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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1545 Session of  
2019

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INTRODUCED BY TOOHIL, MULLINS, GOODMAN, MEHAFFIE, MURT,  
DIGIROLAMO, SCHLOSSBERG, WILLIAMS, McCARTER, KINSEY, DERMODY,  
MADDEN, ROEBUCK, STURLA, ULLMAN, LONGIETTI, PEIFER, NEILSON,  
FRANKEL, RAVENSTAHL, BRIGGS, YOUNGBLOOD, SCHWEYER, BOYLE,  
BURGOS, COMMITTA, CONKLIN, DALEY, RABB, A. DAVIS, T. DAVIS,  
DEASY, DELLOSO, DONATUCCI, DRISCOLL, FITZGERALD, FLYNN,  
FREEMAN, GAINNEY, GALLOWAY, HARRIS, HILL-EVANS, INNAMORATO,  
ISAACSON, JOHNSON-HARRELL, KIM, KORTZ, KRUEGER, KULIK,  
MALAGARI, MARKOSEK, MATZIE, McCLINTON, MERSKI, PASHINSKI,  
McNEILL, SIMS, SNYDER, SOLOMON, WARREN, ZABEL, HANBIDGE,  
BULLOCK, FIEDLER, OTTEN, HOWARD, WEBSTER, STEPHENS AND RADER,  
MAY 23, 2019

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REFERRED TO COMMITTEE ON EDUCATION, MAY 23, 2019

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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, repealing  
7 provisions relating to minimum salaries for teachers and  
8 providing for minimum salaries for professional staff  
9 members; and, in reimbursements by Commonwealth and between  
10 school districts, repealing provisions relating to special  
11 payments on account of minimum salary increases and providing  
12 for special payments on account of minimum salary increases  
13 for professional staff members.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Sections 1101(1) and 1106 of the act of March 10,  
17 1949 (P.L.30, No.14), known as the Public School Code of 1949,  
18 are amended to read:

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

2 (1) The term "professional employe" shall include those who  
3 are certificated, such as teachers, supervisors, supervising  
4 principals, principals, assistant principals, vice-principals,  
5 directors of vocational education, dental hygienists, visiting  
6 teachers, home and school visitors, school counselors, child  
7 nutrition program specialists, school librarians, school  
8 secretaries the selection of whom is on the basis of merit as  
9 determined by eligibility lists, individuals employed under  
10 section 1106(b) and school nurses.

11 \* \* \*

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

23 (b) The board of school directors may employ, in nonteaching  
24 capacities, the necessary qualified persons in professional  
25 positions that require a nationally recognized or State license  
26 or other credential but do not require certification under  
27 Article XII.

28 Section 2. Section 1142.1 of the act is repealed:

29 [Section 1142.1. Minimum Salaries for Teachers.--(a)  
30 Notwithstanding the provisions of section 1142, the minimum

1 salary paid to full-time teachers for the school term 1988-1989  
2 and each school term thereafter, shall be eighteen thousand five  
3 hundred dollars (\$18,500) as provided in this section.

4 (b) This section shall not require, and shall not be  
5 construed to require, the modification, renegotiation or  
6 reopening of any contract or agreement in effect on the  
7 effective date of this section between a public employer and a  
8 public employe or employe organization pursuant to the act of  
9 July 23, 1970 (P.L.563, No.195), known as the "Public Employe  
10 Relations Act," nor shall the salary or any other terms of any  
11 such contract or agreement be superseded or modified by this  
12 section: Provided, that the board of school directors of a  
13 school district may at any time during the term of such contract  
14 or agreement implement the minimum salary provisions of this  
15 section for the entire school term in the manner provided in  
16 section 1151. Whenever a board of school directors of a school  
17 district exercises the power granted by this subsection to  
18 implement the minimum salary provisions of this section, it  
19 shall implement them by making a supplemental salary payment to  
20 each full-time teacher who qualifies for such payment in an  
21 amount equal to the difference between eighteen thousand five  
22 hundred dollars (\$18,500) and the salary to which such teacher  
23 is entitled under the terms of the applicable contract or  
24 agreement and shall be entitled to receive the special payment  
25 provided by section 2594.

