

No. 1986-117

AN ACT

HB 209

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," further providing for Commonwealth payments to intermediate units; further providing for demotion of certain employees; further providing for sabbatical leaves and for salary while on leave; providing for the emergency resulting from flooding conditions in Western Pennsylvania with regard to the length of the school year and subsidy reimbursements; requiring instruction relating to the cause and prevention of drug and alcohol abuse; permitting the employment of a certified addiction counselor by school districts; authorizing the development and offering of programs regarding alcohol and chemical abuse for parents; further providing for annual reports by the Secretary of Education relating to vocational education programs; further providing for the powers and duties of the Board of Governors; further providing for educational subsidies; further providing for payments on account of approved vocational extension classes and preemployment training; further providing for payments for building site costs; further providing for continuing professional development plans and requirements; further providing for the powers and duties of intermediate units to obtain space for facilities; and authorizing a one-year program for the Department of Education to make technology upgrade and acquisition grants on behalf of full-time equivalent undergraduate students attending institutions of higher education in this Commonwealth.

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

Section 1. Section 914-A(11) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended April 6, 1980 (P.L.86, No.30), is amended to read:

Section 914-A. Powers and Duties of the Intermediate Unit Board of Directors.—An intermediate unit board of directors shall have the power and its duty shall be:

* * *

(11) To lease land and buildings *and to own office space and warehouse facilities.*

* * *

Section 2. Section 917.1-A of the act, added August 24, 1977 (P.L.199, No.59), is amended to read:

Section 917.1-A. Commonwealth Payments.—(a) For the school year 1977-1978 [and each year thereafter] *through the school year 1985-1986*, the Commonwealth shall pay to intermediate units an amount equal to the product of the Statewide median actual instruction expense per weighted average daily membership (WADM) by the product of forty-five one-hundredths of one percent (0.45%) and the average daily membership of all school districts in the Commonwealth, as determined by the Secretary of Education according to the latest available actual data. *For the school year*

1986-1987 and each school year thereafter, the Commonwealth shall pay to intermediate units an amount equal to the product of the Statewide median actual instruction expense per weighted average daily membership (WADM) by the product of forty one-hundredths of one percent (0.40%) and the average daily membership of all school districts in the Commonwealth, as determined by the Secretary of Education according to the latest available data.

(b) For the school year 1977-1978 and each school year thereafter, each intermediate unit shall be paid the amount it received from the Commonwealth for the 1976-1977 school year.

(c) In addition to the amount paid to each intermediate unit under subsection (b), each intermediate unit shall be paid for the 1977-1978 school year **[and each year thereafter]** *through the 1985-1986 school year* an amount determined by subtracting the total payments under subsection (b) from the total allocation under subsection (a) divided by the average daily membership (ADM) of all school districts in the Commonwealth multiplied by the average daily membership (ADM) of all component school districts in the intermediate unit, as determined by the Secretary of Education according to the latest actual data available. *In addition to the amount paid to each intermediate unit under subsection (b), each intermediate unit shall be paid for the 1986-1987 school year and each year thereafter an amount determined by subtracting the total payments under subsection (b) from the total allocation under subsection (a). One-half of that amount shall be divided by twenty-nine and the amount derived paid to each intermediate unit. The remaining one-half shall be divided by the average daily membership (ADM) of all school districts in the Commonwealth and multiplied by the average daily membership (ADM) of all component school districts in the intermediate unit, as determined by the Secretary of Education according to the latest actual available data, and the amount derived paid to each intermediate unit.*

(d) In January of each year, the Secretary of Education shall determine for each intermediate unit the amount to be received for the succeeding fiscal year.

(e) *Any funds expended by intermediate units on special education instruction shall be added to the special education base allocation for purposes of calculating the base increase for special education programs.*

Section 3. Section 919.1-A of the act, added August 24, 1977 (P.L.199, No.59), is amended to read:

Section 919.1-A. Capital Subsidy.—(a) All [leases] *lease agreements, security agreements or any other contracts, instruments or agreements* for office space, classrooms, warehouse space and similar facilities shall be pre-approved by the Secretary of Education. *Loan agreements and mortgages for office and warehouse facilities shall be pre-approved by the Secretary of Education.* For the 1977-1978 school year and each school year thereafter, in addition to any payments required under section 917.1-A, the Commonwealth shall allocate to the intermediate units, on account of approved [leases] *lease agreements, loan agreements, mortgages, security agreements or any other contracts, instruments or agreements,* an amount to be deter-

mined as follows: by obtaining the product of the number of students in average daily membership (ADM) multiplied by the median actual instruction expense per weighted average daily membership of all the school districts, to be further multiplied by three one-hundredths of one percent (0.03%), based on the latest actual data available to the Secretary of Education.

