

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2543 Session of 2018

INTRODUCED BY HAHN, JAMES, SAYLOR, MILLARD, ENGLISH, WARD, RYAN, BARRAR, WATSON, MENTZER, COX, DOWLING, SCHLEGEL CULVER, GILLEN AND FARRY, JULY 2, 2018

REFERRED TO COMMITTEE ON EDUCATION, JULY 2, 2018

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," in school directors, further  
6 providing for eligibility and incompatible offices.

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

9 Section 1. Section 322 of the act of March 10, 1949 (P.L.30,  
10 No.14), known as the Public School Code of 1949, is amended to  
11 read:

12 Section 322. Eligibility; Incompatible Offices.--(a) Any  
13 citizen of this Commonwealth, having a good moral character,  
14 being eighteen (18) years of age or upwards, [and] having been a  
15 resident of the district for at least one (1) year immediately  
16 prior to the date of his election or appointment and having  
17 fulfilled the requirements under subsection (b), shall be  
18 eligible to the office of school director therein: Provided,  
19 That any person holding any office or position of profit under

1 the government of any city of the first class, or the office of  
2 mayor, chief burgess, county commissioner, district attorney,  
3 city, borough, or township treasurer, member of council in any  
4 municipality, township commissioner, township supervisor, tax  
5 collector, assessor, assistant assessor, any comptroller,  
6 auditor, constable, executive director or assistant executive  
7 director of an intermediate unit, supervisor, principal,  
8 teacher, or employe of any school district, shall not be  
9 eligible as a school director in this Commonwealth. This section  
10 shall not prevent any district superintendent, assistant  
11 district superintendent, supervisor, teacher, or employe of any  
12 school district, from being a school director in a district  
13 other than the one in which he is so employed, and other than in  
14 a district with which the district in which he is employed  
15 operates a joint school or department. Provided, however, That a  
16 joint school or department does not include a vocational school,  
17 intermediate unit or community college: And provided further,  
18 That a school director who is a supervisor, principal, teacher  
19 or employe of a vocational school, intermediate unit or  
20 community college shall not serve as a member of a board of the  
21 vocational school, intermediate unit or community college in  
22 which he is a supervisor, principal, teacher or employe: And  
23 provided further, That a school director who is a supervisor,  
24 principal, teacher or employe of a vocational school,  
25 intermediate unit or community college, shall not be assigned to  
26 a position of employment under the supervision of the district  
27 in which he or she serves as a member of the board of school  
28 directors. A school director shall not be eligible to the office  
29 of member of council in any municipality.

30 (b) Subject to subsection (a), a person shall be eligible to

the office of school director if the person submits the  
following information to the board of school directors:

(1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal  
history record information), a report of criminal history record  
information from the Pennsylvania State Police or a statement  
from the Pennsylvania State Police that the State Police central  
repository contains no such information relating to the person.  
The criminal history record information shall be limited to that  
which is disseminated pursuant to 18 Pa.C.S. § 9121(b) (2)  
(relating to general regulations).

(2) A certification from the Department of Human Services as  
to whether the person is named in the Statewide database as the  
alleged perpetrator in a pending child abuse investigation or as  
the perpetrator of a founded report or an indicated report.

(3) A report of Federal criminal history record information.  
The person shall submit a full set of fingerprints to the  
Pennsylvania State Police for the purpose of a record check, and  
the Pennsylvania State Police or its authorized agent shall  
submit the fingerprints to the Federal Bureau of Investigation  
for the purpose of verifying the identity of the person and  
obtaining a current record of any criminal arrests and  
convictions.

(c) A person who is a candidate for the office of school  
director shall, as part of the candidate's affidavit under  
Article IX of the act of June 3, 1937 (P.L.1333, No.320), known  
as the Pennsylvania Election Code, state that the information  
specified under subsection (b) has been obtained.

Section 2. This act shall take effect in 60 days.