

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 2559

Session of  
1978

INTRODUCED BY GALLAGHER, LINCOLN, MILANOVICH, BURNS, WHITE,  
MILLER, PANCOAST, O'KEEFE, WISE, ENGLEHART AND DeMEDIO,  
JUNE 12, 1978

REFERRED TO COMMITTEE ON EDUCATION, JUNE 12, 1978

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 the causes and  
6 criteria for suspension, and providing for waiver of  
7 certification requirements in certain instances.

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

10 Section 1. Clause (1) of section 1124, act of March 10, 1949  
11 (P.L.30, No.14), known as the "Public School Code of 1949," is  
12 amended to read:

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

16 (1) Substantial decrease in pupil enrollment in the school  
17 district as approved by the department after appropriate  
18 investigation. The percent reduction of the professional staff  
19 shall not exceed the percent of reduction of the total pupil  
20 population over the preceding school year;

1       \* \* \*

2       Section 2.   Section 1125 of the act is repealed.

3       Section 3.   The act is amended by adding sections to read:

4       Section 1125.1.   Criteria for Suspension.--

5       (a)   Professional employes shall be suspended under section  
6 1124 (relating to causes for suspension) in inverse order of  
7 seniority within the school entity of current employment.  
8 Approved leaves of absence shall not constitute a break in  
9 service for purposes of computing seniority for suspension  
10 purposes. Seniority shall continue to accrue during suspension  
11 and all approved leaves of absence.

12      (b)   Where there is or has been a consolidation of schools,  
13 departments or programs, all professional employes shall retain  
14 the seniority rights they had prior to the reorganization or  
15 consolidation.

16      (c)   A school entity shall realign its professional staff so  
17 as to insure that more senior employes are provided with the  
18 opportunity to fill positions for which they are certificated  
19 and which are being filled by less senior employes.

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

22      (2)   Suspended professional employes shall be reinstated on  
23 the basis of their seniority within the school entity. No new  
24 appointment shall be made while there is a suspended  
25 professional employe available who is properly certificated to  
26 fill such vacancy. For the purpose of this subsection, positions  
27 from which professional employes are on approved leaves of  
28 absence shall also be considered vacancies.

29      (3)   To be considered available a suspended professional  
30 employe must annually report to the governing board in writing

his current address and his intent to accept the same or similar position when offered.

(4) A laid off employee enrolled in a college program during a period of suspension and who is recalled shall be given the option of delaying his return to service until the end of the current semester.

(e) Nothing contained in section 1125.1(a) through (d) shall be construed to supersede or preempt the seniority provisions of a collective bargaining agreement negotiated by a school entity and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act."

(f) A decision to suspend in accordance with this section shall be considered an adjudication within the meaning of the act of December 2, 1968, (P.L.1133, No.353), known as the "Local Agency Law."

Section 1214. Department Waiver of Certification Requirements.--(a) The department shall grant a waiver of certification requirements for a period not to exceed one year for a certificated professional employee currently employed by or on suspension from a school entity when the school entity submits a written waiver request containing the following:

(i) the reason for the waiver;

(ii) a program of study being followed by the employee to secure certification in the new position;

(iii) the period of time necessary for the employee to secure certification in the new position; and

(iv) a statement showing the employee's application for placement in the new position.

(b) The employee for whom the waiver is granted shall pursue

1 certification as outlined in the school entity's waiver request.

2 Failure to do so shall result in a revocation of the waiver.

3 (c) A professional employe for whom a waiver is granted

4 shall not be permitted to fill a position vacated by a suspended

5 employe.

6 Section 4. This act shall take effect immediately.