



HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

March 11, 1976

MEMO

SUBJECT: Questions from School Districts

TO: Honorable Roy Wilt

FROM: Eugene M. Fulmer, Director
Minority Research

Attached is a response to your request concerning questions from your school districts. The responses correspond to the designations in the letter dated January 27, 1976.

EMF:js
Attachments

- A. The provisions of H.B. 1905, raising maximum reimbursement to \$900 per pupil, have been incorporated into an amendment that will be offered by Representative Seltzer to H.B. 770 (School Code Recodification). The fiscal note indicates the amendment will cost \$170 million using data from the 1974-75 school year as the base. This amendment has generated considerable controversy with respect to the School Code, the Budget, etc.
- B. Many of the ideas for balancing board and teacher rights center around extending binding arbitration to teacher negotiations or a greater use of the mediation, fact finding, provisions, etc. of Act 195. Another idea that could benefit boards is the use of a professional negotiator.
- C. House Bill 1 would not eliminate the property tax. It is only an enabling bill to establish a graduated personal income tax for the Commonwealth. It is questionable as to whether this tax would raise greater revenues for the state. One of the reasons the push for a graduated income tax was dropped was because it was difficult to establish a system that would not increase taxes for many people.
- D. Section 3721, p. 319 of H.B. 770 states:

"Except as provided in subsection (d), all public schools shall be kept open for at least 180 days of instruction."

On March 8, 1976, Commonwealth Court ordered the Union Area School District (Lawrence County) to make up six days lost during a strike last fall, thereby requiring the district to provide 180 days of instruction. However, this order may not establish an absolute precedent for the 180 day provision. The Pittsburgh School District lost 33 days of school during their strike and it is impossible for them to make up the lost time and provide 180 days of instruction by June 30. The opinion of the Court, which will be issued at a later date, may establish a clear precedent on this subject.

- E. The analysis of H.B. 770 and the fiscal impact analysis can provide a detailed explanation of the recodification.

January 27, 1976

Honorable Roy W. Wilt
House Office Building
Harrisburg, PA

Dear Mr. Wilt,

We are writing this letter representing all school districts of Mercer County, the primary objective being to make an attempt to meet with you, Senator Dwyer, and State Legislators Bennett and Pratt.

We would like to give you some background of this group. There are twelve (12) school districts in Mercer County. We, with the conception of Act 195 (Public Employees Relation Act) and inflationary costs, have in our opinion encountered insurmountable obstacles. The first meeting was held on April 2, 1975 at Sharpville. We have been meeting continuously, once a month, with our meetings being rotated at different schools each month. We have discussed many problems that prevail at all schools located in Mercer County and I am sure throughout the Commonwealth of Pennsylvania.

The main problem is financial. The general consensus of the school directors of Mercer County is that the increase cost of education today is a problem of primary concern and the State is reluctant in their obligation to local districts where financial costs are involved.

In the afore mentioned statement there are certain areas of common concern that we, the school directors, would like to express with our four (4) State Legislators that represent Mercer County and make every attempt to obtain specific opinions to some of the problems that confront all of us.

The topics of discussion that we would like to discuss are as follows:

A) H.B. 1905 - Increase maximum state reimbursement from \$750.00 to \$900.00 per pupil or any legislation that might give local districts financial help.

B) Amendments to Act 195 (P.E.P.A.) whereas being professional persons as teachers allege, they should be more responsive to education of students and community.

Honorable Roy V. Wilt
Page 2
January 27, 1976

C) The possibility of implementation of H.B.-1 through constitutional amendment, the graduated tax amendment, or some other fairer tax, eliminating the unfair and regressive property tax.

D) An Amendment of the School Code, specifically language or interpretation of Section 1501, mandating 180 days of instruction in the event of a teacher strike.

E) Discussion about the new Recodification Code.

We would like to suggest two dates for this meeting. They are Wednesday, March 17, 1976 or Wednesday, March 31, 1976. The place of the meeting will be Farrell Senior High School. The time would be 7:30 P.M.

Mr. Wilt, we would appreciate it very much if you and your colleagues would coordinate through State Representative Peid Bennett for an agreeable date.



**HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA**

MEMO

March 12, 1976

SUBJECT: Central Susquehanna Intermediate Unit Recommendations
on House Bill 770, Printer's No. 2645

TO: Honorable Reno H. Thomas

FROM: Honorable G. Sieber Pancoast

As you know, some of the items included in the recommendations were discussed in the initial presentation to the Caucus on H.B. 770. Attached is a copy of the bill analysis which is organized on a chapter and section basis similar to the Intermediate Unit's request. This should be helpful in determining whether the bill corresponds to their requests.