26 (c) The board of school directors of a school district shall  
27 pay to full-time teachers a salary which equals at least  
28 eighteen thousand five hundred dollars (\$18,500) for the school  
29 term beginning after the expiration of the term of any contract  
30 or agreement in effect on the effective date of this section

1 between a public employer and a public employe or employe  
2 organization pursuant to the "Public Employe Relations Act," and  
3 for each school term thereafter.

4 (d) For purposes of this section, the following terms shall  
5 have the following meanings:

6 "Board of school directors" shall mean board of school  
7 directors, intermediate unit board of directors and area  
8 vocational-technical board.

9 "School district" shall mean school district, intermediate  
10 unit and area vocational-technical school.

11 "Teacher" shall mean classroom teachers and all others  
12 included within the definition of "teacher" in section 1141,  
13 including speech correctionists and instructional department  
14 chairmen employed by a school district.]

15 Section 3. The act is amended by adding a section to read:

16 Section 1142.2. Minimum Salaries for Professional Staff  
17 Members.--(a) Notwithstanding the provisions of section 1142 or  
18 any other provision of law, the minimum salary paid to  
19 professional staff members for the school year 2019-2020 and  
20 each school year thereafter shall be forty-five thousand dollars  
21 (\$45,000) as provided in this section.

22 (b) This section shall not require, and shall not be  
23 construed to require, the modification, renegotiation or  
24 reopening of any agreement in effect on the effective date of  
25 this section. Subject to subsection (c), the salary schedule or  
26 any other terms of any such agreement are not superseded or  
27 modified by this section.

28 (c) Notwithstanding subsection (b), beginning in the school  
29 year 2019-2020 and each school year thereafter until the  
30 expiration of an agreement in effect on the effective date of

1 this section and during the period of status quo following the  
2 expiration of an agreement, a public school entity shall make a  
3 supplemental salary payment to each professional staff member in  
4 an agreement an amount equal to the difference between forty-  
5 five thousand dollars (\$45,000) and the lower salary to which  
6 the professional staff member is entitled under the terms of the  
7 agreement, which shall not be lower than the salary the  
8 professional staff member received for the immediately preceding  
9 school year.

10 (d) An agreement negotiated by a public school entity and an  
11 employe organization pursuant to the "Public Employe Relations  
12 Act" after the effective date of this section shall not provide  
13 for a salary lower than provided for under this section. A  
14 provision in an agreement in effect on the effective date of  
15 this section that provides for a salary in conflict with this  
16 section shall be discontinued in a new or renewed agreement.

17 (e) A public school entity that makes a supplemental salary  
18 payment under subsection (c) in the school year 2019-2020 shall  
19 be entitled to receive the special payment provided for under  
20 section 2594.1.

21 (f) For purposes of this section, the following terms shall  
22 have the following meanings:

23 "Agreement" shall mean a contract or agreement between a  
24 public employer and a public employe or employe organization  
25 pursuant to the "Public Employe Relations Act."

26 "Employe organization" shall have the meaning given to the  
27 term in section 301(3) of the "Public Employe Relations Act."

28 "Professional staff member" shall mean a full-time  
29 professional employe, a temporary professional employe, or a  
30 substitute.

1 "Public employe" shall have the meaning given to the term in  
2 section 301(2) of the "Public Employe Relations Act."

3 "Public Employe Relations Act" shall mean the act of July 23,  
4 1970 (P.L.563, No.195), known as the "Public Employe Relations  
5 Act."

6 "Public employer" shall have the meaning given to the term in  
7 section 301(1) of the "Public Employe Relations Act."

8 "Public school entity" shall mean a school district,  
9 intermediate unit or area vocational-technical school.

10 Section 4. Section 2594 of the act is repealed:

11 [Section 2594. Special Payments on Account of Minimum Salary  
12 Increases.--(a) For the school year 1988-1989 and each school  
13 year thereafter beginning before the expiration of the term of  
14 any contract or agreement effective on or before the effective  
15 date of this section between a public employer and a public  
16 employe or employe organization pursuant to the act of July 23,  
17 1970 (P.L.563, No.195), known as the "Public Employe Relations  
18 Act," each school district, intermediate unit and area  
19 vocational-technical school which elects to increase minimum  
20 salaries pursuant to section 1142.1 shall be paid in the manner  
21 provided in subsection (b), in addition to any other payments to  
22 which it is entitled, a special payment to cover the cost of  
23 implementing section 1142.1.

