

Term of office. ary of the year following the next municipal election, the primary for which occurs at least sixty days after the effective date of this act, at which election successors to the judges so appointed shall be elected by the duly qualified electors of Philadelphia County.

Election of successors.

Effective date. Section 3. This act shall take effect November 15, 1963.

APPROVED—The 7th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 299

AN ACT

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," extending certain dates, providing opportunity to county boards of school directors to review certain plans, providing for appeals to the State Board of Education, changing minimum pupil requirements, clarifying the provisions relating to election, seniority rights and suspension of certain school employes upon a reorganization of school districts, changing provisions relating to supplemental payments, providing for payments on account of pupil transportation in certain cases, guaranteeing minimum reimbursement to newly established school districts, providing for the disposition of property indebtedness and rental obligations of former school districts, authorizing a tax to liquidate certain funded indebtedness contracted for current operating expenses, and providing for the election of school directors, the selection of interim operating committees and the powers and duties of incumbent school directors in school districts of the second, third and fourth class, and deleting and repealing the provisions of "Act 561" which required the reorganization of school districts.

Public School Code of 1949.

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

Section 202 act of March 10, 1949, P. L. 30, amended September 12, 1961, P. L. 1283, further amended.

Section 1. Section 202, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended September 12, 1961 (P. L. 1283), commonly referred to as "Act 561," is amended to read:

Section 202. Classification.—The several school districts of the Commonwealth are hereby divided into five classes, as follows:

Each school district having a population of one million five hundred thousand (1,500,000), or more, shall be a school district of the first class;

Each school district having a population of five hundred thousand (500,000), or more, but of less than one million five hundred thousand (1,500,000), shall be a school district of the first class A;

Each school district having a population of thirty thousand (30,000), or more, but of less than five hundred thousand (500,000), shall be a school district of the second class;

Each school district having a population of five thousand (5,000), or more, but of less than thirty thousand (30,000), shall be a school district of the third class. [On and after July 1, 1965, each school district having a population of twenty-two thousand (22,000), or more, but of less than thirty thousand (30,000), according to the last preceding decennial United States census, shall be a school district of the third class.]

Each school district having a population of less than five thousand (5,000) shall be a school district of the fourth class. [On and after July 1, 1965, any school district having a population of less than twenty-two thousand (22,000) shall be abolished, except those which are constituted and deemed established as school districts in accordance with a plan of organization of administrative units approved by the State Council of Education. Such school districts shall be school districts of the fourth class.]

Section 2. Subdivision (h) of Article II. and sections 281, 282, 283, 284, 285 and 286 of the act, added September 12, 1961 (P. L. 1283), commonly referred to as "Act 561," are repealed.

Section 3. Article II. of the act is amended by adding a new subdivision to read:

Subdivision (h) Article II., and sections 281, 282, 283, 284, 285 and 286 of act added September 12, 1961. P. L. 1283, repealed.

Article II. of act, amended by adding a new subdivision (1).

ARTICLE II.

SCHOOL DISTRICTS

* * *

(i) Reorganization

*Section 290. Purpose; Construction of Subdivision. —The purpose of this subdivision is to provide a flexible framework and effective and orderly means whereby the administrative units of the Commonwealth's public school system can be expeditiously reorganized. While deeply impressed with the continuous dedicated responsibility exercised over the last century by the citizenry through their local *boards of school directors, the General Assembly must also be cognizant of the responsibility placed upon it by Article X., section 1 of the Constitution of Pennsylvania which requires in part, that "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of the Com-*

* "board" in original.

*monwealth above the age of six years may be educated . . .” As the evidence demonstrates beyond reasonable dispute that the present administrative system of more than *two thousand (2,000) school districts is incapable of providing adequate education and appropriate training for all of the children of the Commonwealth above the age of six, the General Assembly hereby renews its dedication to its responsibility of providing a thorough and efficient system of public schools within the Commonwealth. It is hereby declared to be the purpose and intention of the General Assembly to establish the procedures and provide for the standards and criteria under which school directors and district administrators and county boards of school directors and county administrators shall have the power and bear the duty of determining the appropriate administrative units to be created in each county to carry out the responsibilities shared by them and the General Assembly, of educating and training each child within his capacity to the extent demanded by the immediate requirements of growth and strengthening of this Commonwealth and nation. Only where such local officials fail to act, or act arbitrarily outside of the standards and criteria provided for in the sections following, shall the Commonwealth through its duly authorized agencies and officials act to insure compliance with law within the powers set forth below and as restricted therein. The improvements in the educational system hereby obtained are not to be construed as a final resolution of organizational problems. Local school officials as agents of the General Assembly are directed to continually review organizational patterns and adopt without delay all changes which will accelerate the progress of public education. It is further declared to be the purpose and intention of the General Assembly that the above may be used in construing and arriving at legislative intent with respect to the provisions of this subdivision.*

