

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 805 Session of  
2015

INTRODUCED BY BLOOM, METCALFE, CUTLER, TRUITT, GROVE, MCGINNIS, SANKEY, KAUFFMAN, GRELL, HICKERNELL, MENTZER, FEE, GREINER, KNOWLES, TOPPER, TALLMAN, EVERETT, MACKENZIE, CHRISTIANA, MOUL, STAATS, SACCONI, DIAMOND, ZIMMERMAN, PHILLIPS-HILL, WARD, IRVIN, ROAE, RAPP, KILLION, JOZWIAK, REGAN, QUIGLEY, LAWRENCE, MARSICO, DUSH, MALONEY, KRIEGER, ORTITAY, GINGRICH, SIMMONS, GABLER, RADER, B. MILLER, BENNINGHOFF, SCHEMEL, SAYLOR AND GILLESPIE, MARCH 23, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 17, 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 employees, further  
6 providing for temporary professional employees, for  
7 contracts, execution and form, for causes for suspension and  
8 for persons to be suspended and to receive tenure, for  
9 collective bargaining agreements and for timing of appeal of  
10 suspension; and making editorial changes.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 ~~Section 1. Sections 1108 and 1121(b) of the act of March 10, <--~~  
14 ~~1949 (P.L.30, No.14), known as the Public School Code of 1949,~~  
15 ~~amended March 29, 1996 (P.L.47, No.16), are amended to read:~~

16 ~~Section 1108. Temporary Professional Employees. (a) It~~  
17 ~~shall be the duty of the district superintendent to notify each~~  
18 ~~temporary professional employe, at least twice each year during~~

1 ~~the period of his or her employment, of the professional~~  
2 ~~quality, professional progress, and rating of his or her~~  
3 ~~services. No temporary professional employe shall be dismissed~~  
4 ~~unless rated unsatisfactory, and notification, in writing, of~~  
5 ~~such unsatisfactory rating shall have been furnished the employe~~  
6 ~~within ten (10) days following the date of such rating. The~~  
7 ~~rating of a temporary professional employe shall be done as~~  
8 ~~provided in section one thousand one hundred twenty three of~~  
9 ~~this act.~~

10 ~~(b) (1) A temporary professional employe initially employed~~  
11 ~~by a school district prior to June 30, 1996, whose work has been~~  
12 ~~certified by the district superintendent to the secretary of the~~  
13 ~~school district, during the last four (4) months of the second~~  
14 ~~year of such service, as being satisfactory shall thereafter be~~  
15 ~~a "professional employe" within the meaning of this article.~~

16 ~~(2) A temporary professional employe initially employed by a~~  
17 ~~school district, on or after June 30, 1996, but prior to June~~  
18 ~~30, 2015, whose work has been certified by the district~~  
19 ~~superintendent to the secretary of the school district, during~~  
20 ~~the last four (4) months of the third year of such service, as~~  
21 ~~being satisfactory shall thereafter be a "professional employe"~~  
22 ~~within the meaning of this article.~~

23 ~~(2.1) A temporary professional employe initially employed by~~  
24 ~~a school district, on or after June 30, 2015, whose work has~~  
25 ~~been certified by the district superintendent to the secretary~~  
26 ~~of the school district, during the last four (4) months of the~~  
27 ~~fifth year of such service, as being satisfactory shall~~  
28 ~~thereafter be a "professional employe" within the meaning of~~  
29 ~~this article.~~

30 ~~(3) The attainment of the status under paragraph (1) [or],~~

1 ~~(2) or (2.1) shall be recorded in the records of the board and~~  
2 ~~written notification thereof shall be sent also to the employe.~~  
3 ~~The employe shall then be tendered forthwith a regular contract~~  
4 ~~of employment as provided for professional employes. No~~  
5 ~~professional employe who has attained tenure status in any~~  
6 ~~school district of this Commonwealth shall thereafter be~~  
7 ~~required to serve as a temporary professional employe before~~  
8 ~~being tendered such a contract when employed by any other part~~  
9 ~~of the public school system of the Commonwealth.~~

10 ~~(c) (1) Any temporary professional employe employed by a~~  
11 ~~school district prior to June 30, 1996, who is not tendered a~~  
12 ~~regular contract of employment at the end of two years of~~  
13 ~~service, rendered as herein provided, shall be given a written~~  
14 ~~statement signed by the president and secretary of the board of~~  
15 ~~school directors and setting forth explicitly the reason for~~  
16 ~~such refusal.~~

17 ~~(2) Any temporary professional employe employed by a school~~  
18 ~~district after June 30, 1996, but prior to June 30, 2015, who is~~  
19 ~~not tendered a regular contract of employment at the end of~~  
20 ~~three years of service, rendered as herein provided, shall be~~  
21 ~~given a written statement signed by the president and secretary~~  
22 ~~of the board of school directors and setting forth explicitly~~  
23 ~~the reason for such refusal.~~

24 ~~(3) Any temporary professional employe employed by a school~~  
25 ~~district on or after June 30, 2015, who is not tendered a~~  
26 ~~regular contract of employment at the end of five (5) years of~~  
27 ~~service, rendered as herein provided, shall be given a written~~  
28 ~~statement signed by the president and secretary of the board of~~  
29 ~~school directors and setting forth explicitly the reason for~~  
30 ~~such refusal.~~

1 ~~(d) Temporary professional employees shall for all purposes,~~  
2 ~~except tenure status, be viewed in law as full time employees,~~  
3 ~~and shall enjoy all the rights and privileges of regular full~~  
4 ~~time employees.~~

5 ~~Section 1121. Contracts; Execution; Form. \* \* \*~~

6 ~~(b) (1) Each board of school directors in all school~~  
7 ~~districts shall hereafter enter into contracts, in writing, with~~  
8 ~~each professional employe initially employed by a school~~  
9 ~~district prior to June 30, 1996, who has satisfactorily~~  
10 ~~completed two (2) years of service in any school district of~~  
11 ~~this Commonwealth.~~

12 ~~(2) Each board of school directors in all school districts~~  
13 ~~shall hereafter enter into contracts, in writing, with each~~  
14 ~~professional employe initially employed by a school district, on~~  
15 ~~or after June 30, 1996, but prior to June 30, 2015, who has~~  
16 ~~satisfactorily completed three (3) years of service in any~~  
17 ~~school district of this Commonwealth.~~

18 ~~(3) Each board of school directors in all school districts~~  
19 ~~shall only hereafter enter into contracts, in writing, with each~~  
20 ~~professional employe initially employed by a school district, on~~  
21 ~~or after June 30, 2015, who has satisfactorily completed five~~  
22 ~~(5) years of service in any school district of this Commonwealth~~  
23 ~~and received overall performance ratings of "distinguished" or~~  
24 ~~"proficient" on both of the professional employe's two most~~  
25 ~~recent end of year performance evaluations pursuant to section~~  
26 ~~1123 at the school district of current employment.~~