GSP:II
Attachment



Central Susquehanna Intermediate Unit

January 7, 1976

Hon. Reno H. Thomas
House of Representatives
P. O. Box 85
Harrisburg, PA 17120

Dear Representative Thomas:

During a meeting last spring between area legislators and representatives of the Central Susquehanna Intermediate Unit and our constituent school districts, the legislators present requested that we prepare some reasonably specific comments relative to the Recodification Bill--now known as House Bill 770 (Printer's No. 2268).

Following up on that request, an ad hoc committee, consisting of district school directors and superintendents, was appointed. That committee scrutinized the current version of the bill, and recommended a number of amendments. The proposed amendments were presented last November to a joint meeting of the CSIU Board and district board presidents. That group approved the proposals presented to them, and the enclosed report was then drafted by CSIU staff. Since then, district board presidents, superintendents, and members of the ad hoc committee have had an opportunity to review this report, and their comments on the draft have been incorporated.

We have endeavored to provide clear, concise comments on the Recodification Bill, which are of considerable importance to elected school directors in this area. I believe that the enclosed report is reasonably self-explanatory. However, should you have any questions, or should you require any clarification or amplification of anything contained in the report, please feel free to call upon me at any time.

Thank you for your consideration of our comments.

Sincerely,

Robert E. Feir

REF:fab



**HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA**

MEMO

March 16, 1976

SUBJECT: Lakeview School District; Requests on H.B. 770

TO: Honorable Roy Wilt

FROM: Honorable G. Sieber Pancoast

Attached is the letter you received from the Lakeview School District requesting changes in House Bill 770 (School Code Recodification). I have attached comments in the margin on those amendments that have been revised or will be debated on the Floor.

Where no comments are indicated, the bill retains the language the school district would like amended.

GSP:II
Attachment

ROY W. WILT, MEMBER
R. D. 1
GREENVILLE, PENNSYLVANIA 16128



COMMITTEES
AGRICULTURE
TRANSPORTATION
JOINT LEGISLATIVE AIR AND WATER POLLUTION
CONTROL AND CONSERVATION

**HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG**

January 27, 1976

Hon. G. Sieber Pancoast, Minority Chairman
House Education Committee
Room 512-3-E, Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Sieb:

Please review the enclosed correspondence which I received from a good friend of mine who is Superintendent of Lakeview School District.

It would be sincerely appreciated if you could have as many of his provisions implemented into the recodification as possible.

Thanks,


Roy W. Wilt
RWW:ish

Enclosure



HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

March 9, 1976

MEMO

SUBJECT: Amendments to H.B. 770

TO: Honorable Matthew J. Ryan

FROM: Honorable G. Sieber Pancoast
Honorable Samuel E. Hayes, Jr.

Attached is a response to your request concerning amendments to H.B. 770. Each of the amendments has been numbered and the comments correspond to the numbers of the amendments.

GSP:SEH:II
Attachment



Section 4333

Included

1. This amendment would change the provision requiring school districts to employ attendance officers or home/school visitors in this capacity to an optional provision. This would end the requirement that school districts enforce the compulsory attendance provisions in current law and included in H.B. 770. Two other amendments will be offered that require the designation of an attendance officer rather than employment of one (Mebus) and separating the functions of a home/school visitor and attendance officer (Lincoln).

Section 4341

*Not
Included*

2. This amendment eliminates the requirement that districts offer a school health program and also eliminates the nurse/student ratio (1/1500). These provisions are in current law and were substantially retained after considerable controversy was generated by proposed changes.

Section 4702

Included

3. This amendment would return kindergarten to being an optional program, as in current law, rather than a state mandated program. The amendment would also establish, at district option, the admittance age between 3 years, 7 months and 6 years. An amendment returning the district option in offering kindergarten and optional admittance to kindergarten between 4 and 6 years will be offered (Taddonio-Trello).

Section 5113

Included

4. This amendment would allow substitutes to be employed by districts during strikes. PSBA is requesting this amendment. Several amendments will be offered to this section. Representative Pancoast is offering two amendments allowing regularly used substitutes to be hired during a strike or when teachers fail to return to work after a court order. Representative Pyles is offering an amendment permitting districts to employ 25% of their regular substitutes during a strike in order to offer classes which he believes will be primarily for seniors.

