

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 612** Session of
2011

INTRODUCED BY FOLMER, SMUCKER, M. WHITE, RAFFERTY, EICHELBERGER,
WAUGH, EARLL, PICCOLA, BRUBAKER, D. WHITE, ALLOWAY, VANCE,
McILHINNEY, WARD, BROWNE, MENSCH AND YAW, FEBRUARY 18, 2011

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, MAY 2,
2011

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 causes for suspension and for persons to be
7 suspended.

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, ~~added~~ ←
12 AMENDED August 8, 1963 (P.L.564, No.299), is amended to read: ←

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

17 (1) Substantial decrease in pupil enrollment in the school
18 district;

19 (2) Curtailment or alteration of the educational program on

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

7 (3) Consolidation of schools, whether within a single
8 district, through a merger of districts, or as a result of joint
9 board agreements, when such consolidation makes it unnecessary
10 to retain the full staff of professional employees.

11 (4) When new school districts are established as the result
12 of reorganization of school districts pursuant to Article II.,
13 subdivision (i) of this act, and when such reorganization makes
14 it unnecessary to retain the full staff of professional
15 employees.

16 (5) Economic reasons, as part of a plan to reduce or control
17 school district costs. A school district may not use costs as
18 the sole factor in determining which professional employees to
19 suspend.

20 (b) (1) The following shall apply to any suspension of a
21 professional employe assigned to provide instruction directly to
22 students:

23 (i) A board of school directors may suspend the necessary
24 number of professional employes assigned to provide instruction
25 directly to students only if the board of school directors also
26 suspends at least an equal percentage proportion of
27 administrative staff.

28 (ii) The Secretary of Education may grant a board of school
29 directors a waiver of subparagraph (i) if the FOLLOWING APPLY:

30 (A) THE Secretary of Education determines that compliance



1 with subparagraph (i) is likely to cause significant harm to the
2 operations of the school district;

3 (B) the Secretary of Education submits the determination to
4 the State Board of Education and; AND

5 (C) the State Board of Education approves the determination
6 by a majority of its members.

7 (2) For purposes of this subsection, "administrative staff"
8 shall include, but not be limited to, superintendents, assistant
9 superintendents, deputy superintendents, principals, assistant
10 principals, supervisors, managers, directors, coordinators and
11 any other staff who are not assigned to provide instruction
12 directly to students.

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

16 Section 1125.1. Persons to be Suspended.--(a) Professional
17 employes shall be suspended under section 1124 [(relating to
18 causes for suspension) in inverse order of seniority within the
19 school entity of current employment. Approved leaves of absence
20 shall not constitute a break in service for purposes of
21 computing seniority for suspension purposes. Seniority shall
22 continue to accrue during suspension and all approved leaves of
23 absence.] based upon the school entity's evaluation of the
24 following factors in determining which employes will be
25 suspended:

26 (1) The professional employe's certification.

27 (2) The professional employe's performance, including, but
28 not limited to, performance under the Pennsylvania Value Added
29 Assessment System and local school entity performance criteria.

30 (3) For a professional employe who teaches subjects OR GRADE

1 LEVELS that are not evaluated under the Pennsylvania Value Added
2 Assessment System, whether the professional employe meets
3 qualifications set forth by the school entity to teach a
4 particular subject or grade level.

5 (4) Specific qualifications set forth by the school entity.

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

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

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

16 (2) Suspended professional employes or professional employes
17 demoted for the reasons set forth in section 1124 shall be
18 reinstated on the basis of [their seniority within the school
19 entity. No new appointment shall be made while there is such a
20 suspended or demoted professional employe available who is
21 properly certificated to fill such vacancy.] the school entity's
22 evaluation of the criteria listed in subsection (a). For the
23 purpose of this subsection, positions from which professional
24 employes are on approved leaves of absence shall also be
25 considered temporary vacancies.

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

30 (4) A suspended employe enrolled in a college program during

1 a period of suspension and who is recalled shall be given the
2 option of delaying his return to service until the end of the
3 current semester.

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

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

17 (g) Where a professional employe is suspended under this
18 section, the professional employe's position shall remain vacant
19 for at least one year; provided, that the school entity may
20 reinstate at any time the professional employe who was
21 suspended.

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