

No. 88

AN ACT

SB 284

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," providing for annual accounting of sick leave; increasing the maximum subsidy payable on account of instruction; increasing the minimum reimbursement per pupil; providing for a modified sparsity payment as a State subsidy under certain circumstances; increasing the payments to certain school districts on account of density; providing additional payments to certain school districts with low expenditures; increasing reimbursements for poverty pupils; providing additional special assistance grants to school districts on account of low income families; providing for additional payments for certain school districts; and making editorial changes.

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

Section 1. Subsection (a) of section 1154, act of March 10, 1949 (P.L.30), known as the "Public School Code of 1949," amended July 1, 1969 (P.L.124), is amended to read:

Section 1154. Payment of Salaries in Cases of Sickness, Injury or Death.—(a) In any school year whenever a professional or temporary professional employe is prevented by illness or accidental injury from following his or her occupation, the school district shall pay to said employe for each day of absence the full salary to which the employe may be entitled as if said employe were actually engaged in the performance of duty for a period of ten days. Any such unused leave shall be cumulative from year to year in the school district of current employment or its predecessors without limitation. All or any part of such accumulated unused leave may be taken with full pay in any one or more school years. No employe's salary shall be paid if the accidental injury is incurred while the employe is engaged in remunerative work unrelated to school duties.

Whenever the boards of school directors of two or more school districts may establish any joint elementary public school, high school or department, or whenever two or more school districts shall merge or form a union school district or administrative unit in accordance with the provisions of sections 291, 292, 293, 294, 295, 296 and 297 of this act, the professional or temporary professional employes employed by the several boards of school directors establishing such joint school or department or merged or union school district or administrative unit shall be entitled to the sick leave accumulated in the individual school districts subsequently establishing such joint school or department or merged or union school district or administrative unit.

Professional and temporary professional employes who sever their employment with one school district and enter into employment with

another school district shall be entitled to all accumulated leave not exceeding a maximum of twenty-five (25) working days acquired during their employment in the school districts of the Commonwealth.

The board of school directors may require the employe to furnish a certificate from a physician or other practitioner certifying that said employe was unable to perform his or her duties during the period of absence for which compensation is required to be paid under this section.

The board of school directors of each school district shall maintain and supply annually to each professional and temporary professional employe a copy of a cumulative record of sick leave credited to and used by such professional or temporary professional employe. In any case involving a dispute over the amount of accumulated sick leave, a professional or temporary professional employe shall have a right of appeal to the Secretary of Education pursuant to such rules and regulations as he may establish.

* * *

Section 2. Clauses (12) and (15) of section 2501 of the act, amended June 12, 1968 (Act No. 96), are amended to read:

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

* * *

(12) “State’s Share of Total Cost.” For the school year 1966-1967 and each school year thereafter, the State’s share of total reimbursable cost shall be fifty percent (50%). Total reimbursable cost shall be the lesser of actual expense per WADM as defined in clause (11.1) or a maximum amount to be fixed by the General Assembly from time to time to represent the estimated average actual expense per WADM in the year for which the reimbursement is to be payable. For the school year commencing the first day of July within the year of the effective date of this amendment [**and each school year thereafter**] *through the school year 1969-1970*, the maximum amount shall be five hundred fifty dollars (\$550). *For the 1970-1971 school year, the maximum amount shall be six hundred twenty dollars (\$620). For the 1971-1972 school year and each school year thereafter, the maximum amount shall be six hundred sixty-five dollars (\$665).* The [**Superintendent of Public Instruction**] *Secretary of Education* annually shall calculate the State average “actual instruction expense per weighted average daily membership” and shall supply the same to the General Assembly to assist the General Assembly in evaluating the adequacy of such maximum amount.

