

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1011 Session of 2009

INTRODUCED BY DINNIMAN, FOLMER, M. WHITE, BOSCOLA, FONTANA, GREENLEAF, HUGHES, RAFFERTY, STOUT, WARD, WASHINGTON, WILLIAMS, COSTA, EARLL, STACK AND VANCE, JULY 10, 2009

AS AMENDED ON THIRD CONSIDERATION, MAY 25, 2010

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 SCHOOL DISTRICTS, FURTHER
6 PROVIDING FOR STATE REPORT CARD; PROVIDING FOR VALUE-ADDED
7 ASSESSMENT SYSTEM AND FOR SCHOOL REPORT CARD; IN
8 CERTIFICATION OF TEACHERS, further providing for certificates
9 qualifying persons to teach and for kinds of State
10 certificates; and providing for residency certificates
11 PROVIDING FOR POSTBACCALAUREATE CERTIFICATION; FURTHER
12 PROVIDING FOR DISQUALIFICATIONS RELATING TO TEACHER'S
13 CERTIFICATE; IN SCHOOL HEALTH SERVICES, PROVIDING FOR MEDICAL
14 EXAMINATIONS OF TEACHERS AND OTHER PERSONS; AND, IN EDUCATION
15 EMPOWERMENT, FURTHER PROVIDING FOR BOARDS OF CONTROL IN
16 CERTAIN SCHOOL DISTRICTS AND FOR EXPIRATION.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. ~~Section 1201 of the act of March 10, 1949~~
20 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~
21 ~~amended January 14, 1970 (1969 P.L.468, No.192), is amended to~~
22 ~~read:~~

23 SECTION 1. SECTION 220(A)(2) OF THE ACT OF MARCH 10, 1949
24 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,

1 AMENDED JULY 7, 2006 (P.L.611, NO.94), IS AMENDED TO READ:

2 SECTION 220. STATE REPORT CARD.--(A) THE DEPARTMENT SHALL
3 CREATE A STATE REPORT CARD BASED ON THE INFORMATION COLLECTED
4 PURSUANT TO THIS SECTION. THE DEPARTMENT:

5 * * *

6 (2) SHALL PUBLISH ON ITS WORLD WIDE WEB SITE THE STATE
7 REPORT CARD, PROVIDING INFORMATION AT THE STATE, LOCAL EDUCATION
8 AGENCY AND SCHOOL LEVELS. THE STATE REPORT CARD SHALL INCLUDE
9 ALL OF THE FOLLOWING:

10 (I) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL
11 DISTRICTS THAT HAVE ACHIEVED ADEQUATE YEARLY PROGRESS AND THE
12 NUMBER OF SCHOOLS AND SCHOOL DISTRICTS THAT HAVE NOT ACHIEVED
13 ADEQUATE YEARLY PROGRESS.

14 (II) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL
15 DISTRICTS THAT HAVE ACHIEVED EACH ACADEMIC PERFORMANCE TARGET
16 AND THE NUMBER OF SCHOOLS AND SCHOOL DISTRICTS THAT HAVE NOT
17 ACHIEVED EACH ACADEMIC PERFORMANCE TARGET.

18 (III) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL
19 DISTRICTS IN WHICH MORE THAN FIVE PERCENT (5%) OF THE STUDENTS
20 TO WHOM THE PSSA TEST WAS ADMINISTERED WERE ENROLLED IN THE
21 SCHOOL DISTRICT FOR LESS THAN TWO (2) SCHOOL YEARS AS OF THE DAY
22 ON WHICH THE PSSA TEST WAS ADMINISTERED.

23 (IV) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL
24 DISTRICTS IDENTIFIED UNDER SUBPARAGRAPH (III) THAT HAVE ACHIEVED
25 EACH ACADEMIC PERFORMANCE TARGET AND THE NUMBER OF SCHOOLS AND
26 SCHOOL DISTRICTS THAT HAVE NOT ACHIEVED EACH ACADEMIC
27 PERFORMANCE TARGET. FOR THE PURPOSES OF THIS SUBPARAGRAPH,
28 ACHIEVEMENT OF THE ACADEMIC PERFORMANCE TARGET SHALL BE
29 CALCULATED BY EXCLUDING THE PSSA TEST SCORE OF ANY STUDENT WHO
30 WAS ENROLLED IN THE SCHOOL DISTRICT FOR LESS THAN TWO (2) SCHOOL

1 YEARS AS OF THE DAY ON WHICH THE PSSA TEST WAS ADMINISTERED.

2 (V) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL
3 DISTRICTS IN WHICH MORE THAN FIVE PERCENT (5%) OF THE STUDENTS
4 TO WHOM THE PSSA TEST WAS ADMINISTERED WERE CLASSIFIED AS
5 LIMITED ENGLISH PROFICIENT AS OF THE DAY ON WHICH THE PSSA TEST
6 WAS ADMINISTERED.

7 (VI) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL
8 DISTRICTS IDENTIFIED UNDER SUBPARAGRAPH (V) THAT HAVE ACHIEVED
9 EACH ACADEMIC PERFORMANCE TARGET AND THE NUMBER OF SCHOOLS AND
10 SCHOOL DISTRICTS THAT HAVE NOT ACHIEVED EACH ACADEMIC
11 PERFORMANCE TARGET. FOR THE PURPOSES OF THIS SUBPARAGRAPH,
12 ACHIEVEMENT OF THE ACADEMIC PERFORMANCE TARGET SHALL BE
13 CALCULATED BY EXCLUDING THE PSSA TEST SCORE OF ANY STUDENT WHO
14 WAS CLASSIFIED AS LIMITED ENGLISH PROFICIENT AS OF THE DAY ON
15 WHICH THE PSSA TEST WAS ADMINISTERED.

