

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 734 Session of  
2007

INTRODUCED BY GODSHALL, BARRAR, BENNINGHOFF, COX, EVERETT,  
GIBBONS, HENNESSEY, HERSHEY, KILLION, LEVDANSKY, PICKETT,  
RAPP, ROHRER, SONNEY, DeLUCA, K. SMITH AND SCHRODER,  
MARCH 19, 2007

REFERRED TO COMMITTEE ON EDUCATION, MARCH 19, 2007

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 filling of  
6 vacancies.

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

9 Section 1. Section 315 of the act of March 10, 1949 (P.L.30,  
10 No.14), known as the Public School Code of 1949, amended July 8,  
11 1989 (P.L.253, No.43), is amended to read:

12 Section 315. Filling of Vacancies.--In case any vacancy  
13 shall occur in any board of school directors by reason of death,  
14 resignation, removal from the district, or otherwise, such  
15 vacancy shall, in a school district of the first class, be  
16 filled for the unexpired term by the court of common pleas of  
17 the county in which such school district is situated from the  
18 qualified electors of the district; and in a school district of  
19 the second, third, or fourth classes, the remaining members of

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

1 electors of the district, until the return of such member of the  
2 board from the military or naval service, or until the  
3 expiration of the term for which he shall have been elected,  
4 whichever shall be the shorter period.

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