

## No. 150

## AN ACT

## SB 580

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for an elected Board of Public Education in first class A school districts, and for taxing power for such board; further providing for general obligation bonds and for eligibility for district superintendent or assistant superintendent in school districts of the first class.

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

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," is amended by adding a section to read:

***Section 302.1. School Board in First Class A School Districts; Apportionment of Seats, and Numbers, Terms, and Methods for Election of School Directors in First Class A School Districts.—(a) Composition of School Board.***

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

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

***(b) Term of Office. All elected members shall serve for a term of four years except the three, four, five, six or seven members elected at the initial election in even-numbered school director districts, who shall serve for two years. In the event the first election occurs in an even-numbered year, the terms of the initial members shall be increased by one year, so that future elections can be held in odd-numbered years. In the case of death or resignation of elected members, the mayor of the most populous municipality contained in such school district shall fill the vacancy from the same school director district in which the vacancy occurred until the first Monday in December following the next municipal primary occurring one hundred twenty days after the vacancy occurred.***

***(c) Apportionment.***

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

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

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

**(4) Each year following the year in which such Federal census data is officially reported, a school director district reapportionment commission shall be constituted in like manner and with like composition as the initial school director district apportionment commission herein set forth. Such reapportionment commission shall file its plan no later than forty-five days after either the commission has been duly certified or the population data for the first class A school district as determined by the Federal decennial census are available, whichever is later in time.**

**(5) The school district shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by such apportionment and reapportionment commissions, and other necessary expenses. The members of such commissions shall be entitled to such compensation for their services as the school district from time to time shall determine, but no part thereof shall be paid until a plan is filed.**

**(6) If an apportionment or reapportionment plan is not filed by the commission within the time prescribed by this section, the court of common pleas of the county in which the district is located shall**

*immediately proceed on its own motion to apportion or reapportion the school director districts.*

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

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

<i>Shall the apportionment plan submitted by the School Director District Apportionment Commission for the election of members of the Board of Public Education of the School District of . . . . . be approved?</i>	<i>Yes</i>
	<i>No</i>

*In the event the voters shall reject the apportionment plan, the nomination of school directors under this section shall be void and the present board shall continue, but a second referendum, upon the petition of fifteen per cent of the registered voters of the school district, may be held after two years from the date of the first election.*

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

*(e) Applicable Law upon Adoption. After the election of school directors from specified districts in accordance therewith, the Board of Public Education of such first class A school district shall be governed by the provisions of this section and by all other provisions of the act to which this is an amendment and other provisions of general law relating to first class A school districts which are not inconsistent with the provisions of this section. The provisions of this section shall supersede all other parts of the act to which this is an amendment and all other acts affecting the organization of school districts of the first class A to the extent that they are inconsistent or in conflict herewith. All existing acts or parts of acts and resolutions affecting the organization of first class A school districts not inconsistent or in conflict with the provisions of this section shall remain in full force until modified or repealed as provided by law.*

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

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

Section 2. Section 633 of the act is amended to read:

Section 633. Reports to [Superintendent of Public Instruction] *Secretary of Education*; Withholding State Appropriations.—It shall be the duty of the [State Superintendent of Public Instruction] *Secretary of Education*, to require, as part of the annual financial reports of all of the school districts, a list of the amount of bonds or other indebtedness that becomes due during the fiscal year, together with the amount paid on each item of indebtedness. In case of failure on the part of any school district to furnish such report at the required time after the close of the fiscal year, the [State Superintendent of Public Instruction] *Secretary of Education* may withhold any State appropriation that may become due to any such school district until such report covering information regarding the maturities of indebtedness and payments on same during the preceding fiscal year, as required herein, and any other information which he may require of a school district, has been received. [In all cases where an audit under the direction of the State Superintendent of Public Instruction reveals that the board of directors of any school district has, in any year, failed to pay, or to provide for the payment of, any indebtedness at date of maturity, in accordance with the schedule under which the bonds were issued, the State Superintendent of Public Instruction shall notify such board of school directors of its obligation, and may withhold all State appropriations that may become due to such school district until such time as he is officially advised that all obligations of such school district, with reference to any bonds or other evidence of indebtedness past due, have been met and paid in full, or arrangements to pay same have been made in a satisfactory manner, and approved by him.] *In all cases where the board of directors of any school district fails to pay or to provide for the payment of any indebtedness at date of maturity or date of mandatory redemption, or any interest due on such indebtedness on any interest payment date, in accordance with the schedule under which the bonds were issued, the Secretary of Education shall notify such board of school directors of its obligation and shall withhold out of any State appropriation due such school*