(b) The distribution to each intermediate unit shall be computed by applying the intermediate unit aid ratio to each approved [lease] payment *under any such lease agreement, loan agreement, mortgage, security agreement or other contract, instrument or agreement*. The aid ratio computed initially shall apply as a minimum for the duration of the lease *agreement, loan agreement, mortgage, security agreement or other contract, instrument or agreement*: Provided, however, That no intermediate unit shall receive less, on account of approved [leases] *lease agreements, loan agreements, mortgages, security agreements or any other contracts, instruments or agreements*, than it received for the 1976-1977 school year.

(c) Where the allocations under this section do not satisfy [lease] reimbursement requirements *under any lease agreements, mortgages, security agreements or any other contracts, instruments or agreements*, each intermediate unit shall receive a pro rata share of the amount determined by the above formula.

Section 4. Section 1125.1(d) of the act, added November 20, 1979 (P.L.465, No.97), is amended to read:

Section 1125.1. Persons to be Suspended.—* * *

(d) (1) No suspended employe shall be prevented from engaging in another occupation during the period of suspension.

(2) Suspended professional employes *or professional employes demoted for the reasons set forth in section 1124* shall be reinstated on the basis of their seniority within the school entity. No new appointment shall be made while there is *such* a suspended *or demoted* professional employe available who is properly certificated to fill such vacancy. For the purpose of this subsection, positions from which professional employes are on approved leaves of absence shall also be considered temporary vacancies.

(3) To be considered available a suspended professional employe must annually report to the governing board in writing his current address and his intent to accept the same or similar position when offered.

(4) A suspended employe enrolled in a college program during a period of suspension and who is recalled shall be given the option of delaying his return to service until the end of the current semester.

* * *

Section 5. Section 1166 of the act, amended May 14, 1968 (P.L.119, No.62), is amended to read:

Section 1166. Persons Entitled.—Any person employed in the public school system of this Commonwealth who has completed ten (10) years of satisfactory service as a professional employe or member of the supervisory, instructional or administrative staff, or as a commissioned officer, of any board of school directors, county board of school directors, or any other

part of the public school system of the Commonwealth, shall be entitled to a leave of absence for restoration of health, study or travel, or, at the discretion of the board of school directors, for other purposes. At least five consecutive years of such service shall have been in the school district from which leave of absence is sought, unless the board of school directors shall in its discretion allow a shorter time: Provided, however, That in the case of professional employes of area vocational-technical schools or technical institutes prior service in the participating school districts shall be credited toward such service requirement. Such leave of absence shall be for a half or full school term or for two half school terms during a period of two years, at the option of such person: Provided, however, if a sabbatical leave is requested because of the illness of an employe, a leave shall be granted for a period equivalent to a half or full school term or equivalent to two half school terms during a period of two years: *Provided further, That a sabbatical leave for travel shall be taken in one full school term, unless authorized by the board of school directors to be taken for a half school term or for two half school terms during a period of two (2) years:* Provided further, That if a sabbatical leave for one half school term or its equivalent has been granted and the employe is unable to return to school service because of illness or physical disability, the employe, upon written request prior to the expiration of the original leave, shall be entitled to a further sabbatical leave for one half school term or its equivalent: Provided further, That if a sabbatical leave for a full school term or its equivalent has been granted and the employe is unable to return to school service because of illness or physical disability, the board of school directors may extend such sabbatical leave for such periods as it may determine but not to exceed one full school term or its equivalent. Thereafter, one leave of absence shall be allowed after each seven years of service.

A sabbatical leave granted to a regular employe shall also operate as a leave of absence without pay from all other school activities.

