
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1289 Session of
2001

INTRODUCED BY RUBLEY, ADOLPH, ALLEN, M. BAKER, BARD, BASTIAN,
BEBKO-JONES, BELARDI, BELFANTI, BLAUM, BROWNE, CALTAGIRONE,
CAPPABIANCA, CAPPELLI, CASORIO, CAWLEY, CIVERA, CLARK,
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CURRY, DALEY, DALLY, DeLUCA, DERMODY, DeWEESE, DIVEN,
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HARHAI, HARPER, HENNESSEY, HERMAN, HORSEY, JOSEPHS, KAISER,
KELLER, LAUGHLIN, LEDERER, LEH, LEVDANSKY, LYNCH, MANDERINO,
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SAMUELSON, SANTONI, SCHRODER, SCRIMENTI, SHANER, SOLOBAY,
STABACK, STEELMAN, STEIL, T. STEVENSON, STURLA, SURRA,
TANGRETTI, E. Z. TAYLOR, THOMAS, TRAVAGLIO, TRELLO, VITALI,
WALKO, WANSACZ, WATSON, C. WILLIAMS, WOJNAROSKI, M. WRIGHT,
YOUNGBLOOD, YUDICHAK, HESS, MUNDY, SAINATO, MAHER AND JAMES,
APRIL 4, 2001

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
APRIL 15, 2002

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for APPROVAL OF UNFUNDED ←
6 DEBT IN CERTAIN DISTRESSED SCHOOL DISTRICTS, FOR EDUCATIONAL
7 ASSESSMENT CENTERS AND FOR notification of pesticide
8 treatments at schools.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

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

1 ~~section~~ SECTIONS to read:

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2 SECTION 636.1. APPROVAL OF UNFUNDED DEBT IN CERTAIN
3 DISTRESSED SCHOOL DISTRICTS.--(A) NOTWITHSTANDING ANY OTHER
4 PROVISION OF LAW, THE GOVERNING BODY OF A DISTRESSED SCHOOL
5 DISTRICT MAY APPROVE THE ISSUANCE OF BONDS OR NOTES TO FUND
6 UNFUNDED DEBT OF THE SCHOOL DISTRICT IF THE GOVERNING BODY FINDS
7 ALL OF THE FOLLOWING:

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8 (1) THE UNFUNDED DEBT IS A LAWFUL OBLIGATION OR IS A
9 LAWFULLY BUDGETED OBLIGATION OF THE SCHOOL DISTRICT.

10 (2) PAYING THE UNFUNDED DEBT BY REDUCING SCHOOL DISTRICT
11 SERVICES WILL ENDANGER STUDENT HEALTH OR SAFETY AND PUBLIC
12 EDUCATION.

13 (3) IT IS NOT FEASIBLE OR IN THE PUBLIC INTEREST TO LEVY
14 SUFFICIENT ADDITIONAL TAXES TO FUND THE UNFUNDED DEBT IN THE
15 CURRENT FISCAL YEAR OR ENSUING FISCAL YEARS.

16 (B) IN ADDITION TO THE REQUIREMENTS OF 53 PA.C.S. § 8111
17 (RELATING TO SUBMISSION TO DEPARTMENT), A GOVERNING BODY
18 AUTHORIZING BONDS OR NOTES UNDER SUBSECTION (A) SHALL INCLUDE
19 CERTIFIED COPIES OF THE FINDINGS OF THE GOVERNING BODY MADE
20 PURSUANT TO SUBSECTION (A) WITH THE COPY OF THE PROCEEDINGS
21 CERTIFIED TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC
22 DEVELOPMENT UNDER 53 PA.C.S. § 8201 (RELATING TO CERTIFICATION
23 TO DEPARTMENT OF BOND OR NOTE TRANSCRIPT OR LEASE, GUARANTY,
24 SUBSIDY CONTRACT OR OTHER AGREEMENT).

