

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2055 Session of
2005

INTRODUCED BY T. STEVENSON, ARMSTRONG, BARRAR, BEYER,
CALTAGIRONE, CORRIGAN, CRAHALLA, CREIGHTON, DENLINGER, DIVEN,
GEIST, HENNESSEY, KOTIK, MCGILL, MUSTIO, PETRI, PYLE, SATHER,
E. Z. TAYLOR AND YOUNGBLOOD, OCTOBER 17, 2005

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 5, 2006

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

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

10 Section 1. Section 1073(a) ~~and (b)~~ of the act of March 10, <—
11 1949 (P.L.30, No.14), known as the Public School Code of 1949,
12 amended January 16, 1974 (P.L.1, No.1), ~~are~~ IS amended and the <—
13 section is amended by adding a subsection to read:

14 Section 1073. Manner of Election or Approval.--(a) The
15 board of school directors of each school district, except in
16 school districts of the first class, shall meet at its regular
17 place of meeting, during the last year of the term of the
18 district superintendent or at any other time when a vacancy
19 shall occur in the office of district superintendent, at an hour

1 previously fixed by the board. The secretary of each board of
2 school directors shall mail to each member thereof at least five
3 days beforehand, a notice of the time, place and purpose of such
4 meeting. At such meeting the board shall elect or approve a
5 properly qualified district superintendent to serve a term of
6 from three (3) to five (5) years, and not more than three (3)
7 years if the person has no prior experience as a superintendent
8 or assistant superintendent, from the first day of July next
9 following his election or from a time mutually agreed upon by
10 the duly elected district superintendent and the board of school
11 directors.

12 ~~(b) At a regular meeting of the board of school directors~~ <—
13 ~~occurring at least one hundred fifty (150) days prior to the~~
14 ~~expiration date of the term of office of the district~~
15 ~~superintendent, the agenda shall include an item requiring~~
16 ~~affirmative action by five or more members of the board of~~
17 ~~school directors to notify the district superintendent that the~~
18 ~~board intends to retain him for a further term of from three (3)~~
19 ~~to five (5) years, and not more than three (3) years, if the~~
20 ~~person has no prior experience as a superintendent or assistant~~
21 ~~superintendent or that another or other candidates will be~~
22 ~~considered for the office. In the event that the board fails to~~
23 ~~take such action at a regular meeting of the board of school~~
24 ~~directors occurring at least one hundred fifty (150) days prior~~
25 ~~to the expiration date of the term of office of the district~~
26 ~~superintendent, he shall continue in office for a further term~~
27 ~~of similar length to that which he is serving.~~

28 * * *

29 (e) (1) Notwithstanding any other provision of law, no
30 individual shall be employed as a superintendent or assistant

1 superintendent by a school district except pursuant to a written
2 contract of employment expressly stating the terms and
3 conditions of employment.

4 (2) A contract for the employment of a superintendent or
5 assistant superintendent shall:

6 (i) Contain the mutual and complete agreement between the
7 superintendent or assistant superintendent and the board of
8 school directors with respect to the terms and conditions of
9 employment.

10 (ii) Consistent with State Board of Education certification
11 requirements, specify the duties, responsibilities, job
12 description and performance expectations.

13 (iii) Incorporate all provisions relating to compensation
14 and benefits to be paid to or on behalf of the superintendent or
15 assistant superintendent.

16 (iv) Specify the term of employment and state that the
17 contract shall terminate immediately upon the expiration of the
18 term.

19 ~~(v) Specify the termination provisions, provided that no~~
20 ~~buy out provision may be more than six (6) months in duration.~~

21 TERM UNLESS THE CONTRACT IS ALLOWED TO RENEW AUTOMATICALLY UNDER
22 THE PROVISIONS OF SUBSECTION (B).

23 (V) SPECIFY THE TERMINATION, BUY-OUT, AND SEVERANCE
24 PROVISIONS INCLUDING ALL POST-EMPLOYMENT COMPENSATION AND THE
25 PERIOD OF TIME IN WHICH SUCH COMPENSATION SHALL BE PROVIDED.

26 (vi) Contain provisions relating to outside work that may be
27 performed, if any.

28 (vii) State that any modification to the contract must be in
29 writing.

30 (viii) State that the contract shall be governed by

1 Pennsylvania law.

2 (3) NO AGREEMENT BETWEEN THE BOARD OF SCHOOL DIRECTORS AND A <—
3 SUPERINTENDENT OR ASSISTANT SUPERINTENDENT FOR A NEGOTIATED
4 SEVERANCE OF EMPLOYMENT PRIOR TO THE END OF THE SPECIFIED
5 CONTRACT TERM SHALL PROVIDE FOR SEVERANCE COMPENSATION TO THE
6 SUPERINTENDENT OR ASSISTANT SUPERINTENDENT, INCLUDING THE
7 REASONABLE VALUE OF ANY NONCASH SEVERANCE BENEFITS OR POST-
8 EMPLOYMENT BENEFITS NOT OTHERWISE ACCRUING UNDER THE CONTRACT OR
9 PURSUANT TO LAW, THAT:

10 (I) WHERE THE AGREEMENT IS EFFECTIVE TWO YEARS OR MORE PRIOR
11 TO THE END OF THE SPECIFIED CONTRACT TERM, EXCEEDS THE
12 EQUIVALENT OF ONE YEAR'S COMPENSATION AND BENEFITS OTHERWISE DUE
13 UNDER THE CONTRACT.

14 (II) WHERE THE AGREEMENT IS EFFECTIVE LESS THAN TWO YEARS
15 PRIOR TO THE END OF THE SPECIFIED CONTRACT TERM, EXCEEDS THE
16 EQUIVALENT OF ONE-HALF OF THE TOTAL COMPENSATION AND BENEFITS
17 DUE UNDER THE CONTRACT FOR THE REMAINDER OF THE TERM.

18 Section 2. Section 1080 of the act is amended to read:

19 Section 1080. Removal.--(a) District superintendents and
20 assistant district superintendents may be removed from office,
21 after hearing, by a majority vote of the board of school
22 directors of the district, for neglect of duty, incompetency,
23 intemperance, or immorality, of which hearing notice of at least
24 one week has been sent by mail to the accused, as well as to
25 each member of the of the board of school directors.

26 (b) The board of school directors shall publicly disclose AT <—
27 THE NEXT REGULARLY SCHEDULED MONTHLY MEETING the cause or reason
28 for the removal from office under subsection (a).

29 (c) Notwithstanding any of the provisions of this section, a
30 school superintendent under contract with a board of school

1 directors of a school district prior to the effective date of
2 this subsection shall be permitted to complete the remainder of
3 said contract according to its terms and shall become subject to
4 the provisions of this section in the first contract renewal
5 following the effective date of this subsection.

6 Section 3. This act shall take effect in 60 days.