



## **MARPLE NEWTOWN SCHOOL DISTRICT OFFICE OF HUMAN RESOURCES**

**36 MEDIA LINE ROAD  
NEWTOWN SQUARE, PENNSYLVANIA 19073  
PHONE: (610) 359-4380  
FAX: (610) 356-8947**

### **Frequently Asked Questions about Tenure**

**What is tenure?** — Under the Public School Code, tenure is a status enjoyed by professional employees that provides enhanced protection from termination of employment and layoffs. Temporary and professional employees attain tenure, and become professional employees, upon successful completion of a three-year probationary period. 24 P.S. § 11-1108.

**Do teachers acquire tenure in all public school entities?** — Yes, except with regard to charter school employment. Tenure rights extend to all professional employees working in school districts, intermediate units, and vocational-technical schools. 24 P.S. § 11-1121, 9-963(e), 18-1850.1(b)(9). Temporary professional employees on leave of absence from a school district to teach at a charter school can count that time toward tenure eligibility only at the discretion of the school district from which they are on leave. Tenured professional employees on such leave retain certain rights with respect to the school district from which they are on leave, but their tenure does not provide protection with respect to their employment by the charter school. 24 P.S. § 17-1724-A.

**Once teachers earn tenure, is that status transferable if they decide to take employment in another school district?** — Yes. Under the current law, a teacher needs to earn tenure only once in Pennsylvania, and thereafter holds that status in all Pennsylvania school districts in which they are hired. 24 P.S. § 11-1108.

**What is the length of the probationary period temporary professional employees must serve to earn tenure?** — Teachers must now serve a probationary period of three years, and have received a satisfactory rating during the last four months of the final year. 24 P.S. § 11-1108(b)(2). Prior to 1996, the probationary period was only 2 years.

**Must all of the required probationary period for tenure be served at the same school district?** — Yes. 24 P.S. § 11-1108; Official Opinion of the Attorney General No. 73-1, 61 Pa. D.&C.2d 770 (Jan. 8, 1973).

**Does a teacher have to be working during the entire probationary period to acquire tenure?** — Yes. In *Pookman v. Upper St. Clair Twp. School District*, 483 A.2d 1371 (Pa. 1984), the Pennsylvania Supreme Court explained the probation period's purpose is to ensure both school districts and non-tenured employees "have the benefit of having a full two year period in which to perform and in which to have that performance observed and critiqued." The court's reasoning applies with equal force to the present three-year probationary period.



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**Does service as a substitute teacher count towards the probationary period needed for tenure?** — No. Kielbowick v. Ambridge Area School Board, 668A.2d 1128 ( Pa. Cmwlth. 1995).

**Can a temporary professional employee obtain tenure by working only part time for the entire three-year probationary period?** — Yes. Nothing precludes part time teachers from acquiring tenure, so long as they were employed as temporary professional employees and performed satisfactorily during the requisite probationary period. States v. Punxsutawney Area School District, Teacher Tenure Appeal No. 10-85, School Law Information Exchange, Vol. 23, No. 73 (1986).

**If a temporary professional employee completes the requisite probationary periods, do they automatically acquire tenure?** — Temporary professional employees automatically become tenured professional employees when their work has been certified as satisfactory by the superintendent during the last four months of their probationary period with that school district. Notice of the attainment of this status shall be sent to the secretary of the school district, recorded in the records, and written notification sent to the employee. After attainment of this status, a temporary professional employee must be tendered a regular professional employee contract. 24 P.S. § 11-1108(b)(3).