

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2908 Session of 2022

INTRODUCED BY O'NEAL, ZIMMERMAN, KAIL, MALONEY, RYAN, JONES, KEEFER, BERNSTINE, OWLETT, COOK, LEWIS DELROSSO AND ROSSI, OCTOBER 26, 2022

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 26, 2022

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in organization meetings and officers  
6 of boards of school directors, further providing for  
7 solicitor and other appointees.

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

10 Section 1. Section 406 of the act of March 10, 1949 (P.L.30,  
11 No.14), known as the Public School Code of 1949, is amended to  
12 read:

13 Section 406. Solicitor and Other Appointees.--(a) Each  
14 board of school directors may appoint a solicitor, such  
15 assistant solicitors and such other appointees, clerks or  
16 employes as it may deem proper, none of whom, except as provided  
17 in section three hundred twenty-four of this act, shall be a  
18 member of the board, and shall define their duties and fix their  
19 salaries.

20 (b) In addition to any other duties prescribed by law, when

1 participating at a regular or special meeting in accordance with  
2 this act, it shall be the duty of a solicitor or assistant  
3 solicitor appointed by a board of school directors to:

4 (1) Act loyally and in accordance with the best interests of  
5 the students and parents of the school districts under the board  
6 of school directors' jurisdiction and authority.

7 (2) Act impartially and avoid conflicts of interest that  
8 impair the solicitor's ability to act in the best interests of  
9 the students and parents.

10 (3) Abstain from deception and practice honesty and equity  
11 in matters that concern the education, health, safety and  
12 general welfare of students.

13 (4) Act with the care, competence and diligence ordinarily  
14 exercised by solicitors or assistant solicitors of boards of  
15 school directors.

16 (5) Act in good faith.

17 (c) A parent or student may bring a civil cause of action in  
18 a court of common pleas based upon a violation of a duty under  
19 subsection (b) and may recover one thousand dollars (\$1,000) per  
20 violation, treble damages and any other relief deemed  
21 appropriate by the court.

22 Section 2. This act shall take effect in 60 days.