

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 441 Session of 2009

INTRODUCED BY VANCE, BAKER, BROWNE, COSTA, EARLL, FOLMER, FONTANA, O'PAKE, ORIE, RAFFERTY, WASHINGTON, M. WHITE AND WONDERLING, FEBRUARY 24, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 4, 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," FURTHER PROVIDING FOR CERTIFICATES
6 QUALIFYING PERSONS TO TEACH AND FOR KINDS OF STATE
7 CERTIFICATES; PROVIDING FOR POSTBACCALAUREATE CERTIFICATION;
8 AND further providing for disqualifications relating to
9 teacher's certificate.



10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. ~~Section 1209 of the act of March 10, 1949~~
13 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~
14 ~~amended April 15, 1959 (P.L.41, No.16) and June 24, 1959~~
15 ~~(P.L.485, No.110), is amended to read:~~



16 SECTION 1. SECTION 1201 OF THE ACT OF MARCH 10, 1949
17 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,
18 AMENDED JANUARY 14, 1970 (1969 P.L.468, NO.192), IS AMENDED TO
19 READ:



20 SECTION 1201. CERTIFICATES QUALIFYING PERSONS TO TEACH.--

1 ONLY THOSE PERSONS HOLDING ONE OF THE FOLLOWING CERTIFICATES
2 SHALL BE QUALIFIED TO TEACH IN THE PUBLIC SCHOOLS OF THIS
3 COMMONWEALTH--(1) PERMANENT COLLEGE CERTIFICATE, (2) PROVISIONAL
4 COLLEGE CERTIFICATE, (3) NORMAL SCHOOL DIPLOMA, (4) NORMAL
5 SCHOOL CERTIFICATE, (5) SPECIAL PERMANENT CERTIFICATE, (6)
6 SPECIAL TEMPORARY CERTIFICATE, (7) PERMANENT STATE CERTIFICATE,
7 (8) RESIDENCY CERTIFICATE, (9) INTERN CERTIFICATE, (10)
8 CERTIFICATES WHICH ARE PERMANENT LICENSES TO TEACH BY VIRTUE OF
9 THE PROVISIONS OF SECTION ONE THOUSAND THREE HUNDRED EIGHT OF
10 THE ACT, APPROVED THE EIGHTEENTH DAY OF MAY, ONE THOUSAND NINE
11 HUNDRED ELEVEN (PAMPHLET LAWS 309), AS AMENDED, WHICH IS
12 REPEALED HEREBY, OR [(9)] (11) SUCH OTHER KINDS OF CERTIFICATES
13 AS ARE ISSUED UNDER THE STANDARDS PRESCRIBED BY THE STATE BOARD
14 OF EDUCATION. THE STATE BOARD OF EDUCATION SHALL ALSO PROVIDE
15 FOR ISSUANCE OF CERTIFICATES BY DISTRICT SUPERINTENDENTS TO MEET
16 SUCH EMERGENCIES OR SHORTAGE OF TEACHERS AS MAY OCCUR.

17 SECTION 2. SECTIONS 1203 AND 1206 OF THE ACT ARE AMENDED TO
18 READ:

19 SECTION 1203. KINDS OF STATE CERTIFICATES.--(A) STATE
20 CERTIFICATES HEREAFTER GRANTED SHALL INCLUDE THE FOLLOWING:

21 PROVISIONAL COLLEGE CERTIFICATES,
22 PERMANENT COLLEGE CERTIFICATES,
23 CERTIFICATES ISSUED BY OTHER STATES AND VALIDATED BY THE
24 SUPERINTENDENT OF PUBLIC INSTRUCTION,
25 SPECIAL TEMPORARY CERTIFICATES,
26 SPECIAL PERMANENT CERTIFICATES[.]└
27 RESIDENCY CERTIFICATES,
28 INTERN CERTIFICATES.

29 (B) ALL PERSONS RECEIVING ANY OF SUCH CERTIFICATES SHALL
30 HAVE QUALIFICATIONS NOT LESS THAN GRADUATION FROM A STATE

1 TEACHERS' COLLEGE OF THIS COMMONWEALTH, OR EQUIVALENT TRAINING.
2 POSTBACCALAUREATE CERTIFICATION PROGRAMS, INCLUDING RESIDENCY,
3 INTERN AND ADMINISTRATIVE CERTIFICATION PROGRAMS COMPLETED UNDER
4 SECTION 1207.1 ARE EQUIVALENT TRAINING FOR PURPOSES OF THIS ACT.

