

No. 1996-66

AN ACT

HB 1031

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for sabbatical leaves and for rights during a leave of absence.

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

Section 1. Section 522 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended July 29, 1965 (P.L.255, No.147), is amended to read:

Section 522. Payments of Salaries of Professional Employes Granted Leaves of Absence as Exchange Teachers Authorized; Rights Preserved.—Any board of public education or board of school directors of any school district or vocational school district of this Commonwealth is hereby authorized to pay any professional employe the salary he would be entitled to if teaching in the school district from which he is granted a leave of absence to serve as an exchange teacher in any foreign country or territory or possession of the United States of America.

Any professional employe, while on leave as an exchange teacher, shall be considered to be in regular full-time daily attendance in the position from which the leave was granted, during the period of said leave, for the purpose of determining the employe's length of service, the right to receive increments as provided by law, and the right to make contributions as a member of the [School Employes'] *Public School Employes'* Retirement Fund and continue his or her membership therein, the right to service credits toward the time necessary for a sabbatical leave *for health or a leave of absence for professional development*, and the right to accumulate days of leave on account of illness or accidental injury.

Section 2. The act is amended by adding a section to read:

Section 522.2. Classroom Occupational Exchange.—A board of school directors may grant a leave of absence to a professional employe for the purpose of acquiring practical work experience in business, industry or government in accordance with the conditions and provisions set forth in section 1166.1 of this act. Persons on classroom occupational exchange shall be considered in full-time daily attendance in the position from which the leave was granted, during the period of said leave, for the payment of compensation by the school district and for the purpose of determining the employe's length of service, the right to receive increments as provided by

law and the right to make contributions as a member of the Public School Employees' Retirement Fund and continue membership therein. The business, industry or government to whom the employe is assigned during the period of the classroom occupational exchange shall fully compensate the employe's school employer for all salary, wages, pension and retirement contributions and other benefits as if the school employe were in full-time active service.

Section 3. Section 1166 of the act, amended July 10, 1986 (P.L.1270, No.117), is amended to read:

Section 1166. Persons Entitled.—(a) Any person employed in the public school system of this Commonwealth who has completed ten (10) years of satisfactory service as a professional employe or member of the supervisory, instructional or administrative staff, or as a commissioned officer, of any board of school directors, county board of school directors, or any other part of the public school system of the Commonwealth, shall be entitled to a leave of absence *for professional development or a sabbatical leave* for restoration of health[, study or travel,] or, at the discretion of the board of school directors, for other purposes. At least five consecutive years of such service shall have been in the school district from which leave of absence *for professional development or sabbatical leave for restoration of health* is sought, unless the board of school directors shall in its discretion allow a shorter time: Provided, however, That in the case of professional employes of area vocational-technical schools or technical institutes prior service in the participating school districts shall be credited toward such service requirement. [Such] A leave of absence *for professional development or sabbatical leave for restoration of health* shall be for a half or full school term or for two half school terms during a period of two years, at the option of such person: Provided, however, if a sabbatical leave is requested because of the illness of an employe, a leave shall be granted for a period equivalent to a half or full school term or equivalent to two half school terms during a period of two years: [Provided further, That a sabbatical leave for travel shall be taken in one full school term, unless authorized by the board of school directors to be taken for a half school term or for two half school terms during a period of two (2) years:] Provided further, That if a sabbatical leave *for restoration of health or a leave of absence for professional development* for one half school term or its equivalent has been granted and the employe is unable to return to school service because of illness or physical disability, the employe, upon written request prior to the expiration of the original leave, shall be entitled to a further [sabbatical] leave for one half school term or its equivalent: Provided further, That if a [sabbatical] leave for a full school term or its equivalent has been granted and the employe is unable to return to school service because of illness or physical disability, the board of school directors may extend such [sabbatical] leave for such periods as it may determine but not to exceed one full school term or its equivalent. Thereafter, one leave of absence *for*

professional development or a sabbatical leave for restoration of health shall be allowed after each seven years of service.