24 (b) For the school year 1988-1989, the amount paid to each  
25 school district, intermediate unit and area vocational-technical  
26 school shall be the difference between the salary paid to each  
27 full-time teacher at the beginning of the school 1988-1989 that  
28 is less than eighteen thousand five hundred dollars (\$18,500)  
29 and an amount equal to eighteen thousand five hundred dollars  
30 (\$18,500). For the school year 1989-1990 and each school year

1 thereafter, the amount paid shall be the difference between the  
2 salary payable to each full-time teacher at the beginning of the  
3 school under the terms of the contract or agreement in effect  
4 on the effective date of this section which is less than  
5 eighteen thousand five hundred dollars (\$18,500) and an amount  
6 equal to eighteen thousand five hundred dollars (\$18,500). The  
7 amount so calculated shall be paid to each qualifying school  
8 district, intermediate unit and area vocational-technical school  
9 by the Department of Education during each school year for which  
10 each school district, intermediate unit and area vocational-  
11 technical school qualifies out of the funds appropriated to the  
12 department for this purpose.

13 (c) For each school year for which a school district,  
14 intermediate unit and area vocational-technical school qualifies  
15 for a special payment under subsection (a), the entire  
16 employer's share of contributions to the Public School Employee's  
17 Retirement Fund and Social Security attributable to the salary  
18 increase implemented pursuant to section 1142.1 shall be paid  
19 for each school district, intermediate unit and area vocational-  
20 technical school out of funds appropriated to the Department of  
21 Education for such purposes.]

22 Section 5. The act is amended by adding a section to read:

23 Section 2594.1. Special Payments on Account of Minimum  
24 Salary Increases for Professional Staff Members.--(a) For the  
25 school year 2019-2020, the following shall apply:

26 (1) A public school entity shall receive from the  
27 department, in addition to any other payments to which the  
28 public school entity is entitled, a special payment calculated  
29 as provided in paragraph (2) to reimburse the public school  
30 entity for implementing section 1142.2. The department shall

1 make the payment to each qualifying public school entity out of  
2 funds appropriated to the department for this purpose.

3 (2) The amount paid to each public school entity under  
4 paragraph (1) shall be equal to the sum of all supplemental  
5 salary payments the public school entity paid to professional  
6 staff members for the school year 2019-2020.

7 (b) Beginning in the school year 2020-2021 and each school  
8 year thereafter, the following shall apply:

9 (1) Payments made to a public school entity for the school  
10 year 2019-2020 under subsection (a) shall be deemed to be part  
11 of the public school entity's allocation amount under section  
12 2502.53(b)(1).

13 (2) An intermediate unit shall receive from the department  
14 the amount the intermediate unit received for the school year  
15 2019-2020 under subsection (a). Payments under this paragraph  
16 shall be in addition to any other amounts payable to an  
17 intermediate unit.

18 (3) An area vocational-technical school shall receive from  
19 the department the amount the area vocational-technical school  
20 received for the school year 2019-2020 under subsection (a).  
21 Payments under this paragraph shall be in addition to any other  
22 amounts payable to an area vocational-technical school.

23 (c) Beginning in the school year 2019-2020 and each school  
24 year thereafter, the public employer's share of contributions to  
25 the Public School Employee's Retirement Fund and Social Security  
26 attributable to the salary increase implemented under section  
27 1142.2 shall be paid for each public school entity out of funds  
28 appropriated to the department for such purpose.

29 (d) The department shall issue guidelines necessary for the  
30 implementation of this section.



1     (e) For purposes of this section, the following terms shall  
2 have the following meanings:

3     "Department" shall mean the Department of Education of the  
4 Commonwealth.

5     "Professional staff member" shall have the meaning given the  
6 term in section 1142.2(f).

7     "Public employer" shall have the meaning given the term in  
8 section 1142.2(f).

9     "Public school entity" shall have the meaning given the term  
10 in section 1142.2(f).

11     Section 6. This act shall take effect immediately.