

# **PENNSYLVANIA**

## **STATE VIOLATIONS**

### **CONSTITUTION**

**for the**

### **COMMONWEALTH OF PENNSYLVANIA**

WE, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

#### **ARTICLE I. DECLARATION OF RIGHTS**

*That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE THAT*

#### **Inherent Rights of Mankind**

##### **§ 1. Inherent rights of mankind.**

All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

## § 2. Political powers.

All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such a manner as they may think proper.

## § 3. Religious freedom.

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; **no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.**

## § 4. Religion.

No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

## § 3. Religious freedom.

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his

consent; **no human authority can, in any case whatsoever, control or interfere with the rights of conscience,** and no preference shall ever be given by law to any religious establishments or modes of worship.

## **§ 7. Freedom of press and speech; libels.**

The printing press shall be free to every person who may undertake to examine the branch of government, and no law shall ever be made to restrain the right thereof. **The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.** No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

**Constitutionality.** The provisions of section 7 relating to criminal libel were declared unconstitutional by the Supreme Court of Pennsylvania in Commonwealth v. Armao, 446 Pa. 325, 286 A.2d 626 (1972).

## **§ 11. Courts to be open; suits against the Commonwealth.**

All courts shall be open; and every man for an injury done to him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the

Commonwealth in such manner, in such courts and in such cases as the Legislature may by law directly.

## **§ 12. Power of suspending laws.**

**No power of suspending laws** shall be exercised unless by the Legislature or by its authority.

## **§ 20. Right of petition.**

The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

## **§ 25. Reservation of powers in people.**

To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is accepted out of the general powers of government and shall forever remain inviolate. (May 16, 1967, P.L.1035, J.R.1)

**1967 Amendment.** Joint Resolution No.1 repealed former section 25 and renumbered former section 26 to present section

## **§ 26. No discrimination by Commonwealth and its political subdivisions.**

**Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.** (May 16, 1967, P.L.1035, J.R.1)

**1967 Amendment.** Joint Resolution No.1 added present section 26 and renumbered former section 26 to present section 25.

## **§ 27. Natural resources and the public estate.**

**The people have a right to clean air,** pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people. (May 18, 1971, P.L.769, J.R.3) 1971 Amendment. Joint Resolution No.3 added section 27.

## **§ 28. Prohibition against denial or abridgment of equality of rights because of sex.**

Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual. (May 18, 1971, P.L.767, J.R.2) **1971 Amendment.** Joint Resolution No.2 added section 28.

## **§ 29. Prohibition against denial or abridgment of equality of rights because of race and ethnicity.**

Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the race or ethnicity of the individual. (May 18, 2021, P.L.493, J.R.1) **2021 Amendment.** Joint Resolution 1 added section 29.

## ARTICLE II. THE LEGISLATURE

### § 7. Ineligibility by criminal convictions.

No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to the General Assembly, **or capable of holding any office of trust or profit in this Commonwealth.**

## ARTICLE III. LEGISLATION

### A. PROCEDURE

#### § 1. Passage of laws.

No law shall be passed except by bill, and no bill shall be altered or amended, on its passage through either House, as to change its original purpose

### B. EDUCATION

#### § 14. Public school system.

The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to **serve the needs of the Commonwealth.** (May 16, 1967, P.L.1037, J.R.3)

**1967 Amendment.** Joint Resolution No.3 renumbered former section 14 to present section 10 and amended and renumbered section 1 of former Article X (Education) to present section 14.

## **E. RESTRICTIONS ON LEGISLATIVE POWER**

### **§ 32. Certain local and special laws.**

The General Assembly shall pass no local or special law in any case which has been or can be provided for by general law and specifically the General Assembly shall not pass any local or special law: 1. Regulating the affairs of counties, cities, townships, wards, boroughs or school districts: 2. Vacating roads, town plats, streets or alleys: 3. Locating or changing county seats, erecting new counties or changing county lines: 4. Erecting new townships or boroughs, changing township lines, borough limits or school districts: 5. Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury: 6. Exempting property from taxation: 7. Regulating labor, trade, mining or manufacturing: 8. Creating corporations, or amending, renewing or extending the charters thereof: Nor shall the General Assembly indirectly enact any special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed. (May 16, 1967, P.L.1037, J.R.3) 1967 Amendment. Joint Resolution No.3 repealed former section 32 and amended and renumbered former section 7 to present section 32. Cross References. Section 32 is referred to in section 13 of Article IX (Local Government).

