provide such transportation the board of school directors may in lieu thereof pay for suitable board and lodging for any such child. If free transportation or board and lodging is not furnished for any exceptional child who, by reason thereof, is unable to attend the class or center for which he is qualified, the [county board of school directors] *intermediate unit* shall provide the transportation necessary.

Section 55. Sections 1392, 1393 and 1394 of the act are amended to read:

Section 1392. Reports by Employers of Children.—Every person, firm, association, or corporation accepting service from, or employing, a child or children, between the ages of fourteen (14) and eighteen (18) years, shall, semi-annually, on the first day of January and on the first day of July in each year, furnish to the district superintendent, [supervising principal,] or secretary of the board of school directors of the district in which such child or children reside, the name, age, place of residence, and name of parent or guardian, of every such child in his or its employ or service. Such report shall be made upon blanks to be furnished by the Superintendent of Public Instruction at the expense of the Commonwealth.

Section 1393. Posting of Information by Employers of Children.—Every person, firm, association, or corporation accepting service from, or employing, a child or children, between the ages of fourteen (14) and eighteen (18) years, during the hours when the public schools are in session, and during the period of compulsory attendance in any school district, shall make a true and correct

list of all such children, giving their names, ages, places of residence, names of parents or guardians, the dates of and names of the persons issuing the employment certificates, and the time of beginning and ending of service with him or it, which list shall be clearly written or printed and kept publicly posted at the place of employment of such child, where the same may be inspected by any member of the board of school directors or the secretary thereof, by the district superintendent, **[the supervising principal,]** or the attendance officer of any school district, at any time during business hours.

Section 1394. Penalties for Violation of Child Labor Requirements.— Any person or persons accepting service from, or engaging or employing, any child between eight (8) and eighteen (18) years of age while the public schools are in session, without having on file for such child an employment certificate, or farm or domestic service permit, or failing to furnish to the district superintendent, **[supervising principal,]** attendance officer, or secretary of the board of school directors, the information required by this act concerning the children employed by him or them, or failing to post for inspection, at the place of employment of such children, the list of children engaged by him or them, as required by the provisions of this act, or failing to notify the proper school official when a child leaves such employment or is absent therefrom for five (5) days, shall be guilty of a misdemeanor, and, upon conviction, shall for a first offense be sentenced to pay a fine of not less than ten dollars (\$10) or more than twenty-five dollars (\$25), or to undergo imprisonment in the county jail for ten (10) days, or both, at the discretion of the court, and for a subsequent offense shall be sentenced to pay a fine of not less than twenty dollars (\$20) or more than fifty dollars (\$50), or to undergo imprisonment in the county jail for ninety (90) days, or both, at the discretion of the court.

Section 56. Section 1422 of the act, added July 15, 1957 (P.L.937), is amended to read:

Section 1422. Advisory Health Councils.—District superintendents **[in school districts of the first class, first class A and second and third classes, and county superintendents in districts under their supervision,]** may set up advisory health councils to study health needs and to assist in organizing follow-up programs. An advisory health council shall be composed of representatives of the medical and dental associations, social organizations, veterans' organizations, parent-teacher associations, service clubs and other organizations in the area served. Those making the medical and dental examinations shall make to this advisory council an annual report, and later a report on the remedial work which has been accomplished during the school year.

Section 57. Section 1517 of the act, amended July 25, 1963 (P.L.282), is amended to read:

Section 1517. Fire and Emergency Evacuation Drills.—(a) In all public schools where fire-escapes, appliances for the extinguishment of fires, or proper and sufficient exits in case of fire or panic, either or all, are required by law to be maintained, fire drills shall be periodically conducted, not less

than one a month, by the teacher or teachers in charge, under rules and regulations to be promulgated by the [county or] district superintendent under whose supervision such schools are. In such fire drills the pupils and teachers shall be instructed in, and made thoroughly familiar with, the use of the fire-escapes, appliances and exits. The drill shall include the actual use thereof, and the complete removal of the pupils and teachers, in an expeditious and orderly manner, by means of fire-escapes and exits, from the building to a place of safety on the ground outside.

(b) [The city and county] *District* superintendents are hereby required to see that the provisions of this section are faithfully carried out in the schools over which they [respectively] have charge.

(c) Any person who violates or fails to comply with the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or to undergo imprisonment in the county jail for not less than ten (10) days or more than sixty (60) days, or both.

(d) All schools using or contracting for school buses for the transportation of school children shall conduct on school grounds two emergency evacuation drills on buses during each school year, the first to be conducted during the first week of the first school term and the second during the month of March, and at such other times as the chief school administrator may require. Each such drill shall include the practice and instruction concerning the location, use and operation of emergency exit doors and fire extinguishers and the proper evacuation of buses in the event of fires or accidents.

