

No. 311

AN ACT

To further amend the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), 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," by providing for participation in the county administration by certain districts employing district superintendents, and for supervision over joint school systems when a district having a district superintendent is a party to the jointure, and for the election and salary of the district superintendent in such cases; and to reenact provisions for the minimum salary of associate superintendents in districts of the third class.

"Public School Code of 1949."

Subsection (a) of section 921, act of March 10, 1949, P. L. 30, as amended by act of September 28, 1951, P. L. 1551, further amended.

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

Section 1. Subsection (a) of section 921 of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), 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," as amended by the act, approved the twenty-eighth day of September, one thousand nine hundred fifty-one (Pamphlet Laws 1551), is hereby further amended to read as follows:

Section 921. Election; Vacancies; Qualifications; Removals.—(a) In every county having a county superintendent of public schools, there shall be a county board of school directors consisting of five (5) members, who shall be elected at the annual convention of the school directors of the county next preceding the expiration of their respective terms of office, by majority vote of the *following* school directors [of the districts under the supervision of the county superintendent,] attending such annual convention: (1) *directors of districts under the supervision of the county superintendent; (2) directors of union and merged districts of the third class employing district superintendents; and (3) districts of the third and fourth class employing district superintendents to operate joint school systems.* They shall serve for terms of six years from the first day of July following their election, or until their successors are chosen. The *terms of the members shall be staggered so that two members shall be elected in the year one thousand nine hundred fifty-two, two in the year one thousand nine hundred fifty-four, and one in the year one thousand nine hundred fifty-six; and thereafter, two members or one member, as is required to fill the expiring terms. All vacancies occurring by reason of

* "term" in original.

death, resignation, removal from the county, or otherwise, shall be filled by a majority vote of the remaining members of the county board of school directors. The person elected to fill such vacancy shall hold his office until the next annual convention, at which a successor shall be elected for the remainder of the unexpired term.

Section 2. Clause (14) of section 925 of said act, as added by the act, approved the twenty-eighth day of September, one thousand nine hundred fifty-one (Pamphlet Laws 1546), is hereby amended to read as follows:

Section 925. Powers and Duties.—The county board of school directors, in respect to school districts under the supervision of the county superintendent, shall have power and its duty shall be—

* * * * *

(14) To assess each school district [under the jurisdiction of the county board for] *entitled under this act to services provided through the office of the county superintendent for such services*, and any school district not under the jurisdiction of the county superintendent which has contracted with the county board for services, for such district's proportionate share of the cost of such services. The proportionate share of a district shall be determined by multiplying the cost of the services by a fraction, the numerator of which shall be the number of pupils in average daily membership in the district and the denominator of which shall be the total number of pupils in average daily membership in all districts to which such services will be furnished: Provided, That no school district shall be liable for such assessment unless the county board shall have notified the secretary of the district, in writing, forty (40) days prior to the county convention of school directors, that action will be considered to provide such services.

Section 3. Section 1022 of said act, as amended by the act, approved the twenty-ninth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 433), is hereby further amended to read as follows:

Section 1022. Time and by Whom Elected; Term of Office.—The school directors of all of the school districts that do not have a district superintendent, *the school directors of all union and merged districts of the third class that employ district superintendents, and the school directors of all third and fourth class districts employing district superintendents to operate joint school systems*, of each county in which a county superintendent is to be elected, shall meet in convention at the county seat of their county, in the courthouse or some other suitable place to be furnished by the county commissioners at the expense of the county, on the second Tuesday of April, one thousand nine hundred fifty (1950), and on the same day of every fourth year there-

Clause (14) of
of section 925,
said act, as
added by act of
September 28,
1951, P. L.
1546, amended.

