

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 693 Session of
1989

INTRODUCED BY COWELL, COY, DALEY, SCHULER, FOX, KOSINSKI,
E. Z. TAYLOR, FLICK, WAMBACH, CALTAGIRONE, RITTER, VEON,
PISTELLA, JACKSON, KUKOVICH, DOMBROWSKI, ROBINSON, BISHOP,
McVERRY, McCALL, MICHLOVIC, TRELLO, BUNT, CLYMER, VAN HORNE,
RYBAK, JOHNSON, GIGLIOTTI, SAURMAN, MELIO, COLAIZZO,
SERAFINI, MRKONIC, CAWLEY AND LAUGHLIN, MARCH 7, 1989

REFERRED TO COMMITTEE ON EDUCATION, MARCH 7, 1989

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 the filling of
6 vacancies in the office of school director; prohibiting the
7 use of anabolic steroids by pupils involved in school-related
8 athletics; providing for seniority credit for certain leaves;
9 deleting certain provisions relating to nonresident children;
10 prohibiting strip searches; and further providing for
11 reimbursements for the purchase of buildings.

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

14 Section 1. Sections 315, 316 and 317 of the act of March 10,
15 1949 (P.L.30, No.14), known as the Public School Code of 1949,
16 amended November 28, 1973 (P.L.361, No.127), are amended to
17 read:

18 Section 315. Filling of Vacancies.--In case any vacancy
19 shall occur in any board of school directors by reason of death,
20 resignation, removal from the district, or otherwise, such

1 vacancy shall, in a school district of the first class [or of
2 the first class A], be filled for the unexpired term by the
3 court of common pleas of the county in which such school
4 district is situated from the qualified electors of the
5 district; and in a school district of the second, third, or
6 fourth classes, the remaining members of the board of school
7 directors shall, by a majority vote thereof, fill such vacancy
8 from the qualified electors of the district within thirty (30)
9 days thereafter. In a district of the second, third, or fourth
10 class, the person selected to fill such vacancy shall be a
11 qualified elector of the district and shall hold his office, if
12 the term thereof so long continues, until the first Monday of
13 December after the first municipal election occurring more than
14 sixty (60) days after [his appointment] the vacancy shall have
15 occurred. At such election an eligible person shall be elected
16 for the remainder of the unexpired term. If, by reason of a tie
17 vote or otherwise, such vacancy shall not have been filled by
18 the board of school directors within thirty (30) days after such
19 vacancy shall have occurred from the qualified electors of the
20 district, the court of common pleas of the proper county, upon
21 the petition of ten or more resident taxpayers, shall fill such
22 vacancy by the appointment of a suitable person from the
23 qualified electors of the district if the term of the vacant
24 office so long continues, until the first Monday of December
25 after the first municipal election occurring more than sixty
26 (60) days after [his appointment] the vacancy shall have
27 occurred. At such election an eligible person shall be elected
28 for the remainder of the unexpired term. When any member of a
29 board of school directors heretofore or hereafter enlists or is
30 inducted into the military or naval forces of the United States

1 in time of war, a temporary vacancy shall be declared, which
2 shall be filled by the remaining members of the board or the
3 court, as the case may be from the qualified electors of the
4 district, until the return of such member of the board from the
5 military or naval service, or until the expiration of the term
6 for which he shall have been elected, whichever shall be the
7 shorter period.

8 Section 316. Vacancies in Majority of Members.--In case
9 vacancies occur whereby the offices of a majority of the members
10 of any board of school directors, other than the board of school
11 directors of a school district of the first class or of the
12 first class A becomes vacant, such vacancies shall be filled by
13 the court of common pleas of the county in which such school
14 district is situated from the qualified electors of the
15 district. The persons selected to fill such vacancies shall hold
16 their offices, if the terms thereof continue so long, until the
17 first Monday in December after the first municipal election
18 occurring more than sixty (60) days after [their appointment]
19 the vacancy shall have occurred, at which election eligible
20 persons shall be elected for the remainder of the respective
21 unexpired term.

22 Section 317. Vacancies in All Members.--If at any time
23 vacancies exist or occur in the membership of all the members of
24 any board of school directors in any school district, other than
25 a school district of the first class or of the first class A,
26 the court of common pleas of the county in which such district,
27 or the largest part in area thereof, is located, shall, after
28 ten (10) days from the time such vacancies exist or occur,
29 appoint a board of properly qualified persons from the qualified
30 electors of the district who shall serve, if the terms thereof

1 continue so long, until the first Monday in December after the
2 first municipal election occurring more than sixty (60) days
3 after [their appointment] the vacancy shall have occurred; at
4 which election a board of school directors for such district
5 shall be elected for the remainder of the respective unexpired
6 term. Whenever a vacancy of the entire membership of a board of
7 school directors in any school district of the fourth class
8 occurs, the executive director of the intermediate unit may
9 enter and take full charge of and, at the expense of the
10 district, maintain the schools thereof in accordance with the
11 provisions of the school laws of the Commonwealth, under the
12 direction of the Secretary of Education, and may continue in
13 charge thereof until a board of school directors has been
14 appointed from the qualified electors of the district and has
15 qualified.

