

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2704 Session of
2008

INTRODUCED BY MAHONEY, RAMALEY, KULA, CALTAGIRONE, CUTLER,
DENLINGER, GIBBONS, HALUSKA, KING, KIRKLAND, LEVDANSKY,
LONGIETTI, REICHLEY, ROCK, SIPTROTH, STURLA, SURRA AND
J. WHITE, JULY 9, 2008

REFERRED TO COMMITTEE ON EDUCATION, JULY 9, 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 combination of
6 school districts; providing for referendum on combination of
7 school districts and for assistance for countywide school
8 districts; and further providing for elections or
9 appointments in newly formed districts and for duties of
10 superintendents.

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

13 Section 1. Section 224 of the act of March 10, 1949 (P.L.30,
14 No.14), known as the Public School Code of 1949, added December
15 7, 1965 (P.L.1034, No.385), is amended to read:

16 Section 224. Combination of School Districts.--Any two or
17 more school districts or administrative units may combine to
18 create a larger school district. [The] Except as provided in
19 section 224.1, the board of school directors of each school
20 district desiring to form such a combination shall, by a
21 majority vote, adopt a resolution outlining the areas to be

1 combined and file an application for approval with the
2 [Superintendent of Public Instruction] Department of Education.
3 The [Superintendent of Public Instruction] Department of
4 Education shall place on the agenda of the State Board of
5 Education each such application for its consideration.

6 The State Board of Education shall review each application
7 upon its agenda and approve such applications as it deems wise
8 in the best interest of the educational system of the
9 Commonwealth.

10 The State Board may continue the application on its agenda
11 and may permit any school district or interested party,
12 aggrieved by the petition, to file its objection. Such objection
13 shall set forth the basis for and facts of aggrievement.

14 If an application is not approved it shall be returned to the
15 applying districts for resubmission in accordance with such
16 recommendations as may be attached thereto.

17 When an application receives approval, the State Board of
18 Education shall direct the [Superintendent of Public
19 Instruction] Department of Education to issue a certificate
20 creating the new school district, listing the name, constituting
21 components, classification and effective date of operation.

22 Section 2. The act is amended by adding sections to read:

23 Section 224.1. Referendum on Combination of School
24 Districts.--(a) In any county with a school district of the
25 2nd, 3rd or 4th class, the county commissioners may, by majority
26 vote, adopt a resolution to place a question on the ballot to
27 determine the will of the electors with respect to combining all
28 school districts in the county into one countywide school
29 district. A copy of the resolution shall be filed with the board
30 of elections of the county.

1 (b) The county board of elections shall place on the ballot
2 a question fairly representing the content of the resolution
3 filed under subsection (a) at the next primary or general
4 election at least 90 days after the filing of the resolution.
5 The election shall be conducted in accordance with the act of
6 June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania
7 Election Code."

8 (c) If two-thirds of the electors voting on the question
9 under subsection (b) vote in the affirmative, the secretary
10 shall transmit notice of the vote to the county commissioners
11 and the affected school districts.

12 (d) Upon receipt of notice under subsection (c), the board
13 of directors of the school districts within the county shall
14 file an application with the Department of Education for
15 approval of the combination under section 224.

16 Section 224.2. Assistance for Countywide School Districts.--
17 If two or more school districts combine to create a countywide
18 school district and at least one of the school districts is a
19 school district of the 2nd, 3rd or 4th class, the districts
20 shall be eligible for the following:

21 (1) Services of advisors and legal counsel from the
22 Department of Education relating to the combination of the
23 school districts.

24 (2) Upon application to the Department of Education, a grant
25 of two million dollars (\$2,000,000) to the new countywide school
26 district for expenses related to the combination of the school
27 districts.

28 (3) Participation in the Pennsylvania Employee Benefit Trust
29 Fund if participation is approved by all organizations
30 representing employes of the new countywide school district and

1 is not in violation of any collective bargaining agreement. The
2 cost of insurance premiums resulting from participation is the
3 responsibility of the school district and the employees. The
4 Commonwealth shall not be obligated to pay any of the cost of
5 participation.

6 (4) At the discretion of the new countywide school district,
7 retention of aspects of the identity of the combining school
8 districts including:

9 (i) Names of school buildings and other facilities.

10 (ii) School district nicknames and mascots.

11 (iii) Any other indicia of school district identity.

12 Section 3. Section 308 of the act, amended December 7, 1965
13 (P.L.1034, No.385), is amended to read:

14 Section 308. Elections or Appointments in Newly Formed
15 Districts.--(a) At the first municipal election occurring more
16 than thirty (30) days subsequent to the formation of such new
17 school district, a board of school directors for such district
18 shall be elected or appointed, as provided in this act. Such
19 school directors shall be elected or appointed for such terms
20 that the number and terms of those whose places are to be filled
21 at each succeeding municipal election shall be the same as the
22 number and terms of those whose places are filled at the
23 corresponding election in other school districts of the same
24 class.

25 [When] (b) Except as provided under subsection (d), when two
26 or more school districts are combined into a single district as
27 the result of State Board approval, the directors then in office
28 in each component school district shall, until the end of their
29 respective terms, be directors of the newly formed school
30 district. Vacancies occurring in such incumbent positions shall

not be filled. At the first municipal election following the date of establishment of the new district and at each subsequent municipal election, three directors shall be elected at large for six year terms. Their term of office shall begin on the first Monday of December following their election.

(c) Notwithstanding any provision of law to the contrary, when two or more school districts are combined into a countywide school district, a countywide board of school directors shall be formed by the first Monday of December following the date of establishment of the new school district to administer the new countywide school district. The board shall consist of three (3) directors appointed by the commissioners of the county. The county commissioners shall consider, but are not limited to, candidates for director with the following backgrounds:

(1) Education.

(2) Business.

(3) Management.

(4) Local government.

(5) Construction.

(6) Maintenance.

(d) A director appointed under subsection (c) shall serve a term of six (6) years. The inaugural board of school directors shall serve the following terms:

(1) One director serving a two (2) year term.

(2) One director serving a four (4) year term.

(3) One director serving a six (6) year term.

A director shall not serve for more than two (2) terms or twelve (12) years, whichever is less.

(e) The school directors of the component districts of the new district before the date of establishment or the board of

1 school directors after establishment, may, if they choose,
2 develop a plan to divide the new school district into three or
3 nine regions in the same manner as provided in section 303 of
4 this act.

5 Section 4. Section 1081 of the act, amended January 14, 1970
6 (1969 P.L.468, No.192), is amended to read:

7 Section 1081. Duties of Superintendents.--The duties of
8 district superintendents shall be to visit personally as often
9 as practicable the several schools under his supervision, to
10 note the courses and methods of instruction and branches taught,
11 to give such directions in the art and methods of teaching in
12 each school as he deems expedient and necessary, [and] to report
13 to the board of school directors any insufficiency found, so
14 that each school shall be equal to the grade for which it was
15 established and that there may be, as far as practicable,
16 uniformity in the courses of study in the schools of the several
17 grades, to hire professional, temporary professional or
18 nonprofessional employes and such other duties as may be
19 required by the board of school directors. The district
20 superintendent shall have a seat on the board of school
21 directors of the district, and the right to speak on all matters
22 before the board, but not to vote.

23 Section 5. This act shall take effect in 60 days.