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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 651 Session of  
2013

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

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REFERRED TO EDUCATION, MARCH 13, 2013

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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 employees; [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 employees[.]; or

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

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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 employees 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 employee's certifications or performance evaluations set forth in  
28 section 1123 of employees within the affected program areas.

29 (b) Where there is or has been a consolidation of schools,  
30 departments or programs, all professional employees 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 employees are provided with the  
5 opportunity to fill positions for which they are certificated  
6 and which are being filled by less senior employees.]

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

9 (2) Suspended professional employees or professional employees  
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 employee available who is  
16 properly certificated to fill such vacancy. For the purpose of  
17 this subsection, positions from which professional employees are  
18 on approved leaves of absence shall also be considered temporary  
19 vacancies.

20 (3) To be considered available a suspended professional  
21 employee 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 employee 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 employee 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 employees 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.