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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1659 Session of  
2019

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INTRODUCED BY DeLUCA, CALTAGIRONE, MILLARD, DUNBAR, HILL-EVANS,  
A. DAVIS AND CIRESI, JUNE 19, 2019

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REFERRED TO COMMITTEE ON EDUCATION, JUNE 19, 2019

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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 school directors, further  
6 providing for filling of vacancies.

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

9 Section 1. Section 315 of the act of March 10, 1949 (P.L.30,  
10 No.14), known as the Public School Code of 1949, is amended to  
11 read:

12 Section 315. Filling of Vacancies.--In case any vacancy  
13 shall occur in any board of school directors by reason of death,  
14 resignation, removal from the district, or otherwise, such  
15 vacancy shall, in a school district of the first class, be  
16 filled for the unexpired term by the court of common pleas of  
17 the county in which such school district is situated from the  
18 qualified electors of the district; and in a school district of  
19 the second, third, or fourth classes, the remaining members of  
20 the board of school directors shall, by a majority vote thereof,

1 fill such vacancy from the qualified electors of the district  
2 within thirty (30) days thereafter. In a district of the second,  
3 third, or fourth class, the person selected to fill such vacancy  
4 shall be a qualified elector of the district and shall hold his  
5 office, if the term thereof so long continues, until the first  
6 Monday of December after the first municipal election occurring  
7 more than sixty (60) days after the vacancy shall have occurred.  
8 At such election an eligible person shall be elected for the  
9 remainder of the unexpired term. If, by reason of a tie vote or  
10 otherwise, such vacancy shall not have been filled by the board  
11 of school directors within thirty (30) days after such vacancy  
12 shall have occurred from the qualified electors of the district,  
13 the court of common pleas of the proper county, upon the  
14 petition of ten or more resident taxpayers, shall fill such  
15 vacancy by the appointment of a suitable person from the  
16 qualified electors of the district if the term of the vacant  
17 office so long continues, until the first Monday of December  
18 after the first municipal election occurring more than sixty  
19 (60) days after the vacancy shall have occurred. At such  
20 election an eligible person shall be elected for the remainder  
21 of the unexpired term. In any class of school district, the  
22 spouse of a current school director may not be appointed to fill  
23 a vacancy. When any member of a board of school directors  
24 heretofore or hereafter enlists or is inducted into the military  
25 or naval forces of the United States in time of war, or is  
26 called to active duty in the military or naval forces of the  
27 United States, a temporary vacancy shall be declared, which  
28 shall be filled by the remaining members of the board or the  
29 court, as the case may be from the qualified electors of the  
30 district, until the return of such member of the board from the

1 military or naval service, or until the expiration of the term  
2 for which he shall have been elected, whichever shall be the  
3 shorter period.

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