Section 6. Section 1169 of the act, amended July 30, 1963 (P.L.358, No.190), is amended to read:

Section 1169. Salary While on Leave.—The person on leave of absence shall receive *at least* one-half of his or her regular salary during the period he or she is on sabbatical leave.

Section 7. The act is amended by adding sections to read:

Section 1501.5. Weather Emergency of 1985.—For the school year 1985-1986, all public and approved private kindergartens, elementary and secondary schools, vocational-technical schools and intermediate unit programs of instruction shall make every effort to keep open for at least one hundred seventy-six (176) days of instruction for students and, in the alternative, the Secretary of Education shall authorize, without need of application, each school district to have the option of computing the instructional time on an hourly basis, rather than a daily basis, of nine hundred (900) hours for elementary and nine hundred ninety (990) hours for secondary schools. No public or approved private kindergarten, elementary or secondary school, vocational-technical school or intermediate unit program of instruction

which was closed because of the weather emergency caused by flood conditions and which makes a good faith effort as determined by the Secretary of Education to keep open for at least one hundred seventy-six (176) days or the optional hourly basis of instruction for students shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year 1985-1986. No employe of any school closed by reason of the weather emergency of 1985 shall receive more or less compensation than that to which the employe would otherwise have been entitled to from the school district, intermediate unit or vocational-technical school had the weather emergency of 1985 not occurred.

Section 1547. Alcohol and Chemical Abuse Program.—(a) *Beginning with school year 1987-1988 and each year thereafter, each public school student shall receive mandatory instruction in alcohol and chemical abuse within the health course of study required in accordance with the State Board of Education regulations. The Department of Health, Office of Drug and Alcohol Programs, shall make available information about appropriate curriculum materials upon request of a school district. In developing its alcohol and chemical abuse instructional program, each school district shall consult with the single county authority designated by the Department of Health to provide drug and alcohol services in the school district's area.*

(b) *Each school district is hereby authorized to develop and offer programs relating to alcohol and chemical abuse for parents of students enrolled in the public schools. If a school district does develop such programs, they shall be developed in consultation with the single county authority designated by the Department of Health to provide drug and alcohol services in the school district's area. Such programs shall be offered at no cost to parents.*

Section 8. Section 1704 of the act, amended June 28, 1951 (P.L.934, No.180), is amended to read:

Section 1704. Joint Authority of Boards; Title to Property.—The affairs of joint schools or departments shall be supervised and directed (1) jointly by the several boards of school directors, establishing and maintaining such joint schools or departments, or (2) by a joint school committee, as provided in section one thousand seven hundred seven of this act. When there is no joint school committee, the several boards of school directors are hereby authorized to meet jointly, and exercise the same power and authority over the same as the several boards exercise over the schools in their respective districts. Whatever matter is required by law to be decided by a vote of the majority of all the directors of a school district shall in a joint school or department be required to be decided by a vote of two-thirds of all the constituent boards comprising said joint operation. The vote of any constituent board shall be determined by a majority vote of all the school directors comprising such constituent board. In addition thereto, the matter shall have been voted for by a majority of all the school directors of all of the constituent boards. *All voting on the affairs of joint schools or departments by the school directors of the constituent boards shall be conducted either in a joint meeting or by mail ballot, whichever procedure the majority of all school*

directors select. The title to any real estate, acquired for the purpose of establishing any such joint school or department, shall be held in the name of one or more of the districts establishing the same, as they may agree.

Section 9. Section 1705 of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Section 1705. Treasurer; Budget.—The several boards of school directors of the school districts establishing such joint school or department shall **[meet in joint session at least once a year, for the purpose of adopting], by joint meeting or mail ballot, adopt** the annual school budget. The presiding officer and secretary of the joint session shall be the president and secretary of the joint board or joint school committee. At such joint session, **or by mail ballot,** they shall elect, from the treasurers of their respective districts, one who shall act as the treasurer of such joint school or department, for a one year term beginning on the first day of July following his election, to whom shall be paid, by the several districts establishing such joint school or department, the amount agreed upon to be contributed by each district for the support of such joint school or department. They shall fix the salary of the treasurer of such joint school or department annually, at an amount not exceeding two per centum of the funds passing through his hands.