## **ARTICLE VI. PUBLIC OFFICERS**

### § 3. Oath of Office

Senators, Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation before a person authorized to administer oaths. "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity." The oath or affirmation shall be administered to a member of the Senate or to a member of the House of Representatives in the hall of the House to which he shall have been elected. Any person refusing to take the oath or affirmation shall forfeit his office. (May 17, 1966, 1965 P.L.1928, J.R.10)

**1966 Amendment.** Joint Resolution No.10 renumbered former section 3 to present section 6 and added present section 3.

### § 6. Officers liable to impeachment.

The Governor and all other civil officers shall be liable to impeachment for any misbehavior in office, but judgment in such cases shall not extend **further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth.** The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law. (May 17, 1966, 1965 P.L.1928, J.R.10)

**1966 Amendment.** Joint Resolution No.10 amended and renumbered former section 3 to present section 6.

### § 7. Removal of civil officers.

**All civil officers shall hold their offices on the condition that they behave themselves well while in**



**office, and shall be removed on conviction of misbehavior in office or of any infamous crime.**

Appointed civil officers, other than judges of the courts of record, may be removed at the pleasure of the power by which they shall have been appointed. All civil officers elected by the people, except the Governor, the Lieutenant Governor, members of the General Assembly and judges of the courts of record, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate. (May 17, 1966, 1965 P.L.1928, J.R.10)

**Constitutionality.** A statute that conflicts with the removal provisions provided under this section is unconstitutional unless the statute that provides for the alternative removal process predates this section. See South Newton Township Electors v. Bouch, 838 A.2d 643 (Pa. 2003).

**1966 Amendment.** Joint Resolution No.10 amended and renumbered former section 4 to present section 7.

## **SCHEDULE NO. 1 (ADOPTED WITH THE CONSTITUTION)**

### **§ 27. Oath of office.**

The seventh article of this Constitution prescribing an oath of office shall take effect on and after the first day of January, one thousand eight hundred and seventy-five.

**Pennsylvania Public School Code  
of 1949 Act of Mar. 10, 1949,  
24 P.S. An Act**

**ARTICLE III.  
SCHOOL DIRECTORS.**

**Section 321. Compensation; Oath of**

**Office.**-All persons elected or appointed as school directors shall serve without pay except as hereinafter provided. Before entering upon the duties of their office each shall take and subscribe to the following oath or affirmation, which may be administered by any one qualified to administer an oath, or as hereinafter provided:--

I do solemnly swear (or affirm) that **I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth**, and that I will discharge the duties of my office with fidelity.

(321 amended Nov. 22, 1968, P.L.1079, No.331)

**ARTICLE IV.  
ORGANIZATION MEETINGS AND OFFICERS  
OF BOARDS OF SCHOOL DIRECTORS.**

**(a) General Provisions.**

**Section 407. Rules and Regulations.**--Each board of school directors may adopt **reasonable rules and regulations** for its government and control.

(c) **President and Vice-President.**

**Section 426. President to Preside; Calling Special Meetings.**--The president shall preside at all meetings. He may call special meetings at any time. He shall call a special meeting whenever so requested, in writing, by any three members of the board of school directors. Should he fail or refuse so to do, a special meeting may be called at any time by a majority of the legally qualified and acting members of the board.

(d) **Secretary.**

**Section 431. Bond.**--Before he enters upon the duties of his office the secretary of the board of school directors shall furnish to the school district, for the faithful performance of his duties, a bond, in such amount and with such surety or sureties as may be required of him, and approved by the board of school directors. The cost of such bond may be paid for by the school district. In lieu of furnishing a surety bond, the secretary may file his own collateral bond, in such amount as may be required by the board of school directors, secured by an actual deposit with the board of school directors, or with any bank or trust company within the Commonwealth which may be agreed upon, of any of the securities which depositories may use to secure the deposit of school funds as herein provided. The total market value of the securities, thus deposited, shall equal the amount of the collateral bond. Such collateral bond shall be conditioned upon the faithful performance of his duties as secretary. The securities, thus deposited, shall constitute a trust fund to be available for the satisfaction of any liability accruing upon the collateral bond.

