

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1722 Session of
2005

INTRODUCED BY LESCOVITZ, CALTAGIRONE, W. KELLER, S. MILLER,
PRESTON, SCHRODER, STURLA, TIGUE AND YOUNGBLOOD,
JUNE 14, 2005

REFERRED TO COMMITTEE ON EDUCATION, JUNE 14, 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 how school
6 districts are constituted, for classification of school
7 districts, for creation of new cities, boroughs and
8 townships, for basis for and change of classification, for
9 changing the classification of a school district and the
10 effect of such change, for combining school districts, for
11 property and indebtedness and rental obligations of former
12 component school districts, for change in school districts
13 and the effects of such change, for filing copy of action
14 creating new district, or affecting fourth class district,
15 for approval or disapproval of creation or change of third or
16 fourth class districts, for annexation to district of first
17 class, for approval of contracts and changes after vote for
18 annexation, for tax levy or debt for buildings or grounds
19 pending change of boundaries, etc., for small district
20 assistance after combination of school districts, for
21 establishment of independent districts for transfer of
22 territory to another school district, for amicable adjustment
23 and apportionment, for apportionments and how and when to
24 make them, for apportionment by commissioners, for
25 confirmation of report, effect and costs, for court to
26 dispose of exceptions, for apportionment by bill in equity,
27 for districts in more than one county, for purpose,
28 construction of subdivision, for educational performance
29 standards, for standards for organization of administrative
30 units, for submission of plans, for independent school
31 districts, for approval of organizational plans, for
32 independent district approval by State Board of Education,
33 for consolidation of municipalities, for Department of Public

1 Instruction to prepare plans, for establishment of
2 reorganized school districts, for advance establishment, for
3 property and indebtedness and rental obligations of former
4 school districts; providing for advisory committees; further
5 providing for number and appointment in districts of the
6 first class A, for school board in first class A school
7 districts, apportionment of seats and numbers, terms and
8 methods for election of school directors in first class A
9 school districts, for number and election in districts of the
10 second, third and fourth classes, terms of office, for
11 incumbent school directors and interim operating committee,
12 for number and election in districts third class, terms of
13 office, for number and election in districts fourth class,
14 terms of office, for elections where district not coextensive
15 with, or in more than one city, borough, town or township,
16 for newly formed districts, for annexation of territory, for
17 appointment in independent districts for transfer purposes,
18 terms of office, for filling of vacancies, for the beginning
19 of the school year and organization meetings, for districts
20 second, third and fourth class permanent organization, for
21 election of officers, for records, etc., open to taxpayers,
22 for compensation of the secretary of the board of school
23 directors, for duties, for compensation for school
24 treasurers, for investment of school district funds, for
25 copies of school laws, for temporary emergency war
26 provisions, for temporary emergency provisions, for
27 educational broadcasting, for the closing of schools or
28 departments, for establishment and operation of educational
29 television and broadcasting facilities and for free
30 transportation; and making editorial changes.

31 The General Assembly of the Commonwealth of Pennsylvania
32 hereby enacts as follows:

33 Section 1. Section 201 of the act of March 10, 1949 (P.L.30,
34 No.14), known as the Public School Code of 1949, amended October
35 21, 1965 (P.L.601, No.312), is amended to read:

36 Section 201. How Constituted.--All school districts shall
37 remain as now constituted until changed as authorized by this
38 act. Except as otherwise now or hereafter constituted, each
39 [city, incorporated town, borough, or township] county or groups
40 of counties in this Commonwealth, now existing or hereafter
41 created, shall constitute a separate school district, to be
42 designated and known as the "School District of

43".[" Provided, That where any city,
44 incorporated town, borough, or township, or a part of the school

1 district remaining after its separation would constitute a third
2 or fourth class school district, it shall remain a part of the
3 school district to which it formerly belonged until the change
4 to a new school district is approved by the Council of Basic
5 Education, as hereinafter provided.]

6 Section 2. Section 202 of the act, amended June 22, 2001
7 (P.L.530, No.35), is amended to read:

8 Section 202. Classification.--The several school districts
9 of the Commonwealth are hereby divided into five classes, as
10 follows:

11 Each school district having a population of one million
12 (1,000,000), or more, shall be a school district of the first
13 class;

14 Each school district having a population of two hundred fifty
15 thousand (250,000), or more, but of less than one million
16 (1,000,000), shall be a school district of the first class A;

17 Each school district having a population of thirty thousand
18 (30,000), or more, but of less than two hundred fifty thousand
19 (250,000), shall be a school district of the second class;

20 Each school district having a population of five thousand
21 (5,000), or more, but of less than thirty thousand (30,000),
22 shall be a school district of the third class.

23 [Each school district having a population of less than five
24 thousand (5,000) shall be a school district of the fourth
25 class.]

26 Section 3. Section 203 of the act, amended October 21, 1965
27 (P.L.601, No.312), is amended to read:

28 [Section 203. Creation of New Cities, Boroughs, and
29 Townships.--When a new school district is formed by the creation
30 of a new city, borough, or township, the court of common pleas

1 having jurisdiction shall determine and enter in its decree the
2 class of school districts to which such new district, if formed,
3 shall belong, and if of the first, first class A, or second
4 class, it shall thereupon become a new school district of such
5 class. If the newly created city, borough, or township would
6 constitute a school district of the fourth class, the court of
7 common pleas having jurisdiction shall so certify and a new
8 school district shall be formed only if and when it is approved
9 by the Council of Basic Education as hereinafter provided.]

10 Section 4. Section 204 of the act, reenacted and amended
11 July 3, 1957 (P.L.455, No.253) and amended August 11, 1959
12 (P.L.667, No.217), is amended to read:

13 Section 204. Basis for and Change of Classification.--Except
14 as provided in clause (2) of this section, the last United
15 States census, as set forth in the official report thereof,
16 shall be the basis on which the population of the several school
17 districts shall be computed. A change from one class of school
18 district to another shall be made in the following cases, and in
19 no other:--

20 (1) After the taking of a United States census showing the
21 population of any school district to be such as to entitle it to
22 be changed from one class of school district to another;

23 (2) When a district, which at a decennial census, had
24 sufficient population to entitle it to an advance to another
25 class of district, has since suffered a large decrease in
26 population, or which at a decennial census did not have
27 sufficient population to entitle it to an advance to another
28 class of district and has since increased in population, a
29 census of the district may be authorized by the board of school
30 directors of the district, and, if it shall appear that said

1 district has not the required population to remain in the class
2 in which the same then is or if it shall appear that the
3 district has sufficient population to entitle it to advance to
4 another class of district, the [Superintendent of Public
5 Instruction] Secretary of Education, on the request of the board
6 of school directors and upon receipt of the facts disclosed by
7 said census, may issue his proclamation declaring such district
8 to be of the class to which it properly belongs, as disclosed by
9 the census of the school board.

10 (3) Where the population of two districts combined
11 subsequent to the taking of a United States census and
12 ascertained by such census is such as to entitle the new or
13 combined district to be in a class different from the class of
14 either of the districts so combined.];

15 (4) Where, since the last preceding United States census,
16 any territory has been annexed to any city, borough, town, or
17 township, whereby the population of such city, borough, town, or
18 township has been increased, and the population of such annexed
19 territory cannot be ascertained from the last preceding census
20 of the United States, the directors of the school districts
21 affected by such annexation may apply to the court of common
22 pleas for the appointment of a commissioner to make an
23 enumeration of the population of such annexed territory. The
24 court shall certify the population of the annexed territory so
25 ascertained, together with the population of the city, borough,
26 town, or township, as shown by the last preceding United States
27 census, to the Superintendent of Public Instruction. The cost of
28 the proceeding, including reasonable compensation for the
29 commissioner, to be fixed by the court, shall be paid by the
30 school district.]

1 Section 5. Section 205 of the act is amended to read:

2 Section 205. Change of Class; How Effectuated.--Whenever it
3 shall appear, in any case hereinafter enumerated, that the
4 population of any school district in this Commonwealth is such
5 that it should be included in another class of school districts,
6 the [Superintendent of Public Instruction] Secretary of
7 Education shall issue a certificate to said school district to
8 that effect, and such school district shall, with the beginning
9 of the next school year after said certificate has been issued,
10 become a school district of the class to which it properly
11 belongs. The provisions of this section shall apply when[:--

12 (1) The Superintendent of Public Instruction] the Secretary
13 of Education, after the taking of each United States census, has
14 canvassed the same, so far as it relates to the population of
15 the several school districts, which he is hereby required to do.
16 [;

17 (2) Territory comprising a separate school district is
18 annexed to a city, borough, or township, and the decree of the
19 court or the vote of the electors effecting such annexation has
20 been certified to the Superintendent of Public Instruction;

21 (3) Territory has been annexed to a city, borough, town, or
22 township, and enumeration of the population of such annexed
23 territory has been made.]

24 Section 6. Sections 224 and 225 of the act, amended December
25 7, 1965 (P.L.1034, No.385), are amended to read:

26 Section 224. Combination of School Districts.--Any two or
27 more county school districts [or administrative units] may
28 combine to create a larger school district. The board of school
29 directors of each school district desiring to form such a
30 combination shall, by a majority vote, adopt a resolution

1 outlining the areas to be combined and file an application for
2 approval with the [Superintendent of Public Instruction]
3 Secretary of Education. The [Superintendent of Public
4 Instruction] Secretary of Education shall place on the agenda of
5 the State Board of Education each such application for its
6 consideration.

7 The State Board of Education shall review each application
8 upon its agenda and approve such applications as it deems wise
9 in the best interest of the educational system of the
10 Commonwealth.

11 The State Board may continue the application on its agenda
12 and may permit any school district or interested party,
13 aggrieved by the petition, to file its objection. Such objection
14 shall set forth the basis for and facts of aggrievement.

15 If an application is not approved it shall be returned to the
16 applying districts for resubmission in accordance with such
17 recommendations as may be attached thereto.

18 When an application receives approval, the State Board of
19 Education shall direct the [Superintendent of Public
20 Instruction] Secretary of Education to issue a certificate
21 creating the new school district, listing the name, constituting
22 components, classification and effective date of operation.

23 Section 225. Property and Indebtedness and Rental
24 Obligations of Former Component School Districts.--All real and
25 personal property, indebtedness and rental obligations to an
26 approved building authority or nonprofit corporation, if any, of
27 former school districts forming a new school district,
28 constituted after July 1, [1966] 2008, shall become the
29 property, indebtedness, and rental obligations of such newly
30 constituted school district. All rights of creditors against any

1 of the component former school districts shall be preserved
2 against the new school district. All property theretofore vested
3 in the component former school districts, and all debts and
4 taxes owing to the component former school districts,
5 uncollected in the several component former school districts,
6 and all moneys in the treasuries of the component former school
7 districts, shall be paid to the treasurer of the newly
8 constituted school district.

9 Section 7. Section 226 of the act is amended to read:

10 [Section 226. Change in Districts; When Effective.--If any
11 new school district is made by the creation of any city,
12 borough, township, or independent school district, or by the
13 annexation of territory comprising a separate school district to
14 a city, or borough, or township, or if the boundary lines of any
15 school district are changed, by reason of the changing of the
16 boundary lines of any city, incorporated town, borough,
17 township, or independent school district, then, in any such
18 case, the change, so far as it relates to school districts or
19 school affairs, shall take effect at the beginning of the first
20 school year after such new city, borough, township or
21 independent school district has been created, or such annexation
22 effected, or such change in boundary lines permanently
23 effected.]