16 (VII) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL
17 DISTRICTS IN WHICH MORE THAN SIXTEEN PERCENT (16%) OF THE
18 STUDENTS TO WHOM THE PSSA TEST WAS ADMINISTERED WERE CLASSIFIED
19 AS STUDENTS WITH A DISABILITY AS OF THE DAY ON WHICH THE PSSA
20 TEST WAS ADMINISTERED.

21 (VIII) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND
22 SCHOOL DISTRICTS IDENTIFIED UNDER SUBPARAGRAPH (VII) THAT HAVE
23 ACHIEVED EACH ACADEMIC PERFORMANCE TARGET AND THE NUMBER OF
24 SCHOOLS AND SCHOOL DISTRICTS THAT HAVE NOT ACHIEVED EACH
25 ACADEMIC PERFORMANCE TARGET. FOR THE PURPOSES OF THIS
26 SUBPARAGRAPH, ACHIEVEMENT OF THE ACADEMIC PERFORMANCE TARGET
27 SHALL BE CALCULATED BY EXCLUDING THE PSSA TEST SCORE OF ANY
28 STUDENT WHO WAS CLASSIFIED AS A STUDENT WITH A DISABILITY AS OF
29 THE DAY ON WHICH THE PSSA TEST WAS ADMINISTERED.

30 (IX) A LIST OF THE SCHOOLS, INCLUDING PUBLIC ELEMENTARY AND

1 SECONDARY SCHOOLS, CHARTER SCHOOLS, CYBER CHARTER SCHOOLS AND
2 AREA VOCATIONAL-TECHNICAL SCHOOLS, THAT SCORED IN THE LOWEST
3 MEASURED GROUP OF FIVE PERCENT (5%) IN EITHER MATH OR READING ON
4 THE MOST RECENT PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT TEST OR
5 ANY OTHER TEST ESTABLISHED BY THE STATE BOARD OF EDUCATION TO
6 MEET THE REQUIREMENTS OF SECTION 2603-B(D)(10)(I) PURSUANT TO 22
7 PA. CODE § 403.3 (RELATING TO SINGLE ACCOUNTABILITY SYSTEM).
8 WITH THE EXCEPTION OF CYBER CHARTER SCHOOLS, THE LIST SHALL
9 EXCLUDE ALL SCHOOLS THAT ARE PART OF OR LOCATED WITHIN A SCHOOL
10 DISTRICT OF THE FIRST CLASS.

11 * * *

12 SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

13 SECTION 221. VALUE-ADDED ASSESSMENT SYSTEM.--(A) BEGINNING
14 ON THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT OF
15 EDUCATION SHALL MAKE AVAILABLE ON ITS PUBLICLY ACCESSIBLE
16 INTERNET WEBSITE THE FOLLOWING:

17 (1) VALUE-ADDED ASSESSMENT SYSTEM DATA FOR THE SCHOOL
18 DISTRICT LEVEL AND THE SCHOOL LEVEL. THE DEPARTMENT OF
19 EDUCATION'S DISCLOSURE OF VALUE-ADDED ASSESSMENT SYSTEM DATA
20 SHALL BE SUBJECT TO THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY
21 ACT OF 1974 (PUBLIC LAW 90-247, 20 U.S.C. § 1232G) OR A
22 SUCCESSOR FEDERAL STATUTE.

23 (2) INSTRUCTIONS THAT MAY ASSIST THE PUBLIC IN UNDERSTANDING
24 AND INTERPRETING THE DATA PROVIDED UNDER PARAGRAPH (1).

25 (B) FOR PURPOSES OF THIS SECTION:

26 "VALUE-ADDED ASSESSMENT SYSTEM" SHALL MEAN A STATISTICAL
27 ANALYSIS OF RESULTS ON THE PENNSYLVANIA SYSTEM OF SCHOOL
28 ASSESSMENT TEST OR ANY OTHER TEST ESTABLISHED BY THE STATE BOARD
29 OF EDUCATION TO MEET THE REQUIREMENTS OF SECTION 2603-B(D)(10)
30 (I) PURSUANT TO 22 PA. CODE § 403.3 (RELATING TO SINGLE

1 ACCOUNTABILITY SYSTEM) THAT USES MEASURES OF STUDENT LEARNING TO
2 ENABLE THE ESTIMATION OF SCHOOL OR SCHOOL DISTRICT STATISTICAL
3 DISTRIBUTIONS.

4 SECTION 222. SCHOOL REPORT CARD.--(A) WITHIN THIRTY (30)
5 DAYS AFTER BEING IDENTIFIED BY THE DEPARTMENT OF EDUCATION UNDER
6 SECTION 220(A)(2)(IX) AS SCORING IN THE LOWEST MEASURED FIVE
7 PERCENT (5%) IN MATH OR READING ON THE MOST RECENT PENNSYLVANIA
8 SYSTEM OF SCHOOL ASSESSMENT TEST OR ANY OTHER TEST ESTABLISHED
9 BY THE STATE BOARD OF EDUCATION TO MEET THE REQUIREMENTS OF
10 SECTION 2603-B(D)(10)(I) PURSUANT TO 22 PA. CODE § 403.3
11 (RELATING TO SINGLE ACCOUNTABILITY SYSTEM), THE GOVERNING BODY
12 OF THE SCHOOL SHALL POST A SCHOOL REPORT CARD ON THE SCHOOL'S OR
13 SCHOOL DISTRICT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE. THE
14 GOVERNING BODY OF THE SCHOOL SHALL PROVIDE A PAPER COPY OF THE
15 SCHOOL REPORT CARD TO ANY RESIDENT OF THE SCHOOL DISTRICT UPON
16 REQUEST. THE GOVERNING BODY MAY COMPLY WITH THIS SECTION BY
17 INCLUDING THE INFORMATION REQUIRED UNDER SUBSECTION (B) IN A
18 REPORT CARD DISTRIBUTED IN COMPLIANCE WITH THE NO CHILD LEFT
19 BEHIND ACT OR ITS SUCCESSOR FEDERAL STATUTE.

