

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 821

Session of
1979

INTRODUCED BY MR. LEVI, MRS. HOHAMAN, MESSRS. KLINGAMAN, GEIST
AND MACKOWSKI, MARCH 26, 1979

SENATOR REIBMAN, EDUCATION, IN SENATE, AS AMENDED, MAY 6, 1980

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 qualifications
6 for the office of school director, RESIDENCY OF SCHOOL <—
7 EMPLOYES, THE GRADUATION OF QUALIFIED STUDENTS AND FOR
8 PAYMENT OF REIMBURSEMENT DURING CERTAIN EMERGENCIES.

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

11 Section 1. ~~Section 322,~~ SECTIONS 322, 1106, 1501 AND 2523, <—
12 act of March 10, 1949 (P.L.30, No.14), known as the "Public
13 School Code of 1949," ~~amended June 16, 1972 (P.L.449, No.138),~~ <—
14 ~~is~~ SECTION 322 AMENDED FEBRUARY 8, 1980 (NO.2) SECTION 1501 <—
15 AMENDED SEPTEMBER 21, 1959 (P.L.925, NO.373), AND SECTION 2523
16 AMENDED JANUARY 14, 1970 (1969 P.L.468, NO.192), ARE amended to
17 read:

18 Section 322. Eligibility; Incompatible Offices.--Any citizen
19 of this Commonwealth, having a good moral character, being
20 eighteen (18) years of age or upwards, being a registered

1 elector, and having been a resident of the district for at least
2 one (1) year prior to the date of his election or appointment,
3 shall be eligible to the office of school director therein:
4 Provided, That any person holding any office or position of
5 profit under the government of any city of the first class, or
6 the office of mayor, chief burgess, county commissioner,
7 district attorney, city, borough, or township treasurer, member
8 of council in any municipality, township commissioner, township
9 supervisor, tax collector, assessor, assistant assessor, any
10 comptroller, auditor, constable, executive director or assistant
11 executive director of an intermediate unit, supervisor,
12 principal, teacher, or employe of any school district, shall not
13 be eligible as a school director in this Commonwealth. This
14 section shall not prevent any district superintendent, assistant
15 district superintendent, supervisor, teacher, or employe of any
16 school district, from being a school director in a district
17 other than the one in which he is so employed, and other than in
18 a district with which the district in which he is employed
19 operates a joint school or department: PROVIDED, HOWEVER, THAT A <—
20 JOINT SCHOOL OR DEPARTMENT DOES NOT INCLUDE A VOCATIONAL SCHOOL,
21 INTERMEDIATE UNIT OR COMMUNITY COLLEGE: AND PROVIDED FURTHER,
22 THAT A SCHOOL DIRECTOR WHO IS A SUPERVISOR, PRINCIPAL, TEACHER
23 OR EMPLOYE OF A VOCATIONAL SCHOOL, INTERMEDIATE UNIT OR
24 COMMUNITY COLLEGE SHALL NOT SERVE AS A MEMBER OF A BOARD OF THE
25 VOCATIONAL SCHOOL, INTERMEDIATE UNIT OR COMMUNITY COLLEGE IN
26 WHICH HE IS A SUPERVISOR, PRINCIPAL, TEACHER OR EMPLOYE. A
27 school director shall not be eligible to the office of member of
28 council in any municipality.

29 SECTION 1106. DUTY TO EMPLOY.--THE BOARD OF SCHOOL DIRECTORS <—
30 IN EVERY SCHOOL DISTRICT SHALL EMPLOY THE NECESSARY QUALIFIED

1 PROFESSIONAL EMPLOYES, SUBSTITUTES AND TEMPORARY PROFESSIONAL
2 EMPLOYES TO KEEP THE PUBLIC SCHOOLS OPEN IN THEIR RESPECTIVE
3 DISTRICTS IN COMPLIANCE WITH THE PROVISIONS OF THIS ACT. NO
4 SCHOOL DISTRICT SHALL REQUIRE THAT ANY EMPLOYEE RESIDE WITHIN THE
5 SCHOOL DISTRICT AS A CONDITION FOR APPOINTMENT OR CONTINUED
6 EMPLOYMENT. A SCHOOL DISTRICT MAY REQUIRE ITS SCHOOL EMPLOYEES TO
7 RESIDE IN PENNSYLVANIA.

