

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1404 Session of  
2005

INTRODUCED BY SCHRODER, ARMSTRONG, BASTIAN, CALTAGIRONE,  
CREIGHTON, DeLUCA, FORCIER, HARRIS, HERSHEY, METCALFE, PYLE,  
ROHRER, ROSS, E. Z. TAYLOR, WILT, BOYD, BARRAR AND CRAHALLA,  
APRIL 20, 2005

REFERRED TO COMMITTEE ON EDUCATION, APRIL 20, 2005

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 election of  
6 district superintendents and assistant superintendents, for  
7 manner of their election and approval and for their removal.

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

10 Section 1. Section 1071(a) of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949,  
12 amended January 14, 1970 (1969 P.L.468, No.192), is amended to  
13 read:

14 Section 1071. Election.--(a) The board of school directors  
15 in every school district shall, by a majority vote of all the  
16 members thereof, elect a properly qualified person as district  
17 superintendent, together with such properly qualified assistant  
18 superintendents as it deems wise. The district superintendent  
19 and assistant superintendent shall be at-will employes of the

1 board of school directors. If a district superintendent has  
2 jurisdiction over a joint school system including grades 1 to  
3 12, he shall be elected by a majority vote of all the school  
4 directors in the districts operating the joint school system.

5 \* \* \*

6 Section 2. Section 1073(a) and (b) of the act, amended  
7 January 16, 1974 (P.L.1, No.1), are amended to read:

8 Section 1073. Manner of Election or Approval.--(a) The  
9 board of school directors of each school district, except in  
10 school districts of the first class, shall meet at its regular  
11 place of meeting, during the last year of the term of the  
12 district superintendent or at any other time when a vacancy  
13 shall occur in the office of district superintendent, at an hour  
14 previously fixed by the board. The secretary of each board of  
15 school directors shall mail to each member thereof at least five  
16 days beforehand, a notice of the time, place and purpose of such  
17 meeting. At such meeting the board shall elect or approve a  
18 properly qualified district superintendent to serve a term of  
19 from three to five years from the first day of July next  
20 following his election or from a time mutually agreed upon by  
21 the duly elected district superintendent and the board of school  
22 directors as an at-will employe of the board of school  
23 directors.

24 (b) At a regular meeting of the board of school directors  
25 occurring at least one hundred fifty (150) days prior to the  
26 expiration date of the term of office of the district  
27 superintendent, the agenda shall include an item requiring  
28 affirmative action by five or more members of the board of  
29 school directors to notify the district superintendent that the  
30 board intends to retain him for a further term of from three (3)

1 to five (5) years as an at-will employe of the board of school  
2 directors or that another or other candidates will be considered  
3 for the office. In the event that the board fails to take such  
4 action at a regular meeting of the board of school directors  
5 occurring at least one hundred fifty (150) days prior to the  
6 expiration date of the term of office of the district  
7 superintendent, he shall continue in office for a further term  
8 of similar length to that which he is serving, but shall be an  
9 at-will employe of the board of school directors.

10 \* \* \*

11 Section 3. Section 1080 of the act is amended to read:

12 Section 1080. Removal.--(a) District superintendents and  
13 assistant district superintendents may be removed from office[,  
14 after hearing,] by a majority vote of the board of school  
15 directors of the district[, for neglect of duty, incompetency,  
16 intemperance, or immorality, of which hearing notice of at least  
17 one week has been sent by mail to the accused, as well as to  
18 each member of the of the board of school directors.] with or  
19 without cause.

20 (b) Notwithstanding any of the provisions of this section, a  
21 school superintendent under contract with a board of school  
22 directors of a school district prior to the effective date of  
23 this subsection shall be permitted to complete the remainder of  
24 said contract according to its terms and shall become an at-will  
25 employe of the district in the first contract renewal following  
26 the effective date of this subsection.

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