

vision of this act, or any rule, regulation, or order issued thereunder, at the request of the department the Attorney General may make application to the court of common pleas for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing by the department that such person has engaged in or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

Section 308. Prohibited Uses.—It shall be unlawful for any person to use, manufacture, produce, transport, transfer, receive, acquire, own, possess, or dispose of any radiation source contrary to the provisions of this act or any rules or regulations issued thereunder.

Section 309. Impounding of Materials.—The department shall have the authority in the event of an emergency to impound or order the impounding of radiation sources in the possession of any person who is not equipped to observe or fails to observe, the provisions of this act or any rules or regulations issued thereunder.

ARTICLE V. PENALTIES.

Section 401. Penalties.—Any person who violates any of the provisions of this act, or any rules, regulations, or orders issued pursuant to this act, shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than five hundred dollars (\$500); and for a second or subsequent offense shall be subjected to a fine of not more than five thousand dollars (\$5,000) or imprisonment for a period of not more than one year, or both.

ARTICLE VI. EFFECTIVE DATE.

Section 501. This act shall take effect immediately.

APPROVED—The 28th day of January, A. D. 1966.

WILLIAM W. SCRANTON

No. 579

AN ACT

HB 2208

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," further providing for vocational-technical education and technical institutes and for payments on account thereof.

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

Section 1. Section 1840, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," added August 14, 1963 (P. L. 1065), is repealed.

Section 2. The act is amended by adding, after section 1840, a new section to read:

Section 1840.1. Definitions.—When used in Article XVIII of this act, the following words and phrases shall have the following meanings unless otherwise required by the context:

"School." The word "school" shall mean an area vocational-technical school.

"Institute." The word "institute" shall mean technical institute.

"Attendance area." An "attendance area" shall mean a geographical area of school districts and pupils to be served by an area vocational-technical school or institute which has been approved by the State Board for Vocational Education.

"Area vocational-technical board." An "area vocational-technical board" shall mean the boards of school directors of all of the participating districts acting jointly.

Section 3. Section 1843 of the act, added August 21, 1953 (P. L. 1223), is repealed.

Section 4. Subsection (a) of section 1844 of the act, amended August 14, 1963 (P. L. 1065), 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 shall call a convention of school directors of the school districts of the second, third and fourth class in each attendance area, 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 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, [proceed] 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 (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 request the county board to establish and operate an area vocational-technical school or technical institute or they] 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.

* * *

Section 5. Section 1850 of the act, added July 13, 1957 (P. L. 899). is repealed.

Section 6. The act is amended by adding, after section 1850, three new sections to read:

Section 1850.1. Organization and Operation of Schools and Institutes.—(a) Schools and institutes shall be the responsibility of the participating boards of school directors of an approved attendance area. Such boards of school directors shall have authority to enter into a written agreement by and among themselves establishing such school or institute setting forth, inter alia, the rights and obligations of the participating districts. No change shall be made in such agreement without the consent of each participating school district first obtained, by the affirmative vote of a majority of the school directors thereof. The several participating boards of school directors shall collectively be known as the area vocational-technical board.

(b) The area vocational-technical board shall have authority and its duty shall be:

(1) To provide, as the participating districts may agree, for the assumption by the area vocational-technical board of obligations including, but not limited to, operating expenses, architect's fees, engineering costs, professional salaries, expenses of acquiring and maintaining sites for schools and institutes, incurred by any county board of school directors or county boards of school directors on behalf of such participating districts pursuant to prior agreements;

(2) To formulate and adopt policies relating to the organization, establishment and operation of the school or institute;

(3) To provide for the administration and operation of the school or institute;

(4) To adopt the budgets for operation of the school or institute as prepared in the same manner provided for in section 687 of this act;

(5) To designate a superintendent of the school or institute, provided, that when a county board or boards is selected as the operating agent as hereinafter provided, a county superintendent of schools shall be

designated as the superintendent of the school or institute, and that when the several boards or a committee thereof operate the school or institute as hereinafter provided, a chief school administrator of a participating school district or a county superintendent shall be designated as superintendent of the school or institute;

(6) To exercise all the powers, perform the duties, and be subject to all liabilities with reference to the operation of schools and/or institutes as are now or hereafter shall be conferred or imposed by law;