Section 5134

*Not
Included*

5. This amendment would allow school districts to develop their own teacher rating system, which is current practice. This language is not necessary as this section already permits districts to use any system approved by the Department. This provision is a compromise worked out by the Committee.

Section 5135

- Included
6. This amendment would remove the provision that districts may furlough only after the Department of Education approves the reduction in professional personnel as justified because of declines in enrollment. This language was inserted at the request of PSEA. This provision places state control over local management decisions. PSBA is looking for a sponsor for a similar amendment.

Section 5136

- Included
7. This amendment would return the basis for making furloughs to current law. Teachers are currently furloughed first on the basis of their rating score, but if there is no substantial difference in the scores, then seniority is the determining factor. H.B. 770 establishes seniority as the basis for making furloughs. This was at the request of PSEA and PFT.

Section 5144

- Included
8. This amendment would eliminate the service increments in salary from the maximum salary provisions of this section. This section has established the minimum salary in effect in the district, plus the increments mandated in current law, at the time of enactment as the district's minimum salary. This section has caused considerable controversy as to its exact meaning. Representative S. Hayes has placed the language of current law relating to salaries in the Omnibus Amendment to eliminate this controversy.

AMENDMENTS TO HOUSE BILL NO. 770

Mr.

Printer's No. 2645

Amend Sec. 1 (Sec. 5144), page 437, lines 7 through 10 by striking out all of lines 7 through 9 and "(b)" in line 10 and inserting

(a)

Amend Sec. 1 (Sec. 5144), page 437, line 11 by striking out "incremental salary schedules" and inserting

salaries

Amend Sec. 1 (Sec. 5144), page 437, line 13 by striking out "incremental"

Amend Sec. 1 (Sec. 5144), page 437, line 13 by striking out "schedule"

Amend Sec. 1 (Sec. 5144), page 437, lines 17 through 30; page 438, lines 1 through 4 by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 5144), page 438, line 5 by striking out "(e)" and inserting

(b)

Amend Sec. 1 (Sec. 5144), page 438, line 10 by striking out "(f)" and inserting

(c)

Amend Sec. 1 (Sec. 5144), page 438, lines 11 and 12 by striking out "placed on a step which shall be" and inserting

paid

Amend Sec. 1 (Sec. 5144), page 438, lines 13 through 18 by striking out all of said lines and inserting

provided in subsection (a) for holders of bachelors degrees similarly situated.

AMENDMENTS TO HOUSE BILL NO. 770

Mr.

Printer's No. 2645

1. — Amend Sec. 1 (Sec. 4333), page 350, line 24, by striking out "shall" and inserting

may

2. — Amend Sec. 1 (Sec. 4702), page 365, line 24, by striking out "FIVE" and inserting

six

Amend Sec. 1 (Sec. 4702), page 365, lines 26 and 27, by striking out "CHILDREN WHO WILL HAVE REACHED THE AGE OF FIVE YEARS" in line 26 and all of line 27

3. — Amend Sec. 1 (Sec. 5113), page 418, lines 18 through 21, by striking out all of said lines

4—Amend Sec. 1 (Sec. 5135), page 429, lines 8 and 9 by striking out ", as approved by the department after appropriate investigation,"

Amend Sec. 1 (Sec. 5135), page 429, lines 15 and 16 by striking out "The department shall approve any such change in the educational program."

5. —Amend Sec. 1 (Sec. 5136), page 429, line 24 by striking out all of said line and inserting

(a) Ratings.--Whenever a governing board decreases the size of the staff of professional employees in a program, department, school or school entity for any of the reasons stated in section 5135 (relating to furlough of employee from staff reduction), the furloughs to be made shall be determined by ratings made in accordance with the provisions of section 5134 (relating to ratings) except that professional employees without tenure shall be furloughed before those with tenure.

(b) Seniority.--Where there are no substantial differences in the ratings as determined by the chief commissioned officer of the school entity, professional employees shall be

Amend Sec. 1 (Sec. 5136), page 429, lines 25 and 26 by striking out "(relating to furlough of employee from staff reduction)"

Amend Sec. 1 (Sec. 5136), page 430, line 6 by striking out "(b)" and inserting

(c)

Amend Sec. 1 (Sec. 5136), page 430, line 10 by striking out "(c)" and inserting

(d)

Amend Sec. 1 (Sec. 5136), page 430, line 20 by striking out "(d)" and inserting

(e)

6— Amend Sec. 1 (Sec. 5144), page 437, lines 7 through 10 by striking out all of lines 7 through 9 and "(b)" in line 10 and inserting

