

LAWS
OF THE
COMMONWEALTH OF PENNSYLVANIA

No. 1

AN ACT

SB 328

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," further providing for the selection of school district superintendents and assistant superintendents, changing the length of terms and providing for controllers' salaries in districts of the first class A.

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

Section 1. Subsections (a) and (b) of section 1073, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended January 14, 1970 (P.L.468, No.192), are amended to read:

Section 1073. Manner of Election *or Approval*.—(a) The board of school directors of each school district, ***except in school districts of the first class, shall meet [in convention] at its regular place of meeting, [on the second Tuesday of April, one thousand nine hundred seventy (1970) and every four years thereafter,] during the last year of the term of the district superintendent or at any other time when a vacancy shall occur in the office of district superintendent,*** at an hour previously fixed by the board. ***[Where school districts operating a joint school system employ a district superintendent for the joint school system, the boards of school directors of all the districts shall meet jointly in convention on the second Tuesday of April, one thousand nine hundred seventy (1970) 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 elect and certify] meeting. At such meeting the board shall elect or approve*** a properly qualified district superintendent to serve ***[for four] a term of from three to five*** years from the first day of July next following his election ***or from a time mutually agreed upon by the duly elected district superintendent and the board of school directors.***

[(b) Whenever the term of office of any district 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, five or more members of a board of school directors 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 that another or other candidates will be considered for the office.]

(b) At a regular meeting of the board of school directors occurring at least one hundred fifty (150) days prior to the expiration date of the term of office of the district superintendent, the agenda shall include an item requiring affirmative action by five or more members of the board of school directors to notify the district superintendent that the board intends to retain him for a further term of from three (3) to five (5) years or that another or other candidates will be considered for the office. In the event that the board fails to take such action at a regular meeting of the board of school directors occurring at least one hundred fifty (150) days prior to the expiration date of the term of office of the district superintendent, he shall continue in office for a further term of similar length to that which he is serving.

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Section 2. Section 1076 of the act is amended to read:

Section 1076. Election of Assistant District Superintendents, Except in Districts First Class.—Except in districts of the first class, assistant district superintendents shall be chosen by a majority vote of all the members of the board of school directors of the district, **for a term of from three to five years** upon the nomination [of] **by** the district superintendent. [at the convention which elects the district superintendents, or at any subsequent meeting. Five days' notice of such subsequent meeting shall be sent by mail to each member of the board of school directors.]

Section 3. Section 1077 of the act, amended May 26, 1949 (P.L.1873, No.552), is amended to read:

Section 1077. Term and Salary of Assistants.—Assistant district superintendents [shall] **may** serve through the term of the district superintendent, **or enter a contract for a term of from three to five years** at salaries paid by the district, and fixed by a majority vote of the whole board of school directors prior to their election.

[In school districts of the second and third class, if no convention is held for the election of a district superintendent, the term of any assistant district superintendent shall be extended for a further term of four years unless such assistant district superintendent is notified by the district superintendent, in writing, sixty (60) days before the time fixed for the election of the district superintendent, that his commission will terminate at the end of the then current term. Upon receipt of such notice and in the event any such assistant district superintendent is not reelected, his commission shall terminate at the end of his current term.]

At a regular meeting of the board of school directors occurring at least one hundred fifty (150) days prior to the expiration date of the term of office of the assistant district superintendent, the agenda shall include an item requiring affirmative action by five (5) or more members of the board of school directors to notify the assistant district superintendent that the board intends to retain him for a further term of from three (3)

to five (5) years or that another or other candidates will be considered for the office. In the event that the board fails to take such action at a regular meeting of the board of school directors occurring at least one hundred fifty (150) days prior to the expiration date of the term of office of the assistant district superintendent, he shall continue in office for a further term of similar length to that which he is serving.

Section 4. Section 1079 of the act is amended to read:

Section 1079. Vacancies; Acting and Substitute Superintendents and Assistants.—**[Any vacancy in the position of district superintendent or assistant district superintendent shall be filled, by the board of school directors, for the remainder of the term.]**

Whenever a board of school directors finds it impossible or impracticable to fill immediately any vacancy occurring in the position of district superintendent or assistant district superintendent, the board may appoint an acting district superintendent or an acting assistant district superintendent to serve not longer than one year from the time of his appointment.

When a leave of absence has been granted to any district superintendent or assistant district superintendent, and it is deemed necessary or desirable, the board of school directors may appoint a substitute district superintendent or assistant district superintendent to serve for such period of time as the regular district superintendent or assistant district superintendent is absent on leave.

Section 5. Section 2122 of the act, amended July 5, 1957 (P.L.484, No.274), is amended to read:

Section 2122. Oath, Bond, and Compensation of Controller.—Every person elected as a school controller shall, before entering upon such duties of his office, take or subscribe to the oath or affirmation herein provided for school directors, and shall furnish to the school district in which he is elected a proper bond, in the amount of twenty-five thousand dollars (\$25,000), with such surety or sureties as the board of school directors may approve, conditioned upon the faithful performance of all duties of his office during his term.

The school controller in each district of the first class shall be paid, from the funds of the school district, an annual salary of four thousand four hundred dollars (\$4,400), payable monthly. The school controller in each district of the first class A shall be paid, from the funds of the school district, an annual salary **[of six thousand dollars (\$6,000),]fixed by the Board of Public Education**, payable monthly.

Section 6. This act shall take effect immediately.

APPROVED—The 16th day of January, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 1.

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

Secretary of the Commonwealth.