(7) To make from time to time surveys to determine the current vocational and technical needs of the participating school districts;

(8) To make and establish, and from time to time alter and amend, rules and regulations for the transaction of its business and for the administration of the work under its charge;

(9) To employ temporary professional and professional employes, supervisors and teachers, and to employ all other persons necessary to carry on vocational-technical education and technical institutes, and to determine the salaries to be paid. All temporary professional and professional employes so employed shall have the same rights of tenure, minimum salaries and increments, leaves of absence because of illness or physical disability, leaves of absence because of death in the immediate family or death of a near relative, sabbatical leaves, military leaves, exchange teacher leaves, and membership in the Public School Employes' Retirement System as temporary professional and professional employes of school districts;

(10) To purchase, lease, rent, improve and sell land, and to build, repair, improve, lease, rent, buy and sell buildings;

(11) To acquire real property by purchase, gift or condemnation, for the purposes of area vocational-technical schools and technical institutes. Such condemnation proceedings shall be instituted and conducted by the board in the name of the participating school districts in the same manner and with like authority as provided by law in the case of school

districts. The title to any real estate, acquired for the purpose of establishing any such area vocational-technical school or institute shall be held in the name of one or more of the school districts establishing the same, as they may agree;

(12) To purchase, lease, rent or otherwise acquire all necessary furniture, implements, books, materials, equipment and supplies;

(13) When authorized by the participating school districts in the attendance area, to provide for free mandated transportation of district pupils to and from the area vocational-technical school in which they have been accepted, and to apply and receive on behalf of the school districts in the attendance area reimbursements on account of such transportation provided;

(14) To make contracts with counties, cities, boroughs, towns, townships, school districts, other political subdivisions, community colleges, public and private agencies, quasi-public agencies, nonprofit corporations, the Federal Government and its agencies and instrumentalities, municipalities and other public authorities, or other persons for carrying out the purposes of this subdivision of this article;

(15) To make an annual report, in writing, to the Department of Public Instruction, and such other reports as the department may require;

(16) To adopt criteria for admitting students to area vocational-technical schools and technical institutes;

(17) To receive Federal, State, school district and other public and private funds and to expend such funds to establish, operate, improve and expand area vocational-technical schools and technical institutes;

(18) When authorized by the participating school districts, and on behalf of such districts, to enter into agreement with the State Public School Building Authority, municipal authorities, political subdivisions, municipal corporations, public and private agencies, quasi-public agencies, authorities, nonprofit corporations and the Federal Government and its

agents and ¹ instrumentalities to buy land, build, alter, lease, equip and operate facilities for ² public vocational-technical education and technical institutes;

(19) To prepare and submit to the Department of Public Instruction on or before July 1 of each year, for approval, a budget of proposed expenditures for area vocational-technical schools and technical institutes for the ensuing year;

(20) To accept pupils in area vocational-technical schools and technical institutes from districts not participating in their establishment and maintenance and to establish tuition charges therefor;

(21) To assign pupils residing within school districts participating in an area vocational-technical school and/or technical institutes to vocational schools or departments maintained by other area vocational-technical boards and school districts with the approval of the area vocational-technical boards and the district boards maintaining such schools or departments, and to pay tuition for pupils permitted to attend such area vocational-technical schools, technical institutes and vocational schools or departments;

(22) To locate area vocational-technical schools and technical institutes;

(23) To collect tuition and fees;

(24) To do all things necessary to carry into effect the purposes of this act;

(25) Whenever such schools and technical institutes are authorized, to prepare an estimate of the total cost of and expenditures to be made on account of each area vocational-technical school and technical institute for the following year, such estimate shall be filed with the Department of Public Instruction no later than July 1 of each year for the approval of the department;

¹ "instrumentalties" in original.

² "private" in original.

(c) All actions of an area vocational-technical board shall be by a majority vote of the members of the board either in convention or by mail ballot, whichever procedure the board shall select: Provided, That the approval of each operating budget shall require an affirmative vote of two-thirds of the participating school districts and a majority vote of all the school directors of all participating districts; and provided further, for purposes of this requirement only, the vote of any participating school district shall be determined by a majority vote of all school directors comprising such participating boards. All votes shall be duly recorded and shall show how each member voted;

(d) An area vocational-technical board shall have power to delegate the operation, administration and management of the school or institute (1) to one or more county boards of school directors acting as agent for the area vocational-technical board; or (2) to a joint committee elected from among the several participating boards of school directors.