(a)

Amend Sec. 1 (Sec. 5144), page 437, line 11 by striking out "incremental salary schedules" and inserting

salaries

Amend Sec. 1 (Sec. 5144), page 437, line 13 by striking out "incremental"

Amend Sec. 1 (Sec. 5144), page 437, line 13 by striking out "schedule"

Amend Sec. 1 (Sec. 5144), page 437, lines 17 through 30; page 438, lines 1 through 4 by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 5144), page 438, line 5 by striking out "(e)" and inserting

(b)

Amend Sec. 1 (Sec. 5144), page 438, line 10 by striking out "(f)" and inserting

(c)

Amend Sec. 1 (Sec. 5144), page 438, lines 11 and 12 by striking out "placed on a step which shall be" and inserting

paid

Amend Sec. 1 (Sec. 5144), page 438, lines 13 through 18 by striking out all of said lines and inserting

provided in subsection (a) for holders of bachelors degrees similarly situated.

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 770

Mr.

Printer's No. 2645

Amend Sec. 1 (Sec. 5136), page 429, line 24 by striking out all of said line and inserting

(a) Ratings.--Whenever a governing board decreases the size of the staff of professional employees in a program, department, school or school entity for any of the reasons stated in section 5135 (relating to furlough of employee from staff reduction), the furloughs to be made shall be determined by ratings made in accordance with the provisions of section 5134 (relating to ratings) except that professional employees without tenure shall be furloughed before those with tenure.

(b) Seniority.--Where there are no substantial differences in the ratings as determined by the chief commissioned officer of the school entity, professional employees shall be

Amend Sec. 1 (Sec. 5136), page 429, lines 25 and 26 by striking out "(relating to furlough of employee from staff reduction)"

Amend Sec. 1 (Sec. 5136), page 430, line 6 by striking out "(b)" and inserting

(c)

Amend Sec. 1 (Sec. 5136), page 430, line 10 by striking out "(c)" and inserting

(d)

Amend Sec. 1 (Sec. 5136), page 430, line 20 by striking out "(d)" and inserting

(e)

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 770

Mr.

Printer's No. 2645

Amend Sec. 1 (Sec. 5113), page 418, lines 18 through 21, by striking out all
of said lines

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 770

Mr.

Printer's No. 2645

Amend Sec. 1 (Sec. 4702), page 365, line 24, by striking out "FIVE" and
inserting

six

Amend Sec. 1 (Sec. 4702), page 365, lines 26 and 27, by striking out "CHILDREN WHO
WILL HAVE REACHED THE AGE OF FIVE YEARS" in line 26 and all of line 27

CHARLES F. MEBUS, MEMBER
214 MAPLE AVENUE
WYNCOTE, PENNSYLVANIA 19095



COMMITTEES

LOCAL GOVERNMENT, MINORITY CHAIRMAN
APPROPRIATIONS
URBAN AFFAIRS
LOCAL GOVERNMENT COMMISSION

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

January 27, 1976

The Honorable G. Sieber Pancoast
Republican Chairman, House Education Committee
512-E-3 Main Capitol
Harrisburg, Pennsylvania

Dear Sieb:

Enclosed is a copy of a memo I received from Mrs. Joanne Johnson, School Director in Cheltenham Township. I believe the suggested amendments to House Bill 770 have been well thought out and may prove to be very helpful. After you have had an opportunity to review them, I would appreciate knowing which of these notions have been dealt with by the Education Committee and rejected or accepted.

I would further appreciate having your views regarding the desirability of having individual amendments drafted around each suggestion in the hope that we might have better luck amending the bill on the Floor than was your experience in Committee.

Thank you very much for the time and trouble you have taken in going over these items.

Cordially,

Charles F. Mebus

CFM: mm
Enclosure
cc: Mrs. Joanne Johnson

SCHOOL DISTRICT OF CHELTENHAM TOWNSHIP
 ADMINISTRATION BUILDING
 MONTGOMERY AVENUE & HIGH SCHOOL ROAD
 ELKINS PARK, PA. 19117

TO: Hon. Charles F. Mebus
 State Representative, 154th District
 Commonwealth of Pennsylvania

From: Joanne Johnson
 Legislative Committee
 Cheltenham Township School District

DATE: January 22, 1976

RE: HB 770, PN-2268 (Pennsylvania School Code Recodification)

The following items are of major concern to the Board and Administration of the Cheltenham School District. Since your meeting with the members of our Board on December 16, we understand that HB 770 has been further amended in committee. Some of those amendments we have learned have satisfied our objections in those specific areas and we have accordingly deleted those topics from this report with a notation where they would have occurred. We have also dropped those items which you advised us would have little hope of gaining acceptance.

