

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1722 Session of  
2005

INTRODUCED BY LESCOVITZ, CALTAGIRONE, W. KELLER, S. MILLER,  
PRESTON, SCHRODER, STURLA, TIGUE AND YOUNGBLOOD,  
JUNE 14, 2005

REFERRED TO COMMITTEE ON EDUCATION, JUNE 14, 2005

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 how school  
6 districts are constituted, for classification of school  
7 districts, for creation of new cities, boroughs and  
8 townships, for basis for and change of classification, for  
9 changing the classification of a school district and the  
10 effect of such change, for combining school districts, for  
11 property and indebtedness and rental obligations of former  
12 component school districts, for change in school districts  
13 and the effects of such change, for filing copy of action  
14 creating new district, or affecting fourth class district,  
15 for approval or disapproval of creation or change of third or  
16 fourth class districts, for annexation to district of first  
17 class, for approval of contracts and changes after vote for  
18 annexation, for tax levy or debt for buildings or grounds  
19 pending change of boundaries, etc., for small district  
20 assistance after combination of school districts, for  
21 establishment of independent districts for transfer of  
22 territory to another school district, for amicable adjustment  
23 and apportionment, for apportionments and how and when to  
24 make them, for apportionment by commissioners, for  
25 confirmation of report, effect and costs, for court to  
26 dispose of exceptions, for apportionment by bill in equity,  
27 for districts in more than one county, for purpose,  
28 construction of subdivision, for educational performance  
29 standards, for standards for organization of administrative  
30 units, for submission of plans, for independent school  
31 districts, for approval of organizational plans, for  
32 independent district approval by State Board of Education,  
33 for consolidation of municipalities, for Department of Public

1 Instruction to prepare plans, for establishment of  
2 reorganized school districts, for advance establishment, for  
3 property and indebtedness and rental obligations of former  
4 school districts; providing for advisory committees; further  
5 providing for number and appointment in districts of the  
6 first class A, for school board in first class A school  
7 districts, apportionment of seats and numbers, terms and  
8 methods for election of school directors in first class A  
9 school districts, for number and election in districts of the  
10 second, third and fourth classes, terms of office, for  
11 incumbent school directors and interim operating committee,  
12 for number and election in districts third class, terms of  
13 office, for number and election in districts fourth class,  
14 terms of office, for elections where district not coextensive  
15 with, or in more than one city, borough, town or township,  
16 for newly formed districts, for annexation of territory, for  
17 appointment in independent districts for transfer purposes,  
18 terms of office, for filling of vacancies, for the beginning  
19 of the school year and organization meetings, for districts  
20 second, third and fourth class permanent organization, for  
21 election of officers, for records, etc., open to taxpayers,  
22 for compensation of the secretary of the board of school  
23 directors, for duties, for compensation for school  
24 treasurers, for investment of school district funds, for  
25 copies of school laws, for temporary emergency war  
26 provisions, for temporary emergency provisions, for  
27 educational broadcasting, for the closing of schools or  
28 departments, for establishment and operation of educational  
29 television and broadcasting facilities and for free  
30 transportation; and making editorial changes.

31 The General Assembly of the Commonwealth of Pennsylvania  
32 hereby enacts as follows:

33 Section 1. Section 201 of the act of March 10, 1949 (P.L.30,  
34 No.14), known as the Public School Code of 1949, amended October  
35 21, 1965 (P.L.601, No.312), is amended to read:

36 Section 201. How Constituted.--All school districts shall  
37 remain as now constituted until changed as authorized by this  
38 act. Except as otherwise now or hereafter constituted, each  
39 [city, incorporated town, borough, or township] county or groups  
40 of counties in this Commonwealth, now existing or hereafter  
41 created, shall constitute a separate school district, to be  
42 designated and known as the "School District of ....

43 .....".[" Provided, That where any city,  
44 incorporated town, borough, or township, or a part of the school

1 district remaining after its separation would constitute a third  
2 or fourth class school district, it shall remain a part of the  
3 school district to which it formerly belonged until the change  
4 to a new school district is approved by the Council of Basic  
5 Education, as hereinafter provided.]

6 Section 2. Section 202 of the act, amended June 22, 2001  
7 (P.L.530, No.35), is amended to read:

8 Section 202. Classification.--The several school districts  
9 of the Commonwealth are hereby divided into five classes, as  
10 follows:

11 Each school district having a population of one million  
12 (1,000,000), or more, shall be a school district of the first  
13 class;

14 Each school district having a population of two hundred fifty  
15 thousand (250,000), or more, but of less than one million  
16 (1,000,000), shall be a school district of the first class A;

17 Each school district having a population of thirty thousand  
18 (30,000), or more, but of less than two hundred fifty thousand  
19 (250,000), shall be a school district of the second class;

20 Each school district having a population of five thousand  
21 (5,000), or more, but of less than thirty thousand (30,000),  
22 shall be a school district of the third class.

23 [Each school district having a population of less than five  
24 thousand (5,000) shall be a school district of the fourth  
25 class.]

26 Section 3. Section 203 of the act, amended October 21, 1965  
27 (P.L.601, No.312), is amended to read:

28 [Section 203. Creation of New Cities, Boroughs, and  
29 Townships.--When a new school district is formed by the creation  
30 of a new city, borough, or township, the court of common pleas

1 having jurisdiction shall determine and enter in its decree the  
2 class of school districts to which such new district, if formed,  
3 shall belong, and if of the first, first class A, or second  
4 class, it shall thereupon become a new school district of such  
5 class. If the newly created city, borough, or township would  
6 constitute a school district of the fourth class, the court of  
7 common pleas having jurisdiction shall so certify and a new  
8 school district shall be formed only if and when it is approved  
9 by the Council of Basic Education as hereinafter provided.]

10 Section 4. Section 204 of the act, reenacted and amended  
11 July 3, 1957 (P.L.455, No.253) and amended August 11, 1959  
12 (P.L.667, No.217), is amended to read:

13 Section 204. Basis for and Change of Classification.--Except  
14 as provided in clause (2) of this section, the last United  
15 States census, as set forth in the official report thereof,  
16 shall be the basis on which the population of the several school  
17 districts shall be computed. A change from one class of school  
18 district to another shall be made in the following cases, and in  
19 no other:--

20 (1) After the taking of a United States census showing the  
21 population of any school district to be such as to entitle it to  
22 be changed from one class of school district to another;

23 (2) When a district, which at a decennial census, had  
24 sufficient population to entitle it to an advance to another  
25 class of district, has since suffered a large decrease in  
26 population, or which at a decennial census did not have  
27 sufficient population to entitle it to an advance to another  
28 class of district and has since increased in population, a  
29 census of the district may be authorized by the board of school  
30 directors of the district, and, if it shall appear that said

1 district has not the required population to remain in the class  
2 in which the same then is or if it shall appear that the  
3 district has sufficient population to entitle it to advance to  
4 another class of district, the [Superintendent of Public  
5 Instruction] Secretary of Education, on the request of the board  
6 of school directors and upon receipt of the facts disclosed by  
7 said census, may issue his proclamation declaring such district  
8 to be of the class to which it properly belongs, as disclosed by  
9 the census of the school board.

10 (3) Where the population of two districts combined  
11 subsequent to the taking of a United States census and  
12 ascertained by such census is such as to entitle the new or  
13 combined district to be in a class different from the class of  
14 either of the districts so combined.];

15 (4) Where, since the last preceding United States census,  
16 any territory has been annexed to any city, borough, town, or  
17 township, whereby the population of such city, borough, town, or  
18 township has been increased, and the population of such annexed  
19 territory cannot be ascertained from the last preceding census  
20 of the United States, the directors of the school districts  
21 affected by such annexation may apply to the court of common  
22 pleas for the appointment of a commissioner to make an  
23 enumeration of the population of such annexed territory. The  
24 court shall certify the population of the annexed territory so  
25 ascertained, together with the population of the city, borough,  
26 town, or township, as shown by the last preceding United States  
27 census, to the Superintendent of Public Instruction. The cost of  
28 the proceeding, including reasonable compensation for the  
29 commissioner, to be fixed by the court, shall be paid by the  
30 school district.]

1 Section 5. Section 205 of the act is amended to read:

2 Section 205. Change of Class; How Effected.--Whenever it  
3 shall appear, in any case hereinafter enumerated, that the  
4 population of any school district in this Commonwealth is such  
5 that it should be included in another class of school districts,  
6 the [Superintendent of Public Instruction] Secretary of  
7 Education shall issue a certificate to said school district to  
8 that effect, and such school district shall, with the beginning  
9 of the next school year after said certificate has been issued,  
10 become a school district of the class to which it properly  
11 belongs. The provisions of this section shall apply when[:--

12 (1) The Superintendent of Public Instruction] the Secretary  
13 of Education, after the taking of each United States census, has  
14 canvassed the same, so far as it relates to the population of  
15 the several school districts, which he is hereby required to do.  
16 [;

17 (2) Territory comprising a separate school district is  
18 annexed to a city, borough, or township, and the decree of the  
19 court or the vote of the electors effecting such annexation has  
20 been certified to the Superintendent of Public Instruction;

21 (3) Territory has been annexed to a city, borough, town, or  
22 township, and enumeration of the population of such annexed  
23 territory has been made.]

24 Section 6. Sections 224 and 225 of the act, amended December  
25 7, 1965 (P.L.1034, No.385), are amended to read:

26 Section 224. Combination of School Districts.--Any two or  
27 more county school districts [or administrative units] may  
28 combine to create a larger school district. The board of school  
29 directors of each school district desiring to form such a  
30 combination shall, by a majority vote, adopt a resolution

1 outlining the areas to be combined and file an application for  
2 approval with the [Superintendent of Public Instruction]  
3 Secretary of Education. The [Superintendent of Public  
4 Instruction] Secretary of Education shall place on the agenda of  
5 the State Board of Education each such application for its  
6 consideration.

7 The State Board of Education shall review each application  
8 upon its agenda and approve such applications as it deems wise  
9 in the best interest of the educational system of the  
10 Commonwealth.

11 The State Board may continue the application on its agenda  
12 and may permit any school district or interested party,  
13 aggrieved by the petition, to file its objection. Such objection  
14 shall set forth the basis for and facts of aggrievement.

15 If an application is not approved it shall be returned to the  
16 applying districts for resubmission in accordance with such  
17 recommendations as may be attached thereto.

18 When an application receives approval, the State Board of  
19 Education shall direct the [Superintendent of Public  
20 Instruction] Secretary of Education to issue a certificate  
21 creating the new school district, listing the name, constituting  
22 components, classification and effective date of operation.

23 Section 225. Property and Indebtedness and Rental  
24 Obligations of Former Component School Districts.--All real and  
25 personal property, indebtedness and rental obligations to an  
26 approved building authority or nonprofit corporation, if any, of  
27 former school districts forming a new school district,  
28 constituted after July 1, [1966] 2008, shall become the  
29 property, indebtedness, and rental obligations of such newly  
30 constituted school district. All rights of creditors against any

1 of the component former school districts shall be preserved  
2 against the new school district. All property theretofore vested  
3 in the component former school districts, and all debts and  
4 taxes owing to the component former school districts,  
5 uncollected in the several component former school districts,  
6 and all moneys in the treasuries of the component former school  
7 districts, shall be paid to the treasurer of the newly  
8 constituted school district.

9 Section 7. Section 226 of the act is amended to read:

10 [Section 226. Change in Districts; When Effective.--If any  
11 new school district is made by the creation of any city,  
12 borough, township, or independent school district, or by the  
13 annexation of territory comprising a separate school district to  
14 a city, or borough, or township, or if the boundary lines of any  
15 school district are changed, by reason of the changing of the  
16 boundary lines of any city, incorporated town, borough,  
17 township, or independent school district, then, in any such  
18 case, the change, so far as it relates to school districts or  
19 school affairs, shall take effect at the beginning of the first  
20 school year after such new city, borough, township or  
21 independent school district has been created, or such annexation  
22 effected, or such change in boundary lines permanently  
23 effected.]

