

No. 1979-41

AN ACT

HB 140

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for work to be done under contract let on bids, making an editorial change, requiring annual reports; further providing for public school subsidies; making appropriations; and repealing certain provisions.

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

Section 1. Section 751, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended October 4, 1978 (P.L.1040, No.236), is amended and the act is amended by adding a section to read:

Section 751. Work to be Done Under Contract Let on Bids; Exception.—(a) All construction, reconstruction, repairs, *maintenance* or work of any nature, including the introduction of plumbing, heating and ventilating, or lighting systems, upon any school building or upon any school property, *or upon any building or portion of a building leased under the provisions of section 703.1*, made by any school district, where the entire cost, value, or amount of such construction, reconstruction, repairs, *maintenance* or work, including labor and material, shall exceed two thousand five hundred dollars (\$2,500), shall be done under separate contracts to be entered into by such school district with the lowest responsible bidder, upon proper terms, after due public notice has been given asking for competitive bids. Whenever a board of school directors shall approve the use of a prefabricated unit, complete in itself, for a school building or other proper structure to be erected upon school property, the board of school directors may have prepared appropriate specifications detailing the size and material desired in a particular prefabricated unit, including all utilities such as plumbing, heating and ventilating, and electrical work, and may advertise for a single bid on all the work and award the contract therefor to the lowest responsible bidder: Provided, That if due to an emergency a school plant or any part thereof becomes unusable competitive bids for repairs or replacement may be solicited from at least three responsible bidders, and upon the approval of any of these bids by the Secretary of Education, the board of school directors may proceed at once to make the necessary repairs or replacements in accordance with the terms of said approved bid or bids.

(b) The board of school directors in any school district either may perform any construction, reconstruction, repairs, or work of any nature, where the entire cost or value, including labor and material, is less than five thousand dollars (\$5000), by its own maintenance personnel, or may have

any such construction, reconstruction, repairs, or work performed by contract after soliciting bids from at least three responsible bidders: Provided, That the board of school directors in any school district may authorize the secretary of the board or other executive to award contracts for construction, reconstruction, repairs, or work of any nature, where the entire cost or value, including labor and material, is two thousand five hundred dollars (\$2,500) or less, without soliciting competitive bids.

(c) Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

(d) The board of school directors of any school district may, in addition to the power granted in subsection (b), utilize also its own maintenance or other personnel to perform maintenance work irrespective of the entire cost or value of such work.

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

(1) The following counts and distributions:

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

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

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

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

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

(2) Two classifications: first, a classification of faculty members or other professional employes by title including: professor, associate professor, assistant professor, instructor, lecturer, research associate, librarian and academic administrator; faculty members or other professional employes under each title to be subdivided by type of assignment: instructional or noninstructional divided into teaching and nonteaching, and each such set of faculty members or other professional employes to be further subdivided by type of employment: full time or part

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

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

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

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

- (1) Minimum number of credits required for a baccalaureate degree and for a master's degree.*
- (2) Number of bachelor's degrees, master's degrees, first professional degrees, and doctoral degrees awarded in the three previous years and those estimated for that year.*

Section 2. Clauses (15), (17) and (17.1) of section 2501 of the act, clause (17) amended November 15, 1972 (P.L.1229, No.273), clause (15), the last paragraph of clause (17) and clause (17.1), added or amended August 24, 1977 (P.L.199, No.59), are amended to read:

Section 2501. Definitions.—For the purposes of this article the following terms shall have the following meanings:

* * *

(15) "Minimum Subsidy." For the school year 1976-1977 and each school year thereafter, in no case shall a district receive for each pupil in weighted average daily membership, an amount less than **[ten percent (10%)]** *fifteen percent (15%)* of the actual cost of instruction or **[ten percent (10%)]** *fifteen percent (15%)* of the base earned for reimbursement whichever is the lesser amount, *but in no event shall any school district receive less than fifteen percent (15%) of the base earned for reimbursement or actual instructional expense per WADM, whichever is the lesser.* For 1976-1977 and each school year thereafter, a district whose actual instruction expense per weighted average daily membership is more than two hundred dollars (\$200) less than the median actual instruction expense per weighted average daily membership, and whose equalized millage is within fifteen percent (15%) of the median equalized millage, the reimbursement shall be two hundred dollars (\$200) below the median actual instruction expense per weighted average daily membership times the district's aid ratio for each weighted average daily membership.