5 (C) EVERY COLLEGE CERTIFICATE SHALL SET FORTH THE NAMES OF
6 THE COLLEGE OR UNIVERSITY FROM WHICH ITS HOLDER WAS GRADUATED.
7 STATE CERTIFICATES SHALL ENTITLE THEIR HOLDERS TO TEACH IN EVERY
8 PART OF THIS COMMONWEALTH FOR THE TERMS HEREIN SPECIFIED.

9 SECTION 1206. CERTIFICATES ISSUED BY OTHER STATES.--[THE
10 SUPERINTENDENT OF PUBLIC INSTRUCTION MAY VALIDATE IN THIS
11 COMMONWEALTH TEACHERS' CERTIFICATES ISSUED BY OTHER STATES, OR
12 BY THE STATE NORMAL SCHOOLS OR COLLEGES OF OTHER STATES, WHOSE
13 REQUIREMENTS ARE EQUIVALENT TO THOSE OF THIS COMMONWEALTH. SUCH
14 VALIDATION OF CERTIFICATES MAY BE REVOKED BY THE SUPERINTENDENT
15 OF PUBLIC INSTRUCTION AT ANY TIME.] (A) CANDIDATES HOLDING A
16 VALID INSTRUCTIONAL CERTIFICATE ISSUED BY ANOTHER STATE MAY BE
17 ELIGIBLE FOR COMPARABLE PENNSYLVANIA CERTIFICATION PROVIDED THAT
18 THE CANDIDATE MEETS THE FOLLOWING REQUIREMENTS:

19 (1) HOLDS A BACHELOR'S DEGREE FROM A REGIONALLY ACCREDITED
20 COLLEGE OR UNIVERSITY.

21 (2) HAS AT LEAST THREE (3) YEARS OF SUCCESSFUL PROFESSIONAL
22 EXPERIENCE.

23 (3) DEMONSTRATES SUBJECT MATTER COMPETENCY IN THE APPLICABLE
24 AREA OF PENNSYLVANIA CERTIFICATION.

25 (4) SATISFIES THE REQUIREMENTS OF SECTION 1209.

26 (B) THE SECRETARY OF EDUCATION SHALL ADOPT STANDARDS AND
27 GUIDELINES AS NECESSARY TO IMPLEMENT THIS SECTION.

28 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

29 SECTION 1207.1. POSTBACCALAUREATE CERTIFICATION.--(A)
30 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE

1 SECRETARY OF EDUCATION SHALL HAVE ALL OF THE FOLLOWING POWERS
2 AND DUTIES WITH REGARD TO POSTBACCALAUREATE CERTIFICATION
3 PROGRAMS:

4 (1) EVALUATE AND APPROVE, IN ACCORDANCE WITH THIS SECTION,
5 ALL POSTBACCALAUREATE CERTIFICATION PROGRAMS, INCLUDING
6 ACCELERATED PROGRAMS, LEADING TO THE CERTIFICATION OF
7 PROFESSIONAL PERSONNEL INCLUDING INTERN CERTIFICATION PROGRAMS,
8 RESIDENCY CERTIFICATION PROGRAMS AND ADMINISTRATIVE
9 CERTIFICATION PROGRAMS.

10 (2) EVALUATE AND APPROVE QUALIFIED PROVIDERS OF
11 POSTBACCALAUREATE CERTIFICATION PROGRAMS, WHICH MAY INCLUDE
12 PROVIDERS OTHER THAN INSTITUTIONS OF HIGHER EDUCATION.

13 (3) DEVELOP GUIDELINES FOR THE APPROVAL OF POSTBACCALAUREATE
14 INSTRUCTIONAL CERTIFICATION PROGRAMS, WHICH SHALL INCLUDE:

15 (I) INSTRUCTION AND TRAINING IN THE FOLLOWING:

16 (A) EDUCATIONAL STRATEGIES FOR THE DESIGNATED SUBJECT AREA.

17 (B) CHILD DEVELOPMENT SPECIFICALLY RELATED TO THE LEVEL OF
18 THE CERTIFICATE SOUGHT.

19 (C) PROFESSIONAL ETHICS AND RESPONSIBILITIES.

20 (D) PENNSYLVANIA ACADEMIC STANDARDS.

21 (E) ASSESSMENT KNOWLEDGE AND SKILLS.

22 (F) ACCOMMODATIONS AND ADAPTATIONS FOR STUDENTS WITH
23 DISABILITIES IN AN INCLUSIVE SETTING.

24 (G) STRATEGIES FOR MEETING INSTRUCTIONAL NEEDS OF ENGLISH
25 LANGUAGE LEARNERS.