24 Section 8. Section 227 of the act, amended May 11, 1949  
25 (P.L.1089, No.320), is amended to read:

26 [Section 227. Filing Copy of Action Creating New District,  
27 or Affecting Fourth Class District, with Superintendent of  
28 Public Instruction.--Whenever a new school district is created  
29 by the creation of a new city, borough, township, or independent  
30 school district, or by the consolidation of two or more



1 districts as a union district, or an existing school district of  
2 the third or fourth class is affected by the annexation to a  
3 city, or borough, or township, of territory included within a  
4 school district of the third or fourth class, the clerk of the  
5 courts or other proper officer shall, within ten days  
6 thereafter, make a certified copy of the petition therefor,  
7 agreement, or ordinance, and the decree or order creating such  
8 new city, borough, township, or independent school district, or  
9 union school district, or of the decree of the court or vote of  
10 the electors affecting such annexation, and mail the same to the  
11 Superintendent of Public Instruction, Department of Public  
12 Instruction, Harrisburg, Pennsylvania.]

13 Section 9. Section 228 of the act, amended October 21, 1965  
14 (P.L.601, No.312), is amended to read:

15 [Section 228. Approval or Disapproval of Creation or Change  
16 of Third or Fourth Class Districts.--(a) If the newly created  
17 city, borough, or township, or independent school district, or  
18 union school district, or the part of a school district  
19 remaining after the separation would constitute a school  
20 district of the third or fourth class, the receipt of said  
21 certified copy shall be deemed an application for the creation  
22 of a new school district of the third or fourth class or change  
23 in the boundaries of an existing school district of the third or  
24 fourth class, and the Superintendent of Public Instruction  
25 shall, within sixty days thereafter, notify the school  
26 districts, which will be affected that an application has been  
27 received and that a time and place for hearing the application  
28 will be determined upon receipt of request from any such  
29 district. If no such request is filed within thirty days, the  
30 Department of Public Instruction may certify approval of the

1 application without a hearing. At the hearing, if one is  
2 requested, the proper officials of or the counsel for the  
3 districts shall present to the council, or its designated  
4 representative, the reasons for approval or disapproval of the  
5 application, and the council shall then determine whether such  
6 new school district, or independent school district, or union  
7 school district, or change in the boundaries of an existing  
8 school district of the third or fourth class, is desirable, and  
9 whether the welfare of the pupils within the territory affected  
10 thereby will be promoted by the creation of such district or  
11 change in the boundaries of such existing district.

12 (b) If the council shall approve such application, it shall  
13 certify its findings and its approval of such new district or  
14 change in such existing district thereon, and transmit a  
15 certified copy thereof to the clerk of the courts or other  
16 proper officer from whom the application was received, who shall  
17 file the same in such original proceedings, whereupon unless an  
18 appeal is filed with the State Board of Education the new city,  
19 borough, or township will become a new school district of the  
20 third or fourth class, or the school district of the third or  
21 fourth class remaining after such annexation shall constitute a  
22 separate school district as so changed.

23 (c) If, in the judgment of the council, the application  
24 should not be granted, it shall endorse thereon "not approved,"  
25 and transmit a certified copy thereof to the clerk of the courts  
26 or other proper officer from whom the application was received,  
27 who shall file the same in the original proceedings. In such  
28 event, if no appeal to the State Board of Education is filed  
29 within ninety days, the action of the council is final and the  
30 boundaries of the existing school district shall remain

1 unchanged. Within ninety days after the decision of the council,  
2 ten taxables of any school district affected by the council's  
3 decision may appeal to the State Board of Education in which  
4 case the board, for cause shown, may vacate such refusal, and  
5 may approve the creation of such new district of the third or  
6 fourth class or change in boundaries of an existing district of  
7 the third or fourth class. After the elapse of five years from  
8 the date of any refusal by the Council of Basic Education to  
9 approve an annexation for school purposes, the council shall  
10 reconsider its decision upon petition of ten taxables of any  
11 school district affected by the council's decision.]

12 Section 10. Section 229 of the act, amended May 13, 1949  
13 (P.L.1332, No.397), is amended to read:

14 [Section 229. Annexation to District of First Class.--  
15 Whenever hereafter the territory comprising a school district of  
16 the second, third, or fourth class is annexed to a city  
17 comprising a school district of the first class or of the first  
18 class A, the annexed school district shall immediately become  
19 merged in and become a part of said school district of the first  
20 class or of the first class A.]

21 Section 11. Sections 230 and 231 of the act are amended to  
22 read:

23 [Section 230. Approval of Contracts and Changes after Vote  
24 for Annexation.--Where, under the provisions of any act of  
25 Assembly, an election shall be held for and against the  
26 annexation of territory comprising a school district of the  
27 second, third, or fourth class, to a city comprising a separate  
28 school district, and, if it shall appear by the vote when  
29 counted that a majority has voted for said annexation and the  
30 result of said election shall have been certified to the court

1 of quarter sessions having jurisdiction of the proceedings, the  
2 board of school directors of said annexed school district shall  
3 not thereafter make any change in textbooks, or adopt additional  
4 textbooks, or contract for any new school sites, or let any  
5 contract for the erection, enlargement, alteration, equipment,  
6 or furnishing, of any new school sites, or let any contract for  
7 the erection, enlargement, alteration, equipment, or furnishing,  
8 of any school building, without the approval of the board of  
9 school directors of the said school district of such annexing  
10 city.]

11 Section 231. Tax Levy or Debt for Buildings or Grounds  
12 Pending Change of Boundaries, etc.--While proceedings are  
13 pending in court for the [changing of any boundary lines of any  
14 city, incorporated town, borough, or township, or the creation  
15 of any new city, borough, or township,] merging of the original  
16 school districts into county-wide or regional school districts,  
17 the board of school directors in every school district to be  
18 affected by such change of boundary lines or creation of a new  
19 municipality shall be permitted to levy and assess a school tax  
20 and incur debts for the purpose of purchasing ground or building  
21 or enlarging a school building, in the same manner as though  
22 such proceedings were not pending in court for the [changing of  
23 any boundary lines of any such city, incorporated town, borough,  
24 or township, or the creation of any new city, borough, or  
25 township.] merging of the original school districts into county-  
26 wide or regional districts.

27 Section 12. Section 233 of the act, added July 10, 1987  
28 (P.L. 286, No.50), is amended to read:

29 Section 233. Small District Assistance after Combination of  
30 School Districts.--If two or more [school districts] counties

1 combine to create a [new] regional school district and at least  
2 [one] fifty-one percent of the districts which combined to  
3 create that new school district was eligible for small district  
4 assistance for the last school year prior to the combination,  
5 the new school district shall receive, for each of the first  
6 five school years after the combination, in addition to any  
7 other payments by the Commonwealth, an amount equal to either  
8 the total of the small district assistance for which all of the  
9 districts were eligible for the last school year prior to  
10 combining to create that new school district or the small  
11 district assistance for which that new school district is  
12 eligible, whichever is greater.

13 Section 13. Section 242.1 of the act, amended December 19,  
14 1967 (P.L.865, No.383), is amended to read:

15 [Section 242.1. Establishment of Independent Districts for  
16 Transfer of Territory to Another School District.--(a) A  
17 majority of the taxable inhabitants of any contiguous territory  
18 in any school district or school districts, as herein  
19 established, may present their petition to the court of common  
20 pleas of the county in which each contiguous territory, or a  
21 greater part thereof, is situated, asking that the territory be  
22 established as an independent district for the sole purpose of  
23 transfer to an adjacent school district contiguous thereto.  
24 Where the territory described in any such petition is to be  
25 taken from two or more school districts, such petition shall be  
26 signed by a majority of all the taxable inhabitants of the part  
27 of each school district which is to be included in such  
28 independent district for transfer. Such petitions shall set  
29 forth a proper description of the boundaries of the territory to  
30 be included in such proposed independent district, and the

1 reasons of the petitioners for requesting such transfer to  
2 another school district and the name of the district into which  
3 its territory is proposed to be placed.

4 The court shall hold hearing thereon, of which hearing the  
5 school district or districts out of whose territory such  
6 proposed independent district is to be taken and the school  
7 district into which the territory is proposed to be assigned,  
8 shall each have ten days notice. In all cases where an  
9 independent district is proposed for transfer from one school  
10 district to another, the merits of the petition for its  
11 creation, from an educational standpoint, shall be passed upon  
12 the Superintendent of Public Instruction and the petition shall  
13 not be granted by the court unless approved by him. The court of  
14 common pleas shall secure the reaction from the Superintendent  
15 of Public Instruction upon receipt of the petition properly  
16 filed.

17 The court, in its decree establishing such independent  
18 district for transfer purposes, shall also determine the amount,  
19 if any, of the indebtedness and obligations of the school  
20 district, from whose territory such independent district is  
21 taken, that said district shall assume and pay, and, a statement  
22 prorating the State subsidies payable between or among the  
23 losing district or districts and the receiving district.

24 In all cases where such proceedings result in the creation  
25 and transfer, by decree of the court, of an independent  
26 district, the cost and office fees shall be paid by the  
27 petitioners or, otherwise, by the receiving district. Such  
28 independent districts created under the provisions of this act  
29 shall not become an operating school district but will be  
30 created for transfer of territory only.

1 (b) In the case of independent districts established  
2 hereafter, the court of common pleas shall notify the county  
3 board of school directors regarding receipt of petition for such  
4 establishment and shall direct said board to prepare a statement  
5 of acceptance or rejection of the proposed placement of the  
6 district in the designated administrative unit of the county  
7 plan; such statement to be transmitted to the court and to the  
8 State Board of Education.]

9 Section 14. Section 271 of the act, amended October 21, 1965  
10 (P.L.601, No.312), is amended to read:

11 [Section 271. Amicable Adjustment and Apportionment.--In any  
12 case where (1) any school district is abolished and its land  
13 reverts to or becomes a part of two or more school districts, or  
14 (2) any land heretofore annexed to one school district is made a  
15 part of the district in which it is located, or (3) a new  
16 district is made by the creation of a new city, borough,  
17 township, or independent school district, out of one or more  
18 school districts, or (4) the boundary lines of any district are  
19 changed by the changing of the boundary lines of any city,  
20 incorporated town, borough, township, or school district, or (5)  
21 any part of any school district is merged with any other  
22 district or districts or parts thereof, then, in any such case,  
23 the school districts to which land has been annexed or from  
24 which land has been taken, or which have been newly created,  
25 shall make a just and proper adjustment and apportionment of all  
26 school property, real and personal, including funds, as well as  
27 indebtedness, and rental obligations to an approved school  
28 building authority, if any, to and among such school districts.  
29 Such adjustment and apportionment shall be made as of the date  
30 of the decree or order creating such new city, borough,

1 township, or school district, or of the decree of the court or  
2 vote of the electors effecting such annexation or merger, or the  
3 first Monday of July following approval by the Council of Basic  
4 Education of the annexation for school purposes.]

5 Section 15. Sections 272 and 273 of the act, amended August  
6 22, 1961 (P.L.1022, No.460), are amended to read:

7 [Section 272. Apportionments; How and When Made.--In making  
8 such adjustment and apportionment of property, indebtedness, and  
9 rental obligations to an approved school building authority, the  
10 amount and assessed value of land acquired by or taken from such  
11 districts, as compared with the amount and assessed value of the  
12 other land in the districts, as well as the value of the school  
13 grounds, together with the buildings thereon, and the furniture  
14 and equipment therein, and other school property in such  
15 districts, shall be taken into consideration in determining the  
16 amount, if any, that shall be paid by one district to another,  
17 or in apportioning the indebtedness, and rental obligations to  
18 an approved school building authority, if any, that shall be  
19 assumed and paid by any of the districts. Such adjustment and  
20 apportionment of property and liability shall be made by the  
21 boards of school directors of the several districts concerned,  
22 before or during the first school year after such boundaries  
23 have been changed.

