

Section 3. Any housing ordinance previously enacted by a borough which provides for the purposes authorized by this act is hereby validated. **Validation.**

Section 4. This act shall take effect immediately. **Act effective immediately.**

APPROVED—The 31st day of July, A. D. 1963.

WILLIAM W. SCRANTON

No. 206

AN ACT

Amending the act of March 10, 1949 (P. L. 30), 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," changing the school fiscal year.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: **Public School Code of 1949.**

Section 1. Clause (4) of section 102, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," is amended to read: **Clause (4), section 102, act of March 10, 1949, P. L. 30, amended.**

Section 102. Definitions.—When used in this act the following words and phrases shall have the following meanings:

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(4) "School year" shall mean the period of time elapsing in school districts of the first class between the first day of January and the thirty-first day of December of any year, and in school districts of all other classes [and in vocational school districts] between the first [Monday] *day* of July of one year and the [day immediately preceding the first Monday of July] *thirtieth day of June* of the following year.

Section 2. Section 253 of the act, amended December 30, 1959 (P. L. 2088), is amended to read: **Section 253 of act, amended December 30, 1959, P. L. 2088, further amended.**

Section 253. When Established; Classification.—Whenever any union district shall be formed or enlarged, as herein provided, such district shall become a union school district on the first [Monday in] *day* of July after it has been formed. The classification of any such union school district shall be determined, for the purposes of this act, by the combined population of all the districts united, as shown by the last preceding decennial census of the United States.

Section 3. Section 263 of the act, amended September 12, 1961 (P. L. 1261), is amended to read: **Section 263 of act, amended September 12, 1961, P. L. 1261, further amended.**

Section 263. Petitions and Elections for Mergers; Returns; When Effective.—Upon the approval of said plans by the State Council of Education, it shall be the duty of the county board of school directors to prepare and present petitions for such mergers to the court of common pleas of the county. In case such districts or parts of districts are situated in two or more counties, the petitions shall be presented to the court of common pleas of the county in which the largest part in area of the land affected is situated, which court shall have exclusive jurisdiction over the matter.

Whenever the State Council of Education approves said plans, at least one hundred days prior to a general, municipal or primary election, and the county board of school directors fail to present petitions to the court for submission of the question at such election, then any elector of a school district involved may present such a petition to the court, signed by at least fifteen per cent of the electors in each school district, for submission of the question at any subsequent general, municipal or primary election.

The petition for any such merger shall request the submission of the question of such merger to the electors of each district affected thereby at the next general, municipal or primary election to be held at least ninety (90) days after the presentation of said petition. The question to be submitted to the electors shall be framed by the court and be by it certified to the county commissioners for submission to the electors of each district affected thereby. Such submission shall be in accordance with the laws of this Commonwealth relating to the submission of similar questions.

If a majority of the electors of each school district voting therein shall be in favor of merger, as shown by the returns of the election, a certificate of the returns shall be filed with the Superintendent of Public Instruction, the prothonotary of the court of common pleas, the county board of school directors, and the board of school directors of each of said school districts. The merger shall become effective on the first [Monday in] *day of* July next succeeding the election. The merger shall be effective as to only those districts in which the majority of the electors voting on the question shall have assented to the merger.

The school directors of each newly formed district shall have the power, prior to the first [Monday in] *day of* July aforesaid, to meet, adopt a budget, levy and assess taxes, and perform all acts and functions necessary, which would enable the merged district to properly function on the date the merger is effected. If the electors do not assent to the merger, the same or revised

plans may be submitted within five years in accordance with the foregoing procedure.

Section 4. Subsection (b) of section 401 of the act, amended May 23, 1949 (P. L. 1722), is amended to read:

Subsection (b), section 401 of act, amended May 23, 1949, P. L. 1722, further amended.

Section 401. Beginning of School Year; Organization Meetings.—

* * * * *

(b) In all school districts of the second, third, and fourth class, except as hereinafter provided, the school year shall begin on the first [Monday] *day* of July of each year and the school directors shall meet and organize annually on the first Monday of December.

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Section 5. Subsection (d) of section 401 of the act is amended to read:

Subsection (d), section 401 of act, amended.

Section 401. Beginning of School Year; Organization Meetings.—

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(d) When two or more school districts are consolidated in any manner provided in this act and under the provisions of this act the members of the boards of directors of the respective districts continue in office during the respective terms for which they were elected and become the school directors of the consolidated district, they shall organize on the first [Monday] *day* of July following such consolidation by electing a president and vice-president who shall hold their respective offices until the first Monday of December following their election, and by the election of a secretary for the consolidated district who shall serve for the remainder of the term for which secretaries are elected, and by the election of a treasurer for the consolidated district who shall hold office for the school year.

