
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2362 Session of
2024

INTRODUCED BY D. MILLER, PROKOPIAK, PIELLI, HOHENSTEIN, OTTEN,
SMITH-WADE-EL, GUENST, HILL-EVANS, DONAHUE, SCHLOSSBERG,
GIRAL, PROBST, SANCHEZ, DELLOSO, ROZZI, D. WILLIAMS, BOYD,
CERRATO, DALEY, MERSKI AND CEPEDA-FREYTIZ, AUGUST 12, 2024

REFERRED TO COMMITTEE ON EDUCATION, AUGUST 12, 2024

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 preliminary provisions, providing
6 for minimum hourly wage or living wage for education support
7 professionals; in duties and powers of boards of school
8 directors, further providing for majority vote required and
9 recording; and imposing duties on the Department of Labor and
10 Industry.

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

13 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
14 as the Public School Code of 1949, is amended by adding a
15 section to read:

16 Section 134. Minimum Hourly Wage or Living Wage for
17 Education Support Professionals.--(a) Beginning in the 2024-
18 2025 school year:

19 (1) An education support professional shall be paid a
20 minimum hourly wage of not less than twenty dollars (\$20) per
21 hour or the living wage determined under subsection (f),

1 whichever is greater.

2 (2) For overtime hours, an education support professional
3 shall be paid not less than one and one-half (1 1/2) times the
4 amount that the education support professional is paid under
5 paragraph (1).

6 (3) For an education support professional paid on a salaried
7 basis, salary shall be compared to hours worked in two-week
8 periods to ensure that the education support professional is
9 paid not less than required under this section.

10 (b) This section shall not be construed to require the
11 modification, renegotiation or reopening of an agreement or
12 employment contract in effect on the effective date of this
13 subsection. Subject to subsection (c), the salary schedule or
14 any other terms of the agreement or employment contract are not
15 superseded or modified by this section.

16 (c) Notwithstanding subsection (b), beginning in the 2024-
17 2025 school year and during the term of any agreement or
18 employment contract in effect on the effective date of this
19 subsection, through and including the 2028-2029 school year, a
20 public school entity shall make a supplemental wage payment to
21 each education support professional who is entitled to a wage
22 that is lower than the minimum hourly wage or living wage
23 required under subsection (a). The supplemental wage payment
24 shall be in an amount equal to the number of hours worked by the
25 education support professional during the school year multiplied
26 by the difference between the minimum or living wage required
27 under subsection (a) and the lower wage to which the education
28 support professional is entitled under the terms of the
29 agreement or employment contract in effect on the effective date
30 of this section, which shall not be lower than the wage that the

1 education support professional received for the immediately
2 preceding school year.

3 (d) A public school entity shall be entitled to receive a
4 payment under subsection (g) if the public school entity:

5 (1) makes a supplemental wage payment under subsection (c)
6 in any school year from 2024-2025 through 2028-2029, inclusive;

7 (2) on or after the effective date of this subsection,
8 enters into an agreement or employment contract meeting the
9 requirements of subsection (e) for the 2024-2025 school year; or

10 (3) is operating under a period of status quo during the
11 2024-2025 school year following the expiration of an agreement.

12 (e) An employment contract or an agreement negotiated by a
13 public school entity and an employe organization under the
14 Public Employe Relations Act, on or after the effective date of
15 this subsection, shall not provide for a wage lower than
16 provided for under subsection (a). A provision in an agreement
17 or employment contract in effect on the effective date of this
18 section that provides for a wage in conflict with subsection (a)
19 shall be discontinued in a new or renewed agreement or
20 employment contract or during the period of status quo following
21 the expiration of an agreement.

22 (f) The following apply regarding the living wage:

23 (1) Within thirty (30) days of the effective date of this
24 paragraph, the Department of Labor and Industry shall:

25 (i) Determine the living wage applicable to each public
26 school entity in this Commonwealth.

27 (ii) Post the living wage described in subparagraph (i) on
28 the publicly accessible Internet website of the Department of
29 Labor and Industry.

30 (2) Beginning one year after the effective date of this

1 paragraph, and each year thereafter, the Department of Labor and
2 Industry shall:

3 (i) Adjust the living wage described under paragraph (1)(i)
4 upward if there has been a positive percentage change in the
5 Consumer Price Index for All Urban Consumers: All Items (CPI-U)
6 for the United States City Average as published by the United
7 States Department of Labor, Bureau of Labor Statistics, for the
8 previous twelve-month period.

9 (ii) Post the adjusted living wage described in subparagraph
10 (i) on the publicly accessible Internet website of the
11 Department of Labor and Industry.

12 (g) The following apply to supplemental reimbursements and
13 special payments regarding wage increases for education support
14 professionals:

15 (1) Each public school entity making supplemental wage
16 payments as provided for under subsection (c) shall receive
17 supplemental reimbursement payments or special payments from the
18 Department of Education in amounts, on dates and in a manner
19 determined by the Department of Education.

20 (2) The reconciled amount of the payments for any school
21 year from 2024-2025 through 2028-2029, inclusive, shall be paid
22 to the public school entity in each school year thereafter.

23 (3) Payment under this subsection shall be in addition to
24 any other amount payable to the public school entity.

25 (4) For a school district, the total net, reconciled amount
26 of supplemental reimbursements that the school district receives
27 shall be included in the school district's allocation amount
28 under section 2502.53(b)(1).

29 (5) Notwithstanding any other provision of this subsection,
30 if a public school entity enters into a contract for

1 noninstructional services with a third party under section 528
2 on or after the effective date of this paragraph, the public
3 school entity shall permanently forfeit an amount equal to the
4 payment received by the public school entity under this
5 subsection multiplied by the number of public school employe
6 positions eliminated due to the public school entity's decision
7 to enter into the contract with a third party under section 528.

8 The following apply:

9 (i) The Department of Education shall determine the amount
10 forfeited.

11 (ii) In the case of a school district, the amount forfeited
12 shall be permanently removed from the school district's
13 allocation amount under section 2502.53(b)(1).

14 (6) The Department of Education shall issue guidelines
15 necessary for the implementation and administration of this
16 subsection.

17 (h) As used in this section, the following words and phrases
18 shall have the meanings given to them in this subsection unless
19 the context clearly indicates otherwise:

20 "Agreement." A contract or agreement between a public
21 employer and a public employe or employe organization under the
22 Public Employe Relations Act.

23 "Education support professional." An individual who is not
24 any of the following:

25 (1) A professional employe, as defined in section 1101(1).

26 (2) A substitute, as defined in section 1101(2).

27 (3) A temporary professional employe, as defined in section
28 1101(3).

29 "Employe organization." As defined in section 301(3) of the
30 Public Employe Relations Act.

1 "Employment contract." A contract for services between a
2 public school entity and one or more education support
3 professionals who are not members of a bargaining unit
4 represented by an employe organization.

5 "Living wage." The minimum income necessary for an education
6 support professional to meet basic needs based upon the region
7 of this Commonwealth in which the education support professional
8 is employed.

9 "Minimum hourly wage." A rate of pay of twenty dollars (\$20)
10 per hour.

11 "Public employe." As defined in section 301(2) of the Public
12 Employe Relations Act.

13 "Public Employe Relations Act." The act of July 23, 1970
14 (P.L.563, No.195), known as the "Public Employe Relations Act."

15 "Public employer." As defined in section 301(1) of the
16 Public Employe Relations Act.

17 "Public school entity." A school district, intermediate unit
18 or area career and technical school.

19 Section 2. Section 508 of the act is amended to read:

20 Section 508. Majority Vote Required; Recording.--(a) The
21 affirmative vote of a majority of all the members of the board
22 of school directors in every school district, duly recorded,
23 showing how each member voted, shall be required in order to
24 take action on the following subjects:--

25 Fixing length of school term.

26 Adopting textbooks.

27 Appointing or dismissing district superintendents, assistant
28 district superintendents, associate superintendents, principals,
29 and teachers.

30 Appointing tax collectors and other appointees.

1 Adopting the annual budget.
2 Levying and assessing taxes.
3 Purchasing, selling, or condemning land.
4 Locating new buildings or changing the locations of old ones.
5 Dismissing a teacher after a hearing.
6 Creating or increasing any indebtedness.
7 Adopting courses of study.
8 Establishing additional schools or departments.
9 Designating depositories for school funds.
10 Entering into contracts of any kind, including contracts for
11 the purchase of fuel or any supplies, where the amount involved
12 exceeds one hundred dollars (\$100).
13 Fixing salaries or compensation of officers, teachers, or
14 other appointees of the board of school directors.
15 Entering into contracts with and making appropriations to the
16 intermediate unit for the district's proportionate share of the
17 cost of services provided or to be provided for by the
18 intermediate unit.

19 (b) A board of school directors may not enter into a
20 contract for services to be provided by an education support
21 professional, as the term is defined in section 134(h), that
22 provides for payment of a wage of less than required under
23 section 134(a). The following apply:

24 (1) A provision in a contract in effect on the effective
25 date of this subsection that provides for a salary or fee in
26 conflict with this subsection shall be discontinued in a new or
27 renewed contract.

28 (2) This subsection shall not be construed to require the
29 modification, renegotiation or reopening of a contract in effect
30 on the effective date of this subsection, and neither the salary

1 schedule nor any other terms of the contract are superseded or
2 modified by this subsection.

3 (c) Failure to comply with the provisions of this section
4 shall render [such] the acts of the board of school directors
5 void and [unenforcible] unenforceable.

6 Section 3. This act shall take effect immediately.