

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1311 Session of 2011

INTRODUCED BY COX, BAKER, BOYD, CUTLER, DENLINGER, EVERETT, GODSHALL, GROVE, MAJOR, MILLER, MOUL, MUSTIO, RAPP, ROCK, SWANGER AND TALLMAN, APRIL 7, 2011

REFERRED TO COMMITTEE ON EDUCATION, APRIL 7, 2011

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 transfer of
6 programs and classes.

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

9 Section 1. Section 1113 of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949,
11 amended August 5, 1991 (P.L.219, No.25), June 22, 2001 (P.L.530,
12 No.35) and July 20, 2007 (P.L.278, No.45), is amended to read:

13 Section 1113. Transferred Programs and Classes.--(a) When a
14 program or class is transferred as a unit from one or more
15 school entities to another school entity or entities,
16 professional employees who were assigned to the class or program
17 immediately prior to the transfer and are classified as teachers
18 as defined in section 1141(1) and are suspended as a result of
19 the transfer and who are properly certificated shall be offered

1 [employment in the program or class by the receiving entity or
2 entities when services of a professional employe are needed to
3 sustain the program or class transferred, as long as there is no
4 suspended professional employe in the receiving entity who is
5 properly certificated to fill the position in the transferred
6 class or program] first consideration for employment by the
7 receiving entity or entities when services of a professional
8 employe are needed to sustain the program or class transferred
9 as long as there is no suspended professional employe in the
10 receiving entity who is properly certificated to fill the
11 position in the transferred class or program. The terms of
12 employment of a person employed by the receiving entity who had
13 been employed in the transferred program or class immediately
14 prior to the transfer shall be subject to the collective
15 bargaining agreement between the receiving school entity and the
16 employe representative of the receiving school entity.

17 [(b) Transferred professional employes shall be credited by
18 the receiving entity only for their sick leave accumulated in
19 the sending entity and also for their years of service in the
20 sending entity, the latter for purposes of sabbatical leave
21 eligibility and placement in the salary schedule: Provided,
22 however, That such employes shall not utilize the sabbatical
23 leave until they have taught in the receiving entity for a
24 period of three (3) years. Such employes shall transfer their
25 accrued seniority in the area of certification required for the
26 transferred program or class only.

27 (b.1) Professional employes who are classified as teachers
28 and who are not transferred with the classes to which they are
29 assigned or who have received a formal notice of suspension
30 shall form a pool of employes within the school entity. No new

1 professional employe who is classified as a teacher shall be
2 employed by a school entity assuming program responsibility for
3 transferred students while there is:

4 (1) a properly certificated professional employe who is
5 classified as a teacher suspended in the receiving entity; or

6 (2) if no person is qualified under clause (1), a properly
7 certificated member of the school entity pool who is willing to
8 accept employment with the school entity assuming program
9 responsibility for transferred students. Members of the pool
10 shall have the right to refuse employment offers from such
11 school entity and remain in the pool. For purposes of sections
12 401 and 402 of the act of December 5, 1936 (2nd Sp.Sess., 1937
13 P.L.2897, No.1), known as the "Unemployment Compensation Law,"
14 an employer policy is hereby established under which members of
15 the pool are not required to accept employment offers from the
16 school entity assuming program responsibility for transferred
17 students.

18 (b.2) (1) The following shall apply to professional and
19 temporary professional employes of a distressed school district
20 in which pupils have been reassigned to another school district
21 pursuant to section 1607.1:

22 (i) The distressed school district shall create a pool
23 comprised of the professional and temporary professional
24 employes who have received formal notice of suspension from the
25 distressed school district as a result of the curtailment of the
26 high school program.

27 (ii) Employes in the pool created under subclause (i) shall
28 be offered employment by any school district with a border that
29 is no more than three miles from a border of a distressed school
30 district, as set forth in section 1607.1(a)(1), whenever that

1 school district has a vacancy for a position that an employe in
2 the pool is certified to fill, provided that no employe of the
3 school district in which the vacancy exists, including a
4 suspended or demoted employe, has a right to such vacancy under
5 this act or the collective bargaining agreement of that school
6 district.

7 (iii) No new employe shall be hired by any school district
8 with a border that is three miles or less from a border of a
9 distressed school district until the position has been offered,
10 in order of seniority, to all properly certified members of the
11 pool created under subclause (i).

12 (2) Employes hired from the pool as provided under this
13 subsection shall be credited by the hiring school district for
14 all sick leave accumulated in the distressed school district and
15 shall be credited for years of service in the distressed school
16 district for purposes of salary schedule placement. Temporary
17 professional and professional employes shall further be credited
18 for their years of service in the distressed school district for
19 purposes of sabbatical leave eligibility, suspension and
20 realignment rights and eligibility for any retirement incentives
21 or severance payments in a hiring school district.

22 (c) Nothing contained in subsections (a) and (b.1) shall be
23 construed to supersede or preempt any provision of a collective
24 bargaining agreement in effect on February 4, 1982, and
25 negotiated by a school entity and an exclusive representative of
26 the employes in accordance with the act of July 23, 1970
27 (P.L.563, No.195), known as the "Public Employe Relations Act."

28 (d) (1) As used in this section, the term "school entity"
29 or "school entities" shall mean an intermediate unit and its
30 participating school districts or an area vocational-technical

1 school and its sending school districts.

2 (2) As used in this section, the term "unit" shall mean a
3 program or class whose membership falls within the minimum and
4 maximum class size as defined in Department of Education
5 standards.]

6 Section 2. This act shall take effect in 60 days.