

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 33

Session of  
1981

INTRODUCED BY LEVI, FRYER, A. C. FOSTER, JR. AND DeMEDIO,  
JANUARY 19, 1981

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 30, 1981

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," authorizing taxation for the purpose  
6 of paying interest and principal on certain indebtedness; <—  
7 FURTHER PROVIDING FOR REOPENING OF DISTRICT BUDGETS AND  
8 PROVIDING FOR PROFESSIONAL EMPLOYEES WHEN PROGRAMS OR CLASSES  
9 ARE TRANSFERRED.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Subsection (b) of section 672, act of March 10,  
13 1949 (P.L.30, No.14), known as the "Public School Code of 1949,"  
14 amended December 10, 1974 (P.L.914, No.302) is amended to read:

15 Section 672. Tax Levy; Limitations.--\* \* \*

16 (b) Boards of school directors of districts of the second,  
17 third, and fourth classes are hereby authorized to levy  
18 annually, a tax on each dollar of the total assessment of all  
19 property assessed and certified for taxation therein, (1) to pay  
20 up to and including the salaries and increments of the teaching

1 and supervisory staff, (2) to pay rentals due any municipality  
2 authority or nonprofit corporation or due the State Public  
3 School Building Authority, (3) to pay [sinking fund charges  
4 incurred in connection with school building projects approved by  
5 the Department of Public Instruction] interest and principal  
6 currently due on any indebtedness incurred pursuant to the act <—  
7 of July 12, 1972 (P.L.781, No.185), known as the "Local  
8 Government Unit Debt Act," or any PRIOR OR subsequent act <—  
9 governing the incurrence of indebtedness of the school district,  
10 which tax shall be unlimited, and (4) to pay for the  
11 amortization of a bond issue which provided a school building  
12 prior to the first Monday of July, 1959.

13 \* \* \*

14 SECTION 2. SECTION 687 OF THE ACT IS AMENDED BY ADDING A <—  
15 SUBSECTION TO READ:

16 SECTION 687. ANNUAL BUDGET; ADDITIONAL OR INCREASED  
17 APPROPRIATIONS; TRANSFER OF FUNDS.--\* \* \*

18 (E) FOR THE FISCAL YEAR 1980-1981, A SCHOOL DISTRICT MAY, BY  
19 A MAJORITY VOTE OF THE BOARD OF SCHOOL DIRECTORS, REOPEN ITS  
20 BUDGET FOR THE PURPOSE OF REALLOCATING ANY SURPLUS FUNDS IN THE  
21 DISTRICT BUDGET FOR THE RETIREMENT OF ANY OUTSTANDING  
22 INDEBTEDNESS OF THE DISTRICT OR FOR THE REDUCTION OF PROPERTY  
23 TAXES FOR THE FISCAL YEAR 1980-1981.

24 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

25 SECTION 1113. TRANSFERRED PROGRAMS AND CLASSES.--(A) WHEN A  
26 PROGRAM OR CLASS IS TRANSFERRED FROM ONE OR MORE SCHOOL ENTITIES  
27 TO ANOTHER SCHOOL ENTITY OR ENTITIES, PROFESSIONAL EMPLOYEES WHO  
28 ARE CLASSIFIED AS TEACHERS AND ARE SUSPENDED AS A RESULT OF THE  
29 TRANSFER AND WHO ARE PROPERLY CERTIFICATED SHALL BE OFFERED  
30 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  
3 NO SUSPENDED PROFESSIONAL EMPLOYE IN THE RECEIVING ENTITY WHO IS  
4 PROPERLY CERTIFICATED TO FILL THE POSITION IN THE TRANSFERRED  
5 CLASS OR PROGRAM.

6 (B) TRANSFERRED PROFESSIONAL EMPLOYES SHALL BE CREDITED BY  
7 THE RECEIVING ENTITY FOR THEIR SICK LEAVE ACCUMULATED IN THE  
8 SENDING ENTITY AND ALSO FOR THEIR YEARS OF SERVICE IN THE  
9 SENDING ENTITY, THE LATTER FOR PURPOSES OF SABBATICAL LEAVE  
10 ELIGIBILITY AND PLACEMENT IN THE SALARY SCHEDULE ONLY. SUCH  
11 EMPLOYES SHALL BEGIN TO ACCRUE SENIORITY IN THE RECEIVING ENTITY  
12 AS OF THE EFFECTIVE DATE OF THEIR TRANSFER.

13 (C) NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO  
14 SUPERSEDE OR PREEMPT ANY PROVISION OF A COLLECTIVE BARGAINING  
15 AGREEMENT NEGOTIATED BY A SCHOOL ENTITY AND AN EXCLUSIVE  
16 REPRESENTATIVE OF THE EMPLOYES IN ACCORDANCE WITH THE ACT OF  
17 JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE "PUBLIC EMPLOYE  
18 RELATIONS ACT."

19 (D) AS USED IN THIS SECTION, THE TERM "SCHOOL ENTITY" SHALL  
20 MEAN A SCHOOL DISTRICT, INTERMEDIATE UNIT OR AREA VOCATIONAL-  
21 TECHNICAL SCHOOL.

22 Section 2 4. This act shall take effect ~~in 60 days~~  
23 IMMEDIATELY.

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