

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 313 Session of 2015

INTRODUCED BY THOMAS, COHEN, V. BROWN, BROWNLIE AND McCARTER,  
FEBRUARY 4, 2015

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 4, 2015

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 grounds and buildings, further  
6 providing for sale of unused and unnecessary lands and  
7 buildings.

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

10 Section 1. Section 707 introductory paragraph and paragraphs  
11 (2), (3) and (7) of the act of March 10, 1949 (P.L.30, No.14),  
12 known as the Public School Code of 1949, are amended and the  
13 section is amended by adding clauses to read:

14 Section 707. Sale of Unused and Unnecessary Lands and  
15 Buildings.--(a) The board of school directors of any district  
16 is hereby vested with the necessary power and authority to sell  
17 unused and unnecessary lands and buildings[, by] after obtaining  
18 an independent appraisal to determine fair market value and at  
19 the price of one of the following:

20 (1) The last best offer above fair market value received.

1     (2) Fair market value, if no offer has been received within  
2 90 days of placing the building on the market.

3     (3) Below fair market value, upon the mutual agreement of  
4 the school entity and purchaser.

5     (b) The board of school directors of any district may sell  
6 unused and unnecessary lands and buildings by any of the  
7 following methods and subject to the following provisions:

8     \* \* \*

9     (2) Upon sealed bids requested by the school board, notice  
10 of the request for sealed bids to be given as provided in clause  
11 (1) of this [section] subsection. Terms and conditions of sale  
12 shall be fixed by the board in the motion or resolution  
13 authorizing the request for sealed bids.

14     (3) At private sale, subject to the approval of the court of  
15 common pleas of the county in which the school district is  
16 located. Approval of the court shall be on petition of the board  
17 of school directors, which petition shall be executed by the  
18 proper officers of the board, and shall contain a full and  
19 complete description of the land proposed to be sold, a brief  
20 description and character of the building or buildings erected  
21 thereon, if any, the name of the prospective purchaser, the  
22 amount offered for the property, and shall have attached thereto  
23 an affidavit of at least two persons who are familiar with the  
24 values of real estate in the locality in which the land and  
25 buildings proposed to be sold are located, to the effect that  
26 they have examined the property, that the price offered therefor  
27 is a fair and reasonable one and in their opinion a better price  
28 than could be obtained at public sale, and that they are not  
29 interested, either directly or indirectly, in the purchase or  
30 sale thereof. Before the court may act upon any such petition it

1 shall fix a time for a hearing thereon and shall direct that  
2 public notice thereof be given as provided in clause (1) of this  
3 [section] subsection. A return of sale shall be made to the  
4 court after the sale has been consummated and the deed executed  
5 and delivered.

6 \* \* \*

7 (7) The moneys derived from sales of real estate enumerated  
8 in clause (4) of this [section] subsection shall be paid into  
9 the general fund, along with moneys derived from taxes, and may  
10 be used for current expenses of the school district. The moneys  
11 derived from sales of other real estate shall be used for debt  
12 service or for capital expenditures.

13 \* \* \*

14 (12) The Department of Education shall provide a page on its  
15 publicly accessible Internet website on which school entities  
16 are required to post notice for each public school building or  
17 part of a public school building that is available for purchase  
18 or lease. A school entity shall submit a notice to the  
19 department on a form to be developed by the department. The  
20 department shall post the notice within five (5) days of  
21 receiving the form.

22 (13) The following shall apply to the sale or lease of a  
23 public school building or a part of a public school building by  
24 a school entity:

25 (i) A school entity may not enter a contract to sell or  
26 lease a public school building or part of a public school  
27 building until at least thirty (30) days after the posting of  
28 the notice required under clause (12) of this subsection.

29 (ii) Where two (2) or more entities make offers on the same  
30 public school building or part of a public school building that

1 conform to the provisions of this section, the school entity

2 shall:

3 (A) Accept the first offer where all the offers are equal.

4 (B) Accept the best offer where the offers differ.

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