Section 290.1. Educational Performance Standards. —To implement the purpose of this subdivision, the State Board of Education, as soon as possible and in any event no later than July 1, 1965, shall develop or cause to be developed an evaluation procedure designed to measure objectively the adequacy and efficiency of the educational programs offered by the public schools of the Commonwealth. The evaluation procedure to be developed shall include tests measuring the achievements and performance of students pursuing all of the various subjects and courses comprising the curricula. The evaluation procedure shall be so constructed and developed as to provide each school district with relevant

* “two thousand” not in original.

comparative data to enable directors and administrators to more readily appraise the educational performance and to effectuate without delay the strengthening of the district's educational program. Tests developed under the authority of this section to be administered to pupils shall be used for the purpose of providing a uniform evaluation of each school district and the other purposes set forth in this subdivision. The State Board of Education shall devise performance standards upon the completion of the evaluation procedure required by this section.

Section 291. Standards for Organization of Administrative Units.—The State Board of Education, within ninety (90) days of the effective date of this amending act, shall adopt standards for approval of administrative units, taking into consideration the following factors: topography, pupil population, community characteristics, transportation of pupils, use of existing school buildings, existing administrative units, potential population changes and the capability of providing a comprehensive program of education.

Section 292. Submission of Plans.—Each county board of school directors, on or before July 1, 1964, shall prepare a plan of organization of administrative units for the county, conforming to the standards for approval of administrative units adopted by the State Board of Education. The plan shall be submitted to the Department of Public Instruction not less than thirty (30) days nor more than sixty (60) days after it is prepared. Any school district which considers itself aggrieved by the plan may set forth its specific objections in a petition which shall be served by registered or certified mail on the secretary of the county board of school directors. All such petitions filed shall be appended to the plan prior to submission to the Department of Public Instruction. No plan of organization of administrative units shall be submitted which violates any written agreement entered into by several school districts for the establishment of a joint school or department, unless the agreement is amended to provide that it shall be discontinued at the time the proposed administrative unit is deemed established as a school district. A plan of organization of administrative units shall be deemed to violate a written agreement entered into by several school districts for the establishment of a joint school or department only when it formulates an administrative unit, which in whole or in part comprises less than all of the school districts joined by such agreement. In preparing its plans, a county board of school directors shall confer with school directors and administrators of all school districts of the county, and

may confer with the staff of the Department of Public Instruction and upon written request shall confer with other interested persons. Each plan shall assure the continuity of special education and area technical school programs by providing special education and area technical school attendance areas established in accordance with standards approved by the State Board of Education.

Each county board of school directors which prepared and submitted to the Department of Public Instruction prior to January 1, 1963, a plan of organization of administrative units for the county, shall, in compliance with the provisions hereof, reconsider such plan and submit the same or a revised plan on or before July 1, 1964, irrespective of the action taken on the prior plan. In those cases where the prior plan was approved by the State Council of Education, the plan submitted when approved by the Council of Basic Education shall supersede the prior approved plan as the plan of organization of administrative units for the county.

Section 293. Approval of Plans.—(a) When any plan of organization of administrative units for a county is found to conform to the standards for approval of administrative units adopted by the State Board of Education, the Department of Public Instruction shall cause such plan to be placed upon the agenda of the Council of Basic Education. The Council of Basic Education shall review all plans placed upon its agenda, and approve such plans as it deems wise in the best interests of the educational system of the Commonwealth. Except as hereinafter provided, no plan of organization of administrative units shall be approved in which any proposed school district contains a pupil population of less than four thousand (4,000), unless when factors of topography, pupil population, community characteristics, transportation of pupils, use of existing school buildings, existing administrative units, potential population changes and the capability of providing a comprehensive program of education are considered by the Council of Basic Education as requiring the approval of a plan of organization of administrative units in which one or more proposed school districts contains a pupil population of less than four thousand (4,000). (b) A plan of organization of administrative units for a county shall be approved by the Council of Basic Education, if the plan contains (i) no unit with a pupil population less than that of the unit with the smallest pupil population in the last previous county-wide plan submitted to and approved by the State Council of Education prior to September 12, 1961, and (ii) no more units than were in the aforesaid county-wide plan

plus an additional unit for each second class district which was not required to be a part of such county-wide plan and which was not included in an administrative unit thereof. (c) Pupil population as used in this section shall mean the average daily membership for the school year 1961-1962 including kindergarten or grade one through grade twelve.

