

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 527 Session of  
1995

INTRODUCED BY LAWLESS, FARGO, DEMPSEY, LYNCH, GODSHALL, TIGUE,  
PETTIT, WAUGH, E. Z. TAYLOR, PITTS, MUNDY, MILLER, CLARK,  
HERSHEY, M. N. WRIGHT, NYCE, DeLUCA, RUBLEY, LEH, MAITLAND,  
STERN AND BROWNE, FEBRUARY 1, 1995

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 1, 1995

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 sabbatical  
6 leaves of absence.

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

9 Section 1. Section 1166 of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949,  
11 amended July 10, 1986 (P.L.1270, No.117), is amended to read:

12 Section 1166. Persons Entitled.--(a) Any person employed in  
13 the public school system of this Commonwealth who has completed  
14 ten (10) years of satisfactory service as a professional employe  
15 or member of the supervisory, instructional or administrative  
16 staff, or as a commissioned officer, of any board of school  
17 directors, county board of school directors, or any other part  
18 of the public school system of the Commonwealth, shall be  
19 entitled to a leave of absence for restoration of health[, study

or travel, or, at the discretion of the board of school directors, for other purposes] or professional improvement. At least five consecutive years of such service shall have been in the school district from which leave of absence is sought, unless the board of school directors shall in its discretion allow a shorter time: Provided, however, That in the case of professional employees of area vocational-technical schools or technical institutes prior service in the participating school districts shall be credited toward such service requirement.

(b) A leave of absence for professional improvement shall be subject to the following restrictions:

(1) The professional employee shall submit to the district superintendent and the school board for approval, a detailed plan for professional improvement at least six months prior to the term or terms for which leave is sought.

(2) Each plan shall provide an explanation of the expected activities to be undertaken during the proposed leave of absence, how the expected activities relate or shall relate to the employee's professional duties and responsibilities and how the expected activities will improve the employee's performance within the entity.

(3) The plan shall be subject to the approval or disapproval of the district superintendent and a majority of the board of school directors before a leave of absence for professional improvement will be granted.

(4) Upon return to service, the professional employee shall provide to the superintendent and the board evidence, as agreed upon by the employee and the board prior to the leave, that the employee's plan for professional improvement was followed.

(5) This subsection shall supersede any collective

1 bargaining agreement that is entered into after the effective  
2 date of this subsection.

3     (c) Such leave of absence shall be for a [half or] full  
4 school term or [for two half school terms during a period of two  
5 years, at the option of such person:], in cases where a plan for  
6 professional improvement could not otherwise be completed and  
7 upon approval by the superintendent and the board of school  
8 directors for a half school term or for two consecutive half  
9 school terms during a period of two years: Provided, however, if  
10 a sabbatical leave is requested because of the illness of an  
11 employe, a leave shall be granted for a period equivalent to a  
12 half or full school term or equivalent to two half school terms  
13 during a period of two years subject to the approval or  
14 disapproval of the district superintendent and a majority of the  
15 board of school directors: [Provided further, That a sabbatical  
16 leave for travel shall be taken in one full school term, unless  
17 authorized by the board of school directors to be taken for a  
18 half school term or for two half school terms during a period of  
19 two (2) years:] Provided further, That if a sabbatical leave for  
20 one half school term or its equivalent has been granted and the  
21 employe is unable to return to school service because of illness  
22 or physical disability, the employe, upon written request prior  
23 to the expiration of the original leave, shall be entitled to a  
24 further sabbatical leave for one half school term or its  
25 equivalent: Provided further, That if a sabbatical leave for a  
26 full school term or its equivalent has been granted and the  
27 employe is unable to return to school service because of illness  
28 or physical disability, the board of school directors may extend  
29 such sabbatical leave for such periods as it may determine but  
30 not to exceed one full school term or its equivalent.

1    Thereafter, one leave of absence shall be allowed after each  
2    seven years of service.

3       (d) A sabbatical leave granted to a regular employe shall  
4    also operate as a leave of absence without pay from all other  
5    school activities.

6       Section 2. The act is amended by adding a section to read:

7       Section 1166.1. Sabbatical Leave Reports.--Each school  
8    district shall submit a report to the Secretary of Education by  
9    December 1 of each year on the sabbatical leaves taken by the  
10   district's professional employes during the school term ended on  
11   June 30 of that year, in a form prescribed by the Department of  
12   Education. Each report shall include, but not be limited to:

13       (1) the number of employes on sabbatical leave for  
14    restoration of health;

15       (2) the number of employes on sabbatical leave for  
16    professional improvement;

17       (3) the estimated total cost to the district for employes on  
18    sabbatical leave, including the cost to hire temporary  
19    replacements;

20       (4) the number of employes on sabbatical leave for  
21    professional improvement who did not return to service at the  
22    end of the granted leave period because of illness or physical  
23    disability; and

24       (5) other information as prescribed by the department.

25       Section 3. Section 1168 of the act, amended September 29,  
26    1959 (P.L.999, No.412), is amended to read:

27       Section 1168. Return to Employment.--[No leave of absence  
28    shall be granted unless such person shall agree to return to his  
29    or her employment with the school district for a period of not  
30    less than one school term immediately following such leave of

1 absence.] (a) Prior to the granting of a sabbatical leave of  
2 absence, the professional employe shall enter into a written  
3 agreement with the school board that upon termination of the  
4 sabbatical leave of absence the employe will return to service  
5 in the public schools of the district for a period equal to  
6 twice the length of the leave and that, in default of completing  
7 the service, will refund to the district an amount equal to such  
8 proportion of salary received by the employe while on leave as  
9 the amount of service not actually rendered as agreed bears to  
10 the whole amount of service agreed to be rendered. An employe  
11 who is in default of completing the required length of service  
12 because of illness or physical disability, as provided under  
13 this section, shall be exempted from the salary repayment  
14 requirement.

15 (b) No such leave of absence shall be considered a  
16 termination or breach of the contract of employment, and the  
17 person on leave of absence shall be returned to the same  
18 position in the same school or schools he or she occupied prior  
19 thereto.

20 (c) Upon expiration of a sabbatical leave, by consent of the  
21 school board, the requirement that the person on leave of  
22 absence shall return to the service of the school district or to  
23 the same position in the same school or schools that he or she  
24 occupied prior thereto, [may be waived.] shall be waived only in  
25 cases where the employe is unable to return to school service  
26 because of illness or physical disability, upon written  
27 verification of the illness or physical disability by a duly  
28 licensed physician or other duly licensed practitioner of the  
29 healing arts prior to the employe's scheduled return to service.

30 If the school board has not waived the obligation to return to

1 school service upon expiration of the sabbatical leave and the  
2 employe fails to do so, unless prevented by illness or physical  
3 disability as verified by a duly licensed physician or other  
4 duly licensed practitioner of the healing arts, the employe  
5 shall forfeit all benefits to which said employe would have been  
6 entitled under the provisions of this act for the period of the  
7 sabbatical leave.

8 (d) If such employe resigns or fails to return to his  
9 employment, unless the requirement to return to service is  
10 waived by the board of school directors because of illness or  
11 physical disability, as provided in this section, the amount  
12 contributed by the school district under section 1170 of this  
13 act to the Public School Employees' Retirement Fund shall be  
14 deducted from the refund payable to such employe under existing  
15 law and the amount so deducted shall be refunded to the school  
16 district by which it was paid.

17 Section 4. This act shall take effect in 60 days.