

No. 184
AN ACT

To further amend the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 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," by changing provisions for plans of school buildings, admission of beginners, enumeration of children, cost of education of blind children, half-day school sessions, district teaching units, and payments by the Commonwealth for additional units and closed schools and transportation; requiring issuance of high school certificates and approval of joint schools; providing for payment of cost of transportation to joint schools; providing penalties on school districts; and making corrections and supplying omissions.

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

"Public School Code of 1949."

Section 1. Section 731 of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 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," is hereby amended to read as follows:

Section 731, act of March 10, 1949, P. L. 30, amended.

Section 731. [Submission] *Approval by Department of Plans, etc., of Buildings [to State Council of Education]; Exceptions.*—No public school building shall be contracted for, constructed, or reconstructed, in any school district of the second, third, or fourth class, until [their] *the plans and specifications therefor* have been [submitted to the State Council of Education, and all recommendations concerning the same by the State Council of Education have been laid before the board of school directors: Provided, That where] *approved by the Department of Public Instruction. When* ordinary repairs are proposed, such as plastering, painting, replacement of floors, improvement of school grounds, repairing or providing walks, roadways or retaining walls, the cost of which in districts of the second class will not exceed one thousand dollars (\$1000), or in districts of the third and fourth class will not exceed five hundred dollars (\$500), no [submission of plans for such repairs to the State Council of Education] *approval* shall be required. Where any structural change is involved, such as moving or adding doors, windows, partitions, making additions or any excavations, [submission of plans to the State Council of Education] *approval of the Department of Public Instruction* shall be required regardless of the cost of such structural change.

Section 732,
said act,
repealed.

Subsection (a)
of section 921,
said act, as
amended by act
of September 28,
1951, P. L.
1551, further
amended.

Section 2. Section 732 of said act is hereby repealed.

Section 3. Subsection (a) of section 921 of said act, as amended by the act, approved the twenty-eighth day of September, one thousand nine hundred fifty-one (Pamphlet Laws 1551), is hereby further amended to read as follows:

Section 921. Election; Vacancies; Qualifications; Removals.—(a) In every county having a county superintendent of public schools, there shall be a county board of school directors consisting of five (5) members, who shall be elected at the annual convention of the school directors of the county next preceding the expiration of their respective terms of office, by majority vote of the school directors of the districts under the supervision of the county superintendent, attending such annual convention. *Immediately after their election they shall meet and qualify by taking an oath of office.* They shall serve for terms of six years from the first day of July following their election, or until their successors are chosen. The terms of the members shall be staggered so that two members shall be elected in the year one thousand nine hundred fifty-two, two in the year one thousand nine hundred fifty-four, and one in the year one thousand nine hundred fifty-six; and thereafter, two members or one member, as is required to fill the expiring terms. All vacancies occurring by reason of death, resignation, removal from the county, or otherwise, shall be filled by a majority vote of the remaining members of the county board of school directors. The person elected to fill such vacancy shall hold his office until the next annual convention, at which a successor shall be elected for the remainder of the unexpired term.

Section 1166,
said act, as
amended by act
of December 27,
1951, P. L. 1791,
further amended.

Section 4. Section 1166 of said act, as amended by the act, approved the twenty-seventh day of December, one thousand nine hundred fifty-one (Pamphlet Laws 1791), is hereby further amended to read as follows:

Section 1166. Persons Entitled.—[(a)] Any person employed in the public school system of this Commonwealth who has completed ten (10) years of satisfactory service as a professional employe or member of the supervisory, instructional or administrative staff, or, in first class school districts, as a member of the instructional staff, as defined by the local board of education, shall be entitled to a leave of absence for restoration of health, study or travel, or, at the discretion of the board of school directors, for other purposes. At least five consecutive years of such service shall have been in the school district from which leave of absence is sought, unless the board of school directors shall in its discretion allow a shorter time. Such leave of absence shall be for a half or full school [year] term, or for two half school

[years] *terms* during a period of two years, at the option of such person. Thereafter, one leave of absence shall be allowed after each seven years of service.

A sabbatical leave granted to a regular employe shall also operate as a leave of absence without pay from all other school activities.

Section 5. Sections 1167 and 1168 of said act are hereby amended to read as follows:

Sections 1167
and 1168, said
act, amended.