Section 3303 page 230-lines 11-14

Standards of the Accounting System makes law of the accounting system. An accounting error would be a violation of the law. Standards could only be changed by legislation, publication in the register for 30 days, etc.

Recommendation: Substitute established for promulgated and eliminate

Section 5158 page 446- lines 12-16

Salary paid to an employee injured while working for another employer.

right
Withdrawn: We understand this Section has been amended so that it is restricted to sick pay.

Section 3583 page 299-lines 15 and 16

Limits 25 mills tax on real estate for general purposes. While this is current law it is:

1. unrealistic
2. impossible formula

Recommendation:

1. Change to market value or
2. Establish a realistic ratio of assessed value to market value or
3. Raise millage limit

SCHOOL DISTRICT OF CHELTENHAM TOWNSHIP
ADMINISTRATION BUILDING
MONTGOMERY AVENUE & HIGH SCHOOL ROAD
ELKINS PARK, PA. 19117

JOHN R. THORSON
SUPERINTENDENT

224-0880
635-3800
AREA CODE 215

page 2.

Section 3143 page 215-lines 10 and 11
Payroll obligations of each school district shall be preferential claims.
1. In conflict with Section 3173 which makes debt service the first priority
2. Would affect interest rates on bond issues.

Recommendation: eliminate

Section 3191 page 227
Disposal of property
1. unworkable

Recommendation: revert to first draft

Section 3111 page 206-lines 23 and 24
Requires the Superintendent to present a budget to the Board on or before April 15.
1. Too early in the year-Labor negotiations have barely begun

Section 5101 page 408
The definition of professional employees broadened when combined with other sections relating to certain benefits and tenure requirements cause serious problems. These issues will be noted under their section numbers.

Section 5113 page 418
The requirement that substitute teachers be certified in the area of substitution unless a certified substitute is unobtainable (nos. 1, 2, 3)
1. Substitute teachers fill an emergency situation.

Recommendation: Allow the District discretion in the matter

The provision (no. 4) which prohibits substitute teachers from being hired during a strike situation
1. Damages the bargaining position of management
2. Makes one wonder whether the primary interest of the School Code is to protect and insure the right to education of the children of this Commonwealth or the employment security of union members.

Recommendation: eliminate

SCHOOL DISTRICT OF CHELTENHAM TOWNSHIP

ADMINISTRATION BUILDING

MONTGOMERY AVENUE & HIGH SCHOOL ROAD
ELKINS PARK, PA. 19117

224-0880
635-3800

AREA CODE 215

JOHN R. THORSON
SUPERINTENDENT

page 3.

Section 5122 page 423

Utilization of guests and visitors
Language is misleading. The word "employment"
is stricken and replaced by "utilized". Does
this mean a guest cannot be paid?
1. This is an employment protection device
which would prohibit the students from benefitting
from extraordinary educational resources on even
a short term basis (ie. a one-term visiting
famous poet, or symphony conductor who would
like to work briefly with children). This Section
does not recognize the specialist nature or
professional capability of resource persons
under the misnomer "guests" and "visitors"

Recommendation: The code should allow for
honorarium payment of such persons at the
discretion of the School Board.

2. A Guest cannot substitute for a person on
on leave even though such short term employment
of a special person might serve the educational
enrichment of the students.

Recommendation: rewrite provision to allow
for visitors with professional credentials
(other than teaching certification) to be
utilized if their particular level of expertise
cannot be duplicated by a regular substitute
appointment.

Section 5132 page 425

When coupled with the section (5101) defining
"professional employees" this section on tenure
would indicate that supervisory employees would
have tenure in their positions.

1. The confusion between tenure rights of the
employee and managerial assignments is harmful:
it takes away our ability to make assignments
according to the changing needs of the district
and is an encroachment on managerial rights.

Recommendation: eliminate

Section 5114B page 420 section 4

Intern Certificates. The person holding an intern
certificate has all the rights of professional
employees including the tenure track of "Two years
of professional service with satisfactory ratings".

SCHOOL DISTRICT OF CHELTENHAM TOWNSHIP

ADMINISTRATION BUILDING

MONTGOMERY AVENUE & HIGH SCHOOL ROAD

ELKINS PARK, PA. 19117

JOHN R. THORSON
SUPERINTENDENT

224-0880

635-3800

AREA CODE 215

page four

5114B (cont.)

