

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 causes for
6 suspension and for persons to be suspended.

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

9 Section 1. Section 1124 of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949,
11 amended June 30, 2012 (P.L.684, No.82), is amended to read:

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

16 (1) substantial decrease in pupil enrollment in the school
17 district;

18 (2) curtailment or alteration of the educational program on
19 recommendation of the superintendent and on concurrence by the

1 board of school directors, as a result of substantial decline in
2 class or course enrollments or to conform with standards of
3 organization or educational activities required by law or
4 recommended by the Department of [Public Instruction] Education;

5 (3) consolidation of schools, whether within a single
6 district, through a merger of districts, or as a result of joint
7 board agreements, when such consolidation makes it unnecessary
8 to retain the full staff of professional employes; [or]

9 (4) when new school districts are established as the result
10 of reorganization of school districts pursuant to Article II.,
11 subdivision (i) of this act, and when such reorganization makes
12 it unnecessary to retain the full staff of professional
13 employes[.]; or

14 (5) economic reasons, as part of a plan to reduce or control
15 school district costs.

16 A school district may not use costs as the sole factor in
17 determining which professional employes to suspend.

18 (a.1) A board of school directors may suspend professional
19 employes under subsection (a) (5) only if the board of school
20 directors adopts, at a public meeting at which an opportunity
21 for public comment has been provided, a resolution setting forth
22 all of the following:

23 (1) The reason the suspension is necessary.

24 (2) The number and percentage of positions eliminated and a
25 description of each position eliminated.

26 (3) The academic subjects, courses or electives and
27 nonacademic activities and services that will be affected by the
28 suspension.

29 (4) A description of other cost-saving actions undertaken by
30 the school district.

1 (5) The measures the school district will undertake to
2 minimize the impact on student achievement, if any, caused by
3 the suspension.

4 (b) Notwithstanding an existing or future provision in a
5 collective bargaining agreement or other similar employment
6 contract to the contrary, suspension of a professional employe
7 due to the curtailment or alteration of the educational program
8 as set forth in subsection (a)(2) may be effectuated without the
9 approval of the curtailment or alteration of the educational
10 program by the Department of Education, provided that, where an
11 educational program is altered or curtailed as set forth in
12 subsection (a)(2), the school district shall notify the
13 Department of Education of the actions taken pursuant to
14 subsection (a)(2). The Department of Education shall post all
15 notifications received from a school district pursuant to this
16 subsection on the Department of Education's publicly accessible
17 Internet website.

18 (c) A collective bargaining agreement for professional
19 employes entered into after the effective date of this
20 subsection shall not include provisions prohibiting suspension
21 of professional employes for economic reasons pursuant to
22 subsection (a)(5).

23 Section 2. Section 1125.1 of the act, added November 20,
24 1979 (P.L.465, No.97) and amended July 10, 1986 (P.L.1270,
25 No.117), is amended to read:

26 Section 1125.1. Persons to be Suspended.--(a) Professional
27 employes shall be suspended under section 1124 (relating to
28 causes for suspension) in inverse order of seniority within the
29 school entity of current employment, except as provided under
30 subsection (a.1). Approved leaves of absence shall not

1 constitute a break in service for purposes of computing
2 seniority for suspension purposes. Seniority shall continue to
3 accrue during suspension and all approved leaves of absence.

4 (a.1) The following shall apply to professional employes who
5 received an overall performance rating of "distinguished" in
6 their most recent performance rating under section 1123:

7 (1) A board of school directors shall not suspend any
8 professional employe who received an overall performance rating
9 of "distinguished" on the professional employe's most recent
10 performance rating unless the board of school directors
11 determines it is necessary to suspend additional professional
12 employes after having suspended all professional employes within
13 an area of certification who did not receive an overall
14 performance rating of "distinguished" in their most recent
15 performance rating.

16 (2) When a board of school directors determines it is
17 necessary to suspend professional employes who have received an
18 overall performance rating of "distinguished" pursuant to
19 paragraph (1), the board of school directors shall suspend
20 professional employes who have received an overall performance
21 rating of "distinguished" in inverse order of seniority within
22 an area of certification.

23 (b) Where there is or has been a consolidation of schools,
24 departments or programs, all professional employes shall retain
25 the seniority rights they had prior to the reorganization or
26 consolidation.

27 (c) [A] Subject to subsection (a.1), a school entity shall
28 realign its professional staff so as to insure that more senior
29 employes are provided with the opportunity to fill positions for
30 which they are certificated and which are being filled by less

1 senior employes.

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

4 (2) Suspended professional employes or professional employes
5 demoted for the reasons set forth in section 1124 shall be
6 reinstated on the basis of their seniority within the school
7 entity[.], provided that a school entity shall reinstate
8 professional educators who received an overall performance
9 rating of "distinguished" in their most recent performance
10 rating before reinstating any other professional employes within
11 an area of certification. No new appointment shall be made while
12 there is such a suspended or demoted professional employe
13 available who is properly certificated to fill such vacancy. For
14 the purpose of this subsection, positions from which
15 professional employes are on approved leaves of absence shall
16 also be considered temporary vacancies.

17 (3) To be considered available a suspended professional
18 employe must annually report to the governing board in writing
19 his current address and his intent to accept the same or similar
20 position when offered.

21 (4) A suspended employe enrolled in a college program during
22 a period of suspension and who is recalled shall be given the
23 option of delaying his return to service until the end of the
24 current semester.

25 (e) Nothing contained in section 1125.1(a) through (d) shall
26 be construed to supersede or preempt any provisions of a
27 collective bargaining agreement negotiated by a school entity
28 and an exclusive representative of the employes in accordance
29 with the act of July 23, 1970 (P.L.563, No.195), known as the
30 "Public Employe Relations Act"; however, no agreement shall

1 prohibit the right of a professional employe who is not a member
2 of a bargaining unit from retaining seniority rights under the
3 provisions of this act.

4 (f) A decision to suspend in accordance with this section
5 shall be considered an adjudication within the meaning of the
6 "Local Agency Law."

7 (g) A collective bargaining agreement for professional
8 employes entered into after the effective date of this
9 subsection shall not include provisions that conflict with this
10 section.

11 Section 3. This act shall take effect July 1, 2015.