Section 1167. Preferences; Limitations. — Applications for leaves of absence shall be given preference, according to the years of service since the previous sabbatical leave of the applicant, and in accordance with regulations adopted by the board of school directors.

No school district shall limit the number of leaves of absence granted in any school year to less than ten per centum (10%) of the number of persons eligible for such leave of absence regularly employed in such district. Schools which have a staff of seven (7) or less teachers shall be permitted at least one leave of absence each [year] *term*.

Section 1168. Return to Employment.—No leave of absence shall be granted unless such person shall agree to return to his or her employment with the school district for a period of not less than one [year] *school term* after such leave of absence.

No such leave of absence shall be considered a termination or breach of the contract of employment, and the person on leave of absence shall be returned to the same position in the same school or schools he or she occupied prior thereto.

Section 6. Section 1169 of said act, as amended by the act, approved the twenty-seventh day of December, one thousand nine hundred fifty-one (Pamphlet Laws 1791), is hereby further amended to read as follows:

Section 1169,
said act, as
amended by act
of December 27,
1951, P. L. 1791,
further amended.

Section 1169. Salary While on Leave.—The person on leave of absence shall receive one-half of his or her regular salary: Provided, That the employe who is absent on sabbatical leave shall not receive more than two thousand five hundred dollars (\$2500), if the employe's absence on sabbatical leave is for a full school [year] *term*, and not more than one thousand two hundred fifty dollars (\$1250), if the employe's absence on sabbatical leave is for a half school [year] *term*, as defined in this act.

Section 7. Section 1304 of said act, as last amended by the act, approved the seventeenth day of August, one thousand nine hundred fifty-one (Pamphlet Laws 1295), is hereby further amended to read as follows:

Section 1304,
said act, as last
amended by act
of August 17,
1951, P. L.
1295, further
amended.

Section 1304. Admission of Beginners.—The admission of beginners to the public schools shall be confined to the first two weeks of the annual school term in dis-

tricts operating on an annual promotion basis, and to the first two weeks of either the first or the second semester of the school term in districts operating on a semi-annual promotion basis. Admission shall be limited to beginners who have attained the age of five years and seven months before the first day of September if they are to be admitted in the fall, and to those who have attained the age of five years and seven months before the first day of February if they are to be admitted at the beginning of the second semester. [A beginner who is less than five years and seven months of age but who has attained a mental age of six years may be admitted when such admission is recommended by the county supervisor of special education or by a properly certificated public school psychologist.] *The board of school directors of any school district may admit beginners who are less than five years and seven months of age, in accordance with rules and regulations established by the State Council of Education.* The board of school directors may refuse to accept or retain beginners who have not attained a mental age of five years, as determined by the county supervisor of special education or a properly certificated public school psychologist in accordance with rules and regulations established by the State Council of Education.

The term "beginners," as used in this section, shall mean any child that should enter the lowest grade of the primary school or the lowest primary class above the kindergarten level.

Section 1351,
said act, as
amended by act
of April 20, 1949,
P. L. 646,
further amended.

Section 8. Section 1351 of said act, as amended by the act, approved the twentieth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 646), is hereby further amended to read as follows:

Section 1351. Duty to Make; Penalty for Interfering.—The board of [public education in school districts of the first class] *school directors of any school district* where an adequate continuing school census is maintained shall, between March first and September first, once in three years, commencing with the year one thousand nine hundred [fifty-one] *fifty-five*, and the board of school directors in every school district [of the second, third and fourth class] *where an adequate continuing school census is not maintained* shall, between March first and September first of each year, cause to be made by the attendance officers, teachers, or other persons employed for this purpose, a careful, correct, and accurate enumeration, on census cards [provided by the district, at the expense of the district], or in a substantial book or books provided by the Superintendent of Public Instruction, at the expense of the State, for that purpose, of all the children [between the ages of six (6) and] *from birth*

to eighteen (18) years of age within their district, giving the full name, date of birth, age, sex, nationality, place of residence in such school district, name and address of parent or persons in parental relation, the name and location of the school where the child is enrolled or belongs, and the name and address of the employer of any child under eighteen (18) years of age who is engaged in any regular employment or service. *In school districts of the first class, where the bureau of vital statistics of the city comprising the school district can supply the district with the number of live births during each year, the school district may limit its enumeration to children between the ages of five (5) and eighteen (18) years of age.* Such enumeration shall be made by careful inquiry at the residence of each family in the district. The person making such enumeration, upon completion thereof, shall make a proper oath or affirmation as to its correctness. Such enumeration shall also include the names and addresses of all persons, firms, or corporations employing or accepting service from children under eighteen (18) years of age. The board of school directors in any school district shall have authority to cause to be made an enumeration of all minors residing within the district, and the Superintendent of Public Instruction may, at his discretion, require such enumeration.