The School Board has no right to stop the recording of tenure in the minutes.

1. An intern certificate can be held for three years. If the intern teacher does not fulfill the certification requirements in that time (the intern certificate is non-renewable) he will already be tenured at the time his lack of qualification becomes an issue.

Recommendation: The recodification should have undertaken tenure reform including a longer probation period before tenure becomes inevitable. Tenure should certainly not precede permanent certification.

Section 5134 page 428 Rating system

This Section has been amended by making "systems" plural and allowing for consultation with local districts. We no longer have an objection.

Section 5135 & Section 5136 page 429

The Department must investigate and approve reduction in professional personnel due to decreased pupil enrollment.

1. Local Boards should assess the need for reduction in personnel for this reason and others having to do with their prerogative to set educational goals within mandated courses of study.

Recommendation: Return this function to local School Boards and support their managerial function.

Section 5136 page 430

Criteria for Furlough. Does away with a rating system as a means of deciding staff assignments and reinforces tenure as sole criteria. This is not in the best interests of the district.

Recommendation: Eliminate. Establish line between managerial needs and employee rights with the educational needs of the population being the criteria.

page 431: tenure rights extended to age 70. This has been amended to age 65 and we have no further objection on this issue.

SCHOOL DISTRICT OF CHELTENHAM TOWNSHIP
ADMINISTRATION BUILDING

MONTGOMERY AVENUE & HIGH SCHOOL ROAD
ELKINS PARK, PA. 19117

JOHN R. THORSON
SUPERINTENDENT

224-0880
635-3800

AREA CODE 215

page five

Section 5151 subchapter d-line 15 page 442

Wording has been changed from "year" to "term".
Does this mean that the legal work commitment
following sabbatical leave would be shortened from
one year to a half year.

1. If so the term should be re-established as "year"

Recommendation: Clarify work commitment as one year
following study leave.

Section 501 page 30

Membership on the State Board. The membership is
too concentrated in the executive branch. Rational
for other choices not entirely clear. Not sufficient
representation of elected School Board officials who
directly represent the public through local electoral
choice.

Recommendation: Provision for regional representation
of locally elected Board members and Intermediate Unit
Boards among the required members of the State Board..

Section 702, page 39 and 40

State Board Consideration of Standards. The failure to reply or
to approve within sixty days shall be deemed approval.
This is an unwarranted extention of power to the Secretary
of Education.

Recommendation: The Board should be required to reply
within a stated length of time, but in no case should
their approval be "deemed" or taken for granted.

We would urge the State Legislature to reassess the areas of the
School Code in which the protection of the job security of
professional personnel work to the detriment of the educational
program local school districts try to insure the citizens of the
Commonwealth through the School Code. We would hope that before
the State Legislature puts the recodification into law, that
further testimony be taken from locally elected School officials
and administrators particularly in the personnel section which
appears to have been wrought with a bias in favor of organized
labor rather than one which defined the Commonwealth's educational
duty with due regard to a judicial balance between the claims of
labor and management.



HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

MEMO

November 14, 1975

SUBJECT: Tenure and Sabbatical Leave (Polite)

TO: Honorable Eugene M. Fulmer

FROM: Geoffrey B. Crego *GC*

Joan Gauker argues in her letter to Representative Polite that tenure and sabbatical leaves are obsolete protections for educators now that they have bargaining rights and the right to strike. Her view is shared by many other school directors and the Pennsylvania School Boards Association, which would like to see provisions relating to tenure and sabbaticals removed from law and either done away with entirely or made negotiable under Act 195 of 1972 (Public Employee Relations Act).

Tenure, which has existed in Pennsylvania for 35 years, was instituted to make the academic profession attractive to men and women of ability by providing economic security, ensuring academic freedom, and eliminating political influence and pressure in school employee hiring and firing practices. For the most part, tenure is a procedure which assures due process for tenured teachers in the event that charges are brought against them leading to dismissal from their jobs.

Professional employees are school employees with tenure status and include supervisors, principals, counselors, librarians, nurses, etc. as well as certified teachers. The actual investiture of tenure is in the control of school boards, superintendents, and administrators, who rate and validate performance and generally award tenure after a minimum of two years of satisfactory service. State law cites "immorality, incompetency, intemperance, cruelty, persistent negligence, mental derangement, subversive activity, and persistent violation of school laws" as the only valid causes for terminating a professional employee's contract before retirement age (65).