27 \* \* \*

28 ~~Section 2. Section 1124 of the act, amended June 30, 2012~~  
29 ~~(P.L.684, No.82), is amended to read:~~

30 ~~Section 1124. Causes for Suspension. (a) Any board of~~

1 ~~school directors may suspend the necessary number of~~  
2 ~~professional employes, for any of the causes hereinafter~~  
3 ~~enumerated:~~

4 ~~(1) substantial decrease in pupil enrollment in the school~~  
5 ~~district;~~

6 ~~(2) curtailment or alteration of the educational program on~~  
7 ~~recommendation of the superintendent and on concurrence by the~~  
8 ~~board of school directors, as a result of substantial decline in~~  
9 ~~class or course enrollments or to conform with standards of~~  
10 ~~organization or educational activities required by law or~~  
11 ~~recommended by the Department of [Public Instruction] Education;~~

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

16 ~~(4) when new school districts are established as the result~~  
17 ~~of reorganization of school districts pursuant to Article II.,~~  
18 ~~subdivision (i) of this act, and when such reorganization makes~~  
19 ~~it unnecessary to retain the full staff of professional~~  
20 ~~employes[.]; or~~

21 ~~(5) economic reasons that require a reduction in~~  
22 ~~professional employes.~~

23 ~~(a.1) A school district may not use an employe's~~  
24 ~~compensation in determining which professional employes to~~  
25 ~~suspend, but shall use the procedures in section 1125.1 to~~  
26 ~~determine the order in which professional employes are~~  
27 ~~suspended.~~

28 ~~(b) Notwithstanding an existing or future provision in a~~  
29 ~~collective bargaining agreement or other similar employment~~  
30 ~~contract to the contrary, suspension of a professional employe~~

1 ~~due to the curtailment or alteration of the educational program~~  
2 ~~as set forth in subsection (a) (2) may be effectuated without the~~  
3 ~~approval of the curtailment or alteration of the educational~~  
4 ~~program by the Department of Education, provided that, where an~~  
5 ~~educational program is altered or curtailed as set forth in~~  
6 ~~subsection (a) (2), the school district shall notify the~~  
7 ~~Department of Education of the actions taken pursuant to~~  
8 ~~subsection (a) (2). The Department of Education shall post all~~  
9 ~~notifications received from a school district pursuant to this~~  
10 ~~subsection on the Department of Education's publicly accessible~~  
11 ~~Internet website.~~

12 ~~(c) (1) A collective bargaining agreement negotiated by a~~  
13 ~~school district and an exclusive representative of professional~~  
14 ~~employees in accordance with the act of July 23, 1970 (P.L.563,~~  
15 ~~No.195), known as the "Public Employe Relations Act," after the~~  
16 ~~effective date of this subsection may not prohibit the~~  
17 ~~suspension of professional employes for economic reasons other~~  
18 ~~than as provided for in this section.~~

19 ~~(2) A provision in any agreement or contract in effect on~~  
20 ~~the effective date of this subsection that prohibits the~~  
21 ~~suspension of professional employes for economic reasons in~~  
22 ~~conflict with this section shall be discontinued in any new or~~  
23 ~~renewed agreement or contract or during the period of status quo~~  
24 ~~following an expired contract.~~

25 ~~Section 3. Section 1125.1 of the act, amended or added~~  
26 ~~November 20, 1979 (P.L.465, No.97) and July 10, 1986 (P.L.1270,~~  
27 ~~No.117), is amended to read:~~

28 ~~Section 1125.1. Persons to be Suspended. (a) Professional~~  
29 ~~employes shall be suspended under section 1124 [(relating to~~  
30 ~~causes for suspension) in inverse order of seniority within the~~

1 ~~school entity of current employment. Approved leaves of absence~~  
2 ~~shall not constitute a break in service for purposes of~~  
3 ~~computing seniority for suspension purposes.] in the following~~  
4 ~~order within the area of certification required by law for the~~  
5 ~~professional employe's current position:~~

6 ~~(1) Each professional employe who received an overall~~  
7 ~~performance rating of "failing" on the professional employe's~~  
8 ~~most recent end of year performance rating shall be suspended~~  
9 ~~first.~~

10 ~~(2) After suspending professional employes under paragraph~~  
11 ~~(1), each professional employe who received an overall~~  
12 ~~performance rating of "needs improvement" on the professional~~  
13 ~~employe's most recent end of year performance rating shall be~~  
14 ~~suspended second.~~

15 ~~(3) After suspending professional employes under paragraph~~  
16 ~~(2), each professional employe who received an overall~~  
17 ~~performance rating of "proficient" on the professional employe's~~  
18 ~~most recent end of year performance rating shall be suspended~~  
19 ~~third.~~

20 ~~(4) After suspending professional employes under paragraph~~  
21 ~~(3), each professional employe who received an overall~~  
22 ~~performance rating of "distinguished" on the professional~~  
23 ~~employe's most recent end of year performance rating shall be~~  
24 ~~suspended last.~~

25 ~~(a.1) When more professional employes receive the same~~  
26 ~~overall performance rating than there are suspensions, seniority~~  
27 ~~within the school entity shall be used to determine suspensions~~  
28 ~~among professional employes with the same overall performance~~  
29 ~~rating on the employe's most recent performance evaluation~~  
30 ~~pursuant to section 1123.~~

1 ~~(a.2) Seniority shall continue to accrue during suspension~~  
2 ~~and all approved leaves of absence.~~

3 ~~(b) Where there is or has been a consolidation of schools,~~  
4 ~~departments or programs, all professional employes shall retain~~  
5 ~~the seniority rights they had prior to the reorganization or~~  
6 ~~consolidation.~~

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

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

13 ~~(2) Suspended professional employes or professional employes~~  
14 ~~demoted for the reasons set forth in section 1124 shall be~~  
15 ~~reinstated on the basis of their [seniority] overall performance~~  
16 ~~rating on their most recent performance evaluation within the~~  
17 ~~area of certification required by law for the position held by~~  
18 ~~the professional employe on the date the professional employe~~  
19 ~~was suspended or demoted, with the highest rated employes~~  
20 ~~reinstated first, except seniority within the school entity[.]~~  
21 ~~shall be used to make reinstatement decisions among teachers~~  
22 ~~with the same overall performance rating on their most recent~~  
23 ~~end of year performance evaluation. No new appointment shall be~~  
24 ~~made while there is such a suspended or demoted professional~~  
25 ~~employe available who is properly certificated to fill such~~  
26 ~~vacancy. For the purpose of this subsection, positions from~~  
27 ~~which professional employes are on approved leaves of absence~~  
28 ~~shall also be considered temporary vacancies.~~