If any person shall hinder or prevent, or attempt to hinder or prevent, any attendance officer or teacher, or other person, from performing any duty provided for in this section, he shall, on summary conviction thereof, be sentenced to pay a fine not exceeding five dollars (\$5), or to undergo an imprisonment not exceeding five (5) days.

Section 9. Sections 1380, 1391 and 1504 of said act are hereby amended to read as follows:

Section 1380. Education of Blind Children Under Eight Years.—The State Council of Education is authorized to educate blind children, residing in this Commonwealth, under the age of eight (8) years, whenever, from any cause, the parent or parents thereof may be unable properly to educate them. With the written consent of the parents, parent, or nearest relative, if there be no parents, or the local authorities of the proper institution district, if there be neither parents nor relatives, the State Council of Education may contract with any non-sectarian institution in this State, or elsewhere, established for the education of the blind, whereby any such child may, at a cost not exceeding [one dollar and fifty cents (\$1.50)] *three dollars (\$3)* per day, to be paid by the Commonwealth, out of funds appropriated to the Department of Public Instruction for the education of

Sections 1380,
1391 and 1504,
said act,
amended.

blind children, be educated until it shall reach the age of eight (8) years. Such education may be continued beyond the age of eight (8) years, when, for physical, mental or other proper reasons, such child or children need special care for a longer period. The contract may be canceled and the child or children removed at any time by the State Council of Education. The provisions of this section shall not repeal or modify any existing acts relative to the education of the blind.

Section 1391. Employment of Children Under Eighteen Unlawful Without Employment Certificate or Permit.—No person, either for himself or for any firm, association, or corporation, shall, during the hours the public schools are in session, accept service from, engage, or employ any child under eighteen (18) years of age, unless such employer shall have on file an employment certificate, or farm or domestic service permit, issued according to law [:Provided, That any male minor over sixteen (16) years of age employed in the distribution, sale, exposing or offering for sale of any newspaper, magazine, periodical or other publication, shall not be required to procure an employment certificate under this act].

If the child leaves such employment, or is absent from such employment five (5) days, the employer shall immediately, in writing, notify accordingly the school official who issued the certificate.

Section 1504. Dates and Times of School Terms and Sessions; Commencement.—(a) The board of school directors of each school district shall fix the date of the beginning of the school term. Unless otherwise determined by the board, the daily session of school shall open at nine ante-meridian and close at four post-meridian, with an intermission of one hour at noon, and an intermission of fifteen minutes in the forenoon and in the afternoon.

(b) *If a school in any district due to crowded conditions is unable to provide for the full time attendance of all pupils during the school day, the board of school directors, with the approval of the Department of Public Instruction first obtained, may provide for two half-day *sessions. The approval of the Department of Public Instruction shall not exceed a period of one year. Annual extensions may be granted by the Department upon review of the circumstances of each case. Each half-day session shall be four (4) hours in duration: Provided, That the Superintendent of Public Instruction may reduce the half-day session in the first and second grades, at the request of a school district, for cogent reasons relating to the health, safety or welfare of the children, if, in his opinion, the school program submitted by the*

* "session" in original.

*district shows that the local program is adequate for *these grades. Half-day sessions shall be regarded as two regular sessions. Teachers employed for one half-day session shall not be employed for the other on the same day for the entire half-session, but may be required by the school district to serve every school day for the same number of hours prescribed by the board of school directors for regular full-time teachers who teach full day sessions in the same grades in the school district. Upon any violation or failure to comply with the provisions of this subsection, the Superintendent of Public Instruction, on hearing, after two (2) weeks' written notice to the board of school directors, shall withhold and declare forfeited the State appropriation for reimbursement on account of the instruction of the pupils in average daily membership in the sessions in which the requirements are not met.*

(c) The board of school directors may fix the date of the school commencement and shall pay such expenses in connection therewith as it may determine.

