
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 586 Session of
2015

INTRODUCED BY EICHELBERGER, WAGNER, MENSCH, WHITE, SCARNATI,
SMUCKER, ALLOWAY, FOLMER, RAFFERTY, YAW, VULAKOVICH AND
AUMENT, MARCH 2, 2015

REFERRED TO EDUCATION, MARCH 2, 2015

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 employes, further
6 providing for causes for suspension and persons to be
7 suspended.

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

10 Section 1. Section 1124(a) of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949,
12 amended June 30, 2012 (P.L.684, No.82), 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
20 recommendation of the superintendent and on concurrence by the

1 board of school directors, as a result of substantial decline in
2 class or course enrollments or to conform with standards of
3 organization or educational activities required by law or
4 recommended by the Department of Public Instruction;

5 (3) consolidation of schools, whether within a single
6 district, through a merger of districts, or as a result of joint
7 board agreements, when such consolidation makes it unnecessary
8 to retain the full staff of professional employes; [or]

9 (4) when new school districts are established as the result
10 of reorganization of school districts pursuant to Article II.,
11 subdivision (i) of this act, and when such reorganization makes
12 it unnecessary to retain the full staff of professional
13 employes[.]; or

14 (5) economic reasons that require a reduction in
15 professional employes.

16 * * *

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. Approved leaves of absence
24 shall not constitute a break in service for purposes of
25 computing seniority for suspension purposes. Seniority shall
26 continue to accrue during suspension and all approved leaves of
27 absence.] based upon educational program needs, the professional
28 employe's certifications or performance evaluations set forth in
29 section 1123 of employes within the affected program areas.

30 (b) Where there is or has been a consolidation of schools,

1 departments or programs, all professional employes shall retain
2 the seniority rights they had prior to the reorganization or
3 consolidation.

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

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

10 (2) Suspended professional employes or professional employes
11 demoted for the reasons set forth in section 1124 shall be
12 reinstated on the basis of their qualification to teach a
13 particular subject or grade level or to hold a particular
14 position, followed next by their seniority within the school
15 entity. No new appointment shall be made while there is such a
16 suspended or demoted professional employe available who is
17 properly certificated to fill such vacancy. For the purpose of
18 this subsection, positions from which professional employes are
19 on approved leaves of absence shall also be considered temporary
20 vacancies.

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

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

29 (d.1) Nothing in this section shall be construed to limit
30 the causes for which a temporary professional employe may be

1 suspended.

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

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

14 (f.1) A collective bargaining agreement for professional
15 employes entered into after the effective date of this
16 subsection shall not include provisions prohibiting suspension
17 of professional employes for economic reasons pursuant to
18 section 1124(a) (5).

19 Section 3. This act shall take effect immediately.