Bus operators shall be provided with proper training and instructions to enable them to carry out the provisions of this subsection and may be required to attend classes and drills in connection therewith.

On or before the tenth day of April of each year, each [chief school administrator] *district superintendent* shall certify to the Department of Public Instruction that the emergency evacuation drills herein required have been held.

Section 58. Sections 1532, 1533, 1541, 1602 and 1606 of the act are amended to read:

Section 1532. Records and Reports of Pupils; Districts Second, Third and Fourth Class.—In school districts of the second, third and fourth class, every teacher in the public elementary or high schools shall make and keep a proper record of the work and progress of each pupil, and at the end of each term shall include, in the last monthly report required from such teacher by the provisions of this act, the grade of proficiency of each pupil and his standing in the several branches pursued by him in said school, as well as the conduct of such pupil, together with such recommendations for his promotion or retention for additional preparation as such teacher deems just and proper. Until his record and report as herein required shall have been examined and approved by the district superintendent, [supervising principal,] or the secretary of the board

of school directors, no teacher shall be paid any salary for the last month of his term.

Section 1533. Record of Pupils at Beginning of Term.—The district superintendent, **[supervising principal,]** or secretary of the board of school directors, in every school district, shall on or before the opening day of school in each term furnish to each teacher or principal in every school a true copy of the standing of each pupil in such school, together with the recommendation made thereon by the principal or teacher of said school at the close of the preceding term.

Section 1541. Study of Birds, Trees and Conservation of Resources.—Each day designated and proclaimed by the Governor as Arbor Day shall be known also as Bird Day, and it shall be the duty of every teacher in the public schools, to devote, together with their pupils, at least two hours of such school day to the study of birds, trees and general conservation of resources; and it shall be the duty of all **[county and]** district superintendents to see to it that the requirements of this act are complied with.

Section 1602. New High Schools; Additional Years.—In order to establish a new high school or to add a year of work to the program of a high school or junior high school already in operation in a school district of the fourth class, the approval of the Department of Public Instruction **[and of the county superintendent of schools in which the district is located]** shall be secured in advance of the opening of such school or of making such change in program.

Section 1606. Supervision; Reports.—Every public high school shall be under the supervision of the superintendent of the **[county or]** district in which said high school is situated.

The board of school directors of every district maintaining a high school shall furnish to the Superintendent of Public Instruction sworn statements giving such information concerning said high school as he may require.

Section 59. Section 1701 of the act, amended July 27, 1953 (P.L.629), is amended to read:

Section 1701. Establishment.—The board of school directors in any two or more school districts may, with the approval of the **[county board of school directors and of the]** Department of Public Instruction, establish, construct, equip, furnish, and maintain joint elementary public schools, high schools, consolidated schools or any other kind of schools or departments provided for in this act. The cost of establishing, constructing, equipping, furnishing, and maintaining such joint schools or departments, including the cost of transportation of pupils, shall be paid by the several districts establishing the same, in such manner and in such proportion as they may agree upon. No joint school or department shall be established without the approval of the **[county board of school directors and of the]** Department of Public Instruction or without receiving the affirmative vote of a majority of the members of the board of school directors in each district establishing the same. The action of the several boards establishing and maintaining such joint schools or

departments shall be recorded in full in the minutes of the respective boards.

Section 60. Section 1705 of the act, amended July 31, 1963 (P.L.389), is amended to read:

Section 1705. **[Superintendent;] Treasurer; Budget.**—**[If one of the districts operating a joint school system including grades 1 to 12 has a district superintendent, he shall have administrative and supervisory jurisdiction over the joint school system. Otherwise, it shall be under the jurisdiction of the county superintendent.]** The several boards of school directors of the school districts establishing such joint school or department shall meet in joint session at least once a year, for the purpose of adopting the annual school budget. The presiding officer and secretary of the joint session shall be the president and secretary of the joint board or joint school committee. At such joint session they shall elect, from the treasurers of their respective districts, one who shall act as the treasurer of such joint school or department, for a one year term beginning on the first day of July following his election, to whom shall be paid, by the several districts establishing such joint school or department, the amount agreed upon to be contributed by each district for the support of such joint school or department. They shall fix the salary of the treasurer of such joint school or department annually, at an amount not exceeding two per centum of the funds passing through his hands.

Section 61. Section 1804 of the act is amended to read:

Section 1804. Schools or Classes; Supervisors; Principals; Instructors, etc. In carrying out the provisions of this act, the State Board for Vocational Education shall provide for **[State regional and county]** vocational schools or classes, with the necessary staffs, in accordance with the State Plan for Vocational Education, approved by the Federal Board for Vocational Education.