24 Section 8. Section 227 of the act, amended May 11, 1949
25 (P.L.1089, No.320), is amended to read:

26 [Section 227. Filing Copy of Action Creating New District,
27 or Affecting Fourth Class District, with Superintendent of
28 Public Instruction.--Whenever a new school district is created
29 by the creation of a new city, borough, township, or independent
30 school district, or by the consolidation of two or more

1 districts as a union district, or an existing school district of
2 the third or fourth class is affected by the annexation to a
3 city, or borough, or township, of territory included within a
4 school district of the third or fourth class, the clerk of the
5 courts or other proper officer shall, within ten days
6 thereafter, make a certified copy of the petition therefor,
7 agreement, or ordinance, and the decree or order creating such
8 new city, borough, township, or independent school district, or
9 union school district, or of the decree of the court or vote of
10 the electors affecting such annexation, and mail the same to the
11 Superintendent of Public Instruction, Department of Public
12 Instruction, Harrisburg, Pennsylvania.]

13 Section 9. Section 228 of the act, amended October 21, 1965
14 (P.L.601, No.312), is amended to read:

15 [Section 228. Approval or Disapproval of Creation or Change
16 of Third or Fourth Class Districts.--(a) If the newly created
17 city, borough, or township, or independent school district, or
18 union school district, or the part of a school district
19 remaining after the separation would constitute a school
20 district of the third or fourth class, the receipt of said
21 certified copy shall be deemed an application for the creation
22 of a new school district of the third or fourth class or change
23 in the boundaries of an existing school district of the third or
24 fourth class, and the Superintendent of Public Instruction
25 shall, within sixty days thereafter, notify the school
26 districts, which will be affected that an application has been
27 received and that a time and place for hearing the application
28 will be determined upon receipt of request from any such
29 district. If no such request is filed within thirty days, the
30 Department of Public Instruction may certify approval of the

1 application without a hearing. At the hearing, if one is
2 requested, the proper officials of or the counsel for the
3 districts shall present to the council, or its designated
4 representative, the reasons for approval or disapproval of the
5 application, and the council shall then determine whether such
6 new school district, or independent school district, or union
7 school district, or change in the boundaries of an existing
8 school district of the third or fourth class, is desirable, and
9 whether the welfare of the pupils within the territory affected
10 thereby will be promoted by the creation of such district or
11 change in the boundaries of such existing district.

12 (b) If the council shall approve such application, it shall
13 certify its findings and its approval of such new district or
14 change in such existing district thereon, and transmit a
15 certified copy thereof to the clerk of the courts or other
16 proper officer from whom the application was received, who shall
17 file the same in such original proceedings, whereupon unless an
18 appeal is filed with the State Board of Education the new city,
19 borough, or township will become a new school district of the
20 third or fourth class, or the school district of the third or
21 fourth class remaining after such annexation shall constitute a
22 separate school district as so changed.

23 (c) If, in the judgment of the council, the application
24 should not be granted, it shall endorse thereon "not approved,"
25 and transmit a certified copy thereof to the clerk of the courts
26 or other proper officer from whom the application was received,
27 who shall file the same in the original proceedings. In such
28 event, if no appeal to the State Board of Education is filed
29 within ninety days, the action of the council is final and the
30 boundaries of the existing school district shall remain

1 unchanged. Within ninety days after the decision of the council,
2 ten taxables of any school district affected by the council's
3 decision may appeal to the State Board of Education in which
4 case the board, for cause shown, may vacate such refusal, and
5 may approve the creation of such new district of the third or
6 fourth class or change in boundaries of an existing district of
7 the third or fourth class. After the elapse of five years from
8 the date of any refusal by the Council of Basic Education to
9 approve an annexation for school purposes, the council shall
10 reconsider its decision upon petition of ten taxables of any
11 school district affected by the council's decision.]

12 Section 10. Section 229 of the act, amended May 13, 1949
13 (P.L.1332, No.397), is amended to read:

14 [Section 229. Annexation to District of First Class.--
15 Whenever hereafter the territory comprising a school district of
16 the second, third, or fourth class is annexed to a city
17 comprising a school district of the first class or of the first
18 class A, the annexed school district shall immediately become
19 merged in and become a part of said school district of the first
20 class or of the first class A.]

21 Section 11. Sections 230 and 231 of the act are amended to
22 read:

23 [Section 230. Approval of Contracts and Changes after Vote
24 for Annexation.--Where, under the provisions of any act of
25 Assembly, an election shall be held for and against the
26 annexation of territory comprising a school district of the
27 second, third, or fourth class, to a city comprising a separate
28 school district, and, if it shall appear by the vote when
29 counted that a majority has voted for said annexation and the
30 result of said election shall have been certified to the court

1 of quarter sessions having jurisdiction of the proceedings, the
2 board of school directors of said annexed school district shall
3 not thereafter make any change in textbooks, or adopt additional
4 textbooks, or contract for any new school sites, or let any
5 contract for the erection, enlargement, alteration, equipment,
6 or furnishing, of any new school sites, or let any contract for
7 the erection, enlargement, alteration, equipment, or furnishing,
8 of any school building, without the approval of the board of
9 school directors of the said school district of such annexing
10 city.]

11 Section 231. Tax Levy or Debt for Buildings or Grounds
12 Pending Change of Boundaries, etc.--While proceedings are
13 pending in court for the [changing of any boundary lines of any
14 city, incorporated town, borough, or township, or the creation
15 of any new city, borough, or township,] merging of the original
16 school districts into county-wide or regional school districts,
17 the board of school directors in every school district to be
18 affected by such change of boundary lines or creation of a new
19 municipality shall be permitted to levy and assess a school tax
20 and incur debts for the purpose of purchasing ground or building
21 or enlarging a school building, in the same manner as though
22 such proceedings were not pending in court for the [changing of
23 any boundary lines of any such city, incorporated town, borough,
24 or township, or the creation of any new city, borough, or
25 township.] merging of the original school districts into county-
26 wide or regional districts.

27 Section 12. Section 233 of the act, added July 10, 1987
28 (P.L. 286, No.50), is amended to read:

29 Section 233. Small District Assistance after Combination of
30 School Districts.--If two or more [school districts] counties

1 combine to create a [new] regional school district and at least
2 [one] fifty-one percent of the districts which combined to
3 create that new school district was eligible for small district
4 assistance for the last school year prior to the combination,
5 the new school district shall receive, for each of the first
6 five school years after the combination, in addition to any
7 other payments by the Commonwealth, an amount equal to either
8 the total of the small district assistance for which all of the
9 districts were eligible for the last school year prior to
10 combining to create that new school district or the small
11 district assistance for which that new school district is
12 eligible, whichever is greater.

13 Section 13. Section 242.1 of the act, amended December 19,
14 1967 (P.L.865, No.383), is amended to read:

15 [Section 242.1. Establishment of Independent Districts for
16 Transfer of Territory to Another School District.--(a) A
17 majority of the taxable inhabitants of any contiguous territory
18 in any school district or school districts, as herein
19 established, may present their petition to the court of common
20 pleas of the county in which each contiguous territory, or a
21 greater part thereof, is situated, asking that the territory be
22 established as an independent district for the sole purpose of
23 transfer to an adjacent school district contiguous thereto.
24 Where the territory described in any such petition is to be
25 taken from two or more school districts, such petition shall be
26 signed by a majority of all the taxable inhabitants of the part
27 of each school district which is to be included in such
28 independent district for transfer. Such petitions shall set
29 forth a proper description of the boundaries of the territory to
30 be included in such proposed independent district, and the

1 reasons of the petitioners for requesting such transfer to
2 another school district and the name of the district into which
3 its territory is proposed to be placed.

4 The court shall hold hearing thereon, of which hearing the
5 school district or districts out of whose territory such
6 proposed independent district is to be taken and the school
7 district into which the territory is proposed to be assigned,
8 shall each have ten days notice. In all cases where an
9 independent district is proposed for transfer from one school
10 district to another, the merits of the petition for its
11 creation, from an educational standpoint, shall be passed upon
12 the Superintendent of Public Instruction and the petition shall
13 not be granted by the court unless approved by him. The court of
14 common pleas shall secure the reaction from the Superintendent
15 of Public Instruction upon receipt of the petition properly
16 filed.

17 The court, in its decree establishing such independent
18 district for transfer purposes, shall also determine the amount,
19 if any, of the indebtedness and obligations of the school
20 district, from whose territory such independent district is
21 taken, that said district shall assume and pay, and, a statement
22 prorating the State subsidies payable between or among the
23 losing district or districts and the receiving district.

24 In all cases where such proceedings result in the creation
25 and transfer, by decree of the court, of an independent
26 district, the cost and office fees shall be paid by the
27 petitioners or, otherwise, by the receiving district. Such
28 independent districts created under the provisions of this act
29 shall not become an operating school district but will be
30 created for transfer of territory only.

1 (b) In the case of independent districts established
2 hereafter, the court of common pleas shall notify the county
3 board of school directors regarding receipt of petition for such
4 establishment and shall direct said board to prepare a statement
5 of acceptance or rejection of the proposed placement of the
6 district in the designated administrative unit of the county
7 plan; such statement to be transmitted to the court and to the
8 State Board of Education.]

9 Section 14. Section 271 of the act, amended October 21, 1965
10 (P.L.601, No.312), is amended to read:

11 [Section 271. Amicable Adjustment and Apportionment.--In any
12 case where (1) any school district is abolished and its land
13 reverts to or becomes a part of two or more school districts, or
14 (2) any land heretofore annexed to one school district is made a
15 part of the district in which it is located, or (3) a new
16 district is made by the creation of a new city, borough,
17 township, or independent school district, out of one or more
18 school districts, or (4) the boundary lines of any district are
19 changed by the changing of the boundary lines of any city,
20 incorporated town, borough, township, or school district, or (5)
21 any part of any school district is merged with any other
22 district or districts or parts thereof, then, in any such case,
23 the school districts to which land has been annexed or from
24 which land has been taken, or which have been newly created,
25 shall make a just and proper adjustment and apportionment of all
26 school property, real and personal, including funds, as well as
27 indebtedness, and rental obligations to an approved school
28 building authority, if any, to and among such school districts.
29 Such adjustment and apportionment shall be made as of the date
30 of the decree or order creating such new city, borough,

1 township, or school district, or of the decree of the court or
2 vote of the electors effecting such annexation or merger, or the
3 first Monday of July following approval by the Council of Basic
4 Education of the annexation for school purposes.]

5 Section 15. Sections 272 and 273 of the act, amended August
6 22, 1961 (P.L.1022, No.460), are amended to read:

7 [Section 272. Apportionments; How and When Made.--In making
8 such adjustment and apportionment of property, indebtedness, and
9 rental obligations to an approved school building authority, the
10 amount and assessed value of land acquired by or taken from such
11 districts, as compared with the amount and assessed value of the
12 other land in the districts, as well as the value of the school
13 grounds, together with the buildings thereon, and the furniture
14 and equipment therein, and other school property in such
15 districts, shall be taken into consideration in determining the
16 amount, if any, that shall be paid by one district to another,
17 or in apportioning the indebtedness, and rental obligations to
18 an approved school building authority, if any, that shall be
19 assumed and paid by any of the districts. Such adjustment and
20 apportionment of property and liability shall be made by the
21 boards of school directors of the several districts concerned,
22 before or during the first school year after such boundaries
23 have been changed.