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)]~~  
8 ~~this section shall be construed to:~~

9 ~~(1) limit the cause for which a temporary professional~~  
10 ~~employe may be suspended; or~~

11 ~~(2) supersede or preempt any provisions of a collective~~  
12 ~~bargaining agreement negotiated by a school entity and an~~  
13 ~~exclusive representative of the employes in accordance with the~~  
14 ~~act of July 23, 1970 (P.L.563, No.195), known as the "Public~~  
15 ~~Employe Relations Act"; however, no agreement shall prohibit the~~  
16 ~~right of a professional employe who is not a member of a~~  
17 ~~bargaining unit from retaining seniority rights under the~~  
18 ~~provisions of this act.~~

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

22 ~~(g) (1) No collective bargaining agreement negotiated by a~~  
23 ~~school district and an exclusive representative of the employes~~  
24 ~~in accordance with the "Public Employe Relations Act" after the~~  
25 ~~effective date of this subsection shall provide for suspending,~~  
26 ~~reinstating or realigning professional employes based on~~  
27 ~~seniority other than as provided for in this section.~~

28 ~~(2) Upon the expiration, amendment or adoption of any~~  
29 ~~agreement or contract, a provision that provides for suspending,~~  
30 ~~reinstating or realigning professional employes based on~~

1 ~~seniority in conflict with this section shall be discontinued in~~  
2 ~~any new or renewed agreement or contract or during the period of~~  
3 ~~status quo following an expired contract.~~

4 Section 4. ~~Section 1131 of the act is amended to read:~~

5 ~~Section 1131. Appeals to [Superintendent of Public~~  
6 ~~Instruction] Secretary of Education. In case the professional~~  
7 ~~employee concerned considers himself or herself aggrieved by the~~  
8 ~~action of the board of school directors, an appeal by petition,~~  
9 ~~setting forth the grounds for such appeal, may be taken to the~~  
10 ~~[Superintendent of Public Instruction] Secretary of Education at~~  
11 ~~Harrisburg. Such appeal shall be filed within [thirty (30)]~~  
12 ~~fifteen (15) days after receipt by registered mail of the~~  
13 ~~written notice of the decision of the board. A copy of such~~  
14 ~~appeal shall be served by registered mail on the secretary of~~  
15 ~~the school board.~~

16 ~~The [Superintendent of Public Instruction] Secretary of~~  
17 ~~Education shall fix a day and time for hearing, which shall be~~  
18 ~~not sooner than ten (10) days nor more than thirty (30) days~~  
19 ~~after presentation of such petition, and shall give written~~  
20 ~~notice to all parties interested.~~

21 ~~The [Superintendent of Public Instruction] Secretary of~~  
22 ~~Education shall review the official transcript of the record of~~  
23 ~~the hearing before the board, and may hear and consider such~~  
24 ~~additional testimony as he may deem advisable to enable him to~~  
25 ~~make a proper order. At said hearing the litigants shall have~~  
26 ~~the right to be heard in person or by counsel or both.~~

27 ~~After hearing and argument and reviewing all the testimony~~  
28 ~~filed or taken before him, the [Superintendent of Public~~  
29 ~~Instruction] Secretary of Education shall enter such order,~~  
30 ~~either affirming or reversing the action of the board of school~~

1 ~~directors, as to him appears just and proper.~~

2 ~~Section 5. This act shall take effect as follows:~~

3 ~~(1) The amendment or addition of sections 1124(c) and~~  
4 ~~1125.1(g) of the act shall take effect immediately.~~

5 ~~(2) This section shall take effect immediately.~~

6 ~~(3) The remainder of this act shall take effect June 30,~~  
7 ~~2015.~~

8 SECTION 1. SECTIONS 1108 AND 1121(B) OF THE ACT OF MARCH 10, <--  
9 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,  
10 AMENDED MARCH 29, 1996 (P.L.47, NO.16), ARE AMENDED TO READ:

11 SECTION 1108. TEMPORARY PROFESSIONAL EMPLOYEES.--(A) IT  
12 SHALL BE THE DUTY OF THE DISTRICT SUPERINTENDENT TO NOTIFY EACH  
13 TEMPORARY PROFESSIONAL EMPLOYEE, AT LEAST TWICE EACH YEAR DURING  
14 THE PERIOD OF HIS OR HER EMPLOYMENT, OF THE PROFESSIONAL  
15 QUALITY, PROFESSIONAL PROGRESS, AND RATING OF HIS OR HER  
16 SERVICES. NO TEMPORARY PROFESSIONAL EMPLOYEE SHALL BE DISMISSED  
17 UNLESS RATED UNSATISFACTORY, AND NOTIFICATION, IN WRITING, OF  
18 SUCH UNSATISFACTORY RATING SHALL HAVE BEEN FURNISHED THE EMPLOYEE  
19 WITHIN TEN (10) DAYS FOLLOWING THE DATE OF SUCH RATING. THE  
20 RATING OF A TEMPORARY PROFESSIONAL EMPLOYEE SHALL BE DONE AS  
21 PROVIDED IN SECTION ONE THOUSAND ONE HUNDRED TWENTY-THREE OF  
22 THIS ACT.

23 (B) (1) A TEMPORARY PROFESSIONAL EMPLOYEE INITIALLY EMPLOYED  
24 BY A SCHOOL DISTRICT PRIOR TO JUNE 30, 1996, WHOSE WORK HAS BEEN  
25 CERTIFIED BY THE DISTRICT SUPERINTENDENT TO THE SECRETARY OF THE  
26 SCHOOL DISTRICT, DURING THE LAST FOUR (4) MONTHS OF THE SECOND  
27 YEAR OF SUCH SERVICE, AS BEING SATISFACTORY SHALL THEREAFTER BE  
28 A "PROFESSIONAL EMPLOYEE" WITHIN THE MEANING OF THIS ARTICLE.

29 (2) A TEMPORARY PROFESSIONAL EMPLOYEE INITIALLY EMPLOYED BY A  
30 SCHOOL DISTRICT, ON OR AFTER JUNE 30, 1996, BUT PRIOR TO JUNE

1 30, 2015, WHOSE WORK HAS BEEN CERTIFIED BY THE DISTRICT  
2 SUPERINTENDENT TO THE SECRETARY OF THE SCHOOL DISTRICT, DURING  
3 THE LAST FOUR (4) MONTHS OF THE THIRD YEAR OF SUCH SERVICE, AS  
4 BEING SATISFACTORY SHALL THEREAFTER BE A "PROFESSIONAL EMPLOYE"  
5 WITHIN THE MEANING OF THIS ARTICLE.

