

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 953 Session of
1997

INTRODUCED BY HART, ULIANA, BELL AND EARLL, MAY 1, 1997

REFERRED TO STATE GOVERNMENT, MAY 1, 1997

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," providing for recall of school
6 directors.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 318.1. Recall of School Directors.--(a) Any member
13 of a board of school directors is subject to recall from office
14 by the eligible electors entitled to vote for a successor to the
15 incumbent in accordance with this section.

16 (b) Eligible electors of a school district may initiate the
17 recall of a school director by signing a petition which demands
18 the removal from office of the director to be recalled named in
19 the petition. The petition shall contain a general statement,

consisting of two hundred (200) words or less, stating the
ground or grounds on which the recall is sought, and grounds
shall not be open to review.

(c) No recall petition shall be circulated or filed against
any school director until the director has actually held office
for at least six months. A recall petition may not be filed
during the year in which the director to be recalled would be
eligible for reelection.

(d) The county may charge those filing the recall petition a
reasonable administrative fee for the filing and review of the
recall petition.

(e) A petition to recall a school director shall be signed
by the eligible electors of the school district equal in number
to at least thirty (30) per centum of those electors who voted
for the school director receiving the highest number of votes in
the election at which the school director to be recalled was
elected. In no case shall the number required for recall be less
than ten (10) per centum of eligible electors qualified to vote
in the most recent school board election. Signatures must be
obtained within ninety days of the date which the petition was
first circulated for signatures. Only an eligible elector may
circulate a recall petition or be a signatory of a recall
petition. The county election official of the county in which
the administrative offices of the school district are located
shall then submit the measure at the next general or municipal
election held at least ninety days after it qualified. Upon
certification, the county election officials shall notify by
registered mail the officer to be recalled.

(f) If a majority of voters voting on the recall election
question vote yes for removal, then a replacement shall be named

1 in accordance with this act. If the majority of voters voting on
2 the recall election question vote no for removal, then the
3 school director may serve the remainder of the director's term.

4 (g) When used in this section the following words and
5 phrases shall have the following meanings:

6 "Eligible elector" shall mean a registered voter who resides
7 in the school district in which the school director to be
8 recalled serves. The eligible elector must have voted in the
9 most recent election in which the school director to be recalled
10 was elected.

11 "School director to be recalled" shall mean the school
12 director who has served at least six months following his
13 election as a school director.

14 Section 2. If a constitutional amendment authorizing the
15 recall of an individual holding the office of school director is
16 ratified, the Secretary of the Commonwealth shall, immediately
17 after tabulating and computing the results of the ratification
18 election, certify the results to the Legislative Reference
19 Bureau for publication in the Pennsylvania Bulletin.

20 Section 3. This act shall take effect as follows:

21 (1) The addition of section 318.1 of the act shall take
22 effect upon the publication of the certification under
23 section 2 of this act.

24 (2) The remainder of this act shall take effect
25 immediately.