[Supervisors of agriculture and supervisors of homemaking shall be elected by the State Board for Vocational Education, upon the nomination of the county superintendent of schools and approved by the county board of school directors. They shall possess the qualifications established in the State Plan for Vocational Education approved by the Federal Board for Vocational Education.]

Principals, instructors and lecturers for the Public Service Institute shall be elected by the State Board for Vocational Education. They shall possess the qualifications established in the State Plan for Vocational Education approved by the Federal Board for Vocational Education.

Section 62. Subsection (a) of section 1844 of the act, amended February 1, 1966 (P.L.1632), is amended to read:

Section 1844. Establishment of Schools and Institutes.—(a) The **[County Board of School Directors of each county having such a board]** *executive director of each intermediate unit* shall call a convention of school directors of **[the]** *all* school districts **[of the second, third and fourth class in each attendance area,]** *in the intermediate unit* to meet separately by attendance areas, to discuss the establishment of an area

vocational-technical school or technical institute, as the case may be. The secretary of the [county board] *intermediate unit board of directors* shall call on each district to state its desire or unwillingness to participate in the establishment of an area vocational-technical school or technical institute, as the case may be. Then the question of establishing an area vocational-technical school or technical institute shall be placed before the convention. If approved by a majority of all the school directors of the districts expressing a desire to participate in the establishment of an area vocational-technical school or technical institute, the [county board of] school directors shall, following approval of the Department of Public Instruction, act as the agency to initiate the final procedures necessary to organize, establish and operate an area vocational-technical school or technical institute in the attendance area. School districts indicating unwillingness to participate in the establishment of an area vocational-technical school or technical institute may become participating districts at a later date according to terms and conditions defined by the then participating districts. In the event [a county board does not call] a convention of school directors from districts within an approved vocational-technical or technical institute attendance area *is not called* (1) to discuss the establishment of an area vocational-technical school or technical institute, (2) to poll each board to determine whether it desires or is unwilling to participate in establishing an area vocational-technical school or technical institute, and (3) to conduct a vote of the directors from districts desiring to participate in an area vocational-technical school or technical institute, one or more boards of school directors of school districts from an approved attendance area may invite the directors from other school districts within the attendance area to a meeting. The directors assembled in meeting shall discuss the establishment of an area vocational-technical school or technical institute, determine which districts desire to participate, and conduct a vote of directors from school districts desiring to participate in the establishing of an area vocational-technical school or technical institute. If a majority of the school directors from districts indicating interest in participating vote to establish an area vocational-technical school or technical institute, following approval of the Department of Public Instruction, the boards of school directors may organize a joint board for the purpose of establishing and operating such school or institute [, or they may request the county board to act as the agency to initiate the final procedures necessary to organize, establish and operate an area vocational-technical school or technical institute in the attendance area].

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Section 63. Subsection (b) of section 1844 of the act is repealed.

Section 64. Subsection (d) of section 1844 of the act, amended August 14, 1963 (P.L.1065), is amended to read:

Section 1844. Establishment of Schools and Institutes.— * * *

(d) Boards of Public Education of districts of the first class A and first

class may establish area vocational-technical schools and technical institutes by the majority vote of the members of such boards, provided such action is approved by the State Board for Vocational Education. **[A Board of Public Education of a school district of the first class A may request the county board of school directors in a county of the second class to include part or parts of such school district in proposals for area vocational-technical and technical institute attendance areas comprising school districts of the second, third and fourth class or to include all of such school district in a county-wide proposal for arranging all school districts in area vocational-technical and technical institute attendance areas.]**

Section 65. Section 1848 of the act is repealed.

Section 66. Section 1906 of the act, amended October 21, 1965 (P.L.601), is amended to read:

Section 1906. Part of Public Schools; Standards.—General extension education shall be an integral part of the public schools of the Commonwealth and of the districts in which it is organized. It shall be under the supervision of the superintendent of the **[county or of the]** district, as are other public schools of that district. The State Board of Education shall adopt standards for the qualifications and certification of general extension teachers and leaders, pre-approval of instructional budgets and all other matters pertaining to general extension education not inconsistent with this act or other acts pertaining to the public schools of the Commonwealth.

Section 67. Sections 2402 and 2408 of the act are amended to read:

Section 2402. Statements of Accounts, etc.—In order that the aforesaid accounts may be thoroughly and properly audited, it shall be the duty of all boards of school directors and their proper officers, school depositories, **[county and]** district superintendents, treasurers of directors' associations, treasurers of teachers' retirement funds, and other proper persons, to furnish to such auditors, whenever required by them for auditing purposes, statements and accounts of all finances of the district, of teachers' institutes or directors' associations, and other funds belonging to or controlled by the district, including assets and liabilities, together with access to all books, records, tax duplicates, vouchers, school orders, payrolls, letters, and other matters pertaining to the same.

