

No. 1979-97

AN ACT

HB 147

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," providing for alternative methods of equalizing tax levies among certain school districts, and further providing for the causes and criteria for suspension, for the waiver of certification requirements in certain instances and further providing for the certification of hazardous routes.

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

Section 1. Section 672.1, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended June 30, 1971 (P.L.186, No.25), is amended and a section is added to read:

Section 672.1. School Districts Lying in More Than One County or in More Than One Municipality; Limitation on Total Tax Revenues.—(a) Whenever a school district shall lie in more than one county, the total taxes levied on real estate within the school district in each county shall be subject to the limitation that the ratio which such total bears to the most recent valuation of the same properties by the State Tax Equalization Board shall be uniform in all of the counties, and the school district shall adjust its rate of taxation applicable to the portion of the district in each county to the extent necessary to achieve such uniformity; or

(b) As an alternative to the method provided in subsection (a), whenever a school district shall lie in more than one county the board of assessment and revision of taxes in any of the counties or all of the counties in which the school district is located shall, at the request of the school directors of the district, furnish the market value of each parcel of property on the tax roll required to be furnished to the school directors under any assessment law of the Commonwealth. The market value of each parcel shall be the quotient of the assessed value divided by the latest ratio of assessed value to market value in the municipality as determined by the State Tax Equalization Board, *or, at the option of the school district, the market value of each parcel shall be the quotient of the assessed value divided by the latest ratio of assessed value to market value as determined by the State Tax Equalization Board in the aggregate of all municipalities of the school district within the county, or at the option of the school district where there are two or more ratios of assessed value to market value, the school directors of that school district shall select the lowest of the ratios for a uniform assessed value to market value throughout the school district, or at the option of the school district where such school district is located in a home rule county, the school directors of that school district may use the county assessments.*

The school directors shall set a tax rate based upon a percentage not exceeding seventy-five (75) per centum of such market values which shall be uniform throughout the district.

(c) In the event a school district or part thereof located within one county is composed of two or more municipal governments at least one of which levies property taxes upon assessments made for county tax purposes and at least one of which utilizes separate assessments made for municipal tax purposes, the property tax levy for school district purposes shall be equalized by either of the methods prescribed in subsections (a) or (b). If the former method is adopted, the ratio which the total taxes levied in each part of the school district bears to the most recent valuation of the same properties by the State Tax Equalization Board shall be uniform; if the latter method is adopted, the market value of each parcel of property on the tax roll shall be (i) in the case of the assessment made for county tax purposes, the quotient of the assessed value divided by the latest ratio of assessed value to market value for that portion of the school district as determined by the State Tax Equalization Board and, (ii) in the case of the separate assessment for municipal tax purposes, the quotient of the assessed value divided by the product of the latest ratio of assessed value to market value in the municipality as determined by the State Tax Equalization Board and the ratio of the total assessed valuation of the same properties for municipal tax purposes to the total assessed valuation of said properties for county tax purposes: ***Provided, however, That the taxpayers of no municipality or political subdivision within a school district shall pay an aggregate amount in school property taxes which, as a percentage of total school property taxes, shall exceed the ratio of its market value to the total market value of the school district as determined by the State Tax Equalization Board.***

(d) Whenever a revision of assessment is completed in any portion of a school district and the revised assessments are to be used for school tax purposes the method prescribed in subsection (b) above to equalize school property tax levies shall not be used until the latest ratio of assessed value to market value as determined by the State Tax Equalization Board for that portion of the school district is based upon the revised assessments.

Section 672.2. School Districts Lying in More Than One County; Tax Levy on Occupations.—(a) Any school district which lies in more than one (1) county and which levies an occupation tax, shall levy such tax uniformly upon each occupational category existing in all counties in which the district lies, at the lowest assessed valuation for each equivalent occupational category as certified to the school district by the counties in which the district lies.

(b) This section shall not apply to any school district which levies an occupational assessment tax on the effective date hereof unless the school district by resolution elected to be subject thereto.

Section 2. Section 1125 of the act is repealed.

