

No. 1984-38

AN ACT

HB 1397

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," requiring public hearings prior to closing schools; further providing for an alternative payment plan for illness or accidental injury; and authorizing the State Treasurer to recover Social Security overpayments on behalf of school employees, school entities and the Commonwealth.

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

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 780. Public Hearing Prior to Closing School.—*In the event of a permanent closing of a public school or substantially all of a school's facilities, the board of school directors shall hold a public hearing on the question not less than three (3) months prior to the decision of the board relating to the closing of the school. Notice of the hearing shall be given in a newspaper of general circulation in the school district at least fifteen (15) days prior to the date of such hearings.*

Section 2. Section 1154.1 of the act, added December 9, 1980 (P.L.1121, No.197), is reenacted and amended to read:

Section 1154.1. Alternative Payment Plan.—(a) In any school year whenever a professional, temporary professional or nonprofessional employe is prevented by illness or accidental injury from following his or her occupation, the school district *or other school entity* by written agreement with the employe may, as an alternative to the payments provided in section 1154(a), establish a plan excluding from wages payments made as provided in section 209(b) of the Social Security Act (49 Statute 629).

(b) *The State Treasurer is authorized to recover, on behalf of the Commonwealth and school districts and all other school entities enumerated in this act and on behalf of all officers and employes thereof, Social Security overpayments made to the United States Treasury.*

(c) *The expenses incurred by the State Treasurer in recovering such overpayments may be paid out of any recoveries of overpayments on behalf of the Commonwealth and school entities.*

(d) *The State Treasurer may take such actions as he deems reasonable in the recovery of such overpayments.*

(e) *The full amount of any recoveries of overpayments for employes shall be refunded to such employes. The amount of any recoveries on behalf of school entities, after deducting the expenses of collection, shall be transferred or credited to the school entities. Any expenses previously paid by the State Treasurer shall be refunded from such recoveries. Any unpaid expenses shall be paid from such recoveries.*

Section 3. Section 2 of this act relating to section 1154.1 shall be retroactive to January 1, 1979.

Section 4. (a) Section 1 of this act, relating to section 780, shall take effect September 1, 1984.

(b) The remainder of this act shall take effect immediately.

APPROVED—The 4th day of April, A. D. 1984.

DICK THORNBURGH