Section 2408. Copies of Reports.—In all school districts **[of the second, third, and fourth class,]** the auditors' report of the finances of the district for the preceding year, as made by the auditors herein provided, shall be filed with the board of school directors, **[and]** entered on the minutes of the board by the secretary thereof **[. In all school districts under the direction of a county superintendent, the auditors' report shall be inspected by the county board of school directors, and shall be signed and forwarded to the Department of Public Instruction by the county superintendent. In addition to all copies now required by law, a copy of such report shall be filed with the county board of school directors, which copy shall be retained by the board.] and forwarded to the Superintendent of Public Instruction. A copy of such**

report shall be filed with the intermediate unit board of directors.

Section 68. Sections 2431 and 2441 of the act, amended July 31, 1963 (P.L.389), are amended to read:

Section 2431. Time of Audit; Filing of Copies.—In every school district of the second and third classes, the proper auditors herein provided to audit the finances of the school district shall begin their duties on the first day of July each year, and promptly within thirty days audit the accounts of the school district for which they were appointed, including the accounts of the treasurer, the school depositories, and other school funds, for the preceding fiscal year, in the manner herein provided. On the completion of the audit they shall make correct copies thereof, which shall contain an itemized statement of all receipts, expenditures, and credits, whatsoever, of school officials, and the assets and liabilities of the district. One copy shall be filed with the board of school directors of the district, one copy in the court of common pleas of the county in which the district is located, and **[except in school districts of the third class under the supervision of the county superintendent of schools,]** *one copy with the intermediate unit board of directors*, one copy in the Department of Public Instruction, by mailing the same sealed, stamped, and addressed to the Superintendent of Public Instruction, Harrisburg, Pennsylvania, by registered mail with return registry receipt requested. **[In districts of the third class under the supervision of the county superintendent of schools, two copies shall be transmitted to the county superintendent who shall forward one of such copies to the Superintendent of Public Instruction, Harrisburg, Pennsylvania.]**

Section 2441. Time of Audit; Filing Copies; Publication.—In every school district of the fourth class, the auditors shall meet annually with the board of school directors, on the first day of July, at the time of organization, or within five days thereafter, and within thirty days carefully audit and adjust the financial accounts of the school district for the preceding school year: Provided, That the meeting of the auditors with the board of school directors shall not be held on the Fourth of July. At the completion of the audit, they shall make a careful statement, in duplicate, of the finances of the district for the preceding year, setting forth the assets and liabilities, and an itemized statement of all receipts, expenditures, and credits, whatsoever, of all school officials, and including therein any sums that have been charged against any person or persons. One copy of such annual statement shall be filed by the auditors with the secretary of the board of school directors and one in the court of common pleas of the county in which such district or the greater or greatest part thereof in area shall be located. A summary thereof, including the assets and liabilities of the school district, shall be published in a newspaper having general circulation in the district, once a week for three successive weeks, beginning the first week after filing the same, or be promptly posted, by not less than six copies, in as many places in the district. The auditors shall also file **[two copies of their report with the county superintendent of schools, who**

shall forward one of such copies to the Department] one copy of their report with the Superintendent of Public Instruction.

Section 69. Section 2461 of the act is repealed.

Section 70. Section 2462 of the act is amended to read:

Section 2462. School Directors' Association.—The account of the treasurer of [each county] a school [directors'] *director* association [, as filed with the county treasurer,] *within an intermediate unit* shall be properly audited [by the county auditors or county controller at the same time and in the same manner as the county treasurer's accounts are audited. A report thereof shall be included in the report made by the county auditors or county controller to the court.] *annually by a certified public accountant, and filed with the association.*

Section 71. Section 2504 of the act, amended February 1, 1966 (P.L.1642), is amended to read:

Section 2504. Payments on Account of Vocational Curriculums.—Every school district regardless of classification, and every [county board of school directors] *intermediate unit* with reference to vocational departments of high schools or vocational schools, shall be paid by the Commonwealth for every school year, the sum of thirty-five dollars (\$35) in vocational agriculture and vocational industrial education; twenty dollars (\$20) in vocational home economics education; and fifty dollars (\$50) in vocational distributive education per pupil in average daily membership in vocational curriculums, approved by the Superintendent of Public Instruction.