Section 3. The act is amended by adding sections to read:

Section 1125.1. Persons to be Suspended.—(a) *Professional employes shall be suspended under section 1124 (relating to causes for suspension) in inverse order of seniority within the school entity of current employment. Approved leaves of absence shall not constitute a break in service for purposes of computing seniority for suspension purposes. Seniority shall continue to accrue during suspension and all approved leaves of absence.*

(b) *Where there is or has been a consolidation of schools, departments or programs, all professional employes shall retain the seniority rights they had prior to the reorganization or consolidation.*

(c) *A school entity shall realign its professional staff so as to insure that more senior employes are provided with the opportunity to fill positions for which they are certificated and which are being filled by less senior employes.*

(d) (1) *No suspended employe shall be prevented from engaging in another occupation during the period of suspension.*

(2) *Suspended professional employes shall be reinstated on the basis of their seniority within the school entity. No new appointment shall be made while there is a suspended professional employe available who is properly certificated to fill such vacancy. For the purpose of this subsection, positions from which professional employes are on approved leaves of absence shall also be considered temporary vacancies.*

(3) *To be considered available a suspended professional employe must annually report to the governing board in writing his current address and his intent to accept the same or similar position when offered.*

(4) *A suspended employe enrolled in a college program during a period of suspension and who is recalled shall be given the option of delaying his return to service until the end of the current semester.*

(e) *Nothing contained in section 1125.1(a) through (d) shall be construed to supersede or preempt any provisions of a collective bargaining agreement negotiated by a school entity and an exclusive representative of the employes in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act"; however, no agreement shall prohibit the right of a professional employe who is not a member of a bargaining unit from retaining seniority rights under the provisions of this act.*

(f) *A decision to suspend in accordance with this section shall be considered an adjudication within the meaning of the "Local Agency Law."*

Section 1214. Department Waiver of Certification Requirements.—(a) *The department may grant a waiver of certification requirements for a period not to exceed one year for a certificated professional employe currently employed by or on suspension from a school entity when the school entity submits a written waiver request containing the following:*

(i) *the reason for the waiver;*

(ii) a program of study being followed by the employe to secure certification in the new position;

(iii) the period of time necessary for the employe to secure certification in the new position;

(iv) a statement showing the employe's application for placement in the new position; and

(v) a statement that the employe has completed twelve (12) semester credit hours in the area for which the waiver is requested.

(b) The employe for whom the waiver is granted shall pursue certification as outlined in the school entity's waiver request. Failure to do so shall result in a revocation of the waiver.

(c) A professional employe for whom a waiver is granted shall not be permitted to fill a position vacated by a suspended employe.

Section 4. Sections 1362 and 2541 of the act, amended December 29, 1972 (P.L.1726, No.372) and subsection (d) of section 2541 added June 26, 1974 (P.L.370, No.125), are 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 ½) 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**] *Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.* 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 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 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 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 ½) 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. *The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.*

(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]** *Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.*

(3) To all school districts, for the transportation of physically or mentally handicapped children regularly enrolled in special classes approved by the Department of 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]** *Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.*

Consolidated schools or joint consolidated schools shall so long as they are approved by the 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] Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.**

(c) Payments for pupil transportation on account of the school year **[1972-1973] 1979-1980** 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 ½) miles or more by the nearest public highway from the school in which the pupils are 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] Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.** 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.

(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 in which the pupils are 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] Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.** 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.

(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 ½) 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] Department of Transportation. The Department of Transportation shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the department shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.**

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 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.

(d) The Commonwealth shall reimburse the school districts for the school year 1973-1974 and for each year thereafter for the approved reimbursable costs incurred in providing transportation under section 1361 for nonpublic school pupils and under section 1362 for hazardous conditions: Provided, however, That no district shall receive less than fifty percent (50%) of such approved reimbursable costs.

Section 5. This act shall take effect immediately and shall be applicable to the 1979-1980 school year and each year thereafter.

APPROVED—The 20th day of November, A. D. 1979.

DICK THORNBURGH