Section 6. Section 404 of the act, amended September 12, 1961 (P. L. 1244), is amended to read:

Section 404 of act, amended September 12, 1961, P. L. 1244, further amended.

Section 404. Districts Second, Third and Fourth Class Permanent Organization; Election of Officers.— In each school district of the second, third and fourth class, the school directors shall effect a permanent organization by electing, on the first Monday of December, from their members, a president and vice-president, each to serve for one year, and shall annually, during the month of May, elect a treasurer to serve for one year, beginning the first [Monday in] *day* of July following such election, and shall, during the month of May, one thousand nine hundred and fifty-three, and every four

years thereafter, elect a secretary for a term of four years, beginning the first [Monday] *day* of July following such election. The treasurer may be any corporation duly qualified and legally authorized to transact a fiduciary business in the Commonwealth. Vacancies in the office of secretary shall be filled for the unexpired term. In school districts of the second class the secretary and treasurer shall not be members of the board. In districts of the third and fourth class they may be members of the board. The same person shall not hold at the same time more than one of the offices of president, vice-president, secretary, or treasurer of any board of school directors.

No superintendent, assistant superintendent, supervising principal, or teacher shall serve, either temporarily or permanently, as an officer of the school board by which he is employed.

Section 603 of act, amended November 10, 1959, P. L. 1458, further amended.

Section 7. Section 603 of the act, amended November 10, 1959 (P. L. 1458), is amended to read:

Section 603. Only One Annual Tax Levy.—There shall be but one levy of school taxes made in each school district in each year, which shall be assessed, levied, and collected for all the purposes provided in this act, and shall be uniform throughout the territorial limit of each school district: Provided, That (1) where two or more school districts have voted to become a union school district in accordance with the provisions of this act and prior to the actual creation of the union school district, the school board members by a majority vote of all the members comprising said school boards shall assess and levy a uniform school tax in all of the districts comprising said union school district for general revenue purposes necessary to operate said union school district commencing the first [Monday] *day* of July following the vote establishing said union district, and (2) whenever hereafter a school district of the second, third, or fourth class shall be annexed to and merged in, and become a part of a school district of the first class, the board of public education of said school district of the first class shall have power to levy a special school tax on the territory which comprised said annexed and merged school district to provide for the expense and maintenance of the schools thereof from the end of the school year of said annexed and merged school district to the beginning of the next school year in said school district of the first class, and to provide for and pay the floating indebtedness of said annexed and merged school district. Said levy shall not exceed one-half of the last previous total annual millage levied by said school district of the first class.

Section 8. Section 671 of the act, amended September 26, 1951 (P. L. 1464), is amended to read:

Section 671 of act, amended September 26, 1951, P. L. 1464, further amended.

Section 671. Fiscal Year.—In all school districts of the second, third, and fourth class, the fiscal year shall begin on the first [Monday] *day* of July in each year: Provided, That the board of school directors of any district of the second class may, by resolution adopted by two-thirds vote of the members thereof at a meeting of the board after not less than ten days' notice of the fact that such resolution would be presented for action at such meeting, fix the fiscal year of such school district so as to begin on the first day of January in each year instead of on the first [Monday] *day* of July as hereinabove provided.

Section 9. Sections 681, 682 and subsection (b) of section 686 of the act are amended to read:

Sections 681, 682 and subsection (b), section 686 of act, amended.

Section 681. Certification of Levy.—In all school districts of the second, third, and fourth class, as soon as the school tax is assessed and levied by the board of school directors, the secretary shall compute and enter the same, stating the amount of school tax to be collected on the duplicate herein required to be furnished to the district. A certified copy of such duplicate shall be furnished by the board of school directors to the tax collector in each district. In any school district where the collector of school taxes is also the collector of county taxes the secretary of the board of school directors may compute and add the amount of the school taxes to the duplicate furnished by the county commissioners to such tax collector for county purposes. In all school districts of the second, third, or fourth class, all tax duplicates shall be furnished, as herein provided, to the tax collectors on or before the first [Monday] *day* of July in each year.

Section 682. Tax Duplicates and Warrants.—Each collector of school taxes in every school district of the second, third, or fourth class, shall, on or before the first [Monday] *day* of July in each year, be furnished with his tax duplicate.

Section 686. Delinquent Taxes; Appointment of Collectors; etc.—* * *

(b) The board of school directors in such district may annually, on or before the first [Monday] *day* of July in each year, appoint one or more suitable persons, as delinquent tax collectors in said school district, to collect any and all school taxes from the collection of which the original tax collector has been exonerated, in accordance with the laws of this Commonwealth, and which taxes still remain unpaid upon any of the school tax

duplicates, other than such unpaid school taxes as shall have been filed as liens in the office of the prothonotary, or have been returned to the county commissioners for sale. Such delinquent tax collector or collectors shall, upon the certification over to him or them of such taxes so remaining unpaid, proceed to collect the same from the persons respectively charged therewith, for which purpose he or they shall have all the authority and power now vested by law in any collector of school taxes for the collection of such taxes. The board of school directors issuing the original warrants shall issue an additional warrant to the collector or collectors of such delinquent taxes so appointed.

