

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 656 Session of 2019

INTRODUCED BY SCHWANK, COSTA, HUGHES, FARNESE, FONTANA,
TARTAGLIONE, COLLETT, BLAKE, BREWSTER, YUDICHAK AND
SANTARSIERO, MAY 17, 2019

REFERRED TO EDUCATION, MAY 17, 2019

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:

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

20 (1) The term "professional employe" shall include those who
21 are certificated, such as teachers, supervisors, supervising
22 principals, principals, assistant principals, vice-principals,
23 directors of vocational education, dental hygienists, visiting

1 teachers, home and school visitors, school counselors, child
2 nutrition program specialists, school librarians, school
3 secretaries the selection of whom is on the basis of merit as
4 determined by eligibility lists, individuals employed under
5 section 1106(b) and school nurses.

6 * * *

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

18 (b) The board of school directors may employ, in nonteaching
19 capacities, the necessary qualified persons in professional
20 positions that require a nationally recognized or State license
21 or other credential but do not require certification under
22 Article XII for public school employment.

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 Section 1142.1 of the act is repealed:

24 [Section 1142.1. Minimum Salaries for Teachers.--(a)
25 Notwithstanding the provisions of section 1142, the minimum
26 salary paid to full-time teachers for the school term 1988-1989
27 and each school term thereafter, shall be eighteen thousand five
28 hundred dollars (\$18,500) as provided in this section.

29 (b) This section shall not require, and shall not be
30 construed to require, the modification, renegotiation or

1 reopening of any contract or agreement in effect on the
2 effective date of this section between a public employer and a
3 public employe or employe organization pursuant to the act of
4 July 23, 1970 (P.L.563, No.195), known as the "Public Employe
5 Relations Act," nor shall the salary or any other terms of any
6 such contract or agreement be superseded or modified by this
7 section: Provided, that the board of school directors of a
8 school district may at any time during the term of such contract
9 or agreement implement the minimum salary provisions of this
10 section for the entire school term in the manner provided in
11 section 1151. Whenever a board of school directors of a school
12 district exercises the power granted by this subsection to
13 implement the minimum salary provisions of this section, it
14 shall implement them by making a supplemental salary payment to
15 each full-time teacher who qualifies for such payment in an
16 amount equal to the difference between eighteen thousand five
17 hundred dollars (\$18,500) and the salary to which such teacher
18 is entitled under the terms of the applicable contract or
19 agreement and shall be entitled to receive the special payment
20 provided by section 2594.

21 (c) The board of school directors of a school district shall
22 pay to full-time teachers a salary which equals at least
23 eighteen thousand five hundred dollars (\$18,500) for the school
24 term beginning after the expiration of the term of any contract
25 or agreement in effect on the effective date of this section
26 between a public employer and a public employe or employe
27 organization pursuant to the "Public Employe Relations Act," and
28 for each school term thereafter.

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

1 "Board of school directors" shall mean board of school
2 directors, intermediate unit board of directors and area
3 vocational-technical board.

4 "School district" shall mean school district, intermediate
5 unit and area vocational-technical school.

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

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

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

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

23 (c) Notwithstanding subsection (b), beginning in the school
24 year 2019-2020 and each school year thereafter until the
25 expiration of an agreement in effect on the effective date of
26 this section and during the period of status quo following the
27 expiration of an agreement, a public school entity shall make a
28 supplemental salary payment to each professional staff member in
29 an amount equal to the difference between forty-five thousand
30 dollars (\$45,000) and the lower salary to which the professional

1 staff member is entitled under the terms of the agreement, which
2 shall not be lower than the salary the professional staff member
3 received for the immediately preceding school year.

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

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

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

17 "Agreement" shall mean a contract or agreement between a
18 public employer and a public employe or employe organization
19 pursuant to the "Public Employe Relations Act."

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

22 "Professional staff member" shall mean a full-time:

23 (1) professional employe;

24 (2) temporary professional employe; or

25 (3) substitute.

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

28 "Public Employe Relations Act" shall mean the act of July 23,
29 1970 (P.L.563, No.195), known as the "Public Employe Relations
30 Act."

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

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

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

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

19 (b) For the school year 1988-1989, the amount paid to each
20 school district, intermediate unit and area vocational-technical
21 school shall be the difference between the salary paid to each
22 full-time teacher at the beginning of the school term 1988-1989
23 that is less than eighteen thousand five hundred dollars
24 (\$18,500) and an amount equal to eighteen thousand five hundred
25 dollars (\$18,500). For the school year 1989-1990 and each school
26 year thereafter, the amount paid shall be the difference between
27 the salary payable to each full-time teacher at the beginning of
28 the school term under the terms of the contract or agreement in
29 effect on the effective date of this section which is less than
30 eighteen thousand five hundred dollars (\$18,500) and an amount

1 equal to eighteen thousand five hundred dollars (\$18,500). The
2 amount so calculated shall be paid to each qualifying school
3 district, intermediate unit and area vocational-technical school
4 by the Department of Education during each school year for which
5 each school district, intermediate unit and area vocational-
6 technical school qualifies out of the funds appropriated to the
7 department for this purpose.

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

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

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

21 (1) A public school entity shall receive from the
22 department, in addition to any other payments to which the
23 public school entity is entitled, a special payment calculated
24 as provided in paragraph (2) to reimburse the public school
25 entity for implementing section 1142.2. The department shall
26 make the payment to each qualifying public school entity out of
27 funds appropriated to the department for this purpose.

28 (2) The amount paid to each public school entity under
29 paragraph (1) shall be equal to the sum of all supplemental
30 salary payments the public school entity paid to professional

1 staff members for the school year 2019-2020.

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

4 (1) Payments made to a school district for the school year
5 2019-2020 under subsection (a) shall be deemed to be part of the
6 school district's allocation amount under section 2502.53(b)(1).

7 (2) An intermediate unit shall receive from the department
8 the amount the intermediate unit received for the school year
9 2019-2020 under subsection (a). Payments under this paragraph
10 shall be in addition to any other amounts payable to an
11 intermediate unit.

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

17 (c) Beginning in the school year 2019-2020 and each school
18 year thereafter, the public employer's share of contributions to
19 the Public School Employee's Retirement Fund and Social Security
20 attributable to the salary increase implemented under section
21 1142.2 shall be paid for each public school entity out of funds
22 appropriated to the department for such purpose.

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

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

27 "Department" shall mean the Department of Education of the
28 Commonwealth.

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

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

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

5 Section 6. This act shall take effect immediately.