24 Section 273. Apportionment by Commissioners.--In case the
25 boards of school directors of the several school districts
26 cannot make amicable apportionment and adjustment of their
27 property, indebtedness and rental obligations to an approved
28 school building authority, before or during the first school
29 year beginning after any such change in their boundary lines is
30 made, any one of such school districts may, at any time within

1 the succeeding school year, present its petition to the court of
2 common pleas of the county in which such school district is
3 located. The court shall appoint three disinterested
4 commissioners, residents and taxpayers of the county, not
5 residing in either of the districts whose boundary lines are
6 changed. Such commissioners, after a hearing, shall make a
7 report to the court, making an apportionment and adjustment,
8 according to the provisions of this act, of all school property,
9 as well as indebtedness, and rental obligations to an approved
10 school building authority, if any, to and among the several
11 school districts from which or to which land has been taken or
12 added, or which have been newly created, as the case may be.
13 Said report shall state the amount, if any, that shall be due
14 and payable from one district to another, as well as the amount
15 of indebtedness, and rental obligations to an approved school
16 building authority, if any, that shall be assumed by any
17 district. Due notice of such hearing shall be given to the
18 several districts interested as the court may direct.]

19 Section 16. Sections 274, 275, 276 and 277 of the act are
20 amended to read:

21 [Section 274. Confirmation of Report; Effect; Costs.--The
22 commissioners shall give the several districts interested at
23 least five (5) days' notice of the filing of their report.
24 Unless exceptions are filed thereto by any district interested
25 within thirty (30) days after the filing thereof, the same shall
26 be confirmed by the court absolutely. Any sum awarded by said
27 report to any school district shall be a legal and valid claim
28 in its favor against the school district charged therewith. The
29 amount of debt, if any, apportioned to any school district shall
30 be a legal and valid claim against such district charged

1 therewith. Upon the report of the commissioners being confirmed,
2 such claims or indebtedness charged against any school district
3 may be collected in the same manner as a judgment is collected
4 against any school district.

5 Such commissioners shall be allowed three dollars (\$3) per
6 day for each day actually spent by them in the performance of
7 their duties, together with their actual necessary expenses. All
8 costs and expenses of such proceeding shall be apportioned by
9 the court, to and among the several school districts, as it
10 shall deem proper.

11 Section 275. Court to Dispose of Exceptions.--In case
12 exceptions are filed to the report of the commissioners, the
13 court shall dispose of the same, taking testimony therein, if it
14 deems advisable. The decision of the court thereon shall be
15 final and binding on the several districts, without any right of
16 appeal.

17 Section 276. Apportionment by Bill in Equity.--If the
18 respective school districts shall neglect or refuse to petition
19 the court for the appointment of commissioners to secure an
20 apportionment and adjustment within the period of the second
21 year, as herein provided, either of said school districts, or
22 any ten resident citizens owning taxable property within either
23 of said school districts, may file a bill in equity at any time
24 within six (6) years from the date of said change in boundary
25 lines, in the name of the school district or for the use of the
26 school district, against the other school district, in the court
27 of common pleas of the proper county, to have such indebtedness
28 apportioned and adjusted, and setting forth the facts upon which
29 any claim of amounts due shall be made in accordance with the
30 manner of adjustment set forth in the preceding sections of this

1 act. Such case shall be proceeded with in accordance with the
2 equity rules and a decree of dismissal or of payment shall be
3 made after due hearing by the court, subject to further right of
4 appeal, as allowed by law.

5 Section 277. Districts in More Than One County.--In cases in
6 which such districts are situated in two or more counties, the
7 court of common pleas of the county in which the largest part in
8 area of the land annexed to or taken from any district is
9 situated shall have exclusive jurisdiction over the matter. If
10 commissioners are to be appointed, the court may appoint the
11 commissioners from any one or all such counties.]

12 Section 17. Sections 290, 290.1, 291 and 292 of the act,
13 added August 8, 1963 (P.L.564, No.299), are amended to read:

14 Section 290. Purpose; Construction of Subdivision.--The
15 purpose of this subdivision is to provide a flexible framework
16 and effective and orderly means whereby the administrative units
17 of the Commonwealth's public school system can be expeditiously
18 reorganized into county-wide or regional school districts. While
19 deeply impressed with the continuous dedicated responsibility
20 exercised over the last century by the citizenry through their
21 local boards of school directors, the General Assembly must also
22 be cognizant of the responsibility placed upon it by Article X.,
23 section 1 of the Constitution of Pennsylvania which requires in
24 part, that "The General Assembly shall provide for the
25 maintenance and support of a thorough and efficient system of
26 public schools, wherein all the children of the Commonwealth
27 above the age of six years may be educated" As the evidence
28 demonstrates beyond reasonable dispute that the present
29 administrative system of [more than two thousand (2,000)] five
30 hundred and one (501) school districts is incapable of providing

1 adequate education and appropriate training for all of the
2 children of the Commonwealth above the age of six, the General
3 Assembly hereby renews its dedication to its responsibility of
4 providing a thorough and efficient system of public schools
5 within the Commonwealth. It is hereby declared to be the purpose
6 and intention of the General Assembly to establish the
7 procedures and provide for the standards and criteria under
8 which school directors and district administrators and county
9 boards of school directors and county administrators shall have
10 the power and bear the duty of [determining the appropriate
11 administrative units to be created in each county] creating in
12 each county, or counties, a school district to carry out the
13 responsibilities shared by them and the General Assembly[,] of
14 educating and training each child within [his] the child's
15 capacity to the extent demanded by the immediate requirements of
16 growth and strengthening of this Commonwealth and nation. Only
17 where such local officials fail to act, or act arbitrarily
18 outside of the standards and criteria provided for in the
19 sections following, shall the Commonwealth through its duly
20 authorized agencies and officials act to insure compliance with
21 law within the powers set forth below and as restricted therein.
22 The improvements in the educational system hereby obtained are
23 not to be construed as a final resolution of organizational
24 problems. Local school officials as agents of the General
25 Assembly are directed to continually review organizational
26 patterns and adopt without delay all changes which will
27 accelerate the progress of public education. It is further
28 declared to be the purpose and intention of the General Assembly
29 that the above may be used in construing and arriving at
30 legislative intent with respect to the provisions of this

1 subdivision.

2 [Section 290.1. Educational Performance Standards.--To
3 implement the purpose of this subdivision, the State Board of
4 Education, as soon as possible and in any event no later than
5 July 1, 1965, shall develop or cause to be developed an
6 evaluation procedure designed to measure objectively the
7 adequacy and efficiency of the educational programs offered by
8 the public schools of the Commonwealth. The evaluation procedure
9 to be developed shall include tests measuring the achievements
10 and performance of students pursuing all of the various subjects
11 and courses comprising the curricula. The evaluation procedure
12 shall be so constructed and developed as to provide each school
13 district with relevant comparative data to enable directors and
14 administrators to more readily appraise the educational
15 performance and to effectuate without delay the strengthening of
16 the district's educational program. Tests developed under the
17 authority of this section to be administered to pupils shall be
18 used for the purpose of providing a uniform evaluation of each
19 school district and the other purposes set forth in this
20 subdivision. The State Board of Education shall devise
21 performance standards upon the completion of the evaluation
22 procedure required by this section.]

23 Section 291. Standards for Organization of [Administrative
24 Units] County-wide or Regional School Districts.--The State
25 Board of Education, within ninety (90) days of the effective
26 date of this amending act, shall adopt standards for approval of
27 [administrative units,taking into consideration the following
28 factors: topography, pupil population, community
29 characteristics, transportation of pupils, use of existing
30 school buildings, existing administrative units, potential

1 population changes and the capability of providing a
2 comprehensive program of education.] county-wide or regional
3 school districts.

4 Section 292. Submission of Plans.--Each county board of
5 school directors, on or before July 1, [1964] 2006, shall
6 prepare a plan of organization of administrative units for the
7 county, conforming to the standards for approval of
8 [administrative units] county-wide or regional school districts
9 adopted by the State Board of Education. The plan shall be
10 submitted to the Department of [Public Instruction] Education
11 not less than thirty (30) days nor more than sixty (60) days
12 after it is prepared. [Any school district which considers
13 itself aggrieved by the plan may set forth its specific
14 objections in a petition which shall be served by registered or
15 certified mail on the secretary of the county board of school
16 directors. All such petitions filed shall be appended to the
17 plan prior to submission to the Department of Public
18 Instruction. No plan of organization of administrative units
19 shall be submitted which violates any written agreement entered
20 into by several school districts for the establishment of a
21 joint school or department, unless the agreement is amended to
22 provide that it shall be discontinued at the time the proposed
23 administrative unit is deemed established as a school district.
24 A plan of organization of administrative units shall be deemed
25 to violate a written agreement entered into by several school
26 districts for the establishment of a joint school or department
27 only when it formulates an administrative unit, which in whole
28 or in part comprises less than all of the school districts
29 joined by such agreement. In preparing its plans, a county board
30 of school directors shall confer with school directors and

1 administrators of all school districts of the county, and may
2 confer with the staff of the Department of Public Instruction
3 and upon written request shall confer with other interested
4 persons. Each plan shall assure the continuity of special
5 education and area technical school programs by providing
6 special education and area technical school attendance areas
7 established in accordance with standards approved by the State
8 Board of Education.

9 Each county board of school directors which prepared and
10 submitted to the Department of Public Instruction prior to
11 January 1, 1963, a plan of organization of administrative units
12 for the county, shall, in compliance with the provisions hereof,
13 reconsider such plan and submit the same or a revised plan on or
14 before July 1, 1964, irrespective of the action taken on the
15 prior plan. In those cases where the prior plan was approved by
16 the State Council of Education, the plan submitted when approved
17 by the Council of Basic Education shall supersede the prior
18 approved plan as the plan of organization of administrative
19 units for the county.]

20 Section 18. Section 292.1 of the act, amended December 19,
21 1967 (P.L.865, No.383), is amended to read:

22 [Section 292.1. Independent Districts.--When an independent
23 district is created by the court of common pleas for purposes of
24 transfer from one school district to another, the court shall
25 submit to the State Board of Education its decree creating such
26 district. Such decree shall be considered an application for the
27 assignment of said district to the designated administrative
28 unit of the approved county plan.]

29 Section 19. Section 293 of the act, added August 8, 1963
30 (P.L.564, No.299), is amended to read:

1 Section 293. Approval of Plans.--(a) When any plan of
2 organization of [administrative units for a county] a county-
3 wide or regional school district is found to conform to the
4 standards for approval of administrative units adopted by the
5 State Board of Education, the Department of [Public Instruction]
6 Education shall cause such plan to be placed upon the agenda of
7 the Council of Basic Education. The Council of Basic Education
8 shall review all plans placed upon its agenda, and approve such
9 plans as it deems wise in the best interests of the educational
10 system of the Commonwealth. [Except as hereinafter provided, no
11 plan of organization of administrative units shall be approved
12 in which any proposed school district contains a pupil
13 population of less than four thousand (4,000), unless when
14 factors of topography, pupil population, community
15 characteristics, transportation of pupils, use of existing
16 school buildings, existing administrative units, potential
17 population changes and the capability of providing a
18 comprehensive program of education are considered by the Council
19 of Basic Education as requiring the approval of a plan of
20 organization of administrative units in which one or more
21 proposed school districts contains a pupil population of less
22 than four thousand (4,000). (b) A plan of organization of
23 administrative units for a county shall be approved by the
24 Council of Basic Education, if the plan contains (i) no unit
25 with a pupil population less than that of the unit with the
26 smallest pupil population in the last previous county-wide plan
27 submitted to and approved by the State Council of Education
28 prior to September 12, 1961, and (ii) no more units than were in
29 the aforesaid county-wide plan plus an additional unit for each
30 second class district which was not required to be a part of

1 such county-wide plan and which was not included in an
2 administrative unit thereof. (c) Pupil population as used in
3 this section shall mean the average daily membership for the
4 school year 1961-1962 including kindergarten or grade one
5 through grade twelve.]