6 (2.1) A TEMPORARY PROFESSIONAL EMPLOYE INITIALLY EMPLOYED BY  
7 A SCHOOL DISTRICT, ON OR AFTER JUNE 30, 2015, WHOSE WORK HAS  
8 BEEN CERTIFIED BY THE DISTRICT SUPERINTENDENT TO THE SECRETARY  
9 OF THE SCHOOL DISTRICT, DURING THE LAST FOUR (4) MONTHS OF THE  
10 THIRD YEAR OF SUCH SERVICE, OR, IN THE CASE OF A TEMPORARY  
11 PROFESSIONAL EMPLOYE WHOSE TEMPORARY PROFESSIONAL STATUS WAS  
12 EXTENDED FOR ONE ADDITIONAL YEAR BY THE DISTRICT SUPERINTENDENT  
13 PURSUANT TO PARAGRAPH (2.2), DURING THE LAST FOUR (4) MONTHS OF  
14 THE FOURTH YEAR OF SUCH SERVICE, AS BEING SATISFACTORY SHALL  
15 THEREAFTER BE A "PROFESSIONAL EMPLOYE" WITHIN THE MEANING OF  
16 THIS ARTICLE.

17 (2.2) THE DISTRICT SUPERINTENDENT MAY EXTEND THE TEMPORARY  
18 PROFESSIONAL STATUS OF AN EMPLOYE BY ONE ADDITIONAL YEAR WHEN,  
19 IN THE PROFESSIONAL JUDGMENT OF THE DISTRICT SUPERINTENDENT,  
20 FURTHER EVALUATION OF THE TEMPORARY PROFESSIONAL EMPLOYE IS  
21 NECESSARY PRIOR TO CERTIFYING THE WORK OF THE TEMPORARY  
22 PROFESSIONAL EMPLOYE AS SATISFACTORY. TO EXTEND THE TEMPORARY  
23 PROFESSIONAL STATUS OF AN EMPLOYE UNDER THIS PARAGRAPH, THE  
24 DISTRICT SUPERINTENDENT MUST PROVIDE THE TEMPORARY PROFESSIONAL  
25 EMPLOYE, DURING THE LAST FOUR (4) MONTHS OF THE THIRD YEAR OF  
26 THE TEMPORARY PROFESSIONAL EMPLOYE'S SERVICE, WITH A WRITTEN  
27 STATEMENT, SIGNED BY THE DISTRICT SUPERINTENDENT, SETTING FORTH  
28 THE SPECIFIC REASON FOR THE EXTENSION.

29 (3) THE ATTAINMENT OF THE STATUS UNDER PARAGRAPH (1) [OR],  
30 (2) OR (2.1) SHALL BE RECORDED IN THE RECORDS OF THE BOARD AND

1 WRITTEN NOTIFICATION THEREOF SHALL BE SENT ALSO TO THE EMPLOYEE.  
2 THE EMPLOYEE SHALL THEN BE TENDERED FORTHWITH A REGULAR CONTRACT  
3 OF EMPLOYMENT AS PROVIDED FOR PROFESSIONAL EMPLOYEES. NO  
4 PROFESSIONAL EMPLOYEE WHO HAS ATTAINED TENURE STATUS IN ANY  
5 SCHOOL DISTRICT OF THIS COMMONWEALTH SHALL THEREAFTER BE  
6 REQUIRED TO SERVE AS A TEMPORARY PROFESSIONAL EMPLOYEE BEFORE  
7 BEING TENDERED SUCH A CONTRACT WHEN EMPLOYED BY ANY OTHER PART  
8 OF THE PUBLIC SCHOOL SYSTEM OF THE COMMONWEALTH.

9 (C) (1) ANY TEMPORARY PROFESSIONAL EMPLOYEE EMPLOYED BY A  
10 SCHOOL DISTRICT PRIOR TO JUNE 30, 1996, WHO IS NOT TENDERED A  
11 REGULAR CONTRACT OF EMPLOYMENT AT THE END OF TWO YEARS OF  
12 SERVICE, RENDERED AS HEREIN PROVIDED, SHALL BE GIVEN A WRITTEN  
13 STATEMENT SIGNED BY THE PRESIDENT AND SECRETARY OF THE BOARD OF  
14 SCHOOL DIRECTORS AND SETTING FORTH EXPLICITLY THE REASON FOR  
15 SUCH REFUSAL.

16 (2) ANY TEMPORARY PROFESSIONAL EMPLOYEE EMPLOYED BY A SCHOOL  
17 DISTRICT AFTER JUNE 30, 1996, BUT PRIOR TO JUNE 30, 2015, WHO IS  
18 NOT TENDERED A REGULAR CONTRACT OF EMPLOYMENT AT THE END OF  
19 THREE YEARS OF SERVICE, RENDERED AS HEREIN PROVIDED, SHALL BE  
20 GIVEN A WRITTEN STATEMENT SIGNED BY THE PRESIDENT AND SECRETARY  
21 OF THE BOARD OF SCHOOL DIRECTORS AND SETTING FORTH EXPLICITLY  
22 THE REASON FOR SUCH REFUSAL.

23 (3) ANY TEMPORARY PROFESSIONAL EMPLOYEE EMPLOYED BY A SCHOOL  
24 DISTRICT ON OR AFTER JUNE 30, 2015, WHO IS NOT TENDERED A  
25 REGULAR CONTRACT OF EMPLOYMENT AT THE END OF THREE (3) YEARS OF  
26 SERVICE, OR, IN THE CASE OF A TEMPORARY PROFESSIONAL EMPLOYEE  
27 WHOSE TEMPORARY PROFESSIONAL STATUS WAS EXTENDED FOR ONE  
28 ADDITIONAL YEAR BY THE DISTRICT SUPERINTENDENT PURSUANT TO  
29 SUBSECTION (B) (2.2), AT THE END OF FOUR (4) YEARS OF SERVICE,  
30 RENDERED AS HEREIN PROVIDED, SHALL BE GIVEN A WRITTEN STATEMENT

1 SIGNED BY THE PRESIDENT AND SECRETARY OF THE BOARD OF SCHOOL  
2 DIRECTORS AND SETTING FORTH EXPLICITLY THE REASON FOR SUCH  
3 REFUSAL.

4 (D) TEMPORARY PROFESSIONAL EMPLOYEES SHALL FOR ALL PURPOSES,  
5 EXCEPT TENURE STATUS, BE VIEWED IN LAW AS FULL-TIME EMPLOYEES,  
6 AND SHALL ENJOY ALL THE RIGHTS AND PRIVILEGES OF REGULAR FULL-  
7 TIME EMPLOYEES.

