

No. 1980-2

AN ACT

HB 173

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," removing certain incompatible offices, providing for leaves of absence for certain public officials and further providing for hearings for the suspension and expulsion of pupils.

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

Section 1. Section 322, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended June 16, 1972 (P.L.449, No.138), is amended to read:

Section 322. Eligibility; Incompatible Offices.—Any citizen of this Commonwealth, having a good moral character, being eighteen (18) years of age or upwards, and having been a resident of the district for at least one (1) year prior to the date of his election or appointment, shall be eligible to the office of school director therein: Provided, That any person holding any office or position of profit under the government of any city of the first class, or the office of mayor, chief burgess, county commissioner, district attorney, city, borough, or township treasurer, member of council in any municipality, township commissioner, township supervisor, tax collector, assessor, assistant assessor, any comptroller, auditor, constable, executive director or assistant executive director of an intermediate unit, supervisor, principal, teacher, or employe of any school district, shall not be eligible as a school director in this Commonwealth. This section shall not prevent any district superintendent, assistant district superintendent, supervisor, teacher, or employe of any school district, from being a school director in a district other than the one in which he is so employed, and other than in a district with which the district in which he is employed operates a joint school or department: *Provided, however, That a joint school or department does not include a vocational school, intermediate unit or community college: And provided further, That a school director who is a supervisor, principal, teacher or employe of a vocational school, intermediate unit or community college shall not serve as a member of a board of the vocational school, intermediate unit or community college in which he is a supervisor, principal, teacher or employe.* A school director shall not be eligible to the office of member of council in any municipality.

Section 2. The act is amended by adding a section to read:

Section 1182. Leave for Elective Public Office.—*Any full-time employe of a school entity who has been an employe for at least five (5) years and who has been elected to public office as a county official in any county of this Commonwealth, shall be entitled to a leave of absence for the first four (4) years of the elected period of service: Provided, however, That such leave of absence shall be without pay. Any employe qualifying for and desiring leave for elective public office shall file a written statement declaring the employe's intent to take a leave of absence together with a copy of the employe's official certification of election with the secretary of the school entity. Certification of election shall be recorded in the school board minutes at the next regular meeting of the board of directors. No employe on such leave of absence shall be eligible for retirement credit or for purchase of retirement credit at any future date for time spent on leave of absence. Should the employe decide to return to full-time employment with the school entity at the conclusion of the leave of absence, the employe shall be entitled to a position similar to that which the employe held prior to the leave of absence. Nothing in this section shall prohibit a board of school directors from granting a leave of absence, at its discretion, to any employe who has been elected to any public office other than as a county official.*

Section 3. Section 1318 of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Section 1318. Suspension and Expulsion of Pupils.—Every principal or teacher in charge of a public school may temporarily suspend any pupil on account of disobedience or misconduct, and any principal or teacher suspending any pupil shall promptly notify the district superintendent or secretary of the board of school directors. The board may, after a proper hearing, suspend such child for such time as it may determine, or may permanently expel him. Such hearings, suspension, or expulsion may be delegated to a duly authorized committee of the board, *or to a duly qualified hearing examiner, who need not be a member of the board, but whose adjudication must be approved by the board.*

Section 4. (a) The actions of any school director who held an incompatible office or employment at the same time he or she held the office of school director are hereby validated.

(b) Any person who is a school director on the effective date of this act and who holds an office or employment that was incompatible therewith prior to this amendatory act but which is not incompatible after passage of this amendatory act may continue to hold the office of school director.

Section 5. This act shall take effect immediately and shall be retroactive to February 1, 1980.

APPROVED—The 8th day of February, A. D. 1980.

DICK THORNBURGH