
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, BROWNE, MENSCH AND YAW, FEBRUARY 18, 2011

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 20, 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,
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) In the case of a suspension under subsection (a) (5), the
21 following shall apply to any suspension of a professional
22 employee assigned to provide instruction directly to students:

23 (1) A board of school directors may suspend the necessary
24 number of professional employees 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 (2) The Secretary of Education may grant a board of school
29 directors a waiver of paragraph (1) if the following apply:

30 (i) the Secretary of Education determines that compliance



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

3 ~~(ii) the Secretary of Education submits the determination to~~
4 ~~the State Board of Education; and~~

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

7 (3) Any ~~three~~ FIVE administrative staff positions selected ←
8 by the board of school directors shall be exempt from the
9 requirements of paragraphs (1) and (2).

10 (c) A board of school directors may suspend professional
11 employees under subsection (a)(5) only if the board of school
12 directors adopts, at a public meeting at which an opportunity
13 for public comment regarding the proposed suspension has been
14 provided, a resolution setting forth all of the following:

15 (1) The reason the suspension is necessary.

16 (2) The number and percentage of employees to be suspended
17 who are assigned to provide instruction directly to students.

18 (3) The number and percentage of employees to be suspended
19 who are administrative staff.

20 (4) The number and percentage of positions eliminated and a
21 description of each position eliminated.

22 (5) The academic subjects, courses or electives and
23 nonacademic activities that will be affected by the suspension.

24 (6) A description of other cost-saving actions undertaken by
25 the school district.

26 (7) The measures the school district will undertake to
27 minimize the impact on student achievement, if any, caused by a
28 suspension of professional employees assigned to provide
29 instruction directly to students.

30 (d) For purposes of subsections (b) and (c), "administrative

1 staff" shall include, but not be limited to, superintendents,
2 assistant superintendents, deputy superintendents, principals,
3 assistant principals, supervisors, managers, directors and
4 coordinators.

5 (e) Nothing in this section shall be construed to limit the
6 causes for which a temporary professional employe may be
7 suspended.

8 ~~(f) Following the 2015-2016 school year, the Department of~~ ←
9 ~~Education shall conduct a study of the effectiveness of the~~
10 ~~provisions of subsections (a) (5), (b), (c) and (d) and section~~
11 ~~1125.1 and shall deliver a written report of its findings,~~
12 ~~including any recommendations for changes to subsections (a) (5),~~
13 ~~(b), (c) and (d) and section 1125.1, to the Governor, the~~
14 ~~chairman and minority chairman of the Education Committee of the~~
15 ~~Senate and the chairman and minority chairman of the Education~~
16 ~~Committee of the House of Representatives by December 31, 2016.~~

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

20 Section 1125.1. Persons to be Suspended.--(a) Professional
21 employes shall be suspended under section 1124 (relating to
22 causes for suspension) in inverse order of seniority within the
23 school entity of current employment, except as provided under
24 subsection (a.1). Approved leaves of absence shall not
25 constitute a break in service for purposes of computing
26 seniority for suspension purposes. Seniority shall continue to
27 accrue during suspension and all approved leaves of absence.

28 (a.1) For professional employes suspended under section
29 1124(a) (5), a board of school directors may suspend without
30 regard to seniority a professional employe whose two most recent ←

1 ~~consecutive performance ratings issued under section 1123 were~~
2 ~~unsatisfactory if the professional employe had an opportunity to~~
3 ~~complete a performance improvement plan prior to the most recent~~
4 ~~unsatisfactory rating~~ FOR WHOM TWO OF THE LAST THREE PERFORMANCE ←
5 RATINGS ISSUED WITHIN A TWO-YEAR PERIOD AFTER THE EFFECTIVE DATE
6 OF THIS SUBSECTION WERE UNSATISFACTORY.

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

11 (c) [A] Except as otherwise provided under subsection (a.1),
12 a school entity shall realign its professional staff so as to
13 insure that more senior employes are provided with the
14 opportunity to fill positions for which they are certificated
15 and which are being filled by less senior employes.

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

18 (2) Suspended professional employes or professional employes
19 demoted for the reasons set forth in section 1124~~(a) (1), (2),~~ ←
20 ~~(3) and (4)~~ shall be reinstated on the basis of their seniority
21 within the school entity. No new appointment shall be made while
22 there is such a suspended or demoted professional employe
23 available who is properly certificated to fill such vacancy. For
24 the purpose of this subsection, positions from which
25 professional employes are on approved leaves of absence shall
26 also be considered temporary vacancies. Professional employes
27 suspended for the reasons set forth under section 1124(a) (5) ←
28 PURSUANT TO SUBSECTION (A.1) may be reinstated. ←

29 (3) To be considered available a suspended professional
30 employe must annually report to the governing board in writing

1 his current address and his intent to accept the same or similar
2 position when offered.

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

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

17 (f) A decision to suspend in accordance with this section
18 shall be considered an adjudication within the meaning of the
19 "Local Agency Law."

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

25 (H) A COLLECTIVE BARGAINING AGREEMENT FOR PROFESSIONAL ←
26 EMPLOYES ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS
27 SUBSECTION SHALL NOT INCLUDE PROVISIONS PROHIBITING SUSPENSION
28 OF PROFESSIONAL EMPLOYES FOR ECONOMIC REASONS PURSUANT TO
29 SUBSECTION 1124 (A) (5).

30 Section 3. This act shall take effect immediately.