Section 72. Section 2506 of the act, amended August 21, 1953 (P.L.1223), is amended to read:

Section 2506. Payments on Account of Approved Travel.—Every school district [and every vocational school district, regardless of classification, and every county board of school directors with reference to area technical schools operated by them,] shall be paid by the Commonwealth for every school year, on account of approved traveling expenses in the discharge of teaching and supervisory responsibilities of teachers, coordinators, supervisors and directors in vocational education, eighty per centum (80%) of the sum expended by the school district [or the board] for such approved travel.

Section 73. Section 2508.2 of the act, amended October 25, 1967 (P.L.487), is amended to read:

Section 2508.2. Payments on Account of Area Vocational-Technical Schools and Technical Institutes.—Every area vocational-technical board composed of school districts of the second, third and fourth class *and every intermediate unit* authorized to operate an area vocational-technical school and desiring to utilize advance payment of funds to operate area vocational-technical schools shall be paid, on or before the first day of August and on or before the first day of January of each school year that area vocational-technical schools are operated, in equal installments, the

amount of estimated cost for the operation thereof, including approved vocational extension classes. Deductions to equal the above installments paid to the area vocational-technical board *or the intermediate unit* shall be made from reimbursements due the districts of residence of pupils attending vocational-technical schools. These deductions shall be made on the basis of the approved per pupil cost of the program, including current expenses and capital outlay multiplied by the number of pupils in average daily membership.

On or before the first day of August of each year, the Commonwealth shall pay to every area vocational-technical board *and every intermediate unit* authorized to establish and operate a technical institute or institutes a sum obtained by adding one-third of the current expenses and one-half of the capital expenses as shown in the budget filed by the board *or the intermediate unit*. On or before the first day of January and approved by the Department of Public Instruction, the Commonwealth shall pay an equal sum or a sum shown to be necessary by an adjusted budget based upon expenditures made during the first half of the school term. At the end of each school year, all unexpended funds shall be credited to Commonwealth payments due for the succeeding year on account of the operation of such institute or institutes or upon the direction of the Superintendent of Public Instruction shall be returned to the Commonwealth. All funds returned shall be credited to the accounts from which they were paid. For each student enrolled in a technical institute, the district of residence shall pay to the Commonwealth the district's proportionate share of the expenses. Such district share of expenses shall be deducted from reimbursement due to the district.

Section 74. Section 2509.1 of the act, amended December 22, 1965 (P.L.1211), is amended to read:

Section 2509.1. Payment on Account of Transportation, Classes and Schools for Exceptional and Institutionalized Children.—Annually, before the first day of July, every [county board of school directors] *intermediate unit* shall submit, for prior review and approval by the Department of Public Instruction, an estimate of the cost of operating and administering classes or schools for exceptional and institutionalized children, including the cost of such fiscal controls as auditing and necessary treasurer's and secretary's bonds to be operated by the [county board] *intermediate unit* during the ensuing school year, and for transportation of pupils to and from classes and schools for exceptional children, whether or not conducted by the [county board] *intermediate unit*. On or before the first day of August, the Commonwealth shall pay to the [county board of school directors] *intermediate unit* a sum equal to one-half of the approved estimated annual cost of operation and administration of classes and schools for exceptional and institutionalized children and transportation for exceptional children and, on or before the first day of January, shall pay an equal sum, or a lesser sum as may be shown to be necessary by an

adjusted budget based upon expenditures during the first half of the school term. At the end of each school year all unexpended funds shall be credited to Commonwealth. Payments due for the succeeding school year on account of the operation of such classes or upon direction of the Superintendent of Public Instruction shall be returned to the Commonwealth. All such funds returned are hereby specifically appropriated to the Department of Public Instruction for support of schools and classes, and transportation for exceptional children. For each child enrolled in any special class or school for exceptional children operated by [a county board of school directors] *an intermediate unit*, the school district in which the child is resident shall pay to the Commonwealth a sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil," as determined for the schools operated by the district or by a joint board of which the district is a member, based upon the costs of the preceding school term as provided for in section two thousand five hundred sixty-one of the act to which this is an amendment. In the event that any school district has not established such "tuition charge per elementary pupil" or "tuition charge per high school pupil," the Superintendent of Public Instruction shall fix a reasonable charge for such district for the year in question. In addition, the district shall pay on account of transportation by the [county board] *intermediate unit* of pupils to and from classes and schools for exceptional children, whether or not conducted by the [county board] *intermediate unit*, an amount to be determined by subtracting from the cost of transportation per pupil the reimbursement due the district on account of such transportation in order to facilitate such payments by the several school districts. The Superintendent of Public Instruction shall withhold from any moneys due to such district out of any state appropriation, except from reimbursements due on account of rentals as provided in section two thousand five hundred eleven point one of the act to which this is an amendment, the amounts due by such school districts to the Commonwealth. All amounts so withheld are hereby specifically appropriated to the Department of Public Instruction for the support of public schools. The cost of operating and administering classes and schools for institutionalized children, including the cost of necessary fiscal controls, shall be paid by the Commonwealth.