Section 294. Disapproval of Plans.—When any plan of organization of administrative units for a county is disapproved by the Council of Basic Education, it shall be returned to the county board of school directors which submitted the plan for reconsideration, amendment and resubmission in accordance with the recommendations of the Council of Basic Education.

Section 295. Department of Public Instruction to Prepare Plans.—In the event that no plan of organization of administrative units is approved by the Council of Basic Education for a county prior to January 1, 1965, the Department of Public Instruction shall prepare and place upon the agenda of the Council of Basic Education a plan of organization of administrative units for the county. When approved by the Council of Basic Education, such plan shall be deemed the approved plan of organization of administrative units for the county.

Any school district which considers itself aggrieved by a plan of organization of administrative units approved by the Council of Basic Education may appeal to the State Board of Education by filing a petition, within thirty (30) days after approval of the plan, setting forth the grounds for such appeal. A copy of such petition shall be served by registered or certified mail on the secretary of the county board of school directors. The State Board of Education, or its representative, shall fix a day and time for hearing, shall give written notice to all parties interested, and may hear and consider such testimony as it may deem advisable to enable it to make a decision. After reaching its decision, the State Board of Education shall enter such order as appears to it just and proper, either directing the Council of Basic Education to approve the plan in an amended form or confirming the plan in the form previously approved by the Council of Basic Education. The decision of the State Board of Education shall be final, unless an appeal is taken as now provided under the provisions of the "Administrative Agency Law."

Section 296. Establishment of Reorganized School Districts.—On July 1, 1966, or on the date of advance establishment, all administrative units contained in plans of organization of administrative units approved by the Council of Basic Education shall constitute and be deemed established as school districts, and shall belong

to the class to which they are entitled as provided by law.

Section 297. Advance Establishment.—(a) Any administrative unit contained in a plan of organization of administrative units approved by the Council of Basic Education may constitute and be deemed established as a school district on July 1, 1964, or on July 1, 1965, when the following conditions have been satisfied:

(1) All appeals to the State Board of Education from the action of the Council of Basic Education approving the plan of organization of administrative units have been finally determined;

(2) At a regular meeting or at a special meeting called for such purpose, the board of school directors of each school district composing the administrative unit has approved by majority vote the establishment in advance of July 1, 1966, of the proposed school district contained in the plan of organization of administrative units approved by the Council of Basic Education;

(3) A copy of the resolution of each school district is filed with the Department of Public Instruction; and

(4) The Superintendent of Public Instruction certifies to the Council of Basic Education that all school districts composing the administrative unit have filed resolutions with the Department of Public Instruction approving the establishment of the school district in advance of July 1, 1966. The certification shall state the date when the school district shall be deemed established.

(b) Any school district established in advance of July 1, 1966, shall be entitled to all the benefits of this act and shall be subject to all of the provisions of this act as if the school district were constituted and deemed established on July 1, 1966: Provided, however, That in the case of school districts established on July 1, 1964, the provisions of section 303.1 of this act relating to election of school directors shall be advanced two years: And provided further, That in the case of school districts established on July 1, 1965, the provisions of section 303.1 of this act shall not be advanced.

Section 298. Property and Indebtedness and Rental Obligations of Former School Districts.—(a) Except as otherwise provided in this section, all real and personal property, indebtedness and rental obligations to an approved school building authority or non-profit corporation, if any, of former school districts composing any school district constituted and deemed established pursuant to this subdivision (i) shall become the property, indebtedness and rental obligations of such newly established school district. All rights of creditors against any of the component former school districts shall be

preserved against the newly established school district. All property theretofore vested in the component former school districts shall become vested in the newly established school district, and all debts and taxes owing to the component former school districts, uncollected in the several component former school districts, and all moneys in the treasuries of the component former school districts, shall be paid to the treasurer of the newly established school district.

