

# Executive Director's Notepad . . .

## Act 93 Agreements and Your Rights as Principals



*From the desk of  
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In 1984, Act 93 became law. It became part of the Pennsylvania School Code Section 1164. The purpose of Act 93 "...is to provide a means by which compensation matters affecting school administrators can be resolved..."

School administrators have certain guaranteed rights within Act 93 which include:

- "School employers, upon the written request of a majority of the school administrators in the district, shall be required to meet and discuss in good faith with the school administrators on administrator compensation prior to adoption of the compensation plan."
- "School employers shall all be required to adopt written administrator compensation plans which shall apply to eligible school administrators as provided in this section, and which shall continue in effect until a time specified in the compensation plan, but in no event for less than one year."
- "An administrative compensation plan adopted pursuant to this section shall include but not be limited to, the following items:
  - A description of the program determining administrative salaries
  - Salary amounts or a salary schedule
  - A listing of fringe benefits."

Additionally, case law has determined that:

- A written and board approved Act 93 has the power of contract and may not be altered unilaterally by the board during the duration of the contract. (*Curley vs. Greater Johnstown, 1994*)

One of our primary purposes is to support Act 93 groups through the meet and discuss phases and in the fair administration of Act 93 agreements.

Although school administrators do not have the right to negotiate as do teachers, they **do** have the aforementioned rights.

PAESSP has had a history of defending these rights for administrators. In 2010, PAESSP worked to defend the rights of administrators in the City of Allentown School District related to an Act 93 dispute. PAESSP won at every level through the Supreme Court's decision not to hear the case and support the findings of the lower courts. Thomas Kelly, Esq., the attorney representing PAESSP's clients in this case, provides further insight into the case in his accompanying article.

One of our primary purposes is to support Act 93 groups through the meet and discuss phases and in the fair administration of Act 93 agreements. If you have questions or concerns, please don't hesitate to contact the PAESSP office. We also can provide comparative data for you to use with your board in meet and discuss sessions.

Finally, although not part of the rights provided related to Act 93 and administrative compensation, you should be aware that as a public employee, state law and the School Code provide you with additional privileges including due process rights in the case of job loss or demotion. We provide assistance to our members in these matters as well. For each consecutive year you are a member, you receive \$1,000 of job defense assistance up to a total of \$10,000. Always remember, on all of these issues, when in doubt, call PAESSP at **(717) 732- 4999**.