

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1014 Session of  
2021

---

INTRODUCED BY SILVIS, CIRESI, COOK, COX, DeLUCA, DIAMOND,  
HERSHEY, B. MILLER, MOUL, NEILSON, RIGBY, SAYLOR, SMITH AND  
WEBSTER, MARCH 24, 2021

---

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 24, 2021

---

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 eligibility and incompatible offices.

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

9 Section 1. Section 322 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 322. Eligibility; Incompatible Offices.--(a) Any  
13 citizen of this Commonwealth, having a good moral character,  
14 being eighteen (18) years of age or upwards, [and] having been a  
15 resident of the district for at least one (1) year immediately  
16 prior to the date of his election or appointment and having  
17 fulfilled the requirements under subsection (b), shall be  
18 eligible to the office of school director therein: Provided,  
19 That any person holding any office or position of profit under

1 the government of any city of the first class, or the office of  
2 mayor, chief burgess, county commissioner, district attorney,  
3 city, borough, or township treasurer, member of council in any  
4 municipality, township commissioner, township supervisor, tax  
5 collector, assessor, assistant assessor, any comptroller,  
6 auditor, constable, executive director or assistant executive  
7 director of an intermediate unit, supervisor, principal,  
8 teacher, or employe of any school district, shall not be  
9 eligible as a school director in this Commonwealth. This section  
10 shall not prevent any district superintendent, assistant  
11 district superintendent, supervisor, teacher, or employe of any  
12 school district, from being a school director in a district  
13 other than the one in which he is so employed, and other than in  
14 a district with which the district in which he is employed  
15 operates a joint school or department. Provided, however, That a  
16 joint school or department does not include a career and  
17 technical school, intermediate unit or community college: And  
18 provided further, That a school director who is a supervisor,  
19 principal, teacher or employe of a career and technical school,  
20 intermediate unit or community college shall not serve as a  
21 member of a board of the career and technical school,  
22 intermediate unit or community college in which he is a  
23 supervisor, principal, teacher or employe: And provided further,  
24 That a school director who is a supervisor, principal, teacher  
25 or employe of a career and technical school, intermediate unit  
26 or community college, shall not be assigned to a position of  
27 employment under the supervision of the district in which he or  
28 she serves as a member of the board of school directors. A  
29 school director shall not be eligible to the office of member of  
30 council in any municipality.

1 (b) Subject to subsection (a), a person shall be eligible to  
2 the office of school director if the person submits the  
3 following information to the board of school directors:

4 (1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal  
5 history record information), a report of criminal history record  
6 information from the Pennsylvania State Police or a statement  
7 from the Pennsylvania State Police that the State Police central  
8 repository contains no such information relating to the person.  
9 The criminal history record information shall be limited to that  
10 which is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2)  
11 (relating to general regulations).

12 (2) A certification from the Department of Human Services as  
13 to whether the person is named in the Statewide database as the  
14 alleged perpetrator in a pending child abuse investigation or as  
15 the perpetrator of a founded report or an indicated report.

16 (3) A report of Federal criminal history record information.  
17 The person shall submit a full set of fingerprints to the  
18 Pennsylvania State Police for the purpose of a record check, and  
19 the Pennsylvania State Police or its authorized agent shall  
20 submit the fingerprints to the Federal Bureau of Investigation  
21 for the purpose of verifying the identity of the person and  
22 obtaining a current record of any criminal arrests and  
23 convictions.

24 (c) A person who is a candidate for the office of school  
25 director shall, as part of the candidate's affidavit under  
26 Article IX of the act of June 3, 1937 (P.L.1333, No.320), known  
27 as the Pennsylvania Election Code, state that the information  
28 specified under subsection (b) has been obtained.

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