

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 138 Session of 2011

INTRODUCED BY GODSHALL, CALTAGIRONE, CREIGHTON, DeLUCA,
MARSHALL, REICHLEY, ROCK AND SCHRODER, JANUARY 20, 2011

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 20, 2011

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 filling of
6 vacancies.

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

9 Section 1. Section 315 of the act of March 10, 1949 (P.L.30,
10 No.14), known as the Public School Code of 1949, amended July 8,
11 1989 (P.L.253, No.43), is amended to read:

12 Section 315. Filling of Vacancies.--In case any vacancy
13 shall occur in any board of school directors by reason of death,
14 resignation, removal from the district, or otherwise, such
15 vacancy shall, in a school district of the first class, be
16 filled for the unexpired term by the court of common pleas of
17 the county in which such school district is situated from the
18 qualified electors of the district; and in a school district of
19 the second, third, or fourth classes, the remaining members of
20 the board of school directors shall, by a majority vote thereof,

1 fill such vacancy from the qualified electors of the district
2 within thirty (30) days thereafter[.]: Provided, That any school
3 board member, during his term of office, shall not resign and
4 subsequently be appointed to fill another vacancy existing on
5 the board until the expiration of the term to which the member
6 was elected or appointed. In a district of the second, third, or
7 fourth class, the person selected to fill such vacancy shall be
8 a qualified elector of the district and shall hold his office,
9 if the term thereof so long continues, until the first Monday of
10 December after the first municipal election occurring more than
11 sixty (60) days after the vacancy shall have occurred. At such
12 election an eligible person shall be elected for the remainder
13 of the unexpired term. If, by reason of a tie vote or otherwise,
14 such vacancy shall not have been filled by the board of school
15 directors within thirty (30) days after such vacancy shall have
16 occurred from the qualified electors of the district, the court
17 of common pleas of the proper county, upon the petition of ten
18 or more resident taxpayers, shall fill such vacancy by the
19 appointment of a suitable person from the qualified electors of
20 the district if the term of the vacant office so long continues,
21 until the first Monday of December after the first municipal
22 election occurring more than sixty (60) days after the vacancy
23 shall have occurred. At such election an eligible person shall
24 be elected for the remainder of the unexpired term. When any
25 member of a board of school directors heretofore or hereafter
26 enlists or is inducted into the military or naval forces of the
27 United States in time of war, a temporary vacancy shall be
28 declared, which shall be filled by the remaining members of the
29 board or the court, as the case may be from the qualified
30 electors of the district, until the return of such member of the

1 board from the military or naval service, or until the
2 expiration of the term for which he shall have been elected,
3 whichever shall be the shorter period.

4 Section 2. This act shall take effect in 60 days.