H.B. 770, P.N. 2268 (the proposed School Code revision in its present form) retains the existing two-year probationary period for tenure for school employees and adds a provision that non-supervisory professional employees who become supervisors or administrators must re-earn tenure. The bill maintains the right of an employee to return to his former position within two years without losing tenure and adds a provision that an employee who has earned tenure as an administrator and who wants to return to his former position must be offered the first vacancy.

Those who oppose tenure agree with Ms. Gauker that it tends to lock in incompetent teachers and prevent the movement of staff so that competent ones may be hired. Secretary of Education Pittenger has stated that, with the advent of collective bargaining as well as the use of the due process clause of the U.S. Constitution, the security provisions of contracts may make the tenure law obsolete. However, in part because of a strong lobbying effort by the Pennsylvania State Education Association, the General Assembly has opted to maintain tenure laws and has perhaps strengthened the procedural rights of professional employees with the new proposals in H.B. 770.

Sabbatical leave is another vestige of the old system for which provisions remain stated in law despite collective bargaining, but the complaint with sabbaticals isn't so much with unnecessary protections for educators as with abuse of the local education dollar. The legislative intent was to make sabbatical leave contingent upon an employee's using the leave to upgrade his skills or increase his knowledge as an educator. Present law permits sabbaticals for "restoration of health, study, or travel or, at the discretion of the governing board, for other purposes," so leave may be granted for any reason approved by the board.

The law entitles professional employees to sabbatical leave at $\frac{1}{2}$ salary "for a half or full school year or for two $\frac{1}{2}$ school years during a period of two years" after ten years of satisfactory service, and H.B. 770 adds a provision that additional sabbaticals shall be allowed after each seven years of service. Whether the H.B. 770 proposal represents an expansion of sabbatical leave, as Ms. Gauker insists, or whether in fact it is a restriction depends upon the attitude and practice of the local board. Just as some boards are more liberal than others regarding accepted purposes for sabbatical leave, some boards are inclined to grant sabbaticals on a regular basis after ten years of service while others are not (no district may limit the number of sabbaticals in a school year to less than 10% of the number of persons eligible for sabbaticals employed by the district).

Ms. Gauker's main complaint is that her school board was forced to grant a sabbatical, concurrent with acceptance of his new job, to their superintendent who left the district to take a permanent position in private education. However, the law states that one must "agree in writing to return to employment with the school entity for a period of not less than one school term," unless prevented by illness or physical disability, or "forfeit all benefits for the period of the sabbatical leave to which the employee would have been entitled, including $\frac{1}{2}$ salary." This requirement that a person return to the service of the district may be waived by the consent of the board, but the board is not obligated by law to grant a sabbatical to anyone who leaves to take employment elsewhere.

I would advise Mr. Polite to inform Ms. Gauker that State law does not force districts to grant sabbaticals in the circumstance cited above, as this appears to be her primary concern. He might also briefly discuss the rationale behind tenure and sabbatical leave and note present and proposed law relating to these rights of educators. I'll have to leave it to Mr. Polite to offer his own feelings or ideas about these rights and state what, if anything, he believes should be done about tenure and sabbatical laws.

Attached please find Joan Gauker's letter to Representative Polite, dated August 7, 1975. Let me know if I can be of further assistance on this matter.

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 770

Mr.

Printer's No. 2645

Chel 2

2/16

Amend Sec. 1 (Sec. 702), page 38, line 27, by striking out "Failure to" and inserting
A board of school directors shall

*Incorrectly
dropped - St. Bd. std.
& Bd. of sch. dir.*

*Bd. shall approve or disapprove
std.*

Amend Sec. 1 (Sec. 702), page 38, line 28, by inserting a period after "submission"

Amend Sec. 1 (Sec. 702), page 38, line 28, by striking out "shall be deemed approval."

Amend Sec. 1 (Sec. 3111), page 208, line 11, by striking out "tenth" and inserting
twelfth

Due to before deadline budget submission no

Amend Sec. 1 (Sec. 3132), page 212, line 3, by inserting after "OTHERWISE"

*Defects purpose of
section*

, and in any case confirmed in writing,

Bookkeeping from 1500-1500

Amend Sec. 1 (Sec. 3143), page 216, lines 25 through 30; page 217, lines 1 through

14, by striking out all of said lines

*End appeals on liability - End transfer of funds
End base annual signatures between accounts in banks*

Amend Sec. 1 (Sec. 3191), page 228, line 30, page 229, lines 1 through 27,

by striking out all of said lines and inserting

Chel 1

(a) General rule.--Whenever the governing board of any school entity other than a district of the first class or first class A shall by resolution declare any books, furniture, supplies or equipment to be unused, unnecessary, surplus or obsolete, the same may be disposed of by any one or more of the following methods:

(1) Public auction after such notice as the board shall fix.