Section 10. Section 1519.1 of said act, as added by the act, approved the eighth day of January, one thousand nine hundred fifty-two (Pamphlet Laws 1857), is hereby amended to read as follows:

Section 1519.1,
said act, as
added by act of
January 8, 1952,
P. L. 1857,
amended.

Section 1519.1. Standardized [Driver - Training] *Driver-Education* Program.—

(a) The Department of Public Instruction shall establish, for operation in the public school system of the Commonwealth, a standardized [driver-training] *driver-education* program in the safe operation of motor vehicles.

(b) The Department of Public Instruction shall assist school districts throughout the Commonwealth in the functioning of such program by—

(1) Preparation, publication and free distribution of [driver-training] *driver-education* instructional material to insure a more complete understanding of the duties of motor vehicle operators;

(2) Making such rules and regulations as may be necessary to carry out such program.

(c) Every school district complying with the standardized program established by the Department for the school year 1951-52 and for every school year thereafter shall be paid a sum which shall be proportionate to the total amount available to the Department from the Motor License Fund for allocation and distribution to all school districts in the Commonwealth after payment of the following, which shall not exceed, during each school year, a sum equal to ten (10) cents for each motor vehicle learner's permit issued subsequent to the fifteenth day of October, one thousand nine hundred fifty-one,

* "those" in original.

namely: (1) *salaries and* traveling expenses of employes of the Department of Public Instruction essential to the program; (2) purchase of visual training aids and psycho-physical testing equipment; and (3) costs of preparation, publication and distribution of [driver-training] *driver-education* instructional material, for assistance to their [driver-training] *driver-education* programs, as the ratio which the average daily membership of pupils over fifteen (15) years of age in such [driver-training] *driver-education* courses in such school district bears to the total average daily membership of pupils over fifteen (15) years of age in such [driver-training] *driver-education* courses in all school districts in the Commonwealth: Provided, That the payment shall not exceed the sum of ten (\$10) dollars for each such pupil per school year. Allocations and apportionments within any school district shall be made according to a similar ratio. Such sums shall be paid in the same manner as other reimbursements are paid to school district.

Said act amended by adding, after section 1612 thereof, a new section numbered 1613.

Section 11. Said act is hereby amended by adding, after section 1612 thereof, a new section to read as follows:

Section 1613. High School Certificates.—The board of school directors, joint board or joint school committee operating any high school shall issue a certificate to each pupil satisfactorily completing the prescribed course of instruction in the high school.

Section 1701, said act, amended.

Section 12. Section 1701 of said act is hereby amended to read as follows:

Section 1701. Establishment.—The board of school directors in any two or more school districts may, with the approval of the county board of school directors and of the Department of Public Instruction, establish, construct, equip, furnish, and maintain joint elementary public schools, high schools, consolidated schools or any other kind of schools or departments provided for in this act. The cost of establishing, constructing, equipping, furnishing, and maintaining such joint schools or departments, including the cost of transportation of pupils, shall be paid by the several districts establishing the same, in such manner and in such proportion as they may agree upon. No joint school or department shall be established without the approval of the county board of school directors and of the Department of Public Instruction or without receiving the affirmative vote of a majority of the members of the board of school directors in each district establishing the same. The action of the several boards establishing and maintaining such joint schools or departments shall be recorded in full in the minutes of the respective boards.

Section 13. Section 1707 of said act, as last amended by the act, approved the twenty-eighth day of June, one thousand nine hundred fifty-one (Pamphlet Laws 934), is hereby further amended to read as follows:

Section 1707, said act, as last amended by act of June 28, 1951, P. L. 934, further amended.