8 SECTION 1121. CONTRACTS; EXECUTION; FORM.--\* \* \*

9 (B) (1) EACH BOARD OF SCHOOL DIRECTORS IN ALL SCHOOL  
10 DISTRICTS SHALL HEREAFTER ENTER INTO CONTRACTS, IN WRITING, WITH  
11 EACH PROFESSIONAL EMPLOYEE INITIALLY EMPLOYED BY A SCHOOL  
12 DISTRICT PRIOR TO JUNE 30, 1996, WHO HAS SATISFACTORILY  
13 COMPLETED TWO (2) YEARS OF SERVICE IN ANY SCHOOL DISTRICT OF  
14 THIS COMMONWEALTH.

15 (2) EACH BOARD OF SCHOOL DIRECTORS IN ALL SCHOOL DISTRICTS  
16 SHALL HEREAFTER ENTER INTO CONTRACTS, IN WRITING, WITH EACH  
17 PROFESSIONAL EMPLOYEE INITIALLY EMPLOYED BY A SCHOOL DISTRICT, ON  
18 OR AFTER JUNE 30, 1996, BUT PRIOR TO JUNE 30, 2015, WHO HAS  
19 SATISFACTORILY COMPLETED THREE (3) YEARS OF SERVICE IN ANY  
20 SCHOOL DISTRICT OF THIS COMMONWEALTH.

21 (3) EACH BOARD OF SCHOOL DIRECTORS IN ALL SCHOOL DISTRICTS  
22 SHALL ONLY HEREAFTER ENTER INTO CONTRACTS, IN WRITING, WITH EACH  
23 PROFESSIONAL EMPLOYEE INITIALLY EMPLOYED BY A SCHOOL DISTRICT, ON  
24 OR AFTER JUNE 30, 2015, WHO HAS SATISFACTORILY COMPLETED THREE  
25 (3) YEARS OF SERVICE OR, IN THE CASE OF A TEMPORARY PROFESSIONAL  
26 EMPLOYEE WHOSE TEMPORARY PROFESSIONAL CONTRACT IS EXTENDED BY THE  
27 DISTRICT SUPERINTENDENT FOR ONE ADDITIONAL YEAR AND WHO HAS  
28 SATISFACTORILY COMPLETED FOUR (4) YEARS OF SERVICE, IN ANY  
29 SCHOOL DISTRICT OF THIS COMMONWEALTH AND RECEIVED OVERALL  
30 PERFORMANCE RATINGS OF "DISTINGUISHED" OR "PROFICIENT" ON BOTH

1 OF THE PROFESSIONAL EMPLOYEE'S TWO (2) MOST RECENT END-OF-YEAR  
2 PERFORMANCE EVALUATIONS PURSUANT TO SECTION 1123 AT THE SCHOOL  
3 DISTRICT OF CURRENT EMPLOYMENT.

4 \* \* \*

5 SECTION 2. SECTION 1124 OF THE ACT, AMENDED JUNE 30, 2012  
6 (P.L.684, NO.82), IS AMENDED TO READ:

7 SECTION 1124. CAUSES FOR SUSPENSION.--(A) ANY BOARD OF  
8 SCHOOL DIRECTORS MAY SUSPEND THE NECESSARY NUMBER OF  
9 PROFESSIONAL EMPLOYEES, FOR ANY OF THE CAUSES HEREINAFTER  
10 ENUMERATED:

11 (1) SUBSTANTIAL DECREASE IN PUPIL ENROLLMENT IN THE SCHOOL  
12 DISTRICT;

13 (2) CURTAILMENT OR ALTERATION OF THE EDUCATIONAL PROGRAM ON  
14 RECOMMENDATION OF THE SUPERINTENDENT AND ON CONCURRENCE BY THE  
15 BOARD OF SCHOOL DIRECTORS, AS A RESULT OF SUBSTANTIAL DECLINE IN  
16 CLASS OR COURSE ENROLLMENTS OR TO CONFORM WITH STANDARDS OF  
17 ORGANIZATION OR EDUCATIONAL ACTIVITIES REQUIRED BY LAW OR  
18 RECOMMENDED BY THE DEPARTMENT OF [PUBLIC INSTRUCTION] EDUCATION;

19 (3) CONSOLIDATION OF SCHOOLS, WHETHER WITHIN A SINGLE  
20 DISTRICT, THROUGH A MERGER OF DISTRICTS, OR AS A RESULT OF JOINT  
21 BOARD AGREEMENTS, WHEN SUCH CONSOLIDATION MAKES IT UNNECESSARY  
22 TO RETAIN THE FULL STAFF OF PROFESSIONAL EMPLOYEES; [OR]

23 (4) WHEN NEW SCHOOL DISTRICTS ARE ESTABLISHED AS THE RESULT  
24 OF REORGANIZATION OF SCHOOL DISTRICTS PURSUANT TO ARTICLE II.,  
25 SUBDIVISION (I) OF THIS ACT, AND WHEN SUCH REORGANIZATION MAKES  
26 IT UNNECESSARY TO RETAIN THE FULL STAFF OF PROFESSIONAL  
27 EMPLOYEES[.]; OR

28 (5) ECONOMIC REASONS THAT REQUIRE A REDUCTION IN  
29 PROFESSIONAL EMPLOYEES, PROVIDED THAT A PROFESSIONAL EMPLOYEE WHO  
30 RECEIVED AN OVERALL PERFORMANCE RATING OF "DISTINGUISHED" ON AT

1 LEAST TWO (2) OF THE PROFESSIONAL EMPLOYEE'S MOST RECENT THREE  
2 (3) END-OF-YEAR PERFORMANCE RATINGS MAY NOT BE SUSPENDED FOR  
3 ECONOMIC REASONS UNDER THIS PARAGRAPH.

4 (A.1) A SCHOOL DISTRICT MAY NOT USE AN EMPLOYEE'S  
5 COMPENSATION IN DETERMINING WHICH PROFESSIONAL EMPLOYEES TO  
6 SUSPEND, BUT SHALL USE THE PROCEDURES IN SECTION 1125.1 TO  
7 DETERMINE THE ORDER IN WHICH PROFESSIONAL EMPLOYEES ARE  
8 SUSPENDED.