Section 1022,
said act, as
amended by act
of May 29, 1951,
P. L. 433,
further amended.

after, and, by a majority vote of those present, elect as herein provided one duly qualified person as county superintendent, to serve for four years from the first Monday of July next following, and fix his annual salary. When there is only one candidate for the office of county superintendent and such candidate within thirty days of the date fixed for holding the convention for the election of the county superintendent dies, withdraws or proves ineligible to be elected, the convention shall be postponed or adjourned to the second Tuesday of June of the same year. If no candidate is elected at such postponed or adjourned convention, the office shall be filled in the manner provided by this act for the filling of vacancies in the office.

Section 1027,
said act,
amended.

Section 4. Section 1027 of said act is hereby amended to read as follows:

Section 1027. List of Directors Entitled to Vote; Method of Voting.—The county superintendent shall furnish to the president of such convention a correct duplicate list of all the school directors in said county in the districts over which said superintendent has supervision. *In union and merged districts of the third class that employ district superintendents, and in districts of the third and fourth class employing district superintendents to operate joint school systems,* such list shall be arranged alphabetically by districts. In taking the vote the president or secretary shall call in alphabetical order, by district, the list thus furnished, and each director present shall, when his name is called, rise and announce the name of the candidate for whom he desires to vote. The tellers shall keep correct tally of the vote as cast and report the same to the president, who shall announce the vote to the convention.

Section 1051,
said act,
amended by adding,
at end thereof,
a new clause
(6).

Section 5. Section 1051 of said act is hereby amended by adding, at the end thereof, a new clause to read as follows:

Section 1051. Number of Assistant County Superintendents.—County superintendents shall have the following number of assistant county superintendents:

* * * * *

(6) *The teachers of a joint school system operated by school districts of the third or fourth class that employ a district superintendent for the joint school system, union school district or merged school district of the third class employing a district superintendent of schools shall be counted in determining the number of assistant county superintendents.*

Section 1052,
said act, as last
amended by act
of May 26, 1949,
P. L. 1814,
further amended.

Section 6. Section 1052 of said act, as *last amended by the act, approved the twenty-sixth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1814), is hereby further amended to read as follows:

* "last" omitted in original.

Section 1052. Number of Supervisors of Special Education.—In addition to the assistant county superintendents herein provided for, in each county in which there are five hundred fifty (550) or more teachers under the supervision of the county superintendent, there shall be appointed at least one supervisor of special education, and in each county in which there are fewer than five hundred fifty (550) teachers under the supervision of the county superintendent, there shall be appointed a part-time supervisor of special education, who shall serve jointly in two or more counties, except in the case of a county which employs fewer than five hundred fifty (550) teachers and is not adjacent to any other county employing fewer than five hundred fifty (550) teachers, in which case a full-time or a part-time supervisor of special education shall be appointed. In no instance shall such supervisor of special education serve in more than three counties. The State Council of Education shall have power, and it shall be their duty, to determine the counties which shall be served jointly by a joint supervisor of special education. The time of the joint supervisor of special education shall be apportioned among the several counties on the basis of the number of teachers under the supervision of the county superintendent in each county.

In lieu of a part-time supervisor of special education in any county in which there are fewer than five hundred fifty (550) teachers under the county superintendent, there may be appointed, pursuant to a majority vote of the county convention, a full-time supervisor of special education either for the school districts of the county under the county superintendent alone or jointly with one or more school districts not under the county superintendent.

The teachers of a joint school system operated by school districts of the third or fourth class that employ a district superintendent for the joint school system, union school district or merged school district of the third class employing a district superintendent of schools shall be counted in determining the appointment of a supervisor of special education.

Section 7. Section 1057 of said act is hereby amended to read as follows:

Section 1057,
said act,
amended.

Section 1057. Removal for Cause.—Upon the written charges and recommendation of the county superintendent, or of the majority of the members of each of three boards of school directors [whose schools are under the jurisdiction] *entitled to participate in the election* of the county superintendent, assistant county superintendents, or the supervisor of special education of any county may, after a hearing, be removed by the

Superintendent of Public Instruction, for the same causes and in like manner as a county superintendent is removed.

Subsection (a) of section 1061 and section 1062, said act, as added by act of August 10, 1951, P. L. 1150, amended.