The securities shall be accompanied by a proper assignment or power of attorney for their transfer. Such trust deposit, in the event of any depreciation in its value, shall be maintained, upon request in writing of the board of school directors, at the amount provided therein. The board of school directors may permit the secretary to substitute for any one or more bonds or obligations included in any such securities, other bonds or obligations that meet the requirements of this act.

**Section 433. Duties.**--The secretary of the board of school directors shall perform the following duties:

- (1) He shall keep a correct and proper record of all the proceedings of the board, and shall prepare such reports and keep such accounts as are required by the provisions of this act;
- (2) He shall after the board has acted on and approved any bill or account for the payment of money authorized by this act, prepare and sign an order on the treasurer for the payment of the same. He may prepare and sign orders on the treasurer for the payment of amounts owing under any contracts which shall previously have been approved by the board, and by the prompt payment of which the district will receive a discount or other advantage, without the approval of the board first having been secured;
- (3) He shall attest, in writing, the execution of all deeds, contracts, reports, and other instruments that are to be executed by the board;
- (4) He shall furnish, whenever requested, any and all reports concerning the school affairs of the district, on such form, and in such manner, as the State Board of Education or the Superintendent of Public Instruction may require; ((4) amended Oct. 21, 1965, P.L.601, No.312)
- (5) He shall have general supervision of all the business affairs of the school district, subject to the instructions and direction of the board of school directors;
- (6) **He shall be the custodian of all the records, papers, office property, and official seal of the school district, and at the expiration of his term shall turn the same over to his successor;**

(7) He shall keep correct accounts with each receiver of taxes, school treasurer, or school tax collector of the district, reporting a statement of the same, together with a statement of the finances of the district, at each regular meeting of the board, which statement shall be entered in full upon the minutes;

(8) He shall perform such other duties pertaining to the business of the district as are required by this act or as the board of school directors may direct.

### **Section 434. Assistant Secretary.**

--Every board of school directors may, by resolution, appoint an assistant secretary who shall, in the absence or disability of the secretary, perform the duties and exercise the powers of the secretary. The assistant secretary may be appointed from the membership of the board of school directors but shall not be any other officer thereof, shall not receive compensation for such services and shall be bonded.

(434 added July 13, 1961, P.L.591, No.289)

#### **(e) Treasurer.**

### **Section 440. Deposit of Funds; Monthly Reports.**

--The treasurer of each school district shall deposit the funds belonging to the school district in the school depository, if any, as directed by the board of school directors, and shall at the end of each month make a report to the school controller, if any, and to the secretary of the board of school directors, of the amount of funds received and disbursed by him during the month. All deposits of school funds by any school treasurer shall be made in the name of the school district.

## **Section 440.1. Investment of School**

**District Funds.**--(a) The board of school directors in any school district of the first class, first class A, second, third or fourth class shall invest school district funds consistent with sound business practice.

(b) The board of school directors shall provide for an investment program subject to restrictions contained in this act and in any other applicable statute and any rules and regulations adopted by the board.

(c) Authorized types of investments for school district funds shall be:

(i) United States Treasury bills.

(ii) Short-term obligations of the United States Government or its agencies or instrumentalities.

(iii) Deposits in savings accounts or time deposits or share accounts of institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or the National Credit Union Share Insurance Fund to the extent that such accounts are so insured, and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository.

(iv) Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth, or of any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.

(v) Shares of an investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.), whose shares are registered under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.): Provided, That the following are met:

(A) Only investments of that company are in the authorized investments for school district funds listed in clauses (i) through (iv) and repurchase agreements fully collateralized by such investments.

(B) The investment company is managed so as to maintain its shares at a constant net asset value in accordance with 17 CFR 270 2a-7 (relating to money market funds).

(C) The investment company is rated in the highest category by a nationally recognized rating agency.

((c) amended June 30, 1995, P.L.220, No.26)

(d) In making investments of funds, the board shall have authority:

(i) To permit assets pledged as collateral under subsection (c)(iii), to be pooled in accordance with the act of August 6, 1971 (P.L.281, No.72), relating to pledges of assets to secure deposits of public funds.

(ii) To combine moneys from more than one fund under school district control for the purchase of a single investment, provided that each of the funds combined for the purpose shall be accounted for separately in all respects and that the earnings from the investment are separately and individually computed and recorded, and credited to the accounts from which the investment was purchased.

(e) Any such purchase or sale shall be made by the treasurer of the school district on a resolution adopted by the board of school directors.