(b) A sabbatical leave *for restoration of health or a leave of absence for professional development* granted to a regular employe shall also operate as a leave of absence without pay from all other school activities.

Section 4. The act is amended by adding a section to read:

Section 1166.1. Leaves of Absence for Professional Development.—(a) *A leave of absence for professional development shall be directly related to the professional responsibilities as determined by the board of school directors and shall be restricted to activities required by regulations of the State Board of Education and by the laws of this Commonwealth for a professional certificate or commission or to improve professional competency. All requests for a leave of absence for professional development shall be subject to review and authorization by the board of school directors, which shall have sole authority to adopt and enforce policy establishing the conditions for approval of such leaves. At a minimum for a half school term, a leave of absence for professional development shall consist of any of the following or a combination thereof: nine (9) graduate credits, twelve (12) undergraduate credits, one hundred eighty (180) hours of professional development activities. At a minimum for a full school term, a leave of absence for professional development shall consist of any of the following or a combination thereof: eighteen (18) graduate credits, twenty-four (24) undergraduate credits, three hundred sixty (360) hours of professional development activities.*

(b) *The employe requesting a leave of absence for professional development shall submit to the board of school directors a detailed plan describing the professional development activities to be undertaken. The board shall be authorized to approve or reject the plan, consistent with its written policy. Upon completion of the leave, the employe shall provide to the board of school directors satisfactory evidence that the employe's approved plan for professional development was fully complied with during the leave of absence. If the employe fails to do so, unless prevented by illness or physical disability, the employe shall forfeit all benefits to which said employe would have been entitled under the provisions of this act for the period of the absence for professional development.*

Section 5. Section 1168 of the act, amended September 29, 1959 (P.L.999, No.412), is amended to read:

Section 1168. Return to Employment.—(a) No leave of absence shall be granted unless such person shall agree to return to his or her employment with the school district for a period of not less than one school term immediately following such leave of absence.

(b) No such leave of absence shall be considered a termination or breach of the contract of employment, and the person on leave of absence shall be returned to the same position in the same school or schools he or she occupied prior thereto.

[Upon expiration of a sabbatical leave, by consent of the school board, the requirement that the person on leave of absence shall return to the service of the school district or to the same position in the same school or schools that he or she occupied prior thereto, may be waived. If the school board has not waived the obligation to return to school service upon expiration of the sabbatical leave and] (c) *If the employe fails to [do so,] return to employment* unless prevented by illness or physical disability, the employe shall forfeit all benefits to which said employe would have been entitled under the provisions of this act for the period of the [sabbatical] leave.

(d) If such employe resigns or fails to return to his employment, [unless the requirement to return to service is waived by the board of school directors,] the amount contributed by the school district under section 1170 of this act to the Public School Employes' Retirement Fund shall be deducted from the refund payable to such employe under existing law and the amount so deducted shall be refunded to the school district by which it was paid.

Section 6. Sections 1171 and 1178(d) of the act are amended to read:

Section 1171. Regulations.—The board of school directors shall have the right to make such regulations as they may deem necessary to make sure that employes on leave shall utilize such leave properly for the purpose for which it was granted, requiring reports from the employe or employes on leave in such manner as they may deem necessary.

Section 1178. Rights Preserved During Leave of Absence.—* * *

(d) The period of said leave of absence shall be considered as service to the school board in the matter of seniority rights. [and credit toward the time necessary for sabbatical leave. Such leave shall not be regarded as a sabbatical leave.]

Section 7. (a) Nothing in this act shall supersede or preempt any provisions of a collective bargaining agreement, negotiated by a school entity and its employee organization, that is in effect on the effective date of this section.

(b) This act shall not apply to sabbatical leaves approved by a board of school directors prior to July 1, 1996.

Section 8. This act shall take effect immediately.

APPROVED—The 28th day of June, A.D. 1996.

THOMAS J. RIDGE