



Senate Education Committee

Senator Lloyd Smucker
Chairman

Kelly Phenicie
Executive Director/Counsel
kphenicie@pasen.gov

Tabitha Hummer
Deputy Executive Director
thummer@pasen.gov

Diane M. McNaughton
Communications Specialist
dmmcnaughton@pasen.gov

Room 351, Main Capitol Building • Harrisburg, Pennsylvania 17120-3013 • 717-787-6535

House Bill 805

Printer's No. 1843

Prime Sponsor: Bloom
Committee: Education

SYNOPSIS:

Permits economic furloughs; requires layoffs to be based on performance rather than seniority; and provides local superintendents with flexibility when awarding tenure.

SUMMARY:

Amends the Public School Code to permit a superintendent to extend the period of time for a teacher to earn tenure from three to four years if the superintendent determines the additional year is necessary to certify the teacher's work as satisfactory.

Prohibits economic furloughs for those teachers who received a rating of "distinguished" on at least two of the teacher's most recent evaluations. Requires a school district that suspends classroom teachers to suspend at least an equal percentage of administrative staff. Permits a waiver of this requirement where the Secretary and the State Board determine that a school district's operations are already sufficiently streamlined. Exempts any five administrative staff members selected by the school district from the proportionate reduction requirement. Requires that any suspensions must occur by majority vote at a public meeting.

Provides for the order in which teachers are suspended:

- Teachers with a "failing" rating will be suspended first, with seniority as a tiebreaker.
- Teachers with a "needs improvement" rating will be suspended second, with seniority as a tiebreaker.
- Teachers with "proficient" and "distinguished" ratings will be suspended last, in inverse order of seniority.

Provides that categories of teachers will be reinstated in the reverse order in which they were suspended.

Requires the Legislative Budget and Finance Committee to conduct a study in five years of the effectiveness of the economic furlough and suspension provisions and deliver a written report of its findings, including whether these provisions are being used effectively by school districts to improve efficiency, to the Governor and to the chairs of the House and Senate Education Committees.

Requires collective bargaining agreements negotiated in accordance with the "Public Employe Relations Act" after the effective date of this section may not prohibit the suspension of professional employes for economic reasons other than as provided. Requires that any provision in an agreement or contract in effect on the effective date of this subsection that prohibits the suspension of professional employees for economic reasons in conflict with this section shall be discontinued in any new or renewed agreement or contract or during the period of status quo following an expired contract.

Additionally, no collective bargaining agreement negotiated after the effective date may provide for suspending, reinstating or realigning professional employees based on seniority other than as provided by this section. Requires that upon the expiration, amendment, or adoption of any agreement or contract, a provision that provides for suspending, reinstating or realigning professional employees based on seniority in conflict with this section shall be discontinued in any new or renewed agreement or contract or during the period of status quo following an expired contract.

Effective Date: The sections pertaining to collective bargaining agreements are effective immediately. The sections pertaining to changes in tenure are effective on June 15, 2015. Since that date has passed, statutory construction provides that those sections would take effect in 60 days. The remainder is effective June 30, 2016.

BILL HISTORY:

Passed House 6/23/15 (100-91)

Prepared by: Phenicie 12/3/2015