* * *

(15) “Minimum Subsidy.” In no case shall a district receive for each pupil in weighted average daily membership *through the school year 1969-1970*, an amount less than ten percent (10%) of the actual cost of instruction or fifty-five dollars (\$55) whichever is the lesser amount. *For the school year 1970-1971 in no case shall a district receive for each*

pupil in weighted average daily membership an amount less than ten percent (10%) of the actual cost of instruction or sixty-two dollars (\$62) whichever is the lesser amount. For the school year 1971-1972 and each school year thereafter, in no case shall a district receive for each pupil in weighted average daily membership an amount less than ten percent (10%) of the actual cost of instruction or sixty-six dollars and fifty cents (\$66.50) whichever is the lesser amount.

* * *

Section 3. Clause (17) of section 2501 of the act, added February 1, 1966 (P.L.1642), is amended to read:

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

* * *

(17) “Sparsity Factor” shall be assigned for those districts whose population is less than fifty (50) per square mile as determined by the [Superintendent of Public Instruction] *Secretary of Education* from the most recent records of the United States Census Bureau. A school district qualifying under the sparsity factor shall be paid by the Commonwealth on account of excess expenditures per weighted average daily membership, not to exceed for the school year 1966-1967 one hundred dollars (\$100), for the school year 1967-1968 one hundred fifty dollars (\$150), for the school year 1968-1969 two hundred dollars (\$200), for the school year 1969-1970 and each school year thereafter two hundred fifty dollars (\$250) in excess of four hundred dollars (\$400), an amount to be determined by multiplying the excess expenditures by the aid ratio or by three hundred seventy-five thousandths (.375), whichever is greater and by the number of weighted pupils, such amount to be in addition to any other payment for such pupils: Provided, however, a school district qualifying under the sparsity factor may, in lieu of the above payment, elect for any school year to be paid and the Commonwealth shall pay on account of excess expenditures per weighted average daily membership in excess of four hundred dollars (\$400) a sum of thirty dollars (\$30) per weighted average daily membership, such amount to be in addition to any other payments for such pupils.

Any school district which was assigned a sparsity factor for any school year prior to 1969-1970, and for any school year thereafter as determined by the Secretary of Education to have a population of fifty (50) per square mile or more shall, for the school year 1970-1971 and each school year thereafter, qualify for a modified sparsity payment which shall be the ratio of its population per square mile to fifty (50) subtracted from 2.00 and multiplied by the amount to which it would have been entitled had its population per square mile been less than fifty (50).

Section 4. Subsections (d), (f) and (g) of section 2502 and section 2502.3

of the act, added or amended June 12, 1968 (Act No. 96), are amended to read:

Section 2502. Payments on Account of Instruction.—

* * *

(d) For the school year commencing the first day of July within the year of the effective date of this amendment and each school year thereafter, each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the aid ratio times the actual instruction expense per weighted average daily membership or by five hundred fifty dollars (\$550), whichever is less, and by the weighted average daily membership for the district. For the school year 1967-1968 **[and each school year thereafter,] through the school year 1969-1970** each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the aid ratio times the actual **[instructional] instruction** expense per weighted average daily membership, or by five hundred fifty dollars (\$550), whichever is less. **For the school year 1970-1971, each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the aid ratio times the actual instruction expense per weighted average daily membership or by six hundred twenty dollars (\$620), whichever is less. For the school year 1971-1972 and each school year thereafter, each school district shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by multiplying the aid ratio times the actual instruction expense per weighted average daily membership or by six hundred sixty-five dollars (\$665), whichever is less.** Each school district qualifying for density and sparsity payments under section 2501, (16) or (17), shall be paid by the Commonwealth on account of instruction of the district's pupils an amount to be determined by decreasing the actual **[instructional] instruction** expense per weighted pupils in average daily membership (WADM) by the amount of the density or sparsity payments per WADM (except where payments are made to school districts with a WADM in excess of fifty thousand (50,000) where there shall be no decrease) but in no case shall the amount of the remainder be less than four hundred dollars (\$400) per WADM, and then by multiplying the remainder by the aid ratio and then by the WADM of the district provided that the remainder upon which payment is calculated shall not be less than four hundred dollars (\$400) nor more than five hundred fifty dollars (\$550), **or for the school year 1970-1971, six hundred twenty dollars (\$620), or for the school year 1971-1972 and thereafter six hundred sixty-five dollars (\$665).**