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Section 922 of
act, amended
May 10, 1951,
P. L. 284,
further amended.

Section 10. Section 922 of the act, amended May 10, 1951 (P. L. 284), is amended to read:

Section 922. Election of Officers.—Every year during the month of December, the county board of school directors shall choose from their members a president and a vice-president, each to serve for one (1) year, and in December, one thousand nine hundred fifty, they shall choose for a term of four (4) years a secretary who need not be a member of the board, but who is and who shall remain during his term of office a resident of the county, and during the month of May, one thousand nine hundred forty-nine, and annually thereafter, a treasurer shall be chosen to serve for one year, beginning the first [Monday] day of July following such election.

Section 1022 of
act, amended
July 5, 1957,
P. L. 523,
further amended.

Section 11. Section 1022 of the act, amended July 5, 1957 (P. L. 523), is amended to read:

Section 1022. Time and by Whom Elected; Term of Office.—In each county in which a county superintendent is to be elected, (1) the school directors of all of the school districts under the supervision of the county superintendent, (2) the school directors of all union and merged districts, (3) the school directors of all districts of the third and fourth class employing district superintendents to operate joint school systems, (4) except as otherwise provided in subsection (c) of section 901, the school directors of all school districts that were under the supervision of the county superintendent on the first Monday of July, 1955, (5) the school directors of districts employing district superintendents who elect to become part of the county service system, and (6) the school directors of districts of other counties that have joined with one or more districts of the county in establishing joint schools which conform to approved county plans shall meet in convention at the county seat of the county, in the courthouse or some other suitable

place to be furnished by the county commissioners at the expense of the county, on the second Tuesday of April, one thousand nine hundred fifty (1950), and on the same day of every fourth year thereafter, and, by a majority vote of those present, elect as herein provided one duly qualified person as county superintendent, to serve for four years from the first [Monday] day of July next following and fix his annual salary. When there is only one candidate for the office of county superintendent and such candidate within thirty days of the date fixed for holding the convention for the election of the county superintendent dies, withdraws or proves ineligible to be elected, the convention shall be postponed or adjourned to the second Tuesday of June of the same year. If no candidate is elected at such postponed or adjourned convention, the office shall be filled in the manner provided by this act for the filling of vacancies in the office.

Section 12. Subsection (a) of section 1073 of the act, amended August 19, 1953 (P. L. 1136), is amended to read:

Subsection (a), section 1073 of act, amended August 19, 1953, P. L. 1136, further amended.

Section 1073. Manner of Election; Change of Class of District.—(a) The board of school directors of each district of the second or third class, electing a district superintendent, or in districts of the third class electing an associate superintendent, shall meet in convention at its regular place of meeting, on the second Tuesday of April, one thousand nine hundred fifty (1950), and every four years thereafter, at an hour previously fixed by the board. Where school districts of the third class or of the third and fourth class operating a joint school system employ a district superintendent for the joint school system, the boards of school directors of all of the districts shall meet jointly in convention on the second Tuesday of April, one thousand nine hundred fifty-four (1954), 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, in the same manner as a county superintendent is elected and certified, elect and certify a properly qualified district superintendent or associate superintendent, to serve for four years from the first [Monday] day of July next following his election.

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Section 13. Section 1705 of the act, amended August 2, 1955 (P. L. 295) and August 3, 1955 (P. L. 299), is amended to read:

Section 1705 of act, amended August 2, 1955, P. L. 295 and August 3, 1955, P. L. 299, further amended.

Section 1705. Superintendent; Treasurer; Budget.—If one of the districts operating a joint school system including grades 1 to 12 has a district superintendent, he shall have administrative and supervisory jurisdiction over the joint school system. Otherwise, it shall be under the jurisdiction of the county superintendent. The several boards of school directors of the school districts establishing such joint school or department shall meet in joint session at least once a year, for the purpose of adopting the annual school budget. The presiding officer and secretary of the joint session shall be the president and secretary of the joint board or joint school committee. At such joint session they shall elect, from the treasurers of their respective districts, one who shall act as the treasurer of such joint school or department, for a one year term beginning on the first [Monday] *day* of July following his election, to whom shall be paid, by the several districts establishing such joint school or department, the amount agreed upon to be contributed by each district for the support of such joint school or department. They shall fix the salary of the treasurer of such joint school or department annually, at an amount not exceeding two per centum of the funds passing through his hands.

