

No. 1979-7

## AN ACT

## HB 36

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 field trips, providing for the graduation of qualified students and for certain subsidies and reimbursements and for the emergency generated by the nuclear crises in relationship to the length of the school year, the compensation of employes and the graduation of qualified students, and making editorial changes.

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

Section 1. Section 1361, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended January 14, 1970 (1969 P.L.468, No.192) and December 29, 1972 (P.L.1726, No.372), is amended to read:

Section 1361. When Provided.—(1) 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 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]~~ **within or without** the Commonwealth in order to provide 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 public school pupils to and from such schools or to and from any points ~~[in]~~ **within or without** 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 to and from such schools or to and from any points ~~[in]~~ **within or without** 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.

(2) The board of school directors in any school district may, if the board deems it to be in 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.

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

Section 2. The act is amended by adding sections to read:

**Section 1501.3. Weather Emergency.**—*No school district shall be required to change its graduation schedule or require graduating students to return to school after graduation to make up class days lost due to severe weather conditions. No district which makes a bona fide effort as determined by the Secretary of Education to provide one hundred eighty (180) days of instruction for graduating students shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year because of the provisions of this act.*

**Section 1501.4. Nuclear Emergency of 1979.**—*(a) For the school year 1978-79 all public and approved private kindergartens, elementary and secondary schools, vocational-technical schools and intermediate unit programs of instruction, located within five (5) miles of the Three Mile Island Nuclear Plant, shall make every effort to keep open for at least one hundred seventy-four (174) days of instruction for pupils and for those located more than five (5) miles, one hundred seventy-eight (178) days, and in the alternative, the Secretary of Education shall authorize, without need of application, each school district to have the option of computing the instructional time on an hourly basis, rather than a daily basis, of nine hundred (900) hours for elementary and nine hundred ninety (990) hours for secondary schools. No public or approved private kindergarten, elementary or secondary school, vocational-technical school, or intermediate unit program of instruction which was closed because of the Nuclear Emergency and which makes a good faith effort as determined by the Secretary of Education to keep open for at least one hundred seventy-four (174) days and one hundred seventy-eight (178) days as provided above or the optional hourly basis of instruction for pupils shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year 1978-79. No employe of any school closed by reason of the Nuclear Emergency of 1979 shall receive more or less compensation than that to which the employe would otherwise have been entitled to from the school district, intermediate unit or vocational-technical school, had the Nuclear Emergency of 1979 not occurred.*

***(b) An employe shall not receive additional salary for services rendered on days or for hours rescheduled as a result of the Nuclear Emergency of 1979, unless the number of days rescheduled extends the number of days provided for in the original school calendar; in which case, an employe shall receive a pro rata increase for such additional days.***

***(c) A school district shall not be required to change its high school graduation schedule or require graduating students to return to school after graduation to demonstrate good faith for the purposes of subsection (a).***

Section 3. Section 1 of this act shall take effect in 60 days and the remainder of the act shall take effect immediately. The provisions of section 2 shall expire June 30, 1979.

APPROVED—The 11th day of May, A. D. 1979.

DICK THORNBURGH