

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2156 Session of  
2009

INTRODUCED BY COX, BOYD, CREIGHTON, DENLINGER, EVERETT, MAJOR,  
MOUL, RAPP, STERN AND TALLMAN, DECEMBER 9, 2009

REFERRED TO COMMITTEE ON EDUCATION, DECEMBER 9, 2009

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  
20 [employment in the program or class by the receiving entity or

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

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

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

employed by a school entity assuming program responsibility for transferred students while there is:

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

(2) if no person is qualified under clause (1), a properly certificated member of the school entity pool who is willing to accept employment with the school entity assuming program

responsibility for transferred students. Members of the pool shall have the right to refuse employment offers from such school entity and remain in the pool. For purposes of sections 401 and 402 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law," an employer policy is hereby established under which members of the pool are not required to accept employment offers from the school entity assuming program responsibility for transferred students.

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

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

(ii) Employees in the pool created under subclause (i) shall be offered employment by any school district with a border that is no more than three miles from a border of a distressed school district, as set forth in section 1607.1(a)(1), whenever that school district has a vacancy for a position that an employee in

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

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

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

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

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

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

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