

No. 372

AN ACT

HB 1480

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 transportation of pupils attending nonpublic schools, transportation in certain areas where walking is hazardous and for payments by the Commonwealth on account of pupil transportation.

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

Section 1. The first paragraph of section 1361, act of March 10, 1949 (P.L.30), known as the "Public School Code of 1949," amended January 14, 1970 (P.L.468), 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] kindergarten, elementary school, or secondary school in which he is lawfully enrolled, provided that such school is not operated for profit and is located within the district boundaries or outside the district boundaries at a distance not exceeding ten miles by the nearest public highway, except that such ten-mile limit shall not apply to area vocational technical schools which regularly serve eligible district pupils or to special schools and classes approved by the Department of Education,** and to and from any points in the Commonwealth in order to provide **[tours] field trips** 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] public school** pupils to and from **[the public schools] such schools or to and from any points in the Commonwealth in order to provide field trips as herein provided,** the board of school directors shall also make *identical* provision for the free transportation of pupils who regularly attend nonpublic *kindergarten, 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 the pupils attend,] to and from such schools or to and from any points in the Commonwealth in order to provide field trips as herein provided. Such transportation of pupils attending nonpublic schools shall be provided during regular school hours on such dates and periods that the nonpublic school not operated for profit is in regular session, according to the school calendar officially adopted by the directors of the same in accordance with provisions of law.** 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.

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Section 2. Section 1362 of the act is amended to read:

Section 1362. Kinds of Transportation; Liability Insurance.—The free transportation of pupils, as required or authorized by this act, or any other act, may be furnished by using either school conveyances, private conveyances, or electric railways, or other common carriers, when the total distance which any pupil must travel by the public highway to or from school, in addition to such transportation, does not exceed one and one-half (1 1/2) miles, and when stations or other proper shelters are provided for the use of such pupils where needed, *and when the highway, road, or traffic conditions are not such that walking on the shoulder of the road where there are no sidewalks constitutes a hazard to the safety of the child, as so certified by the Bureau of Traffic Safety.* All private motor vehicles employed in transporting pupils for hire shall be adequately covered by public liability insurance in such amount as the board of school directors shall require.

Section 3. Section 2541 of the act, amended December 22, 1959 (P.L.1975), August 8, 1963 (P.L.564), June 12, 1968 (P.L.192) and January 14, 1970 (P.L.468), is amended to read:

Section 2541. Payments on Account of Pupil Transportation.— (a) School districts shall be paid by the Commonwealth for every school year on account of pupil transportation which, and the means and contracts providing for which, have been approved by the Department of **[Public Instruction] Education**, in the cases hereinafter enumerated, an amount to be determined by multiplying the cost of approved reimbursable pupil transportation incurred by the district by the district's aid ratio. In addition thereto, the Commonwealth shall pay to each district qualifying a payment for excessive cost of transportation, said amount to be determined by subtracting from the cost of the approved reimbursable transportation the sum of the Commonwealth transportation payment immediately above, plus the product of one-half mill (0.0005) times the latest market value of the district as determined by the State Tax Equalization Board, provided such amount is not negative. In addition thereto, the Commonwealth shall pay to school districts which own their own vehicles, an annual depreciation charge of ten per centum (10%), to be calculated on the basis of the approved cost at which the district acquired the vehicle for which depreciation is claimed. With respect to vehicles purchased prior to January 1, 1956, the number of depreciation payments shall be limited to ten such payments. With respect to vehicles purchased on or after January 1, 1956, the annual depreciation charge shall not exceed seven hundred dollars (\$700) for such vehicles. The number of annual depreciation charges shall be limited, so that the total amount of such payments shall not exceed the cost of the vehicle as approved by the Department of **[Public Instruction] Education** at the time

of the purchase. In no case shall the Commonwealth pay, in depreciation charges, more than ten thousand five hundred dollars (\$10,500) for any one vehicle.