9 (B) NOTWITHSTANDING AN EXISTING OR FUTURE PROVISION IN A  
10 COLLECTIVE BARGAINING AGREEMENT OR OTHER SIMILAR EMPLOYMENT  
11 CONTRACT TO THE CONTRARY, SUSPENSION OF A PROFESSIONAL EMPLOYEE  
12 DUE TO THE CURTAILMENT OR ALTERATION OF THE EDUCATIONAL PROGRAM  
13 AS SET FORTH IN SUBSECTION (A) (2) MAY BE EFFECTUATED WITHOUT THE  
14 APPROVAL OF THE CURTAILMENT OR ALTERATION OF THE EDUCATIONAL  
15 PROGRAM BY THE DEPARTMENT OF EDUCATION, PROVIDED THAT, WHERE AN  
16 EDUCATIONAL PROGRAM IS ALTERED OR CURTAILED AS SET FORTH IN  
17 SUBSECTION (A) (2), THE SCHOOL DISTRICT SHALL NOTIFY THE  
18 DEPARTMENT OF EDUCATION OF THE ACTIONS TAKEN PURSUANT TO  
19 SUBSECTION (A) (2). THE DEPARTMENT OF EDUCATION SHALL POST ALL  
20 NOTIFICATIONS RECEIVED FROM A SCHOOL DISTRICT PURSUANT TO THIS  
21 SUBSECTION ON THE DEPARTMENT OF EDUCATION'S PUBLICLY ACCESSIBLE  
22 INTERNET WEBSITE.

23 (C) THE FOLLOWING SHALL APPLY IN THE CASE OF A SUSPENSION  
24 UNDER SUBSECTION (A) (5) IN WHICH A BOARD OF SCHOOL DIRECTORS  
25 SUSPENDS PROFESSIONAL EMPLOYEES WHO ARE ASSIGNED TO PROVIDE  
26 INSTRUCTION DIRECTLY TO STUDENTS:

27 (1) A BOARD OF SCHOOL DIRECTORS MAY SUSPEND THE NECESSARY  
28 NUMBER OF PROFESSIONAL EMPLOYEES ASSIGNED TO PROVIDE INSTRUCTION  
29 DIRECTLY TO STUDENTS ONLY IF THE BOARD OF SCHOOL DIRECTORS ALSO  
30 SUSPENDS AT LEAST AN EQUAL PERCENTAGE PROPORTION OF



1 ADMINISTRATIVE STAFF.

2 (2) THE SECRETARY OF EDUCATION MAY GRANT A BOARD OF SCHOOL  
3 DIRECTORS A WAIVER OF PARAGRAPH (1) IF THE FOLLOWING APPLY:

4 (I) THE SECRETARY OF EDUCATION DETERMINES THAT THE SCHOOL  
5 DISTRICT'S OPERATIONS ARE ALREADY SUFFICIENTLY STREAMLINED;

6 (II) THE SECRETARY OF EDUCATION SUBMITS THE DETERMINATION TO  
7 THE STATE BOARD OF EDUCATION; AND

8 (III) THE STATE BOARD OF EDUCATION APPROVES THE  
9 DETERMINATION BY A MAJORITY OF ITS MEMBERS.

10 (3) ANY FIVE ADMINISTRATIVE STAFF POSITIONS SELECTED BY THE  
11 BOARD OF SCHOOL DIRECTORS SHALL BE EXEMPT FROM THE REQUIREMENTS  
12 OF PARAGRAPHS (1) AND (2).

13 (D) IN THE CASE OF A SUSPENSION UNDER SUBSECTION (A) (5), A  
14 BOARD OF SCHOOL DIRECTORS MAY SUSPEND THE NECESSARY NUMBER OF  
15 PROFESSIONAL EMPLOYEES ONLY BY A MAJORITY VOTE AT A PUBLIC  
16 MEETING OF THE BOARD OF SCHOOL DIRECTORS.

17 (E) FOLLOWING THE 2019-2020 SCHOOL YEAR, THE LEGISLATIVE  
18 BUDGET AND FINANCE COMMITTEE SHALL CONDUCT A STUDY OF THE  
19 EFFECTIVENESS OF THE PROVISIONS OF SECTIONS 1124(A) (5), (C) AND  
20 (D) AND 1125.1 AND SHALL DELIVER A WRITTEN REPORT OF ITS  
21 FINDINGS, INCLUDING WHETHER THESE PROVISIONS OF LAW ARE BEING  
22 USED EFFECTIVELY BY SCHOOL DISTRICTS TO IMPROVE SCHOOL DISTRICT  
23 EFFICIENCY, TO THE GOVERNOR, THE CHAIRMAN AND MINORITY CHAIRMAN  
24 OF THE EDUCATION COMMITTEE OF THE SENATE AND THE CHAIRMAN AND  
25 MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF  
26 REPRESENTATIVES BY DECEMBER 31, 2020.

27 (F) (1) A COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BY A  
28 SCHOOL DISTRICT AND AN EXCLUSIVE REPRESENTATIVE OF PROFESSIONAL  
29 EMPLOYEES IN ACCORDANCE WITH THE ACT OF JULY 23, 1970 (P.L.563,  
30 NO.195), KNOWN AS THE "PUBLIC EMPLOYE RELATIONS ACT," AFTER THE

1 EFFECTIVE DATE OF THIS SUBSECTION MAY NOT PROHIBIT THE  
2 SUSPENSION OF PROFESSIONAL EMPLOYEES FOR ECONOMIC REASONS OTHER  
3 THAN AS PROVIDED FOR IN THIS SECTION.

4 (2) A PROVISION IN ANY AGREEMENT OR CONTRACT IN EFFECT ON  
5 THE EFFECTIVE DATE OF THIS SUBSECTION THAT PROHIBITS THE  
6 SUSPENSION OF PROFESSIONAL EMPLOYEES FOR ECONOMIC REASONS IN  
7 CONFLICT WITH THIS SECTION SHALL BE DISCONTINUED IN ANY NEW OR  
8 RENEWED AGREEMENT OR CONTRACT OR DURING THE PERIOD OF STATUS QUO  
9 FOLLOWING AN EXPIRED CONTRACT.

10 SECTION 3. SECTION 1125.1 OF THE ACT, AMENDED OR ADDED  
11 NOVEMBER 20, 1979 (P.L.465, NO.97) AND JULY 10, 1986 (P.L.1270,  
12 NO.117), IS AMENDED TO READ:

13 SECTION 1125.1. PERSONS TO BE SUSPENDED.--(A) PROFESSIONAL  
14 EMPLOYEES SHALL BE SUSPENDED UNDER SECTION 1124 [(RELATING TO  
15 CAUSES FOR SUSPENSION) IN INVERSE ORDER OF SENIORITY WITHIN THE  
16 SCHOOL ENTITY OF CURRENT EMPLOYMENT. APPROVED LEAVES OF ABSENCE  
17 SHALL NOT CONSTITUTE A BREAK IN SERVICE FOR PURPOSES OF  
18 COMPUTING SENIORITY FOR SUSPENSION PURPOSES.] AS FOLLOWS, WITHIN  
19 THE AREA OF CERTIFICATION REQUIRED BY LAW FOR THE PROFESSIONAL  
20 EMPLOYEE'S CURRENT POSITION:

21 (1) (I) EACH PROFESSIONAL EMPLOYEE WHO RECEIVED AN OVERALL  
22 PERFORMANCE RATING OF "FAILING" ON THE PROFESSIONAL EMPLOYEE'S  
23 MOST RECENT END-OF-YEAR PERFORMANCE RATING SHALL BE SUSPENDED  
24 FIRST.

25 (II) AFTER SUSPENDING PROFESSIONAL EMPLOYEES UNDER SUBCLAUSE  
26 (I), EACH PROFESSIONAL EMPLOYEE WHO RECEIVED AN OVERALL  
27 PERFORMANCE RATING OF "NEEDS IMPROVEMENT" ON THE PROFESSIONAL  
28 EMPLOYEE'S MOST RECENT END-OF-YEAR PERFORMANCE RATING SHALL BE  
29 SUSPENDED SECOND.

30 (III) WHEN MORE PROFESSIONAL EMPLOYEES RECEIVE THE SAME

1 OVERALL PERFORMANCE RATING THAN THERE ARE SUSPENSIONS, SENIORITY  
2 WITHIN THE SCHOOL ENTITY SHALL BE USED TO DETERMINE SUSPENSIONS  
3 AMONG PROFESSIONAL EMPLOYES WITH THE SAME OVERALL PERFORMANCE  
4 RATING ON THE EMPLOYE'S MOST RECENT PERFORMANCE EVALUATION  
5 PURSUANT TO SECTION 1123, PROVIDED THAT APPROVED LEAVES OF  
6 ABSENCE SHALL NOT CONSTITUTE A BREAK IN SERVICE FOR PURPOSES OF  
7 COMPUTING SENIORITY FOR SUSPENSION PURPOSES.

8 (2) AFTER SUSPENDING PROFESSIONAL EMPLOYES UNDER CLAUSE (1),  
9 EACH PROFESSIONAL EMPLOYEE WHO RECEIVED AN OVERALL PERFORMANCE  
10 RATING OF "PROFICIENT" OR "DISTINGUISHED" ON THE PROFESSIONAL  
11 EMPLOYEE'S MOST RECENT END-OF-YEAR PERFORMANCE RATING SHALL BE  
12 SUSPENDED IN INVERSE ORDER OF SENIORITY WITHIN THE SCHOOL ENTITY  
13 OF CURRENT EMPLOYMENT, PROVIDED THAT APPROVED LEAVES OF ABSENCE  
14 SHALL NOT CONSTITUTE A BREAK IN SERVICE FOR PURPOSES OF  
15 COMPUTING SENIORITY FOR SUSPENSION PURPOSES.

16 (A.1) SENIORITY SHALL CONTINUE TO ACCRUE DURING SUSPENSION  
17 AND ALL APPROVED LEAVES OF ABSENCE.

18 (B) WHERE THERE IS OR HAS BEEN A CONSOLIDATION OF SCHOOLS,  
19 DEPARTMENTS OR PROGRAMS, ALL PROFESSIONAL EMPLOYES SHALL RETAIN  
20 THE SENIORITY RIGHTS THEY HAD PRIOR TO THE REORGANIZATION OR  
21 CONSOLIDATION.

22 [(C) A SCHOOL ENTITY SHALL REALIGN ITS PROFESSIONAL STAFF SO  
23 AS TO INSURE THAT MORE SENIOR EMPLOYES ARE PROVIDED WITH THE  
24 OPPORTUNITY TO FILL POSITIONS FOR WHICH THEY ARE CERTIFICATED  
25 AND WHICH ARE BEING FILLED BY LESS SENIOR EMPLOYES.]

26 (D) (1) NO SUSPENDED EMPLOYEE SHALL BE PREVENTED FROM  
27 ENGAGING IN ANOTHER OCCUPATION DURING THE PERIOD OF SUSPENSION.

28 (2) SUSPENDED PROFESSIONAL EMPLOYES OR PROFESSIONAL EMPLOYES  
29 DEMOTED FOR THE REASONS SET FORTH IN SECTION 1124 SHALL BE  
30 REINSTATED [ON THE BASIS OF THEIR SENIORITY WITHIN THE SCHOOL

1 ENTITY.] AS FOLLOWS:

2 (I) PROFESSIONAL EMPLOYEES WHO RECEIVED AN OVERALL  
3 PERFORMANCE RATING OF "PROFICIENT" OR "DISTINGUISHED" ON THEIR  
4 MOST RECENT END-OF-YEAR PERFORMANCE EVALUATIONS SHALL BE  
5 REINSTATED FIRST IN ORDER OF SENIORITY WITHIN THE AREA OF  
6 CERTIFICATION REQUIRED FOR THE VACANCY BEING FILLED AND WITHIN  
7 THE SCHOOL ENTITY.

8 (II) AFTER REINSTATING PROFESSIONAL EMPLOYEES UNDER SUBCLAUSE  
9 (I), PROFESSIONAL EMPLOYEES WHO RECEIVED AN OVERALL PERFORMANCE  
10 RATING OF "NEEDS IMPROVEMENT" ON THEIR MOST RECENT END-OF-YEAR  
11 PERFORMANCE EVALUATIONS SHALL BE REINSTATED SECOND IN ORDER OF  
12 SENIORITY WITHIN THE AREA OF CERTIFICATION REQUIRED FOR THE  
13 VACANCY BEING FILLED AND WITHIN THE SCHOOL ENTITY.

14 (III) AFTER REINSTATING PROFESSIONAL EMPLOYEES UNDER  
15 SUBCLAUSE (II), PROFESSIONAL EMPLOYEES WHO RECEIVED AN OVERALL  
16 PERFORMANCE RATING OF "FAILING" ON THEIR MOST RECENT END-OF-YEAR  
17 PERFORMANCE EVALUATIONS SHALL BE REINSTATED LAST IN ORDER OF  
18 SENIORITY WITHIN THE AREA OF CERTIFICATION REQUIRED FOR THE  
19 VACANCY BEING FILLED AND WITHIN THE SCHOOL ENTITY.

20 NO NEW APPOINTMENT SHALL BE MADE WHILE THERE IS SUCH A SUSPENDED  
21 OR DEMOTED PROFESSIONAL EMPLOYEE AVAILABLE WHO IS PROPERLY  
22 CERTIFICATED TO FILL SUCH VACANCY. FOR THE PURPOSE OF THIS  
23 SUBSECTION, POSITIONS FROM WHICH PROFESSIONAL EMPLOYEES ARE ON  
24 APPROVED LEAVES OF ABSENCE SHALL ALSO BE CONSIDERED TEMPORARY  
25 VACANCIES.

26 (3) TO BE CONSIDERED AVAILABLE A SUSPENDED PROFESSIONAL  
27 EMPLOYEE MUST ANNUALLY REPORT TO THE GOVERNING BOARD IN WRITING  
28 HIS CURRENT ADDRESS AND HIS INTENT TO ACCEPT THE SAME OR SIMILAR  
29 POSITION WHEN OFFERED.