*district an amount equal to the sum of the principal amount maturing or subject to mandatory redemption and interest owing by such school district, and shall pay over the amount so withheld to the bank or other person acting as sinking fund depositary for such bond issue.*

Section 3. The act is amended by adding a section to read:

**Section 652.1. Taxing Power of Elected Board of Public Education of School Districts of the First Class A.—(a) The elected Board of Public Education in any school district of the first class A shall have authority to impose taxes for the purposes of such school district as follows:**

**(1) Without ordinance and under the following statutes their reenactments and amendments, at the rates fixed therein, namely:**

**(i) Act of June 20, 1947 (P.L.745, No.320), (Mercantile License Tax),**

**(ii) Act of June 20, 1947 (P.L.733, No.319), (Personal Property Tax),**

**(iii) Act of August 24, 1961 (P.L.1135, No.508), (Income Tax),**

**(iv) Real property tax acts:**

*Act of November 19, 1959 (P.L.1552, No.557), (additional 2 mills),*

*Act of August 8, 1963 (P.L.585, No.304), (additional 1 mill),*

*Act of May 23, 1949 (P.L.1661, No.505), (additional 1 ½ mills),*

*Act of July 12, 1957 (P.L.837, No.386), (additional ¾ mill) and section 652 of this act, (11 ¾ mills).*

**(2) In addition thereto, by ordinance on any persons, transactions, occupations, privileges, subjects and real or personal property as they shall determine not prohibited by the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act"; but no ordinance shall authorize the imposition of a tax on the wages, salary or net income of any person not a resident of such school district.**

**(b) Any ordinance authorizing a tax, other than under a statute and at the rate fixed thereby, shall fix the rate thereof and provide for the levy, assessment and collection of the same.**

**(c) In any case where an ordinance of the elected board of education imposes a tax on the same subject and person on which any coterminous political subdivision imposes a similar tax, the rate shall be halved as provided in section 8 of "The Local Tax Enabling Act."**

Section 4. Section 1003 of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Section 1003. Eligibility.—No person shall be eligible for election or appointment as a district, or assistant district superintendent, unless—

(1) He holds a diploma from a college or other institution approved by the Department of **[Public Instruction] Education;**

(2) He has had six (6) years' successful teaching experience, not less than three of which shall have been in a supervisory or administrative capacity;

(3) He has completed in a college or university a graduate course in education approved by the Department of **[Public Instruction] Education;**

***(4) Provided that in school districts of the first class, five (5) years of administrative experience at the level of assistant, associate or deputy superintendent, may be substituted for prescribed graduate administrative courses, and which shall be the responsibility of the Secretary of Education to review these equivalences to conform with State board regulations.***

Serving either as county, district, or assistant county or district superintendent, or associate superintendent, in this Commonwealth, at the time this act becomes effective, shall, irrespective of the foregoing requirements, be considered sufficient qualification for any of the aforesaid offices.

Section 5. The provisions of this act shall apply to school districts of the first class A only from the first Monday of December following the election of a Board of Public Education in accordance with section 302.1(a) of the "Public School Code of 1949."

Section 6. This act shall take effect immediately.

APPROVED—The 19th day of December, A. D. 1975.

MILTON J. SHAPP