

No. 1981-36

AN ACT

HB 187

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 assignment of certain directors who are also employes and for employment.

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 February 8, 1980 (P.L.3, No.2), 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: *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 be assigned to a position of employment under the supervision of the district in which he or she serves as a member of the board of school directors.* A school director shall not be eligible to the office of member of council in any municipality.

Section 2. Section 1106 of the act is amended to read:

Section 1106. Duty to Employ.—The board of school directors in every school district shall employ the necessary qualified professional employes, substitutes and temporary professional employes to keep the public schools open in their respective districts in compliance with the provisions of this act. *Except for school districts of the first class and first class A which may require residency requirements, no other school district shall require an employe to reside within the school district as a condition for appointment or continued employment.*

Section 3. A residency requirement authorized for school districts of the first class or first class A, pursuant to section 1106, shall not apply to any person who is an employe of such school district on the date of enactment of this amendatory act.

Section 4. This act shall take effect immediately.

APPROVED—The 24th day of June, A. D. 1981.

DICK THORNBURGH