Section 1707. Joint School Committee.—The boards of school directors, establishing any joint school or department, may supervise and direct its affairs, jointly, in the same manner as the affairs of individual school districts are managed; or they may agree that the affairs of such joint school or department may be managed by a joint school committee within the limits of the budget adopted by the joint board. Where such management is delegated to a joint school committee, every school board establishing joint schools or departments shall, at the annual meeting *during the month of December*, select one or more of its members who, with the members chosen in like manner in the other districts, shall constitute the joint school committee. This committee shall have all the powers and duties and be subject to all the liabilities with reference to the supervision, maintenance and regulation of such joint schools or departments as are now conferred or imposed by law upon school boards generally. The affirmative vote of a majority of all the members of this committee, duly recorded, showing how each member voted, shall be required in order to take action upon those subjects enumerated in section five hundred eight of this act. Failure to comply with the provisions of this act shall render void and unenforceable the acts of the joint school committee with reference thereto. The joint board and the joint school committee, if authorized, shall organize annually *during the month of December* by electing a president and secretary, and the expenses of maintaining the joint school or department shall be paid by warrant drawn on the joint board treasurer by the president and secretary of the joint board or the joint school committee.

Section 14. Subsection (2) of section 2501 and section 2520 of said act are hereby amended to read as follows:

Subsection (2) of section 2501 and section 2520, said act, amended.

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

* * * * *

(2) [“District Teaching Units.” A district’s number of teaching units shall be obtained as follows: (i) divide by twenty-two (22) the number of district pupils in average daily membership in a public high school; (ii) divide by thirty (30) the number of district pupils in average daily membership in a public elementary school; and (iii) add the quotients obtained under (i) and (ii) above.] “Teaching Units” consist of twenty-two (22)

high school pupils or thirty (30) elementary school pupils. Fractions thereof shall be fractional teaching units. If a district's pupil-teacher ratio exceeds thirty-three (33), its district teaching unit shall be obtained by multiplying the total number of all teaching units, as defined above, by thirty-three (33), and dividing the product so obtained by the pupil-teacher ratio of the district.

Section 2520. Payments on Account of Increase in Number of Pupils and Additional Closed Schools.—In addition to the payments herein provided on account of the instruction of district pupils, and on account of schools permanently closed or discontinued in any district, each district shall receive its several apportionments, as herein provided, that shall have become due by reason of increase in the number of districts pupils subsequent to the certificate to the Superintendent of Public Instruction immediately previous to the beginning of the fiscal biennium, and its apportionment, as herein provided, for additional schools permanently closed or discontinued subsequent to such certificate. Such payments shall be made after certificate to the Superintendent of Public Instruction in the *third and fourth quarterly payments of the biennium year* [in addition to the last quarterly payment of the biennium as hereinbefore provided].

Clause (2) of section 2541, said act, as amended by acts of April 14, 1949, P. L. 456, and May 11, 1949, P. L. 1195, further amended.

Section 15. Clause (2) of section 2541 of said act, as amended by the acts, approved the fourteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 456), and the eleventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1195), is hereby further amended to read as follows:

Section 2541. Payments on Account of Pupil Transportation.—

* * * * *

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

* * * * *

(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, and to merged or union school districts in which one or more such districts are a component part, for the transportation of any child living more than two (2) miles by the nearest public highway from the nearest school in session, *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.

Section 16. The provisions of this act shall become effective on the first Monday of July, one thousand nine hundred fifty-three. Effective date.

APPROVED—The 27th day of July, A. D. 1953.

JOHN S. FINE

No. 185

AN ACT

To amend subsections B and C of section 7 of the act, approved the second day of May, one thousand nine hundred forty-five (Pamphlet Laws 382), entitled "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities, counties and townships; prescribing the rights, powers and duties of such Authorities heretofore or hereafter incorporated; authorizing such Authorities to acquire, construct, improve, maintain and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates," by requiring members of the boards of Authorities created by school districts to serve without compensation and the treasurer to post a bond.

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

Section 1. Subsections B and C of section 7 of the act, approved the second day of May, one thousand nine hundred forty-five (Pamphlet Laws 382), entitled "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities, counties and townships; prescribing the rights, powers and duties of such Authorities heretofore or hereafter incorporated; authorizing such Authorities to acquire, construct, improve, maintain and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates," subsection C of which was amended by the act, approved the twelfth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 571), are hereby amended to read as follows:

"Municipality
Authorities
Act of 1945."

Subsections B
and C of section
7, act of May
2, 1945, P. L.
382, subsection
C of which was
amended by act
of June 12,
1947, P. L. 571,
amended.