(440.1 amended July 1, 1981, P.L.200, No.62)

### **Section 443. Embezzlement; Penalty.**

--Any school treasurer who converts to his own use in any way whatsoever, or uses by way of investment, any portion of the school funds or school property entrusted to him for safekeeping or disbursement, or proves to be a defaulter, or fails to pay a proper school warrant when properly presented, or when legally required to do so, or fails to pay said funds or any part thereof to his successor in office, or to any other person authorized to demand and receive the same, or receives and accepts for his own use any interest or profit on any school funds, or fails to account for and pay over to the proper school district any and all interest or profit collected by or paid to him on account of any school funds in his hands, or deposited by him, or deposits any of the funds of the school district in any other name in the name of the school district, shall be guilty of embezzlement of so much of said money as shall thus be taken,

converted, invested, accepted, collected, used, not paid over, unaccounted for, or wrongfully deposited. Every school treasurer, and every person aiding or abetting, or being in any way an accessory to said acts, or any of them, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine for the use of the school district of not less than twenty-five dollars (\$25), and not more than one thousand dollars (\$1000), or be sentenced to undergo imprisonment of not less than thirty (30) days, nor more than five (5) years, either or both, at the discretion of the court. Any school treasurer so convicted shall forfeit his office.

## **ARTICLE V. DUTIES AND POWERS OF BOARDS OF SCHOOL DIRECTORS.**

### **Section 501. Elementary Schools.--**(a) The

board of school directors in every school district shall establish, equip, furnish, and maintain a sufficient number of elementary public schools, in compliance with the provisions of this act, **to educate every person**, residing in such district, between the ages of six and twenty-one years, who may attend.

(b) A board of school directors may satisfy the requirement set forth in subsection (a) by any of the following:

- (1) Operating a school building.
- (2) Converting a school building to a charter school pursuant to section 1717-A, provided that a school district in financial recovery status or in receivership under Article VI-A that seeks to convert a school building to a charter school shall comply with the provisions of section 642-A(2).
- (3) Contracting with an education management service provider to operate a school building. For purposes of this paragraph, "education management service provider" shall mean a for-profit education management organization, nonprofit charter management organization, school design provider, business manager or any other partner entity with which a school district contracts to



provide educational design, business services, comprehensive management or personnel functions. The term shall not include a charter school foundation.

(4) Paying tuition for students residing in the school district to attend school in another school district upon the agreement of both school districts.

(501 amended July 12, 2012, P.L.1142, No.141)

## **Section 510. Rules and Regulations;**

**Safety Patrols.**--The board of school directors in any school district may adopt and enforce such reasonable rules and regulations as it may deem necessary and proper, regarding the management of its school affairs and the conduct and deportment of all superintendents, teachers, and other appointees or employes during the time they are engaged in their duties to the district, as well as regarding the conduct and deportment of all pupils attending the public schools in the district, during such time as they are under the supervision of the board of school directors and teachers, including the time necessarily spent in coming to and returning from school.

In the exercise of this authority the board of school directors is **empowered to organize school safety patrols** and, with the permission of the parents, to appoint pupils as members thereof, for the purpose of influencing and encouraging the other pupils to refrain from crossing public highways at points other than at regular crossings, and for the purpose of directing pupils not to cross highways at times when the presence of traffic would render such crossing unsafe. Nothing herein contained shall be construed to authorize or permit the use of any safety patrol member for the purpose of directing vehicular traffic, nor shall any safety patrol member be stationed in that portion of the highway intended for the use of vehicular traffic. No liability shall attach either to the school district, or any individual director, superintendent, teacher, or other school employee, by virtue of the organization, maintenance, or operation of a school safety patrol organized, maintained, and operated under authority of this section.

(510 amended June 29, 1976, P.L.450, No.110)

**(Where in Section 501 does it say that the board can make medical decisions regarding the health of their child/ren?)**

**Section 514. Removal of Officers, Employes, etc.**

--The board of school directors in any school district, except as herein otherwise provided, shall after due notice, giving the reasons therefor, and after hearing if demanded, **have the right at any time to remove any of its officers, employes, or appointees for incompetency, intemperance, neglect of duty, violation of any of the school laws of this Commonwealth, or other improper conduct.**

On the removal by the board of school directors of any officer, employe, or appointee, such officer, employe, or appointee shall surrender and deliver to the secretary, or other person designated by the board, any and all papers, property, and effects of the school district in his hands at the time of such removal.