6 Section 20. Section 293.1 of the act, amended December 19,
7 1967 (P.L.865, No.383), is amended to read:

8 [Section 293.1. Independent Districts.--When a court decree
9 is received creating an independent district for transfer
10 purposes, the State Board of Education shall place such item on
11 its agenda and either approve or disapprove the creation and
12 transfer. If approval is given, the board shall direct the
13 Council of Basic Education to make the necessary changes in the
14 county plan. If disapproved, the board shall state its reasons
15 for such disapproval and the independent district shall be
16 provided a hearing if it so desires.]

17 Section 21. Section 293.2 of the act, added July 23, 1965
18 (P.L.139, No.95), is amended to read:

19 [Section 293.2. Consolidation of Municipalities.--Whenever
20 the court of common pleas in any county orders the consolidation
21 of any municipalities, it shall serve a copy of its order on the
22 State Board of Education. Upon receipt of such order the board
23 shall direct the Council of Basic Education to make such changes
24 in county plans as may be necessary.]

25 Section 22. Section 295 of the act, added August 8, 1963
26 (P.L.564, No.299), is amended to read:

27 Section 295. Department of [Public Instruction] Education to
28 Prepare Plans.--In the event that no plan of organization of
29 administrative units is approved by the Council of Basic
30 Education for a county prior to January 1, [1965] 2007, the

1 Department of [Public Instruction] Education shall prepare and
2 place upon the agenda of the Council of Basic Education a plan
3 of organization of [administrative units for the county.] a
4 county-wide or regional school district. When approved by the
5 Council of Basic Education, such plan shall be deemed the
6 approved plan of organization of administrative units for the
7 county.

8 [Any school district which considers itself aggrieved by a
9 plan of organization of administrative units approved by the
10 Council of Basic Education may appeal to the State Board of
11 Education by filing a petition, within thirty (30) days after
12 approval of the plan, setting forth the grounds for such appeal.
13 A copy of such petition shall be served by registered or
14 certified mail on the secretary of the county board of school
15 directors. The State Board of Education, or its representative,
16 shall fix a day and time for hearing, shall give written notice
17 to all parties interested, and may hear and consider such
18 testimony as it may deem advisable to enable it to make a
19 decision. After reaching its decision, the State Board of
20 Education shall enter such order as appears to it just and
21 proper, either directing the Council of Basic Education to
22 approve the plan in an amended form or confirming the plan in
23 the form previously approved by the Council of Basic Education.
24 The decision of the State Board of Education shall be final,
25 unless an appeal is taken as now provided under the provisions
26 of the "Administrative Agency Law."]

27 Section 23. Section 296 of the act, amended June 2, 1965
28 (P.L.86, No.59), is amended to read:

29 Section 296. Establishment of Reorganized School
30 Districts.--On July 1, [1966] 2008, or on the date of advance

1 establishment, all [administrative units] county-wide or
2 regional school districts contained in plans of organization [of
3 administrative units] approved by the Council of Basic Education
4 shall constitute and be deemed established as school districts,
5 and shall belong to the class to which they are entitled as
6 provided by law.[: Provided, however, if any approved
7 administrative unit includes any district or districts of the
8 second, third, or fourth class with any district of the first
9 class A, such district or districts of the second, third, or
10 fourth class shall be merged into and become part of said
11 district of the first class A, and said district of the first
12 class A as thus enlarged shall be the reorganized district and
13 shall be considered as having had continued existence.]

14 Section 24. Section 297 of the act, added August 8, 1963
15 (P.L.564, No.299), is amended to read:

16 Section 297. Advance Establishment.--(a) Any
17 [administrative unit] county-wide or regional school districts
18 contained in a plan of organization of administrative units
19 approved by the Council of Basic Education may constitute and be
20 deemed established as a school district on July 1, [1964] 2006,
21 or on July 1, [1965] 2007, when the following conditions have
22 been satisfied:

23 (1) All appeals to the State Board of Education from the
24 action of the Council of Basic Education approving the plan of
25 organization of [administrative units] county-wide or regional
26 school districts have been finally determined;

27 (2) At a regular meeting or at a special meeting called for
28 such purpose, the board of school directors of each school
29 district composing the [administrative unit] county-wide or
30 regional school district has approved by majority vote the

1 establishment in advance of July 1, [1966] 2008, of the proposed
2 school district contained in the plan of organization of
3 administrative units approved by the Council of Basic Education;

4 (3) A copy of the resolution of each school district is
5 filed with the Department of [Public Instruction] Education; and

6 (4) The [Superintendent of Public Instruction] Secretary of
7 Education certifies to the Council of Basic Education that all
8 school districts composing the administrative unit have filed
9 resolutions with the Department of [Public Instruction]
10 Education approving the establishment of the school district in
11 advance of July 1, [1966] 2008. The certification shall state
12 the date when the school district shall be deemed established.

13 (b) Any school district established in advance of July 1,
14 [1966] 2008, shall be entitled to all the benefits of this act
15 and shall be subject to all of the provisions of this act as if
16 the school district were constituted and deemed established on
17 July 1, [1966] 2008: Provided, however, That in the case of
18 school districts established on July 1, [1964] 2006, the
19 provisions of section 303.1 of this act relating to election of
20 school directors shall be advanced two years: And provided
21 further, That in the case of school districts established on
22 July 1, [1965] 2007, the provisions of section 303.1 of this act
23 shall not be advanced.

24 Section 25. Section 298 of the act, amended or added August
25 8, 1963 (P.L.564, No.299) and June 2, 1965 (P.L.86, No.59), is
26 amended to read:

27 Section 298. Property and Indebtedness and Rental
28 Obligations of Former School Districts.--(a) Except as
29 otherwise provided in this section, all real and personal
30 property, indebtedness and rental obligations to an approved

1 school building authority or non-profit corporation, if any, of
2 former school districts composing any school district
3 constituted and deemed established pursuant to this subdivision
4 (i) shall become the property, indebtedness and rental
5 obligations of such newly established county-wide or regional
6 school district. All rights of creditors against any of the
7 component former school districts shall be preserved against the
8 newly established school district. All property theretofore
9 vested in the component former school districts shall become
10 vested in the newly established school district, and all debts
11 and taxes owing to the component former school districts,
12 uncollected in the several component former school districts,
13 and all moneys in the treasuries of the component former school
14 districts, shall be paid to the treasurer of the newly
15 established school district.

16 (b) All obligations of any component former school district
17 [evidenced by funding bonds issued after September 12, 1961,]
18 for the purpose of funding unfunded debt contracted for current
19 operating expenses, shall continue to be an obligation of the
20 taxable property within such former component school district
21 and any sinking fund created on account of such indebtedness
22 shall remain the separate sinking fund for such bonds. In
23 levying and assessing taxes for the first school year of
24 operation, the interim operating committee, and in levying and
25 assessing such taxes for each subsequent school year, the board
26 of school directors of the newly established county-wide or
27 regional school district, shall levy and assess, upon the
28 taxable property within such component former school district
29 for which bonds issued [after September 12, 1961,] for the
30 purpose of funding unfunded debt contracted for current

1 operating expenses shall be outstanding, a tax in addition to
2 all other school district taxes, in an amount sufficient to
3 discharge the obligation of such component former school
4 district, as set forth pursuant to section 207 of the Municipal
5 Borrowing Law, in the resolution increasing the indebtedness of
6 such component former school district for such purpose. If such
7 funding bonds shall be a part of an issue of bonds issued partly
8 for other purposes, such funding bonds shall be deemed to be the
9 bonds of such issue which mature first.[: Provided, however, if
10 any district of the second, third or fourth class is merged into
11 and becomes part of any district of the first class A as a
12 reorganized or newly established school district, the
13 reorganized or newly established district, for its first year of
14 operation and for every subsequent year, shall levy and assess
15 the aforesaid tax on the territory comprising the district of
16 the second, third or fourth class merged into and becoming a
17 part of the school district of the first class A: Provided
18 further, That by agreement in writing approved by a majority
19 vote of the directors of the district of the second, third or
20 fourth class merged into and becoming a district of the first
21 class A as a reorganized or newly established school district,
22 and the directors of the district of the first class A, entered
23 into prior to the effective date of reorganization, the
24 provisions of this subsection may be waived.]

25 Section 26. Article II of the act is amended by adding a
26 subdivision to read:

27 (j) Advisory Committee.

28 Section 299. Advisory Committee.--(a) Each school district
29 shall establish an advisory committee to provide advice,
30 suggestions or other input relating to curriculum, safety or

1 community issues facing individual schools.

2 (b) The committee shall be comprised of one individual
3 representing each school within the district, to be selected by
4 the principal of the school with advice from the school's
5 teachers and parent teacher organization. The individual
6 representing a school may be any individual residing in the
7 school's territory or who is employed within the school, except
8 the school's principal, vice-principal or other person within
9 the administrative structure of the school.

10 (c) At the beginning of the school district's school year,
11 the advisory committee shall select the following positions from
12 its membership:

13 (1) One person to serve as a representative to the school
14 district to attend all regular meetings, hearings and other
15 school district events in a nonvoting capacity.

16 (2) One member as an alternate to the advisory committee
17 representative.

18 (3) Other positions as the committee deems necessary for its
19 internal operations.

20 (d) The following shall apply:

21 (1) The advisory committee shall meet no less than twice
22 during the school year, at which time the advisory committee
23 representatives or their designees shall do all of the
24 following:

25 (i) Report to the advisory committee on issues in the school
26 district and any other business related to the committee's
27 purpose and transmit the report to the school board.

28 (ii) Receive reports from individual building
29 representatives.

30 (2) Individual members of the advisory committee shall:

1 (i) Be entitled to attend forums and participate in
2 discussions, both formal and informal, held by the school board.

3 (ii) Have no vote on school board matters.

4 Section 27. Section 302 of the act, amended June 2, 1965
5 (P.L.86, No.59), is amended to read:

6 Section 302. Number and Appointment in Districts First Class
7 and First Class A[; Reorganized District of First Class A
8 Containing Former Districts of Second, Third or Fourth Class]:
9 Terms of Office.--[(a)] In each school district of the first
10 class or of the first class A, the board shall be known as the
11 "Board of Public Education," and shall consist of fifteen (15)
12 school directors, whose term of office shall be six (6) years.
13 The terms of five of the members shall expire on the second
14 Monday of November of each odd numbered year, as now provided by
15 law. The judges of the courts of common pleas of the county in
16 which such school district is situated shall, in October of
17 every odd numbered year, appoint five (5) members for terms of
18 six (6) years. Their term of office shall begin on the second
19 Monday of November next following their appointment.

