

## No. 1980-80

## AN ACT

## SB 1254

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," authorizing school districts to offer rewards for information leading to the conviction of persons violating the Crimes Code on school property; further providing for contracts with private residential rehabilitative institutions and for the graduation of qualified students, for determination of "personal income valuation," for payment of reimbursement during certain emergencies and for minimum subsidies.

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

Section 1. Section 777, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended August 24, 1977 (P.L.199, No.59), is amended to read:

Section 777. Defacing, Injuring or Destroying Property Used for School Purposes; Penalty.—(a) If any person shall willfully or maliciously break into, enter, deface, or write, mark, or place any obscene or improper matter upon, any public school building, or other building used for school purposes, or other purposes provided for in this act, or any out-house used in connection therewith; or shall deface, injure, damage, or destroy any school furniture, books, paper, maps, charts, apparatus, or other property contained in any public school building, or other building used and occupied for school purposes, or other purposes provided for in this act; or shall injure, damage, or destroy any shade-trees, shrubbery, fences, or any other property of any kind, upon any public school grounds, or upon any public school playground, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars (\$50) and not more than one thousand dollars (\$1,000), or undergo an imprisonment in the county jail for a period not exceeding six months, either or both, at the discretion of the court. In addition to any other penalty prescribed by this subsection, the court, upon conviction of a defendant for a violation of this subsection, may order the defendant to compensate the school district for any damages it sustained as a result of the defendant's unlawful conduct.

(b) The board of school directors of a school district is authorized to adopt regulations and procedures providing for rewards of up to one thousand dollars (\$1,000) to any person who provides information which aids in the conviction of any person for violating the provisions of subsection (a) *and rewards of up to five thousand dollars (\$5,000)*

*to any person who provides information which aids in the conviction of any person for violating any provision of Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, if the violation occurs on school property or property utilized for school purposes.*

Section 2. Section 914.1-A of the act is amended by adding a subsection to read:

Section 914.1-A. Contracts with Private Residential Rehabilitative Institutions.—\* \* \*

*(e) If a private residential rehabilitative institution enters into a contract contemplated by this section for 1980-1981 with its intermediate unit, payments to such institution may be made for educational expenses for the entire 1979-1980 fiscal year from the appropriation made to the Department of Public Welfare contained in the act of July 4, 1979 (P.L.626, No.9A), known as the "General Appropriation Act of 1979," under the item "for payment of costs for basic education programs to be conducted at selected approved private facilities." Notwithstanding any automatic or general lapsing provisions of the "General Appropriation Act of 1979" to the contrary, such line item appropriation shall not lapse until June 30, 1981. If such appropriation is not sufficient to reimburse the actual expenses of all eligible institutions, total reimbursement to each institution shall be proportionately reduced so that the total amount of the reimbursements falls within the limits of the appropriation.*

Section 3. Section 1501 of the act, amended September 21, 1959 (P.L.925, No.373), is amended to read:

Section 1501. Minimum Number of Days; School Month.—All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred eighty (180) days of instruction for pupils. No days on which the schools are closed shall be counted as days taught, and no time shall be counted as a pupil session for any activity to which admission is charged. *No school district shall be required to change its graduation schedule or require graduating students to return to school after graduation to make up class days lost due to severe weather conditions or, in the school year 1979-1980 for situations beyond the control of the school district as a result of major construction and renovation to the school building. No district which makes a bona fide effort as determined by the Secretary of Education to provide one hundred eighty (180) days of instruction for graduating students shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year because of the provisions of this section.* Unless otherwise provided by this act, the board of school directors in any district or joint board may keep such other schools or departments as it may establish open during such time as it may direct.

Twenty days of actual teaching shall constitute a school month.

Section 4. Clauses (9.1) and (15) of section 2501 of the act, clause (9.1) added August 24, 1977 (P.L.199, No.59) and clause (15) amended July 13, 1979 (P.L.94, No.41), are amended to read:

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

\* \* \*

(9.1) “Personal Income Valuation.” A school district’s personal income valuation for purposes of reimbursement to a school district under subsections (d), (e), and (f) of section 2502, and section 2592 shall be the valuation of the total taxable income *for the tax year preceding the immediate prior year*, determined under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the “Tax Reform Code of 1971,” for each school district each year by the Secretary of Revenue and certified to the Secretary of Education.

