

No. 127

AN ACT

HB 716

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 further for filling vacancies on certain boards of school directors.

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

Section 1. Sections 315, 316 and 317, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended January 10, 1972 (P.L.674, No.181), are amended to read:

Section 315. Filling of Vacancies.—In case any vacancy shall occur in any board of school directors by reason of death, resignation, removal from the district, or otherwise, such vacancy shall, in a school district of the first class or of the first class A, be filled for the unexpired term by the court of common pleas of the county in which such school district is situated **from the qualified electors of the district**; and in a school district of the second, third, or fourth classes, the remaining members of the board of school directors shall, by a majority vote thereof, fill such vacancy **from the qualified electors of the district** within thirty (30) days thereafter. In a district of the second, third, or fourth class, the person selected to fill such vacancy shall **be a qualified elector of the district and shall** hold his office, if the term thereof so long continues, until the first Monday of December after the first municipal election occurring more than sixty (60) days after his appointment. At such election an eligible person shall be elected for the remainder of the unexpired term. If, by reason of a tie vote or otherwise, such vacancy shall not have been filled by the board of school directors within thirty (30) days after such vacancy shall have occurred **from the qualified electors of the district**, the court of common pleas of the proper county, upon the petition of ten or more resident taxpayers, shall fill such vacancy by the appointment of a suitable person **from the qualified electors of the district** if the term of the vacant office so long continues, until the first Monday of December after the first municipal election occurring more than sixty (60) days after his appointment. At such election an eligible person shall be elected for the remainder of the unexpired term. When any member of a board of school directors heretofore or hereafter enlists or is inducted into the military or naval forces of the United States in time of war, a temporary vacancy shall be declared, which shall be filled by the remaining members of the board or the court, as the case may be **from the qualified electors of the district**, until the return of such member of the board from the military or naval

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

Section 316. Vacancies in Majority of Members.—In case vacancies occur whereby the offices of a majority of the members of any board of school directors, other than the board of school directors of a school district of the first class or of the first class A becomes vacant, such vacancies shall be filled by the court of common pleas of the county in which such school district is situated *from the qualified electors of the district*. The persons selected to fill such vacancies shall hold their offices, if the terms thereof continue so long, until the first Monday in December after the first municipal election occurring more than sixty (60) days after their appointment, at which election eligible persons shall be elected for the remainder of the respective unexpired term.

Section 317. Vacancies in All Members.—If at any time vacancies exist or occur in the membership of all the members of any board of school directors in any school district, other than a school district of the first class or of the first class A, the court of common pleas of the county in which such district, or the largest part in area thereof, is located, shall, after ten (10) days from the time such vacancies exist or occur, appoint a board of properly qualified persons *from the qualified electors of the district* who shall serve, if the terms thereof continue so long, until the first Monday in December after the first municipal election occurring more than sixty (60) days after their appointment; at which election a board of school directors for such district shall be elected for the remainder of the respective unexpired term. Whenever a vacancy of the entire membership of a board of school directors in any school district of the fourth class occurs, the executive director of the intermediate unit may enter and take full charge of and, at the expense of the district, maintain the schools thereof in accordance with the provisions of the school laws of the Commonwealth, under the direction of the Secretary of Education, and may continue in charge thereof until a board of school directors has been appointed *from the qualified electors of the district* and has qualified.

Section 2. Section 319 of the act, amended June 28, 1957 (P.L.408, No.222), is amended to read:

Section 319. Vacancy where Director Fails to Qualify or Attend Meetings.—If any person elected or appointed as school director, who has been notified of his election or appointment, shall refuse or neglect to qualify as such director, within ten days next succeeding the beginning of his term of office, the remaining members of the board may declare his office as director vacant. *His office shall be filled from the qualified electors of the district*.

If any person having qualified as school director and any qualified school director who is a member of a joint board or who is selected as a member of a joint school committee or who is a member of a joint school committee

by virtue of the provisions of a joint board agreement shall neglect or refuse to attend two successive regular meetings of the school board, joint board or joint school committee, unless detained by sickness, or prevented by necessary absence from the district, or if in attendance at any meetings shall neglect or refuse to act in his official capacity as a school director, the remaining members of the board may declare his office as director vacant. *His office shall be filled from the qualified electors of the district.*

APPROVED—The 28th day of November, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 127.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.