24 Section 273. Apportionment by Commissioners.--In case the  
25 boards of school directors of the several school districts  
26 cannot make amicable apportionment and adjustment of their  
27 property, indebtedness and rental obligations to an approved  
28 school building authority, before or during the first school  
29 year beginning after any such change in their boundary lines is  
30 made, any one of such school districts may, at any time within



1 the succeeding school year, present its petition to the court of  
2 common pleas of the county in which such school district is  
3 located. The court shall appoint three disinterested  
4 commissioners, residents and taxpayers of the county, not  
5 residing in either of the districts whose boundary lines are  
6 changed. Such commissioners, after a hearing, shall make a  
7 report to the court, making an apportionment and adjustment,  
8 according to the provisions of this act, of all school property,  
9 as well as indebtedness, and rental obligations to an approved  
10 school building authority, if any, to and among the several  
11 school districts from which or to which land has been taken or  
12 added, or which have been newly created, as the case may be.  
13 Said report shall state the amount, if any, that shall be due  
14 and payable from one district to another, as well as the amount  
15 of indebtedness, and rental obligations to an approved school  
16 building authority, if any, that shall be assumed by any  
17 district. Due notice of such hearing shall be given to the  
18 several districts interested as the court may direct.]

19 Section 16. Sections 274, 275, 276 and 277 of the act are  
20 amended to read:

21 [Section 274. Confirmation of Report; Effect; Costs.--The  
22 commissioners shall give the several districts interested at  
23 least five (5) days' notice of the filing of their report.  
24 Unless exceptions are filed thereto by any district interested  
25 within thirty (30) days after the filing thereof, the same shall  
26 be confirmed by the court absolutely. Any sum awarded by said  
27 report to any school district shall be a legal and valid claim  
28 in its favor against the school district charged therewith. The  
29 amount of debt, if any, apportioned to any school district shall  
30 be a legal and valid claim against such district charged

1 therewith. Upon the report of the commissioners being confirmed,  
2 such claims or indebtedness charged against any school district  
3 may be collected in the same manner as a judgment is collected  
4 against any school district.

5 Such commissioners shall be allowed three dollars (\$3) per  
6 day for each day actually spent by them in the performance of  
7 their duties, together with their actual necessary expenses. All  
8 costs and expenses of such proceeding shall be apportioned by  
9 the court, to and among the several school districts, as it  
10 shall deem proper.

11 Section 275. Court to Dispose of Exceptions.--In case  
12 exceptions are filed to the report of the commissioners, the  
13 court shall dispose of the same, taking testimony therein, if it  
14 deems advisable. The decision of the court thereon shall be  
15 final and binding on the several districts, without any right of  
16 appeal.

17 Section 276. Apportionment by Bill in Equity.--If the  
18 respective school districts shall neglect or refuse to petition  
19 the court for the appointment of commissioners to secure an  
20 apportionment and adjustment within the period of the second  
21 year, as herein provided, either of said school districts, or  
22 any ten resident citizens owning taxable property within either  
23 of said school districts, may file a bill in equity at any time  
24 within six (6) years from the date of said change in boundary  
25 lines, in the name of the school district or for the use of the  
26 school district, against the other school district, in the court  
27 of common pleas of the proper county, to have such indebtedness  
28 apportioned and adjusted, and setting forth the facts upon which  
29 any claim of amounts due shall be made in accordance with the  
30 manner of adjustment set forth in the preceding sections of this

1 act. Such case shall be proceeded with in accordance with the  
2 equity rules and a decree of dismissal or of payment shall be  
3 made after due hearing by the court, subject to further right of  
4 appeal, as allowed by law.

5 Section 277. Districts in More Than One County.--In cases in  
6 which such districts are situated in two or more counties, the  
7 court of common pleas of the county in which the largest part in  
8 area of the land annexed to or taken from any district is  
9 situated shall have exclusive jurisdiction over the matter. If  
10 commissioners are to be appointed, the court may appoint the  
11 commissioners from any one or all such counties.]

12 Section 17. Sections 290, 290.1, 291 and 292 of the act,  
13 added August 8, 1963 (P.L.564, No.299), are amended to read:

14 Section 290. Purpose; Construction of Subdivision.--The  
15 purpose of this subdivision is to provide a flexible framework  
16 and effective and orderly means whereby the administrative units  
17 of the Commonwealth's public school system can be expeditiously  
18 reorganized into county-wide or regional school districts. While  
19 deeply impressed with the continuous dedicated responsibility  
20 exercised over the last century by the citizenry through their  
21 local boards of school directors, the General Assembly must also  
22 be cognizant of the responsibility placed upon it by Article X.,  
23 section 1 of the Constitution of Pennsylvania which requires in  
24 part, that "The General Assembly shall provide for the  
25 maintenance and support of a thorough and efficient system of  
26 public schools, wherein all the children of the Commonwealth  
27 above the age of six years may be educated ...." As the evidence  
28 demonstrates beyond reasonable dispute that the present  
29 administrative system of [more than two thousand (2,000)] five  
30 hundred and one (501) school districts is incapable of providing

1 adequate education and appropriate training for all of the  
2 children of the Commonwealth above the age of six, the General  
3 Assembly hereby renews its dedication to its responsibility of  
4 providing a thorough and efficient system of public schools  
5 within the Commonwealth. It is hereby declared to be the purpose  
6 and intention of the General Assembly to establish the  
7 procedures and provide for the standards and criteria under  
8 which school directors and district administrators and county  
9 boards of school directors and county administrators shall have  
10 the power and bear the duty of [determining the appropriate  
11 administrative units to be created in each county] creating in  
12 each county, or counties, a school district to carry out the  
13 responsibilities shared by them and the General Assembly[,] of  
14 educating and training each child within [his] the child's  
15 capacity to the extent demanded by the immediate requirements of  
16 growth and strengthening of this Commonwealth and nation. Only  
17 where such local officials fail to act, or act arbitrarily  
18 outside of the standards and criteria provided for in the  
19 sections following, shall the Commonwealth through its duly  
20 authorized agencies and officials act to insure compliance with  
21 law within the powers set forth below and as restricted therein.  
22 The improvements in the educational system hereby obtained are  
23 not to be construed as a final resolution of organizational  
24 problems. Local school officials as agents of the General  
25 Assembly are directed to continually review organizational  
26 patterns and adopt without delay all changes which will  
27 accelerate the progress of public education. It is further  
28 declared to be the purpose and intention of the General Assembly  
29 that the above may be used in construing and arriving at  
30 legislative intent with respect to the provisions of this

1 subdivision.

2 [Section 290.1. Educational Performance Standards.--To  
3 implement the purpose of this subdivision, the State Board of  
4 Education, as soon as possible and in any event no later than  
5 July 1, 1965, shall develop or cause to be developed an  
6 evaluation procedure designed to measure objectively the  
7 adequacy and efficiency of the educational programs offered by  
8 the public schools of the Commonwealth. The evaluation procedure  
9 to be developed shall include tests measuring the achievements  
10 and performance of students pursuing all of the various subjects  
11 and courses comprising the curricula. The evaluation procedure  
12 shall be so constructed and developed as to provide each school  
13 district with relevant comparative data to enable directors and  
14 administrators to more readily appraise the educational  
15 performance and to effectuate without delay the strengthening of  
16 the district's educational program. Tests developed under the  
17 authority of this section to be administered to pupils shall be  
18 used for the purpose of providing a uniform evaluation of each  
19 school district and the other purposes set forth in this  
20 subdivision. The State Board of Education shall devise  
21 performance standards upon the completion of the evaluation  
22 procedure required by this section.]

23 Section 291. Standards for Organization of [Administrative  
24 Units] County-wide or Regional School Districts.--The State  
25 Board of Education, within ninety (90) days of the effective  
26 date of this amending act, shall adopt standards for approval of  
27 [administrative units,taking into consideration the following  
28 factors: topography, pupil population, community  
29 characteristics, transportation of pupils, use of existing  
30 school buildings, existing administrative units, potential

1 population changes and the capability of providing a  
2 comprehensive program of education.] county-wide or regional  
3 school districts.

4 Section 292. Submission of Plans.--Each county board of  
5 school directors, on or before July 1, [1964] 2006, shall  
6 prepare a plan of organization of administrative units for the  
7 county, conforming to the standards for approval of  
8 [administrative units] county-wide or regional school districts  
9 adopted by the State Board of Education. The plan shall be  
10 submitted to the Department of [Public Instruction] Education  
11 not less than thirty (30) days nor more than sixty (60) days  
12 after it is prepared. [Any school district which considers  
13 itself aggrieved by the plan may set forth its specific  
14 objections in a petition which shall be served by registered or  
15 certified mail on the secretary of the county board of school  
16 directors. All such petitions filed shall be appended to the  
17 plan prior to submission to the Department of Public  
18 Instruction. No plan of organization of administrative units  
19 shall be submitted which violates any written agreement entered  
20 into by several school districts for the establishment of a  
21 joint school or department, unless the agreement is amended to  
22 provide that it shall be discontinued at the time the proposed  
23 administrative unit is deemed established as a school district.  
24 A plan of organization of administrative units shall be deemed  
25 to violate a written agreement entered into by several school  
26 districts for the establishment of a joint school or department  
27 only when it formulates an administrative unit, which in whole  
28 or in part comprises less than all of the school districts  
29 joined by such agreement. In preparing its plans, a county board  
30 of school directors shall confer with school directors and

1 administrators of all school districts of the county, and may  
2 confer with the staff of the Department of Public Instruction  
3 and upon written request shall confer with other interested  
4 persons. Each plan shall assure the continuity of special  
5 education and area technical school programs by providing  
6 special education and area technical school attendance areas  
7 established in accordance with standards approved by the State  
8 Board of Education.

9 Each county board of school directors which prepared and  
10 submitted to the Department of Public Instruction prior to  
11 January 1, 1963, a plan of organization of administrative units  
12 for the county, shall, in compliance with the provisions hereof,  
13 reconsider such plan and submit the same or a revised plan on or  
14 before July 1, 1964, irrespective of the action taken on the  
15 prior plan. In those cases where the prior plan was approved by  
16 the State Council of Education, the plan submitted when approved  
17 by the Council of Basic Education shall supersede the prior  
18 approved plan as the plan of organization of administrative  
19 units for the county.]

20 Section 18. Section 292.1 of the act, amended December 19,  
21 1967 (P.L.865, No.383), is amended to read:

22 [Section 292.1. Independent Districts.--When an independent  
23 district is created by the court of common pleas for purposes of  
24 transfer from one school district to another, the court shall  
25 submit to the State Board of Education its decree creating such  
26 district. Such decree shall be considered an application for the  
27 assignment of said district to the designated administrative  
28 unit of the approved county plan.]

29 Section 19. Section 293 of the act, added August 8, 1963  
30 (P.L.564, No.299), is amended to read:

1       Section 293. Approval of Plans.--(a) When any plan of  
2 organization of [administrative units for a county] a county-  
3 wide or regional school district is found to conform to the  
4 standards for approval of administrative units adopted by the  
5 State Board of Education, the Department of [Public Instruction]  
6 Education shall cause such plan to be placed upon the agenda of  
7 the Council of Basic Education. The Council of Basic Education  
8 shall review all plans placed upon its agenda, and approve such  
9 plans as it deems wise in the best interests of the educational  
10 system of the Commonwealth. [Except as hereinafter provided, no  
11 plan of organization of administrative units shall be approved  
12 in which any proposed school district contains a pupil  
13 population of less than four thousand (4,000), unless when  
14 factors of topography, pupil population, community  
15 characteristics, transportation of pupils, use of existing  
16 school buildings, existing administrative units, potential  
17 population changes and the capability of providing a  
18 comprehensive program of education are considered by the Council  
19 of Basic Education as requiring the approval of a plan of  
20 organization of administrative units in which one or more  
21 proposed school districts contains a pupil population of less  
22 than four thousand (4,000). (b) A plan of organization of  
23 administrative units for a county shall be approved by the  
24 Council of Basic Education, if the plan contains (i) no unit  
25 with a pupil population less than that of the unit with the  
26 smallest pupil population in the last previous county-wide plan  
27 submitted to and approved by the State Council of Education  
28 prior to September 12, 1961, and (ii) no more units than were in  
29 the aforesaid county-wide plan plus an additional unit for each  
30 second class district which was not required to be a part of



1 such county-wide plan and which was not included in an  
2 administrative unit thereof. (c) Pupil population as used in  
3 this section shall mean the average daily membership for the  
4 school year 1961-1962 including kindergarten or grade one  
5 through grade twelve.]