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

(1) To school districts of the fourth class and districts of the third class which are located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, to districts of the third class operating schools jointly with districts of the fourth class or with other districts of the third class entitled to payment on account of transportation to merged or union school districts in which one or more of the component districts were heretofore eligible for reimbursement on account of transportation to new school districts composed of two or more former school districts established as a result of reorganization of school districts pursuant to Article II., subdivision (i) of this act and to school districts which were eligible heretofore for reimbursement on account of transportation, for the transportation of elementary school pupils residing within any part of the district last served by any elementary school closed since the first Monday of July, one thousand nine hundred seven, or within a district all of whose schools have been closed, or who are assigned to a training school of a State college, and in each case who reside one and one-half (1 1/2) miles or more from the school to which they are assigned *or who reside in areas where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety in the Department of Transportation.*

(2) To school districts of the fourth class and districts of the third class which are located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, to merged or union school districts in which one or more of the component districts were heretofore eligible for reimbursement on account of transportation to new school districts composed of two or more former school districts established as a result of reorganization of school districts pursuant to Article II., subdivision (i) of this act and to school districts which were eligible heretofore for reimbursement on account of transportation, for the transportation of any child living more than two (2) miles by the nearest public highway from the nearest school in session, *or any child who resides in an area where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety,* and to districts of the third class operating schools jointly with districts of the fourth class or with other districts of the third class entitled to payment on account of transportation for the

transportation of any child living more than two (2) miles by the nearest public highway from the nearest jointly operated school in session offering the proper grades including pupils who are attending area technical schools *or any child who resides in an area where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety.*

(3) To all school districts, for the transportation of physically or mentally handicapped children regularly enrolled in special classes approved by the Department of **[Public Instruction] Education** or enrolled in a regular class in which approved educational provisions are made for them.

(4) To all third and fourth class school districts, for pupils transported to and from approved consolidated schools or approved joint consolidated schools living one and one-half miles or more from the school of attendance *or residing in areas where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety.*

Consolidated schools or joint consolidated schools shall so long as they are approved by the **[Superintendent of Public Instruction] Secretary of Education** 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.

(5) To all school districts, for pupils transported to and from schools used for the purpose of better gradation.

(6) To all school districts for pupils transported to and from area technical schools.

(7) To all school districts, for the transportation of nonresident children who are placed in the home of a resident, or who are inmates of an orphan asylum or home or a children's home or other institution for the care and training of orphans or other children, and who attend the public schools, and who live two miles or more from the nearest school with the proper grades *or residing in areas where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety.*

(c) Payments for pupil transportation on account of the school year **[1966-1967] 1972-1973** and every school year thereafter shall be made only in the following cases:

(1) To all school districts for the transportation to and from school of elementary school pupils, *including kindergarten pupils*, residing one and one-half (1 1/2) miles or more by the nearest public highway from the

school [to] *in which the pupils are [assigned, including] enrolled and to which transportation is authorized under section 1361 of this act or residing in areas where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety. Such elementary school pupils shall include* nonresident children who are placed in the home of a resident, or who are residents of an orphanage, or home or children's home or other institution for the care and training of orphans or other children. **[and who attend the public schools.]**

(2) To all school districts for the transportation to and from school of secondary school pupils residing two (2) miles or more by the nearest public highway from the school [to] *in which the pupils are [assigned, including] enrolled and to which transportation is authorized under section 1361 of this act or residing in areas where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety. Such secondary school pupils shall include* nonresident children who are placed in the home of a resident, or who are inmates of an orphan asylum or home or children's home or other institution for the care and training of orphans or other children. **[and who attend the public schools.]**

(3) To all school districts for pupils transported to and from approved consolidated schools or approved joint consolidated schools living one and one-half (1 1/2) miles or more from the school of attendance *or residing in areas where there are no sidewalks and the road or traffic conditions are such that walking on the shoulder of the road constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety.*

Consolidated schools or joint consolidated 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.

(4) To all school districts for the transportation of exceptional children regularly enrolled in special classes approved by the Department of **[Public Instruction] Education** or enrolled in a regular class in which approved educational provisions are made for them.

(5) To all school districts for pupils transported to and from area technical schools.

Section 4. Nothing in this act shall be construed to require or authorize the assignment or transportation of any pupil by any board of school directors to any school outside the boundaries of the district in which the pupil resides, except with the consent of the board of school directors, or in the case of a nonpublic school, the authorities responsible

therefor, in the district to which the pupil would be assigned, as provided in sections 1310, 1313, 1315 and 1316 of the act of March 10, 1949 (P.L.30), known as the "Public School Code of 1949," as amended October 19, 1959 (P.L.1324).

Section 5. It is the intent of the General Assembly that any funds to be appropriated from the State Treasury to implement this act shall come from Federal revenue sharing funds received by the Commonwealth.

Section 6. This act shall take effect July 1, 1972.

APPROVED—The 29th day of December, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 372.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth