

## **Commissions**

24 P.S. §10-1078 and §9-963

**DATE OF ISSUE:** September 1, 1997

**DATE OF REVIEW:** July 1, 2009 (revised)  
July 1, 2001 (replaced Extension of Superintendents' Terms, BEC P.S. §10-1073)

### **PURPOSE**

This BEC identifies when a commission will be issued and what is necessary to be submitted to the Department for approval. It also lists situations in which a commission will not be issued and the applicable requirements and limits. Finally, this BEC describes the process used to update the Office School File via the PDE website.

### **BACKGROUND**

24 P.S. §10-1078 states that a School District Superintendent and Assistant District Superintendents shall be commissioned by the Secretary of Education. Section 9-963-A states that an Executive Director and Assistant Executive Directors of Intermediate Units shall be commissioned by the Secretary of Education. A commission shall be issued that includes the name, School District or IU, and term of office.

### **COMMISSIONS**

A commission will be issued under the following circumstances:

1. The election or appointment of a properly qualified person,
2. The re-election or reappointment of a properly qualified person, or
3. The extension of an incumbent Superintendent or Assistant Superintendent's term.

#### **Vacancy**

Election of a Superintendent and Assistant Superintendent or appointment of an Executive Director or Assistant Director may take place when a new position is established or a vacancy exists. A resignation, dismissal, retirement or death of the incumbent creates a vacancy.

A School District Superintendent term may be for a period of three to five years; an Assistant Superintendent term may be through the term of the Superintendent, or from a period of three to five years. A Superintendent of a first class school district may be appointed for a term up to 6 years.

Intermediate Unit Executive Director and Assistant Executive Director terms are for a four year period.

#### **Re-election or Re-appointment**

For District Superintendents or Assistant Superintendents, re-elections may be held in the last calendar year of the incumbent's term. In this situation, the Board votes to retain the incumbent School District Superintendent or Assistant Superintendent for a further term of

from three to five years. At least 150 days prior to the termination date of the incumbent's commission, the Board of School Directors must notify the incumbent of their intention to consider other candidates for the Superintendent or Assistant Superintendent's position, or re-elect the incumbent for a term of three to five years. If the Board fails to take such action, the incumbent shall continue in office for the same length term as the original.

For an incumbent Intermediate Unit Executive Director or Assistant Executive Director, an IU Board may re-appoint the Executive Director or Assistant Executive Director for an additional four year term sometime prior to the end of the original four year term.

### **Extension**

The Board of school directors may wish to extend the School District Superintendent's or Assistant Superintendent's term. An extension may not allow the original term to exceed five years. Example: A term is valid from July 1, 2000, to June 30, 2003. An extension would allow the term to be extended through June 30, 2005. In effect, the term is extended from a three year term to a five year term.

## **PROCEDURES**

**Superintendent or Executive Director (New or Renewal)** – When a Board of school directors elects a Superintendent or Intermediate Unit Board of Directors appoints an Executive Director, the Board shall promptly complete [PDE 5529, Application for Commission for Superintendent](#) (PDF).

*Submit to PDE at the address below:*

- Completed PDE 5529, (see below if the applicant desires the Secretary of Education to administer the Oath of Office)
- A copy of the applicant's Letter of Eligibility
- Evidence of a vacancy if the previous officer's term has not expired (copy of Board resolution indicating resignation, dismissal or retirement)
- Evidence that a majority of the Board has voted in the affirmative for this candidate (such as minutes indicating approval or vote tally)

In the case of renewal of a District Superintendent, if the Board of School Directors fails to take action 150 days or more before the end of a Superintendent's term, the Board shall so note the automatic renewal in their next meeting, and submit the above documents.

**Assistant Superintendent or Assistant Executive Director (New/Renewal)** – When a School District Board elects an Assistant Superintendent or the Intermediate Unit Board appoints an Assistant Executive Director, the Board shall promptly complete [PDE 5529A, Application for Commission for Assistant Superintendent](#) (PDF).

*Submit to PDE at the address below:*

- Completed PDE 5529A (see below if the applicant desires the Secretary of Education to administer the Oath of Office)
- A copy of the applicant's Letter of Eligibility
- Evidence of a vacancy if the previous officer's term has not expired (copy of Board resolution indicating resignation, dismissal or retirement)
- Evidence of a new position (copy of Board resolution) if applicable
- Evidence that a majority of the Board has voted in the affirmative for this candidate (such as minutes indicating approval or vote tally)

In the case of renewal of an Assistant Superintendent, if the Board of School Directors fails to take action 150 days or more before the end of a Superintendent's term, the Board shall so note the automatic renewal in their next meeting, and submit the above documents.

**Superintendent or Assistant Superintendent (Extension)** – A Board of school directors may extend a Superintendent or Assistant Superintendent's term for one or two years, so the original term will extend to a five year period.

*Submit to PDE:*

- Evidence that a majority of the Board has voted in the affirmative for the extension of the term of this candidate (such as minutes indicating approval or vote tally)

A new commission will be issued, showing the term approved by the Board of school directors.

*If Applicants would like to have the Secretary of Education administer the Oath of Office, contact the Secretary's office to make arrangements. Submit all required documents to PDE at least one week prior to the scheduled Oath with the Secretary.*

## **COMMISSIONS NOT ISSUED**

24 P.S. §10-1079 allows a Board of School Directors to fill a vacancy with an Acting Superintendent or Acting Assistant Superintendent. In the case of a commissioned officer on leave, the Board may appoint a Substitute to fill the position for the period of the leave or completion of the term of the commission. A commission will not be issued in any of these circumstances.

**Acting Superintendent/Acting Assistant Superintendent** – When a School District Board appoints an Acting Superintendent or Acting Assistant Superintendent, the Board shall promptly forward written notification to PDE at the address below. The appointment may not extend beyond one calendar year.

*Submit to PDE:*

- Evidence that a majority of the Board has voted in the affirmative for this candidate. This evidence shall include the appointment, its effective date, its termination date, and copy of the Board resolution or minutes indicating approval or a vote tally.
- Evidence of a vacancy (copy of Board resolution indicating resignation, dismissal or retirement)

**Substitute Superintendent or Substitute Assistant Superintendent** – When a School District Board appoints a substitute Superintendent or substitute Assistant Superintendent, the Board shall promptly forward written notification to PDE at the address below. A Substitute may serve for the period of time up to the end of the Superintendent or Assistant Superintendent's leave.

*Submit to PDE:*

- Evidence that a majority of the Board has voted in the affirmative for this candidate. This evidence shall include the appointment, its effective date, its termination date, and copy of the Board resolution or minutes indicating approval or a vote tally.
- A copy of the Applicant's Letter of eligibility
- Evidence of leave approved by the Board (copy of Board resolution indicating date of beginning of the Superintendent's or Assistant Superintendent's leave)

## **UPDATING THE OFFICIAL SCHOOL FILE**

It is the responsibility of the School District or Intermediate Unit to maintain the Official School File as established on the PDE website. This file is known as Education Names and Addresses (EdNA).

To update the address, phone number or administrator(s) of a School or School District or Intermediate Unit, go to the [Education Names and Addresses \(EdNA v.2\)](#) webpage for instructions. Administrators who receive a commission will show as "pending" until the information listed above is submitted to the School Services Unit and is approved by PDE.

## **ATTACHMENTS:**

[PDE 5529, Application for Commission for Superintendent](#) (PDF)

[PDE 5529A, Application for Commission for Assistant Superintendent](#) (PDF)

## **REFERENCES:**

### **Purdon's Statutes**

24 P.S. §9-963  
24 P.S. §10-1003  
24 P.S. §10-1004  
24 P.S. §10-1073  
24 P.S. §10-1078  
24 P.S. §10-1079

### **State Board of Education Regulations**

[22 Pa. Code §§49.41\(a\) & \(b\)](#)

[22 Pa. Code §49.42](#)

[22 Pa. Code §49.172\(c\)](#)

[22 Pa. Code §49.182\(c\)](#)

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