

No. 34

AN ACT

SB 8

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," requiring public hearings and referendums prior to the construction or alteration of a public school building in certain cases; further providing for approval of school building plans by the Department of Education and for standards for school buildings by the State Board of Education; providing for hearings on exceptions; changing the composition of the Advisory Committee on Standards.

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

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

Section 701.1. Referendum or Public Hearing Required Prior to Construction or Lease.—*Except where the approval of the electors is obtained to incur indebtedness to finance the construction of a school project, the board of school directors of any school district of the second, third or fourth classes, shall not construct, enter into a contract to construct or enter into a contract to lease a new school building or substantial addition to an existing school building without the consent of the electors obtained by referendum or without holding a public hearing as hereinafter provided. In the event that a new school building or a substantial addition to an existing building is to be constructed or leased, the school board shall, by a majority vote of all its members, authorize a maximum project cost and a maximum building construction cost to be financed by the district or amortized by lease rentals to be paid by the district. Building construction cost shall consist of the cost of all building construction including general construction costs, plumbing, heating, electrical, ventilating and other structural costs, equipment and fixtures and architectural and engineering fees relating thereto, but not including costs for site acquisition and development, rough grading to receive the building, sewage treatment facilities or equivalent capital contributions, and architectural and engineering fees relating thereto. In all cases, a public hearing shall be held not later than thirty (30) days before the school district submits the initial building construction cost estimates to the Department of Education for approval. Notice of the hearing shall be given not later than twenty (20) days before the date of the scheduled hearing. In the event that the maximum building construction cost authorization exceeds the aggregate building expenditure standard hereinafter specified, the aforesaid authorization of the school board shall be*

submitted to the electors of the school district for their approval within six (6) months prior to submission of the final building construction cost bids to the Department of Education for approval. Such referendum shall be held in the same manner as provided by law for the approval of the incurring of indebtedness by referendum. The question as submitted shall specify the maximum project cost, the maximum building construction cost and the annual sinking fund charge or lease rental to be incurred by the school district and the portion of such charge or rental expected to be reimbursed by the Commonwealth. If the final building construction cost bids to be submitted to the Department of Education for approval are less than the aggregate building expenditure standard hereafter specified but exceed by eight (8) per cent or more the initial building construction cost estimates submitted to the Department for approval, a second public hearing shall be held before the Department shall give its final approval.

The applicable aggregate building expenditure standard shall be a total amount calculated for each building or substantial addition by multiplying the rated pupil capacity under the approved room schedule by the following: two thousand eight hundred dollars (\$2,800) for each pupil of rated elementary capacity; four thousand two hundred dollars (\$4,200) for each pupil of rated secondary capacity in grades seven, eight and nine and five thousand two hundred dollars (\$5,200) for each pupil of rated secondary capacity in grades ten, eleven and twelve and five thousand two hundred dollars (\$5,200) for each pupil of rated vocational-technical capacity in grades ten, eleven and twelve to not include the cost of equipment and fixtures in such vocational-technical schools: Provided, however, That each of the preceding per pupil amounts shall be adjusted by the Department of Education on July 1, 1974; and annually thereafter by multiplying said amounts by the ratio of the composite construction cost index compiled and published by the United States Department of Commerce for the preceding calendar year to such index for the next preceding calendar year. Rated elementary pupil capacity or rated secondary pupil capacity for any school building shall be the rated pupil capacity determined on the basis of the method used by the Department for school building reimbursement purposes during the school year 1971-1972.

For purposes of this section:

(1) "Site acquisition" includes the cost of land and mineral rights, demolition and clearing, rights-of-way and related utility relocations, surveys and soils analysis, and the cost of all fees relating thereto.

(2) "Site development" includes excavation, grouting or shoring, special foundations for buildings, access roads to site, utilities on site, extension of utilities to site.

(3) "Equipment and fixtures" means property fixed or movable

which is incidental and necessary to conduct the educational program, and includes, but is not limited to movable equipment such as desks, chairs, tables, portable physical education equipment, audio-visual equipment and science, homemaking, industrial art and business equipment and instructional materials and fixtures such as casework, laboratory equipment, kitchen equipment, auditorium seating and any other special fixtures or equipment required to conduct a particular educational program.

(4) "Substantial addition" means more than twenty (20) per centum of the area and replacement value of the structure to which the improvement is to be added.

Section 2. Section 731 of the act, amended June 1, 1972 (No.89), is amended to read:

Section 731. Approval by Department of Plans, etc., of Buildings; Exceptions.—*The Department of Education, with respect to construction or reconstruction of public school buildings, shall have the power and its duties shall be:*

(1) To review all projects, plans and specifications for school building construction or reconstruction, and to make recommendations thereon to the General Assembly and the Governor;

(2) To assist school districts in preplanning construction and reconstruction projects, and offer such architectural, engineering and financial advice as will enable the project to comply with the standards prescribed by the State Board of Education;

(3) To hold hearings on any or all projects and subpoena witnesses, administer oaths, take testimony and compel the production of documents relevant to any investigation;

(4) To act as liaison between the public, local school officials, the General Assembly, and the Governor on school building construction and reconstruction projects;

(5) To receive and investigate complaints from the public or other source concerning any school building construction or reconstruction project;

(6) To conduct investigations on any phase of school building construction or reconstruction projects.