(b) All obligations of any component former school district evidenced by funding bonds issued after September 12, 1961, for the purpose of funding unfunded debt contracted for current operating expenses, shall continue to be an obligation of the taxable property within such former component school district and any sinking fund created on account of such indebtedness shall remain the separate sinking fund for such bonds. In levying and assessing taxes for the first school year of operation, the interim operating committee, and in levying and assessing such taxes for each subsequent school year, the board of school directors of the newly established school district, shall levy and assess, upon the taxable property within such component former school district for which bonds issued after September 12, 1961, for the purpose of funding unfunded debt contracted for current operating expenses shall be outstanding, a tax in addition to all other school district taxes, in an amount sufficient to discharge the obligation of such component former school district, as set forth pursuant to section 207 of the Municipal Borrowing Law, in the resolution increasing the indebtedness of such component former school district for such purpose. If such funding bonds shall be a part of an issue of bonds issued partly for other purposes, such funding bonds shall be deemed to be the bonds of such issue which mature first.

Section 4. Section 303 of the act is amended to read:

Section 303 of
act, amended.

Section 303. Number and Election in Districts of the Second, [Class] *Third and Fourth Classes*; Terms of Office.—(a) In each school district of the second class, and on and after July 1, 1966, or if there is advance establishment July 1, 1964, or July 1, 1965, as the case may be, in each school district of the second, third and fourth class, there shall be a board of nine (9) school directors, who, except as otherwise provided in this act, shall be elected at large [, and whose] for terms of [office shall be] six (6) years. The terms of three of the members shall expire on the first Monday of December of each odd numbered year, as now provided by law. At each municipal election, three school directors, except as otherwise provided in this act, shall be elected at large for terms of six (6) years. Their terms of office shall

begin on the first Monday of December following their election.

(b) The interim operating committee or after the date of establishment the board of school directors of a newly established school district, may, if it so chooses, develop a plan to divide the school district into either three or nine regions. The boundaries of the regions shall be fixed and established in such manner that the population of each region shall be as nearly equal as possible and shall be compatible with the boundaries of election districts. Such plan for the division of the school district shall be submitted for approval to the court of quarter sessions. If approved by such court, the clerk thereof shall certify the regional boundaries contained therein to the county board of elections. In the event of any division, redivision, alteration, change or consolidation of election districts which renders regional boundaries incompatible with the boundaries of election districts, a new plan shall be developed and submitted for court approval in like manner. Any proposed change in an approved plan, including abolition of regional representation, shall be submitted for approval to the court of quarter sessions by the board of school directors. Where a three region plan is approved, three school directors who reside in each region shall be elected or appointed as hereinafter provided by and from each region and at all times each region shall be represented by three directors elected or appointed as hereinafter provided from that region. Where a nine region plan is approved, one school director who resides in each region shall be elected or appointed as hereinafter provided by and from each region and at all times each region shall be represented by a director elected or appointed as hereinafter provided from that region.

(c) In any case where the newly established school district is situated in two or more counties, the plan for regional representation provided for herein shall be submitted for approval to the court of quarter sessions of the county in which the largest part in area of the land affected is situated, which court shall have exclusive jurisdiction over the matter.

Act amended by
adding a new
section 303.1.

Section 5. The act is amended by adding, after section 303, a new section to read:

Section 303.1. Incumbent School Directors and Interim Operating Committee.—(a) All school directors of the component school districts forming an administrative unit composed of two or more school districts approved by the Council of Basic Education to be established as a school district shall serve out the terms of office for which they were elected. No vacancies oc-

curing in such position after the date of establishment shall be filled.

(b) On or before the fifteenth day of the January immediately preceding the date of establishment, such incumbent school directors of the component school districts shall be called into convention by the county superintendent of schools and shall select by majority vote an interim operating committee composed of nine incumbent school directors. In selecting the interim operating committee, the incumbent school directors shall take into consideration the principle of proportionate representation according to population. The decision of the convention in selecting the interim operating committee shall be final. Six of the members of the interim operating committee shall be selected for a term expiring on the first Monday of December, 1967; and three for a term expiring on the first Monday of December, 1969. No director may be appointed to serve on the interim operating committee for a term expiring later than the term for which he was elected. At the municipal elections held in November, 1967 three members shall be elected for a four-year term and three members shall be elected for a six-year term. Thereafter, all members shall be elected for six-year terms. The school directors elected at the municipal elections held in November, 1967, and thereafter, shall take the place of the appointed members of the interim operating committee as their terms expire. The members of the interim operating committee shall become and shall serve as the board of school directors of the school district on and after the date of establishment.