25 (C) BONDS OR NOTES AUTHORIZED IN ACCORDANCE WITH SUBSECTION
26 (A) SHALL BE STATED TO MATURE OR BE SUBJECT TO MANDATORY
27 REDEMPTION IN THE PRINCIPAL AMOUNTS AND OVER THE NUMBER OF
28 YEARS, NOT TO EXCEED THIRTY (30) YEARS, AS THE GOVERNING BODY
29 FINDS WILL ALLOW FOR THE PAYMENT OF THE BONDS OR NOTES WITHOUT
30 ENDANGERING STUDENT HEALTH OR SAFETY AND PUBLIC EDUCATION, OR

1 REQUIRING THE LEVYING OF EXCESSIVE TAXES.

2 (D) EXCEPT AS PROVIDED IN THIS SECTION, BONDS OR NOTES
3 AUTHORIZED IN ACCORDANCE WITH SUBSECTION (A) SHALL BE ISSUED AND
4 SOLD BY A DISTRESSED SCHOOL DISTRICT IN ACCORDANCE WITH
5 PROVISIONS OF 53 PA.C.S. PT. VII, SUBPT B (RELATING TO
6 INDEBTEDNESS AND BORROWING).

7 (E) THE AMOUNT BY WHICH PAYMENTS APPROPRIATED AND PAID BY A
8 CITY OF THE FIRST CLASS TO A DISTRESSED SCHOOL DISTRICT IN THE
9 FISCAL YEAR IN WHICH THE DECLARATION OF DISTRESS WAS ISSUED
10 EXCEED THE PAYMENTS APPROPRIATED AND PAID BY THE CITY TO THE
11 DISTRESSED SCHOOL DISTRICT IN THE IMMEDIATELY PRECEDING FISCAL
12 YEAR SHALL BE EXCLUDED IN DETERMINING THE OBLIGATIONS OF THE
13 CITY TO MAKE PAYMENTS TO THE DISTRESSED SCHOOL DISTRICT UNDER
14 SECTION 696(H).

15 (F) SUBSECTIONS (A) AND (B) OF 53 PA.C.S. § 8022 (RELATING
16 TO LIMITATIONS ON INCURRING OF OTHER DEBT) SHALL NOT APPLY TO
17 BONDS OR NOTES AUTHORIZED IN ACCORDANCE WITH SUBSECTION (A).

18 (G) THIS SECTION SHALL PROVIDE THE EXCLUSIVE METHOD FOR THE
19 ISSUANCE OF BONDS AND NOTES TO FUND UNFUNDED DEBT OF A
20 DISTRESSED SCHOOL DISTRICT.

21 (H) THE PENNSYLVANIA SUPREME COURT SHALL HAVE EXCLUSIVE
22 JURISDICTION TO HEAR ANY CHALLENGE TO OR TO RENDER A DECLARATORY
23 JUDGMENT CONCERNING THIS SECTION. THE SUPREME COURT IS
24 AUTHORIZED TO TAKE ANY ACTION IT DEEMS APPROPRIATE, CONSISTENT
25 WITH THE SUPREME COURT RETAINING JURISDICTION OVER THE MATTER,
26 TO FIND FACTS OR TO EXPEDITE A FINAL JUDGMENT IN CONNECTION WITH
27 A CHALLENGE OR REQUEST FOR DECLARATORY RELIEF.

28 (I) SUBSECTIONS (A) AND (G) SHALL EXPIRE JULY 1, 2003.

29 (J) THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS
30 SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION

1 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

2 "DISTRESSED SCHOOL DISTRICT." A SCHOOL DISTRICT OF THE FIRST
3 CLASS WHICH HAS BEEN DECLARED TO BE DISTRESSED BY THE SECRETARY
4 OF EDUCATION UNDER SECTION 691.

5 "GOVERNING BODY." A SCHOOL REFORM COMMISSION ESTABLISHED IN
6 ACCORDANCE WITH SECTION 696(A) OR THE COMMISSION'S SUCCESSOR.

