

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1901

Session of
2007

INTRODUCED BY BASTIAN, CLYMER, CREIGHTON, DENLINGER, EVERETT,
HENNESSEY, HERSHEY, METCALFE, PETRI, PICKETT, ROAE, ROCK,
ROHRER, STEIL AND WATSON, DECEMBER 5, 2007

REFERRED TO COMMITTEE ON EDUCATION, DECEMBER 5, 2007

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, prohibiting certain teacher strikes; and
3 prohibiting certain lockouts.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby resolves as follows:

6 Section 1. The following amendment to the Constitution of
7 Pennsylvania is proposed in accordance with Article XI:

8 That section 14 of Article III be amended to read:

9 § 14. Public school system.

10 (a) The General Assembly shall provide for the maintenance
11 and support of a thorough and efficient system of public
12 education to serve the needs of the Commonwealth.

13 (b) Notwithstanding any other provision of the Constitution,
14 no primary or secondary public school teacher may strike or
15 participate in a strike or similar interruption of government
16 service. Any strike or interruption of government service
17 prohibited by this subsection shall constitute an actionable

1 breach of duty to members of the public affected by the
2 interruption, who shall have a right to remedy and redress in
3 the courts. This subsection shall be self-executing. Nothing in
4 this subsection shall prohibit the General Assembly from
5 enacting laws not inconsistent with this section which provide
6 that the findings of panels or commissions, acting in accordance
7 with law for the adjustment or settlement of grievances or
8 disputes between primary and secondary public school teachers
9 and their public employers, shall be binding upon all parties
10 and shall constitute a mandate to the head of the political
11 subdivision which is the employer, with respect to matters which
12 can be remedied by administrative action, and to the lawmaking
13 body of the political subdivision, with respect to matters which
14 require legislative action, to take the action necessary to
15 carry out the findings.

16 (c) Notwithstanding any other provision of the Constitution,
17 no primary or secondary school teacher may be locked out or
18 otherwise prevented from providing governmental service at a
19 primary or secondary school. Any strike or interruption of
20 government service prohibited by this subsection shall
21 constitute an actionable breach of duty to members of the public
22 affected by the interruption who shall have a right to remedy
23 and redress in the courts. This subsection shall be self-
24 executing. Nothing in this subsection shall prohibit the General
25 Assembly from enacting laws not inconsistent with this section
26 which provide that the findings of panels or commissions, acting
27 in accordance with the law for the adjustment or settlement of
28 grievances or disputes between primary and secondary public
29 school teachers and their public employers, shall be binding
30 upon all parties and shall constitute a mandate to the head of

the political subdivision which is the employer, with respect to matters which can be remedied by an administrative action and to the lawmaking body of the political subdivision, with respect to matters which require legislative action, to take the action necessary to carry out its findings.

Section 2. (a) Upon the first passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment.

(b) Upon the second passage by the General Assembly of this proposed constitutional amendment, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of this proposed constitutional amendment. The Secretary of the Commonwealth shall submit this proposed constitutional amendment to the qualified electors of this Commonwealth at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.