* * *

(f) For the school year commencing the first day of July within the year of the effective date of this amendment, and each school year thereafter, each school district so entitled shall be paid, in addition to any

other subsidy to which it is entitled, an amount for density or sparsity of population. Except as provided *in clause (17) of section 2501 and as provided* below, this amount shall be paid on account of expenditures in excess of four hundred dollars (\$400) per weighted average daily membership, not to exceed for the school year 1966-1967 one hundred dollars (\$100), for the school year 1967-1968 one hundred fifty dollars (\$150), for the school year 1968-1969 two hundred dollars (\$200), for the school year 1969-1970 and each school year thereafter two hundred fifty dollars (\$250), an amount to be determined by multiplying the excess expenditures by the aid ratio or by three hundred seventy-five thousandths (.375) whichever is greater, and by the number of weighted average daily membership, such amount to be in addition to any other payment for such pupils: Provided, however, a school district entitled to additional payment for density or sparsity of population may, in lieu of the above payment, elect for any school year to be paid and the Commonwealth shall pay such additional entitlement on account of excess expenditures per weighted average daily membership in excess of four hundred dollars (\$400) a sum of thirty dollars (\$30) per weighted average daily membership, such amount to be in addition to any other payments for such pupils.

The payment for the density factor for those qualifying school districts with a WADM in excess of fifty thousand (50,000) shall be the actual cost of instruction per WADM multiplied by fifteen percent (15%) *through the 1969-1970 school year or by nineteen percent (19%) for the 1970-1971 school year and thereafter* and by the WADM of the district.

(g) It is hereby stated to be the objective of the Commonwealth to provide to each child educated in the schools of Pennsylvania, a minimum education of [**four hundred dollars (\$400)**] *five hundred fifty dollars (\$550)* per pupil in weighted average daily membership.

To this end, and except as hereinafter provided, [**for the first school year within the year of the effective date of this amendment only**] *for the 1970-1971 school year*, each district whose actual cost of instruction per weighted average daily membership is less than [**four hundred dollars (\$400)**] *five hundred fifty dollars (\$550)*, shall receive an additional payment (provided such amount is positive) by subtracting from the product of [**four hundred dollars (\$400)**] *five hundred fifty dollars (\$550)* times the WADM, the sum of the payment provided in section 2502 (d) *plus the payment for density or sparsity under subsection (f) of section 2502*, plus the payment for poverty under section 2502.3 and the product of the most recent market value of the district as released by the State Tax Equalization Board multiplied by [**twelve and thirty-eight one-hundredths mills (.01238)**]. **Any district qualifying for a payment under this subsection shall not be entitled to receive payments under clauses (16) and (17) of section 2501.]** *sixteen and twenty-four one-hundredths mills (.01624)*.

Section 2502.3. Payments on Account of Poverty.—For the school

year 1966-1967, and each school year thereafter, each school district shall be paid, in addition to any other subsidy to which it is entitled, an amount on account of children of low income families equal to the sum of (1) the number of children aged five (5) to seventeen (17) years, inclusive, in the district of families having an annual income of less than two thousand dollars (\$2,000), and (2) the number of children aged five (5) to seventeen (17) years, inclusive, in such district of families having an annual income in excess of two thousand dollars (\$2,000) which receive Commonwealth payments on account of dependent children under title iv of the Federal Social Security Act, multiplied by one hundred and twenty dollars (\$120) *through the 1969-1970 school year and one hundred forty dollars (\$140) for the school year 1970-1971 and each school year thereafter.*

The [Superintendent of Public Instruction] *Secretary of Education* shall determine the number of children under clauses (1) and (2) of this section from the most recent satisfactory data available in the same manner as provided under the Federal Elementary and Secondary Education Act of 1965.