Section 10. Section 1707 of the act, amended August 14, 1963 (P.L.1065, No.463), is amended to read:

Section 1707. Joint School Committee.—The boards of school directors, establishing any joint school or department, may supervise and direct its affairs, jointly, in the same manner as the affairs of individual school districts are managed; or they may agree that the affairs of such joint school or department may be managed by a joint school committee within the limits of the budget adopted by the joint board. Where such management is delegated to a joint school committee, every school board establishing joint schools or departments shall, at the annual meeting during the month of December, select one or more of its members who, with the members chosen in like manner in the other districts, shall constitute the joint school committee. Every such school board may also select at any annual or regular meeting one or more alternates from its members to serve in the event selected members are unable to attend a meeting of the joint school committee. The alternate, when directed by the president of the school board to attend a meeting of the joint school committee in the absence of the selected member, shall have all the powers and duties of a regular member of such committee. This committee shall have all the powers and duties and be subject to all the liabilities with reference to the supervision, maintenance and regulation of such joint schools or departments as are now conferred or imposed by law upon school boards generally. The affirmative vote of a majority of all the members of this committee, duly recorded, showing how each member voted, shall be required in order to take action upon those subjects enumerated in section five hundred eight of this act. **Such votes may be recorded in a joint meeting or by mail ballot.** Failure to comply with the provisions of this act shall render void and unenforceable the acts of the joint school committee with reference thereto. The joint board and the joint school committee, if autho-

rized, shall organize annually during the month of December by electing a president, vice-president and secretary, who shall perform the duties imposed by this act on the president, vice-president and secretary of regular school boards. The secretary so elected shall serve for a term of four years. The expenses of maintaining the joint school or department shall be paid by warrant drawn on the joint board treasurer by the president and secretary of the joint board or the joint school committee.

Whenever two or more boards of school directors, who are at the time members of a joint board operating a joint school or department, join with other boards of school directors in the formation of a joint school committee operating an area vocational-technical school or technical institute, the joint committee may be formed as may be agreed: Provided, That each joint school or department have at least one member on the joint school committee.

Section 11. The act is amended by adding a section to read:

Section 1803.1. Duty of Secretary to Report Annually.—*The Secretary of Education shall report annually, to the Standing Committees on Education of the Senate and House of Representatives, the following information for each area vocational-technical school:*

(1) Number of approved vocational programs during the current and prior years.

(2) Number of students enrolled during the current and prior years.

(3) Number of secondary school students enrolled in participating school districts during the current and prior years.

(4) Scheduling patterns, including grades in which programs are offered, whether programs are full time or part time, and rotation schedules.

(5) Number of hours of instruction per year for each program for the current and prior years.

(6) Anticipated scheduling changes for the succeeding year.

Section 12. Section 2006-A(a)(8) of the act, added November 12, 1982 (P.L.660, No.188), is amended to read:

Section 2006-A. Powers and Duties of the Board of Governors.—

(a) The Board of Governors shall have overall responsibility for planning and coordinating the development and operation of the system. The powers and duties of the Board of Governors shall be:

* * *

(8) To establish general personnel policies under which the institutions shall operate consistent with merit principles[.]; *to determine equivalent degree and teaching experience qualifications for appointment or promotion of faculty employes within the classifications enumerated in the act of January 18, 1952 (1951 P.L.2111, No.600), referred to as the State College Faculty Compensation Law, to include, but not be limited to, the Degrees of Juris Doctor and Master of Fine Arts; and to enter into collective bargaining agreements pursuant to the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," in accordance with section 2008-A of this act.*

* * *

Section 13. Sections 2501(19) and 2502.5 of the act, amended July 1, 1985 (P.L. 103, No.31), are amended to read:

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

* * *

(19) “Factor for Educational Expense.” For the school years 1982-1983 and 1983-1984, the factor for educational expense used to compute school district entitlements to payments on account of instruction, as provided for in subsection (d) of section 2502, shall be one thousand six hundred fifty-six dollars (\$1,656) unless later changed by statute. For the school year 1983-1984, the Factor for Educational Expense shall be one thousand seven hundred twenty-five dollars (\$1,725), unless later changed by statute, for those school districts participating, during the 1984-1985 school year, in a Statewide program for testing and remediation which is designed to identify and provide remediation services to individual students pursuant to section 1511.1. For the 1984-1985 school year **[and each school year thereafter]**, notwithstanding any other provisions of this act to the contrary, the Factor for Educational Expense used to compute all school districts’ entitlements to payments on account of instruction, as provided for in subsection (d) of section 2502, shall be one thousand eight hundred seventy-five dollars (\$1,875). *For the 1985-1986 school year and each school year thereafter, the Factor for Educational Expense used to compute all school districts’ entitlements to payments on account of instruction, as provided for in subsection (d) of section 2502, shall be one thousand nine hundred seventy dollars (\$1,970).*

Section 2502.5. Limitation of Certain Payments.—

(a) Notwithstanding any other provision of law, for the school year 1970-1971 through the school year 1980-1981, 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 one hundred percent (100%) of the total approved reimbursable instructional expenditures of such school district. The provisions of this subsection shall not apply to any school district receiving any payment under subsection (g) of section 2502 of this act.

(b) Notwithstanding any other provisions of law, for the school year 1982-1983 and 1983-1984, no school district shall be paid under subsections (d) and (e) of section 2502 and section 2502.11 or for the school year 1984-1985 and each school year thereafter, no school district shall be paid under subsections (d) and (e) of section 2502, *subsection (e) of this section*, section 2502.11 and section 2502.13 *or, for the school year 1985-1986, no school district shall be paid under subsections (d) and (e) of section 2502, subsection (e) of this section, section 2502.11, section 2502.13, section 2502.14 and section 2502.15* an amount in excess of one hundred percent (100%) of the total reimbursable instructional expenditures of the school district. For the 1982-1983 school year, all school districts qualifying for payments under subsections (d) and (e) of section 2502 and

section 2502.11 shall be limited to an increase payment on account of those sections which shall not exceed nine percent (9%) over the sums received on account of section 2502.9 for the 1981-1982 school year, nor shall any school district receive an increase of less than two percent (2%) of the 1982-1983 school year payments on account of the 1981-1982 school year. For the 1984-1985 school year **[and each school year thereafter]**, each school district qualifying for payments under subsections (d) and (e) of section 2502 and section 2502.11 shall be limited to an increase payment on account of those sections which shall not exceed eight and forty-five one hundredths percent (8.45%) over the sums received on account of such sections for the school year 1983-1984, nor shall any school district receive an increase of less than two percent (2%) of such payments for the school year 1983-1984: Provided, however, That such payments for the school year 1983-1984 shall be computed using a Factor for Educational Expense of one thousand six hundred fifty-six dollars (\$1,656) and a maximum payment increase of seven and forty-five one hundredths percent (7.45%) and a minimum payment increase of two percent (2%) and the eighty percent (80%) guarantee provided for in section 2502.5(e). *For the 1985-1986 school year and each school year thereafter, each school district qualifying for payments under subsections (d) and (e) of section 2502, subsection (e) of this section and section 2502.11 shall be limited to an increase payment on account of those sections which shall not exceed seven percent (7%) over the sums received on account of such sections for the school year 1984-1985, nor shall any school district receive an increase less than two percent (2%) of such payments for the school year 1984-1985.*

(e) For the school **[year] years** 1983-1984 and **[each school year thereafter] 1984-1985**, no school district shall be paid under subsections (d) and (e) of section 2502 and under section 2502.11 less than eighty percent (80%) of the total amount to which it is entitled under said sections, notwithstanding any limitations on increases in such payments enacted by the General Assembly to the contrary. *For the school year 1985-1986 and each school year thereafter, no school district shall be paid under subsections (d) and (e) of section 2502 and under section 2502.11 less than eighty-five percent (85%) of the total amount to which it is entitled under said sections, notwithstanding any limitations on increases in such payments enacted by the General Assembly to the contrary.* For the school year 1983-1984, payments under this subsection shall be computed using a Factor for Educational Expense of one thousand six hundred fifty-six dollars (\$1,656) and a maximum payment increase of seven and forty-five one hundredths percent (7.45%) and a minimum payment increase of two percent (2%). For the school year 1984-1985 and each school year thereafter, payments under this subsection shall be computed using the Factor for Educational Expense as defined in section 2501(19) and minimum and maximum increase limits provided for in subsection (b) of this section. No school district shall, as a result of this subsection, be paid an amount in excess of one hundred percent (100%) of the total reimbursable instructional expenditures of the school district.

Section 14. Section 2502.6(b) of the act, amended December 20, 1983 (P.L.267, No.73), is amended to read:

Section 2502.6. Proportionate Reduction of Payments.—* * *

(b) If the sums appropriated for the 1982-1983 school year and each school year thereafter are not sufficient to pay in full the total amounts to which all qualified school districts, intermediate units, *area vocational-technical schools* and nonpublic schools are entitled to receive under the provisions of sections 917.1-A, 919.1-A, 922.1-A, 923-A(d) and 2502.8 for such year, the allocations to the school districts, intermediate units, *area vocational-technical schools* and nonpublic schools shall be proportionately reduced to the extent necessary to bring the aggregate of the school district, intermediate unit, *area vocational-technical school* and nonpublic school allocations within the limits of the amounts appropriated.

Section 15. Section 2502.8 of the act, added May 11, 1982 (P.L.396, No.115), is amended to read:

Section 2502.8. Payments on Account of Pupils Enrolled in Vocational Curriculums.—(a) For the purpose of reimbursement in accordance with this section, vocational curriculums are agriculture education, distributive education, health occupations education, home economics education (gainful), business education, technical education, trade and industrial education, or any other occupational oriented program approved by the Secretary of Education.

(b) For the 1981-1982 school year [and each school year thereafter] *through the 1984-1985 school year*, each school district so entitled shall be paid, in addition to any other subsidy to which it is entitled, an amount on account of resident pupils enrolled in vocational curriculums—*and, for the 1985-1986 school year and each school year thereafter, each school district and area vocational-technical school shall be paid an amount on account of students enrolled in vocational curriculums*—determined as follows:

(1) Determine the increase in the weighted average daily membership by multiplying the number of students in average daily membership in vocational curriculums in area vocational-technical schools by twenty-one hundredths (.21) and the number of students in average daily membership in school district vocational curriculums by seventeen hundredths (.17).

(2) Multiply the lesser of the district's actual instruction expense per weighted average daily membership or the base earned for reimbursement by the market value/income aid ratio or by three hundred seventy-five thousandths (.375), whichever is greater.

(3) Multiply the increase in weighted average daily membership determined in clause (1) by the result of clause (2).

(4) *For the 1985-1986 school year and each school year thereafter, the Commonwealth shall pay the amount required by this section to the school district or area vocational-technical school which provides the program upon which reimbursement is based.*

Section 16. Section 2502.13 of the act, added July 1, 1985 (P.L.103, No.31), is amended to read:

Section 2502.13. **Small District Assistance.**—For the 1984-1985 school year and each school year thereafter, the Commonwealth shall pay, to each school district which has an average daily membership of one thousand five hundred (1,500) or less and has a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, an amount equal to fifty dollars (\$50) multiplied by that district's average daily membership. *For the 1985-1986 school year, no school district shall receive less on account of this section than it did for the 1984-1985 school year.*

Section 17. The act is amended by adding sections to read:

Section 2502.14. School Supplement.—(a) *For the 1985-1986 school year only, each school district shall be paid an amount based upon the percentages of its entitlement under the provisions of subsections (d) and (e) of section 2502 and section 2502.11, as limited by the provisions of section 2502.5, in accordance with the following table:*

<i>Percent of Fully Funded ESBE</i>	<i>Grant per WADM</i>
<i>100% or more</i>	<i>\$16.00</i>
<i>95% or greater, but less than 100%</i>	<i>\$17.60</i>
<i>90% or greater, but less than 95%</i>	<i>\$19.21</i>
<i>85% or greater, but less than 90%</i>	<i>\$20.81</i>

(b) *For the 1985-1986 school year only, each school district which experienced an average annual percentage change decrease in personal income or an average annual percentage increase in personal income between 1981 and 1984 of less than one and one-half percent (1.5%) shall be paid one percent (1%) of its actual instruction expense for the 1985-1986 school year.*