**Section 521. Joint Action with Other Political Subdivisions.**

--Each board of school directors shall have power to enter into agreements with other political subdivisions, in accordance with existing laws, in making joint purchases of materials, supplies, or equipment, and in performing governmental powers, duties, and functions, and in carrying into effect provisions of law relating to said subjects, which are common to all such political subdivisions.

**ARTICLE VI.  
SCHOOL FINANCES.**

**(a) General Provisions.**

**Section 608. Liability for Improper School Orders.**

--Any school director voting for, or any

officer approving, a school order for the payment of school funds for any other purpose, or drawn in any other manner, than that provided in this act, shall, together with the surety or sureties on his bond, in addition to the penalty herein provided, be individually liable to the district for the amount thereof: Provided, That on appeal from an auditor's report, it shall be within the discretion of the court having jurisdiction of the matter to sustain or not to sustain a surcharge, where it appears that the appellant or appellants acted honestly and in good faith for the best interests of the school district and where no loss or damage to the school district resulted from the action of such appellant or appellants.

## **Section 610. Use of School Funds;**

**Illegal Use.**--The board of school directors in every school district shall have the right to use and pay out, in the manner herein provided, any funds of the district for any and all of the purposes therein provided, subject to all the provisions of this act. The use or payment of any public school funds of any school district, in any manner or for any purpose not provided in this act, **shall be illegal.**

## **ARTICLE VII**

### **GROUND AND BUILDINGS**

#### **(e) General Provisions.**

## **Section 771. Display of United States Flag; Development of Patriotism.**

--(a) The board of school directors in each district shall, when they are not otherwise provided, purchase a United States flag, flagstaff, and the necessary appliances therefor, and shall display said flag upon or near each public school building in

clement weather, during school hours, and at such other times as the board may determine.

(b) All boards of school directors, all proprietors or principals of private schools, and all authorities in control of parochial schools or other educational institutions, shall display the United States national flag, not less than three feet in length, within all school buildings under their control during each day such schools are in session. In all public schools, the board of school directors shall make all rules and necessary regulations for the care and keeping of such flags. The expense thereof shall be paid by the school district.

(c) (1) All supervising officers and teachers in charge of public, private or parochial schools shall cause the Flag of the United States of America to be displayed in every classroom during the hours of each school day and shall provide for the recitation of the Pledge of Allegiance or the national anthem at the beginning of each school day. Students may decline to recite the Pledge of Allegiance and may refrain from saluting the flag on the basis of religious conviction or personal belief. The supervising officer of a school subject to the requirements of this subsection shall provide written notification to the parents or guardian of any student who declines to recite the Pledge of Allegiance or who refrains from saluting the flag.

(2) This subsection shall not apply to any private or parochial school for which the display of the flag, the recitation of the Pledge of Allegiance or the salute of the flag violates the religious conviction on which the school is based.

(d) **The supervising officers and teachers in charge of public, private or parochial schools may offer at least one full period per week, for the purpose of affirming and developing allegiance to and respect for the Flag of the United States of America, and for the promoting of a clear understanding of our American way of life, with all of the unparalleled individual opportunities, and our republican form of government, with its responsiveness to majority decisions and demands.** Such elements shall be included in this program as instruction in the fundamental principles of our form of government, an understanding of the provisions of our country at all times from infiltration or aggression by those whose acts and ideologies are contrary to our American philosophy of life.

(771 amended Dec. 9, 2002, P.L.1334, No.157)

## **Section 774. Insurance on Buildings; Public Liability Insurance for Employees;**

Purchase of Insurance From Employes, etc.--(a) The board of school directors in every school district shall have full power and authority to make and enter into any contract or contracts it may deem proper with any person, firm or corporation, including any mutual fire insurance company authorized to transact business in this Commonwealth, for the purpose of insuring against loss or damage by fire, **or otherwise**, any or all of the school buildings or other property owned or leased by the school district.