Section 8. Subsection (a) of section 1061 and section 1062 of said act, as added by the act, approved the tenth day of August, one thousand nine hundred fifty-one (Pamphlet Laws 1150), is hereby amended to read as follows:

Section 1061. Number of Technical Personnel; Qualifications; Appointment.—

(a) In addition to the assistant county superintendents and supervisors of special education herein provided for, there may be appointed the number of technical personnel as is authorized by the county convention of school directors, in the same manner as is provided in section one thousand fifty-three of the act to which this act is an amendment for the appointment of assistant county superintendents. No *additional technical personnel shall be appointed unless the secretaries of all districts [under the supervision] *entitled to participate in the election* of the county superintendent shall have been notified in writing, forty (40) days prior to the convention of school directors, that action will be considered to provide such technical personnel.

Section 1062. Salaries; Duties.—

(a) Technical personnel shall be paid **an annual salary, to be determined by the county convention of school directors. Said salaries ***shall be paid by the Commonwealth out of the school appropriations apportioned to the school districts [under the supervision] *entitled under this act to services provided through the office* of the county superintendent, and to the school districts [not under his jurisdiction but] contracting with the county board of school directors for such services, before the same is distributed.

(b) It shall be the duty of technical personnel to assist the county superintendent of schools and the boards of school directors served by them in such manner as the county superintendent may direct.

Section 1066, said act, as last amended by act of December 27, 1951, P. L. 1776, further amended.

Section 9. Section 1066 of said act, as last amended by the act, approved the twenty-seventh day of December, one thousand nine hundred fifty-one (Pamphlet Laws 1776), is hereby further amended to read as follows:

Section 1066. Minimum Salaries; Payment.—All county superintendents, assistant county superintendents and supervisors of special education shall be entitled to the following minimum annual salaries:

* "additional" in original.

** "on" in original.

*** "shal" in original.

(1) County superintendents in counties having a population of less than forty-five thousand (45,000), eight thousand dollars (\$8000);

(2) County superintendents in counties having a population of forty-five thousand (45,000) and more but less than one hundred fifty thousand (150,000), nine thousand dollars (\$9000);

(3) County superintendents in counties having a population of one hundred fifty thousand (150,000) or more, ten thousand dollars (\$10,000);

(4) Assistant county superintendents in all counties, seven thousand five hundred dollars (\$7500);

(5) County supervisors of special education in all counties, seven thousand dollars (\$7000).

The foregoing salaries shall be paid by the Commonwealth from appropriations made for this purpose or from the appropriations for the public schools, except in the case of a full-time supervisor of special education appointed in any county in which there are fewer than five hundred fifty (550) teachers under the county superintendent, either for the school districts under the county superintendent alone or jointly with one or more other school districts, in which case the Commonwealth shall pay a fractional part of the minimum salary equal to the number of teachers under the county superintendent divided by five hundred fifty (550). The balance of such minimum salary shall, if the services of the supervisor of special education so appointed is shared with one or more districts [not under the county superintendent] *under contract with the county board of school directors*, be paid by such district or districts; otherwise, the same shall be apportioned among and be paid by the several districts [under] *entitled under this act to services provided through the office of the county superintendent* in the manner provided in section one thousand sixty-seven of the act to which this is an amendment.

Section 10. Section 1067 of said act, as amended by the act, approved the twenty-sixth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1814), is hereby further amended to read as follows:

Section 1067. Additional Salaries; Payment.—A convention of school directors assembled for the purpose of electing a county superintendent or for the purpose of determining his salary, the salary of any assistant superintendent, or supervisor of special education, may vote any of said employes a salary greater than the amount such person would receive under the foregoing section. All such increases shall be paid in all cases out of the school appropriation apportioned to the school districts [over which the county superintendent

Section 1067,
said act, as
amended by act
of May 26, 1949,
P. L. 1814,
further amended.

has supervision] *entitled under this act to services provided through the office of the county superintendent*, before the same is distributed, except where a full-time supervisor of special education is appointed in any county in which there are fewer than five hundred fifty (550) teachers under the county superintendent jointly with one or more districts [not under the county superintendent] *under contract with the county board of school directors*, in which case the district or districts [not under the county superintendent] *so contracting* shall pay their proportionate parts of such increase. A convention of school directors for the purpose of voting such salaries may be called at any time by the county superintendent. The salaries of county superintendents, assistant county superintendents, and supervisors of special education shall be paid monthly.

