

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 803 Session of 2011

INTRODUCED BY PICCOLA, SCARNATI, EARLL, ALLOWAY, FOLMER, ORIE,  
EICHELBERGER, WAUGH, SOLOBAY, ERICKSON AND HUGHES,  
MARCH 11, 2011

REFERRED TO EDUCATION, MARCH 11, 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," in preliminary provisions, further  
6 providing for publication of notices and proofs of  
7 publication.

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

10 Section 1. Section 106 of the act of March 10, 1949 (P.L.30,  
11 No.14), known as the Public School Code of 1949, is amended to  
12 read:

13 Section 106. Publication of Notices, etc.; Proofs of  
14 Publication.--(a) Whenever, under the provisions of this act,  
15 notice is required to be published in one newspaper, such  
16 publication shall be made as follows:

17 (1) in a newspaper of general circulation as defined by the  
18 "Newspaper Advertising Act" of May sixteen, one thousand nine  
19 hundred twenty-nine (Pamphlet Laws 1784), printed in the  
20 county[, unless the matter in connection with which the

1 advertising is being done affects only a school district, in  
2 which case such advertisement shall be published in a newspaper  
3 printed in such school district, if there is such a newspaper,  
4 and if not, then in a newspaper circulating generally in such  
5 school district. If such notice is required to be published in  
6 more than one newspaper, it shall be published in at least one  
7 newspaper of general circulation, defined as aforesaid, printed,  
8 if there be such a newspaper, or circulating generally, as above  
9 provided, in the school district] in which the school district  
10 is located;

11 (2) in a newspaper printed in the school district, if there  
12 is such a newspaper;

13 (3) in a newspaper circulating generally in the school  
14 district;

15 (4) in a legal newspaper designated by the rules of court of  
16 the county in which the school district is located for the  
17 publication of legal notices and advertisements;

18 (5) on the school district's official, public Internet  
19 website using hypertext markup language (HTML) format, or an  
20 equivalent language format;

21 (6) on the official, public Internet website of a newspaper  
22 listed in paragraph (1), (2), (3) or (4), using HTML format or  
23 an equivalent language format; or

24 (7) in a community paper of mass dissemination. For purposes  
25 of this paragraph, a "community paper of mass dissemination"  
26 shall mean a locally circulated printed publication that is at  
27 least four pages long, is issued on at least a weekly basis and  
28 is distributed by audited carriers to all known addresses within  
29 a political subdivision.

30 [(b) When such notice relates to any proceeding or matter in

1 any court, or the holding of an election for the increase of  
2 indebtedness, or the issue and sale of bonds to be paid by  
3 taxation, such notice, in each school district, shall also be  
4 published in the legal newspaper, if any, designated by the  
5 rules of court of the proper county for the publication of legal  
6 notices and advertisements: Provided, That auditors' statements,  
7 summaries of auditors' statements, advertisements inviting  
8 proposals for public contracts and for bids for materials and  
9 supplies, or lists of delinquent taxpayers, shall be published  
10 only in newspapers of general circulation, defined as  
11 aforesaid.]

12 (b.1) If notice is required to be published in more than one  
13 publication, such publication shall be made by at least two of  
14 the means of publication listed in subsection (a).

15 (b.2) A school district may determine the appropriate means  
16 of publication from the means of publication listed in  
17 subsection (a).

18 (c) Proof of publication of any notice required to be given  
19 by the posting of handbills or statements shall be made by  
20 attaching an original copy of such handbill or statement as  
21 actually printed and posted to an affidavit made by the person  
22 posting such notice. Such affiant shall not be an interested  
23 party or an employe of any person or persons interested in the  
24 subject matter of said notice. His affidavit shall state where  
25 and when the notices were posted and [where] the manner in which  
26 the notice was published [in newspapers, as aforesaid]. A  
27 printed copy, exactly as published [in said newspaper], shall be  
28 securely attached to a similar affidavit of the publisher or his  
29 designated agent.

30 Section 2. This act shall take effect immediately.