16 Section 2. Section 511(a) of the act, amended April 14, 1949
17 (P.L.460, No.85), is amended and the section is amended by
18 adding a subsection to read:

19 Section 511. School Athletics, Publications, and
20 Organizations.--

21 (a) The board of school directors in every school district
22 shall prescribe, adopt, and enforce such reasonable rules and
23 regulations as it may deem proper, regarding (1) the management,
24 supervision, control, or prohibition of exercises, athletics, or
25 games of any kind, school publications, debating, forensic,
26 dramatic, musical, and other activities related to the school
27 program, including raising and disbursing funds for any or all
28 of such purposes and for scholarships, and (2) the organization,
29 management, supervision, control, financing, or prohibition of
30 organizations, clubs, societies and groups of the members of any

1 class or school, and may provide for the suspension, dismissal,
2 or other reasonable penalty in the case of any appointee,
3 professional or other employe, or pupil who violates any of such
4 rules or regulations or this section.

5 * * *

6 (g) The use of anabolic steroids by any pupil involved in
7 school-related athletics is prohibited.

8 Section 3. Section 1125.1 of the act is amended by adding a
9 subsection to read:

10 Section 1125.1. Persons to be Suspended.--* * *

11 (a.1) Any persons who, prior to the effective date of this
12 subsection, were required by their employers to take a leave of
13 absence due to pregnancy shall receive seniority credit for such
14 leave. Any persons required by their employers to resign due to
15 pregnancy shall, upon return to employment in the same school
16 entity, have restored to them any seniority accrued before the
17 resignation.

18 * * *

19 Section 4. Section 1305(b) of the act is repealed.

20 Section 5. The act is amended by adding a section to read:

21 Section 1320. Strip Searches Prohibited.--(a) It shall be
22 unlawful for any employe of a public school to order or conduct
23 a strip search of any pupil in any public school.

24 (b) A person who violates the provisions of this section
25 commits a summary offense and shall, upon conviction, be
26 sentenced to pay a fine of not more than \$300 or to imprisonment
27 for a period not exceeding ninety (90) days.

28 Section 6. Section 2574(f) of the act, added June 1, 1972
29 (P.L.325, No.89), is amended to read:

30 Section 2574. Approved Reimbursable Rental for Leases

1 Hereafter Approved and Approved Reimbursable Sinking Fund

2 Charges on Indebtedness.--* * *

3 (f) For the purchase of any building, reimbursement shall be
4 computed in the same manner and using the same reimbursement
5 amounts as for constructed school buildings. [and approved
6 building cost shall be the lesser of

7 (1) The cost of purchasing the site and structure and the
8 cost of approved renovations including appropriate fixtures and
9 equipment, or

10 (2) For the purchase of any building (I) the product of the
11 rated pupil capacity as determined by the Department of
12 Education at the time the purchase is approved and (i) one
13 thousand one hundred dollars (\$1,100) in the case of elementary
14 schools, (ii) one thousand seven hundred dollars (\$1,700) in the
15 case of secondary schools, and (iii) an amount in the case of
16 combined elementary-secondary schools obtained by multiplying
17 the rated elementary pupil capacity by one thousand one hundred
18 dollars (\$1,100) and the rated secondary pupil capacity by one
19 thousand seven hundred dollars (\$1,700) and dividing the sum by
20 the total rated pupil capacity; and (II) in the case of
21 renovation of any building including appropriate fixtures and
22 equipment, reimbursement shall be (i) one thousand two hundred
23 dollars (\$1,200) for elementary schools, (ii) one thousand three
24 hundred dollars (\$1,300) for secondary schools, and (iii) for
25 combined elementary-secondary schools an amount obtained by
26 multiplying the rated elementary capacity by one thousand two
27 hundred dollars (\$1,200) and the rated secondary pupil capacity
28 by one thousand three hundred dollars (\$1,300).]

29 Section 7. This act shall take effect as follows:

30 (1) Section 1 (Sections 315, 316 and 317), section 2

1 (section 511(a)), section 3 (section 1125.1(a.1)) and section
2 5 (section 1320) shall take effect in 60 days.

3 (2) The remainder of this act shall take effect
4 immediately.