20 [(b)] When a school district or districts of the second,
21 third or fourth class is merged into and becomes part of a
22 district of the first class A as a reorganized district under
23 the provisions of Article II, subdivision (i) of this act, the
24 terms of office of all directors of such district or districts
25 of the second, third or fourth class shall terminate on the date
26 of establishment of such reorganized district of the first class
27 A. [As soon as a vacancy occurs in the office of Director of the
28 Board of Public Education, a resident of the area comprising the
29 district of the second, third or fourth class merged into and
30 becoming a part of the school district of the first class A

1 shall be appointed to the Board of Public Education of the
2 reorganized district and following the expiration of the term of
3 the director so appointed, the appointment of directors shall be
4 without regard to this limitation.]

5 Section 28. Section 302.1 of the act, amended or added
6 December 19, 1975 (P.L.511, No.150) and December 20, 1983
7 (P.L.267, No.73), is amended to read:

8 Section 302.1. School Board in First Class A School
9 Districts; Apportionment of Seats, and Numbers, Terms, and
10 Methods for Election of School Directors in First Class A School
11 Districts.--(a) Composition of School Board.

12 (1) In each school district of the first class A, the school
13 board shall be known as the Board of Public Education and shall
14 consist of [an odd number of members not less than seven nor
15 more than fifteen] eleven school directors, to be elected by the
16 qualified voters of the school district by specified districts.

17 (2) There shall be [a corresponding odd number, not less
18 than seven nor more than fifteen] eleven separate districts for
19 each of which only one candidate shall be elected. Each
20 candidate shall be nominated only for the specified district in
21 which he resides and each elected member shall represent only a
22 specified district in which he resides, such districts to be
23 constituted as hereinafter set forth.

24 (b) Term of Office. All elected members shall serve for a
25 term of four years except the [three, four,] five[, six or
26 seven] members elected at the initial election in even numbered
27 school director districts, who shall serve for two years. In the
28 event the first election occurs in an even-numbered year, the
29 terms of the initial members shall be increased by one year, so
30 that future elections can be held in odd-numbered years. In the

1 case of death or resignation of elected members, the mayor of
2 the most populous municipality contained in such school district
3 shall fill the vacancy from the same school director district in
4 which the vacancy occurred until the first Monday in December
5 following the next municipal primary occurring one hundred
6 twenty days after the vacancy occurred.

7 (c) Apportionment.

8 (1) In each school district of the first class A, a school
9 director district apportionment commission shall be constituted
10 for the purpose of establishing an odd number not less than
11 seven nor more than fifteen school director districts within the
12 first class A school district by assigning each election
13 district within such school district into one of such school
14 director districts. The commission shall select that odd number
15 of districts from seven to fifteen which will best provide for
16 racial balance and proportional representation of all segments
17 of the population at the time of the apportionment. Such school
18 director districts shall be compact, contiguous, and as nearly
19 equal in population as practicable.

20 (2) The commission shall consist of six members, two to be
21 appointed by the mayor of the most populous municipality in such
22 school district, three by the city council of such municipality
23 and one by the mayor of any other municipality in such school
24 district with the approval of the legislative body thereof. The
25 commission shall elect one of its members chairman, and shall
26 act by a majority of its entire membership. If any of the
27 appointing authorities shall fail to make any or all of such
28 appointments within fifteen days after enactment of this act,
29 such appointment or appointments shall be made by the court of
30 common pleas.

1 (3) No later than forty-five days after the commission has
2 been duly certified, the commission shall file an apportionment
3 plan with the county board of elections to be submitted to the
4 voters of the district at the next primary election occurring
5 not less than ninety-one days after the plan is filed with the
6 county board and at which primary election the candidates for
7 members of the school board shall be nominated.

8 (4) No later than September in the second year following the
9 year in which Federal census data is officially gathered, a
10 school director district reapportionment commission shall be
11 appointed. Said reapportionment commission shall consist of
12 seven members, three to be appointed by the mayor of the most
13 populous municipality in the school district, three by the city
14 council of such municipality and one by the mayor of any other
15 municipality of the school district with the approval of the
16 legislative body thereof. The duties of the reapportionment
17 commission shall be, from the official data of the United States
18 Bureau of the Census, to define the lines that divide the
19 existing school director districts to make any new school
20 director districts as nearly equal in population as practicable,
21 and as compact and contiguous as possible, and to best provide
22 for racial balance on the board of school directors of said
23 school district. [The number of school directors or school
24 director districts shall not be increased or decreased.] In
25 addition, the reapportionment commission shall make every effort
26 to maintain neighborhood boundary lines of communities of like
27 interest whenever practicable. Such reapportionment commission
28 shall file its plan no later than ninety days after either the
29 commission has been appointed or the specified population data
30 for the first class A school district as determined by the

1 Federal decennial census are available, whichever is later in
2 time.

3 (5) The school district shall appropriate sufficient funds
4 for the compensation and expenses of members and staff appointed
5 by such apportionment and reapportionment commissions, and other
6 necessary expenses. The members of such commissions shall be
7 entitled to such compensation for their services as the school
8 district from time to time shall determine.

9 (6) If an apportionment or reapportionment plan is not filed
10 by the commission within the time prescribed by this section,
11 the court of common pleas of the county in which the district is
12 located shall immediately proceed on its own motion to apportion
13 or reapportion the school director districts, in accordance with
14 the standards set forth in subsection (c)(4).

15 (7) Any apportionment or reapportionment plan, filed by any
16 such commission or prepared by the court of common pleas of the
17 county in which the district is located upon the failure of the
18 commission to act shall be published by the county board of
19 elections once in at least one newspaper of general circulation
20 in the most populous municipality of the school district, which
21 publication shall contain a map of the school district showing
22 the complete apportionment or reapportionment of the school
23 director districts. The publication shall also state the
24 population of the school director districts having the smallest
25 and largest population and the percentage variation of such
26 districts from the average population for such districts.

27 (8) The county board of elections shall place upon the
28 ballot to be submitted to the voters of each first class A
29 school district under the act of June 3, 1937 (P.L.1333,
30 No.320), known as the "Pennsylvania Election Code," the

1 following question:

2 Shall the apportionment plan submitted by
3 the school director district apportionment Yes
4 commission for the election of members of
5 the Board of Public Education of the school No
6 district of.....be approved?

7 Since the voters have accepted the apportionment plan, the
8 number of school director districts contained in the
9 apportionment plan shall be the permanent number of school
10 director districts in said school district, and said permanent
11 number of school director districts shall neither be increased
12 nor decreased by any future reapportionment commission nor by
13 the court of common pleas of the county in which the school
14 district is located. The ballot question shall not be considered
15 in the case of a reapportionment plan submitted by a
16 reapportionment commission or the court of common pleas.

17 (d) Nomination and Elections of School Directors. School
18 directors shall be nominated and elected in accordance with the
19 act of June 3, 1937 (P.L.1333, No.320), known as the
20 "Pennsylvania Election Code."

21 (e) Applicable Law upon Adoption. After the election of
22 school directors from specified districts in accordance
23 therewith, the Board of Public Education of such first class A
24 school district shall be governed by the provisions of this
25 section and by all other provisions of the act to which this is
26 an amendment and other provisions of general law relating to
27 first class A school districts which are not inconsistent with
28 the provisions of this section. The provisions of this section
29 shall supersede all other parts of the act to which this is an
30 amendment and all other acts affecting the organization of

1 school districts of the first class A to the extent that they
2 are inconsistent or in conflict herewith. All existing acts or
3 parts of acts and resolutions affecting the organization of
4 first class A school districts not inconsistent or in conflict
5 with the provisions of this section shall remain in full force
6 until modified or repealed as provided by law.

7 (f) Certain Prohibitions of Service. No superintendent,
8 assistant superintendent, supervising principal, teacher or
9 other employe shall serve either temporarily or permanently as a
10 member of the school board by which employed.

11 (g) Transition Provisions and Expiration of Existing Terms.
12 The terms of existing appointed board members shall terminate on
13 the first Monday of December in 1976 or in any subsequent year
14 in which the initial elected members are elected, at which time
15 the terms of all members to be elected as herein provided shall
16 be deemed to begin. Thereafter the terms of all elected members
17 shall expire on the first Monday of December in the year in
18 which the length of term to which such members shall have been
19 elected has been served.

20 Section 29. Section 303 of the act, amended August 8, 1963
21 (P.L.564, No.299), July 1, 1978 (P.L.575, No.105) and December
22 17, 1982 (P.L.1378, No.316), is amended to read:

23 Section 303. Number and Election in Districts of the
24 Second[,] and Third [and Fourth] Classes; Terms of Office.--(a)
25 In each school district of the second class, and on and after
26 July 1, [1966] 2008, or if there is advance establishment July
27 1, [1964] 2006, or July 1, [1965] 2007, as the case may be, in
28 each school district of the second[,] and third [and fourth]
29 class, there shall be a board of nine (9) school directors, who,
30 except as otherwise provided in this act, shall be elected at

1 large for terms of six (6) years. The terms of three of the
2 members shall expire on the first Monday of December of each odd
3 numbered year, as now provided by law. At each municipal
4 election, three school directors, except as otherwise provided
5 in this act, shall be elected at large for terms of six (6)
6 years. Their terms of office shall begin on the first Monday of
7 December following their election. Beginning with the terms to
8 be filled at the municipal election held in [1979] 2007 and each
9 odd numbered year thereafter, the terms of school directors so
10 elected shall be four (4) years, except that at the municipal
11 election in [1983] 2011, five (5) school directors shall be
12 elected for terms of four (4) years and one (1) for a term of
13 two (2) years. At the municipal election in [1985] 2013 and
14 every four (4) years thereafter, four (4) directors shall be
15 elected for terms of four (4) years. At the municipal election
16 in [1987] 2015 and every four (4) years thereafter, five (5)
17 directors shall be elected for terms of four (4) years. The
18 board shall select by lot, prior to the time for filing of
19 nomination petitions, the vacancy that is to be filled for a two
20 (2) year term in [1983] 2011.

21 (b) (1) The interim operating committee or the board of
22 school directors may develop a plan to elect school directors
23 from regions or to elect some school directors at large and some
24 from regions. Such a plan may also be developed by the resident
25 electors of a school district as provided herein and shall have
26 the same effect as one developed by the board of school
27 directors.

28 (2) Electors equal to at least twenty-five (25) per centum
29 of the highest vote cast for any school director in the last
30 municipal election may develop a plan to elect school directors

1 from regions or to elect some school directors from regions and
2 some from the school district at large. Plans proposed by
3 electors shall be subject to the same requirements as plans
4 proposed by the board of school directors.

5 (3) The boundaries of the regions shall be fixed and
6 established in such manner that the population of each region
7 shall be as nearly equal as possible and shall be compatible
8 with the boundaries of election districts. Such plan for the
9 division of the school district shall be submitted for approval
10 to the court of common pleas. If approved by such court, the
11 clerk thereof shall certify the regional boundaries contained
12 therein to the county board of elections. In the event of any
13 division, redivision, alteration, change or consolidation of
14 election districts which renders regional boundaries
15 incompatible with the boundaries of election districts, a new
16 plan shall be developed and submitted for court approval in like
17 manner. Any proposed change in an approved plan, including
18 abolition of regional representation, shall be submitted for
19 approval to the court of common pleas by the board of school
20 directors, or by a petition of the resident electors within the
21 district. Where a region plan is approved, school directors who
22 reside in each region shall be elected by and from each region.
23 At all times each region shall be represented by directors
24 elected or appointed from that region. Where a combination at
25 large and region plan is approved, all regions shall have an
26 equal number of school directors who reside in each region and
27 who shall be elected or appointed by and from each region. At
28 all times each region shall be represented by a director or
29 directors elected or appointed from that region. All plans shall
30 provide that three school directors shall be elected at each

1 municipal election. In a combination at large and region plan,
2 the number of regions shall be three. In a region plan not
3 combining at large directors, the number of regions shall be
4 three or nine.