20 (B) THE DEPARTMENT OF EDUCATION SHALL ESTABLISH GUIDELINES
21 FOR THE CONTENTS OF THE SCHOOL REPORT CARD, WHICH SHALL INCLUDE:

22 (1) SUBJECT TO THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT
23 OF 1974 (PUBLIC LAW 90-247, 20 U.S.C. § 1232G) OR A SUCCESSOR
24 FEDERAL STATUTE, ALL VALUE-ADDED ASSESSMENT SYSTEM DATA
25 GENERATED FOR THE SCHOOL DISTRICT AND THE SCHOOL.

26 (2) A STATEMENT THAT THE SCHOOL SCORED IN THE LOWEST
27 MEASURED FIVE PERCENT (5%) IN EITHER MATH OR READING ON THE MOST
28 RECENT PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT TEST OR ANY
29 OTHER TEST ESTABLISHED BY THE STATE BOARD OF EDUCATION TO MEET
30 THE REQUIREMENTS OF SECTION 2603-B(D)(10)(I) PURSUANT TO 22 PA.

1 CODE § 403.3.

2 (3) NOTIFICATION OF THE FOLLOWING:

3 (I) THAT A STUDENT ATTENDING THE SCHOOL MAY TRANSFER TO
4 ANOTHER SCHOOL OF THE STUDENT'S GRADE LEVEL WITHIN THE SCHOOL
5 DISTRICT UPON THE REQUEST OF A PARENT, CONSISTENT WITH
6 PROVISIONS OF THE NO CHILD LEFT BEHIND ACT (PUBLIC LAW 107-110,
7 115 STAT. 1425) OR ITS SUCCESSOR FEDERAL STATUTE RELATED TO
8 INTRADISTRICT TRANSFERS.

9 (II) WHETHER THERE ARE OTHER SCHOOLS OF THE STUDENT'S GRADE
10 LEVEL WITHIN THE SCHOOL DISTRICT. IF THERE ARE OTHER SCHOOLS OF
11 THE STUDENT'S GRADE LEVEL WITHIN THE SCHOOL DISTRICT, THE SCHOOL
12 REPORT CARD SHALL INCLUDE:

13 (A) A LIST OF OTHER SCHOOLS OF THE STUDENT'S GRADE LEVEL
14 WITHIN THE SCHOOL DISTRICT.

15 (B) FOR EACH SCHOOL LISTED UNDER CLAUSE (A), THE INFORMATION
16 REQUIRED UNDER PARAGRAPH (1).

17 (III) INSTRUCTIONS FOR EXERCISING THE STUDENT'S OPTION TO
18 TRANSFER TO A SCHOOL LISTED UNDER SUBPARAGRAPH (II) (A),
19 CONSISTENT WITH PROVISIONS OF THE NO CHILD LEFT BEHIND ACT OR
20 ITS SUCCESSOR FEDERAL STATUTE RELATED TO INTRADISTRICT
21 TRANSFERS.

22 (4) INSTRUCTIONS FOR INTERPRETING THE INFORMATION REQUIRED
23 TO BE PROVIDED UNDER SUBSECTION (B) (1).

24 (5) CONTACT INFORMATION FOR A SCHOOL EMPLOYEE TO WHOM PARENTS
25 MAY DIRECT QUESTIONS CONCERNING THE SCHOOL REPORT CARD.

26 SECTION 3. SECTION 1201 OF THE ACT, AMENDED JANUARY 14, 1970
27 (1969 P.L.468, NO.192), IS AMENDED TO READ:

28 Section 1201. Certificates Qualifying Persons to Teach.--
29 Only those persons holding one of the following certificates
30 shall be qualified to teach in the public schools of this

1 Commonwealth--(1) Permanent college certificate, (2) provisional
2 college certificate, (3) normal school diploma, (4) normal
3 school certificate, (5) special permanent certificate, (6)
4 special temporary certificate, (7) permanent State certificate,
5 (8) residency certificate, (9) intern certificate, (10)
6 certificates which are permanent licenses to teach by virtue of
7 the provisions of section one thousand three hundred eight of
8 the act, approved the eighteenth day of May, one thousand nine
9 hundred eleven (Pamphlet Laws 309), as amended, which is
10 repealed hereby, or [(9)] (11) such other kinds of certificates
11 as are issued under the standards prescribed by the State Board
12 of Education. The State Board of Education shall also provide
13 for issuance of certificates by district superintendents to meet
14 such emergencies or shortage of teachers as may occur.

15 Section 2 4. Sections 1203 and 1206 of the act are amended ←
16 to read:

17 Section 1203. Kinds of State Certificates.--(a) State
18 certificates hereafter granted shall include the following:

19 Provisional College Certificates,

20 Permanent College Certificates,

21 Certificates issued by other states and validated by the
22 Superintendent of Public Instruction,

23 Special Temporary Certificates,

24 Special Permanent Certificates[.].

25 Residency Certificates~~.,~~ ←

26 INTERN CERTIFICATES. ←

27 (b) All persons receiving any of such certificates shall
28 have qualifications not less than graduation from a State
29 Teachers' College of this Commonwealth, or equivalent training.
30 Postbaccalaureate certification programs, including residency,

1 intern and administrative certification programs, completed
2 under section 1207.1 are equivalent training for purposes of
3 this act.