* * *

(17) "Sparsity Factor" shall be assigned for those districts whose population is less than fifty (50) per square mile as determined by the Secretary of Education from the most recent records of the United States Census Bureau. A school district qualifying under the sparsity factor shall be paid by the Commonwealth on account of excess expenditures per weighted average daily membership, not to exceed for the school year 1966-1967 one hundred dollars (\$100), for the school year 1967-1968 one hundred fifty dollars (\$150), for the school year 1968-1969 two hundred dollars (\$200), for the school year 1969-1970 **[and each] through** school year **[thereafter] 1977-1978** two hundred fifty dollars (\$250), *for the school year 1978-1979 and each school year thereafter two hundred sixty-five dollars (\$265)* in excess of four hundred dollars (\$400), an amount to be determined by multiplying the excess expenditures by the aid ratio or by three hundred seventy-five thousandths (.375), whichever is greater and by the number of weighted pupils, such amount to be in addition to any other payment for such pupils: Provided, however, a school district qualifying under the sparsity factor may, in lieu of the above payment, elect for any school year to be paid and the Commonwealth shall pay on account of excess expenditures per weighted average daily membership in excess of four hundred dollars (\$400) a sum of thirty dollars (\$30) per weighted average daily membership, such amount to be in addition to any other payments for such pupils.

Any school district determined by the Secretary of Education to have a population of at least fifty (50) per square mile but less than one hundred (100) per square mile shall, for the school year 1976-1977 and each school year thereafter, qualify for a modified sparsity payment which shall be the ratio of its population per square mile to fifty (50) subtracted from 2.00 and multiplied by the amount to which it would have been entitled had its population per square mile been less than fifty (50).

(17.1) "Base Earned for Reimbursement." Shall be the lesser of (a) the actual instruction expense per weighted average daily membership of the district, or (b) the amount earned as follows:

(i) [Where the equalized millage is thirty percent (30%) or more above the median equalized millage, rounded to a whole mill, the amount shall be the median actual instruction expense per weighted average daily membership rounded to the nearest ten dollars (\$10) amount.

(ii) Where the equalized millage is fifteen percent (15%) or more and less than thirty percent (30%) above the median equalized millage, rounded to a whole mill, the amount shall be fifty dollars (\$50) less than the median actual instruction expense per weighted average daily membership.

(iii) Where the equalized millage is less than fifteen percent (15%) above or below the median equalized millage, rounded to a whole mill, the amount shall be one hundred dollars (\$100) less than the median actual instruction expense per weighted average daily membership.

(iv) Where the equalized millage is fifteen percent (15%) to thirty percent (30%) below the median equalized millage, rounded to a whole mill, the amount shall be one hundred fifty dollars (\$150) less than the median actual instruction expense per weighted average daily membership.

(v) Where the equalized millage is more than thirty percent (30%) below the median equalized millage, the amount shall be two hundred dollars (\$200) less than the median actual instruction expense per weighted average daily membership.] *Subtract the individual school district's equalized millage from the highest equalized millage in the State.*

(ii) Divide the amount determined in subclause (i) by the difference between the highest and lowest equalized millage in the State.

(iii) Multiply the quotient determined in subclause (ii) by two hundred dollars (\$200) and round to the nearest whole dollar amount.

(iv) Subtract the amount determined in subclause (iii) from the median actual instruction expense per weighted average daily membership in the year for which reimbursement is being computed.

Section 3. Subsection (f) of section 2502 of the act, amended August 24, 1977 (P.L.199, No.59), is amended and a subsection is added to read:

Section 2502. Payments on Account of Instruction.—* * *

(f) For the school year commencing the first day of July within the year of the effective date of this amendment, and each school year thereafter, each school district so entitled shall be paid, in addition to any other subsidy to which it is entitled, an amount for density or sparsity of population. Except as provided in clause (17) of section 2501 and as provided below, this amount shall be paid on account of expenditures in excess of four hundred dollars (\$400) per weighted average daily membership, not to exceed for the school year 1966-1967 one hundred dollars (\$100), for the school year 1967-1968 one hundred fifty dollars (\$150), for the school year 1968-1969 two hundred dollars (\$200), for the school year 1969-1970 and each school year thereafter two hundred fifty dollars (\$250), an amount to be determined by multiplying the excess

expenditures by the market value/income aid ratio or by three hundred seventy-five thousandths (.375) whichever is greater, and by the number of weighted average daily membership, such amount to be in addition to any other payment for such pupils: Provided, however, a school district entitled to additional payment for density or sparsity of population may, in lieu of the above payment, elect for any school year to be paid and the Commonwealth shall pay such additional entitlement on account of excess expenditures per weighted average daily membership in excess of four hundred dollars (\$400) a sum of thirty dollars (\$30) per weighted average daily membership, such amount to be in addition to any other payments for such pupils.

The payment for the density factor for those qualifying school districts with a WADM in excess of fifty thousand (50,000) shall be the actual cost of instruction per WADM multiplied by fifteen percent (15%) through the 1969-1970 school year or by nineteen percent (19%) for the 1970-1971 school year through the 1975-1976 school year or by twenty-three percent (23%) for the 1976-1977 school year **[and thereafter] through the 1977-1978 school year** and by the WADM of the district.

(f.1) The payment for the density factor for those qualifying school districts with a WADM in excess of thirty-five thousand (35,000) shall be the actual cost of instruction per WADM multiplied by twenty-one percent (21%) for the 1978-1979 school year and each school year thereafter and by the WADM of the district. Notwithstanding the provisions of section 2502.6 the entitlement provided under this section shall be paid in full for each school year.

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Section 4. Section 2502.4 of the act, amended June 26, 1974 (P.L.370, No.125), is amended to read:

Section 2502.4. Additional Special Assistance Grants on Account of Low Income Families.—In addition to any other payments made to school districts, the Commonwealth for the school year 1973-1974 and for each school year thereafter shall pay as a special assistance grant to each school district on account of children of low income families an amount equal to the sum of the number of children of low income families in the district multiplied by the grant per poverty pupil fixed for the percentage category of poverty pupils in average daily membership in the district according to the following table:

Percentage Category of Poverty Pupils in Average Daily Membership		Grant per Poverty Pupil
15	- 19.9 percent	\$ 30
20	- 24.9 percent	60
25	- 29.9 percent	85
30	- 34.9 percent	135
over	- 35 percent	150

The Secretary of Education shall determine the number of children of low income families from the most recent satisfactory data available in the same manner and according to the same standards and definitions as provided in the Elementary and Secondary Education Act of 1965 (Public Law 89-10), for assistance to local educational agencies for the education of children of low income families.

For the school year 1973-1974, and each school year thereafter, for the purpose of this section, in each school district, not less than the number of children shall be counted in each category as were counted therefor under this section for the school year 1972-1973.

Districts of the first class and first class A shall be paid in accordance with the preceding table.

For the 1978-1979 school year and each school year thereafter the additional special assistance grants, with the exception of districts of the first class and first class A, shall be paid in accordance with the following table:

<i>Percentage Category of Poverty Pupils in Average Daily Membership</i>		<i>Grant per Poverty Pupil</i>
15	- 19.9 percent	\$ 30
20	- 24.9 percent	60
25	- 29.9 percent	85
30	- 34.9 percent	150
over	- 35 percent	200

Section 5. The act is amended by adding sections to read:

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

Section 2502.7. Legislative Intent.—For the purpose of this act it is the intent of the Legislature that the total appropriation for school districts under the provisions of sections 917.1-A, 919.1-A, 922.1-A, 923-A(d), 2501, 2502, 2502.3 and 2502.4 shall be increased by a minimum of seven percent (7%) over the prior year's total appropriation under these sections for the 1979-1980 school year and each school year thereafter until the provisions of this act are fully funded.

Section 6. Section 2504 of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Section 2504. Payments on Account of Vocational Curriculums.—Every school district regardless of classification, and every 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)**]*forty dollars (\$40)* in vocational agriculture and vocational industrial education; [**twenty dollars (\$20)**]*twenty-five dollars (\$25)* in vocational home economics education; and [**fifty dollars (\$50)**]*fifty-five dollars (\$55)* in vocational distributive education per pupil in average daily membership in vocational curriculums, approved by the [**Superintendent of Public Instruction**]*Secretary of Education*.