Section 1071,
said act,
amended.

Section 11. Section 1071 of said act is hereby amended to read as follows:

Section 1071. Election.—The board of school directors in every school district of the first and second class shall, and in every district of the third class (subject to approval where hereinafter required) may, by a majority vote of all the members thereof, elect a properly qualified person as district superintendent, together with such properly qualified assistant superintendents as it deems wise. *If a district superintendent has jurisdiction over a joint school system including grades 1 to 12, he shall be elected by a majority vote of all the school directors in the districts operating the joint school system.* The directors of any *other* school district [required or electing to have] *employing* a district superintendent of schools shall not participate in the election of a county superintendent. The public schools of any district [which has] *employing* a district superintendent shall not be subject to the superintendence or supervision of a county or an assistant county superintendent, but shall all be under the supervision of the district superintendent.

Section 1073,
said act, as last
amended by acts
of August 17,
1951, P. L. 1281,
and September
29, 1951, P. L.
1572, reenacted
and further
amended.

Section 12. Section 1073 of said act, as last amended by the acts, approved the seventeenth day of August, one thousand nine hundred fifty-one (Pamphlet Laws 1281), and the twenty-ninth day of September, one thousand nine hundred fifty-one (Pamphlet Laws 1572), is hereby reenacted and further amended to read as follows:

Section 1073. Manner of Election; Change of Class of District.—(a) The [boards] *board* of school directors of each district of the second or third class, electing a district superintendent, or in districts of the third class electing an associate superintendent, shall meet in convention at its regular place of meeting, on the second Tuesday of April, one thousand nine hundred fifty

(1950), and every four years thereafter, at an hour previously fixed by the board. *Where school districts of the third class or of the third and fourth class operating a joint school system employ a district superintendent for the joint school system, the boards of school directors of all of the districts shall meet jointly in convention on the second Tuesday of April, one thousand nine hundred fifty-four (1954), and every four years thereafter, at an hour and place previously agreed on.* The secretary of each board of school directors shall mail to each member thereof, at least five days beforehand, a notice of the time, place and purpose of such convention. Such convention shall, in the same manner as a county superintendent is elected and certified, elect and certify a properly qualified district superintendent or associate superintendent, to serve for four years from the first Monday of July next following his election.

(b) Whenever the term of office of any district superintendent or associate superintendent expires, he shall continue in office for a further term of four years unless at least sixty (60) days before the date fixed for the election of such a superintendent, (1) four or more members of a board of school directors in a second class district or three or more members of a board of school directors in a *third class district or a majority of the boards operating a joint school system employing such officer shall forward, by registered mail, a notice to the district superintendent or associate superintendent that another or other candidates will be considered for the office, or (2) notice is given of the discontinuance of the office by action of the board of school directors in a third class district.

(c) The term of office or commission of a district superintendent, assistant district superintendent or associate superintendent shall not be shortened by reason of the fact that the district in which he serves shall, because of loss of population, enter a class of districts for which there is no provision for a district superintendent, assistant district superintendent or associate superintendent, and such superintendent, assistant district superintendent or associate superintendent **shall continue to serve such district for the term of his office or commission.

Section 13. Section 1075 of said act, as last amended by the acts, approved the twenty-ninth day of September, one thousand nine hundred fifty-one (Pamphlet Laws 1572), and the twenty-seventh day of December, one thousand nine hundred fifty-one (Pamphlet Laws 1776), is hereby reenacted and further amended to read as follows:

Section 1075, said act, as last amended by acts of September 29, 1951, P. L. 1572, and December 27, 1951, P. L. 1776, reenacted and further amended.