(2) Solicitation of bids from two or more persons engaged in a business related to the nature of the items to be disposed of.

(3) Offer to the general public at prices fixed by resolution of the board.

(4) Offer to suppliers of similar items who shall be required to state their bid for the same as a dollar discount against items they may be proposing to sell to the district.

(5) Such other method as the board may adopt by resolution, which other method shall not be implemented sooner than five days after the public meeting.

(b) Purchases by officers.--No member of the governing board nor any officer of any school entity may purchase or cause to be purchased on his behalf any property except under the procedure prescribed in subsection (a) (1).

Surplus property - remove provision on sale to educ. institutions

Zenfone - Print P.M.

Melbus 17 holding

Amend Sec. 1 (Sec. 5101), page 408, line 9, by striking out "be:" and inserting
not include "school administrators" but shall include:

Amend Sec. 1 (Sec. 5101), page 408, lines 13 through 16, by striking out all of said
lines *Remove administrators from tenure list*

Amend Sec. 1 (Sec. 5101), page 408, line 17, by striking out "(8)" and inserting
(4) *not off*

Amend Sec. 1 (Sec. 5101), page 408, line 18, by striking out "(9)" and inserting
(5)

Amend Sec. 1 (Sec. 5101), page 408, line 19, by striking out "(10)" and inserting
(6)

Amend Sec. 1 (Sec. 5101), page 408, line 20, by striking out "(11)" and inserting
(7) *PSBA -*

Amend Sec. 1 (Sec. 5101), page 408, line 21, by striking out "(12)" and inserting
(8)

Amend Sec. 1 (Sec. 5101), page 408, line 22, by striking out "(13)" and inserting
(9)

Amend Sec. 1 (Sec. 5101), page 408, line 23, by striking out "(14)" and inserting
(10)

Amend Sec. 1 (Sec. 5101), page 408, line 25, by striking out "(15)" and inserting
(11)

Amend Sec. 1 (Sec. 5101), page 408, line 26, by striking out "(16)" and inserting
(12)

Amend Sec. 1 (Sec. 5101), page 408, line 27, by striking out "(17)" and inserting
(13)

Check on use educ. Amend Sec. 1 (Sec. 5114), page 420, lines 2 through 4, by striking out "subchapters" *Alt # 3*
in line 2, all of line 3, and "and" where it appears the first time in line 4 and inserting
subchapter *PSBA oppose - Confine interns certf. rts to retirement, not employment rts.*

Amend Sec. 1 (Sec. 5122), line 8, page 423, by removing the period after "leave" *tenure et. m.u. salaries*
and inserting *19* *Alt # 4*

except that visitors with professional credentials, other than teaching certification may be utilized if their particular area of expertise cannot be duplicated by a regular substitute appointment. Such persons may be given honorarium compensations.

Use guests: visitors if sub not available

*What is my sub from sub list?
Opposition -*

Amend Sec. 1 (Sec. 5135), page 429, line 5, by striking out "governing"

Amend Sec. 1 (Sec. 5135), page 429, line 5, by inserting after "board"

of school directors

Amend Sec. 1 (Sec. 5135), page 429, line 18, by striking out "governing board."

and inserting

*Change govern bd to bd of sch directors - eliminate
24 Bd & AVOS Bd. - in funding -*

board of school directors.

Amend Sec. 1 (Sec. 5136), page 430, line 17, by striking out "governing"

Amend Sec. 1 (Sec. 5136), page 430, line 18, by inserting after "board"

of school directors

change to sch directors - funding list

Amend Sec. 1 (Sec. 5144), page 437, line 27, by inserting after "higher."

The board of school directors, in circumstances of hardship,
may declare a wage freeze in any year for all employees except
those not then at the State minimum salary.

*Always freeze declared
by board -*

Amend Sec. 1 (Sec. 5151), page 441, line 17, by striking out "term" and inserting

year

Sabbatical return for one year, not term - length he is gone

Allen - 5

Amend Sec. 1 (Sec. 5171), page 450, lines 14 through 19, by striking out all of said

lines

Remove Monase amend

271

Allen #6