5 [(c) In any case where the newly established school district
6 is situated in two or more counties, the plan for regional
7 representation provided for herein shall be submitted for
8 approval to the court of quarter sessions of the county in which
9 the largest part in area of the land affected is situated, which
10 court shall have exclusive jurisdiction over the matter.]

11 Section 30. Section 303.1 of the act, amended or added
12 August 8, 1963 (P.L.564, No.299) and January 14, 1970 (1969
13 P.L.468, No.192), is amended to read:

14 Section 303.1. Incumbent School Directors and Interim
15 Operating Committee.--(a) All school directors of the component
16 school districts forming [an administrative unit composed of two
17 or more school districts] a countywide or regional district
18 approved by the Council of Basic Education to be established [as
19 a school district] shall serve out the terms of office for which
20 they were elected. No vacancies occurring in such position after
21 the date of establishment shall be filled.

22 (b) On or before the fifteenth day of January immediately
23 preceding the date of establishment, such incumbent school
24 directors of the component school districts shall be called into
25 convention by the county superintendent of schools or, if
26 necessary, after July 1, [1970] 2006, by the executive director
27 of the intermediate unit and shall select by majority vote an
28 interim operating committee composed of nine incumbent school
29 directors. In selecting the interim operating committee, the
30 incumbent school directors shall take into consideration the

1 principle of proportionate representation according to
2 population. If, by reason of failure to receive a majority vote,
3 a tie vote, or otherwise all nine members of the interim
4 operating committee are not selected at such convention, the
5 county superintendent of schools shall call another convention
6 within thirty days for the purpose of selecting the remaining
7 members. If all remaining members are not selected at such
8 second convention the court of common pleas of the proper
9 county, upon the petition of the county superintendent of
10 schools, shall within thirty days appoint to the interim
11 operating committee, from the incumbent school directors, the
12 remaining member or members and specify their terms. The
13 decision of the convention in selecting the interim operating
14 committee, except as hereinbefore provided, shall be final. Six
15 of the members of the interim operating committee shall be
16 selected for a term expiring on the first Monday of December,
17 [1967] 2007; and three for a term expiring on the first Monday
18 of December, [1969] 2009. In the event an incumbent director is
19 selected for a term on the interim operating committee which
20 would expire later than the term for which he was elected as a
21 school director, he shall serve only until the end of his term
22 for which he was elected as a school director. At the municipal
23 elections held in November, [1967] 2007 three members shall be
24 elected for a four-year term and three members shall be elected
25 for a six-year term. Thereafter, all members shall be elected
26 for six-year terms. The school directors elected at the
27 municipal elections held in November, [1967] 2007, and
28 thereafter, shall take the place of the appointed members of the
29 board of school directors of the newly established school
30 district as their terms expire. The members of the interim

1 operating committee shall become and shall serve as the board of
2 school directors of the school district on and after the date of
3 establishment.

4 (c) The interim operating committee shall have the power and
5 its duty shall be to meet, prepare and adopt a budget, levy and
6 assess taxes and perform all acts and functions necessary to
7 enable the proposed school district to function properly prior
8 to the date of its establishment. The committee shall have the
9 power to fill vacancies should a deficiency in membership arise
10 due to death, resignation or otherwise: Provided, however, That
11 vacancies shall first be filled by the selection of an incumbent
12 school director, if any.

13 (d) The incumbent school directors not selected for
14 membership on the interim operating committee shall serve in an
15 advisory capacity to the interim operating committee and to the
16 board of school directors of the newly established school
17 district. Such incumbent school directors may attend meetings
18 and participate in discussions of the interim operating
19 committee and board of school directors, but shall have no vote.

20 [(e) In the case of a single school district forming an
21 administrative unit approved by the Council of Basic Education
22 to be established as a school district, the incumbent school
23 directors shall be the school directors of the newly established
24 district and the election of school directors at each municipal
25 election subsequent to the date of establishment shall be as
26 provided in section 303 of this act. In the event the number of
27 incumbent school directors is less than nine, the board of
28 school directors on and after the date of establishment shall
29 have the power to raise its membership to nine in the manner now
30 provided by law to fill vacancies on the board.]

1 (f) The interim operating committee or the board of school
2 directors shall also have the power and its duty shall be to
3 propose a name for the school district to be established. The
4 name proposed shall be reported to the Department of [Public
5 Instruction] Education which shall review the proposed name and
6 approve it if it is not a duplication of a name previously
7 approved by the Department of [Public Instruction] Education.
8 When it approves a name, the Department of [Public Instruction]
9 Education shall issue a certificate stating that the approved
10 name has been registered as the official designation of the
11 school district.

12 Section 31. Sections 304, 305 and 306 of the act are amended
13 to read:

14 Section 304. Number and Election in Districts Third Class;
15 Terms of Office.--In each school district of the third class
16 there shall be a board of [seven (7)] nine (9) school directors,
17 who shall be elected at large, and whose terms of office shall
18 be six (6) years. The terms of the members now in office shall
19 expire at the end of the terms for which they were respectively
20 elected. At each of the municipal elections held in November,
21 one thousand nine hundred and forty-nine (1949), and in
22 November. [, one thousand nine hundred and fifty-one (1951), two
23 school directors shall be elected. At the municipal election
24 held in November, one thousand nine hundred and fifty-three
25 (1953), three school directors shall be elected. At each of the
26 first two municipal elections thereafter, two school directors
27 shall be elected. At the third municipal election, three shall
28 be elected. Thereafter, two school directors shall be elected at
29 each of the two succeeding municipal elections, and three at
30 each third municipal election.] All shall be elected at large,

1 for terms of six years. Their terms of office shall begin on the
2 first Monday of December following their election.

3 [Section 305. Number and Election in Districts Fourth Class;
4 Terms of Office.--In each school district of the fourth class
5 there shall be a board of five (5) school directors, who shall
6 be elected at large, and whose terms of office shall be six (6)
7 years. The terms of the members now in office shall expire at
8 the end of the terms for which they were respectively elected.
9 At each of the municipal elections held in November, one
10 thousand nine hundred and forty-nine (1949), and in November,
11 one thousand nine hundred fifty-one (1951), two school directors
12 shall be elected. At the municipal election held in November,
13 one thousand nine hundred fifty-three (1953), one school
14 director shall be elected. At each of the first two municipal
15 elections thereafter, two school directors shall be elected. At
16 the third municipal election, one shall be elected. Thereafter,
17 two school directors shall be elected at each of the two
18 succeeding municipal elections, and one at each third municipal
19 election. All shall be elected at large, for terms of six (6)
20 years. Their terms of office shall begin on the first Monday of
21 December following their election.

22 Section 306. Elections Where District Not Coextensive With,
23 or in More than One City, Borough, Town or Township.--Whenever
24 any school district is not coextensive with a city, borough,
25 incorporated town, or township, the county commissioners shall
26 furnish the proper election officials with a certified list of
27 the qualified electors of such school district and with the
28 necessary ballots to enable such electors to vote on matters
29 pertaining solely to such school district. When such school
30 district lies in two or more cities, boroughs, incorporated

1 towns, or townships, or any combination thereof, the judge,
2 inspectors, and clerks of each election district within such
3 school district which lies in two or more cities, boroughs,
4 incorporated towns, and townships, or any combination thereof,
5 shall make out a complete return of all the votes given at any
6 election for officers in the school district, or for the
7 submission of any question to the electors of such district,
8 designating the number of votes cast for each person, and for
9 and against each question so submitted to the electors.

10 Whereupon, the judge and inspectors shall appoint one of their
11 number for return judge to meet the other return judge or judges
12 of the school district, on the second day after any such
13 election, at the oldest election place within the district or at
14 such place within the district as shall have been appointed by
15 the court of common pleas. The judges shall then and there add
16 together the number of votes cast for each person voted for, and
17 for and against any question submitted to the electors, and
18 shall make out the returns as the nature of the election may
19 require, complying in all respects with the provisions of
20 existing election laws. After the performance of such duties,
21 the return judges shall appoint one of their number, by consent
22 or lot, to deliver, within two days thereafter, the full returns
23 of the vote for officers, to the prothonotary of the court of
24 common pleas, and of the vote on questions submitted to
25 electors, to the clerk of the court of quarter sessions of the
26 proper county, in the manner now provided by law for making
27 township or borough returns. Such judges shall ascertain and
28 declare the result of such election and shall issue certificates
29 to persons elected to fill such offices, within five (5) days
30 after making such returns.]

1 Section 32. Section 307 of the act, amended October 21, 1965
2 (P.L.601, No.312), is amended to read:

3 Section 307. Newly Formed Districts.--Where a new school
4 district of the first, second, or third class is formed by the
5 [creation of a new city, borough or township, and where a new
6 school district of the third or fourth class is so formed]
7 merging of two or more counties and is approved by the Council
8 of Basic Education, the court of common pleas having
9 jurisdiction in the merging school district with the greatest
10 student population shall appoint a board of school directors for
11 such new school district, which shall serve until the first
12 Monday of December next following the first municipal election
13 occurring more than thirty (30) days after the formation of such
14 new school district.

15 Section 33. Section 310 of the act, amended March 11, 1957
16 (P.L.6, No.2), is amended to read:

17 [Section 310. Annexation of Territory.--When territory
18 comprising a separate school district is annexed to a city, or
19 borough, or township, the terms of office of all the school
20 directors of such annexed territory shall expire at the
21 beginning of the first school year after such annexation is
22 effected, except the terms of the president and vice-president,
23 who shall hold office during the respective terms for which they
24 were elected.]

25 Section 34. Section 311.1 of the act, added December 19,
26 1967 (P.L.865, No.383), is amended to read:

27 [Section 311.1. Appointment in Independent Districts for
28 Transfer Purposes; Terms of Office.--In the case of an
29 independent district established by court for purposes of
30 transfer to another school district subsequent to the passage of

1 this act, the court shall appoint a director or directors, not
2 to exceed three. The term of the directors so appointed shall
3 begin on the date of appointment and shall terminate on the date
4 the transfer to the receiving school district becomes effective.
5 If there reside in the territory of the independent district one
6 or more who are currently serving as school directors, the court
7 shall make its first appointments from that group.

8 The directors so appointed shall have as their responsibility
9 the right and authority to represent the independent district in
10 all legal activities and conferences to properly effect the
11 transfer of the independent district to the receiving school
12 district.]