* "third" in original.

** "hall" in original.

Section 1075. Salary.—The board of school directors at any convention electing a district superintendent or the board of school directors of any district of the third class at any convention electing an associate superintendent shall determine the amount of salary to be paid such district superintendent or associate superintendent, which compensation shall be paid out of the funds of the district. *If a district superintendent has jurisdiction over a joint school system including grades 1 to 12, his salary shall be fixed by a majority vote of all the school directors in the districts operating the joint school systems, and shall be paid by the districts in the same proportions as they contribute to the support of the joint school.*

District superintendents and associate superintendents shall be entitled to the following minimum annual salaries:

(1) District superintendents *and associate superintendents* having less than one hundred (100) teachers under their supervision, eight thousand dollars (\$8000);

(2) District superintendents *and associate superintendents* having one hundred (100) or more but less than three hundred (300) teachers under their supervision, nine thousand dollars (\$9000);

(3) District superintendents *and associate superintendents* having three hundred (300) or more teachers under their supervision, ten thousand dollars (\$10,000).

Sections 1084
and 1086, said
act, as added by
act of August 10,
1951, P. L. 1215,
amended.

Section 14. Sections 1084 and 1086 of said act, as added by the act, approved the tenth day of August, one thousand nine hundred fifty-one (Pamphlet Laws 1215), are hereby amended to read as follows:

Section 1084. Number of Supervisors.—In addition to the assistant county superintendents and supervisors of special education herein provided for, there may be appointed the number of additional supervisors as is authorized by the county convention of school directors, in the same manner as is provided in section one thousand fifty-three of the act to which this act is an amendment for the appointment of assistant county superintendents. No additional supervisors shall be appointed unless the secretaries of all districts [under the supervision] *entitled to participate in the election* of the county superintendent shall have been notified in writing, forty (40) days prior to the county convention of school directors, that action will be considered to provide such supervisors.

Section 1086. Salaries.—Supervisors shall be paid an annual salary, to be determined by the county convention of school directors. Said salaries shall be paid by the Commonwealth out of the school appropriations apportioned to the school districts [under the supervision] *entitled to participate in the election* of the

county superintendent, and to the school districts [not under his jurisdiction but] contracting with the county board of school directors for such services, before the same is distributed.

Section 15. Article X of said act is hereby amended by inserting, at the end thereof, a new subdivision to read as follows:

Article X, said act, amended by inserting, at end thereof, a new subdivision (g).

(g) *Special Districts.*

Section 1091. Services Provided Through Office of County Superintendent.—Joint school systems operated by school districts of the third or fourth class that employ district superintendents for the joint school systems and union and merged districts of the third class employing district superintendents shall be entitled to all services provided through the office of the county superintendent, subject to all conditions and requirements imposed on school districts under the supervision of the county superintendent.

Section 16. Section 1705 of said act, as amended by the act, approved the twenty-eighth day of June, one thousand nine hundred fifty-one (Pamphlet Laws 934), is hereby further amended to read as follows:

Section 1705, said act, as amended by act of June 28, 1951, P. L. 934, further amended.

Section 1705. Superintendent; Treasurer; Budget.—If one of the districts operating a joint school system including grades 1 to 12 has a district superintendent, he shall have administrative and supervisory jurisdiction over the joint school system. Otherwise, it shall be under the jurisdiction of the county superintendent. The several boards of school directors of the school districts establishing such joint school or department shall meet in joint session at least once a year, for the purpose of adopting the annual school budget. At such joint session they shall elect, from the treasurers of their respective districts, one who shall act as the treasurer of such joint school or department, to whom shall be paid, by the several districts establishing such joint school or department, the amount agreed upon to be contributed by each district for the support of such joint school or department. They shall fix the salary of the treasurer of such joint school or department annually, at an amount not exceeding two per centum of the funds passing through his hands.

APPROVED—The 19th day of August, A. D. 1953.

JOHN S. FINE