

No. 86

AN ACT

HB 674

Amending the act of June 19, 1968 (Act No. 109), entitled "An act to promote the welfare of the people of the Commonwealth of Pennsylvania; to promote the secular education of children of the Commonwealth of Pennsylvania attending nonpublic schools; creating a Nonpublic Elementary and Secondary Education Fund to finance the purchase of secular educational services from nonpublic schools located within the Commonwealth of Pennsylvania for the benefit of residents of the Commonwealth of Pennsylvania; authorizing the Superintendent of Public Instruction to enter into contracts to carry out the intent and purposes of this act, and to establish such rules and regulations as are necessary; providing for the payment of administrative costs incident to the operation of the act; providing procedures for reimbursement in payment for the rendering of secular educational service; and designating a portion of revenues of the State Harness Racing Fund and of the State Horse Racing Fund as the sources of funds," further providing for moneys and funds to carry out the act and appropriations therefor and making the same conform to existing law.

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

Section 1. The title, clause (5) of section 3 and sections 4 and 5, act of June 19, 1968 (Act No. 109), known as the "Nonpublic Elementary and Secondary Education Act," are amended to read:

AN ACT

To promote the welfare of the people of the Commonwealth of Pennsylvania; to promote the secular education of children of the Commonwealth of Pennsylvania attending nonpublic schools; creating a Nonpublic Elementary and Secondary Education Fund to finance the purchase of secular educational services from nonpublic schools located within the Commonwealth of Pennsylvania for the benefit of residents of the Commonwealth of Pennsylvania; authorizing the **[Superintendent of Public Instruction]** *Secretary of Education* to enter into contracts to carry out the intent and purposes of this act, and to establish such rules and regulations as are necessary; providing for the payment of administrative costs incident to the operation of the act; providing procedures for reimbursement in payment for the rendering of secular educational service; and designating a portion of revenues **[of the State Harness Racing Fund and of the State Horse Racing Fund]** *derived from the "Pennsylvania Cigarette Tax Act," as amended*, as the sources of funds.

Section 3. Definitions.—The following terms whenever used or referred to in this act shall have the following meanings, except in those instances where the context clearly indicates otherwise:

* * *

(5) "Purchase secular educational service" shall mean the purchase by

the **[Superintendent of Public Instruction] Secretary of Education** from a nonpublic school, pursuant to contract, of secular educational service at the reasonable cost thereof.

* * *

Section 4. Nonpublic Elementary and Secondary Education Fund.—There is hereby created for the special purpose of this act a Nonpublic Elementary and Secondary Education Fund dedicated to the particular use of purchasing secular educational service consisting of courses solely in the following subjects: mathematics, modern foreign languages, physical science, and physical education, provided, however, that as a condition for payment by the **[Superintendent of Public Instruction] Secretary of Education** for secular educational service rendered hereunder, the **[Superintendent of Public Instruction] Secretary of Education** shall establish that (i) solely textbooks and other instructional materials approved by the **[Superintendent of Public Instruction] Secretary of Education** shall have been employed in the instruction rendered; (ii) a satisfactory level of pupil performance in standardized tests approved by the **[Superintendent of Public Instruction] Secretary of Education**, shall have been attained; (iii) after five years following the effective date of this act, the secular educational service for which reimbursement is sought was rendered by teachers holding certification approved by the Department of **[Public Instruction] Education** as equal to the standards of this Commonwealth for teachers in the public schools: Provided, however, That any such service rendered by a teacher who, at the effective date of this act, was a full time teacher in a nonpublic school, shall be deemed to meet this condition.

Section 5. Administration.—The administration of this act shall be under the direction of the **[Superintendent of Public Instruction] Secretary of Education**, who shall establish rules and regulations pertaining thereto, make contracts of every name and number, and execute all instruments necessary or convenient for the purchase of secular educational service hereunder. All expenses incurred in connection with the administration of this act shall be paid solely out of the Nonpublic Elementary and Secondary Education Fund and no money raised for the support of the public schools of the Commonwealth shall be used in connection with the administration of this act.

Section 2. Section 6 of the act is repealed effective June 30, 1970, the moneys provided for in section 6 to continue to be paid into the Nonpublic Elementary and Secondary Education Fund until July 1, 1970.

Section 3. The act is amended by adding before section 7 thereof, a new section to read:

Section 6.1. Payments Into Fund.—Beginning immediately, fourteen per cent of the tax revenue collected by the Department of Revenue pursuant to the act of July 8, 1957 (P.L.594), as amended, known as the "Pennsylvania Cigarette Tax Act," shall be paid into the

State Treasury to the credit of the Pennsylvania Nonpublic Elementary and Secondary Education Fund created by section 4 of this act.

Moneys in the Nonpublic Elementary and Secondary Education Fund are hereby appropriated to the Department of Education to be used by the Secretary of Education solely for the purchase of secular educational service hereunder and administrative expenses pertaining thereto as provided for in section 5 of this act.

Section 4. Subsections (a) and (d) of section 7 of the act are amended to read:

Section 7. Reimbursement Procedures.—(a) Requests for reimbursement in payment for the purchase of secular educational service hereunder shall be made on such forms and under such conditions as the **[Superintendent of Public Instruction]** *Secretary of Education* shall prescribe. Any nonpublic school seeking such reimbursement shall maintain such accounting procedures, including maintenance of separate funds and accounts pertaining to the cost of secular educational service, as to establish that it actually expended in support of such service an amount of money equal to the amount of money sought in reimbursement. Such accounts shall be subject to audit by the Auditor General. Reimbursement payments shall be made by the **[Superintendent of Public Instruction]** *Secretary of Education* in four equal installments payable on the first day of September, December, March and June of the school term following the school term in which the secular educational service was rendered.

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(d) The Budget Secretary shall, by July fifteenth of each year, certify to the **[Superintendent of Public Instruction]** *Secretary of Education*, the total amount of money in the Nonpublic Elementary and Secondary Education Fund.

Section 5. This act shall take effect immediately.

APPROVED—The 25th day of March, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 86.



Robert L. Kelley
Secretary of the Commonwealth.