6 Section 20. Section 293.1 of the act, amended December 19,  
7 1967 (P.L.865, No.383), is amended to read:

8 [Section 293.1. Independent Districts.--When a court decree  
9 is received creating an independent district for transfer  
10 purposes, the State Board of Education shall place such item on  
11 its agenda and either approve or disapprove the creation and  
12 transfer. If approval is given, the board shall direct the  
13 Council of Basic Education to make the necessary changes in the  
14 county plan. If disapproved, the board shall state its reasons  
15 for such disapproval and the independent district shall be  
16 provided a hearing if it so desires.]

17 Section 21. Section 293.2 of the act, added July 23, 1965  
18 (P.L.139, No.95), is amended to read:

19 [Section 293.2. Consolidation of Municipalities.--Whenever  
20 the court of common pleas in any county orders the consolidation  
21 of any municipalities, it shall serve a copy of its order on the  
22 State Board of Education. Upon receipt of such order the board  
23 shall direct the Council of Basic Education to make such changes  
24 in county plans as may be necessary.]

25 Section 22. Section 295 of the act, added August 8, 1963  
26 (P.L.564, No.299), is amended to read:

27 Section 295. Department of [Public Instruction] Education to  
28 Prepare Plans.--In the event that no plan of organization of  
29 administrative units is approved by the Council of Basic  
30 Education for a county prior to January 1, [1965] 2007, the

1 Department of [Public Instruction] Education shall prepare and  
2 place upon the agenda of the Council of Basic Education a plan  
3 of organization of [administrative units for the county.] a  
4 county-wide or regional school district. When approved by the  
5 Council of Basic Education, such plan shall be deemed the  
6 approved plan of organization of administrative units for the  
7 county.

8 [Any school district which considers itself aggrieved by a  
9 plan of organization of administrative units approved by the  
10 Council of Basic Education may appeal to the State Board of  
11 Education by filing a petition, within thirty (30) days after  
12 approval of the plan, setting forth the grounds for such appeal.  
13 A copy of such petition shall be served by registered or  
14 certified mail on the secretary of the county board of school  
15 directors. The State Board of Education, or its representative,  
16 shall fix a day and time for hearing, shall give written notice  
17 to all parties interested, and may hear and consider such  
18 testimony as it may deem advisable to enable it to make a  
19 decision. After reaching its decision, the State Board of  
20 Education shall enter such order as appears to it just and  
21 proper, either directing the Council of Basic Education to  
22 approve the plan in an amended form or confirming the plan in  
23 the form previously approved by the Council of Basic Education.  
24 The decision of the State Board of Education shall be final,  
25 unless an appeal is taken as now provided under the provisions  
26 of the "Administrative Agency Law."]

27 Section 23. Section 296 of the act, amended June 2, 1965  
28 (P.L.86, No.59), is amended to read:

29 Section 296. Establishment of Reorganized School  
30 Districts.--On July 1, [1966] 2008, or on the date of advance

1 establishment, all [administrative units] county-wide or  
2 regional school districts contained in plans of organization [of  
3 administrative units] approved by the Council of Basic Education  
4 shall constitute and be deemed established as school districts,  
5 and shall belong to the class to which they are entitled as  
6 provided by law.[: Provided, however, if any approved  
7 administrative unit includes any district or districts of the  
8 second, third, or fourth class with any district of the first  
9 class A, such district or districts of the second, third, or  
10 fourth class shall be merged into and become part of said  
11 district of the first class A, and said district of the first  
12 class A as thus enlarged shall be the reorganized district and  
13 shall be considered as having had continued existence.]

14 Section 24. Section 297 of the act, added August 8, 1963  
15 (P.L.564, No.299), is amended to read:

16 Section 297. Advance Establishment.--(a) Any  
17 [administrative unit] county-wide or regional school districts  
18 contained in a plan of organization of administrative units  
19 approved by the Council of Basic Education may constitute and be  
20 deemed established as a school district on July 1, [1964] 2006,  
21 or on July 1, [1965] 2007, when the following conditions have  
22 been satisfied:

23 (1) All appeals to the State Board of Education from the  
24 action of the Council of Basic Education approving the plan of  
25 organization of [administrative units] county-wide or regional  
26 school districts have been finally determined;

27 (2) At a regular meeting or at a special meeting called for  
28 such purpose, the board of school directors of each school  
29 district composing the [administrative unit] county-wide or  
30 regional school district has approved by majority vote the

1 establishment in advance of July 1, [1966] 2008, of the proposed  
2 school district contained in the plan of organization of  
3 administrative units approved by the Council of Basic Education;

4 (3) A copy of the resolution of each school district is  
5 filed with the Department of [Public Instruction] Education; and

6 (4) The [Superintendent of Public Instruction] Secretary of  
7 Education certifies to the Council of Basic Education that all  
8 school districts composing the administrative unit have filed  
9 resolutions with the Department of [Public Instruction]

10 Education approving the establishment of the school district in  
11 advance of July 1, [1966] 2008. The certification shall state  
12 the date when the school district shall be deemed established.

13 (b) Any school district established in advance of July 1,  
14 [1966] 2008, shall be entitled to all the benefits of this act  
15 and shall be subject to all of the provisions of this act as if  
16 the school district were constituted and deemed established on  
17 July 1, [1966] 2008: Provided, however, That in the case of  
18 school districts established on July 1, [1964] 2006, the  
19 provisions of section 303.1 of this act relating to election of  
20 school directors shall be advanced two years: And provided  
21 further, That in the case of school districts established on  
22 July 1, [1965] 2007, the provisions of section 303.1 of this act  
23 shall not be advanced.

24 Section 25. Section 298 of the act, amended or added August  
25 8, 1963 (P.L.564, No.299) and June 2, 1965 (P.L.86, No.59), is  
26 amended to read:

27 Section 298. Property and Indebtedness and Rental  
28 Obligations of Former School Districts.--(a) Except as  
29 otherwise provided in this section, all real and personal  
30 property, indebtedness and rental obligations to an approved

1 school building authority or non-profit corporation, if any, of  
2 former school districts composing any school district  
3 constituted and deemed established pursuant to this subdivision  
4 (i) shall become the property, indebtedness and rental  
5 obligations of such newly established county-wide or regional  
6 school district. All rights of creditors against any of the  
7 component former school districts shall be preserved against the  
8 newly established school district. All property theretofore  
9 vested in the component former school districts shall become  
10 vested in the newly established school district, and all debts  
11 and taxes owing to the component former school districts,  
12 uncollected in the several component former school districts,  
13 and all moneys in the treasuries of the component former school  
14 districts, shall be paid to the treasurer of the newly  
15 established school district.

16 (b) All obligations of any component former school district  
17 [evidenced by funding bonds issued after September 12, 1961,]  
18 for the purpose of funding unfunded debt contracted for current  
19 operating expenses, shall continue to be an obligation of the  
20 taxable property within such former component school district  
21 and any sinking fund created on account of such indebtedness  
22 shall remain the separate sinking fund for such bonds. In  
23 levying and assessing taxes for the first school year of  
24 operation, the interim operating committee, and in levying and  
25 assessing such taxes for each subsequent school year, the board  
26 of school directors of the newly established county-wide or  
27 regional school district, shall levy and assess, upon the  
28 taxable property within such component former school district  
29 for which bonds issued [after September 12, 1961,] for the  
30 purpose of funding unfunded debt contracted for current

1 operating expenses shall be outstanding, a tax in addition to  
2 all other school district taxes, in an amount sufficient to  
3 discharge the obligation of such component former school  
4 district, as set forth pursuant to section 207 of the Municipal  
5 Borrowing Law, in the resolution increasing the indebtedness of  
6 such component former school district for such purpose. If such  
7 funding bonds shall be a part of an issue of bonds issued partly  
8 for other purposes, such funding bonds shall be deemed to be the  
9 bonds of such issue which mature first.[: Provided, however, if  
10 any district of the second, third or fourth class is merged into  
11 and becomes part of any district of the first class A as a  
12 reorganized or newly established school district, the  
13 reorganized or newly established district, for its first year of  
14 operation and for every subsequent year, shall levy and assess  
15 the aforesaid tax on the territory comprising the district of  
16 the second, third or fourth class merged into and becoming a  
17 part of the school district of the first class A: Provided  
18 further, That by agreement in writing approved by a majority  
19 vote of the directors of the district of the second, third or  
20 fourth class merged into and becoming a district of the first  
21 class A as a reorganized or newly established school district,  
22 and the directors of the district of the first class A, entered  
23 into prior to the effective date of reorganization, the  
24 provisions of this subsection may be waived.]

25 Section 26. Article II of the act is amended by adding a  
26 subdivision to read:

27 (j) Advisory Committee.

28 Section 299. Advisory Committee.--(a) Each school district  
29 shall establish an advisory committee to provide advice,  
30 suggestions or other input relating to curriculum, safety or

1 community issues facing individual schools.

2 (b) The committee shall be comprised of one individual  
3 representing each school within the district, to be selected by  
4 the principal of the school with advice from the school's  
5 teachers and parent teacher organization. The individual  
6 representing a school may be any individual residing in the  
7 school's territory or who is employed within the school, except  
8 the school's principal, vice-principal or other person within  
9 the administrative structure of the school.

10 (c) At the beginning of the school district's school year,  
11 the advisory committee shall select the following positions from  
12 its membership:

13 (1) One person to serve as a representative to the school  
14 district to attend all regular meetings, hearings and other  
15 school district events in a nonvoting capacity.

16 (2) One member as an alternate to the advisory committee  
17 representative.

18 (3) Other positions as the committee deems necessary for its  
19 internal operations.

20 (d) The following shall apply:

21 (1) The advisory committee shall meet no less than twice  
22 during the school year, at which time the advisory committee  
23 representatives or their designees shall do all of the  
24 following:

25 (i) Report to the advisory committee on issues in the school  
26 district and any other business related to the committee's  
27 purpose and transmit the report to the school board.

28 (ii) Receive reports from individual building  
29 representatives.

30 (2) Individual members of the advisory committee shall:

1     (i) Be entitled to attend forums and participate in  
2 discussions, both formal and informal, held by the school board.

3     (ii) Have no vote on school board matters.

4     Section 27. Section 302 of the act, amended June 2, 1965  
5 (P.L.86, No.59), is amended to read:

6     Section 302. Number and Appointment in Districts First Class  
7 and First Class A[; Reorganized District of First Class A  
8 Containing Former Districts of Second, Third or Fourth Class]:

9 Terms of Office.--[(a)] In each school district of the first  
10 class or of the first class A, the board shall be known as the  
11 "Board of Public Education," and shall consist of fifteen (15)  
12 school directors, whose term of office shall be six (6) years.

13 The terms of five of the members shall expire on the second  
14 Monday of November of each odd numbered year, as now provided by  
15 law. The judges of the courts of common pleas of the county in  
16 which such school district is situated shall, in October of  
17 every odd numbered year, appoint five (5) members for terms of  
18 six (6) years. Their term of office shall begin on the second  
19 Monday of November next following their appointment.

20     [(b)] When a school district or districts of the second,  
21 third or fourth class is merged into and becomes part of a  
22 district of the first class A as a reorganized district under  
23 the provisions of Article II, subdivision (i) of this act, the  
24 terms of office of all directors of such district or districts  
25 of the second, third or fourth class shall terminate on the date  
26 of establishment of such reorganized district of the first class  
27 A. [As soon as a vacancy occurs in the office of Director of the  
28 Board of Public Education, a resident of the area comprising the  
29 district of the second, third or fourth class merged into and  
30 becoming a part of the school district of the first class A



1 shall be appointed to the Board of Public Education of the  
2 reorganized district and following the expiration of the term of  
3 the director so appointed, the appointment of directors shall be  
4 without regard to this limitation.]

