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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 977 Session of  
1999

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INTRODUCED BY BELFANTI, WOGAN, EACHUS, RAMOS, GEORGE,  
YOUNGBLOOD, MARKOSEK, TIGUE, THOMAS, SHANER, SANTONI,  
TANGRETTI, TRAVAGLIO, KENNEY, DeWEESE, WOJNAROSKI, PRESTON,  
JAMES, GORDNER, SAINATO, CORRIGAN, WALKO, STEELMAN, HORSEY,  
GRUITZA, HARHAI, MANDERINO, McCALL, MICHLOVIC, RAYMOND,  
ROEBUCK, MELIO, ROBINSON, WILLIAMS, SURRA, BARRAR, TRELLO,  
CALTAGIRONE, JOSEPHS, MANN, ROONEY, CAWLEY, LUCYK, MAYERNIK,  
CAPPABIANCA, STAIRS, COLAFELLA, CIVERA, GRUCELA, STETLER,  
KIRKLAND, BUXTON, GIGLIOTTI, BELARDI, PESCI, CURRY, LAUGHLIN,  
STURLA, McGEEHAN, BEBKO-JONES, DALEY, KAISER, CASORIO AND  
STABACK, MARCH 22, 1999

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REFERRED TO COMMITTEE ON EDUCATION, MARCH 22, 1999

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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 distressed  
6 school district.

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

9 Section 1. Section 696(k) of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949, added  
11 April 27, 1998 (P.L.270, No.46), is amended to read:

12 Section 696. Distress in School Districts of the First  
13 Class.--\* \* \*

14 (k) Collective bargaining between employees and the school  
15 district of the first class shall be conducted in accordance

1 with this subsection.

2 [(1) Whether or not a declaration of distress has been made  
3 under section 691(c), a collective bargaining agreement in  
4 effect on the effective date of this section shall not be  
5 extended and shall have no force or effect beyond the existing  
6 term of the contract, notwithstanding any other law to the  
7 contrary.]

8 (2) No distressed school district of the first class shall  
9 be required to engage in collective bargaining negotiations or  
10 enter into memoranda of understanding or other agreements  
11 regarding any of the following issues:

12 (i) Contracts with third parties for the provision of goods  
13 or services, including educational services or the potential  
14 impact of such contracts on employees.

15 (ii) Decisions related to reductions in force.

16 (iii) Staffing patterns and assignments, class schedules,  
17 academic calendar, places of instruction, pupil assessment and  
18 teacher preparation time.

19 (iv) The use, continuation or expansion of programs  
20 designated by the chief executive officer as pilot or  
21 experimental programs.

22 (v) The approval or designation of a school as a charter or  
23 magnet school.

24 (vi) The use of technology to provide instructional or other  
25 services.

26 (3) A collective bargaining agreement for professional  
27 employees entered into after the expiration of the agreement in  
28 effect on the date of the declaration of distress shall provide  
29 for the following:

30 (i) A school day for professional employees that is equal to

1 or exceeds the State average as determined by the department. An  
2 extension of the school day resulting from this requirement  
3 shall be used exclusively for instructional time for students.

4 (ii) The number of instructional days shall be equal to or  
5 exceed the State average number of instructional days.

6 (iii) The chief executive officer and the commission shall  
7 not increase compensation for employees solely to fulfill the  
8 requirements under subparagraphs (i) and (ii).

9 (4) A provision in any contract in effect on the date of the  
10 declaration of distress under this subsection that is in  
11 conflict with this subsection shall be discontinued in any new  
12 or renewed contract.

13 (5) Nothing in this subsection shall eliminate, supersede or  
14 preempt any provision of an existing collective bargaining  
15 agreement until the expiration of the agreement unless otherwise  
16 authorized by law.

17 (6) If upon the termination of a collective bargaining  
18 agreement in effect on the date of the declaration of distress  
19 under this section a new collective bargaining agreement has not  
20 been ratified, the Secretary of Education shall establish a  
21 personnel salary schedule to be used until a new agreement is  
22 ratified.

23 \* \* \*

24 Section 2. Nothing contained in the act of March 10, 1949  
25 (P.L.30, No.14), known as the Public School Code of 1949, and in  
26 particular sections 691(c) and 696 shall be construed to effect,  
27 supersede or preempt any provision of the act of July 23, 1970  
28 (P.L.563, No.195), known as the Public Employee Relations Act, or  
29 any right, obligation or procedure arising thereunder, including  
30 those rights, duties and obligations concerning good faith

1 bargaining and negotiation of a new collective bargaining  
2 agreement. In all such cases, the procedures arising under the  
3 Public Employee Relations Act and Article XI-A of the Public  
4 School Code of 1949 shall be deemed to control negotiations by a  
5 school district, intermediate unit or area vocational-technical  
6 school and an employee organization.

7 Section 3. Section 28(a) of the act amending the act  
8 entitled "An act amending the act of March 10, 1949 (P.L.30,  
9 No.14), entitled 'An act relating to the public school system,  
10 including certain provisions applicable as well to private and  
11 parochial schools; amending, revising, consolidating and  
12 changing the laws relating thereto,' further providing for  
13 auxiliary services and for the definitions of "school year" and  
14 "children in low-income families"; authorizing school districts  
15 to impose dress codes and require students to wear standard  
16 dress or uniforms; further providing for distressed school  
17 districts and for basic education grants and higher education  
18 grants for the Link-to-Learn Program; providing for certain  
19 procedures relating to management of distressed first class  
20 school districts and for technology grants to nonpublic and  
21 private schools; further providing for community college  
22 reimbursements, small school district assistance, basic  
23 education funding payments to intermediate units, special  
24 education payments to school districts, school performance  
25 incentives and charter school grants; providing for community  
26 education councils, for the operation of the State System of  
27 Higher Education, for payments on account of transportation of  
28 nonpublic school pupils, for temporary special aid to school  
29 districts suffering loss of tax revenue due to reduction in  
30 assessed valuation of taxable property and for incentives for

1 administrative and instructional consolidation; and making  
2 repeals," is repealed.

3 Section 4. Section 3 of this act shall be retroactive to  
4 April 27, 1998.

5 Section 5. This act shall take effect immediately.