

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2365 Session of
2008

INTRODUCED BY GERGELY, KORTZ, BELFANTI, BRENNAN, CARROLL,
CREIGHTON, GEORGE, GOODMAN, GRUCELA, HARKINS, HESS, LENTZ,
MILVAINE SMITH, MILNE, PETRONE, PYLE, READSHAW, SEIP,
SIPROTH, SURRA, SWANGER, THOMAS, WANSACZ, J. WHITE AND
YOUNGBLOOD, MARCH 17, 2008

REFERRED TO COMMITTEE ON EDUCATION, MARCH 17, 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 closing of
6 school or department and for powers and duties of board of
7 control.

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

10 Section 1. Section 524 of the act of March 10, 1949 (P.L.30,
11 No.14), known as the Public School Code of 1949, amended October
12 21, 1965 (P.L.601, No.312) and January 14, 1970 (1969 P.L.468,
13 No.192), is amended to read:

14 Section 524. Closing of School or Department.--(a) The
15 board of school directors of any school district, including
16 merged or union districts, and any boards of school directors
17 establishing any joint school or department, shall not close any
18 school or department during the school term, unless such action
19 shall advance the orderly development of attendance areas within

1 an approved administrative unit and has been approved by the
2 Department of [Public Instruction] Education or unless the
3 closure is the result of an act of the General Assembly. In the
4 event a school board shall determine [prior to the beginning of
5 the next school term] to close any school or department, [sixty
6 (60) days' notice, in writing,] the school board shall provide
7 public notice of its intent to close a school or department in
8 accordance with section 106 and written notice three hundred
9 sixty-five (365) days prior to the closing of any school or
10 department[, shall be given] to all temporary professional and
11 professional employes affected thereby, unless such action shall
12 advance the orderly development of attendance areas within an
13 approved administrative unit and has been approved by the
14 Department of [Public Instruction] Education or the closure is
15 the result of an act of the General Assembly. Upon failure to
16 give written notice of intention to close any school or
17 department, the school district shall pay such employes their
18 salaries until the end of the school year during which such
19 schools or departments were closed.

20 (b) Temporary professional or professional employes, whose
21 positions are abolished as a result of the action of the board
22 of school directors in closing a school or department, or
23 reassigning pupils in its effort to consummate partially or
24 wholly the orderly development of approved administrative and
25 attendance areas, may not be suspended until the end of the
26 school year if such action is taken during the school year or
27 later than sixty (60) days prior to the opening of the next
28 school term.

29 (c) The payment of salary to any temporary professional or
30 professional employe shall be discontinued immediately, if such

1 employe obtains other employment which, in the judgment of the
2 board of school directors, could not have been obtained or held
3 if such school or department had not been closed: Provided,
4 however, That if the salary in the new position is less than the
5 salary the professional employe would have received had he
6 remained in the employment of the school district, the school
7 district shall be liable for the difference.

8 Section 2. Section 1311 of the act is amended by adding a
9 subsection to read:

10 Section 1311. Closing Schools.--* * *

11 (c) Whenever the board of school directors of a school
12 district makes a determination to close a public school in its
13 district, the board shall provide notice of the closure in
14 accordance with section 524.

15 Section 3. Section 1706-B(a) of the act, amended November
16 22, 2000 (P.L.672, No.91), is amended to read:

17 Section 1706-B. Powers and Duties of Board of Control.--(a)
18 Except for the power to levy taxes, the board of control may
19 exercise all other powers and duties conferred by law on the
20 board of school directors and the powers and duties conferred by
21 law on a special board of control under sections 693, 694 and
22 695. In addition to the powers set forth in section 1704-B(a),
23 the board of control shall have the power to close a district
24 school. Whenever a board of control makes a determination to
25 close a district school, the board of control shall provide
26 notice of the closure in accordance with section 524.

27 * * *

28 Section 4. This act shall take effect in 60 days.