

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1911 Session of
1993

INTRODUCED BY HANNA, FLICK, DEMPSEY, CLARK, YANDRISEVITS,
M. N. WRIGHT, LAWLESS, FAIRCHILD, DURHAM, RUBLEY,
E. Z. TAYLOR, LAUB, SCHEETZ, HUTCHINSON, HERSHEY, SAURMAN,
CARONE, LEH, FAJT, PLATTS, MELIO, ROHRER, MASLAND, RAYMOND,
MAITLAND, DRUCE, VAN HORNE, GODSHALL, VANCE, NYCE AND ADOLPH,
JUNE 23, 1993

REFERRED TO COMMITTEE ON EDUCATION, JUNE 23, 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 causes for
6 suspension, the order of suspension and reinstatement of
7 professional employees.

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

10 Section 1. Section 1124 of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, is
12 amended by adding clauses 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 * * *

17 (5) For the school year 1992-1993 and each school year
18 thereafter, experiencing by a school district of a five (5) per

1 centum or greater loss in total local tax revenue for the
2 support of the public schools in any one school year, compared
3 with the total local tax revenue collections of the previous
4 year, due to economic reasons, as certified by the Secretary of
5 Education: Provided, That the school district's equalized mills
6 as computed by the State Tax Equalization Board are at or above
7 the Statewide average equalized mills: And provided further,
8 That the school district does not receive State funding in the
9 form of temporary aid to school districts suffering loss of tax
10 revenue due to bankruptcy of businesses in the school district
11 under section 2502.16 or temporary special aid to school
12 districts due to real property assessments under section 2502.10
13 which offsets the loss in total local tax revenue. Economic
14 reasons shall include, but not be limited to, the following:

15 (i) A loss of local tax revenue from real estate taxes due
16 to the reassessment of one or more properties within the
17 boundaries of the school district on the condition that the
18 school district tax rates which were in effect at the time of
19 the reassessment are not reduced.

20 (ii) A loss of local revenue from real estate taxes during
21 the school year or the preceding school year due to the
22 nonpayment of the taxes within sixty (60) days of the due date
23 by any businesses owning real estate within the boundaries of
24 the school district, by reason of bankruptcy proceedings under
25 Chapter 7, 11 or 13 of 11 U.S.C. (relating to bankruptcy).

26 (iii) A loss of local revenue due to the closure or
27 relocation of any business employing a substantial number of
28 district residents.

29 (iv) A substantial increase in the unemployment rate in the
30 school district, as certified by the Secretary of Labor and

1 Industry.

2 (v) Other economic reasons approved by the Secretary of
3 Education.

4 (6) For the school year 1992-1993 and each school year
5 thereafter, the experiencing by a school district of a ten (10)
6 per centum or greater loss in combined State and local tax
7 revenue for the support of public schools in any one school
8 year, compared to the combined State and local tax revenue
9 received in the previous school year: Provided, That the
10 conditions established in clause (5) relating to the loss of
11 revenue from local taxes are met: And provided further, That the
12 loss in revenue from the State is not due to a decrease in pupil
13 enrollment in the district.

14 Section 2. Section 1125.1 of the act, amended or added
15 November 20, 1979 (P.L.465, No.697) and July 10, 1986 (P.L.1270,
16 No.117), is amended to read:

17 Section 1125.1. Persons to be Suspended.--(a) Professional
18 employes shall be suspended under section 1124 [(relating to
19 causes for suspension)] based upon performance, measured under
20 section 1123, and qualification to teach a particular subject or
21 grade level or to hold a particular position. In determining
22 qualification to teach a particular subject or grade level or to
23 hold a particular position, the number of years of teaching the
24 subject or grade level or of holding the position as well as the
25 number of years that have elapsed since the professional employe
26 last taught the subject or grade level or last held the position
27 shall be considered in addition to being properly certificated.
28 In cases in which performance and qualification to teach a
29 particular subject or grade level or to hold a particular
30 position are comparable among or between professional employes

1 considered for suspension, the employees shall be suspended in
2 inverse order of seniority within the school entity of current
3 employment. Approved leaves of absence shall not constitute a
4 break in service for purposes of computing seniority for
5 suspension purposes. Seniority shall continue to accrue during
6 suspension and all approved leaves of absence.

7 (b) Where there is or has been a consolidation of schools,
8 departments or programs, all professional employees shall retain
9 the seniority rights they had prior to the reorganization or
10 consolidation.

11 [(c) A school entity shall realign its professional staff so
12 as to insure that more senior employees are provided with the
13 opportunity to fill positions for which they are certificated
14 and which are being filled by less senior employees.

15 (d)] (c) (1) No suspended employee shall be prevented from
16 engaging in another occupation during the period of suspension.

17 (2) Suspended professional employees or professional employees
18 demoted for the reasons set forth in section 1124 shall be
19 reinstated on the basis of their seniority regarding
20 qualification to teach a particular subject or grade level or to
21 hold a particular position, followed next by their seniority
22 within the school entity. No new appointment shall be made while
23 there is such a suspended or demoted professional employee
24 available who is properly certificated to fill such vacancy. For
25 the purpose of this subsection, positions from which
26 professional employees are on approved leaves of absence shall
27 also be considered temporary vacancies.

28 (3) To be considered available a suspended professional
29 employee must annually report to the governing board in writing
30 his current address and his intent to accept the same or similar

1 position when offered.

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

6 [(e)] (d) Nothing contained in section 1125.1(a) through
7 [(d)] (c) shall be construed to supersede or preempt any
8 provisions of a collective bargaining agreement negotiated by a
9 school entity and an exclusive representative of the employes in
10 accordance with the act of July 23, 1970 (P.L.563, No.195),
11 known as the "Public Employe Relations Act"; however, no
12 agreement shall prohibit the right of a professional employe who
13 is not a member of a bargaining unit from retaining seniority
14 rights under the provisions of this act.

15 [(f)] (e) A decision to suspend in accordance with this
16 section shall be considered an adjudication within the meaning
17 of the "Local Agency Law."

18 Section 3. This act shall take effect immediately.