Section 1850.2. Operation by a Board of School Directors or Two or More County Boards of School Directors Acting as Agent.—When a county board of school directors or two or more county boards of school directors are designated as agent to operate, administer and manage a school and/or institute, such county board or county boards as agent shall discharge its duties and responsibilities in accordance with the provisions of a written agreement entered into by the ¹area vocational-technical board and the county board or county boards. The agreement shall give the county board or county boards the power and authority to operate, administer and manage a school and/or institute given by law to an area vocational-technical board and shall provide that county board or county boards shall conduct the affairs of the school and/or institute within the limits of the budget adopted by the area vocational-technical board. In no event shall the powers granted an area vocational-technical board by clauses (1), (4), (11), (17), (19), (22) and (25) of

¹ "are" in original.

section 1850.1 (b) be delegated hereunder nor shall the powers granted an area vocational-technical board by clauses (9), (10), (12) and (14) of section 1850.1 (b) be delegated hereunder, except to the extent that the subject items are fully provided for within the current budget.

Section 1850.3. Operation by a Joint Committee.—(a) When a joint committee is selected to operate a school and/or institute, it shall be known as the area vocational-technical school committee.

(b) The membership on such joint committee shall be determined by agreement among the boards of participating school districts, provided always that each participating school district shall have at least one member thereon.

(c) Each participating board of school directors shall elect one or more of its members, as the case may be, to serve on the area vocational-technical committee. The committee members, so elected, shall serve for a three-year term, commencing the day of their election in the month of December: Provided, however, That in the first election, the terms of office of one-third of the members shall expire at the end of the first year, the terms of office of one-third of the members shall expire at the end of two years, and the terms of office of the remaining one-third shall expire at the end of the third year. The length of the terms of office of the initial members shall be determined by the casting of lots.

(d) Each year, during the month of December, the joint committee shall choose from its members a chairman and vice-chairman, each to serve for one year; and shall, annually, during the month of May, elect a treasurer to serve for one year, beginning the first Monday in July following such election; and shall, during the month of May, once every four years, elect a secretary, who may or may not be a member of the area vocational-technical board, to serve for a term of four years, beginning the first Monday of July following such election.

The joint committee shall elect interim officers to serve until the first regular December and May election meetings.

Section 7. Sections 1852 and 1853 and subsection (a.1) of section 2577 of the act, added August 14, 1963 (P. L. 1065), are amended to read:

Section 1852. Payment of Shares.—Any school district of the first, first A, second, third or fourth class establishing or participating in the establishment of an area vocational-technical school or a technical institute, individually, or jointly, with two or more districts [or through a county board], shall have the same power and authority to levy taxes to pay or to pay its share of buildings, grounds, equipment, operating expenses and other necessary expenses to establish, maintain and operate such [technical] school or institute as it has to levy taxes, to purchase land, construct and equip buildings, and operate elementary schools and any additional schools and departments as defined in section 502 of this act.

Section 1853. Contracts to Lease.—An area vocational-technical board authorized to establish and operate an area vocational-technical school or technical institute may enter into contracts with the State Public School Building Authority, [or] the General State Authority, municipal authorities, nonprofit corporations, municipal corporations, political subdivisions, public and quasi-public and private agencies, Federal Government and its agencies and instrumentalities to lease lands and buildings for the purpose of operating an area vocational-technical school or technical institute.

Section 2577. Limitations on Approval of Projects for Reimbursement Purposes.—(a.1) The [Superintendent] Department of Public Instruction may approve, for capital reimbursement purposes, notwithstanding any limitations hereinbefore imposed, area vocational-technical school and technical institute projects not to exceed a total of [ten million dollars (\$10,000,000)] twenty million dollars (\$20,000,000) in any fiscal year.

Section 8. This act shall take effect immediately.

APPROVED—The 1st day of February, A. D. 1966.

WILLIAM W. SCRANTON