Section 75. Section 2509.2 of the act, added July 25, 1961 (P.L.841), is amended to read:

Section 2509.2. Payment on Account of Transportation Classes and Schools for Children of Migrant Laborers.—Annually before the first day of May, 1961, and the first day of February of each year thereafter, every [county board of school directors] *intermediate unit* planning to conduct summer classes or schools for children of migrant laborers, and the extension of established summer classes beyond the opening of the fall term, such extensions being for not more than forty school days, shall

submit for prior review and approval by the Department of Public Instruction an estimate of the cost of summer classes or schools for children of migrant laborers to be operated by the **[county board] intermediate unit** during the ensuing school year and for transportation, in conformity with existing law, of pupils to and from summer classes and schools for children of migrant laborers whether conducted by the **[county board] intermediate unit** or conducted by an institution or school district employed by the **[county board] intermediate unit** for such purpose: Provided, That where in the judgment of the State Superintendent of Public Instruction the provisions of this act relating to the proper education of children of migrant laborers have not been complied with, the Department of Public Instruction may provide or arrange to have provided transportation, classes or schools for the proper education of children of migrant laborers as directed by the act.

On or before the first day of July, the Commonwealth shall pay to the **[county board of school directors] intermediate unit** a sum equal to the approved estimated annual cost of operation of the planned summer classes or schools and transportation for children of migrant laborers. At the end of each school year, all unexpended funds shall be credited to Commonwealth payments due for the succeeding school year on account of the operation of such classes, or upon direction of the Superintendent of Public Instruction shall be returned to the Commonwealth.

Section 76. Sections 2512 and 2513 of the act, amended August 21, 1953 (P.L.1223), are amended to read:

Section 2512. **Certificates of Attendance Data.**—On or before the first day of July of every year, each school district **[and each vocational school district and]**, with respect to area technical schools **[each county board of school directors]**, shall file a certificate with the Superintendent of Public Instruction in such form as he may prescribe and on blanks to be furnished by him, showing attendance data for all pupils during the preceding school term, classified into such groups as the Superintendent of Public Instruction shall direct, together with such other information as the Superintendent of Public Instruction shall require, in order to enable him to properly administer the provisions of this act relating to reimbursements by the Commonwealth.

Section 2513. **Certificates of Teacher Data.**—On or before the first day of November of each year, each school district **[of the first and second class, and each school district of the third class having a district superintendent, and]**, with respect to area technical schools **[each county board of school directors]**, shall file a certificate with the Superintendent of Public Instruction in such form as he may prescribe and on blanks to be furnished by him, showing the number of full-time teachers, supervisors, principals and other full-time members of the teaching and supervisory staffs, the number thereof employed in elementary schools, and the number employed respectively in three (3) and four (4) year junior high schools, the certificates held by each, and the compensation paid each for the current school year, and showing

further the number of part-time teachers, supervisors, and principals employed in extension schools and classes established as herein provided, the certificates held by each, and the compensation paid each during the preceding school year. **[On or before the first day of October of each year, each school district of the third class not having a district superintendent and each school district of the fourth class, and each vocational school district shall forward such a certificate to the county superintendent, and if approved by him, the county superintendent shall forward the same to the Superintendent of Public Instruction on or before the first day of November of each year.]**

Section 77. Section 2515 of the act, amended February 1, 1966 (P.L.1642), is amended to read:

Section 2515. Ascertainment of Amounts Required; Apportionment.—The Superintendent of Public Instruction shall ascertain and determine the amount of funds required to meet each payment to school districts, **[county boards of school directors] intermediate units** and vocational school districts which become due and payable within each fiscal year, on the data and material contained in the certificates which school districts, **[county boards of school directors] intermediate units** and vocational school districts are required to file with the superintendent at such time as he shall determine. The superintendent shall apportion and allot the same to and among the respective districts and **[boards] intermediate units**. The amount paid to any district or **[board] intermediate unit** within any fiscal year shall be computed on the data and information contained in the certificates required to be filed each year, as herein provided. Each district's valuation to be used for purposes of computing its standard reimbursement fraction for the school year 1949-1950 and thereafter or for purposes of computing the aid ratio for the school year 1966-1967, and thereafter, shall be the valuation placed upon its taxable real property by the State Tax Equalization Board.

