

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY/SECONDARY EDUCATION  
SCHOOL SERVICES OFFICE**  
September 14, 2021

**SUBJECT:** Redbank Valley School District Critical Dates

**TO:** Redbank Valley School District Solicitor/Labor Counsel **AND:**  
Teachers' Union Counsel/Representative

**VIA:** Sherri Smith   
Acting Deputy Secretary

**FROM:** Monica Washington *mlw*  
Director School Services Office

The Pennsylvania Department of Education calculates a "critical date" for subsidy purposes and to determine when the Secretary may initiate injunctive proceedings against a school district and its teachers' union because a strike threatens the provision of 180 days of instruction. To determine this "critical date" the Department makes the following calculations:

1. Count total instructional days completed. Act 80 days are not instructional days, but are exceptions to instructional days, and therefore, are not counted in the calculation of total instructional days completed.
2. Counting back from June 30, count every available instructional day. By statute, the following days are not available as instructional days: Saturdays; Sundays; Memorial Day; the Fourth of July; Thanksgiving; Christmas; the First of January; and, if specifically approved by resolution of the Board of Directors prior to the beginning of the school year, up to five additional days specifically designated as official local school district holidays.

Information provided by the Redbank Valley School District shows that prior to the strike on September 13, 2021 the school district provided eleven (11) days of instruction. Based on this information, it is the Department's opinion that if the strike goes beyond November 3, 2021 the district will be unable to complete 180 days of instruction by June 30, 2021. 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 October 19, 2021 the district will be unable to complete 180 days of instruction by June 15, 2021. 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" as a courtesy merely to assist the parties in complying with Act 88.

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