

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 726

Session of  
1983

INTRODUCED BY COLAFELLA, GALLAGHER, FISCHER, BELFANTI, BURNS,  
LESCOVITZ, E. Z. TAYLOR, TRELLO, STEIGHNER, ALDERETTE,  
HUTCHINSON, GRUITZA, LAUGHLIN, MARMION, AFFLERBACH, BOOK,  
DALEY, MRKONIC, STEVENS, RYBAK, MANMILLER, COY, GREENWOOD,  
HALUSKA, BLAUM, HAGARTY, PISTELLA, LASHINGER, TELEK,  
D. W. SNYDER, BOYES, MILLER, CLARK, D. R. WRIGHT, PRESTON,  
KOSINSKI, DEAL, COWELL, WARGO, PRATT, MAIALE, WAMBACH,  
MAYERNIK, MARKOSEK, McVERRY, EVANS, CORDISCO, MICOZZIE,  
VAN HORNE, MISCEVICH, McMONAGLE, PETRONE, KASUNIC, BURD,  
COLE, POTT, SALOOM, WILLIAMS, GEORGE, DeLUCA, DUFFY,  
BATTISTO, STAIRS, BOWSER, McCALL, LIVENGOOD, BROUJOS, FEE,  
MADIGAN, ZWIKL, ARTY, GODSHALL AND HAYS, APRIL 11, 1983

AS AMENDED ON SECOND CONSIDERATION, IN SENATE,  
NOVEMBER 30, 1983

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," requiring legislative approval for~~  
6 ~~certain curriculum regulations.~~

7 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN <—  
8 ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN  
9 PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL  
10 SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE  
11 LAWS RELATING THERETO," FURTHER PROVIDING FOR THE  
12 CONSTRUCTION OF CERTAIN COLLECTIVE BARGAINING AGREEMENTS  
13 RELATING TO THE TERMINATION OF PROFESSIONAL EMPLOYEES.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 ~~Section 1. The act of March 10, 1949 (P.L.30, No.14), known~~ <—  
17 ~~as the Public School Code of 1949, is amended by adding a~~

1 ~~section to read:~~

2 ~~Section 1521. Legislative Approval of Curriculum~~  
3 ~~Regulations. Any revision to 22 Pa. Code Ch. 5 (relating to~~  
4 ~~general curriculum requirements) published in the Pennsylvania~~  
5 ~~Bulletin on or subsequent to January 22, 1983 shall fall under~~  
6 ~~the provisions of the act of June 25, 1982 (P.L.633, No.181),~~  
7 ~~known as the Regulatory Review Act. Consideration of any~~  
8 ~~proposed revision to Chapter 5 shall provide for General~~  
9 ~~Assembly review pursuant to the Regulatory Review Act. Failure~~  
10 ~~to follow the regulatory review procedures required by all~~  
11 ~~sections of the Regulatory Review Act shall void all proposed~~  
12 ~~changes to Chapter 5.~~

13 ~~Section 2. This act shall take effect immediately.~~

14 SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN <—  
15 AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING A  
16 SECTION TO READ:

17 SECTION 1133. EFFECT OF COLLECTIVE BARGAINING AGREEMENT ON  
18 TERMINATION.--NOTHING CONTAINED IN SECTIONS 1121 THROUGH 1132 OF  
19 THIS ACT SHALL BE CONSTRUED TO SUPERSEDE OR PREEMPT ANY  
20 PROVISION OF A COLLECTIVE BARGAINING AGREEMENT, IN EFFECT ON  
21 JULY 23, 1970 OR ON ANY DATE SUBSEQUENT THERETO, NEGOTIATED BY A  
22 SCHOOL ENTITY AND AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYES IN  
23 ACCORDANCE WITH THE ACT OF JULY 23, 1970 (P.L.563, NO.195),  
24 KNOWN AS THE "PUBLIC EMPLOYE RELATIONS ACT," WHICH PROVIDES FOR  
25 THE RIGHT OF THE EXCLUSIVE REPRESENTATIVE TO GRIEVE AND  
26 ARBITRATE, IN ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT TO  
27 SECTION 903 OF THE "PUBLIC EMPLOYE RELATIONS ACT," THE VALIDITY  
28 OF A PROFESSIONAL EMPLOYEE TERMINATION FOR THE CAUSES SET FORTH  
29 IN SECTION 1122 OF THIS ACT. NO COLLECTIVE BARGAINING AGREEMENT  
30 SHALL PROHIBIT THE RIGHT OF A PROFESSIONAL EMPLOYEE FROM

1 EXERCISING HIS OR HER APPEAL RIGHTS UNDER THE PROVISIONS OF THIS <—  
2 ACT, IF WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THE DETAILED  
3 WRITTEN STATEMENT AND NOTICE AS REQUIRED BY SECTION 1127, THE  
4 EXCLUSIVE REPRESENTATIVE WAIVES ITS RIGHT TO GRIEVE AND  
5 ARBITRATE THE TERMINATION IN ACCORDANCE WITH THE TERMS OF THE  
6 AGREEMENT. SECTIONS 1131 AND 1132 IF THERE HAS BEEN NO ELECTION  
7 WITHIN THIRTY (30) DAYS OF RECEIPT OF THE WRITTEN NOTICE OF  
8 DISCHARGE AS REQUIRED UNDER SECTION 1130 BY THE EXCLUSIVE  
9 REPRESENTATIVE TO UTILIZE THE GRIEVANCE AND ARBITRATION  
10 PROCEDURES CONTAINED IN THEIR COLLECTIVE BARGAINING AGREEMENT.  
11       SECTION 2.   THIS ACT SHALL TAKE EFFECT IMMEDIATELY.