(c) The interim operating committee shall have the power and its duty shall be to meet, prepare and adopt a budget, levy and assess taxes and perform all acts and functions necessary to enable the proposed school district to function properly prior to the date of its establishment. The committee shall have the power to fill vacancies should a deficiency in membership arise due to death, resignation or otherwise: Provided, however, That vacancies shall first be filled by the selection of an incumbent school director, if any.

(d) The incumbent school directors not selected for membership on the interim operating committee shall serve in an advisory capacity to the interim operating committee and to the board of school directors of the newly established school district. Such incumbent school directors may attend meetings and participate in discussions of the interim operating committee and board of school directors, but shall have no vote.

(e) In the case of a single school district forming an administrative unit approved by the Council of Basic

Education to be established as a school district, the incumbent school directors shall be the school directors of the newly established district and the election of school directors at each municipal election subsequent to the date of establishment shall be as provided in section 303 of this act. In the event the number of incumbent school directors is less than nine, the board of school directors on and after the date of establishment shall have the power to raise its membership to nine in the manner now provided by law to fill vacancies on the board.

(f) The interim operating committee or the board of school directors shall also have the power and its duty shall be to propose a name for the school district to be established. The name proposed shall be reported to the Department of Public Instruction which shall review the proposed name and approve it if it is not a duplication of a name previously approved by the Department of Public Instruction. When it approves a name, the Department of Public Instruction shall issue a certificate stating that the approved name has been registered as the official designation of the school district.

Subsection (d),
section 1073 of
act, added July
3, 1957, P. L.
461, amended.

Section 6. Subsection (d) of section 1073 of the act, added July 3, 1957 (P. L. 461), is amended to read:

Section 1073. Manner of Election; Change of Class of District.—

* * * * *

*(d) The term of office or commission of a district superintendent, assistant district superintendent or associate superintendent, shall not be shortened by reason of the fact that the district in which he serves shall become part of a joint school or union or merged district, or by reason of the fact that the district in which he serves shall become a part of a new school district established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act. Possession of a commission as district superintendent, assistant district superintendent or associate superintendent, shall not give the holder priority status as a candidate for the position of supervising principal or for the office of district superintendent or associate superintendent of the joint school or union, [or] merged or newly established school district, in which the district he serves becomes a part. Any district superintendent, assistant district superintendent or associate superintendent not selected as the supervising principal or district superintendent of the joint school or union, [or] merged or newly established school district in which the district he serves becomes a part shall be assigned to a position or office for which he is eligible [without]: *Provided, however, That in a new school district reorganized under**

Article II., subdivision (i) of this act, he shall be assigned to a position or office which is administrative or supervisory in nature only, but there shall be no reduction in salary until the expiration of his commission. Thereafter, unless elected to an office requiring a commission he shall have the status of a professional employe: Provided, That the board of school directors may adjust the salary according to the classification of the position to which he may be assigned, and that the period of service as a commissioned district superintendent, assistant district superintendent or associate superintendent shall be counted as time served as a professional employe in determining his seniority rights.

Section 7. Section 1083.1 of the act, added July 3, 1957 (P. L. 461), is amended by adding, at the end thereof, a new subsection to read:

Section 1083.1 of act, added July 3, 1957, P. L. 461, amended by adding a new subsection (c).

Section 1083.1. Reorganization of Districts.— * * *

(c) The interim operating committee of each school district established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, shall appoint a district superintendent or supervising principal for the newly established school district. If the person selected is chosen from among incumbent district superintendents or supervising principals of the component school districts forming the newly established school district, the selection may be made without regard to seniority or rating as district superintendent or supervising principal. Incumbent district superintendents of the component school districts forming the newly established school district shall be assigned to positions or offices which are administrative or supervisory in nature only without reduction in pay until the expiration of their commissions. Incumbent supervising principals shall be assigned to positions or offices for which they are certificated, and their salaries may be adjusted according to the classification of the positions or offices to which they are assigned.

Section 8. Section 1124 of the act is amended by adding, at the end thereof, a new subsection to read:

Section 1124 of act, amended by adding a new subsection (4).