4 (c) Every college certificate shall set forth the names of
5 the college or university from which its holder was graduated.
6 State certificates shall entitle their holders to teach in every
7 part of this Commonwealth for the terms herein specified.

8 Section 1206. Certificates Issued by Other States.--[The
9 Superintendent of Public Instruction may validate in this
10 Commonwealth teachers' certificates issued by other states, or
11 by the State normal schools or colleges of other states, whose
12 requirements are equivalent to those of this Commonwealth. Such
13 validation of certificates may be revoked by the Superintendent
14 of Public Instruction at any time.] (a) Candidates holding a
15 valid instructional certificate issued by another state may be
16 eligible for comparable Pennsylvania certification provided that
17 the candidate meets the following requirements:

18 (1) Holds a bachelor's degree from a regionally accredited
19 college or university.

20 (2) Has at least three (3) years of successful professional
21 experience.

22 (3) Demonstrates subject matter competency in the applicable
23 area of Pennsylvania certification.

24 (4) Satisfies the requirements of section 1209.

25 (b) The Secretary of Education shall adopt standards and
26 guidelines as necessary to implement this section.

27 Section 3 5. The act is amended by adding a section to read: ←

28 Section 1207.1. Postbaccalaureate Certification.--(a)
29 Notwithstanding any other provision of law to the contrary, the
30 Secretary of Education shall have all of the following powers

1 and duties with regard to postbaccalaureate certification
2 programs:

3 (1) Evaluate and approve, in accordance with this section,
4 all postbaccalaureate certification programs, including
5 accelerated programs, leading to the certification of
6 professional personnel including intern certification programs,
7 residency certification programs and administrative
8 certification programs.

9 (2) Evaluate and approve qualified providers of
10 postbaccalaureate certification programs, which may include
11 providers other than institutions of higher education.

12 (3) Develop guidelines for the approval of postbaccalaureate
13 instructional certification programs, which shall include:

14 (i) Instruction and training in the following:

15 (A) Educational strategies for the designated subject area.

16 (B) Child development specifically related to the level of
17 the certificate sought.

18 (C) Professional ethics and responsibilities.

19 (D) Pennsylvania academic standards.

20 (E) Assessment knowledge and skills.

21 (F) Accommodations and adaptations for students with
22 disabilities in an inclusive setting.

23 (G) Strategies for meeting the instructional needs of
24 English language learners.

25 (ii) Requirements for candidate oversight and mentoring that
26 include field placement, student teaching, classroom
27 observations and ongoing support for novice educators in
28 partnership with local education agencies during their induction
29 period, including observation, consultation and assessment that
30 includes close supervision by a professional employe.

1 (4) Issue certificates in accordance with this section to
2 qualified candidates.

3 (5) Adopt standards and guidelines as necessary to implement
4 this section.

5 (b) (1) The Secretary of Education may make a one-time
6 issuance of a residency certificate for service in a specific
7 shortage area of instruction in public schools of this
8 Commonwealth to an applicant who meets all of the following:

9 (i) Satisfies the requirements specified under section 1209.

10 (ii) Meets one of the following:

11 (A) Holds a doctoral degree from an accredited college or
12 university in the subject area of shortage.

13 (B) Holds a master's degree from an accredited college or
14 university in the subject area of shortage and has at least two
15 years of work experience in the subject area or related field.

16 (C) Holds a bachelor's degree from an accredited college or
17 university in the subject area of shortage and has at least five
18 years of work experience in the subject area or related field.

19 (iii) Is continuously enrolled in an approved residency
20 program.

21 (iv) Presents evidence of satisfactory achievement on the
22 appropriate subject area content test.

23 (2) A residency certificate shall be valid for three years
24 of teaching in the public schools of this Commonwealth in the
25 area for which it applies.

26 (3) The secretary shall have all of the following powers and
27 duties related to the issuance of residency certificates:

28 (i) Identify areas of certification in which there is a
29 Statewide or regional shortage of qualified teachers.

30 (ii) Develop guidelines for the residency program in

1 accordance with subsection (a).

2 (iii) Issue residency certificates to qualified applicants.

3 (iv) Report annually to the State Board of Education on the
4 number of residency certificates issued under this section.

5 (4) A residency certificate may be converted to an
6 Instructional I Certificate upon the completion of all residency
7 program requirements under Department of Education guidelines
8 and the completion of three years of satisfactory teaching in
9 the public schools of this Commonwealth.

10 (c) (1) Postbaccalaureate instructional intern
11 certification programs shall provide flexible and accelerated
12 pedagogical training to teachers who have demonstrated subject
13 matter competency in a subject area related to their
14 certification, provided that the first year of teaching includes
15 a minimum of one classroom observation each month by an approved
16 postbaccalaureate certification program provider.

17 (2) The Secretary of Education may make a one-time issuance
18 of a postbaccalaureate instructional intern certificate for
19 service in a specific area of instruction to candidates who, in
20 addition to meeting the requirements of section 1209, present
21 evidence of satisfactory achievement on the department-
22 prescribed subject matter assessments related to the area of
23 certification and hold a bachelor's degree from an accredited
24 college or university. This certificate shall require continuing
25 enrollment in an approved postbaccalaureate instructional intern
26 certification program.

27 (3) A postbaccalaureate instructional intern certificate
28 shall be valid for three (3) years of teaching in the public
29 schools of this Commonwealth and may not be renewed.

30 (4) A candidate shall be issued an Instructional I

1 Certificate upon successful completion of the approved
2 postbaccalaureate instructional intern program provided that the
3 candidate has satisfied the requirements of section 1209.