Section 78. Section 2516 of the act, amended August 21, 1953 (P.L.1223), is amended to read:

Section 2516. Certification of Amounts.—When the amount payable to each district and board has been ascertained and determined by the Superintendent of Public Instruction, he shall certify the same to the State Treasurer and Auditor General, who shall place the accounts to the credit of the respective districts and boards. The Superintendent of Public Instruction shall transmit to each **[county and] intermediate unit and to each school district [superintendent]** a statement showing the amount which has been apportioned and allotted to each school district **[, county board of school directors] and to each intermediate unit for area technical schools [, and vocational school district]** under the supervision of **[such county] intermediate unit executive director** or district superintendent.

Section 79. Section 2518 of the act, amended October 21, 1965 (P.L.601), is amended to read:

Section 2518. Forfeitures for Employing Certain Teacher.—In the

event that after the first day of July one thousand nine hundred fifty-one, any school district, or **[county board of school directors] intermediate unit** with respect to area technical schools, for a period of two successive years employs the same teacher, who holds only an emergency certificate for any grade or subject which he teaches, or for a period of two successive years, employs in the same position teachers, who hold only an emergency certificate for any grades or subjects which they teach, such school district or board shall forfeit the sum of three hundred dollars (\$300) for each teacher so employed or for each position so filled. No such penalty shall be imposed for any violation of the foregoing provision during the biennium one thousand nine hundred forty-seven—one thousand nine hundred forty-nine. Any school district or **[county board of school directors] intermediate unit** with respect to area technical schools that now or hereafter employs any teacher, who does not hold any form of teacher certification to teach in the public schools of this Commonwealth, valid for the subjects or grades in which the teacher is giving instruction, shall forfeit one reimbursement unit for each such teacher employed. Any school district or **[county board of school directors] intermediate unit** with respect to area technical schools that employs any person in a supervisory capacity after the first Monday of July, 1962, who has not been certified for such position by the Department of Public Instruction, shall forfeit one reimbursement unit for each such person employed: Provided, That there shall not be any forfeiture for any uncertificated person who is employed in a supervisory capacity if such person was in the employ of any school district on or before July 1, 1962. Forfeiture shall apply only to uncertificated persons who are hired in a supervisory capacity after July 1, 1962. Any school district or **[county board of school directors] intermediate unit** with respect to area technical schools that employs a substitute after July first, one thousand nine hundred fifty-two, in a position where a vacancy exists for a full year or more, without the specific written approval of the Superintendent of Public Instruction, shall forfeit one reimbursement unit for each substitute so employed. The Superintendent of Public Instruction shall deduct such sum or sums from the amount of the Commonwealth appropriation otherwise due such district or **[board] intermediate unit** under the provisions of this act.

Section 80. Sections 2519, 2521, 2522, 2523 and 2524 of the act, amended August 21, 1953 (P.L.1223), are amended to read:

Section 2519. Withholding Payments for Failure to Pay Minimum Salaries and Increments.—The Superintendent of Public Instruction may refuse to authorize the payment of any amount payable to any school district **[, county board of school directors] or intermediate unit** for area technical schools **[or vocational school district]** for any school year, which the school district **[, county board of school directors or vocational school district] or intermediate unit** shall at any time fail or refuse to pay to the members of its teaching and supervisory staffs the full amount of the

minimum salaries and increments required by law. He may continue to withhold such requisitions until provision has been made by the school district [, **county board of school directors in area technical schools or vocational school district**] *or intermediate unit* for the payment of such minimum salaries and increments.

Section 2521. Errors in Certificates.—If any error in any certificate shall occur whereby a school district or [**a county board of school directors**] *intermediate unit* with respect to area technical schools would receive more or less of the State appropriation than is justly due to such district or [**board, the county**] *intermediate unit, the intermediate unit executive director* or district superintendent shall have authority and hereby is required to forward immediately to the Superintendent of Public Instruction a correct certification, and the Superintendent of Public Instruction shall thereupon make it the basis of the appropriation due said district.

Section 2522. Payments to School Treasurer; Use.—The annual State appropriation apportioned and distributed by the Superintendent of Public Instruction to any school district or to any [**county board of school directors**] *intermediate unit* for area technical schools shall be paid to the [**school**] treasurer of the *school* district or to the treasurer of the [**board**] *intermediate unit*, and shall be used by the district through its board of school directors for the use of the district for the purposes mentioned in this act or by the [**board**] *intermediate unit* for area technical schools.

Section 2523. Schools Closed on Account of Contagious Disease, etc. When any board of school directors or [**county board of school directors**] *intermediate unit* with respect to area technical schools is compelled to close any school or schools on account of any contagious disease, the destruction or damage of a school building by fire or otherwise, and therefor is unable to keep such school or schools open for the minimum term required by this act, the Superintendent of Public Instruction may pay to such school district or [**board**] *intermediate unit* any or all of its share of the annual State appropriation as he deems proper.

