

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 228 Session of 2017

INTRODUCED BY EICHELBERGER, VULAKOVICH, DiSANTO, FOLMER, WAGNER, WHITE, STEFANO, RAFFERTY, SCARNATI, MARTIN, RESCHENTHALER, AUMENT AND MENSCH, JANUARY 26, 2017

REFERRED TO EDUCATION, JANUARY 26, 2017

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. Sections 1124(a) and 1125.1 of the act of March  
11 10, 1949 (P.L.30, No.14), known as the Public School Code of  
12 1949, are 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 1125.1. Persons to be Suspended.--(a) Professional  
18 employes shall be suspended under section 1124 (relating to  
19 causes for suspension) [in inverse order of seniority within the  
20 school entity of current employment. Approved leaves of absence  
21 shall not constitute a break in service for purposes of  
22 computing seniority for suspension purposes. Seniority shall  
23 continue to accrue during suspension and all approved leaves of  
24 absence.] based upon educational program needs, the professional  
25 employe's certifications or performance evaluations of employes  
26 provided in section 1123 within the affected program areas.

27 (b) Where there is or has been a consolidation of schools,  
28 departments or programs, all professional employes shall retain  
29 the seniority rights they had prior to the reorganization or  
30 consolidation.

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

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

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

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

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

26 (d.1) Nothing in this section shall be construed to limit  
27 the causes for which a temporary professional employe may be  
28 suspended.

29 (e) Nothing contained in section 1125.1(a) through (d) shall  
30 be construed to supersede or preempt any provisions of a

1 collective bargaining agreement negotiated by a school entity  
2 and an exclusive representative of the employes in accordance  
3 with the act of July 23, 1970 (P.L.563, No.195), known as the  
4 "Public Employe Relations Act"; however, no agreement shall  
5 prohibit the right of a professional employe who is not a member  
6 of a bargaining unit from retaining seniority rights under the  
7 provisions of this act.

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

11 (g) A collective bargaining agreement for professional  
12 employes entered into after the effective date of this  
13 subsection shall not include provisions prohibiting suspension  
14 of professional employes for economic reasons pursuant to  
15 section 1124(a) (5).

16 Section 2. This act shall take effect immediately.