7 "UNFUNDED DEBT." OBLIGATIONS, INCLUDING TAX ANTICIPATION
8 NOTES, OF A DISTRESSED SCHOOL DISTRICT INCURRED FOR CURRENT
9 EXPENSES; OBLIGATIONS OF A DISTRESSED SCHOOL DISTRICT FOR
10 EXPENSES INCLUDED IN A BUDGET ADOPTED ON OR BEFORE JUNE 30,
11 2003, WHICH ARE TO BECOME DUE AND OWING; OR JUDGMENTS AGAINST A
12 DISTRESSED SCHOOL DISTRICT ENTERED BY A COURT AFTER ADVERSARY
13 PROCEEDINGS; IF THE TAXES AND OTHER REVENUES REMAINING TO BE
14 COLLECTED IN THE CURRENT FISCAL YEAR OR TO BE COLLECTED IN THE
15 ENSUING FISCAL YEARS, AND THE FUNDS ON HAND WILL NOT BE
16 SUFFICIENT FOR PAYMENT OF THE OBLIGATIONS OR JUDGMENTS WITHOUT
17 ENDANGERING STUDENT HEALTH OR SAFETY AND PUBLIC EDUCATION AND
18 THE DISTRESSED SCHOOL DISTRICT EITHER MAY NOT LEGALLY LEVY A
19 SUFFICIENT TAX FOR THE BALANCE OF THE FISCAL YEAR, OR A
20 SUFFICIENT TAX, IF LEGALLY LEVIABLE, WOULD NOT BE IN THE PUBLIC
21 INTEREST. THE TERM EXCLUDES DEBT INCURRED UNDER, OR OBLIGATIONS
22 IN RESPECT OF A PROJECT OR PART OF A PROJECT AS INCURRED IN
23 RESPECT OF THE COST OF A PROJECT AS DEFINED IN 53 PA.C.S. PT.
24 VII SUBPT. B.

25 SECTION 697. EDUCATIONAL ASSESSMENT CENTER.--(A) A
26 GOVERNING BODY OF A DISTRESSED SCHOOL DISTRICT SHALL ESTABLISH
27 AN INDEPENDENT EDUCATIONAL ASSESSMENT AND REPORTING CENTER TO
28 MONITOR AND REPORT ON THE PERFORMANCE OF THE PUBLICLY FUNDED
29 SCHOOLS IN THE DISTRESSED SCHOOL DISTRICT.

30 (B) THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS

1 SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION
2 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

3 "DISTRESSED SCHOOL DISTRICT." A SCHOOL DISTRICT OF THE FIRST
4 CLASS WHICH HAS BEEN DECLARED TO BE DISTRESSED BY THE SECRETARY
5 OF EDUCATION UNDER SECTION 691.

6 "GOVERNING BODY." A SCHOOL REFORM COMMISSION ESTABLISHED IN
7 ACCORDANCE WITH SECTION 696(A) OR THE COMMISSION'S SUCCESSOR.

8 Section 772.1. Notification of Pesticide Treatments at
9 Schools.--(a) The following apply to pesticide applicators:

10 (1) For a pesticide treatment at a school building, the
11 certified applicator or pesticide application technician shall
12 supply the pest control information sheet and a pest control
13 sign, which must be at least eight and one-half by eleven (8 1/2
14 by 11) inches in size, to the chief administrator or building
15 manager.

16 (2) For a pesticide treatment on school grounds, including
17 athletic fields and playgrounds, the certified applicator or
18 pesticide application technician shall supply the pest control
19 information sheet and a pest control sign, which must be at
20 least eight and one-half by eleven (8 1/2 by 11) inches in size,
21 to the chief administrator or grounds manager.

