

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 128 Session of 2015

INTRODUCED BY TALLMAN, DIAMOND, SACCONI, KAUFFMAN, JAMES, GROVE, EVERETT, SAYLOR, TOOHIL AND DUSH, JANUARY 21, 2015

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 21, 2015

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," in State Board of Education, further  
 6 providing for membership and for powers and duties of board.

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

9 Section 1. Sections 2602-B and 2603-B(a) and (b) of the act  
 10 of March 10, 1949 (P.L.30, No.14), known as the Public School  
 11 Code of 1949, added March 30, 1988 (P.L.321, No.43), are amended  
 12 to read:

13 Section 2602-B. Membership.--(a) (1) The board shall  
 14 consist of twenty-one (21) members, ten (10) of whom shall also  
 15 serve as members of the Council of Basic Education, and ten (10)  
 16 of whom shall also serve as members of the Council of Higher  
 17 Education. The member [designated by the Governor] elected as  
 18 chairman of the board shall also service as a member of the  
 19 Council of Basic Education and of the Council of Higher  
 20 Education.

1     (2) Except the legislative members and legislative  
2 appointments, each member shall be appointed by the Governor[,]  
3 by and with the advice and consent of a majority of all the  
4 members of the Senate[, and shall, except].

5     (3) Except as hereinafter provided, each member shall hold  
6 office for terms of six (6) years each or until his successor  
7 has been appointed and has qualified. An appointment to fill a  
8 vacancy shall be for the unexpired term or until his successor  
9 has been appointed and has qualified.

10    (4) The President pro tempore of the Senate shall appoint  
11 three (3) members with full voting privileges to the board as  
12 follows:

13    (i) one (1) appointee shall be a member of the Senate who  
14 shall serve as an ex officio member of the board;

15    (ii) one (1) appointee shall be a current or former member  
16 of a board of school directors in this Commonwealth; and

17    (iii) one (1) appointee shall be a current or former public  
18 school teacher or administrator in this Commonwealth.

19    (5) The Speaker of the House of Representatives shall  
20 appoint three (3) members with full voting privileges to the  
21 board as follows:

22    (i) one (1) appointee shall be a member of the House of  
23 Representatives who shall serve as an ex officio member of the  
24 board;

25    (ii) one (1) appointee shall be a current or former member  
26 of a board of school directors in this Commonwealth; and

27    (iii) one (1) appointee shall be a current or former public  
28 school teacher or administrator in this Commonwealth.

29    (6) The chairmen and minority chairmen of the House of  
30 Representatives and Senate Education Committees, or their

1 respective designees from such committees, shall serve as ex  
2 officio members of the board with full voting privileges and  
3 shall serve as members for as long as they hold their respective  
4 positions.

5 (7) The Chairman of the Professional Standards and Practices  
6 Commission, or a commission member designated by the chairman,  
7 created by the act of December 12, 1973 (P.L.397, No.141),  
8 referred to as the Teacher Certification Law, shall be an ex  
9 officio member of the board without voting privileges or  
10 assignment to either council.

11 (8) Members shall receive no salary but shall be entitled to  
12 travel expenses and other necessary expenses incurred in the  
13 performance of their duties as members of the board.

14 (b) Eleven (11) members shall constitute a quorum provided  
15 that at least five (5) members serving on each of the councils  
16 are present. The affirmative vote of a majority of all the  
17 members of the board duly recorded showing how each member voted  
18 shall be required in order to take action adopting statements of  
19 policy, standards, rules and regulations. The board shall meet  
20 at least six (6) times a year at such times and places as it  
21 shall determine. Special meetings may be called by the chairman  
22 or at the request of a majority of the members of the board.

23 (c) An appointed member who fails to attend three (3)  
24 consecutive board meetings shall forfeit his or her membership  
25 on the board, unless the board chairman, upon written request  
26 from the member, determines that the member should be excused  
27 from a meeting or meetings for reasons of illness or the death  
28 of an immediate family member.

29 (d) (1) The [Governor shall designate, to serve at his  
30 pleasure, a member as] members of the board shall, with the

1 recommendation of the Governor, elect by majority vote a member  
2 of the board to act as chairman of the board.

3 (2) The chairman of the board, or a member of the board  
4 designated by the chairman, shall be an ex officio member of the  
5 Professional Standards and Practices Commission, without voting  
6 privileges.

7 (e) (1) For the purpose of formulating policy proposals  
8 applicable to elementary, secondary, vocational-technical  
9 education and higher education in this Commonwealth, there shall  
10 be two councils, which shall consist of ten (10) members of the  
11 board each, the chairman being a member of both councils, and  
12 shall be known as the Council of Basic Education and the Council  
13 of Higher Education. [The Governor shall designate to serve at  
14 his pleasure a member serving on each council to act as chairman  
15 of the council.]

16 (2) The members of each council shall, with the  
17 recommendation of the Governor, elect by majority vote a member  
18 of the council to act as chairman of the council. Each council  
19 shall meet at the call of its chairman or at the request of a  
20 majority of the members of the council.

21 (3) The chairman of the board may appoint special joint  
22 committees from among the members of the board to formulate  
23 policy proposals in those areas which fall within the purview of  
24 both of the councils.

25 (f) Except for the chairman, not more than two (2) members  
26 serving on each council shall be employed [either in a school  
27 system or] in the Department of Education. [For purposes of this  
28 subsection, the State System of Higher Education shall not be  
29 considered a school system.] Three (3) members of the Council of  
30 Higher Education shall be actively employed by an institution of

1 higher education, at least one holding an administrative  
2 position and at least one holding a professional position on a  
3 faculty of an institution of higher education. At least two (2)  
4 members serving on each council shall have had previous  
5 experience with vocational-technical education or training.

6 (g) The Secretary of Education, or his designated  
7 representative, shall be the chief executive officer of the  
8 board, shall be entitled to attend all meetings of the board and  
9 councils, and shall have the right to speak on all matters  
10 before the board and the councils but not to vote.

11 Section 2603-B. Powers and Duties of the Board.--(a) (1)  
12 The board shall have the power, and its duty shall be, to review  
13 the statements of policy, standards, rules and regulations  
14 formulated by the Council of Basic Education and the Council of  
15 Higher Education, and adopt broad policies and principles, and  
16 establish standards governing the educational program of the  
17 Commonwealth.

18 (2) When adopting and establishing policies, principles,  
19 standards, rules and regulations, the board shall consider the  
20 economic impact and cost of implementing the policies,  
21 principles, standards, rules and regulations.

22 (b) (1) The board and the Secretary of Education shall  
23 jointly employ and fix the compensation of such staff as it  
24 deems necessary to perform the duties of the board: Provided,  
25 however, That the chairman of the board shall have sole  
26 discretion to select an executive director for the board who  
27 shall serve at the pleasure of the chairman.

28 (2) The board shall be entitled to legal counsel which shall  
29 be designated by the Office of General Counsel, which legal  
30 counsel shall not also be legal counsel to the Department of

1 Education.

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3 Section 2. This act shall take effect in 60 days.