Section 1124. Causes for Suspension.—Any board of school directors may suspend the necessary number of professional employes, for any of the causes hereinafter enumerated:

* * * * *

(4) When new school districts are established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, and when such reorganization makes it unnecessary to retain the full staff of professional employes.

Subsection (b),
section 1125 of
act, amended
June 15, 1961,
P. L. 438,
further amended.

Section 9. Subsection (b) of section 1125 of the act, amended June 15, 1961 (P. L. 438), is amended to read:

Section 1125. Suspensions and Reinstatements; How Made.—* * *

(b) In cases in which suspensions are to be made, professional employes shall be retained on the basis of seniority rights, acquired within the school district of current employment, where no differences in rating are found. Seniority rights shall also prevail where there is no substantial difference in rating. In cases where there are substantial differences in rating of those under consideration for suspension, seniority shall be given consideration in accordance with principles and standards of weighting incorporated in the rating cards. Where there is a merger, jointure or union district formed or when new school districts are established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, all professional employes shall retain the seniority rights they had at the time of such merger, jointure, [or] union or reorganization of school districts.

* * * * *

Section 1151 of
act, amended.

Section 10. Section 1151 of the act is amended to read:

Section 1151. Salary Increases; Demotions.—The salary of any district superintendent, assistant district superintendent or other professional employe in any school district may be increased at any time during the term for which such person is employed, whenever the board of school directors of the district deems it necessary or advisable to do so, but there shall be no demotion of any professional employe either in salary or in type of position, *except as otherwise provided in this act*, without the consent of the employe, or, if such consent is not received, then such demotion shall be subject to the right to a hearing before the board of school directors and an appeal in the same manner as hereinbefore provided in the case of the dismissal of a professional employe.

Clause (b),
section 2502.1,
amended Decem-
ber 30, 1959,
P. L. 2088,
further amended.

Section 11. Clause (b) of section 2502.1, amended December 30, 1959 (P. L. 2088), is amended to read:

Section 2502.1. Supplemental Payments.—The following supplemental payments shall be made to districts of the third and fourth classes to certain districts of the first class A and of the second class as hereinafter provided, and to such other districts as have been approved by the Department of Public Instruction prior to July 1, 1954, that are the district of residence on account of pupils enrolled in elementary schools or high

schools operated by joint boards of which the district of residence is a member.

* * * * *

(b) The following supplemental payments shall be made on account of resident pupils enrolled in schools operated by a union or merged school [districts] district of the third [and] or fourth class,

[In the case of a union or merged school district of the third or fourth class] within or comprising an approved administrative unit, or a new school district 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, eight hundred dollars (\$800) per teaching unit multiplied by the subsidiary account reimbursement fraction.

* * * * *

Section 12. Section 2502.1 of the act is amended by adding, at the end thereof, two new paragraphs to read:

Section 2502.1 of act, amended by adding two new paragraphs.

Section 2502.1. Supplemental Payments.—* * *

All of the foregoing payments provided for in this section shall be terminated with the payments on account of the school year 1965-1966.

Supplemental payments shall be made on account of the school year 1966-1967 and every school year thereafter to all school districts on account of pupils enrolled in elementary and secondary schools in the amount of eight hundred dollars (\$800) per teaching unit multiplied by the district's subsidiary account reimbursement fraction. In the case of area technical schools, and in addition to the supplemental payments hereinabove provided, the following payments shall be made on account of pupils enrolled in area technical schools in which the district of residence participates: (1) eight hundred dollars (\$800) per eleven thousand eight hundred eighty class hours membership or more for pupils attending part time multiplied by the subsidiary account reimbursement fraction, or (2) eight hundred dollars (\$800) per teaching unit for pupils attending full time multiplied by the subsidiary account reimbursement fraction. Children who are in average daily membership in laboratory schools of State-owned colleges shall be included in the computation of teaching units for supplemental payments to school districts.

Section 13. Section 2503.1 of the act, amended December 15, 1959 (P. L. 1840), is amended by amending the section heading and adding at the end thereof a new paragraph to read:

Section 2503.1 of act, amended December 15, 1959, P. L. 1840, further amended as to section heading and adding a new paragraph.