(b) The board of school directors in every school district shall have full power and authority to make and enter into any contract or contracts it may deem proper with any person, firm or corporation, including any mutual insurance company authorized to transact business in this Commonwealth, **for the purpose of insuring every employe and school director of the school district against liability for damages sustained by pupils or others as a result of the employes' or directors' negligence in the performance of his or her duties during the course of his or her employment or the performance of his or her duties.** ((b) amended Dec. 6, 1972, P.L.1409, No.303)

(c) No contract or contracts of insurance authorized by this section shall be purchased from or through any person employed by the school district in a teaching or administrative capacity.  
(774 amended June 8, 1961, P.L.280, No.164)

**Compiler's Note:** Section 802(b) of Act 330 of 1978 provided that Act 774 is repealed insofar as it is inconsistent with Act 330.

## **ARTICLE VIII BOOKS, FURNITURE AND SUPPLIES**

## **Section 809. Giving or Offering Bribes;**

**Penalty.**--Every person, firm, association, or corporation that shall directly or indirectly, individually or through an agent or representative, give or promise to give to any school director, officer of any school board, superintendent, teacher, or any other person, any sum of money or other valuable thing, or shall make any promise of any appointment or position, in order to secure, procure, or influence the recommendation, adoption, rejection, or purchase of any books, school furniture, or supplies, by any superintendent, teacher, or school district in this Commonwealth, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than five dollars (\$5) or more than five hundred dollars (\$500), or be sentenced to imprisonment in the county jail for not less than thirty (30) days or more than one (1) year, either or both, at the discretion of the court.

## **Section 810. Seeking or Receiving**

**Bribes; Penalty.**--Any school director, officer, superintendent, supervising principal, or teacher, who shall ask for or accept money or other valuable thing for his vote, recommendation, or influence, in order to secure the recommendation, adoption, rejection, or purchase of any school books, school furniture, or other school supplies, from any person, firm, association, or corporation, or any agent or representative thereof, either directly or indirectly, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than five dollars (\$5) or more than five hundred dollars (\$500), or to be sentenced to imprisonment in the county jail for not less than thirty (30) days or more than one (1) year, either or both, at the discretion of the court.

# **ARTICLE X**

## **DISTRICT SUPERINTENDENTS AND ASSISTANT DISTRICT SUPERINTENDENTS**

**Section 1002.** Good Moral Character.--Every person elected or appointed as district or assistant district superintendent must be a person of good moral character.

(1002 amended Jan. 14, 1970, 1969 P.L.468, No.192)

## **ARTICLE XIV. SCHOOL HEALTH SERVICES.**

### **Section 1409. Confidentiality, Transference and Removal of Health**

**Records.**--(a) Except as provided under subsection (b), all health records established and maintained pursuant to this act shall be confidential, and their contents shall be divulged only when necessary for the health of the child or at the request of the parent or guardian to a physician legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth.

(b) Notwithstanding any limitation on disclosure provided under this section or any other law, a school entity may disclose information from health records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals in accordance with the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g).

(c) In the case of any child of school age who enrolls in any school, public or private, in any district and who previously attended school in another district in Pennsylvania, the district or school wherein the child is newly enrolled shall request and the district or school where the child previously attended shall surrender the health record of the child. School districts, joint school boards or private schools, shall not destroy a child's health record for a period of at least two years after the child ceases to be enrolled, but may surrender such child's health record or portion thereof to his parent or

guardian if the child does not re-enroll in an elementary or secondary school in Pennsylvania.

(1409 amended June 28, 2019, P.L.146, No.18)

**Section 1411. Cooperation with Political Subdivisions.**

--Any school district or joint school board may, in any health work in which it is authorized to engage, cooperate with any county, city, borough, town or township engaged in health work. Any school district of the first class A may, with the approval of the Secretary of Health and the Superintendent of Public Instruction, contract with county health units or the department or board of health of any municipality for school health services.

(1411 amended Dec. 7, 1965, P.L.1041, No.390)

**Section 1419. Objections to Examinations or Treatment on Religious Grounds.**

--This article shall not be construed to compel any person to submit to any medical or dental examination or treatment under the authority of this act when the person or the parent or guardian of the person, if a minor, objects to the examination or treatment on religious grounds or to permit any discrimination against any person on account of such objections: Provided, That exemption from medical or dental examinations shall not be granted if the Secretary of Health finds that facts exist under which the exemption constitutes a present substantial menace to the health of other persons exposed to contact with the unexamined person.

(1419 added July 15, 1957, P.L.937, No.404)

**ARTICLE XV  
TERMS AND COURSES OF STUDY**

**(b) Prescribed Courses and Instruction.**



**Section 1514. Humane Education.**--Instruction in humane education shall be given to all pupils up to and including the fourth grade, and need not exceed half an hour each week during the whole school term. No cruel experiment on any living creature shall be permitted in any public school of this Commonwealth.

