
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2011

Session of
1993

INTRODUCED BY FLICK, SCHULER, DEMPSEY, VANCE, CLARK,
YANDRISEVITS, LAWLESS, TIGUE, HENNESSEY, D. W. SNYDER,
CHADWICK, S. H. SMITH, PLATTS, MILLER, MUNDY, GODSHALL, NYCE,
FARGO, RUBLEY, WAUGH, M. N. WRIGHT, OLASZ, HERSHEY,
FAIRCHILD, RAYMOND, LYNCH, GERLACH, HUTCHINSON, HALUSKA,
BARLEY, MAITLAND, E. Z. TAYLOR, TRUE, TANGRETTI, DRUCE,
STEELMAN AND ROONEY, SEPTEMBER 29, 1993

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 29, 1993

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

1 of the public school system of the Commonwealth, shall be
2 entitled to a leave of absence for restoration of health[, study
3 or travel, or, at the discretion of the board of school
4 directors, for other purposes] or professional improvement. At
5 least five consecutive years of such service shall have been in
6 the school district from which leave of absence is sought,
7 unless the board of school directors shall in its discretion
8 allow a shorter time: Provided, however, That in the case of
9 professional employes of area vocational-technical schools or
10 technical institutes prior service in the participating school
11 districts shall be credited toward such service requirement.

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

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

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

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

28 (4) Upon return to service, the professional employe shall
29 provide to the superintendent and the board evidence, as agreed
30 upon by the employe and the board prior to the leave, that the

1 employee's plan for professional improvement was followed.

2 (5) This subsection shall supercede any collective
3 bargaining agreement that is entered into after the effective
4 date of this subsection.

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

1 such sabbatical leave for such periods as it may determine but
2 not to exceed one full school term or its equivalent.
3 Thereafter, one leave of absence shall be allowed after each
4 seven years of service.

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

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

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

15 (1) the number of employes on sabbatical leave for
16 restoration of health;

17 (2) the number of employes on sabbatical leave for
18 professional improvement;

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

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

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

27 Section 3. Section 1168 of the act, amended September 29,
28 1959 (P.L.999, No.412), is amended to read:

29 Section 1168. Return to Employment.--[No leave of absence
30 shall be granted unless such person shall agree to return to his

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

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

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

1 If the school board has not waived the obligation to return to
2 school service upon expiration of the sabbatical leave and the
3 employe fails to do so, unless prevented by illness or physical
4 disability as verified by a duly licensed physician or other
5 duly licensed practitioner of the healing arts, the employe
6 shall forfeit all benefits to which said employe would have been
7 entitled under the provisions of this act for the period of the
8 sabbatical leave.

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

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