(c) *For the 1985-1986 school year only, no school district shall receive a school supplement on account of the provisions of subsections (a) and (b) which is less than \$18.09 per pupil in average daily membership during the 1985-1986 school year.*

Section 2502.15. First Class A School District Supplement.—*For the 1985-1986 school year only, each school district of the first class A shall receive a supplemental payment equal to one million three hundred twenty-five thousand dollars (\$1,325,000).*

Section 18. Section 2507 of the act, amended August 14, 1963 (P.L.1121, No.477), is amended to read:

Section 2507. **Payments on Account of Approved Vocational Extension Classes and Pre-employment Training.**—Every school district and every vocational school district *and area vocational-technical school*, regardless of classification, shall be paid by the Commonwealth for every school year, on account of approved vocational extension classes and pre-employment training, eighty per cent (80%) of the sum which was expended by the district *or area vocational-technical school* for the compensation of vocational extension and pre-employment training teachers and supervisors. For the purpose of computing reimbursement, the maximum compensation shall be four dollars (\$4.00) per hour and the amount expended for supervisory salaries shall not exceed twenty per cent (20%) of the sum expended for teachers' salaries: Provided, That in special cases when travel time or unusual prepara-

tion of instructional materials or other factors result in an inadequate compensation, the Department of **[Public Instruction] Education** may approve additional reimbursable employment time for such additional services upon the submission of adequate substantiative evidence from the responsible superintendent of schools. *For the 1985-1986 school year and each school year thereafter, the Commonwealth shall pay the amount required by this section to the school district or area vocational-technical school which provided the approved vocational extension classes and pre-employment training for which reimbursement is made.*

Section 19. Section 2574.1 of the act, amended October 21, 1965 (P.L.601, No.312) and January 26, 1966 (1965 P.L.1591, No.560), is amended to read:

Section 2574.1. Payments on Account of Building Site Costs.—Whenever any school district acquires a site for a school building in advance of its need and in accordance with a long range master plan for school building construction approved by the Department of **[Public Instruction] Education** to the extent that the cost of the acquisition shall be deemed reasonable by the Department of **[Public Instruction] Education**, the Commonwealth shall pay, in the year of such acquisition, one hundred percent (100%) of the reimbursement due the district under applicable laws in force at that time for the cost of acquisition. If such site is not thereafter used by the district for school building purposes, within a period of ten years from date of purchase, the amounts paid to the district under this section shall be returned to the Commonwealth by the district within two years of the end of such ten year period of non-user. If such amounts are not so returned within such two year period, Commonwealth moneys due and payable to the district by the Department of **[Public Instruction] Education** as a subsidy or reimbursement for any purpose shall first be withheld in the amount of the moneys owed the Commonwealth by the district under this section and credited as returned in full hereunder before any part of such Commonwealth reimbursement or subsidy is paid to the district. *The district shall not be required to return the funds it received if the district can demonstrate in its long range plan that the site will still be needed for a school building, even though the site may be used temporarily by a political subdivision, or agency thereof, for public purposes. If the district conveys or transfers the site to another party, the district shall repay the amount it was reimbursed and appropriate interest, as determined by the department.*

Section 20. The act is amended by adding an article to read:

**ARTICLE XXVI-A.
SURPLUS GRANTS.**

Section 2601-A. Legislative Findings.—The General Assembly has found and hereby declares that:

(1) There exists within this Commonwealth a critical shortage of college and university instructional equipment needed in training and educational programs necessary to meet the growing needs of the citizens of this Commonwealth for opportunities for new and more rewarding employment.

(2) *Due to the temporary availability of surplus funds, which may not recur in the future, it is necessary and proper to provide for a program of one (1) year only.*

Section 2602-A. Definitions.—When used in this article the following words and phrases shall have the following meanings:

(1) *“Community colleges” shall mean institutions now or hereafter created pursuant to Article XIX-A or the act of August 24, 1963 (P.L.1132, No.484), known as the “Community College Act of 1963.”*

(2) *“Eligible institution” shall mean an independent institution of higher education, a community college, a State-owned institution or a State-related institution, any of which is approved by the Department of Education. It shall not mean an institution which is determined by the department to be a medical school, a theological seminary or school of theology or a sectarian and denominational institution.*