5 Section 28. Section 302.1 of the act, amended or added  
6 December 19, 1975 (P.L.511, No.150) and December 20, 1983  
7 (P.L.267, No.73), is amended to read:

8 Section 302.1. School Board in First Class A School  
9 Districts; Apportionment of Seats, and Numbers, Terms, and  
10 Methods for Election of School Directors in First Class A School  
11 Districts.--(a) Composition of School Board.

12 (1) In each school district of the first class A, the school  
13 board shall be known as the Board of Public Education and shall  
14 consist of [an odd number of members not less than seven nor  
15 more than fifteen] eleven school directors, to be elected by the  
16 qualified voters of the school district by specified districts.

17 (2) There shall be [a corresponding odd number, not less  
18 than seven nor more than fifteen] eleven separate districts for  
19 each of which only one candidate shall be elected. Each  
20 candidate shall be nominated only for the specified district in  
21 which he resides and each elected member shall represent only a  
22 specified district in which he resides, such districts to be  
23 constituted as hereinafter set forth.

24 (b) Term of Office. All elected members shall serve for a  
25 term of four years except the [three, four,] five[, six or  
26 seven] members elected at the initial election in even numbered  
27 school director districts, who shall serve for two years. In the  
28 event the first election occurs in an even-numbered year, the  
29 terms of the initial members shall be increased by one year, so  
30 that future elections can be held in odd-numbered years. In the

1 case of death or resignation of elected members, the mayor of  
2 the most populous municipality contained in such school district  
3 shall fill the vacancy from the same school director district in  
4 which the vacancy occurred until the first Monday in December  
5 following the next municipal primary occurring one hundred  
6 twenty days after the vacancy occurred.

7 (c) Apportionment.

8 (1) In each school district of the first class A, a school  
9 director district apportionment commission shall be constituted  
10 for the purpose of establishing an odd number not less than  
11 seven nor more than fifteen school director districts within the  
12 first class A school district by assigning each election  
13 district within such school district into one of such school  
14 director districts. The commission shall select that odd number  
15 of districts from seven to fifteen which will best provide for  
16 racial balance and proportional representation of all segments  
17 of the population at the time of the apportionment. Such school  
18 director districts shall be compact, contiguous, and as nearly  
19 equal in population as practicable.

20 (2) The commission shall consist of six members, two to be  
21 appointed by the mayor of the most populous municipality in such  
22 school district, three by the city council of such municipality  
23 and one by the mayor of any other municipality in such school  
24 district with the approval of the legislative body thereof. The  
25 commission shall elect one of its members chairman, and shall  
26 act by a majority of its entire membership. If any of the  
27 appointing authorities shall fail to make any or all of such  
28 appointments within fifteen days after enactment of this act,  
29 such appointment or appointments shall be made by the court of  
30 common pleas.

1       (3) No later than forty-five days after the commission has  
2 been duly certified, the commission shall file an apportionment  
3 plan with the county board of elections to be submitted to the  
4 voters of the district at the next primary election occurring  
5 not less than ninety-one days after the plan is filed with the  
6 county board and at which primary election the candidates for  
7 members of the school board shall be nominated.

8       (4) No later than September in the second year following the  
9 year in which Federal census data is officially gathered, a  
10 school director district reapportionment commission shall be  
11 appointed. Said reapportionment commission shall consist of  
12 seven members, three to be appointed by the mayor of the most  
13 populous municipality in the school district, three by the city  
14 council of such municipality and one by the mayor of any other  
15 municipality of the school district with the approval of the  
16 legislative body thereof. The duties of the reapportionment  
17 commission shall be, from the official data of the United States  
18 Bureau of the Census, to define the lines that divide the  
19 existing school director districts to make any new school  
20 director districts as nearly equal in population as practicable,  
21 and as compact and contiguous as possible, and to best provide  
22 for racial balance on the board of school directors of said  
23 school district. [The number of school directors or school  
24 director districts shall not be increased or decreased.] In  
25 addition, the reapportionment commission shall make every effort  
26 to maintain neighborhood boundary lines of communities of like  
27 interest whenever practicable. Such reapportionment commission  
28 shall file its plan no later than ninety days after either the  
29 commission has been appointed or the specified population data  
30 for the first class A school district as determined by the

1 Federal decennial census are available, whichever is later in  
2 time.

3 (5) The school district shall appropriate sufficient funds  
4 for the compensation and expenses of members and staff appointed  
5 by such apportionment and reapportionment commissions, and other  
6 necessary expenses. The members of such commissions shall be  
7 entitled to such compensation for their services as the school  
8 district from time to time shall determine.

9 (6) If an apportionment or reapportionment plan is not filed  
10 by the commission within the time prescribed by this section,  
11 the court of common pleas of the county in which the district is  
12 located shall immediately proceed on its own motion to apportion  
13 or reapportion the school director districts, in accordance with  
14 the standards set forth in subsection (c)(4).

15 (7) Any apportionment or reapportionment plan, filed by any  
16 such commission or prepared by the court of common pleas of the  
17 county in which the district is located upon the failure of the  
18 commission to act shall be published by the county board of  
19 elections once in at least one newspaper of general circulation  
20 in the most populous municipality of the school district, which  
21 publication shall contain a map of the school district showing  
22 the complete apportionment or reapportionment of the school  
23 director districts. The publication shall also state the  
24 population of the school director districts having the smallest  
25 and largest population and the percentage variation of such  
26 districts from the average population for such districts.

27 (8) The county board of elections shall place upon the  
28 ballot to be submitted to the voters of each first class A  
29 school district under the act of June 3, 1937 (P.L.1333,  
30 No.320), known as the "Pennsylvania Election Code," the

1 following question:

2 Shall the apportionment plan submitted by  
3 the school director district apportionment Yes  
4 commission for the election of members of  
5 the Board of Public Education of the school No  
6 district of.....be approved?

7 Since the voters have accepted the apportionment plan, the  
8 number of school director districts contained in the  
9 apportionment plan shall be the permanent number of school  
10 director districts in said school district, and said permanent  
11 number of school director districts shall neither be increased  
12 nor decreased by any future reapportionment commission nor by  
13 the court of common pleas of the county in which the school  
14 district is located. The ballot question shall not be considered  
15 in the case of a reapportionment plan submitted by a  
16 reapportionment commission or the court of common pleas.

17 (d) Nomination and Elections of School Directors. School  
18 directors shall be nominated and elected in accordance with the  
19 act of June 3, 1937 (P.L.1333, No.320), known as the  
20 "Pennsylvania Election Code."

21 (e) Applicable Law upon Adoption. After the election of  
22 school directors from specified districts in accordance  
23 therewith, the Board of Public Education of such first class A  
24 school district shall be governed by the provisions of this  
25 section and by all other provisions of the act to which this is  
26 an amendment and other provisions of general law relating to  
27 first class A school districts which are not inconsistent with  
28 the provisions of this section. The provisions of this section  
29 shall supersede all other parts of the act to which this is an  
30 amendment and all other acts affecting the organization of

1 school districts of the first class A to the extent that they  
2 are inconsistent or in conflict herewith. All existing acts or  
3 parts of acts and resolutions affecting the organization of  
4 first class A school districts not inconsistent or in conflict  
5 with the provisions of this section shall remain in full force  
6 until modified or repealed as provided by law.

7 (f) Certain Prohibitions of Service. No superintendent,  
8 assistant superintendent, supervising principal, teacher or  
9 other employe shall serve either temporarily or permanently as a  
10 member of the school board by which employed.

11 (g) Transition Provisions and Expiration of Existing Terms.  
12 The terms of existing appointed board members shall terminate on  
13 the first Monday of December in 1976 or in any subsequent year  
14 in which the initial elected members are elected, at which time  
15 the terms of all members to be elected as herein provided shall  
16 be deemed to begin. Thereafter the terms of all elected members  
17 shall expire on the first Monday of December in the year in  
18 which the length of term to which such members shall have been  
19 elected has been served.

20 Section 29. Section 303 of the act, amended August 8, 1963  
21 (P.L.564, No.299), July 1, 1978 (P.L.575, No.105) and December  
22 17, 1982 (P.L.1378, No.316), is amended to read:

23 Section 303. Number and Election in Districts of the  
24 Second[, ] and Third [and Fourth] Classes; Terms of Office.--(a)  
25 In each school district of the second class, and on and after  
26 July 1, [1966] 2008, or if there is advance establishment July  
27 1, [1964] 2006, or July 1, [1965] 2007, as the case may be, in  
28 each school district of the second[, ] and third [and fourth]  
29 class, there shall be a board of nine (9) school directors, who,  
30 except as otherwise provided in this act, shall be elected at

1 large for terms of six (6) years. The terms of three of the  
2 members shall expire on the first Monday of December of each odd  
3 numbered year, as now provided by law. At each municipal  
4 election, three school directors, except as otherwise provided  
5 in this act, shall be elected at large for terms of six (6)  
6 years. Their terms of office shall begin on the first Monday of  
7 December following their election. Beginning with the terms to  
8 be filled at the municipal election held in [1979] 2007 and each  
9 odd numbered year thereafter, the terms of school directors so  
10 elected shall be four (4) years, except that at the municipal  
11 election in [1983] 2011, five (5) school directors shall be  
12 elected for terms of four (4) years and one (1) for a term of  
13 two (2) years. At the municipal election in [1985] 2013 and  
14 every four (4) years thereafter, four (4) directors shall be  
15 elected for terms of four (4) years. At the municipal election  
16 in [1987] 2015 and every four (4) years thereafter, five (5)  
17 directors shall be elected for terms of four (4) years. The  
18 board shall select by lot, prior to the time for filing of  
19 nomination petitions, the vacancy that is to be filled for a two  
20 (2) year term in [1983] 2011.

21 (b) (1) The interim operating committee or the board of  
22 school directors may develop a plan to elect school directors  
23 from regions or to elect some school directors at large and some  
24 from regions. Such a plan may also be developed by the resident  
25 electors of a school district as provided herein and shall have  
26 the same effect as one developed by the board of school  
27 directors.

28 (2) Electors equal to at least twenty-five (25) per centum  
29 of the highest vote cast for any school director in the last  
30 municipal election may develop a plan to elect school directors

1 from regions or to elect some school directors from regions and  
2 some from the school district at large. Plans proposed by  
3 electors shall be subject to the same requirements as plans  
4 proposed by the board of school directors.

5 (3) The boundaries of the regions shall be fixed and  
6 established in such manner that the population of each region  
7 shall be as nearly equal as possible and shall be compatible  
8 with the boundaries of election districts. Such plan for the  
9 division of the school district shall be submitted for approval  
10 to the court of common pleas. If approved by such court, the  
11 clerk thereof shall certify the regional boundaries contained  
12 therein to the county board of elections. In the event of any  
13 division, redivision, alteration, change or consolidation of  
14 election districts which renders regional boundaries  
15 incompatible with the boundaries of election districts, a new  
16 plan shall be developed and submitted for court approval in like  
17 manner. Any proposed change in an approved plan, including  
18 abolition of regional representation, shall be submitted for  
19 approval to the court of common pleas by the board of school  
20 directors, or by a petition of the resident electors within the  
21 district. Where a region plan is approved, school directors who  
22 reside in each region shall be elected by and from each region.  
23 At all times each region shall be represented by directors  
24 elected or appointed from that region. Where a combination at  
25 large and region plan is approved, all regions shall have an  
26 equal number of school directors who reside in each region and  
27 who shall be elected or appointed by and from each region. At  
28 all times each region shall be represented by a director or  
29 directors elected or appointed from that region. All plans shall  
30 provide that three school directors shall be elected at each



1 municipal election. In a combination at large and region plan,  
2 the number of regions shall be three. In a region plan not  
3 combining at large directors, the number of regions shall be  
4 three or nine.