Section 2503.1. Minimum Reimbursements to Union and Merged Districts, [and] Jointures and Newly Established School Districts.—

* * * * *

No new school district established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, shall, on account of any year subsequent to its establishment, be paid on account of reimbursement for instruction, supplemental payments, pupil transportation and school building rentals and sinking fund charges, a sum totaling less than the total reimbursement on account of instruction, supplemental payments, pupil transportation and school building rentals and sinking fund charges paid to the component former school districts on account of the school year 1965-1966, or if established on July 1, 1964, the school year 1963-1964, or if established on July 1, 1965, the school year 1964-1965, unless such newly established school district has a decrease in enrollment, has a reduced cost of reimbursable pupil transportation or has reduced or eliminated its school building rentals or sinking fund charges. In the event of decreased enrollment, the Department of Public Instruction shall reduce the reimbursement payable under this paragraph by an amount to be obtained by multiplying the product of the maximum subsidy multiplied by the basic account reimbursement fraction of the newly established school district by the difference between the current number of teaching units and the number of teaching units of children from the component former school districts in average daily membership in the public schools during the school year 1965-1966, or if established on July 1, 1964, the school year 1963-1964, or if established on July 1, 1965, the school year 1964-1965. In the event of a reduction in the cost of reimbursable pupil transportation or a reduction or elimination of school building rentals or sinking fund charges, the Department of Public Instruction shall reduce the reimbursement payable under this paragraph by an amount equal to the reimbursement which would have been payable on account of the amount of such reduction in reimbursable pupil transportation cost or reduction or elimination of school building rentals or sinking fund charges.

Clauses (1) and (2), second paragraph, section 2541, amended December 22, 1959, P. L. 1975, further amended.

Section 14. Clauses (1) and (2) of the second paragraph of section 2541, amended December 22, 1959 (P. L. 1975), are amended to read:

Section 2541. Payments on Account of Pupil Transportation.—

* * * * *

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 [teachers'] college, and in each case who reside one and one-half (1½) miles or more from the school to which they are assigned.

(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, 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.

* * * * *

Section 15. Section 2541 of the act is amended by adding, at the end thereof, a new paragraph to read:

Section 2541. Payments on Account of Pupil Transportation.—* * *

Section 2541 of act, amended by adding a new paragraph.

Payments for pupil transportation on account of the school year 1966-1967 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 residing one and one-half ($1\frac{1}{2}$) miles or more by the nearest public highway from the school to which the pupils are assigned, including 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 which the pupils are assigned, including 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 or approved vocational district schools living one and one-half ($1\frac{1}{2}$) miles or more from the school of attendance.

Consolidated schools or joint consolidated schools or vocational district 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 or approved vocational district schools.

(4) To all school districts for the transportation of exceptional children regularly enrolled in special classes approved by the Department of Public Instruction 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.

Severability.

Section 16. Constitutional Construction.—If any section, sentence, clause or part of this act is for any reason held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had

such unconstitutional sentence, section, clause or part thereof not been included herein.

Act effective immediately.

Section 17. This act shall take effect immediately.

APPROVED—The 8th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 300

AN ACT

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," providing for appeals to the court of common pleas, the County Court of Philadelphia, the County Court of Allegheny County and the Superior Court, and increasing the time for the taking of the appeal in certain cases.

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

The Vehicle Code.

Section 1. Subsection (b) of section 819 and subsection (b) of section 1401, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," are amended to read:

Subsection (b), section 819 and subsection (b), section 1401, act of April 29, 1959, P. L. 58, amended.

Section 819. Official Inspection Stations.—* * *

(b) If the secretary finds that the provisions of this act are not being complied with, or that the business of an official inspection station in connection with the corrections, adjustments, repairs or inspection of motor vehicles, trailers or semi-trailers is being improperly conducted, he shall suspend the certificate of appointment of any such station and require the immediate surrender and return of the certificate of appointment, together with all department forms: Provided, however, That if the servant or employe of any such inspection station shall without the authorization, knowledge or consent of his employer, violate any of the provisions of this act in reference to the inspection of vehicles, such violation or violations shall not be the cause of the suspension of the certificate of appointment, as herein provided, but such employe shall be subject to prosecution as hereinafter provided. Any person whose certificate of appointment is suspended under the provisions of this subsection may, within [thirty (30)] *forty-five (45)* days from the date thereof, appeal to the court of common pleas of the county wherein such official inspection station is located, and such court is hereby vested with jurisdiction, and it shall be its duty to set the matter down for hearing upon [thirty (30)] *forty-five (45)* days' written notice to the secretary, and thereupon to take testimony and examine into the facts of