
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 651 Session of
2013

INTRODUCED BY EICHELBERGER, WHITE, RAFFERTY, WAUGH, FOLMER,
ALLOWAY, YAW, BAKER, BROWNE, MENSCH AND VANCE, MARCH 13, 2013

REFERRED TO EDUCATION, MARCH 13, 2013

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," further providing for causes for
6 suspension and persons to be suspended.

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

9 Section 1. Section 1124(a) of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949,
11 amended June 30, 2012 (P.L.684, No.82), is amended to read:

12 Section 1124. Causes for Suspension.--(a) Any board of
13 school directors may suspend the necessary number of
14 professional employes, for any of the causes hereinafter
15 enumerated:

16 (1) substantial decrease in pupil enrollment in the school
17 district;

18 (2) curtailment or alteration of the educational program on
19 recommendation of the superintendent and on concurrence by the
20 board of school directors, as a result of substantial decline in

1 class or course enrollments or to conform with standards of
2 organization or educational activities required by law or
3 recommended by the Department of Public Instruction;

4 (3) consolidation of schools, whether within a single
5 district, through a merger of districts, or as a result of joint
6 board agreements, when such consolidation makes it unnecessary
7 to retain the full staff of professional employes; [or]

8 (4) when new school districts are established as the result
9 of reorganization of school districts pursuant to Article II.,
10 subdivision (i) of this act, and when such reorganization makes
11 it unnecessary to retain the full staff of professional
12 employes[.]; or

13 (5) economic reasons that require a reduction in
14 professional employes.

15 * * *

16 Section 2. Section 1125.1 of the act, amended or added
17 November 20, 1979 (P.L.465, No.97) and July 10, 1986 (P.L.1270,
18 No.117), is amended to read:

19 Section 1125.1. Persons to be Suspended.--(a) Professional
20 employes shall be suspended under section 1124 (relating to
21 causes for suspension) [in inverse order of seniority within the
22 school entity of current employment. Approved leaves of absence
23 shall not constitute a break in service for purposes of
24 computing seniority for suspension purposes. Seniority shall
25 continue to accrue during suspension and all approved leaves of
26 absence] based upon educational program needs, the professional
27 employe's certifications or performance evaluations set forth in
28 section 1123 of employes within the affected program areas.

29 (b) Where there is or has been a consolidation of schools,
30 departments or programs, all professional employes shall retain

1 the seniority rights they had prior to the reorganization or
2 consolidation.

3 [(c) A school entity shall realign its professional staff so
4 as to insure that more senior employes are provided with the
5 opportunity to fill positions for which they are certificated
6 and which are being filled by less senior employes.]

7 (d) (1) No suspended employe shall be prevented from
8 engaging in another occupation during the period of suspension.

9 (2) Suspended professional employes or professional employes
10 demoted for the reasons set forth in section 1124 shall be
11 reinstated on the basis of their qualification to teach a
12 particular subject or grade level or to hold a particular
13 position, followed next by their seniority within the school
14 entity. No new appointment shall be made while there is such a
15 suspended or demoted professional employe available who is
16 properly certificated to fill such vacancy. For the purpose of
17 this subsection, positions from which professional employes are
18 on approved leaves of absence shall also be considered temporary
19 vacancies.

20 (3) To be considered available a suspended professional
21 employe must annually report to the governing board in writing
22 his current address and his intent to accept the same or similar
23 position when offered.

24 (4) A suspended employe enrolled in a college program during
25 a period of suspension and who is recalled shall be given the
26 option of delaying his return to service until the end of the
27 current semester.

28 (d.1) Nothing in this section shall be construed to limit
29 the causes for which a temporary professional employe may be
30 suspended.

1 (e) Nothing contained in section 1125.1(a) through (d) shall
2 be construed to supersede or preempt any provisions of a
3 collective bargaining agreement negotiated by a school entity
4 and an exclusive representative of the employes in accordance
5 with the act of July 23, 1970 (P.L.563, No.195), known as the
6 "Public Employe Relations Act"; however, no agreement shall
7 prohibit the right of a professional employe who is not a member
8 of a bargaining unit from retaining seniority rights under the
9 provisions of this act.

10 [(f) A decision to suspend in accordance with this section
11 shall be considered an adjudication within the meaning of the
12 "Local Agency Law."]

13 (f.1) A collective bargaining agreement for professional
14 employes entered into after the effective date of this
15 subsection shall not include provisions prohibiting suspension
16 of professional employes for economic reasons pursuant to
17 section 1124(a) (5).

18 Section 3. This act shall take effect immediately.