**Section 1516. Bible Reading in Public Schools.**--At least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian.

(1516 amended Dec. 17, 1959, P.L.1928, No.700)

**Section 1545. Bill of Rights Week.**--The Department of Public Instruction shall designate a week during each year and prescribe a uniform course of exercises to be carried out during that week in the public schools to instill into the minds of the pupils thereof the purpose, meaning and importance of that portion of the Constitutions of the United States and of this Commonwealth known as the "Bill of Rights." Such exercises shall be in addition to the prescribed courses of study in such schools.

**Section 1554. Holocaust, Genocide and Human Rights Violations Instruction.**--(a)

(1) Beginning with school year 2015-2016, each school entity may offer instruction in the Holocaust, genocide and human rights violations to students. The instruction shall be integrated within the social studies and language arts courses of study required in accordance with State Board of Education regulations. Instruction may also be integrated into other appropriate courses of study.

(2) The Holocaust, genocide and human rights violations instruction permitted pursuant to paragraph (1) shall:

- (i) Be age appropriate.
  - (ii) Be sequential in method of study.
  - (iii) Communicate the connection between national, ethnic, racial or religious intolerance and the subjects described in subsection (b).
  - (iv) Communicate the impact of personal responsibility, civic engagement and societal response within the context of the subjects described in subsection (b).
- (3) School entities may utilize any appropriate public or private materials, personnel and other resources in developing and implementing the program of instruction permitted pursuant to paragraph (1). The Department of Education shall distribute information about appropriate curriculum materials to each school entity. School entities may utilize any curriculum that complies with the requirements of this subsection.
- (b) (1) The Department of Education shall establish curriculum guidelines no later than twelve (12) months after the effective date of this section. The guidelines shall encourage the inclusion of all of the following subjects where appropriate in the instruction:
- (i) The breadth of the history of the Holocaust, including the Third Reich dictatorship, concentration camp system, persecution of Jews and non-Jews, Jewish and non-Jewish resistance and post-World War II trials.
  - (ii) The definition, history, response and actions taken in the face of genocide, including the Holocaust and any other genocide perpetrated against humanity, including the Rwandan genocide and other genocides committed in Africa, Asia and Europe.
  - (iii) Human rights violations.
  - (iv) Anti-Semitism, racism and the abridgment of civil rights.
- (2) The Department of Education shall work in consultation with organizations and individuals that provide educational expertise and resources related to the Holocaust, genocide and human rights violations to develop the curriculum guidelines. The guidelines shall state the minimum amount of instruction necessary to adequately educate students on the Holocaust, genocide and human rights violations.
- (c) Beginning with the 2015-2016 school year, the Department of Education shall make available, to all school entities, in-service training programs based upon the instruction provided

for under subsection (a) and the curriculum guidelines established pursuant to subsection (b).

(d) (1) Beginning with the 2015-2016 school year, each school entity providing instruction under subsection (a) shall provide, as part of its in-service training, programs on the Holocaust, genocide and human rights violations for all instructors whose teaching responsibilities include courses of study in which instruction concerning the Holocaust, genocide and human rights violations is integrated. A school entity may utilize the programs made available by the Department of Education or use other alternative programs that are consistent with the provisions of this section.

(2) Employees required to complete continuing professional education under section 1205.2 shall receive credit toward the continuing professional education requirements where the training program provided pursuant to paragraph (1) has been approved by the Department of Education.

(e) The Department of Education shall provide the guidelines, in-service training and any other materials developed in accordance with this section to any nonpublic school within this Commonwealth upon receiving a request from the nonpublic school.

(f) The State Board of Education shall:

(1) Conduct a study regarding the manner in which instruction in the Holocaust, genocide and human rights violations is offered by school entities in this Commonwealth. In conducting the study, the State Board of Education shall request that each school entity provide the State Board of Education with information concerning whether the school entity offers such instruction and the manner in which such instruction is offered. Each school entity shall provide information to the State Board of Education in response to a request under this paragraph. Following the 2016-2017 school year, but not later than November 30, 2017, the State Board of Education shall issue a report to the Governor, the Secretary of Education, the Chairman and Minority Chairman of the Education Committee of the Senate and the Chairman and Minority Chairman of the Education Committee of the House of Representatives addressing the following:

(i) The number of school entities offering instruction in the Holocaust, genocide and human rights violations.