22 (b) Responsibilities of schools are as follows:

23 (1) Except as provided in clause (3), notification of
24 pesticide treatments shall be as follows:

25 (i) For a pesticide treatment at a school building, the
26 school shall be responsible for all of the following:

27 (A) Posting the pest control sign received under subsection
28 (a)(1) in an area of common access where individuals are likely
29 to view the sign on a regular basis at least seventy-two (72)
30 hours before and for at least two (2) days following each

1 planned treatment.

2 (B) Providing the pest control information sheet received
3 under subsection (a)(1) to every individual working in the
4 school building at least seventy-two (72) hours before each
5 planned treatment.

6 (C) Providing notice, including the name, address and
7 telephone number of the applicator providing the treatment, day
8 of treatment and pesticide to be utilized, to the parents or
9 guardians of students enrolled in the school at least seventy-
10 two (72) hours before each planned treatment as follows:

11 (I) notice to all parents or guardians utilizing normal
12 school communications procedures; or

13 (II) notice to a list of interested parents or guardians
14 who, at the beginning of each school year, or upon the child's
15 enrollment, requested notification of individual application of
16 pesticides. The school shall provide procedures or materials for
17 such requests to parents and guardians of students. Notification
18 of each pesticide application shall be provided using first
19 class mail or other means deemed appropriate by the school to
20 each parent or guardian requesting notification.

21 (ii) For a pesticide treatment on school grounds, the school
22 shall be responsible for all of the following:

23 (A) Posting the pest control sign received under subsection
24 (a)(2) at the place to be treated at least seventy-two (72)
25 hours before and for two (2) days after the planned treatment.

26 (B) Providing the pest control information sheet received
27 under subsection (a)(2) to every individual working in the
28 school building at least seventy-two (72) hours before each
29 planned treatment.

30 (C) Providing notice, including the name, address and

1 telephone number of the applicator providing the treatment, day
2 of treatment and pesticide to be utilized, to the parents or
3 guardians of students enrolled in the school at least seventy-
4 two (72) hours before each planned treatment as follows:

5 (I) notice to all parents or guardians utilizing normal
6 school communications procedures; or

7 (II) notice to a list of interested parents or guardians
8 who, at the beginning of each school year, or upon the child's
9 enrollment, requested notification of individual application of
10 pesticides. The school shall provide procedures or materials for
11 such requests to parents and guardians of students. Notification
12 of each pesticide application shall be provided using first
13 class mail or other means deemed appropriate by the school to
14 each parent or guardian requesting notification.

15 (iii) Notwithstanding any other provision of this section,
16 where pests pose an immediate threat to the health and safety of
17 students or employes, the school may authorize an emergency
18 pesticide application. In the case of an emergency pesticide
19 application, the school shall notify by telephone any parent or
20 guardian who has requested such notification. School officials
21 shall annually advise parents or guardians of their right to
22 request notification of emergency pesticide use and shall
23 explain procedures for requesting such notification.

24 (2) Except as provided in clause (3), each school shall
25 maintain detailed records of all chemical pest control
26 treatments for a period of at least three (3) years.

27 (3) The notice and record keeping requirements in clauses
28 (1) and (2) and subsection (c) do not apply to the application
29 of:

30 (i) disinfectant and antimicrobial products;

1 (ii) self-containerized baits placed in areas not accessible
2 to students and gel type baits placed in cracks, crevices or
3 voids; or

4 (iii) swimming pool maintenance chemicals in the care and
5 maintenance of a swimming pool.

6 (c) The following prohibitions shall apply:

7 (1) Except as provided in clause (2):

8 (i) pesticides may not be applied within a school building
9 where students are expected to be present for normal academic
10 instruction or organized extracurricular activities within seven
11 (7) hours following the application, or on school grounds where
12 students will be in the immediate vicinity for normal academic
13 instruction or organized extracurricular activities within seven
14 (7) hours following the application; or

15 (ii) the applicator shall comply with re-entry time
16 restrictions contained on the pesticide label;
17 whichever time period is longer.

