

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 536

Session of  
1979

INTRODUCED BY MESSRS. COWELL, FISCHER, GALLAGHER, MILANOVICH,  
BURNS, MRS. HARPER, MESSRS. COHEN, O'DONNELL, DAVIES AND  
MRS. TAYLOR, MARCH 6, 1979

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 24, 1979

## AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," increasing the membership  
21 on the State Board of Education.

22 The General Assembly of the Commonwealth of Pennsylvania  
23 hereby enacts as follows:

24 Section 1. Section 408.1, act of April 9, 1929 (P.L.177,  
25 No.175), known as "The Administrative Code of 1929," amended  
26 October 18, 1972 (P.L.935, No.224), is amended to read:

1       Section 408.1. The State Board of Education.--The State  
2 Board of Education shall consist of [seventeen] twenty one  
3 members, [eight] ten of whom shall also serve as members of the  
4 Council of Basic Education, and [eight] ten of whom shall also  
5 serve as members of the Council of Higher Education. The member  
6 designated by the Governor as Chairman of the State Board of  
7 Education shall also serve as a member of the Council of Basic  
8 Education and of the Council of Higher Education. Members at  
9 large on the effective date of this act may be assigned by the  
10 Governor to either council. [Each] Except the legislative  
11 members, each member shall be appointed by the Governor, by and  
12 with the advice and consent of two-thirds of all the members of  
13 the Senate, and shall, except as hereinafter provided, hold  
14 office for terms of six years each and until his successor has  
15 been appointed and has qualified. The majority and minority  
16 chairmen of the House of Representatives and Senate Education  
17 Committees OR THEIR RESPECTIVE DESIGNEES FROM SUCH COMMITTEES <—  
18 shall serve as ex officio members of the board WITH FULL VOTING <—  
19 PRIVILEGES and shall serve as members for as long as they hold  
20 their respective positions. Members shall receive no salary but  
21 shall be entitled to travel and other necessary expenses  
22 incurred in the performance of their duties as members of the  
23 board.

24       [Nine] Eleven members shall constitute a quorum provided that  
25 at least [four] five members serving on each of the councils are  
26 present. The affirmative vote of a majority of all the members  
27 of the board duly recorded showing how each member voted shall  
28 be required in order to take action adopting policies,  
29 standards, rules and regulations. The board shall meet at least  
30 five times a year at such times and places as it shall

1 determine. Special meetings may be called by the chairman or at  
2 the request of a majority of the members of the board.

3 Of the members first appointed, three shall be appointed for  
4 a term of one year, three shall be appointed for a term of two  
5 years, three shall be appointed for a term of three years, three  
6 shall be appointed for a term of four years, three shall be  
7 appointed for a term of five years, and two shall be appointed  
8 for a term of six years. Thereafter, all terms shall be for six  
9 years, except that an appointment to fill a vacancy shall be for  
10 the unexpired term.

11 The Governor shall designate, to serve at his pleasure, a  
12 member as Chairman of the State Board of Education.

13 Except for the chairman, not more than two members serving on  
14 each council shall be employed either in a school system in the  
15 Department of Education or by any educational institution. At  
16 least two members serving on each council shall have had  
17 previous experience with technical education or training.

18 For the purpose of formulating policy proposals applicable to  
19 elementary, secondary, vocational-technical education and higher  
20 education in the Commonwealth, there shall be two councils to  
21 consist of [nine] ten members of the board each, the chairman of  
22 the board being a member of both councils, and to be known as  
23 the Council of Basic Education and the Council of Higher  
24 Education. The Governor shall designate to serve at his pleasure  
25 a member serving on each council to act as chairman of the  
26 council. Each council shall meet at the call of its chairman or  
27 at the request of a majority of the members of the council. The  
28 chairman of the board may appoint special joint committees from  
29 among the members of the board to formulate policy proposals in  
30 those areas which fall within the purview of both of the

1 councils. The board shall employ and fix the compensation of  
2 such staff as is deemed necessary to perform the duties of the  
3 board. The board shall assign a member of the staff to each of  
4 the councils to serve as secretary.

5 The Secretary of Education, or his designated representative,  
6 shall be the chief executive officer of the State Board of  
7 Education and shall be entitled to attend all meetings of the  
8 board and the councils, and shall have the right to speak on all  
9 matters before the board and the councils but not to vote.

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