\* \* \*

(15) “Minimum Subsidy.” For the school [year] *years* 1976-1977 and [each school year thereafter] *1977-1978*, in no case shall a district receive for each pupil in weighted average daily membership, an amount less than [fifteen percent (15%)] *ten percent (10%)* of the actual cost of instruction or [fifteen percent (15%)] *ten percent (10%)* of the base earned for reimbursement whichever is the lesser amount. [but in no event shall any] *For the 1978-1979 school year and each school year thereafter, no* school district *shall* receive for each pupil in weighted average daily membership an amount less than fifteen percent (15%) of the base earned for reimbursement or actual instructional expense per WADM, whichever is the lesser amount. For 1976-1977 and each school year thereafter, a district whose actual instruction expense per weighted average daily membership is more than two hundred dollars (\$200) less than the median actual instruction expense per weighted average daily membership, and whose equalized millage is within fifteen percent (15%) of the median equalized millage, the reimbursement shall be two hundred dollars (\$200) below the median actual instruction expense per weighted average daily membership times the district’s aid ratio for each weighted average daily membership.

\* \* \*

Section 5. The act is amended by adding a section to read:

**Section 2514.1. Personal Income Valuation Information and Determinations.**—(a) *The Secretary of Revenue shall, on or before January 31 of each year commencing in 1981, supply to each school district a listing of the addresses of each person who has filed a State income tax return with the Department of Revenue for the tax year preceding the immediate prior year and has designated thereon a code or identification number indicating that the taxpayer was a resident of the school district at the close of the tax year for which the return was filed. Within twenty (20) days of receipt of the list, each school district shall report to the Secretary of Revenue in writing in such form as the secretary shall prescribe any claimed corrections to the list as of December 31 of the tax year for which the returns were filed, specifying the basis for each claim. Should the school district claim*

*that any address listed properly should be carried upon the list of another school district, the reporting school district shall notify the other school district of its claim, and a copy of the notice shall accompany the report hereby required. Within ten (10) days of receipt of the notice, the other school district may notify the Secretary of Revenue in writing in such form as the secretary shall prescribe of its nonconcurrence with the claim made by the reporting school district, specifying the basis for its nonconcurrence. Failure to report or notify the Secretary of Revenue of any claimed correction or nonconcurrence as herein provided shall be deemed a concurrence.*

*(b) Upon receipt of the reports and notices provided for in subsection (a), the Secretary of Revenue, with the cooperation of the Secretary of Education, shall cause them to be reviewed, make such adjustments or corrections as he may deem necessary and appropriate, and based upon the corrected list, shall make his determination of the valuation of total taxable income to be certified to the Secretary of Education. The certified determination shall be final and not subject to further review or appeal with respect to the tax year involved.*

*(c) Provision by the Department of Revenue of the list of addresses and school identification code or number to the school districts and use thereof by the school districts for the purposes of this section shall be deemed an official use and not a violation of subsection (f) of section 353 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," but the use or disclosure of the contents of any list by any person for any purpose other than that set forth by this section or as otherwise permitted by law shall be unlawful and in violation of section 353(f) of the "Tax Reform Code of 1971."*

Section 6. Section 2523 of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Section 2523. Schools Closed on Account of Contagious Disease, etc.—When any board of school directors or intermediate unit with respect to area technical schools is compelled to close any school or schools on account of any contagious disease, [the destruction or damage of a school building by fire or otherwise,] *natural disaster or other emergency or for the school year 1979-1980 on account of major construction or renovation to a school building, not including labor disputes involving school employes,* and therefor is unable to keep such school or schools open for the minimum term required by this act, the [Superintendent of Public Instruction] *Secretary of Education* may pay to such school district or intermediate unit any or all of its share of the annual State appropriation as he deems proper.

Section 7. This act shall take effect immediately except that the amendments to section 2501(9.1) and the addition of section 2514.1 shall take effect January 1, 1981.

APPROVED—The 30th day of June, A. D. 1980.

DICK THORNBURGH