

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2824 Session of
1978

INTRODUCED BY WISE, SEPTEMBER 26, 1978

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 26, 1978

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for the
21 membership of the Council of Basic Education.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 408.1, act of April 9, 1929 (P.L.177,
25 No.175), known as "The Administrative Code of 1929," amended
26 October 18, 1972 (P.L.935, No.224), is amended to read:

27 Section 408.1. The State Board of Education.--The State
28 Board of Education shall consist of seventeen members, eight of

1 whom shall also serve as members of the Council of Basic
2 Education, and eight of whom shall also serve as members of the
3 Council of Higher Education. The member designated by the
4 Governor as Chairman of the State Board of Education shall also
5 serve as a member of the Council of Basic Education and of the
6 Council of Higher Education. Members at large on the effective
7 date of this act may be assigned by the Governor to either
8 council. Each member shall be appointed by the Governor, by and
9 with the advice and consent of two-thirds of all the members of
10 the Senate, and shall, except as hereinafter provided, hold
11 office for terms of six years each and until his successor has
12 been appointed and has qualified. Members shall receive no
13 salary but shall be entitled to travel and other necessary
14 expenses incurred in the performance of their duties as members
15 of the board.

16 Nine members shall constitute a quorum provided that at least
17 four members serving on each of the councils are present. The
18 affirmative vote of a majority of all the members of the board
19 duly recorded showing how each member voted shall be required in
20 order to take action adopting policies, standards, rules and
21 regulations. The board shall meet at least five times a year at
22 such times and places as it shall determine. Special meetings
23 may be called by the chairman or at the request of a majority of
24 the members of the board.

25 Of the members first appointed, three shall be appointed for
26 a term of one year, three shall be appointed for a term of two
27 years, three shall be appointed for a term of three years, three
28 shall be appointed for a term of four years, three shall be
29 appointed for a term of five years, and two shall be appointed
30 for a term of six years. Thereafter, all terms shall be for six

1 years, except that an appointment to fill a vacancy shall be for
2 the unexpired term.

3 The Governor shall designate, to serve at his pleasure, a
4 member as Chairman of the State Board of Education.

5 Except for the chairman, not more than two members serving on
6 each council shall be employed either in a school system in the
7 Department of Education or by any educational institution. At
8 least two members serving on each council shall have had
9 previous experience with technical education or training. In
10 addition, at least one member on the Council of Basic Education
11 shall presently, or within five years preceding appointment or
12 reappointment to the State Board of Education, be employed as a
13 teacher or administrator in a public school district of the
14 Commonwealth and at least three other members of the Council of
15 Basic Education shall presently, or within five years preceding
16 appointment or reappointment to the State Board of Education, be
17 serving as members of a board of school directors in a public
18 school district of the Commonwealth. One of each of these four
19 members on the Council of Basic Education shall be or have been
20 a teacher, administrator or school director in one of each of
21 the four following categories of school districts: school
22 districts of the first class and first class A, school districts
23 of the second class, school districts of the third class and
24 school districts of the fourth class.

25 For the purpose of formulating policy proposals applicable to
26 elementary, secondary, vocational-technical education and higher
27 education in the Commonwealth, there shall be two councils to
28 consist of nine members of the board each, the chairman of the
29 board being a member of both councils, and to be known as the
30 Council of Basic Education and the Council of Higher Education.

1 The Governor shall designate to serve at his pleasure a member
2 serving on each council to act as chairman of the council. Each
3 council shall meet at the call of its chairman or at the request
4 of a majority of the members of the council. The chairman of the
5 board may appoint special joint committees from among the
6 members of the board to formulate policy proposals in those
7 areas which fall within the purview of both of the councils. The
8 board shall employ and fix the compensation of such staff as is
9 deemed necessary to perform the duties of the board. The board
10 shall assign a member of the staff to each of the councils to
11 serve as secretary.

12 The Secretary of Education, or his designated representative,
13 shall be the chief executive officer of the State Board of
14 Education and shall be entitled to attend all meetings of the
15 board and the councils, and shall have the right to speak on all
16 matters before the board and the councils but not to vote.

17 Section 2. This act shall take effect immediately.