4 (d) (1) Notwithstanding any other provision of law, no ←
5 person shall be granted an administrative certificate by the
6 Department of Education unless:

7 ~~(1)~~ (I) The candidate holds a bachelor's degree from a ←
8 regionally accredited college or university.

9 ~~(2)~~ (II) The candidate has had three (3) years of relevant ←
10 professional experience.

11 ~~(3)~~ (III) The candidate satisfies the requirements of ←
12 section 1209.

13 ~~(4)~~ (IV) The candidate has completed in a college or ←
14 university a graduate program in education approved by the
15 Department of Education or has provided to the Secretary of
16 Education satisfactory evidence that the candidate has
17 successfully completed a leadership development program that
18 meets the Pennsylvania school leadership standards under section
19 1217.

20 (2) THE SECRETARY OF EDUCATION MAY ADOPT STANDARDS AND ←
21 GUIDELINES AS NECESSARY TO IMPLEMENT THIS SECTION.

22 (e) Notwithstanding any other provision of law, no candidate
23 for certification or admission into a certification preparation
24 program who holds a bachelor's degree from a regionally
25 accredited college or university shall be required to complete
26 the academic preparation requirements of 22 Pa. Code § 354.23
27 (relating to academic preparation) related to mathematics and
28 English credit requirements.

29 Section 4. This act shall take effect in 60 days. ←

30 SECTION 6. SECTION 1209 OF THE ACT, AMENDED APRIL 15, 1959 ←

1 (P.L.41, NO.16) AND JUNE 24, 1959 (P.L.485, NO.110), IS AMENDED
2 TO READ:

3 SECTION 1209. DISQUALIFICATIONS.--NO TEACHER'S CERTIFICATE
4 SHALL BE GRANTED TO ANY PERSON WHO [HAS]:

5 (1) HAS NOT SUBMITTED, UPON A BLANK FURNISHED BY THE
6 [SUPERINTENDENT OF PUBLIC INSTRUCTION] SECRETARY OF EDUCATION, A
7 CERTIFICATE FROM A PHYSICIAN [LEGALLY QUALIFIED TO PRACTICE
8 MEDICINE], CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN
9 ASSISTANT LICENSED OR CERTIFIED IN THIS COMMONWEALTH, OR IN ANY
10 OTHER STATE OR THE DISTRICT OF COLUMBIA, SETTING FORTH THAT
11 [SAID] THE APPLICANT IS [NEITHER MENTALLY NOR PHYSICALLY
12 DISQUALIFIED, BY REASON OF TUBERCULOSIS OR ANY OTHER
13 COMMUNICABLE DISEASE OR BY REASON OF MENTAL DISORDER] NOT
14 DISQUALIFIED BY REASON OF A MENTAL OR PHYSICAL DISABILITY OR A
15 COMMUNICABLE DISEASE FROM THE SUCCESSFUL PERFORMANCE OF THE
16 [DUTIES OF A TEACHER; NOR TO ANY PERSON WHO HAS NOT] ESSENTIAL
17 FUNCTIONS OF A TEACHER WITH OR WITHOUT A REASONABLE
18 ACCOMMODATION.

19 (2) DOES NOT HAVE A GOOD MORAL CHARACTER[, OR WHO IS].

20 (3) [IN THE HABIT OF USING OPIUM OR OTHER NARCOTIC DRUGS IN
21 ANY FORM, OR ANY INTOXICATING DRINK AS A BEVERAGE, OR TO ANY
22 APPLICANT WHO HAS A MAJOR PHYSICAL DISABILITY OR DEFECT UNLESS
23 SUCH A PERSON SUBMITS A CERTIFICATE SIGNED BY AN OFFICIAL OF THE
24 COLLEGE OR UNIVERSITY FROM WHICH HE WAS GRADUATED OR OF AN
25 APPROPRIATE REHABILITATION AGENCY, CERTIFYING THAT IN THE
26 OPINION OF SUCH OFFICIAL THE APPLICANT, BY HIS WORK AND
27 ACTIVITIES, DEMONSTRATED THAT HE IS SUFFICIENTLY ADJUSTED,
28 TRAINED AND MOTIVATED TO PERFORM THE DUTIES OF A TEACHER,
29 NOTWITHSTANDING HIS IMPEDIMENT.] ENGAGES IN THE ILLEGAL USE OF
30 CONTROLLED SUBSTANCES OR ALCOHOLIC BEVERAGES. AN APPLICANT FOR

1 CERTIFICATION MAY OVERCOME THE DISQUALIFICATION UNDER THIS
2 PARAGRAPH AND RECEIVE A TEACHING CERTIFICATE IF THE APPLICANT IS
3 REVIEWED BY THE DEPARTMENT OF EDUCATION PURSUANT TO THE
4 REQUIREMENT OF PARAGRAPH (2) AND DETERMINED TO BE OF GOOD MORAL
5 CHARACTER.

6 SECTION 7. SECTION 1418(D) OF THE ACT, AMENDED JULY 14, 1971
7 (P.L.229, NO.47), IS AMENDED TO READ:

8 SECTION 1418. MEDICAL EXAMINATIONS OF TEACHERS AND OTHER
9 PERSONS.--* * *

10 (D) MEDICAL EXAMINATIONS SHALL BE MADE BY THE SCHOOL
11 PHYSICIAN OF THE DISTRICT IF PROVISION THEREFOR IS MADE BY THE
12 DISTRICT OR JOINT SCHOOL BOARD OR BY A PHYSICIAN, CERTIFIED
13 REGISTERED NURSE PRACTITIONER OR PHYSICIAN ASSISTANT OF THE
14 EMPLOYE'S OWN CHOICE [LEGALLY QUALIFIED TO PRACTICE MEDICINE AND
15 SURGERY OR OSTEOPATHY OR OSTEOPATHIC SURGERY IN THE] LICENSED OR
16 CERTIFIED IN THIS COMMONWEALTH.

