

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2248 Session of 2012

INTRODUCED BY MCGEEHAN, BRENNAN, CALTAGIRONE, D. COSTA, CRUZ,
DeLUCA, GODSHALL, M. O'BRIEN, PASHINSKI, SABATINA, STABACK,
SWANGER, VULAKOVICH AND YOUNGBLOOD, MARCH 13, 2012

REFERRED TO COMMITTEE ON EDUCATION, MARCH 13, 2012

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 manner of
6 election or approval, for election of assistant district
7 superintendents, for term and salary of assistants, for
8 commissions, for removal, for superintendents of schools or
9 buildings and of supplies and for associate and assistant
10 district superintendents; and making an editorial change.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 1073 of the act of March 10, 1949
14 (P.L.30, No.14), known as the Public School Code of 1949,
15 amended January 14, 1970 (1969 P.L.468, No.192) and January 16,
16 1974 (P.L.1, No.1), is amended to read:

17 Section 1073. Manner of Election or Approval.--(a) The
18 board of school directors of each school district[, except in
19 school districts of the first class,] shall meet at its regular
20 place of meeting, during the last year of the term of the
21 district superintendent or at any other time when a vacancy

1 shall occur in the office of district superintendent, at an hour
2 previously fixed by the board. The secretary of each board of
3 school directors shall mail to each member thereof at least five
4 days beforehand, a notice of the time, place and purpose of such
5 meeting. At such meeting the board shall elect or approve a
6 properly qualified district superintendent to enter into a
7 contract to serve [a term of from three to five years] a term of
8 three years from the first day of July next following his
9 election or from a time mutually agreed upon by the duly elected
10 district superintendent and the board of school directors. The
11 contract shall be subject to the act of February 14, 2008
12 (P.L.6, No.3), known as the "Right-to-Know Law."

13 (b) At a regular meeting of the board of school directors
14 occurring at least one hundred fifty (150) days prior to the
15 expiration date of the term of office of the district
16 superintendent, the agenda shall include an item requiring
17 affirmative action by five or more members of the board of
18 school directors to notify the district superintendent that the
19 board intends to retain him for a further term of [from] three
20 (3) [to five (5)] years or that another or other candidates will
21 be considered for the office. In the event that the board fails
22 to take such action at a regular meeting of the board of school
23 directors occurring at least one hundred fifty (150) days prior
24 to the expiration date of the term of office of the district
25 superintendent, he shall continue in office for a further term
26 of similar length to that which he is serving.

27 (d) The term of office or commission of a district
28 superintendent or assistant district superintendent shall not be
29 shortened by reason of the fact that the district in which he
30 serves shall be come part of a joint school, or by reason of the

1 fact that the district in which he serves shall become a part of
2 a new school district established as the result of
3 reorganization of school districts pursuant to Article II.,
4 subdivision (i) or section 224 of this act. Any district
5 superintendent, assistant districts superintendent or
6 supervising principal not selected as the district
7 superintendent of the joint school or newly established school
8 district in which the district he serves becomes a part shall be
9 assigned to a position or office for which he is eligible:
10 Provided, however, That in a new school district reorganized
11 under Article II., subdivision (i) or section 224 of this act,
12 he shall be assigned to a position or office which is
13 administrative or supervisory in nature only, but there shall be
14 no reduction in salary until the expiration of his commission.
15 Thereafter, unless elected to an office requiring a commission
16 he shall have the status of a professional employe: Provided,
17 That the board of school directors may adjust the salary
18 according to the classification of the position to which he may
19 be assigned, and that the period of service as a commissioned
20 district superintendent, assistant district superintendent or
21 associate superintendent shall be counted as time served as a
22 professional employe in determining his seniority rights.

23 (e) The following shall apply:

24 (1) Notwithstanding any other provision of law, no
25 individual shall be employed as a superintendent or assistant
26 superintendent by a school district except pursuant to a written
27 contract of employment expressly stating the terms and
28 conditions of employment.

29 (2) A contract for the employment of a superintendent or
30 assistant superintendent shall do all of the following:

1 (i) Contain the mutual and complete agreement between the
2 superintendent or assistant superintendent and the board of
3 school directors with respect to the terms and conditions of
4 employment.

5 (ii) Consistent with State Board of Education certification
6 requirements, specify the duties, responsibilities, job
7 description and performance expectations.

8 (iii) Incorporate all provisions relating to compensation
9 and benefits to be paid to or on behalf of the superintendent or
10 assistant superintendent.

11 (iv) Specify the term of employment and state that the
12 contract shall terminate immediately upon the expiration of the
13 term unless the contract is allowed to renew automatically under
14 subsection (b).

15 (v) Specify the termination, buyout and severance
16 provisions, including all postemployment compensation and the
17 period of time in which the compensation shall be provided.

18 (vi) Contain provisions relating to outside work that may be
19 performed, if any.

20 (vii) State that any modification to the contract must be in
21 writing.

22 (viii) State that the contract shall be governed by the laws
23 of this Commonwealth.

24 (ix) Limit compensation for unused sick leave to the maximum
25 compensation for unused sick leave under the teachers'
26 collective bargaining agreement for that district at the time of
27 the contract or renewal.

28 (x) Limit transferred sick leave from previous employment to
29 not more than thirty (30) days.