18 (2) Students may not be present in an untreated portion of
19 the school building unless the area being treated has a separate
20 ventilation system and is separated from the untreated portion
21 by smoke or fire doors, or is a separate building.

22 (d) The department shall promulgate such rules and
23 regulations as necessary to administer this section.

24 (e) The following words and phrases when used in this
25 section shall have the meanings given to them in this subsection
26 unless the context clearly indicates otherwise:

27 "Applicator." A certified applicator, commercial applicator
28 or public applicator.

29 "Certified applicator." An individual who is certified under
30 section 16.1, 17 or 17.1 of the act of March 1, 1974 (P.L.90,

1 No.24), known as the "Pennsylvania Pesticide Control Act of
2 1973," as competent to use or supervise the use or application
3 of any pesticide.

4 "Commercial applicator." A certified applicator, whether or
5 not he is a private applicator with respect to some uses, who
6 uses or supervises the use of any pesticide on the property or
7 premises of another or on easements granted under State law, or
8 any applicator who uses or supervises the use of any restricted-
9 use pesticide on property owned or rented by him or his
10 employer, when not for purposes of producing an agricultural
11 product. The secretary may by regulation deem certain types of
12 applicators using any pesticide on their own property or that of
13 their employer as commercial applicators.

14 "Department." The Department of Agriculture of the
15 Commonwealth.

16 "Insect." Any of the numerous small invertebrate animals
17 generally having a more or less obviously segmented body, for
18 the most part belonging to the class Insecta, comprising six-
19 legged, usually winged forms, as, for example, beetles, bugs,
20 bees and flies, and to other allied classes of arthropods whose
21 members are wingless and usually have more than six (6) legs,
22 as, for example, spiders, mites, ticks, centipedes and wood
23 lice.

24 "Nematode." An invertebrate animal of the phylum
25 Nemathelminthes and class Nematoda, that is, unsegmented round
26 worms with elongated, fusiform or sac-like bodies covered with
27 cuticle and inhabiting soil, water, plants or plant parts. The
28 term includes nemas and eelworms.

29 "Person." An individual, partnership, association,
30 corporation or any organized group of persons, whether

1 incorporated or not.

2 "Pest." An insect, rodent, nematode, fungus, weed or other
3 form of terrestrial or aquatic plant or animal life or virus,
4 bacteria or other micro-organism, except viruses, bacteria or
5 other micro-organisms on or in living man or other living
6 animals, declared to be a pest under section 25(c)(1) of the
7 Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat.
8 163, 7 U.S.C. § 136w).

9 "Pest control information sheet." A document which contains
10 the date of treatment, the name, address and telephone number of
11 the applicator, the pesticide utilized and any other information
12 that is required by the Secretary of Agriculture.

13 "Pesticide." A substance or mixture of substances intended
14 for preventing, destroying, repelling or mitigating a pest and a
15 substance or mixture of substances intended for use as a plant
16 regulator, defoliant or desiccant.

17 "Pesticide application technician." An individual employed
18 by a commercial applicator or governmental agency who, having
19 met the competency requirements as set forth in the act of March
20 1, 1974 (P.L.90, No.24), known as the "Pennsylvania Pesticide
21 Control Act of 1973," is registered by the Secretary of
22 Agriculture to apply pesticides under the direct supervision of
23 a certified applicator.

24 "Public applicator." A certified applicator who applies
25 pesticides as an employe of the Commonwealth or its
26 instrumentalities or a local agency.

27 "School." A school district, an intermediate unit or an area
28 vocational-technical school or any of these entities acting
29 jointly.

30 Section 2. This act shall take effect ~~January 1, 2003.~~ AS

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1 FOLLOWS:

2 (1) THE ADDITION OF SECTIONS 636.1 AND 697 OF THE ACT
3 SHALL TAKE EFFECT IMMEDIATELY.

4 (2) THE ADDITION OF SECTION 772.1 OF THE ACT SHALL TAKE
5 EFFECT JANUARY 1, 2003.

6 (3) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.