17 SECTION 8. SECTION 1707-B OF THE ACT, AMENDED NOVEMBER 22,
18 2000 (P.L.672, NO.91) AND JULY 20, 2007 (P.L.278, NO.45), IS
19 AMENDED TO READ:

20 SECTION 1707-B. BOARDS OF CONTROL FOR CERTAIN SCHOOL
21 DISTRICTS.--(A) THE GENERAL ASSEMBLY FINDS AND DECLARES AS
22 FOLLOWS:

23 (1) IN ADDITION TO THE OPERATION OF FAILING SCHOOL DISTRICTS
24 BY A STATE, OTHER JURISDICTIONS ACROSS THE NATION ARE UTILIZING
25 OTHER MODELS TO REFORM FAILING URBAN SCHOOL DISTRICTS IN WHICH
26 THE CHIEF EXECUTIVE OF THE CITY GOVERNMENT IS EMPOWERED TO
27 CONTROL THE GOVERNANCE OF THE PUBLIC SCHOOLS SERVING THE CITY.
28 FOR EXAMPLE, CHICAGO HAS IMPLEMENTED A REFORM MODEL OPERATED BY
29 THE MAYOR.

30 (2) IN THIS COMMONWEALTH, THE MAYOR OF THE CITY OF

1 PHILADELPHIA, A CITY OF THE FIRST CLASS COTERMINOUS WITH A
2 SCHOOL DISTRICT OF THE FIRST CLASS, RECENTLY WAS EMPOWERED BY
3 AMENDMENTS TO THE HOME RULE CHARTER IMMEDIATELY TO APPOINT ALL
4 MEMBERS OF THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT OF
5 PHILADELPHIA TO SERVE AT HIS PLEASURE. IN NO OTHER SCHOOL
6 DISTRICT OF THE COMMONWEALTH IS THE MAYOR OR CHIEF EXECUTIVE OF
7 A MUNICIPALITY EMPOWERED TO CONTROL OR AFFECT THE GOVERNANCE OF
8 SCHOOL DISTRICTS. UNDER THE HOME RULE CHARTER AMENDMENTS, THE
9 MAYOR OF PHILADELPHIA WILL HAVE SIGNIFICANT INPUT INTO THE
10 DEVELOPMENT AND IMPLEMENTATION OF ANY SCHOOL DISTRICT
11 IMPROVEMENT PLAN ADOPTED UNDER SECTION 1703-B AND THE SCHOOL
12 DISTRICT GENERALLY.

13 (3) IN ORDER TO ASSESS THE EFFECTIVENESS OF A MAYOR-LED
14 SYSTEM OF SCHOOL GOVERNANCE IN OTHER LARGE CITY SCHOOL DISTRICTS
15 IN THIS COMMONWEALTH WHICH HAVE A HISTORY OF EXTRAORDINARILY LOW
16 TEST PERFORMANCE, A PILOT PROGRAM UNDER THIS SECTION SHALL BE
17 ESTABLISHED FOR CERTAIN SCHOOL DISTRICTS OF THE SECOND CLASS
18 COTERMINOUS WITH CITIES THAT HAVE OPTED UNDER THE ACT OF JULY
19 15, 1957 (P.L.901, NO.399), KNOWN AS THE "OPTIONAL THIRD CLASS
20 CITY CHARTER LAW," OR 53 PA.C.S. PT. III SUBPT. E (RELATING TO
21 HOME RULE AND OPTIONAL PLAN GOVERNMENT) TO BE GOVERNED BY A
22 MAYOR-COUNCIL FORM OF GOVERNMENT.

23 (A.1) FOR A SCHOOL DISTRICT OF THE SECOND CLASS WHICH HAS A
24 HISTORY OF EXTRAORDINARILY LOW TEST PERFORMANCE, WHICH IS
25 COTERMINOUS WITH A CITY OF THE THIRD CLASS THAT HAS OPTED UNDER
26 THE "OPTIONAL THIRD CLASS CITY CHARTER LAW" OR 53 PA.C.S. PT.
27 III SUBPT. E TO BE GOVERNED BY A MAYOR-COUNCIL FORM OF
28 GOVERNMENT AND WHICH HAS A POPULATION IN EXCESS OF FORTY-FIVE
29 THOUSAND (45,000), THE SECRETARY SHALL WAIVE THE INCLUSION OF
30 THE SCHOOL DISTRICT ON THE EDUCATION EMPOWERMENT LIST UNDER

1 SECTION 1703-B(A) AND IMMEDIATELY CERTIFY THE SCHOOL DISTRICT AS
2 AN EDUCATION EMPOWERMENT DISTRICT. [NO SCHOOL DISTRICT SHALL BE
3 CERTIFIED UNDER THIS SECTION LATER THAN DECEMBER 31, 2005.]

4 (B) (1) A BOARD OF CONTROL IN AN EDUCATION EMPOWERMENT
5 DISTRICT CERTIFIED UNDER THIS SECTION SHALL CONSIST OF SEVEN (7)
6 RESIDENTS OF THE SCHOOL DISTRICT, FIVE (5) OF WHOM SHALL BE
7 APPOINTED BY THE MAYOR OF THE COTERMINOUS CITY WITHIN FOURTEEN
8 (14) DAYS OF THE CERTIFICATION OF THE SCHOOL DISTRICT AS AN
9 EDUCATION EMPOWERMENT DISTRICT AND TWO (2) OF WHOM SHALL BE
10 ELECTED BY AND FROM THE MEMBERS OF THE ELECTED BOARD OF SCHOOL
11 DIRECTORS.