8 SECTION 1501. MINIMUM NUMBER OF DAYS; SCHOOL MONTH.--ALL
9 PUBLIC KINDERGARTENS, ELEMENTARY AND SECONDARY SCHOOLS SHALL BE
10 KEPT OPEN EACH SCHOOL YEAR FOR AT LEAST ONE HUNDRED EIGHTY (180)
11 DAYS OF INSTRUCTION FOR PUPILS. NO DAYS ON WHICH THE SCHOOLS ARE
12 CLOSED SHALL BE COUNTED AS DAYS TAUGHT, AND NO TIME SHALL BE
13 COUNTED AS A PUPIL SESSION FOR ANY ACTIVITY TO WHICH ADMISSION
14 IS CHARGED. NO SCHOOL DISTRICT SHALL BE REQUIRED TO CHANGE ITS
15 GRADUATION SCHEDULE OR REQUIRE GRADUATING STUDENTS TO RETURN TO
16 SCHOOL AFTER GRADUATION TO MAKE UP CLASS DAYS LOST DUE TO SEVERE
17 WEATHER CONDITIONS OR FOR SITUATIONS BEYOND THE CONTROL OF THE
18 SCHOOL DISTRICT AS A RESULT OF MAJOR CONSTRUCTION AND RENOVATION
19 TO THE SCHOOL BUILDING. NO DISTRICT WHICH MAKES A BONA FIDE
20 EFFORT AS DETERMINED BY THE SECRETARY OF EDUCATION TO PROVIDE
21 ONE HUNDRED EIGHTY (180) DAYS OF INSTRUCTION FOR GRADUATING
22 STUDENTS SHALL RECEIVE LESS SUBSIDY PAYMENTS OR REIMBURSEMENTS
23 THAN IT WOULD OTHERWISE BE ENTITLED TO RECEIVE ON ACCOUNT OF THE
24 SCHOOL YEAR BECAUSE OF THE PROVISIONS OF THIS SECTION. UNLESS
25 OTHERWISE PROVIDED BY THIS ACT, THE BOARD OF SCHOOL DIRECTORS IN
26 ANY DISTRICT OR JOINT BOARD MAY KEEP SUCH OTHER SCHOOLS OR
27 DEPARTMENTS AS IT MAY ESTABLISH OPEN DURING SUCH TIME AS IT MAY
28 DIRECT.

29 TWENTY DAYS OF ACTUAL TEACHING SHALL CONSTITUTE A SCHOOL
30 MONTH.

1 SECTION 2523. SCHOOLS CLOSED ON ACCOUNT OF CONTAGIOUS
2 DISEASE, ETC.--WHEN ANY BOARD OF SCHOOL DIRECTORS OR
3 INTERMEDIATE UNIT WITH RESPECT TO AREA TECHNICAL SCHOOLS IS
4 COMPELLED TO CLOSE ANY SCHOOL OR SCHOOLS ON ACCOUNT OF ANY
5 CONTAGIOUS DISEASE, [THE DESTRUCTION OR DAMAGE OF A SCHOOL
6 BUILDING BY FIRE OR OTHERWISE,] MAJOR CONSTRUCTION OR RENOVATION
7 TO A SCHOOL BUILDING, NATURAL DISASTER OR OTHER EMERGENCY, NOT
8 INCLUDING LABOR DISPUTES INVOLVING SCHOOL EMPLOYES, AND THEREFOR
9 IS UNABLE TO KEEP SUCH SCHOOL OR SCHOOLS OPEN FOR THE MINIMUM
10 TERM REQUIRED BY THIS ACT, THE [SUPERINTENDENT OF PUBLIC
11 INSTRUCTION] SECRETARY OF EDUCATION MAY PAY TO SUCH SCHOOL
12 DISTRICT OR INTERMEDIATE UNIT ANY OR ALL OF ITS SHARE OF THE
13 ANNUAL STATE APPROPRIATION AS HE DEEMS PROPER.

14 Section 2. This act shall take effect immediately.