

FAQ: How long can Neshaminy School District teachers remain on strike?

Q: According to current PA Law, how long can the teachers remain on strike?

A: The Pennsylvania Department of Education (PDE) calculates a “critical date” to determine when the secretary of education may initiate injunctive proceedings against a school district and its teachers’ union because a strike threatens the requirement of 180 days of instruction.

Information provided by the Neshaminy School District to the PDE shows that prior to the strike, which began on Jan. 9, 2012, the school district had completed 78 days of instruction. Based on this information, it is the department’s opinion that if the strike goes beyond Feb. 2, 2012, the school district will be unable to complete 180 days of instruction by June 30, 2012.

Section 1161-A of the Public School Code authorizes the secretary to initiate injunctive proceedings when the school district is unable to complete 180 days of instruction by June 30.

Using the same method of calculation, it is the department’s opinion that if the strike goes beyond Jan. 19, 2012, the school district will be unable to complete 180 days of instruction by June 15, 2012.

Section 1125-A of the Public School Code provides that if a strike or lockout will prevent the school district from providing 180 days of instruction by the later of June 15 or the last day of the school district’s scheduled school year, the parties shall submit to mandated final best-offer arbitration. The department is providing this calculation of the June 15 “critical date” merely to assist the parties in complying with Act 88.