30 (4) A SUSPENDED EMPLOYEE ENROLLED IN A COLLEGE PROGRAM DURING

1 A PERIOD OF SUSPENSION AND WHO IS RECALLED SHALL BE GIVEN THE  
2 OPTION OF DELAYING HIS RETURN TO SERVICE UNTIL THE END OF THE  
3 CURRENT SEMESTER.

4 (E) NOTHING CONTAINED IN [SECTION 1125.1(A) THROUGH (D)]  
5 THIS SECTION SHALL BE CONSTRUED TO:

6 (1) LIMIT THE CAUSE FOR WHICH A TEMPORARY PROFESSIONAL  
7 EMPLOYE MAY BE SUSPENDED; OR

8 (2) SUPERSEDE OR PREEMPT ANY PROVISIONS OF A COLLECTIVE  
9 BARGAINING AGREEMENT NEGOTIATED BY A SCHOOL ENTITY AND AN  
10 EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN ACCORDANCE WITH THE  
11 ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE "PUBLIC  
12 EMPLOYE RELATIONS ACT"; HOWEVER, NO AGREEMENT SHALL PROHIBIT THE  
13 RIGHT OF A PROFESSIONAL EMPLOYE WHO IS NOT A MEMBER OF A  
14 BARGAINING UNIT FROM RETAINING SENIORITY RIGHTS UNDER THE  
15 PROVISIONS OF THIS ACT.

16 (F) A DECISION TO SUSPEND IN ACCORDANCE WITH THIS SECTION  
17 SHALL BE CONSIDERED AN ADJUDICATION WITHIN THE MEANING OF THE  
18 "LOCAL AGENCY LAW."

19 (G) (1) NO COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BY A  
20 SCHOOL DISTRICT AND AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES  
21 IN ACCORDANCE WITH THE "PUBLIC EMPLOYE RELATIONS ACT" AFTER THE  
22 EFFECTIVE DATE OF THIS SUBSECTION SHALL PROVIDE FOR SUSPENDING,  
23 REINSTATING OR REALIGNING PROFESSIONAL EMPLOYEES BASED ON  
24 SENIORITY OTHER THAN AS PROVIDED FOR IN THIS SECTION.

25 (2) UPON THE EXPIRATION, AMENDMENT OR ADOPTION OF ANY  
26 AGREEMENT OR CONTRACT, A PROVISION THAT PROVIDES FOR SUSPENDING,  
27 REINSTATING OR REALIGNING PROFESSIONAL EMPLOYEES BASED ON  
28 SENIORITY IN CONFLICT WITH THIS SECTION SHALL BE DISCONTINUED IN  
29 ANY NEW OR RENEWED AGREEMENT OR CONTRACT OR DURING THE PERIOD OF  
30 STATUS QUO FOLLOWING AN EXPIRED CONTRACT.

1        (H) IF A PROFESSIONAL EMPLOYE IS SUSPENDED UNDER THIS  
2 SECTION, THE PROFESSIONAL EMPLOYE'S POSITION SHALL REMAIN VACANT  
3 FOR AT LEAST ONE YEAR, PROVIDED THAT THE SCHOOL ENTITY MAY  
4 REINSTATE AT ANY TIME THE PROFESSIONAL EMPLOYE WHO WAS  
5 SUSPENDED.

6        SECTION 4. SECTION 1131 OF THE ACT IS AMENDED TO READ:

7        SECTION 1131. APPEALS TO [SUPERINTENDENT OF PUBLIC  
8 INSTRUCTION] SECRETARY OF EDUCATION.--IN CASE THE PROFESSIONAL  
9 EMPLOYE CONCERNED CONSIDERS HIMSELF OR HERSELF AGGRIEVED BY THE  
10 ACTION OF THE BOARD OF SCHOOL DIRECTORS, AN APPEAL BY PETITION,  
11 SETTING FORTH THE GROUNDS FOR SUCH APPEAL, MAY BE TAKEN TO THE  
12 [SUPERINTENDENT OF PUBLIC INSTRUCTION] SECRETARY OF EDUCATION AT  
13 HARRISBURG. SUCH APPEAL SHALL BE FILED WITHIN [THIRTY (30)]  
14 FIFTEEN (15) DAYS AFTER RECEIPT BY REGISTERED MAIL OF THE  
15 WRITTEN NOTICE OF THE DECISION OF THE BOARD. A COPY OF SUCH  
16 APPEAL SHALL BE SERVED BY REGISTERED MAIL ON THE SECRETARY OF  
17 THE SCHOOL BOARD.

18        THE [SUPERINTENDENT OF PUBLIC INSTRUCTION] SECRETARY OF  
19 EDUCATION SHALL FIX A DAY AND TIME FOR HEARING, WHICH SHALL BE  
20 NOT SOONER THAN TEN (10) DAYS NOR MORE THAN THIRTY (30) DAYS  
21 AFTER PRESENTATION OF SUCH PETITION, AND SHALL GIVE WRITTEN  
22 NOTICE TO ALL PARTIES INTERESTED.

23        THE [SUPERINTENDENT OF PUBLIC INSTRUCTION] SECRETARY OF  
24 EDUCATION SHALL REVIEW THE OFFICIAL TRANSCRIPT OF THE RECORD OF  
25 THE HEARING BEFORE THE BOARD, AND MAY HEAR AND CONSIDER SUCH  
26 ADDITIONAL TESTIMONY AS HE MAY DEEM ADVISABLE TO ENABLE HIM TO  
27 MAKE A PROPER ORDER. AT SAID HEARING THE LITIGANTS SHALL HAVE  
28 THE RIGHT TO BE HEARD IN PERSON OR BY COUNSEL OR BOTH.

29        AFTER HEARING AND ARGUMENT AND REVIEWING ALL THE TESTIMONY  
30 FILED OR TAKEN BEFORE HIM, THE [SUPERINTENDENT OF PUBLIC

1 INSTRUCTION] SECRETARY OF EDUCATION SHALL ENTER SUCH ORDER,  
2 EITHER AFFIRMING OR REVERSING THE ACTION OF THE BOARD OF SCHOOL  
3 DIRECTORS, AS TO HIM APPEARS JUST AND PROPER.

4 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

5 (1) THE AMENDMENT OR ADDITION OF SECTIONS 1124(F) AND  
6 1125.1(G) OF THE ACT SHALL TAKE EFFECT IMMEDIATELY.

7 (2) THE AMENDMENT OF SECTIONS 1108 AND 1121 SHALL TAKE  
8 EFFECT JUNE 30, 2015.

9 (3) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

10 (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JUNE 30,  
11 2016.