13 Section 35. Section 315 of the act, amended July 8, 1989
14 (P.L.253, No.43), is amended to read:

15 Section 315. Filling of Vacancies.--In case any vacancy
16 shall occur in any board of school directors by reason of death,
17 resignation, removal from the district, or otherwise, such
18 vacancy shall, in a school district of the first class, be
19 filled for the unexpired term by the court of common pleas of
20 the county in which such school district is situated from the
21 qualified electors of the district; and in a school district of
22 the second[,] or third[, or fourth] classes, the remaining
23 members of the board of school directors shall, by a majority
24 vote thereof, fill such vacancy from the qualified electors of
25 the district within thirty (30) days thereafter. In a district
26 of the second, third, or fourth class, the person selected to
27 fill such vacancy shall be a qualified elector of the district
28 and shall hold his office, if the term thereof so long
29 continues, until the first Monday of December after the first
30 municipal election occurring more than sixty (60) days after the

1 vacancy shall have occurred. At such election an eligible person
2 shall be elected for the remainder of the unexpired term. If, by
3 reason of a tie vote or otherwise, such vacancy shall not have
4 been filled by the board of school directors within thirty (30)
5 days after such vacancy shall have occurred from the qualified
6 electors of the district, the court of common pleas of the
7 proper county, upon the petition of ten or more resident
8 taxpayers, shall fill such vacancy by the appointment of a
9 suitable person from the qualified electors of the district if
10 the term of the vacant office so long continues, until the first
11 Monday of December after the first municipal election occurring
12 more than sixty (60) days after the vacancy shall have occurred.
13 At such election an eligible person shall be elected for the
14 remainder of the unexpired term. When any member of a board of
15 school directors heretofore or hereafter enlists or is inducted
16 into the military or naval forces of the United States in time
17 of war, a temporary vacancy shall be declared, which shall be
18 filled by the remaining members of the board or the court, as
19 the case may be from the qualified electors of the district,
20 until the return of such member of the board from the military
21 or naval service, or until the expiration of the term for which
22 he shall have been elected, whichever shall be the shorter
23 period.

24 Section 36. Section 401 of the act, amended or added
25 December 14, 1967 (P.L.837, No.363) and August 5, 1977 (P.L.178,
26 No.46), is amended to read:

27 Section 401. Beginning of School Year; Organization
28 Meetings.--

29 (a) In all school districts of the first class the school
30 year shall begin on the first day of January of each year and

1 the school directors shall meet and organize annually during the
2 second week of November.

3 (a.1) In all school districts of the first class A, the
4 school directors shall meet and organize annually during the
5 first week of December.

6 (b) In all school districts of the second[, third, and
7 fourth] and third class, except as hereinafter provided, the
8 school year shall begin on the first day of July of each year
9 and the school directors shall meet and organize annually during
10 the first week of December.

11 (c) When a new school district is created, or when the
12 offices of all the school directors of a district become vacant,
13 the school directors appointed by the court, in any such case,
14 shall meet and organize within ten days after their appointment.

15 (d) When two or more school districts are consolidated in
16 any manner provided in this act and under the provisions of this
17 act the members of the boards of directors of the respective
18 districts continue in office during the respective terms for
19 which they were elected and become the school directors of the
20 consolidated district, they shall organize during the first week
21 of July following such consolidation by electing a president and
22 vice-president who shall hold their respective offices until the
23 first Monday of December following their election, and by the
24 election of a secretary for the consolidated district who shall
25 serve for the remainder of the term for which secretaries are
26 elected, and by the election of a treasurer for the consolidated
27 district who shall hold office for the school year.

28 Section 37. Section 404 of the act, amended December 14,
29 1967 (P.L.837, No.363), is amended to read:

30 Section 404. Districts Second[, Third and Fourth] and Third

1 Class Permanent Organization; Election of Officers.--In each
2 school district of the second, third and fourth class, the
3 school directors shall effect a permanent organization by
4 electing, during the first week of December, from their members,
5 a president and vice-president, each to serve for one year, and
6 shall annually, during the month of May, elect a treasurer to
7 serve for one year, beginning the first day of July following
8 such election, and shall, during the month of May, [one thousand
9 nine hundred and fifty-three] two thousand and five, and every
10 four years thereafter, elect a secretary for a term of four
11 years, beginning the first day of July following such election.
12 The treasurer may be any corporation duly qualified and legally
13 authorized to transact a fiduciary business in the Commonwealth.
14 Vacancies in the office of secretary shall be filled for the
15 unexpired term. In school districts of the second class the
16 secretary and treasurer shall not be members of the board. In
17 districts of the third and fourth class they may be members of
18 the board. The same person shall not hold at the same time more
19 than one of the offices of president, vice-president, secretary
20 or treasurer of any board of school directors.

21 No superintendent, assistant superintendent, supervising
22 principal, or teacher shall serve, either temporarily or
23 permanently, as an officer of the school board by which he is
24 employed.

25 Section 38. Sections 408 and 432 of the act are amended to
26 read:

27 Section 408. Records, etc., Open to Taxpayers.--The accounts
28 and records of proceedings of the board of every school district
29 of the third [and fourth] class and of their officers shall be
30 open to the inspection of any taxpayer thereof, his, her, or its

1 agents or representative, upon request therefor, in writing, to
2 the board of school directors at a regular meeting.

3 Section 432. Compensation.--The secretary of the board of
4 school directors may receive for his services such compensation
5 as the board shall fix, the amount of which shall be reported
6 annually to the [Superintendent of Public Instruction] Secretary
7 of Education and be printed in his report.

8 Section 39. Section 433 of the act, amended October 21, 1965
9 (P.L.601, No.312), is amended to read:

10 Section 433. Duties.--The secretary of the board of school
11 directors shall perform the following duties:

12 (1) He shall keep a correct and proper record of all the
13 proceedings of the board, and shall prepare such reports and
14 keep such accounts as are required by the provisions of this
15 act;

16 (2) He shall after the board has acted on and approved any
17 bill or account for the payment of money authorized by this act,
18 prepare and sign an order on the treasurer for the payment of
19 the same. He may prepare and sign orders on the treasurer for
20 the payment of amounts owing under any contracts which shall
21 previously have been approved by the board, and by the prompt
22 payment of which the district will receive a discount or other
23 advantage, without the approval of the board first having been
24 secured;

25 (3) He shall attest, in writing, the execution of all deeds,
26 contracts, reports, and other instruments that are to be
27 executed by the board;

28 (4) He shall furnish, whenever requested, any and all
29 reports concerning the school affairs of the district, on such
30 form, and in such manner, as the State Board of Education or the

1 [Superintendent of Public Instruction] Secretary of Education

2 may require;

3 (5) He shall have general supervision of all the business
4 affairs of the school district, subject to the instructions and
5 direction of the board of school directors;

6 (6) He shall be the custodian of all the records, papers,
7 office property, and official seal of the school district, and
8 at the expiration of his term shall turn the same over to his
9 successor;

10 (7) He shall keep correct accounts with each receiver of
11 taxes, school treasurer, or school tax collector of the
12 district, reporting a statement of the same, together with a
13 statement of the finances of the district, at each regular
14 meeting of the board, which statement shall be entered in full
15 upon the minutes;

16 (8) He shall perform such other duties pertaining to the
17 business of the district as are required by this act or as the
18 board of school directors may direct.

19 Section 40. Section 438 of the act is amended to read:

20 Section 438. Compensation.--School treasurers shall be paid
21 such compensation as the boards of school directors of the
22 respective districts may determine. In all school districts of
23 the second[, third, and fourth] and third class such
24 compensation or commission shall not exceed two per centum of
25 the amount of funds paid out on school orders. No compensation
26 shall be allowed to any school treasurer on account of any
27 balance in his hands paid over to his successor, nor for the
28 repayment of any loan or redemption of bonds, whether upon order
29 or otherwise. The compensation received by each school treasurer
30 for the preceding year shall be reported annually to the

1 [Superintendent of Public Instruction] Secretary of Education,
2 and be printed in his report.

3 Section 41. Section 440.1 of the act, amended July 1, 1981
4 (P.L.200, No.62) and June 30, 1995 (P.L.220, No.26), is amended
5 to read:

6 Section 440.1. Investment of School District Funds.--(a)
7 The board of school directors in any school district of the
8 first class, first class A, second[, third or fourth] and third
9 class shall invest school district funds consistent with sound
10 business practice.

11 (b) The board of school directors shall provide for an
12 investment program subject to restrictions contained in this act
13 and in any other applicable statute and any rules and
14 regulations adopted by the board.

15 (c) Authorized types of investments for school district
16 funds shall be:

17 (i) United States Treasury bills.

18 (ii) Short-term obligations of the United States Government
19 or its agencies or instrumentalities.

20 (iii) Deposits in savings accounts or time deposits or share
21 accounts of institutions insured by the Federal Deposit
22 Insurance Corporation or the Federal Savings and Loan Insurance
23 Corporation or the National Credit Union Share Insurance Fund to
24 the extent that such accounts are so insured, and, for any
25 amounts above the insured maximum, provided that approved
26 collateral as provided by law therefore shall be pledged by the
27 depository.

28 (iv) Obligations of the United States of America or any of
29 its agencies or instrumentalities backed by the full faith and
30 credit of the United States of America, the Commonwealth of

1 Pennsylvania or any of its agencies or instrumentalities backed
2 by the full faith and credit of the Commonwealth, or of any
3 political subdivision of the Commonwealth of Pennsylvania or any
4 of its agencies or instrumentalities backed by the full faith
5 and credit of the political subdivision.

6 (v) Shares of an investment company registered under the
7 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1
8 et seq.), whose shares are registered under the Securities Act
9 of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.): Provided, That
10 the following are met:

11 (A) Only investments of that company are in the authorized
12 investments for school district funds listed in clauses (i)
13 through (iv) and repurchase agreements fully collateralized by
14 such investments.

15 (B) The investment company is managed so as to maintain its
16 shares at a constant net asset value in accordance with 17 CFR
17 270 2a-7 (relating to money market funds).

18 (C) The investment company is rated in the highest category
19 by a nationally recognized rating agency.

20 (d) In making investments of funds, the board shall have
21 authority:

22 (i) To permit assets pledged as collateral under subsection
23 (c)(iii), to be pooled in accordance with the act of August 6,
24 1971 (P.L.281, No.72), relating to pledges of assets to secure
25 deposits of public funds.

26 (ii) To combine moneys from more than one fund under school
27 district control for the purchase of a single investment,
28 provided that each of the funds combined for the purpose shall
29 be accounted for separately in all respects and that the
30 earnings from the investment are separately and individually

1 computed and recorded, and credited to the accounts from which
2 the investment was purchased.

3 (e) Any such purchase or sale shall be made by the treasurer
4 of the school district on a resolution adopted by the board of
5 school directors.

6 Section 42. Section 519 of the act, is amended to read:

7 Section 519. Copies of School Laws.--The [Superintendent of
8 Public Instruction] Secretary of Education shall send to each
9 member of every board of school directors in the State, a bound
10 copy of each new edition of the School Laws, as soon as possible
11 after the same shall have been published.

12 Section 43. Section 520 of the act, amended January 14, 1970
13 (1969 P.L.468, No.192), is amended to read:

14 Section 520. Temporary Emergency War Provisions.--(a)
15 Whenever, during the continuance of any war in which this Nation
16 is or may become engaged, it shall be found as a fact by the
17 board of school directors of any school district and so recorded
18 on the minutes of a regular or special meeting of such board and
19 certified to the Department of [Public Instruction] Education,
20 that the normal operation of the schools, as required by this
21 act, in respect to any of the matters hereinafter set forth,
22 shall interfere with the prosecution of such war, such board of
23 school directors shall have power to put into operation in such
24 school district any one or more temporary emergency war
25 provisions authorized by this act, but in no event longer than
26 for a period of one year after the cessation of the hostilities
27 of such war.

