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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2344 Session of  
2012

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INTRODUCED BY TRUITT, EVERETT, HENNESSEY, LAWRENCE, ROAE AND  
SWANGER, MAY 2, 2012

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REFERRED TO COMMITTEE ON EDUCATION, MAY 2, 2012

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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," in professional employees, further  
6 providing for definitions and for duty to employ.

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

9 Section 1. Section 1101 of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949,  
11 amended November 30, 1971 (P.L.546, No.144), is amended to read:

12 Section 1101. Definitions.--As used in this article,

13 (1) The term "professional employe" shall include those who  
14 are certificated as teachers, supervisors, supervising  
15 principals, principals, assistant principals, vice-principals,  
16 directors of vocational education, dental hygienists, visiting  
17 teachers, home and school visitors, school counselors, child  
18 nutrition program specialists, school librarians, school  
19 secretaries the selection of whom is on the basis of merit as  
20 determined by eligibility lists and school nurses. The term also

1 includes those who hold noncertified positions and meet the  
2 qualifications provided in section 1106.

3 (2) The term "substitute" shall mean any individual who has  
4 been employed to perform the duties of a regular professional  
5 employe during such period of time as the regular professional  
6 employe is absent on sabbatical leave or for other legal cause  
7 authorized and approved by the board of school directors or to  
8 perform the duties of a temporary professional employe who is  
9 absent.

10 (3) The term "temporary professional employe" shall mean any  
11 individual who has been employed to perform, for a limited time,  
12 the duties of a newly created position or of a regular  
13 professional employe whose services have been terminated by  
14 death, resignation, suspension or removal.

15 Section 2. Section 1106 of the act, amended June 22, 2001  
16 (P.L.530, No.35), is amended to read:

17 Section 1106. Duty to Employ.--(a) The board of school  
18 directors in every school district shall employ the necessary  
19 qualified professional employes, substitutes and temporary  
20 professional employes to keep the public schools open in their  
21 respective districts in compliance with the provisions of this  
22 act. Except for school districts of the first class and first  
23 class A which may require residency requirements for other than  
24 professional employes, substitutes and temporary professional  
25 employes, no other school district shall require an employe to  
26 reside within the school district as a condition for appointment  
27 or continued employment.

28 (b) At least seventy-five per centum (75%) of the  
29 professional employes shall hold appropriate State  
30 certification. The balance of professional employes shall be

1 employed in noncertified positions and, while not required to  
2 hold appropriate State certification, must:

3 (1) Meet the qualifications in sections 1109 and 1209.

4 (2) Have demonstrated satisfactorily a combination of  
5 experience, achievement and qualifications in basic skills,  
6 general knowledge, professional knowledge and practice and  
7 subject matter knowledge in the subject area that they will  
8 teach.

9 Section 3. This act shall take effect in 60 days.