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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 953**      Session of  
1997

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INTRODUCED BY HART, ULIANA, BELL AND EARLL, MAY 1, 1997

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REFERRED TO STATE GOVERNMENT, MAY 1, 1997

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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," providing for recall of school  
6 directors.

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

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

12 Section 318.1. Recall of School Directors.--(a) Any member  
13 of a board of school directors is subject to recall from office  
14 by the eligible electors entitled to vote for a successor to the  
15 incumbent in accordance with this section.

16 (b) Eligible electors of a school district may initiate the  
17 recall of a school director by signing a petition which demands  
18 the removal from office of the director to be recalled named in  
19 the petition. The petition shall contain a general statement,

1 consisting of two hundred (200) words or less, stating the  
2 ground or grounds on which the recall is sought, and grounds  
3 shall not be open to review.

4 (c) No recall petition shall be circulated or filed against  
5 any school director until the director has actually held office  
6 for at least six months. A recall petition may not be filed  
7 during the year in which the director to be recalled would be  
8 eligible for reelection.

9 (d) The county may charge those filing the recall petition a  
10 reasonable administrative fee for the filing and review of the  
11 recall petition.

12 (e) A petition to recall a school director shall be signed  
13 by the eligible electors of the school district equal in number  
14 to at least thirty (30) per centum of those electors who voted  
15 for the school director receiving the highest number of votes in  
16 the election at which the school director to be recalled was  
17 elected. In no case shall the number required for recall be less  
18 than ten (10) per centum of eligible electors qualified to vote  
19 in the most recent school board election. Signatures must be  
20 obtained within ninety days of the date which the petition was  
21 first circulated for signatures. Only an eligible elector may  
22 circulate a recall petition or be a signatory of a recall  
23 petition. The county election official of the county in which  
24 the administrative offices of the school district are located  
25 shall then submit the measure at the next general or municipal  
26 election held at least ninety days after it qualified. Upon  
27 certification, the county election officials shall notify by  
28 registered mail the officer to be recalled.

29 (f) If a majority of voters voting on the recall election  
30 question vote yes for removal, then a replacement shall be named

1 in accordance with this act. If the majority of voters voting on  
2 the recall election question vote no for removal, then the  
3 school director may serve the remainder of the director's term.

4 (g) When used in this section the following words and  
5 phrases shall have the following meanings:

6 "Eligible elector" shall mean a registered voter who resides  
7 in the school district in which the school director to be  
8 recalled serves. The eligible elector must have voted in the  
9 most recent election in which the school director to be recalled  
10 was elected.

11 "School director to be recalled" shall mean the school  
12 director who has served at least six months following his  
13 election as a school director.

14 Section 2. If a constitutional amendment authorizing the  
15 recall of an individual holding the office of school director is  
16 ratified, the Secretary of the Commonwealth shall, immediately  
17 after tabulating and computing the results of the ratification  
18 election, certify the results to the Legislative Reference  
19 Bureau for publication in the Pennsylvania Bulletin.

20 Section 3. This act shall take effect as follows:

21 (1) The addition of section 318.1 of the act shall take  
22 effect upon the publication of the certification under  
23 section 2 of this act.

24 (2) The remainder of this act shall take effect  
25 immediately.