The Department of Education shall employ engineers, architects, financial advisors, and such other staff personnel as may be necessary for the proper performance of the duties of the Department with respect to construction or reconstruction of public school buildings.

No public school building shall be contracted for, constructed, or reconstructed, in any school district of the second, third, or fourth class until the plans and specifications therefor have been approved by the Department of Education.

When ordinary repairs are proposed, such as plastering, painting, replacement of floors, improvement of school grounds, repairing or

providing walks, roadways or retaining walls, the cost of which in districts of the second class [will not exceed two thousand dollars (\$2000),] or in districts of the third and fourth class will not exceed [one thousand five hundred dollars (\$1500)] *fifteen thousand dollars (\$15,000) per building*, no approval shall be required. Where any structural change is involved, such as moving or adding doors, windows, partitions, making additions or any excavations, or any work which may affect the safety or health of the pupils, or any work which comes under the jurisdiction of another department of the Commonwealth, approval of the Department of Education shall be required regardless of the cost of such structural change.

No school building shall be purchased by any school district [of the second, third or fourth class] until such purchase shall have been approved by the Department of Education. Such approval shall not be given unless the school building to be purchased and any approved structural changes or renovations meet the standards required to operate public school buildings of a similar age currently in use in the Commonwealth.

Section 3. Sections 733 and 735 of the act, amended October 21, 1965 (P.L.601, No.312), are amended to read:

Section 733. Standards of State Board of Education[; Health Room].—
(a) All public school buildings hereafter built or rebuilt [in school districts of the second, third and fourth classes] shall conform to standards established by the State Board of Education as to *heating and ventilating systems*, light area, floor space, [and] cubical contents, *substantiated need and cost standards for construction throughout the Commonwealth: Provided, That the board of school directors shall in each case have the power to determine the type of heating and ventilating systems to be used. Cost standards shall take into account the percentage of total space which may be reimbursable, the percentage of total district budget represented by capital outlay required for the project, the financial capability of the applicant to sustain and maintain the obligation of indebtedness to be created by the proposed project, and such other factors as the board may consider necessary to establish reasonable cost standards.* The board shall each year review, update, and if necessary revise such cost standards. The board shall, at least once during each period of [five] *three* years, completely review and revise such standards in the light of improved facilities, equipment and methods, and in the light of changing philosophies of classroom efficiency, and with a view to utilizing natural advantages wherever available. Such standards shall permit of opportunity for individuality in design and equipment to meet the requirements and possibilities of each public school building to be built or rebuilt.

[Every public school building of ten classrooms or more hereafter erected shall contain a room to be known as the health room, which shall be not less than twenty-one (21) feet in length, and which shall be furnished and equipped for use

as quarters in which regular school medical inspections may be given, and as a first aid room for pupils requiring medical attention while attending classes.]

(b) Any school district may petition the State Board of Education to grant an exception to specific standards as provided in this section where unnecessary hardships or educational inadequacy would otherwise result. The State Board of Education shall hold a hearing on such petitions for exceptions upon request of the school district or may authorize the Department of Education to conduct such hearings.

(c) The Secretary of Education shall have the power to deny approval to any school building construction or reconstruction project which fails to meet standards prescribed by the State Board of Education.

Section 735. Advisory Committee on Standards.—For the purpose of advising the State Board of Education in making revisions of standards as required by [sections seven hundred thirty-three (733) and seven hundred thirty-four (734)] *section 733* of this act, the Governor shall immediately before the time for making any revision, appoint an advisory committee consisting of fifteen members, [five] *three* of whom shall be registered architects experienced in designing school buildings, [three] *one of whom shall be a registered engineer experienced in the application of environmental controls for school buildings, one of whom shall be a registered engineer experienced in the design or evaluation of maintenance techniques, facilities or equipment, two* of whom shall be school administrators, [and three] *two* of whom shall be [educators] *classroom teachers, one of whom shall be a physician, one of whom shall be representative of the construction industry experienced in school construction, two of whom shall be school board members who are not teachers or administrators and two of whom shall be residents of the Commonwealth not professionally engaged in any of the aforementioned occupations.* The members of such committees shall serve without compensation, but shall be reimbursed for their necessary expenses actually incurred in the performance of their duties.

The advisory committee shall attach a statement to its recommended changes and revisions in the standards setting forth the reasons for such changes or revisions with reference to the specific educational or health benefits expected to accrue from such changes or revisions and the associated expected change in construction or maintenance costs.

Section 4. Section 734 of the act is repealed.

Section 5. This act shall take effect sixty days after enactment, except that the provisions of section 701.1, mandating referenda in certain cases, shall not apply to any project for which the final approval of the building construction cost bids has been granted by the Department of Education within one hundred twenty days after enactment.

APPROVED—The 27th day of June, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 34.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.