Subsection (7),
section 2401 of
act, amended
June 18, 1959,
P. L. 472, fur-
ther amended

Section 14. Subsection (7) of section 2401 of the act, amended June 18, 1959 (P. L. 472), is amended to read:

Section 2401. By Whom Audited.—The finances of every school district and of every joint school board, in every department thereof, together with the accounts of all school treasurers, school depositories, teachers' retirement funds, teachers' institute funds, directors' association funds, sinking funds, and other funds belonging to or controlled by the district, shall be properly audited as follows:

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(7) In union or merged school districts the court of common pleas of the county in which the district is located, upon petition of the board of school directors of such union or merged school district, shall, as soon as convenient after the creation of the district, appoint three persons to audit the financial accounts of the district. The auditors so appointed shall, on the first [Monday] *day* of July, at the time of organization, or within five days thereafter, and within thirty days, carefully audit and adjust the financial accounts of the school district for the preceding school year. At the first municipal election after a union or merged school district is created there shall be elected three school auditors, one for a term of two years, one for a term of four years, and one for a term of six years, and their successors

thereafter shall be elected for terms of six years each. When a vacancy occurs in the office of auditor in any union or merged school district by reason of death, resignation, removal from the school district, or otherwise, the court of common pleas of the county in which the district is located, upon petition of the board of school directors of such union or merged school district, shall appoint a person to hold such office for the unexpired term of the person whose place he is appointed to fill. The compensation of both the appointed and elected auditors shall be ten dollars (\$10) per day for each day necessarily spent by each auditor. The total expense of such auditing, including the cost of filing the report, advertising, and other necessary costs, shall be paid by the union or merged school district.

The board of school directors of any union or merged school district may employ a certified public accountant to audit the finances of such school district for such fiscal year instead of the auditors, hereinabove referred to, and such certified public accountant shall have all the powers and duties of said auditors and shall receive the compensation fixed by the board of directors of the union or merged school district and shall be paid by the said district.

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Section 15. Sections 2431 and 2441 of the act are amended to read:

Sections 2431
and 2441 of act,
amended.

Section 2431. Time of Audit; Filing of Copies.— In every school district of the second and third classes, the proper auditors herein provided to audit the finances of the school district shall begin their duties on the first [Monday in] *day of July* each year, and promptly within thirty days audit the accounts of the school district for which they were appointed, including the accounts of the treasurer, the school depositories, and other school funds, for the preceding fiscal year, in the manner herein provided. On the completion of the audit they shall make correct copies thereof, which shall contain an itemized statement of all receipts, expenditures, and credits, whatsoever, of school officials, and the assets and liabilities of the district. One copy shall be filed with the board of school directors of the district, one copy in the court of common pleas of the county in which the district is located, and except in school districts of the third class under the supervision of the county superintendent of schools, one copy in the Department of Public Instruction, by mailing the same sealed, stamped, and addressed to the Superintendent of Public Instruction, Harrisburg, Pennsylvania, by registered mail with return registry receipt requested. In districts of the third class under the supervision of the county

superintendent of schools, two copies shall be transmitted to the county superintendent who shall forward one of such copies to the Superintendent of Public Instruction, Harrisburg, Pennsylvania.

Section 2441. Time of Audit; Filing Copies; Publication.—In every school district of the fourth class, the auditors shall meet annually with the board of school directors, on the first [Monday] *day* of July, at the time of organization, or within five days thereafter, and within thirty days carefully audit and adjust the financial accounts of the school district for the preceding school year: Provided, That the meeting of the auditors with the board of school directors shall not be held on the Fourth of July. At the completion of the audit, they shall make a careful statement, in duplicate, of the finances of the district for the preceding year, setting forth the assets and liabilities, and an itemized statement of all receipts, expenditures, and credits, whatsoever, of all school officials, and including therein any sums that have been charged against any person or persons. One copy of such annual statement shall be filed by the auditors with the secretary of the board of school directors and one in the court of common pleas of the county in which such district or the greater or greatest part thereof in area shall be located. A summary thereof, including the assets and liabilities of the school district, shall be published in a newspaper having general circulation in the district, once a week for three successive weeks, beginning the first week after filing the same, or be promptly posted, by not less than six copies, in as many places in the district. The auditors shall also file two copies of their report with the county superintendent of schools, who shall forward one of such copies to the Department of Public Instruction.

Section 16. This act shall take effect July 1, 1963.

APPROVED—The 31st day of July, A. D. 1963.

WILLIAM W. SCRANTON

No. 207

AN ACT

Amending the act of June 24, 1931 (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further regulating the adoption of ordinances, validating certain ordinances heretofore adopted, and regulating the recording and transcribing of records.