



Pennsylvania General Assembly

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1949 Act 14

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 [Print](#) A provision of this statute is set to expire in 2018

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, 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 the vacancy shall have occurred. 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 the vacancy shall have occurred. 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, or is called to active duty in the military or naval forces of the United States, 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.

(315 amended June 26, 2014, P.L.785, No.74)

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.

(322 amended May 11, 1982, P.L.396, No.115 and repealed in part June 26, 1989, P.L.47, No.10)

Compiler's Note: Section 4 of Act 2 of 1980, which amended section 3222, provided that 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. 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 of Act 2 of 1980 provided that Act 2 shall take effect immediately and shall be retroactive to February 1, 1980.