Section 5. The act is amended by adding two sections to read:

Section 2502.4. Additional Special Assistance Grants on Account of Low Income Families.—*In addition to any other payments made to school districts, the Commonwealth for the school year 1970-1971 and for each school year thereafter shall pay as a special assistance grant to each school district on account of children of low income families an amount equal to the sum of the number of children of low income families in the district multiplied by the grant per poverty pupil fixed for the percentage category of poverty pupils in average daily membership in the district according to the following table:*

<i>Percentage Category of Poverty Pupils in Average Daily Membership</i>		<i>Grant per Poverty Pupil</i>
15	- 19.9 percent	\$ 25
20	- 24.9 percent	50
25	- 29.9 percent	75
over	- 30 percent	125

The Secretary of Education shall determine the number of children of low income families from the most recent satisfactory data available in the same manner and according to the same standards and definitions as provided in the Elementary and Secondary Education Act of 1965 (Public Law 89-10), for assistance to local educational agencies for the education of children of low income families.

Section 2502.5. Limitation of Certain Payments.—*Notwithstanding any other provision of law, for the school year 1970-1971 and each school year thereafter, no school district shall be paid under subsections*

(d) and (e) of section 2502 or section 2592, whichever is applicable, and subsection (f) of section 2502, and section 2502.3 and section 2502.4 of this act an amount in excess of ninety percent (90%) of the total approved reimbursable instructional expenditures of such school district. The provisions of this section shall not apply to any school district receiving any payment under subsection (g) of section 2502 of this act.

Section 6. Section 2517 of the act, amended July 31, 1968 (Act No. 242), is amended to read:

Section 2517. Quarterly Payments.—The amount apportioned and allotted to each school district shall be divided into quarterly installments and the [Superintendent of Public Instruction] *Secretary of Education* shall draw his requisition quarterly upon the State Treasurer in favor of each district for the amount to which it is entitled. The first three quarterly payments shall be estimates based on but not to exceed twenty-five percent (25%) each of the total amount apportioned and allocated to the school district during the previous school year for the same purposes. The final quarterly payment shall be the balance of the apportionment due for the applicable school year. Payment thereof shall be made to all school districts during the months of August, November, February and May of each year.

Notwithstanding any other provisions of this act, this section shall apply to payments which a school district is entitled under any provision of sections 2502, 2592, 2502.3 or 2502.4.

Section 7. In addition to all other reimbursements payable to school districts of the second, third and fourth class an additional payment shall be made to certain school districts of such classes for the school year 1970-1971. The amount and manner of payment shall be determined as follows:

(1) There is hereby created a committee consisting of the Secretary of Education, who shall serve as chairman, and four members of the General Assembly to be determined as follows: (i) one member appointed by the President Pro Tempore of the Senate; (ii) one member appointed by the Minority Leader of the Senate; (iii) one member appointed by the Speaker of the House of Representatives; and (iv) one member appointed by the Minority Leader of the House of Representatives.

(2) The sum of five million dollars (\$5,000,000) shall be distributed among certain school districts of the second, third and fourth class by the committee.

(3) The amount, if any, that any such school district shall receive shall be determined solely by the committee. In making such determination the committee shall consider any and all amounts a school district will receive for the school year 1970-1971 as a result of the provisions of this amendatory act in order to arrive at a fair and equitable formula of distribution.

(4) The committee shall make its determination and distribute such payments during the fiscal year 1971-1972.

Section 8. Any additional subsidy payable to a school district for the school year 1970-1971 by virtue of any provision of this amendatory act may be used by such school district to reduce its school real property taxes for the fiscal year 1971-1972 (or for the fiscal year 1972 in the case of any district operating on a calendar year) and any provisions of the "Public School Code of 1949," to the contrary notwithstanding, any school district receiving any such additional subsidy for the school year 1970-1971 may reduce any or all of its school real property tax rates for the fiscal year 1971-1972 (or for the fiscal year 1972 in the case of any district operating on a calendar year): Provided, however, That the provisions of this section shall not apply to school districts of the first class and first class A.

It is the legislative intent of this section, that wherever possible, school districts use the additional subsidy payments to reduce school real property taxes.

Section 9. This act shall take effect immediately.

APPROVED—The 18th day of August, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 88.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth.