

SCHOOL CODE REVISION

A Review of Substantive Changes to School Law
Proposed by House Bill 770, Printer's Number 2645

Prepared for

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By

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Chapter 1: GENERAL PROVISIONS

Definitions (Section 102, page 24)

Establishes uniform definitions to be used throughout Part I on Preliminary Provisions.

Clarifies terms such as guidelines, policy, regulations, rules, and standards, which are used interchangeably in present law.

School Entity (Section 102, page 24)

Creates a new term, school entity, to define a school district, intermediate unit, or area vocational-technical school.

Governing Board (Section 102, page 24)

Creates a new term, governing board, to define the board of any school entity.

School Director (Section 102, page 24)

Reclassifies school board member as school director.

Year Round School (Section 102, page 24)

Redefines the terms school year and school term to allow districts the option of implementing year round schools. *Doesn't do anything - switch back*
Takes maneuvering to get it -

Public Access to Documents (Section 104, page 27)

Incorporates by reference several laws to provide access to personnel files of school employees and all public records, regulations, and standards of local boards, the State Board, and the Department.

Public Comment at Meetings (Section 105, page 28)

Requires governing boards to permit public comment when adopting policy.

Public Notification of Meetings (Section 105, page 28)

Requires governing boards to provide for public notification of meetings.

Chapter 5: STATE BOARD OF EDUCATION

Membership (Section 501, page 29)

Grants at large membership on the State Board to the majority and minority chairpersons of the House and Senate Education Committees.

Meetings (Section 501, page 29)

Requires the State Board to hold meetings at various locations throughout the Commonwealth and to provide a reasonable opportunity for public comment.

Board's Authority (Section 503, page 31)

Changes the authority of the State Board from "engage in a constant review and appraisal of education in the Commonwealth" to "serve as a general planning and coordinating body for all public education."

Fiscal Notes (Section 503, page 31)

Incorporates the State Board provision that the State Board must prepare a fiscal note for all regulations having a fiscal impact.

Council for Basic Education (Section 504, page 33)

Limits the Council for Basic Education's powers to making recommendations to the State Board in only those areas specifically enumerated in law.

Adds supportive services, educational quality assessment testing, and all special programs to the present list of areas. *New to chpt. - not new authority*

Council for Higher Education (Section 505, page 34)

Limits the Council for Higher Education's powers to making recommendations to the State Board in only those areas specifically enumerated in law.

Adds enrollment levels, method for governance of the system, and formula for distribution of State funds to the present list of areas.

281118 | present code

Chapter 7: DEPARTMENT OF EDUCATION

Secretary's Authority (Section 702, page 38)

Changes the authority of the Secretary of Education from "administer all of the laws of this Commonwealth with regard to the establishment, maintenance, and conduct of the public schools" to "secure compliance with all statutes of this Commonwealth which pertain to education and with rules and regulations of the State Board promulgated pursuant to statute."

Approval of Departmental Standards (Section 702, page 38)

Requires the State Board to approve all Departmental standards pursuant to State Board regulations and provides that the standards are deemed approved if the State Board takes no action within 60 days.

Non-binding Guidelines (Section 702, page 38)

Authorizes the Secretary to issue guidelines with which schools need not comply but which the Department believes demonstrates desirable performance.

Withholding of Funds (Section 704, page 40)

Removes the power of the Secretary to withhold financial aid from school entities in 10 circumstances and limits the withholding of funds to the specific category and degree of the violation to secure compliance with regulations.

Approval of Local District Plans (Section 705, page 41)

Places a 120 day time limitation on the Department to act on plans submitted by local school districts for approval and provides that the plans are deemed approved if the Department takes no action within that time.

Financially Distressed Districts (Section 713, page 44)

Expands the prohibition of a special board of control to cancel or renegotiate contracts so that collective bargaining agreements with all school employees, not just teachers, may not be cancelled or renegotiated.

Chapter 11: NONPUBLIC AND PRIVATE SCHOOLS

Nonpublic School Aid (Section 1102, page 50)

Incorporates Acts 88, 89, and 90 of 1975 which provide textbooks, auxiliary services, and instructional materials to nonpublic schools.

Speech and Hearing Services (Section 1104, page 54)

Incorporates Act 129 of 1975 which provides services for the diagnosis and correction of speech and hearing defects to nonpublic school children.

Revocation of a License (Section 1121, page 64)

Stipulates that any action resulting in a refusal, suspension, or revocation of a license be in accordance with the Administrative Agency Law.

Chapter 21: GENERAL PROVISIONS

Educational Objectives (Section 2102, page 75)

Introduces a 12-point list of general objectives designed to create a thorough and efficient educational system.

Definitions (Section 2103, page 76)

Establishes uniform definitions to be used throughout Part II on Basic Education.

Commissioned Personnel (Section 2106, page 78)

Allows commissioned personnel (superintendent, assistant superintendent, intermediate unit executive director, assistant intermediate unit executive director) to teach on weekends and evenings with the school board's permission. PL

Maintains the right of commissioned personnel to teach summer education courses.

Conflict of Interest (Section 2106, page 78)

Prohibits people from serving on governing boards if their jobs or outside activities prevent the complete performance of their duties.

Retains the provision prohibiting school employees from serving on the board of the employing district.

District Transactions (Section 2106, page 78)

Permits districts to transact for services or materials with a firm even though a school director or employee may work for or have interest in the firm if the director or employee receives no substantial material benefit from the firm.

Student Organization Funds (Section 2107, page 79)

Authorizes governing boards to assume control of student organization funds if obligation of the funds are unpaid for more than 60 days.

Provides that student organization funds revert back to the school entity if left inactive for 5 years.

Chapter 23: BOARDS OF SCHOOL DIRECTORS

Board Powers (Section 2301, page 81)

Reverses the principle prohibiting school boards from undertaking anything not specifically enumerated in law and grants boards reasonable discretion in the operation of districts except where limited by law.

Board Regulations (Section 2302, page 81)

Expands local board authority beyond developing regulations relative to the conduct of employees and students only during school functions or extra-curricular activities.

Joint Action (Section 2304, page 82)

Permits boards to take joint action with other governmental units to more effectively perform their duties.

Hiring Employees (Section 2312, page 84)

Requires boards to accept recommendations from the district superintendent before hiring employees.

School Directors in Philadelphia (Section 2341, page 86)

Stipulates that meetings in Philadelphia for the appointment of school directors be open to the public.

School Directors in Pittsburgh (Section 2341, page 86)

Incorporates Act 150 of 1975 which provides for elected school directors with taxing powers in Pittsburgh.

Election Regions (Section 2343, page 88)

Requires that election regions for school districts be composed of contiguous territory.

Terms of Office (Section 2344, page 93)

Reduces terms for school directors from 6 years to 4 years.

Eligibility (Section 2346, page 95)

Disallows employees of community colleges and school entities from serving on boards of component school districts.

Bowman can't serve on Bd. but may serve as secretary to the board

Business Manager (Section 2376, page 101)

Requires that boards designate someone to serve as business manager.

Allows a business manager who is not a school director to serve also as board secretary.

Treasurer (Section 2377, page 102)

Allows school directors in all districts other than Philadelphia and Pittsburgh to serve as Treasurer.

Voting (Section 2391, page 106)

Disallows school directors from abstaining from voting on an issue unless there is conflict of interest or the issue concerns personnel action against relatives.

Chapter 25: SCHOOL DISTRICTS

Classification (Section 2503, page 108)

Creates 3 classes of school districts by retaining 1st class (Philadelphia) and 1st class A (Pittsburgh) and making all 2nd, 3rd, and 4th class districts in present law 2nd class districts.

Mergers (Section 2531, page 110)

Requires voter approval of school district consolidation prior to State Board approval of any merger.

Obligations (Section 2532, page 110)

Stipulates that when districts combine the former districts must meet all their property, indebtedness, and rental obligations within 10 years.

Annexation (Section 2533, page 111)

Allows the State Board to accept without a hearing a new district only where the boundaries are coextensive.

Provides that appeals on annexation be made in accordance with the Administrative Agency Law rather than through the State Board.

Philadelphia Charter Commission (Section 2557, page 123)

Subjects meetings of the Philadelphia Charter Commission to the open meeting provisions of the Sunshine Law.

Chapter 27: INTERMEDIATE UNITS

Transfer of Membership (Section 2702, page 133)

Requires a 2/3 vote rather than a majority vote of the component school districts for a district to transfer to another intermediate unit.

Membership (Section 2711, page 134)

Obligates boards to have at least 13 members.

Permits each district to have a member on the board up to a maximum of 20 members in intermediate units with more than 13 districts.

Terms of Office (Section 2717, page 140)

Fixes the terms of executive directors and assistant executive directors at 3, 4, or 5 years as the board may determine.

Provides that the date of election for executive directors and assistant executive directors occur prior to July 1.

Hiring Employees (Section 2718, page 140)

Requires boards to accept recommendations from the executive director before hiring employees.

Board Powers (Section 2718, page 140)

Empowers boards to lease motor vehicles. *Purchase - limited to special ed*

Program Services (Section 2719, page 142)

944A(11) - equipment
Expands program offerings from the present list of 7 areas to those areas plus any other services approved by the board.

Business Administrator (Section 2723, page 145)

Requires that the executive director serve as the business administrator or appoint an employee to serve in this capacity.

District Contracts (Section 2723, page 145)

Enables a single district or any combination of districts to contract for intermediate unit services instead of limits contracting to where less than a majority of the districts participate.

District Contributions (Section 2723, page 145)

Bases the formula for district contributions to intermediate units on weighted average daily membership (WADM) rather than on the district's State aid ratio.

Chapter 29: REIMBURSEMENT

Reimbursement Formulae (Section 2902, page 148)

Maintains the present reimbursement formulae.

Deletes obsolete provisions relating to teaching units.

Uncertificated Professionals (Section 2905, page 149)

Increases the penalty for employing uncertificated professional employees from the State reimbursement prorated for the employee to the actual salary being paid the employee.

Bus Depreciation (Section 2961, page 184)

Raises the depreciation allowance for school buses from \$10,500 to \$15,000.

Requires that school districts which contract for transportation services receive the same depreciation reimbursement as districts which own buses.

Chapter 31: LOCAL FINANCE

Submission of Budget (Section 3111, page 208)

Requires superintendents to submit a proposed budget by April 15 rather than by May 30.

Adoption of Budget (Section 3113, page 208)

Requires that intermediate unit budgets for the following fiscal year be adopted 2 months prior to the end of the current fiscal year.

Stipulates that area vocational-technical school budgets be adopted 1 month prior to the end of the current fiscal year.

Solicit Quotations (Section 3132, page 211)

Permits school entities to solicit quotations rather than advertise for purchases between \$1,500 and \$7,500 instead of between \$1,000 and \$1,500.

Stipulates that quotations be made public record.

Formal Bidding (Section 3133, page 212)

Requires advertisement and formal bidding for purchases of \$7,500 or more instead of \$1,500 or more.

Have bid warranty items
Exempts instructional software from solicitation and formal bidding requirements except where equipment requires servicing or parts other than that provided for in the manufacturer's maintenance contract.

Exclude from exemption, not bid, can't use bulk purchase for these items

Bulk Purchasing (Section 3136, page 215)

Permits school entities to participate in the bulk purchases program of the Commonwealth.

Liability of Officials (Section 3144, page 217)

Extends liability for improper payment orders, which presently applies only to school districts, to all school entities.

Facsimile Signatures (Section 3144, page 218)

Allows all school entities, not just school districts, to use facsimile signatures.

Transfer of Funds (Section 3146, page 218)

Allows school entities to transfer funds between accounts or institutions to facilitate investments or debt service.

Investment of Funds (Section 3161, page 220)

Requires governing boards to provide an investment program and to solicit quotations for investments.

Authorized Investments (Section 3162, page 221)

Permits districts to invest in direct short term obligations of the U.S. Government with funds other than the Capital Reserve Fund.

Joint Purchasing (Section 3163, page 221)

Permits school entities to make joint purchase of investments.

Temporary Borrowing (Section 3171, page 224)

Extends temporary borrowing under the provisions of the Local Government Unit Debt Act, presently authorized only for school districts, to all school entities. *Ills now borrow - not clear they can, under CL Debt Service have auth to do - 9/4/66*

Unpaid Indebtedness (Section 3173, page 224)

Obligates the Department to withhold from a school entity's State appropriation an amount equal to what is owed when a school entity fails to meet its indebtedness rather than permits the Department the option of withholding all appropriations until provisions for payment are made.

Act 150; Marcuse bill

Insurance on Deposits (Section 3181, page 225)

Permits deposited school funds, presently insured with the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, to be insured with the National Credit Union Administration.

Bonding of Officials (Section 3182, page 225)

Requires directors, officers, and employees of governing boards to be bonded. *Illus*

Insurance Purchasing (Section 3183, page 227)

Permits governing boards to join together and/or with other government agencies and political subdivisions to purchase insurance.

Authorizes governing boards to purchase flood insurance.

Deposit of Bids (Section 3184, page 228)

Allows governing boards to require that advertised bids be accompanied by cash, a certified check, or a cashier's check.

Disposal of Property (Section 3191, page 228)

Requires school entities to offer any unwanted or surplus property to other schools or nonprofit educational institutions before offering it at public auction.

Chapter 33: ACCOUNTING AND AUDITING

Accounting System and Procedures (Section 3302, page 230)

Requires all public educational agencies to implement a minimum basic accounting system in accordance with minimum standards of the Department.

Responsibilities of Controller (Section 3311, page 233)

Limits the responsibilities of the controller in Philadelphia and Pittsburgh to performing the annual post-audit of school funds and deletes all provisions relating to the controller's pre-audit functions.

Filing of Audit Reports (Section 3316, page 236)

Removes the requirement that annual school auditor's reports be filed with the Secretary of Education.

Retains the requirement that audit reports be on a form prescribed by the Department.

Time Limit for Appeal (Section 3317, page 236)

Changes the period in which an appeal may be taken from 45 days after the date of filing the auditor's report to 45 days after the first date of advertising the auditor's report.

Liability of Auditors (Section 3319, page 237)

Changes the penalty for auditors who fail to comply with school law from 10 days imprisonment and a \$100 fine to a fine of not less than \$50 nor more than \$500.

Right of Appeal (Section 3331, page 238)

Permits all school entities, not just school districts, to appeal an auditor's report.

Defense by Taxpayer (Section 3334, page 239)

Permits taxpayers to defend all school entities, not just school districts, in audit appeals.

Chapter 35: TAXATION

Tax Provisions (Pages 241-308)

Consolidates the various tax provisions in current school law into a single chapter but makes no major changes relative to the amount of or the procedures in taxation.

Chapter 37: GENERAL EDUCATION

Mandated Courses (Section 3702, page 310)

Specifies courses districts must offer at the elementary and secondary levels and thus eliminates the State Board's authority to designate courses at the secondary level.

Developmental and Remedial Reading (Section 3702, page 310)

Expands mandated English at the elementary and secondary levels to include both developmental and remedial reading.

Required Courses (Section 3702, page 310)

Retains State Board authority to designate which mandated courses are to be required for all students.

Student Competencies (Section 3702, page 310)

Requires school districts, in accordance with State Board regulations, to evaluate whether or not its students have developed minimal competencies within mandated courses.

Obligates districts to measure student competencies in certain specified skills necessary to enter the world of work and cope with problems encountered by adults.

Prescribed Courses (Section 3703, page 311)

Maintains State Board authority to add prescribed courses to the list of mandated courses.

Retains the requirement that districts offer a prescribed course where 15 or more students in a district petition for the course.

Additional Courses (Section 3704, page 311)

Retains local board authority to offer additional courses.

Extension Programs (Section 3705, page 312)

Makes more specific present broad categories of extension programs.

Requires local boards to offer extension programs only in mandated courses.

Allows boards to make reasonable charges to cover actual expenses.

Educational Quality Assessment (Section 3712, page 315)

Requires that the Department develop a procedure to assess student performances in the academic skills learned through mandated programs.

Makes optional student participation in those sections of the test which measure attitudes, values, and vocational knowledge.

Includes ^{new requirements} provisions for informing parents of the nature of the test and insuring anonymity of student responses.

Standard Diploma (Section 3713, page 316)

Replaces different certificates given to graduating students by local districts with a standard diploma.

Competency Statement (Section 3713, page 316)

Requires (4 years after H.B. 770 becomes law) that a written statement, certifying which competencies within mandated courses have been attained by each student, become part of the student's permanent record prior to graduation.

Obligates the Department to report annually to the legislature regarding the level of competencies attained by students at various grade levels and upon graduation together with recommendations on improving the educational program.

School Calendar (Section 3721, page 319)

Retains the requirement that school districts provide a minimum 180 days of instruction or a minimum 900 hours of instruction at the elementary level and 990 hours at the secondary level per year.

Institutional Program (Section 3731, page 321)

Obligates the Department to organize and supervise, pursuant to State Board regulations, all educational programs in State-owned institutions.

Permits Departmental contracting of services.

Transfers total funding of institutional programs to the Commonwealth.

New Cambell - New Ann OPW

Detention Programs (Section 3732, page 321)

Stipulates that every child in a public or nonpublic place of detention be provided with an educational program in accordance with State Board regulations and with Department supervision.

Chapter 39: VOCATIONAL EDUCATION

Vocational Provisions (pages 322-333)

Reorganizes provisions relating to vocational education, redefines terms for clarity, and removes obsolete language but makes no important substantive changes.

Chapter 41: SPECIAL EDUCATION

Hearing Required (Section 4103, page 334)

Establishes the right to a hearing in a form prescribed by the State Board on the assignment or reassignment of exceptional children.

PARC Case (Section 4104, page 335)

Offers the operational definitions needed to meet the mandates of recent Federal legislation and the PARC (Pennsylvania Association of Retarded Children) consent agreement which declares that mentally retarded children are entitled to an education.

Tuition Charges (Section 4123, page 339)

Incorporates Act 144 of 1975 which increases tuition for all resident special education students and for cerebral palsied, muscular dystrophied, and socially and emotionally disturbed day students.

Chapter 43: SUPPORTIVE SERVICES

Medical Examination (Section 4341, page 351)

Deletes the requirement that school districts give a medical examination when a child enters school, in the 6th grade, and in the 11th grade and requires that a medical examination be given before the 8th grade.

Dental Examination (Section 4341, page 351)

Deletes the requirement that school districts give a dental examination when a child enters school and retains the requirement that a dental examination be given in the 3rd and 7th grades.

Secretary of Health (Section 4342, page 353)

Expands the authority of the Secretary of Health to prescribe standards for school physicians and dentists and to develop additional medical and technical program requirements.

Health Advisory Board (Section 4342, page 353)

Reconstitutes the Health Advisory Board to include more school medical personnel. *New - one for each health reg*

Chapter 47: STUDENTS

Students Over 21 (Section 4701, page 363)

Extends the right to a free education to persons over 21 years old who have not received a high school diploma. *Space available busi*

Admittance to Kindergarten (Section 4702, page 365)

Obligates school districts to offer a kindergarten program for children who reach the age of 5 years by September 30.

Authorizes districts to admit children to kindergarten who are between the ages of 3 years 7 months and 5 years on September 30.

Provides that kindergarten is optional and may not be a prerequisite for admittance to the 1st grade.

Admittance to 1st Grade (Section 4702, page 365)

Obligates school districts to admit children to the 1st grade who reach the age of 6 years by September 30.

Permits districts, in accordance with State Board regulations, to admit children to the 1st grade who have not reached the age of 6 years by September 30.

Students Rights (Section 4741, page 377)

Empowers the State Board to promulgate general rules consistent with established constitutional rights to assure that students are afforded these rights.

Corporal Punishment (Section 4741, page 377)

Requires local boards to adopt regulations governing corporal punishment.

Exempts students from corporal punishment where parents notify the school district in writing that it may not be used on their child.

Expulsions (Section 4743, page 378)

Grants students a formal hearing before an expulsion.

Allows expulsions to be extended into the following school year.

Permits a student whose expulsion is extended to appeal to the Secretary of Education.

Chapter 49: PHYSICAL PLANT AND CONSTRUCTION

Multiple Contracts (Section 4951, page 397)

Permits school entities to use either single or multiple contracts for school construction.

School Personnel (Section 4951, page 397)

Raises the limit on construction work done by a school district's own maintenance personnel from \$10,000 to \$20,000.

Chapter 51: PERSONNEL

Professional Employee Categories (Section 5101, page 407)

Secretaries -
Changes Home and School Visitor to Home and School Visitor/School Social Worker.

Adds to the present categories of professional employees School Speech Therapist, School Hearing Therapist, and School Psychologist.

Substitute Teachers (Section 5113, page 418)

Makes substitute teachers a separate class of employee.

Prohibits the use of substitute teachers during strikes under Act 195.

Probationary Period for Tenure (Section 5132, page 425)

Retains the existing probationary period for tenure for professional employees.

Eliminates the temporary professional employee classification.

Re-earning Tenure (Section 5133, page 425)

Stipulates that a non-supervisory professional employee who becomes a supervisor or administrator must re-earn tenure.

Returning to Former Position (Section 5133, page 425)

Requires that a professional employee who has earned tenure as an administrator and who wants to return to his former position be offered the first vacancy.

Maintains the right of a professional employee to return to his former position within 2 years without losing tenure.

Rating System (Section 5134, page 428)

Permits a school district to develop, subject to Department approval, its own rating system for professional employees.

Reinserts preparation, technique, and pupil reaction but deletes personality as a factor for rating professional employees.

Furloughs Due to Reduced Enrollment (Section 5135, page 429)

Establishes reduction in enrollment as the only reason a professional employee can be furloughed (for retrenchment purposes).

Requires Department approval of all furloughs. *Furloughing*

Furloughs Based on Seniority (Section 5136, page 429)

Removes a professional employee's rating as a factor in determining who is furloughed.

Provides that all furloughs be made on the basis of seniority.

Suspension (Section 5138, page 431)

Reduces the time a professional employee can be suspended (for disciplinary purposes) without pay from 60 to 30 working days.

No provision in PL - just reduce BPE suggest time

Hearing Required (Section 5139, page 431)

Removes the requirement that a professional employee facing dismissal, suspension, or demotion must request a hearing to get a hearing and provides that a hearing is automatic unless waived by the employee.

Appeals of Non-tenured Employees (Section 5142, page 436)

Stipulates that appeals of non-tenured professional employees be taken in accordance with the Local Agency Law.

Salary Schedule (Section 5144, page 437)

Eliminates the present salary schedule system and provides (on the date H.B. 770 becomes law) that each district's minimum schedule for any class of professional employee shall not be less than the state-wide minimum for that class.

Sick Leave for Professionals (Section 5158, page 444)

Maintains 1 day sick leave for each month a professional employee works.

Increases the maximum sick leave allowance per year from 10 to 12 days. *injury*

Retains the right of professional employees to accumulate sick leave from school year to school year.

Work Unrelated to School Duties (Section 5158, page 444)

Requires that ~~professional~~ employees injured while engaged in remunerative work unrelated to school duties be paid full sick leave to the extent it has been earned less any workman's compensation or other benefits due as a result of the injury.

Sick Leave for Substitutes (Section 5158, page 444) *on injury* *change*

Allows substitute teachers 1 day sick leave for each 20 consecutive school days or major fraction thereof they are employed.

PAG - 20 consec, then major fraction -

Provides that substitute teachers may not accumulate sick leave from school year to school year.

Emergency Leave (Section 5161, page 446)

Increases leave with full pay from 1 to 3 days because of the death of a grandparent and from no time off to 3 days because of the death of a grandchild.

District Superintendent (Section 5171, page 449)

Permits 5 years of administrative experience at the level of assistant, associate, or deputy superintendent to be substituted for prescribed graduate administrative courses as a qualification needed to become district superintendent or assistant district superintendent in Philadelphia.