5 [(c) In any case where the newly established school district  
6 is situated in two or more counties, the plan for regional  
7 representation provided for herein shall be submitted for  
8 approval to the court of quarter sessions of the county in which  
9 the largest part in area of the land affected is situated, which  
10 court shall have exclusive jurisdiction over the matter.]

11 Section 30. Section 303.1 of the act, amended or added  
12 August 8, 1963 (P.L.564, No.299) and January 14, 1970 (1969  
13 P.L.468, No.192), is amended to read:

14 Section 303.1. Incumbent School Directors and Interim  
15 Operating Committee.--(a) All school directors of the component  
16 school districts forming [an administrative unit composed of two  
17 or more school districts] a countywide or regional district  
18 approved by the Council of Basic Education to be established [as  
19 a school district] shall serve out the terms of office for which  
20 they were elected. No vacancies occurring in such position after  
21 the date of establishment shall be filled.

22 (b) On or before the fifteenth day of January immediately  
23 preceding the date of establishment, such incumbent school  
24 directors of the component school districts shall be called into  
25 convention by the county superintendent of schools or, if  
26 necessary, after July 1, [1970] 2006, by the executive director  
27 of the intermediate unit and shall select by majority vote an  
28 interim operating committee composed of nine incumbent school  
29 directors. In selecting the interim operating committee, the  
30 incumbent school directors shall take into consideration the

1 principle of proportionate representation according to  
2 population. If, by reason of failure to receive a majority vote,  
3 a tie vote, or otherwise all nine members of the interim  
4 operating committee are not selected at such convention, the  
5 county superintendent of schools shall call another convention  
6 within thirty days for the purpose of selecting the remaining  
7 members. If all remaining members are not selected at such  
8 second convention the court of common pleas of the proper  
9 county, upon the petition of the county superintendent of  
10 schools, shall within thirty days appoint to the interim  
11 operating committee, from the incumbent school directors, the  
12 remaining member or members and specify their terms. The  
13 decision of the convention in selecting the interim operating  
14 committee, except as hereinbefore provided, shall be final. Six  
15 of the members of the interim operating committee shall be  
16 selected for a term expiring on the first Monday of December,  
17 [1967] 2007; and three for a term expiring on the first Monday  
18 of December, [1969] 2009. In the event an incumbent director is  
19 selected for a term on the interim operating committee which  
20 would expire later than the term for which he was elected as a  
21 school director, he shall serve only until the end of his term  
22 for which he was elected as a school director. At the municipal  
23 elections held in November, [1967] 2007 three members shall be  
24 elected for a four-year term and three members shall be elected  
25 for a six-year term. Thereafter, all members shall be elected  
26 for six-year terms. The school directors elected at the  
27 municipal elections held in November, [1967] 2007, and  
28 thereafter, shall take the place of the appointed members of the  
29 board of school directors of the newly established school  
30 district as their terms expire. The members of the interim

1 operating committee shall become and shall serve as the board of  
2 school directors of the school district on and after the date of  
3 establishment.

4 (c) The interim operating committee shall have the power and  
5 its duty shall be to meet, prepare and adopt a budget, levy and  
6 assess taxes and perform all acts and functions necessary to  
7 enable the proposed school district to function properly prior  
8 to the date of its establishment. The committee shall have the  
9 power to fill vacancies should a deficiency in membership arise  
10 due to death, resignation or otherwise: Provided, however, That  
11 vacancies shall first be filled by the selection of an incumbent  
12 school director, if any.

13 (d) The incumbent school directors not selected for  
14 membership on the interim operating committee shall serve in an  
15 advisory capacity to the interim operating committee and to the  
16 board of school directors of the newly established school  
17 district. Such incumbent school directors may attend meetings  
18 and participate in discussions of the interim operating  
19 committee and board of school directors, but shall have no vote.

20 [(e) In the case of a single school district forming an  
21 administrative unit approved by the Council of Basic Education  
22 to be established as a school district, the incumbent school  
23 directors shall be the school directors of the newly established  
24 district and the election of school directors at each municipal  
25 election subsequent to the date of establishment shall be as  
26 provided in section 303 of this act. In the event the number of  
27 incumbent school directors is less than nine, the board of  
28 school directors on and after the date of establishment shall  
29 have the power to raise its membership to nine in the manner now  
30 provided by law to fill vacancies on the board.]

1 (f) The interim operating committee or the board of school  
2 directors shall also have the power and its duty shall be to  
3 propose a name for the school district to be established. The  
4 name proposed shall be reported to the Department of [Public  
5 Instruction] Education which shall review the proposed name and  
6 approve it if it is not a duplication of a name previously  
7 approved by the Department of [Public Instruction] Education.  
8 When it approves a name, the Department of [Public Instruction]  
9 Education shall issue a certificate stating that the approved  
10 name has been registered as the official designation of the  
11 school district.

12 Section 31. Sections 304, 305 and 306 of the act are amended  
13 to read:

14 Section 304. Number and Election in Districts Third Class;  
15 Terms of Office.--In each school district of the third class  
16 there shall be a board of [seven (7)] nine (9) school directors,  
17 who shall be elected at large, and whose terms of office shall  
18 be six (6) years. The terms of the members now in office shall  
19 expire at the end of the terms for which they were respectively  
20 elected. At each of the municipal elections held in November,  
21 one thousand nine hundred and forty-nine (1949), and in  
22 November, [, one thousand nine hundred and fifty-one (1951), two  
23 school directors shall be elected. At the municipal election  
24 held in November, one thousand nine hundred and fifty-three  
25 (1953), three school directors shall be elected. At each of the  
26 first two municipal elections thereafter, two school directors  
27 shall be elected. At the third municipal election, three shall  
28 be elected. Thereafter, two school directors shall be elected at  
29 each of the two succeeding municipal elections, and three at  
30 each third municipal election.] All shall be elected at large,

1 for terms of six years. Their terms of office shall begin on the  
2 first Monday of December following their election.

3 [Section 305. Number and Election in Districts Fourth Class;  
4 Terms of Office.--In each school district of the fourth class  
5 there shall be a board of five (5) school directors, who shall  
6 be elected at large, and whose terms of office shall be six (6)  
7 years. The terms of the members now in office shall expire at  
8 the end of the terms for which they were respectively elected.  
9 At each of the municipal elections held in November, one  
10 thousand nine hundred and forty-nine (1949), and in November,  
11 one thousand nine hundred fifty-one (1951), two school directors  
12 shall be elected. At the municipal election held in November,  
13 one thousand nine hundred fifty-three (1953), one school  
14 director shall be elected. At each of the first two municipal  
15 elections thereafter, two school directors shall be elected. At  
16 the third municipal election, one shall be elected. Thereafter,  
17 two school directors shall be elected at each of the two  
18 succeeding municipal elections, and one at each third municipal  
19 election. All shall be elected at large, for terms of six (6)  
20 years. Their terms of office shall begin on the first Monday of  
21 December following their election.

22 Section 306. Elections Where District Not Coextensive With,  
23 or in More than One City, Borough, Town or Township.--Whenever  
24 any school district is not coextensive with a city, borough,  
25 incorporated town, or township, the county commissioners shall  
26 furnish the proper election officials with a certified list of  
27 the qualified electors of such school district and with the  
28 necessary ballots to enable such electors to vote on matters  
29 pertaining solely to such school district. When such school  
30 district lies in two or more cities, boroughs, incorporated

1 towns, or townships, or any combination thereof, the judge,  
2 inspectors, and clerks of each election district within such  
3 school district which lies in two or more cities, boroughs,  
4 incorporated towns, and townships, or any combination thereof,  
5 shall make out a complete return of all the votes given at any  
6 election for officers in the school district, or for the  
7 submission of any question to the electors of such district,  
8 designating the number of votes cast for each person, and for  
9 and against each question so submitted to the electors.

10 Whereupon, the judge and inspectors shall appoint one of their  
11 number for return judge to meet the other return judge or judges  
12 of the school district, on the second day after any such  
13 election, at the oldest election place within the district or at  
14 such place within the district as shall have been appointed by  
15 the court of common pleas. The judges shall then and there add  
16 together the number of votes cast for each person voted for, and  
17 for and against any question submitted to the electors, and  
18 shall make out the returns as the nature of the election may  
19 require, complying in all respects with the provisions of  
20 existing election laws. After the performance of such duties,  
21 the return judges shall appoint one of their number, by consent  
22 or lot, to deliver, within two days thereafter, the full returns  
23 of the vote for officers, to the prothonotary of the court of  
24 common pleas, and of the vote on questions submitted to  
25 electors, to the clerk of the court of quarter sessions of the  
26 proper county, in the manner now provided by law for making  
27 township or borough returns. Such judges shall ascertain and  
28 declare the result of such election and shall issue certificates  
29 to persons elected to fill such offices, within five (5) days  
30 after making such returns.]

1       Section 32. Section 307 of the act, amended October 21, 1965  
2       (P.L.601, No.312), is amended to read:

3       Section 307. Newly Formed Districts.--Where a new school  
4       district of the first, second, or third class is formed by the  
5       [creation of a new city, borough or township, and where a new  
6       school district of the third or fourth class is so formed]  
7       merging of two or more counties and is approved by the Council  
8       of Basic Education, the court of common pleas having  
9       jurisdiction in the merging school district with the greatest  
10      student population shall appoint a board of school directors for  
11      such new school district, which shall serve until the first  
12      Monday of December next following the first municipal election  
13      occurring more than thirty (30) days after the formation of such  
14      new school district.

15      Section 33. Section 310 of the act, amended March 11, 1957  
16      (P.L.6, No.2), is amended to read:

17      [Section 310. Annexation of Territory.--When territory  
18      comprising a separate school district is annexed to a city, or  
19      borough, or township, the terms of office of all the school  
20      directors of such annexed territory shall expire at the  
21      beginning of the first school year after such annexation is  
22      effected, except the terms of the president and vice-president,  
23      who shall hold office during the respective terms for which they  
24      were elected.]

25      Section 34. Section 311.1 of the act, added December 19,  
26      1967 (P.L.865, No.383), is amended to read:

27      [Section 311.1. Appointment in Independent Districts for  
28      Transfer Purposes; Terms of Office.--In the case of an  
29      independent district established by court for purposes of  
30      transfer to another school district subsequent to the passage of

1 this act, the court shall appoint a director or directors, not  
2 to exceed three. The term of the directors so appointed shall  
3 begin on the date of appointment and shall terminate on the date  
4 the transfer to the receiving school district becomes effective.  
5 If there reside in the territory of the independent district one  
6 or more who are currently serving as school directors, the court  
7 shall make its first appointments from that group.

8 The directors so appointed shall have as their responsibility  
9 the right and authority to represent the independent district in  
10 all legal activities and conferences to properly effect the  
11 transfer of the independent district to the receiving school  
12 district.]

13 Section 35. Section 315 of the act, amended July 8, 1989  
14 (P.L.253, No.43), is amended to read:

15 Section 315. Filling of Vacancies.--In case any vacancy  
16 shall occur in any board of school directors by reason of death,  
17 resignation, removal from the district, or otherwise, such  
18 vacancy shall, in a school district of the first class, be  
19 filled for the unexpired term by the court of common pleas of  
20 the county in which such school district is situated from the  
21 qualified electors of the district; and in a school district of  
22 the second[, ] or third[, or fourth] classes, the remaining  
23 members of the board of school directors shall, by a majority  
24 vote thereof, fill such vacancy from the qualified electors of  
25 the district within thirty (30) days thereafter. In a district  
26 of the second, third, or fourth class, the person selected to  
27 fill such vacancy shall be a qualified elector of the district  
28 and shall hold his office, if the term thereof so long  
29 continues, until the first Monday of December after the first  
30 municipal election occurring more than sixty (60) days after the



1 vacancy shall have occurred. At such election an eligible person  
2 shall be elected for the remainder of the unexpired term. If, by  
3 reason of a tie vote or otherwise, such vacancy shall not have  
4 been filled by the board of school directors within thirty (30)  
5 days after such vacancy shall have occurred from the qualified  
6 electors of the district, the court of common pleas of the  
7 proper county, upon the petition of ten or more resident  
8 taxpayers, shall fill such vacancy by the appointment of a  
9 suitable person from the qualified electors of the district if  
10 the term of the vacant office so long continues, until the first  
11 Monday of December after the first municipal election occurring  
12 more than sixty (60) days after the vacancy shall have occurred.  
13 At such election an eligible person shall be elected for the  
14 remainder of the unexpired term. When any member of a board of  
15 school directors heretofore or hereafter enlists or is inducted  
16 into the military or naval forces of the United States in time  
17 of war, a temporary vacancy shall be declared, which shall be  
18 filled by the remaining members of the board or the court, as  
19 the case may be from the qualified electors of the district,  
20 until the return of such member of the board from the military  
21 or naval service, or until the expiration of the term for which  
22 he shall have been elected, whichever shall be the shorter  
23 period.