12 (1.1) BEGINNING JULY 1, 2010, A BOARD OF CONTROL IN AN
13 EDUCATION EMPOWERMENT DISTRICT CERTIFIED UNDER THIS SECTION
14 SHALL CONSIST OF SEVEN (7) MEMBERS, FIVE (5) OF WHOM SHALL BE
15 APPOINTED BY THE MAYOR OF THE COTERMINOUS CITY AND TWO (2) OF
16 WHOM SHALL BE ELECTED BY AND FROM THE MEMBERS OF THE ELECTED
17 BOARD OF SCHOOL DIRECTORS.

18 (1.2) ON DECEMBER 1 IMMEDIATELY FOLLOWING THE FIRST GENERAL
19 ELECTION AFTER THE BOARD OF CONTROL APPOINTED UNDER PARAGRAPH
20 (1.1) HAS BEEN IN PLACE FOR AT LEAST TWELVE (12) MONTHS, THE
21 BOARD OF CONTROL SHALL CONSIST OF FOUR (4) MEMBERS WHO SHALL BE
22 APPOINTED BY THE MAYOR OF THE COTERMINOUS CITY AND THREE (3)
23 MEMBERS WHO SHALL BE ELECTED BY AND FROM THE MEMBERS OF THE
24 ELECTED BOARD OF SCHOOL DIRECTORS, ONE (1) OF WHOM SHALL BE
25 SUBJECT TO THE APPROVAL OF THE MAYOR OF THE COTERMINOUS CITY.

26 (1.3) ON DECEMBER 1 IMMEDIATELY FOLLOWING THE SECOND GENERAL
27 ELECTION AFTER THE BOARD OF CONTROL APPOINTED UNDER PARAGRAPH
28 (1.1) HAS BEEN IN PLACE FOR AT LEAST TWELVE (12) MONTHS, THE
29 BOARD OF CONTROL SHALL CONSIST OF THREE (3) MEMBERS WHO SHALL BE
30 APPOINTED BY THE MAYOR OF THE COTERMINOUS CITY AND FOUR (4)

1 MEMBERS WHO SHALL BE ELECTED BY AND FROM THE MEMBERS OF THE
2 ELECTED BOARD OF SCHOOL DIRECTORS, TWO (2) OF WHOM SHALL BE
3 SUBJECT TO THE APPROVAL OF THE MAYOR OF THE COTERMINOUS CITY.

4 (1.4) BEGINNING JULY 1, 2010, THE RESIDENCY OF THE MEMBERS
5 OF THE BOARD OF CONTROL SHALL BE AS FOLLOWS:

6 (I) ONE (1) OF THE MEMBERS OF THE BOARD OF CONTROL APPOINTED
7 BY THE MAYOR OF THE COTERMINOUS CITY SHALL BE A RESIDENT OF THE
8 COUNTY IN WHICH THE SCHOOL DISTRICT IS LOCATED, BUT SHALL NOT BE
9 A RESIDENT OF THE SCHOOL DISTRICT.

10 (II) THE REMAINING MEMBERS OF THE BOARD OF CONTROL APPOINTED
11 BY THE MAYOR OF THE COTERMINOUS CITY AND ALL MEMBERS OF THE
12 BOARD OF CONTROL ELECTED BY AND FROM THE MEMBERS OF THE ELECTED
13 BOARD OF SCHOOL DIRECTORS SHALL BE RESIDENTS OF THE SCHOOL
14 DISTRICT.

15 (2) THE MEMBERS OF THE BOARD OF CONTROL THAT ARE ELECTED BY
16 AND FROM THE MEMBERS OF THE ELECTED BOARD OF SCHOOL DIRECTORS
17 SHALL SERVE ON THE BOARD OF CONTROL FOR A PERIOD OF TIME
18 CONCURRENT WITH THEIR TERMS OF OFFICE AS MEMBERS OF THE ELECTED
19 BOARD OF SCHOOL DIRECTORS AND ARE NOT SUBJECT TO REMOVAL BY THE
20 MAYOR.

21 (3) THE MEMBERS OF THE BOARD OF CONTROL THAT ARE NOT ELECTED
22 BY AND FROM THE MEMBERS OF THE ELECTED BOARD OF SCHOOL DIRECTORS
23 SHALL SERVE AT THE PLEASURE OF THE MAYOR.

24 (4) THE MAYOR OF THE COTERMINOUS CITY SHALL SELECT ONE (1)
25 MEMBER OF THE BOARD OF CONTROL TO SERVE AS CHAIRPERSON.

26 (5) NO PERSON WHO IS AN OFFICER, BOARD MEMBER OR EMPLOYE OF
27 THE SCHOOL DISTRICT SHALL BE APPOINTED TO THE BOARD OF CONTROL.

28 (6) MEMBERS OF THE BOARD OF CONTROL WHO ARE NOT EMPLOYES OF
29 THE COMMONWEALTH OR A POLITICAL SUBDIVISION SHALL RECEIVE
30 COMPENSATION UNDER SECTION 692.2.

1 (7) VACANCIES ON THE BOARD OF CONTROL SHALL BE FILLED IN THE
2 SAME MANNER AS THE ORIGINAL APPOINTMENT.

3 (8) ACTIONS OF THE BOARD OF CONTROL SHALL BE BY A MAJORITY
4 VOTE. A MAJORITY OF THE MEMBERS APPOINTED SHALL CONSTITUTE A
5 QUORUM.