28 (b) Subject to the foregoing provisions, any board of school
29 directors may--

30 (1) Keep the schools of the district in session such days

1 and number of days per week as they shall deem necessary or
2 desirable, but the provisions of this act requiring a minimum of
3 one hundred eighty (180) session days as a school year shall not
4 be affected thereby;

5 (2) Extend the length of the school days in such manner as
6 to make it possible to complete and to accredit a calendar day
7 as a full school day and a fractional portion of an additional
8 school day;

9 (3) Suspend temporarily the regular session of any class or
10 classes, or close temporarily any school or all the schools of
11 the district as an emergency war measure, or when the Governor
12 by proclamation so directs. The days on which the regular
13 sessions of classes or schools are so suspended or closed shall
14 be recorded and credited as if they were days taught: Provided,
15 That in no instance shall the session so suspended or closed
16 exceed thirty school days during any school term for any pupil
17 except by special wartime emergency proclamation by the
18 Governor;

19 (4) Adjust the assignment and reassignment of teachers in
20 such fields, subjects, schedules and semesters or other periods
21 of work and in such schools as their preparation, experience and
22 certification may qualify them. No such temporary emergency
23 assignment or reassignment shall reduce the annual compensation
24 any teacher receives at the time of such assignment or
25 reassignment, nor shall the emergency assignment, reassignment
26 or the return to the original type of assignment when the
27 emergency has ended be deemed to be a demotion under the tenure
28 provisions of this act;

29 (5) Grant farm and conservation employment permits to pupils
30 who have attained the age of fourteen years and have completed

1 the sixth grade or equivalent thereof, and to enable group
2 participation by pupils regularly enrolled in schools in
3 seasonal farm and conservation activities. The word
4 "conservation" as used in this clause shall mean the conserving,
5 preserving, guarding or protecting of crops, forests and rivers;

6 (6) Accept the certification of the family physician of any
7 child as satisfactory proof of suitable physical condition for
8 the issuance of any farm or conservation permit granted during
9 the period of emergency;

10 (7) Make such arrangements for extending the use of school
11 buses or other school transportation facilities as may seem
12 desirable for the transportation of teachers, as well as pupils,
13 or for otherwise furthering the war and civilian defense effort;

14 (8) Provide, in lieu of pupil transportation required by
15 law, tuition to a school in another district, when educational
16 facilities can thus be made available, without requiring such
17 pupils to walk more than two miles to the school to which the
18 pupil has been assigned. The above provisions shall also apply
19 in any case where the Department of [Public Instruction]

20 Education determines that a revision of existing transportation
21 practices will result in the more economical use of school
22 facilities and the conservation of transportation equipment;

23 (9) Obtain the full State subsidy provided for fully and
24 regularly certificated teachers when, at the request of the
25 responsible school district, the Superintendent of Public
26 Instruction has issued to a teacher temporarily employed, a
27 special emergency wartime certificate to teach in the subject or
28 field for which wartime emergency conditions make it necessary
29 to employ such teacher.

30 Section 44. Section 520.1 of the act, added January 14, 1952

1 (1951 P.L.1940, No.541), is amended to read:

2 Section 520.1. Temporary Emergency Provisions.--(a)

3 Whenever an emergency shall arise which the board of school
4 directors of any school district in the performance of its
5 duties could not anticipate or foresee, and which emergency
6 shall result in any such school district being unable to provide
7 for the attendance of all pupils during the prescribed length of
8 school days, number of days per week, or usual hours of classes,
9 it shall be found as a fact by the school directors of any
10 school district and so recorded on the minutes of a regular or
11 special meeting of such board and certified to the
12 Superintendent of [Public Instruction] Education, and such board
13 of school directors, subject to the approval of the
14 Superintendent of [Public Instruction] Education, shall have
15 power to put into operation in such school district any one or
16 more of the temporary provisions hereinafter provided for, but
17 in no event shall such temporary provisions remain in effect for
18 a period of more than four years after they are first put into
19 effect.

20 (b) Subject to the foregoing provisions, any board of school
21 directors may:

22 (1) Keep the schools of the district in session such days
23 and number of days per week as they shall deem necessary or
24 desirable, but the provisions of this act requiring a minimum of
25 one hundred eighty (180) session days as a school year shall not
26 be affected thereby.

27 (2) Reduce the length of time of daily instruction for
28 various courses and classes.

29 (c) Any school district, by invoking the powers herein
30 granted, shall not thereby forfeit its right to reimbursement by

1 the Commonwealth or other State-aid as otherwise provided for by
2 this act.

3 Section 45. Section 523 of the act, amended September 12,
4 1961 (P.L.1272, No.558), January 14, 1970 (1969 P.L.468, No.192)
5 and November 2, 1973 (P.L.321, No.103), is amended to read:

6 Section 523. Educational Broadcasting.--

7 (a) The State Board of Education shall adopt and amend, when
8 necessary, a State Plan for Educational Broadcasting. The State
9 plan shall provide for the development of educational
10 broadcasting facilities in the Commonwealth and shall define
11 educational broadcasting service areas which shall be served by
12 specified broadcasting centers. The Department of Education
13 shall promulgate regulations to implement the State plan. Prior
14 to adoption or amendment of the State plan, the board shall
15 submit the plan to the Pennsylvania Public Television Network
16 Commission and receive its comments thereon.

17 (b) The board of school directors of any school district may
18 enter into an agreement or agreements with one or more school
19 districts and/or intermediate units and/or with other
20 educational institutions or agencies and/or with non-profit
21 organizations for the joint operation of an educational
22 television and/or radio station. In the case where the members
23 of the board of school directors and/or intermediate unit board
24 of directors are members of any non-profit community corporation
25 holding a valid Federal Communications Commission broadcasting
26 license for a television and/or radio station, these non-profit
27 community corporations which are a part of the State Plan for
28 Educational Broadcasting, may enter into contracts with the
29 State Public School Building Authority for the purpose of
30 constructing, improving, maintaining, operating, furnishing and

1 equipping these educational broadcasting facilities as a part of
2 the public school system of the Commonwealth of Pennsylvania.

3 (c) The board of school directors of any school district and
4 any intermediate unit board of directors may enter into an
5 agreement or agreements with one or more school districts and/or
6 intermediate unit boards of directors and/or other educational
7 institutions or agencies and/or non-profit or commercial
8 organizations for broadcasting.

9 (d) The Department of [Public Instruction] Education may
10 enter into agreements with educational or commercial radio
11 and/or television networks or stations, non-profit organizations
12 radio and/or television production centers, or any intermediate
13 units, school district or districts for the purpose of
14 educational broadcasting.

15 (e) The Department of [Public Instruction] Education and
16 boards of school directors of any school district or
17 intermediate units, or both, may contract for educational
18 broadcasts for children or adults, using State funds or State-
19 administered Federal funds appropriated for that purpose, or
20 private grants or gifts.

21 (f) In accordance with the State plan for educational
22 broadcasting, the Department of [Public Instruction] Education
23 may establish and/or operate a broadcasting station and/or
24 purchase, produce and/or contract to purchase or produce tapes,
25 films and/or recordings for educational broadcasting.

26 Section 46. Section 524 of the act, amended October 21, 1965
27 (P.L.601, No.312) and January 14, 1970 (1969 P.L.468, No.192),
28 is amended to read:

29 Section 524. Closure of Schools or Departments.--The board
30 of school directors of any school district, including merged or

1 union districts, and any boards of school directors establishing
2 any joint school or department, shall not close any school or
3 department during the school term, unless such action shall
4 advance the orderly development of attendance areas within an
5 approved administrative unit and has been approved by the
6 Department of [Public Instruction] Education. In the event a
7 school board shall determine prior to the beginning of the next
8 school term to close any school or department, sixty (60) days'
9 notice, in writing, 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. Upon failure to
15 give written notice of intention to close any school or
16 department, the school district shall pay such employes their
17 salaries until the end of the school year during which such
18 schools or departments were closed.

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

28 The payment of salary to any temporary professional or
29 professional employe shall be discontinued immediately, if such
30 employe obtains other employment which, in the judgment of the

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

7 Section 47. Section 525 of the act, amended October 21, 1965
8 (P.L.601, No.312), is amended to read:

9 Section 525. Establishment and Operation of Educational
10 Television and Broadcasting Facilities.--Whenever funds become
11 available from any source whatever for the purpose of (1)
12 establishing and where necessary operating such pilot
13 educational television projects, (2) purchasing, producing and
14 contracting for the purchase or production of tapes, films and
15 recordings for educational broadcasting, (3) making special
16 grants to school districts, county boards of school directors
17 and State colleges for educational broadcasting services
18 procured by them where it is determined by the Department of
19 [Public Instruction] Education that the awarding of such special
20 grants will materially encourage the use of educational
21 television facilities, (4) establishing educational television
22 facilities in accordance with the State plan for educational
23 broadcasting, and (5) establishing network facilities to link
24 educational broadcasting facilities as may be required by the
25 State plan for educational broadcasting or any of these
26 purposes, the Department of [Public Instruction] Education may
27 expend such funds for such purpose or purposes in amounts to be
28 determined by the Department of [Public Instruction] Education
29 in accordance with policies approved by the State Board of
30 Education. This section shall not be construed to authorize the

1 expenditure of any State funds for such purposes unless
2 specifically appropriated by the General Assembly.

3 Section 48. Section 1361 of the act, amended May 11, 1979
4 (P.L.26, No.7), is amended to read:

5 Section 1361. When Provided.--(1) The board of school
6 directors in any school district may, out of the funds of the
7 district, provide for the free transportation of any resident
8 pupil to and from the kindergarten, elementary school, or
9 secondary school in which he is lawfully enrolled, provided that
10 such school is not operated for profit and is located within the
11 district boundaries or outside the district boundaries at a
12 distance not exceeding [ten] twenty miles by the nearest public
13 highway, except that [such ten-mile] the limit shall not apply
14 to area vocational technical schools which regularly serve
15 eligible district pupils or to special schools and classes
16 approved by the Department of Education, and to and from any
17 points within or without the Commonwealth in order to provide
18 field trips for any purpose connected with the educational
19 pursuits of the pupils. When provision is made by a board of
20 school directors for the transportation of public school pupils
21 to and from such schools or to and from any points within or
22 without the Commonwealth in order to provide field trips as
23 herein provided, the board of school directors shall also make
24 identical provision for the free transportation of pupils who
25 regularly attend nonpublic kindergarten, elementary and high
26 schools not operated for profit to and from such schools or to
27 and from any points within or without the Commonwealth in order
28 to provide field trips as herein provided. Such transportation
29 of pupils attending nonpublic schools shall be provided during
30 regular school hours on such dates and periods that the

1 nonpublic school not operated for profit is in regular session,
2 according to the school calendar officially adopted by the
3 directors of the same in accordance with provisions of law. The
4 board of school directors shall provide such transportation
5 whenever so required by any of the provisions of this act or of
6 any other act of Assembly.

7 (2) The board of school directors in any school district
8 may, if the board deems it to the best interest of the school
9 district, for the purposes of transporting pupils as required or
10 authorized by any of the provisions of this act or of any other
11 act of the Assembly, appropriate funds for urban common carrier
12 mass transportation purposes from current revenues to urban
13 common carrier mass transportation authorities to assist the
14 authorities to meet costs of operation, maintenance, capital
15 improvements, and debt service. Said contributions shall not be
16 subject to reimbursement by the Commonwealth of Pennsylvania.

17 (3) The State Board of Education shall adopt regulations,
18 including qualifications of school bus drivers, to govern the
19 transportation of school pupils.

20 Section 49. This act shall take effect in 60 days.