

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2365 Session of  
2008

INTRODUCED BY GERGELY, KORTZ, BELFANTI, BRENNAN, CARROLL,  
CREIGHTON, GEORGE, GOODMAN, GRUCELA, HARKINS, HESS, LENTZ,  
MCILVAINE SMITH, MILNE, PETRONE, PYLE, READSHAW, SEIP,  
SIPTROTH, SURRA, SWANGER, THOMAS, WANSACZ, J. WHITE AND  
YOUNGBLOOD, MARCH 17, 2008

REFERRED TO COMMITTEE ON EDUCATION, MARCH 17, 2008

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," further providing for closing of  
6 school or department and for powers and duties of board of  
7 control.

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

10 Section 1. Section 524 of the act of March 10, 1949 (P.L.30,  
11 No.14), known as the Public School Code of 1949, amended October  
12 21, 1965 (P.L.601, No.312) and January 14, 1970 (1969 P.L.468,  
13 No.192), is amended to read:

14 Section 524. Closing of School or Department.--(a) The  
15 board of school directors of any school district, including  
16 merged or union districts, and any boards of school directors  
17 establishing any joint school or department, shall not close any  
18 school or department during the school term, unless such action  
19 shall advance the orderly development of attendance areas within

1 an approved administrative unit and has been approved by the  
2 Department of [Public Instruction] Education or unless the  
3 closure is the result of an act of the General Assembly. In the  
4 event a school board shall determine [prior to the beginning of  
5 the next school term] to close any school or department, [sixty  
6 (60) days' notice, in writing,] the school board shall provide  
7 public notice of its intent to close a school or department in  
8 accordance with section 106 and written notice three hundred  
9 sixty-five (365) days prior to the closing of any school or  
10 department[, shall be given] to all temporary professional and  
11 professional employees affected thereby, unless such action shall  
12 advance the orderly development of attendance areas within an  
13 approved administrative unit and has been approved by the  
14 Department of [Public Instruction] Education or the closure is  
15 the result of an act of the General Assembly. Upon failure to  
16 give written notice of intention to close any school or  
17 department, the school district shall pay such employees their  
18 salaries until the end of the school year during which such  
19 schools or departments were closed.

20 (b) Temporary professional or professional employees, whose  
21 positions are abolished as a result of the action of the board  
22 of school directors in closing a school or department, or  
23 reassigning pupils in its effort to consummate partially or  
24 wholly the orderly development of approved administrative and  
25 attendance areas, may not be suspended until the end of the  
26 school year if such action is taken during the school year or  
27 later than sixty (60) days prior to the opening of the next  
28 school term.

29 (c) The payment of salary to any temporary professional or  
30 professional employee shall be discontinued immediately, if such

1 employe obtains other employment which, in the judgment of the  
2 board of school directors, could not have been obtained or held  
3 if such school or department had not been closed: Provided,  
4 however, That if the salary in the new position is less than the  
5 salary the professional employe would have received had he  
6 remained in the employment of the school district, the school  
7 district shall be liable for the difference.

8 Section 2. Section 1311 of the act is amended by adding a  
9 subsection to read:

10 Section 1311. Closing Schools.--\* \* \*

11 (c) Whenever the board of school directors of a school  
12 district makes a determination to close a public school in its  
13 district, the board shall provide notice of the closure in  
14 accordance with section 524.

15 Section 3. Section 1706-B(a) of the act, amended November  
16 22, 2000 (P.L.672, No.91), is amended to read:

17 Section 1706-B. Powers and Duties of Board of Control.--(a)  
18 Except for the power to levy taxes, the board of control may  
19 exercise all other powers and duties conferred by law on the  
20 board of school directors and the powers and duties conferred by  
21 law on a special board of control under sections 693, 694 and  
22 695. In addition to the powers set forth in section 1704-B(a),  
23 the board of control shall have the power to close a district  
24 school. Whenever a board of control makes a determination to  
25 close a district school, the board of control shall provide  
26 notice of the closure in accordance with section 524.

27 \* \* \*

28 Section 4. This act shall take effect in 60 days.