Section 2524. Penalty for Falsifying Reimbursement Reports.—Any officer of any school district or [**county board of school directors**] *intermediate unit* with respect to area technical schools who knowingly falsifies any report or certificate required to be made for the purpose of obtaining any reimbursement under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than three hundred dollars (\$300), nor more than one thousand dollars (\$1000), or undergo imprisonment for a term of not less than one (1) month, nor more than six (6) months, or both, in the discretion of the court.

Section 81. Section 2525 of the act, amended October 21, 1965 (P.L.601), is amended to read:

Section 2525. Audio-Visual Libraries and Instructional Materials

Centers.—Annually, before the first day of July, every **[first class school district or county board of school directors]** *intermediate unit*, which operates or participates in the operation of an audio-visual library and instructional materials center, shall submit to the Department of Public Instruction a report of the cost of operating or participating in the operation of such audio-visual library and instructional materials center.

Whenever funds become available from any source whatever for the purpose of (1) making special grants to **[first class school districts and county boards of school directors]** *intermediate units* to operate or participate in the operation of audio-visual libraries and instructional materials centers in accordance with policies approved by the State Board of Education, or (2) purchasing mobile units and/or portable exhibits for use in connection with or independently of established audio-visual libraries and instructional materials centers, or either of them, the Department of Public Instruction may expend such funds for such purpose or purposes in amounts to be determined by the Department of Public Instruction in accordance with policies approved by the State Board of Education. This section shall not be construed to authorize the expenditure of any State funds for such purposes unless specifically appropriated by the General Assembly.

Section 82. Clauses (4) and (5) of the second paragraph of section 2541 of the act, amended December 22, 1959 (P.L.1975) and clause (4) amended October 21, 1965 (P.L.601), are amended to read:

Section 2541. Payments on Account of Pupil Transportation.—* * *

Such payments for pupil transportation shall be made in the following cases:

* * *

(4) To all third and fourth class school districts, for pupils transported to and from approved consolidated schools or approved joint consolidated schools **[or approved vocational district schools]** living one and one-half miles or more from the school of attendance.

Consolidated schools or joint consolidated schools **[or vocational district schools]** shall so long as they are approved by the **[Department]** *Superintendent* of Public Instruction as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, condition of admission, expenditures of money, methods and means of transportation and the contracts providing therefor, constitute approved consolidated schools or approved joint consolidated schools **[or approved vocational district schools]**.

(5) To all school districts, for pupils transported to and from schools used for the purpose of better gradation **[and approved by the county superintendent of schools]**.

* * *

Section 83. Clause (3) of the last paragraph of section 2541 of the act, added August 8, 1963 (P.L.564), is amended to read:

Section 2541. Payments on Account of Pupil Transportation.—* * *

Payments for pupil transportation on account of the school year 1966-1967 and every school year thereafter shall be made only in the following cases:

* * *

(3) To all school districts for pupils transported to and from approved consolidated schools or approved joint consolidated schools [**or approved vocational district schools**] living one and one-half (1 1/2) miles or more from the school of attendance.

Consolidated schools or joint consolidated schools [**or vocational district schools**] shall so long as they are approved as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, condition of admission, expenditures of money, methods and means of transportation and the contracts providing therefor, constitute approved consolidated schools or approved joint consolidated schools [**or approved vocational district schools**].

* * *

Section 84. Subsection (b) of section 2578 of the act, amended July 11, 1957 (P.L.775), is amended to read:

Section 2578. Payments.—* * *

(b) All payments due school districts by the Commonwealth on account of obligations to the State Public School Building Authority, sinking fund charges, or rentals under leases with municipality authorities, nonprofit corporations or profit or nonprofit corporations, partnerships, associations or persons for building or educational equipment for area technical schools, shall be paid to the [**county board of school directors**] *intermediate unit* operating the school. School districts not originally parties to an agreement with the State Public School Building Authority or a lease with a municipality authority, a nonprofit corporation or a profit or nonprofit corporation, partnership, association or person for buildings or educational equipment for an area technical school but later electing to participate in the operation of the school and agreeing to pay a part of the annual payments due under the agreement or lease shall be entitled to payments by the Commonwealth to the same extent as though they had originally been parties to the agreement or lease. The amount thereof shall be paid to the [**county board of school directors**] *intermediate unit*. No payments shall be made on account of obligations or rentals for buildings or educational equipment for area technical schools unless the schools conform to [**county-wide**] plans [**prepared by the county board of school directors and**] approved by the State Board [**of**] *for* Vocational Education.

Section 85. This act shall take effect July 1, 1970.

APPROVED—The 14th day of January, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly
No. 192.


Secretary of the Commonwealth.