24 Section 36. Section 401 of the act, amended or added  
25 December 14, 1967 (P.L.837, No.363) and August 5, 1977 (P.L.178,  
26 No.46), is amended to read:

27 Section 401. Beginning of School Year; Organization  
28 Meetings.--

29 (a) In all school districts of the first class the school  
30 year shall begin on the first day of January of each year and

1 the school directors shall meet and organize annually during the  
2 second week of November.

3 (a.1) In all school districts of the first class A, the  
4 school directors shall meet and organize annually during the  
5 first week of December.

6 (b) In all school districts of the second[, third, and  
7 fourth] and third class, except as hereinafter provided, the  
8 school year shall begin on the first day of July of each year  
9 and the school directors shall meet and organize annually during  
10 the first week of December.

11 (c) When a new school district is created, or when the  
12 offices of all the school directors of a district become vacant,  
13 the school directors appointed by the court, in any such case,  
14 shall meet and organize within ten days after their appointment.

15 (d) When two or more school districts are consolidated in  
16 any manner provided in this act and under the provisions of this  
17 act the members of the boards of directors of the respective  
18 districts continue in office during the respective terms for  
19 which they were elected and become the school directors of the  
20 consolidated district, they shall organize during the first week  
21 of July following such consolidation by electing a president and  
22 vice-president who shall hold their respective offices until the  
23 first Monday of December following their election, and by the  
24 election of a secretary for the consolidated district who shall  
25 serve for the remainder of the term for which secretaries are  
26 elected, and by the election of a treasurer for the consolidated  
27 district who shall hold office for the school year.

28 Section 37. Section 404 of the act, amended December 14,  
29 1967 (P.L.837, No.363), is amended to read:

30 Section 404. Districts Second[, Third and Fourth] and Third

1 Class Permanent Organization; Election of Officers.--In each  
2 school district of the second, third and fourth class, the  
3 school directors shall effect a permanent organization by  
4 electing, during the first week of December, from their members,  
5 a president and vice-president, each to serve for one year, and  
6 shall annually, during the month of May, elect a treasurer to  
7 serve for one year, beginning the first day of July following  
8 such election, and shall, during the month of May, [one thousand  
9 nine hundred and fifty-three] two thousand and five, and every  
10 four years thereafter, elect a secretary for a term of four  
11 years, beginning the first day of July following such election.  
12 The treasurer may be any corporation duly qualified and legally  
13 authorized to transact a fiduciary business in the Commonwealth.  
14 Vacancies in the office of secretary shall be filled for the  
15 unexpired term. In school districts of the second class the  
16 secretary and treasurer shall not be members of the board. In  
17 districts of the third and fourth class they may be members of  
18 the board. The same person shall not hold at the same time more  
19 than one of the offices of president, vice-president, secretary  
20 or treasurer of any board of school directors.

21 No superintendent, assistant superintendent, supervising  
22 principal, or teacher shall serve, either temporarily or  
23 permanently, as an officer of the school board by which he is  
24 employed.

25 Section 38. Sections 408 and 432 of the act are amended to  
26 read:

27 Section 408. Records, etc., Open to Taxpayers.--The accounts  
28 and records of proceedings of the board of every school district  
29 of the third [and fourth] class and of their officers shall be  
30 open to the inspection of any taxpayer thereof, his, her, or its

1 agents or representative, upon request therefor, in writing, to  
2 the board of school directors at a regular meeting.

3 Section 432. Compensation.--The secretary of the board of  
4 school directors may receive for his services such compensation  
5 as the board shall fix, the amount of which shall be reported  
6 annually to the [Superintendent of Public Instruction] Secretary  
7 of Education and be printed in his report.

8 Section 39. Section 433 of the act, amended October 21, 1965  
9 (P.L.601, No.312), is amended to read:

10 Section 433. Duties.--The secretary of the board of school  
11 directors shall perform the following duties:

12 (1) He shall keep a correct and proper record of all the  
13 proceedings of the board, and shall prepare such reports and  
14 keep such accounts as are required by the provisions of this  
15 act;

16 (2) He shall after the board has acted on and approved any  
17 bill or account for the payment of money authorized by this act,  
18 prepare and sign an order on the treasurer for the payment of  
19 the same. He may prepare and sign orders on the treasurer for  
20 the payment of amounts owing under any contracts which shall  
21 previously have been approved by the board, and by the prompt  
22 payment of which the district will receive a discount or other  
23 advantage, without the approval of the board first having been  
24 secured;

25 (3) He shall attest, in writing, the execution of all deeds,  
26 contracts, reports, and other instruments that are to be  
27 executed by the board;

28 (4) He shall furnish, whenever requested, any and all  
29 reports concerning the school affairs of the district, on such  
30 form, and in such manner, as the State Board of Education or the

1 [Superintendent of Public Instruction] Secretary of Education  
2 may require;

3 (5) He shall have general supervision of all the business  
4 affairs of the school district, subject to the instructions and  
5 direction of the board of school directors;

6 (6) He shall be the custodian of all the records, papers,  
7 office property, and official seal of the school district, and  
8 at the expiration of his term shall turn the same over to his  
9 successor;

10 (7) He shall keep correct accounts with each receiver of  
11 taxes, school treasurer, or school tax collector of the  
12 district, reporting a statement of the same, together with a  
13 statement of the finances of the district, at each regular  
14 meeting of the board, which statement shall be entered in full  
15 upon the minutes;

16 (8) He shall perform such other duties pertaining to the  
17 business of the district as are required by this act or as the  
18 board of school directors may direct.

19 Section 40. Section 438 of the act is amended to read:

20 Section 438. Compensation.--School treasurers shall be paid  
21 such compensation as the boards of school directors of the  
22 respective districts may determine. In all school districts of  
23 the second[, third, and fourth] and third class such  
24 compensation or commission shall not exceed two per centum of  
25 the amount of funds paid out on school orders. No compensation  
26 shall be allowed to any school treasurer on account of any  
27 balance in his hands paid over to his successor, nor for the  
28 repayment of any loan or redemption of bonds, whether upon order  
29 or otherwise. The compensation received by each school treasurer  
30 for the preceding year shall be reported annually to the

1 [Superintendent of Public Instruction] Secretary of Education,  
2 and be printed in his report.

3 Section 41. Section 440.1 of the act, amended July 1, 1981  
4 (P.L.200, No.62) and June 30, 1995 (P.L.220, No.26), is amended  
5 to read:

6 Section 440.1. Investment of School District Funds.--(a)  
7 The board of school directors in any school district of the  
8 first class, first class A, second[, third or fourth] and third  
9 class shall invest school district funds consistent with sound  
10 business practice.

11 (b) The board of school directors shall provide for an  
12 investment program subject to restrictions contained in this act  
13 and in any other applicable statute and any rules and  
14 regulations adopted by the board.

15 (c) Authorized types of investments for school district  
16 funds shall be:

17 (i) United States Treasury bills.

18 (ii) Short-term obligations of the United States Government  
19 or its agencies or instrumentalities.

20 (iii) Deposits in savings accounts or time deposits or share  
21 accounts of institutions insured by the Federal Deposit  
22 Insurance Corporation or the Federal Savings and Loan Insurance  
23 Corporation or the National Credit Union Share Insurance Fund to  
24 the extent that such accounts are so insured, and, for any  
25 amounts above the insured maximum, provided that approved  
26 collateral as provided by law therefore shall be pledged by the  
27 depository.

28 (iv) Obligations of the United States of America or any of  
29 its agencies or instrumentalities backed by the full faith and  
30 credit of the United States of America, the Commonwealth of

1 Pennsylvania or any of its agencies or instrumentalities backed  
2 by the full faith and credit of the Commonwealth, or of any  
3 political subdivision of the Commonwealth of Pennsylvania or any  
4 of its agencies or instrumentalities backed by the full faith  
5 and credit of the political subdivision.

6 (v) Shares of an investment company registered under the  
7 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1  
8 et seq.), whose shares are registered under the Securities Act  
9 of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.): Provided, That  
10 the following are met:

11 (A) Only investments of that company are in the authorized  
12 investments for school district funds listed in clauses (i)  
13 through (iv) and repurchase agreements fully collateralized by  
14 such investments.

15 (B) The investment company is managed so as to maintain its  
16 shares at a constant net asset value in accordance with 17 CFR  
17 270 2a-7 (relating to money market funds).

18 (C) The investment company is rated in the highest category  
19 by a nationally recognized rating agency.

20 (d) In making investments of funds, the board shall have  
21 authority:

22 (i) To permit assets pledged as collateral under subsection  
23 (c)(iii), to be pooled in accordance with the act of August 6,  
24 1971 (P.L.281, No.72), relating to pledges of assets to secure  
25 deposits of public funds.

26 (ii) To combine moneys from more than one fund under school  
27 district control for the purchase of a single investment,  
28 provided that each of the funds combined for the purpose shall  
29 be accounted for separately in all respects and that the  
30 earnings from the investment are separately and individually

1 computed and recorded, and credited to the accounts from which  
2 the investment was purchased.

3 (e) Any such purchase or sale shall be made by the treasurer  
4 of the school district on a resolution adopted by the board of  
5 school directors.

6 Section 42. Section 519 of the act, is amended to read:

7 Section 519. Copies of School Laws.--The [Superintendent of  
8 Public Instruction] Secretary of Education shall send to each  
9 member of every board of school directors in the State, a bound  
10 copy of each new edition of the School Laws, as soon as possible  
11 after the same shall have been published.

12 Section 43. Section 520 of the act, amended January 14, 1970  
13 (1969 P.L.468, No.192), is amended to read:

14 Section 520. Temporary Emergency War Provisions.--(a)  
15 Whenever, during the continuance of any war in which this Nation  
16 is or may become engaged, it shall be found as a fact by the  
17 board of school directors of any school district and so recorded  
18 on the minutes of a regular or special meeting of such board and  
19 certified to the Department of [Public Instruction] Education,  
20 that the normal operation of the schools, as required by this  
21 act, in respect to any of the matters hereinafter set forth,  
22 shall interfere with the prosecution of such war, such board of  
23 school directors shall have power to put into operation in such  
24 school district any one or more temporary emergency war  
25 provisions authorized by this act, but in no event longer than  
26 for a period of one year after the cessation of the hostilities  
27 of such war.