(3) *“Full-time equivalent undergraduate students” shall mean the enrollment in undergraduate programs at eligible institutions expressed in terms of full-time students as determined by the Department of Education.*

(4) *“Independent institution of higher education” shall mean an institution of higher education which is operated not for profit, located in and incorporated or chartered by the Commonwealth, entitled to confer degrees as set forth in section 211 of the act of May 5, 1933 (P.L.289, No.105), known as the “Nonprofit Corporation Law,” and entitled to apply to itself the designation “college” or “university” as provided for by standards and qualifications prescribed by the State Board of Education pursuant to the act of May 7, 1937 (P.L.585, No.150), entitled, as amended, “An act prohibiting the use of the designation of ‘college’ by any institution not conforming to the standards of a college prescribed by the State Board of Education; and providing for injunctions, and penalties.”*

(5) *“Pennsylvania-based” shall mean manufactured or assembled within this Commonwealth or sold, leased or otherwise provided to an eligible institution by a vendor which has a place of business in this Commonwealth.*

(6) *“State-owned institutions” shall mean those institutions which are part of the State System of Higher Education pursuant to the act of April 9, 1929 (P.L.177, No.175), known as “The Administrative Code of 1929.”*

(7) *“State-related institutions” shall mean The Pennsylvania State University, the University of Pittsburgh, Temple University and Lincoln University and their branch campuses.*

(8) *“Technology grant” shall mean money allocated by the Department of Education for education-related materials, capital items, hardware or software necessary for the educational mission of the categories of institutions named herein which will be an amount determined by dividing the funds appropriated, less reasonable administrative expenses, by the total of all certified full-time equivalent undergraduate students from all eligible institutions applying for grants.*

Section 2603-A. Certification of Recipients.—From the information it receives from colleges and universities or, in the case of State-owned institu-

tions, from the State System of Higher Education, the Department of Education shall certify the number of full-time equivalent undergraduate students attending each eligible institution during the most recent year for which data is available.

Section 2604-A. Surplus Grants.—For the academic year beginning on or about September 1, 1986, the Department of Education shall allot directly to eligible institutions, on behalf of each full-time equivalent undergraduate student attending an eligible institution as certified, a technology grant. Following the initial allocation and allotment, if any funds appropriated have not been and cannot be allocated to one or more institutions otherwise eligible for funds for any reason, the department shall reallocate these funds to the remaining eligible institutions so that all funds herein appropriated have been allotted.

Section 2605-A. Use of Moneys.—Grant moneys shall be used only for, or in connection with, expenses incurred by the eligible institution to purchase, lease or otherwise upgrade and acquire Pennsylvania-based education-related materials, capital items, hardware or software necessary for the educational mission of the institution. If the eligible institution purchases, leases or otherwise acquires educational equipment which is not Pennsylvania based, it must file with the Department of Education a statement of justification as to why Pennsylvania-based educational equipment was not obtained.

Section 2606-A. Forfeiture.—Any eligible institution which refuses to submit such information or audit as required by this article or knowingly submits misrepresentations or false statements with the intention of fraudulently obtaining moneys from the Department of Education shall be denied status as an eligible institution under the provisions of this article.

Section 2607-A. Expiration.—This article shall expire June 30, 1987.

Section 21. Notwithstanding any other provisions of the act, the board of school directors of each school district is authorized to and may reopen its 1986-1987 budget during the months of July and August 1986 to make revisions in the budget and tax levies previously adopted to reflect anticipated increases in subsidies payable to the school district during its 1986-1987 fiscal year under this amendatory act.

Section 22. Payments on account of sections 2502.14 and 2502.15 shall be made in accordance with the payment schedule set forth in section 2517.

Section 23. The provisions of sections 5 and 6 of this act shall not apply to persons who are scheduled to complete split sabbatical leaves of absence during the school year 1986-1987.

Section 24. (a) Section 19¹ shall be retroactive to July 1, 1985.

(b) Sections 2, 13, 14, 15, 16, 17 and 18 shall be retroactive to July 1, 1986.

¹ "18" in enrolled bill.

Section 25. This act shall take effect July 1, 1986, or immediately, whichever is later.

APPROVED—The 10th day of July, A. D. 1986.

DICK THORNBURGH