30 (3) No agreement between the board of school directors and a

superintendent or assistant superintendent for a negotiated
severance of employment prior to the end of the specified
contract term shall provide for severance compensation to the
superintendent or assistant superintendent, including the
reasonable value of any noncash severance benefits or
postemployment benefits not otherwise accruing under the
contract or pursuant to law, that:

(i) If the agreement takes effect two (2) years or more
prior to the end of the specified contract term, exceeds the
equivalent of one year's compensation and benefits otherwise due
under the contract.

(ii) If the agreement takes effect less than two (2) years
prior to the end of the specified contract term, exceeds the
equivalent of one-half of the total compensation and benefits
due under the contract for the remainder of the term.

Section 2. Sections 1076 and 1077 of the act, amended
January 16, 1974 (P.L.1, No.1), are amended to read:

Section 1076. Election of Assistant District
Superintendents, Except in Districts First Class.--Except in
districts of the first class, assistant district superintendents
shall be chosen by a majority vote of all the members of the
board of school directors of the district, for a term of [from]
three [to five] years upon the nomination by the district
superintendent.

Section 1077. Term and Salary of Assistants.--Assistant
district superintendents may serve through the term of the
district superintendent, or enter a contract for a term of
[from] three [to five] years at salaries paid by the district,
and fixed by a majority vote of the whole board of school
directors prior to their election. The contract shall be subject

1 to the act of February 14, 2008 (P.L.6, No.3), known as the
2 "Right-to-Know Law."

3 At a regular meeting of the board of school directors
4 occurring at least one hundred fifty (150) days prior to the
5 expiration date of the term of office of the assistant district
6 superintendent, the agenda shall include an item requiring
7 affirmative action by five (5) or more members of the board of
8 school directors to notify the assistant district superintendent
9 that the board intends to retain him for a further term of
10 [from] three (3) [to five (5)] years or that another or other
11 candidates will be considered for the office. In the event that
12 the board fails to take such action at a regular meeting of the
13 board of school directors occurring at least one hundred fifty
14 (150) days prior to the expiration date of the term of office of
15 the assistant district superintendent, he shall continue in
16 office for a further term of similar length to that which he is
17 serving.

18 Section 3. Section 1078 of the act, amended January 14, 1970
19 (1969 P.L.468, No.192), is amended to read:

20 Section 1078. Commissions.--District superintendents and
21 assistant district superintendents shall be commissioned by the
22 [Superintendent of Public Instruction] Secretary of Education.

23 Section 4. Sections 1080, 2104 and 2107 of the act are
24 amended to read:

25 Section 1080. Removal.--(a) District superintendents and
26 assistant district superintendents may be removed from office
27 and have their contracts terminated, after hearing, by a
28 majority vote of the board of school directors of the district,
29 for neglect of duty, for failure to meet the terms of the
30 contract, incompetency, intemperance, or immorality, of which

1 hearing notice of at least one week has been sent by mail to the
2 accused, as well as to each member of the board of school
3 directors.

4 (b) The board of school directors shall publicly disclose at
5 the next regularly scheduled monthly meeting the cause or reason
6 for the removal from office of a district superintendent or
7 assistant district superintendent under subsection (a).

8 (c) Proceedings under this section shall be held under 2
9 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of
10 local agencies).

11 Section 2104. Superintendents of Schools or Buildings and of
12 Supplies.--The board of public education in each school district
13 of the first class shall, whenever a vacancy in said office
14 shall occur, appoint a district superintendent, who shall be
15 designated and known as superintendent of schools, for a term of
16 not more than [six (6)] three (3) years. The board may also
17 appoint a superintendent of buildings and a superintendent of
18 supplies. The board shall prescribe the terms and duties and fix
19 the salaries of each of such employes. They shall be responsible
20 to the board for the conduct of their respective departments,
21 shall make annual reports to the board, and shall from time to
22 time submit such plans and suggestions for the improvement of
23 the schools and the school system as they shall deem expedient
24 or as the board of public education may require.

25 The superintendent of buildings shall be an engineer or
26 architect of good standing in his profession. The superintendent
27 of buildings and the superintendent of supplies shall each give
28 such security for the faithful performance of the duties of
29 their respective offices as the board of public education shall
30 prescribe.

1 Section 2107. Associate and Assistant District
2 Superintendents.--Supervision of all matters pertaining to
3 instruction in all the schools, under the direction and subject
4 to the approval of the board of public education, shall be
5 vested in the superintendent of schools, associate
6 superintendents, assistant district superintendents, and school
7 principals. Associate and assistant district superintendents may
8 be appointed by the board of school directors, upon the
9 nomination of the superintendent of schools. They shall receive
10 such compensation as the board of public education may
11 determine. They shall be under the supervision and direction of
12 the superintendent of schools. Assistant district
13 superintendents shall be assigned by the superintendent of
14 schools to administrative districts. They shall, in conjunction
15 with the school principals, inquire into and supervise all
16 matters relating to the government, courses of study, method of
17 teaching, discipline, and conduct of all schools in their
18 respective districts, and shall report the same when required to
19 the superintendent of schools. Notwithstanding any other
20 provision of law, associate superintendents and assistant
21 district superintendents may only serve a term of three (3)
22 years.

23 Section 5. The amendment of sections 1073, 1076, 1077, 1078,
24 1080, 2104 and 2107 of the act shall apply to contracts or
25 agreements entered into or renewed on or after the effective
26 date of this section.

27 Section 6. This act shall take effect in 60 days.