28 (b) Subject to the foregoing provisions, any board of school  
29 directors may--

30 (1) Keep the schools of the district in session such days



1 and number of days per week as they shall deem necessary or  
2 desirable, but the provisions of this act requiring a minimum of  
3 one hundred eighty (180) session days as a school year shall not  
4 be affected thereby;

5 (2) Extend the length of the school days in such manner as  
6 to make it possible to complete and to accredit a calendar day  
7 as a full school day and a fractional portion of an additional  
8 school day;

9 (3) Suspend temporarily the regular session of any class or  
10 classes, or close temporarily any school or all the schools of  
11 the district as an emergency war measure, or when the Governor  
12 by proclamation so directs. The days on which the regular  
13 sessions of classes or schools are so suspended or closed shall  
14 be recorded and credited as if they were days taught: Provided,  
15 That in no instance shall the session so suspended or closed  
16 exceed thirty school days during any school term for any pupil  
17 except by special wartime emergency proclamation by the  
18 Governor;

19 (4) Adjust the assignment and reassignment of teachers in  
20 such fields, subjects, schedules and semesters or other periods  
21 of work and in such schools as their preparation, experience and  
22 certification may qualify them. No such temporary emergency  
23 assignment or reassignment shall reduce the annual compensation  
24 any teacher receives at the time of such assignment or  
25 reassignment, nor shall the emergency assignment, reassignment  
26 or the return to the original type of assignment when the  
27 emergency has ended be deemed to be a demotion under the tenure  
28 provisions of this act;

29 (5) Grant farm and conservation employment permits to pupils  
30 who have attained the age of fourteen years and have completed

1 the sixth grade or equivalent thereof, and to enable group  
2 participation by pupils regularly enrolled in schools in  
3 seasonal farm and conservation activities. The word  
4 "conservation" as used in this clause shall mean the conserving,  
5 preserving, guarding or protecting of crops, forests and rivers;

6 (6) Accept the certification of the family physician of any  
7 child as satisfactory proof of suitable physical condition for  
8 the issuance of any farm or conservation permit granted during  
9 the period of emergency;

10 (7) Make such arrangements for extending the use of school  
11 buses or other school transportation facilities as may seem  
12 desirable for the transportation of teachers, as well as pupils,  
13 or for otherwise furthering the war and civilian defense effort;

14 (8) Provide, in lieu of pupil transportation required by  
15 law, tuition to a school in another district, when educational  
16 facilities can thus be made available, without requiring such  
17 pupils to walk more than two miles to the school to which the  
18 pupil has been assigned. The above provisions shall also apply  
19 in any case where the Department of [Public Instruction]

20 Education determines that a revision of existing transportation  
21 practices will result in the more economical use of school  
22 facilities and the conservation of transportation equipment;

23 (9) Obtain the full State subsidy provided for fully and  
24 regularly certificated teachers when, at the request of the  
25 responsible school district, the Superintendent of Public  
26 Instruction has issued to a teacher temporarily employed, a  
27 special emergency wartime certificate to teach in the subject or  
28 field for which wartime emergency conditions make it necessary  
29 to employ such teacher.

30 Section 44. Section 520.1 of the act, added January 14, 1952

1 (1951 P.L.1940, No.541), is amended to read:

2 Section 520.1. Temporary Emergency Provisions.--(a)

3 Whenever an emergency shall arise which the board of school  
4 directors of any school district in the performance of its  
5 duties could not anticipate or foresee, and which emergency  
6 shall result in any such school district being unable to provide  
7 for the attendance of all pupils during the prescribed length of  
8 school days, number of days per week, or usual hours of classes,  
9 it shall be found as a fact by the school directors of any  
10 school district and so recorded on the minutes of a regular or  
11 special meeting of such board and certified to the  
12 Superintendent of [Public Instruction] Education, and such board  
13 of school directors, subject to the approval of the  
14 Superintendent of [Public Instruction] Education, shall have  
15 power to put into operation in such school district any one or  
16 more of the temporary provisions hereinafter provided for, but  
17 in no event shall such temporary provisions remain in effect for  
18 a period of more than four years after they are first put into  
19 effect.

20 (b) Subject to the foregoing provisions, any board of school  
21 directors may:

22 (1) Keep the schools of the district in session such days  
23 and number of days per week as they shall deem necessary or  
24 desirable, but the provisions of this act requiring a minimum of  
25 one hundred eighty (180) session days as a school year shall not  
26 be affected thereby.

27 (2) Reduce the length of time of daily instruction for  
28 various courses and classes.

29 (c) Any school district, by invoking the powers herein  
30 granted, shall not thereby forfeit its right to reimbursement by

1 the Commonwealth or other State-aid as otherwise provided for by  
2 this act.

3 Section 45. Section 523 of the act, amended September 12,  
4 1961 (P.L.1272, No.558), January 14, 1970 (1969 P.L.468, No.192)  
5 and November 2, 1973 (P.L.321, No.103), is amended to read:

6 Section 523. Educational Broadcasting.--

7 (a) The State Board of Education shall adopt and amend, when  
8 necessary, a State Plan for Educational Broadcasting. The State  
9 plan shall provide for the development of educational  
10 broadcasting facilities in the Commonwealth and shall define  
11 educational broadcasting service areas which shall be served by  
12 specified broadcasting centers. The Department of Education  
13 shall promulgate regulations to implement the State plan. Prior  
14 to adoption or amendment of the State plan, the board shall  
15 submit the plan to the Pennsylvania Public Television Network  
16 Commission and receive its comments thereon.

17 (b) The board of school directors of any school district may  
18 enter into an agreement or agreements with one or more school  
19 districts and/or intermediate units and/or with other  
20 educational institutions or agencies and/or with non-profit  
21 organizations for the joint operation of an educational  
22 television and/or radio station. In the case where the members  
23 of the board of school directors and/or intermediate unit board  
24 of directors are members of any non-profit community corporation  
25 holding a valid Federal Communications Commission broadcasting  
26 license for a television and/or radio station, these non-profit  
27 community corporations which are a part of the State Plan for  
28 Educational Broadcasting, may enter into contracts with the  
29 State Public School Building Authority for the purpose of  
30 constructing, improving, maintaining, operating, furnishing and

1 equipping these educational broadcasting facilities as a part of  
2 the public school system of the Commonwealth of Pennsylvania.

3 (c) The board of school directors of any school district and  
4 any intermediate unit board of directors may enter into an  
5 agreement or agreements with one or more school districts and/or  
6 intermediate unit boards of directors and/or other educational  
7 institutions or agencies and/or non-profit or commercial  
8 organizations for broadcasting.

9 (d) The Department of [Public Instruction] Education may  
10 enter into agreements with educational or commercial radio  
11 and/or television networks or stations, non-profit organizations  
12 radio and/or television production centers, or any intermediate  
13 units, school district or districts for the purpose of  
14 educational broadcasting.

15 (e) The Department of [Public Instruction] Education and  
16 boards of school directors of any school district or  
17 intermediate units, or both, may contract for educational  
18 broadcasts for children or adults, using State funds or State-  
19 administered Federal funds appropriated for that purpose, or  
20 private grants or gifts.

21 (f) In accordance with the State plan for educational  
22 broadcasting, the Department of [Public Instruction] Education  
23 may establish and/or operate a broadcasting station and/or  
24 purchase, produce and/or contract to purchase or produce tapes,  
25 films and/or recordings for educational broadcasting.

26 Section 46. Section 524 of the act, amended October 21, 1965  
27 (P.L.601, No.312) and January 14, 1970 (1969 P.L.468, No.192),  
28 is amended to read:

29 Section 524. Closure of Schools or Departments.--The board  
30 of school directors of any school district, including merged or

1 union districts, and any boards of school directors establishing  
2 any joint school or department, shall not close any school or  
3 department during the school term, unless such action shall  
4 advance the orderly development of attendance areas within an  
5 approved administrative unit and has been approved by the  
6 Department of [Public Instruction] Education. In the event a  
7 school board shall determine prior to the beginning of the next  
8 school term to close any school or department, sixty (60) days'  
9 notice, in writing, prior to the closing of any school or  
10 department, shall be given to all temporary professional and  
11 professional employees affected thereby, unless such action shall  
12 advance the orderly development of attendance areas within an  
13 approved administrative unit and has been approved by the  
14 Department of [Public Instruction] Education. Upon failure to  
15 give written notice of intention to close any school or  
16 department, the school district shall pay such employees their  
17 salaries until the end of the school year during which such  
18 schools or departments were closed.

19 Temporary professional or professional employees, whose  
20 positions are abolished as a result of the action of the board  
21 of school directors in closing a school or department, or  
22 reassigning pupils in its effort to consummate partially or  
23 wholly the orderly development of approved administrative and  
24 attendance areas, may not be suspended until the end of the  
25 school year if such action is taken during the school year or  
26 later than sixty (60) days prior to the opening of the next  
27 school term.

28 The payment of salary to any temporary professional or  
29 professional employee shall be discontinued immediately, if such  
30 employee obtains other employment which, in the judgment of the

1 board of school directors, could not have been obtained or held  
2 if such school or department had not been closed: Provided,  
3 however, That if the salary in the new position is less than the  
4 salary the professional employe would have received had he  
5 remained in the employment of the school district, the school  
6 district shall be liable for the difference.

7 Section 47. Section 525 of the act, amended October 21, 1965  
8 (P.L.601, No.312), is amended to read:

9 Section 525. Establishment and Operation of Educational  
10 Television and Broadcasting Facilities.--Whenever funds become  
11 available from any source whatever for the purpose of (1)  
12 establishing and where necessary operating such pilot  
13 educational television projects, (2) purchasing, producing and  
14 contracting for the purchase or production of tapes, films and  
15 recordings for educational broadcasting, (3) making special  
16 grants to school districts, county boards of school directors  
17 and State colleges for educational broadcasting services  
18 procured by them where it is determined by the Department of  
19 [Public Instruction] Education that the awarding of such special  
20 grants will materially encourage the use of educational  
21 television facilities, (4) establishing educational television  
22 facilities in accordance with the State plan for educational  
23 broadcasting, and (5) establishing network facilities to link  
24 educational broadcasting facilities as may be required by the  
25 State plan for educational broadcasting or any of these  
26 purposes, the Department of [Public Instruction] Education may  
27 expend such funds for such purpose or purposes in amounts to be  
28 determined by the Department of [Public Instruction] Education  
29 in accordance with policies approved by the State Board of  
30 Education. This section shall not be construed to authorize the

1 expenditure of any State funds for such purposes unless  
2 specifically appropriated by the General Assembly.

3 Section 48. Section 1361 of the act, amended May 11, 1979  
4 (P.L.26, No.7), is amended to read:

5 Section 1361. When Provided.--(1) The board of school  
6 directors in any school district may, out of the funds of the  
7 district, provide for the free transportation of any resident  
8 pupil to and from the kindergarten, elementary school, or  
9 secondary school in which he is lawfully enrolled, provided that  
10 such school is not operated for profit and is located within the  
11 district boundaries or outside the district boundaries at a  
12 distance not exceeding [ten] twenty miles by the nearest public  
13 highway, except that [such ten-mile] the limit shall not apply  
14 to area vocational technical schools which regularly serve  
15 eligible district pupils or to special schools and classes  
16 approved by the Department of Education, and to and from any  
17 points within or without the Commonwealth in order to provide  
18 field trips for any purpose connected with the educational  
19 pursuits of the pupils. When provision is made by a board of  
20 school directors for the transportation of public school pupils  
21 to and from such schools or to and from any points within or  
22 without the Commonwealth in order to provide field trips as  
23 herein provided, the board of school directors shall also make  
24 identical provision for the free transportation of pupils who  
25 regularly attend nonpublic kindergarten, elementary and high  
26 schools not operated for profit to and from such schools or to  
27 and from any points within or without the Commonwealth in order  
28 to provide field trips as herein provided. Such transportation  
29 of pupils attending nonpublic schools shall be provided during  
30 regular school hours on such dates and periods that the



1 nonpublic school not operated for profit is in regular session,  
2 according to the school calendar officially adopted by the  
3 directors of the same in accordance with provisions of law. The  
4 board of school directors shall provide such transportation  
5 whenever so required by any of the provisions of this act or of  
6 any other act of Assembly.

7 (2) The board of school directors in any school district  
8 may, if the board deems it to the best interest of the school  
9 district, for the purposes of transporting pupils as required or  
10 authorized by any of the provisions of this act or of any other  
11 act of the Assembly, appropriate funds for urban common carrier  
12 mass transportation purposes from current revenues to urban  
13 common carrier mass transportation authorities to assist the  
14 authorities to meet costs of operation, maintenance, capital  
15 improvements, and debt service. Said contributions shall not be  
16 subject to reimbursement by the Commonwealth of Pennsylvania.

17 (3) The State Board of Education shall adopt regulations,  
18 including qualifications of school bus drivers, to govern the  
19 transportation of school pupils.

20 Section 49. This act shall take effect in 60 days.