6 (C) (1) THE AUTHORITY GRANTED TO A BOARD OF SCHOOL
7 DIRECTORS UNDER SECTION 1704-B(A) SHALL BE EXERCISED BY THE
8 BOARD OF CONTROL OF AN EDUCATION EMPOWERMENT DISTRICT CERTIFIED
9 UNDER THIS SECTION. THE PROVISIONS OF SECTIONS [1705-B(C), (D),
10 (E) AND (G),] 1706-B AND 1708-B(A) SHALL BE APPLICABLE TO A
11 BOARD OF CONTROL APPOINTED UNDER SUBSECTION (B).

12 (2) THE PROVISIONS OF SECTIONS 693, 694 AND 695 RELATING TO
13 SPECIAL BOARDS OF CONTROL SHALL APPLY TO A BOARD OF CONTROL
14 UNDER THIS SECTION.

15 (D) WITHIN THIRTY (30) DAYS OF THE CERTIFICATION OF AN
16 EDUCATION EMPOWERMENT DISTRICT UNDER THIS SECTION, THE MAYOR
17 SHALL APPOINT A SCHOOL DISTRICT EMPOWERMENT TEAM UNDER SECTION
18 1703-B(D) (2) TO DEVELOP A SCHOOL DISTRICT IMPROVEMENT PLAN UNDER
19 SECTION 1703-B(E). THE MAYOR OR A DESIGNEE SHALL SERVE AS
20 CHAIRMAN OF THE SCHOOL DISTRICT EMPOWERMENT TEAM.

21 (E) THE SCHOOL DISTRICT IMPROVEMENT PLAN UNDER SUBSECTION
22 (D) SHALL BE TRANSMITTED BY THE BOARD OF CONTROL TO THE
23 DEPARTMENT WITHIN ONE HUNDRED TWENTY (120) DAYS OF THE
24 APPOINTMENT OF THE SCHOOL DISTRICT EMPOWERMENT TEAM. THE
25 DEPARTMENT SHALL RETURN THE SCHOOL DISTRICT IMPROVEMENT PLAN TO
26 THE BOARD OF CONTROL WITH ITS APPROVAL OR ANY REQUEST FOR
27 MODIFICATIONS WITHIN THIRTY (30) DAYS FOLLOWING ITS SUBMISSION.
28 ANY FURTHER MODIFICATIONS MADE BY THE SCHOOL DISTRICT
29 EMPOWERMENT TEAM SHALL BE TRANSMITTED TO THE DEPARTMENT BY THE
30 BOARD OF CONTROL.

1 (F) WHEN THE DEPARTMENT HAS DETERMINED THAT A SCHOOL
2 DISTRICT CERTIFIED AS AN EDUCATION EMPOWERMENT DISTRICT UNDER
3 THIS SECTION [NO LONGER HAS A HISTORY OF LOW TEST PERFORMANCE]
4 HAS MET ITS ACADEMIC PERFORMANCE TARGETS AS APPROVED BY THE
5 DEPARTMENT FOR TWO CONSECUTIVE YEARS AND HAS REACHED THE GOALS
6 SET FORTH IN THE SCHOOL DISTRICT IMPROVEMENT PLAN, THE
7 DEPARTMENT SHALL REMOVE THE CERTIFICATION AS AN EDUCATION
8 EMPOWERMENT DISTRICT [AS PROVIDED UNDER SECTION 1710-B, EXCEPT
9 THAT NO CERTIFICATION REMOVAL OF A SCHOOL DISTRICT INITIALLY
10 CERTIFIED UNDER SUBSECTION (A.1) SHALL BE MADE FOR A PERIOD OF
11 AT LEAST FIVE (5) YEARS]. WHEN THE DEPARTMENT REMOVES A SCHOOL
12 DISTRICT FROM CERTIFICATION AS AN EDUCATION EMPOWERMENT
13 DISTRICT, THE BOARD OF CONTROL SHALL DISSOLVE AND ALL POWERS AND
14 DUTIES VESTED IN THE BOARD OF CONTROL SHALL REVERT TO THE
15 ELECTED BOARD OF SCHOOL DIRECTORS.

16 (G) A SCHOOL DISTRICT CERTIFIED AS AN EDUCATION EMPOWERMENT
17 DISTRICT UNDER THIS SECTION SHALL NOT HAVE ITS CERTIFICATION
18 REMOVED AS A RESULT OF THE REPORTS OF THE BUREAU OF THE CENSUS
19 OR ANY CHANGE IN CLASSIFICATION OF MUNICIPALITIES OR SCHOOL
20 DISTRICTS.

21 SECTION 9. SECTION 1716-B OF THE ACT, ADDED MAY 10, 2000
22 (P.L.44, NO.16), IS AMENDED TO READ:

23 SECTION 1716-B. EXPIRATION.--[THIS] (A) EXCEPT AS PROVIDED
24 IN SUBSECTION (B) OR SECTION 1704-B, THE PROVISIONS OF THIS
25 ARTICLE SHALL EXPIRE JUNE 30, 2010.

26 (B) FOR PURPOSES OF ANY BOARD OF CONTROL THAT IS CREATED
27 UNDER OR SUBJECT TO SECTION 1707-B, ALL PROVISIONS OF THIS
28 ARTICLE SHALL EXPIRE JUNE 30, 2013, EXCEPT THAT SECTIONS 1705-B,
29 1710-B, 1714-B AND 1714.1-B SHALL EXPIRE FOR ALL PURPOSES ON
30 JUNE 30, 2010.

1 SECTION 10. ANY REGULATIONS OF THE DEPARTMENT OF EDUCATION
2 THAT ARE INCONSISTENT WITH THIS ACT ARE HEREBY ABROGATED TO THE
3 EXTENT OF THE INCONSISTENCY.

4 SECTION 11. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.