

No. 1996-28

## AN ACT

HB 2339

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," providing for the weather emergency of 1996.

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

Section 1. Sections 1501.5 and 1501.6 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, are repealed.

Section 2. The act is amended by adding a section to read:

***Section 1501.7. Weather Emergency of 1996.—(a) This section applies only to the school year 1995-1996 as a result of the weather emergency of 1996.***

***(b) All school entities shall keep open for at least one hundred eighty (180) days of instruction for students by using all available days through June 30, 1996, and by using the provisions of this section and section 1502(c).***

***(c) As an alternative to providing one hundred eighty (180) days of instruction, the Secretary of Education shall authorize, without need of application, each school entity to have the option of computing 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. Each school entity which elects to compute instructional time on an hourly basis shall submit documentation to the Secretary of Education verifying the completion of the required hours of instruction.***

***(d) For purposes of computing instructional time pursuant to this section, the Secretary of Education shall calculate instructional days or time related to the weather emergency of 1996 prior to calculating any other lost instructional time.***

***(e) The chief commissioned officer of a school district, intermediate unit or area vocational-technical school shall upon the written request of a parent or guardian excuse any student from school attendance if such student has the opportunity to receive a program of advanced instruction, to participate in academic or skills competition or to engage in leadership development activities. The request shall identify and describe the instruction, competition or leadership development activities and the dates and hours for which the absence is requested. The parent or guardian shall following each such absence furnish in writing to the chief commissioned***

officer a statement attesting to the student's participation, including the dates and hours of such participation.

(f) The chief commissioned officer of a school district, intermediate unit or area vocational-technical school shall excuse a student to observe or participate in a religious activity or function upon the written notification of such observance or participation by the student's parent or guardian. A student's absence from school pursuant to this subsection shall be considered an instructional day and shall not be recorded as ~~an absence on~~ the student's attendance record or on the record of any group or class of which the student is a member. There shall be no penalty attached for any such absences pursuant to this subsection.

(g) No temporary professional or professional employe of any school closed by reason of the weather emergency of 1996 shall receive more or less compensation than that to which the employe would otherwise have been entitled to receive from the school entity had the weather emergency of 1996 not occurred.

(h) No school entity which was closed because of the weather emergency of 1996 and which makes a good faith effort, as determined by the Secretary of Education, to meet the requirements of this section shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive for the school year 1995-1996 had the weather emergency of 1996 not occurred.

(i) As used in this section, a school entity shall be any school district, intermediate unit, joint school or area vocational-technical school a child attends in order to fulfill the compulsory attendance requirements of this act.

(j) If a school entity which has entered into an out-of-State tuition agreement with an out-of-State school district conforms with the provisions of the instructional time authorized by the other state, the requirements of this section shall be deemed to be complied with as it applies to the students who are covered by the out-of-State tuition agreement.

Section 3. Section 1502 of the act, amended March 28, 1994 (P.L.117, No.12), is amended to read:

Section 1502. Days Schools not to be Kept Open.—(a) Except as provided in subsection [(b)] (c), no school shall be kept open on any Saturday for the purpose of ordinary instruction, except when Monday is fixed by the board of school directors as the weekly holiday, or on Sunday, Memorial Day, Fourth of July, or Christmas nor shall any school be kept open in any district during the time of holding the teachers' institute for such district. [Whenever Memorial day shall be on a Sunday, the following Monday shall be a holiday.

(b) For the school year 1993-1994 only, the board of school directors shall have the option of rescheduling instructional days on Saturday, but for not more than one Saturday per month, to make up instructional days lost from the adopted school calendar because school was closed as

a result of the weather emergency of 1994. Notwithstanding the provisions of subsection (a), if the board of school directors reschedules an instructional day on Saturday, the schools may be open the following Monday.]

*(c) For the school year 1995-1996 only, the board of school directors shall have the option of rescheduling instructional days on Saturday, but for not more than one Saturday per month, to make up instructional days lost from the adopted school calendar because school was closed as a result of the weather emergency of 1996. In those cases where a board of directors chooses to reschedule instructional days on Saturdays in accordance with the provisions of this section, schools within such board's jurisdiction shall not schedule tests or examinations on these Saturdays. Notwithstanding the provisions of subsection (a), if the board of school directors reschedules an instructional day on Saturday, the schools may be open the following Monday.*

Section 4. This act shall take effect immediately.

APPROVED—The 6th day of May, A.D. 1996.

THOMAS J. RIDGE