(ii) The number of school entities using the curriculum guidelines established by the Department of Education under subsection (b).

(iii) The number of school entities using the in-service training programs made available by the Department of Education under subsection (c).

(iv) A description of the manner in which school entities are offering instruction in the Holocaust, genocide and human rights violations, including the number of hours of instruction offered, the grade levels at which such instruction is offered and the course within such instruction is integrated.

(v) The recommendations for improvements to the offering of instruction in the Holocaust, genocide and human rights violations, including recommended legislation.

(2) Adopt a regulation, pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," to require school entities to offer instruction in the Holocaust, genocide and human rights violations that is consistent with subsections (a) and (b), if the study conducted by the State Board of Education under paragraph (1) demonstrates that less than ninety percent of the school entities are offering instruction in the Holocaust, genocide and human rights violations consistent with subsections (a) and (b).

(3) Adopt rules and regulations necessary for the implementation of this section pursuant to the "Regulatory Review Act."

(g) For purposes of this section, the term "school entity" shall mean a school district, charter school, regional charter school, cyber charter school, intermediate unit or area career and technical school. ((g) amended Oct. 30, 2019, P.L.460, No.76)

(1554 added June 26, 2014, P.L.776, No.70)

**Compiler's Note:** See the preamble to Act 70 of 2014 in the appendix to this act for special provisions relating to legislative findings and declarations.

## **ARTICLE XV-E**

### **CHARACTER EDUCATION PROGRAM**

## **Section 1502-E. Character education program.**

(a) Authorization.--The board of school directors of a school district may establish and implement a character education program in its schools.

(b) Curriculum contents.--The program may include and teach the following basic civil values and character traits:

(1) Trustworthiness, including honesty, integrity, reliability and loyalty.

(2) Respect, including regard for others, tolerance and courtesy.

(3) Responsibility, including hard work, economic self-reliance, accountability, diligence, perseverance and self-control.

(4) Fairness, including justice, consequences of bad behavior, principles of nondiscrimination and freedom from prejudice.

(5) Caring, including kindness, empathy, compassion, consideration, generosity and charity.

(6) Citizenship, including love of country, concern for the common good, respect for authority and the law and community mindedness.

(c) Additional elements.--The program may also include and teach the importance of a service ethic and community outreach.

(d) Character education advisory group.--

(1) If a board of school directors elects to establish the program, the board of school directors shall develop the program in consultation with a character education advisory group. The board of directors of a school district shall appoint the members of the character education advisory group.

(2) A character education advisory group shall consult with and advise the board of school directors in the development of the program. The members of the character education advisory group shall elect a chairperson of the group.

- (3) The board of school directors shall appoint to the character education advisory group no less than two representatives from each of the following groups:
- (i) Parents and legal guardians of students in the school district.
  - (ii) Teachers and administrators employed by the school district.
  - (iii) Other members of the community where the school district is located, including social, cultural, business and religious leaders.
- (4) The board of school directors shall:
- (i) Cooperate and consult with the character education advisory group.
  - (ii) Provide assistance and relevant materials to the character education advisory group.
- (5) (i) The character education advisory group shall consult with and advise the board of school directors until such time that the program is fully developed and deemed completed.
- (ii) The board of school directors shall have the sole authority to determine the completion of the program and may elect to continue the duration of the character education advisory group for up to two additional years for the purpose of receiving consultation and advice from the character education advisory group regarding the school district's implementation of the program.
- (e) Integration of concepts into total curriculum.--The program shall be integrated into the school procedures and environment and structured to instruct primarily through example. Classroom instruction may also be used to supplement the program.
- (1502-E added July 4, 2004, P.L.536, No.70)

## **ARTICLE XV-G**

### **OPEN CAMPUS INITIATIVES**

## **Section 1507-G. Students with**

**disabilities.** Nothing in this article or in any policy or cooperative agreement developed under this article shall conflict with:

(1) Federal or State law regarding the protections provided to a student with a disability for receiving education in the least restrictive environment.

(2) The legal authority of an individualized education program team to make appropriate program and placement decisions for a student with a disability in accordance with the student's individualized education program.

(1507-G added June 30, 2012, P.L.684, No.82)