Section 7. Subsections (a) and (a.1) of section 2505.1 of the act, subsection (a) amended September 29, 1961 (P.L.1743, No.707) and subsection (a.1) added August 27, 1963 (P.L.1380, No.535), are amended to read:

Section 2505.1. State Reimbursement for Health Services.—(a) Every school district and joint school board which renders health services to children of school age shall be reimbursed by the Commonwealth on account of health services which conform to standards approved by the Secretary of Health. Reimbursements shall be paid by the Secretary of Health. The amount thereof shall be the actual cost of the medical and dental services and school nurse services as certified to the Secretary of Health, less any charges deemed unreasonable by him, but for medical services shall not for any school year exceed the sum of (1) [**eighty cents (\$.80)**]*one dollar and sixty cents (\$1.60)* multiplied by the number of children enrolled in a school for the entire school term of that school year and for whom the school district or joint school board maintains comprehensive health records as defined in section 1402, and (2) a proportionate part of [**eighty cents (\$.80)**]*one dollar and sixty cents (\$1.60)* for each child enrolled for a part of the school term of that school year and for whom the school district or joint school board maintains a comprehensive health record as defined in section 1402, for dental services shall not for any school year exceed the sum of (1) [**forty cents (\$.40)**]*eighty cents (\$.80)* multiplied by the number of children enrolled in a school for the entire school term of that school year and for whom the school district or joint school board maintains comprehensive health records as defined in section 1402, and (2) a proportionate part of [**forty cents (\$.40)**]*eighty cents (\$.80)* for each child enrolled for a part of the school term of that school year and for whom the school district or joint school board maintains a comprehensive health record as defined in section 1402, and for school nurse services shall not for any school year exceed the sum of (1) [**three dollars and fifty cents (\$3.50)**]*seven dollars (\$7.00)* multiplied by the number of children enrolled in a school for the entire school term of that school year, and (2) a proportionate part of [**three dollars and fifty cents**

(\$3.50)] seven dollars (\$7.00) for each child enrolled for a part of the school term of that school year.

(a.1) Every school district or joint school board which employs one or more dental hygienists for the purpose of dental hygiene services to children of school age shall be reimbursed by the Commonwealth on account of such services which conform to standards approved by the Secretary of Health. Reimbursement shall be made by the Secretary of Health. The amount thereof shall be the actual cost of the dental hygiene services as certified to the Secretary of Health, less any charges that shall be deemed unreasonable by him, but for any school year shall not exceed the sum of **[one dollar (\$1)] two dollars (\$2)** multiplied by the actual number of children enrolled in the school for the entire school term who receive such dental hygiene services, and a proportionate part of **[one dollar (\$1)] two dollars (\$2)** for each child enrolled for a part of the school term of that school year and who actually receives dental hygiene services. Reimbursement under this subsection shall be in lieu of any reimbursement provided in subsection (a) of this section for dental services.

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Section 8. The act is amended by adding a section to read:

Section 2509.3. Payments on Account of Transportation of Nonpublic School Pupils.—Each school district, regardless of classification, shall be paid by the Commonwealth the sum of thirty-five dollars (\$35) for each nonpublic school pupil transported in the school year 1978-1979 and each school year thereafter.

Section 9. Section 16, act of August 24, 1977 (P.L.199, No.59), entitled "An act 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,' changing and adding definitions; further providing for subsidies, instructional materials, textbooks and modified sparsity payments; providing for classes and programs for certain exceptional children; and further providing penalties for defacing, injuring or destroying school property," is repealed.

Section 10. Notwithstanding any other provisions of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," the board of school directors of each school district is authorized to and shall reopen its 1979 or 1979-1980 budget, whichever is applicable, during the month of August, 1979 only, to make any revisions in the budget and tax levies heretofore adopted to reflect anticipated increases in subsidies payable to the school district during its 1979 or 1979-1980 fiscal year under the provisions of this act.

Section 11. This act shall take effect July 1, 1979 regardless of the date of final enactment.

APPROVED—The 13th day of July, A. D. 1979.

DICK THORNBURGH