26 (II) REQUIREMENTS FOR CANDIDATE OVERSIGHT AND MENTORING THAT
27 INCLUDE FIELD PLACEMENT, STUDENT TEACHING, CLASSROOM
28 OBSERVATIONS AND ONGOING SUPPORT FOR NOVICE EDUCATORS IN
29 PARTNERSHIP WITH LOCAL EDUCATION AGENCIES DURING THEIR INDUCTION
30 PERIOD, INCLUDING OBSERVATION, CONSULTATION AND ASSESSMENT THAT

1 INCLUDES CLOSE SUPERVISION BY A PROFESSIONAL EMPLOYEE.

2 (4) ISSUE CERTIFICATES IN ACCORDANCE WITH THIS SECTION TO
3 QUALIFIED CANDIDATES.

4 (5) ADOPT STANDARDS AND GUIDELINES AS NECESSARY TO IMPLEMENT
5 THIS SECTION.

6 (B) (1) THE SECRETARY OF EDUCATION MAY MAKE A ONE-TIME
7 ISSUANCE OF A RESIDENCY CERTIFICATE FOR SERVICE IN A SPECIFIC
8 SHORTAGE AREA OF INSTRUCTION IN PUBLIC SCHOOLS OF THIS
9 COMMONWEALTH TO AN APPLICANT WHO MEETS ALL OF THE FOLLOWING:

10 (I) SATISFIES THE REQUIREMENTS SPECIFIED UNDER SECTION 1209.

11 (II) MEETS ONE OF THE FOLLOWING:

12 (A) HOLDS A DOCTORAL DEGREE FROM AN ACCREDITED COLLEGE OR
13 UNIVERSITY IN THE SUBJECT AREA OF SHORTAGE.

14 (B) HOLDS A MASTER'S DEGREE FROM AN ACCREDITED COLLEGE OR
15 UNIVERSITY IN THE SUBJECT AREA OF SHORTAGE AND HAS AT LEAST TWO
16 (2) YEARS OF WORK EXPERIENCE IN THE SUBJECT AREA OR RELATED
17 FIELD.

18 (C) HOLDS A BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR
19 UNIVERSITY IN THE SUBJECT AREA OF SHORTAGE AND HAS AT LEAST FIVE
20 (5) YEARS OF WORK EXPERIENCE IN THE SUBJECT AREA OR RELATED
21 FIELD.

22 (III) IS CONTINUOUSLY ENROLLED IN AN APPROVED RESIDENCY
23 PROGRAM.

24 (IV) PRESENTS EVIDENCE OF SATISFACTORY ACHIEVEMENT ON THE
25 APPROPRIATE SUBJECT AREA CONTENT TEST.

26 (2) A RESIDENCY CERTIFICATE SHALL BE VALID FOR THREE (3)
27 YEARS OF TEACHING IN THE PUBLIC SCHOOLS OF THIS COMMONWEALTH IN
28 THE AREA FOR WHICH IT APPLIES.

29 (3) THE SECRETARY OF EDUCATION SHALL HAVE ALL OF THE
30 FOLLOWING POWERS AND DUTIES RELATED TO THE ISSUANCE OF RESIDENCY

1 CERTIFICATES:

2 (I) IDENTIFY AREAS OF CERTIFICATION IN WHICH THERE IS A
3 STATEWIDE OR REGIONAL SHORTAGE OF QUALIFIED TEACHERS.

4 (II) DEVELOP GUIDELINES FOR THE RESIDENCY PROGRAM IN
5 ACCORDANCE WITH SUBSECTION (A).

6 (III) ISSUE RESIDENCY CERTIFICATES TO QUALIFIED APPLICANTS.

7 (IV) REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION ON THE
8 NUMBER OF RESIDENCY CERTIFICATES ISSUED UNDER THIS SECTION.

9 (4) A RESIDENCY CERTIFICATE MAY BE CONVERTED TO AN
10 INSTRUCTIONAL I CERTIFICATE UPON THE COMPLETION OF ALL RESIDENCY
11 PROGRAM REQUIREMENTS UNDER DEPARTMENT OF EDUCATION GUIDELINES
12 AND THE COMPLETION OF THREE (3) YEARS OF SATISFACTORY TEACHING
13 IN THE PUBLIC SCHOOLS OF THIS COMMONWEALTH.

14 (C) (1) POSTBACCALAUREATE INSTRUCTIONAL INTERN
15 CERTIFICATION PROGRAMS SHALL PROVIDE FLEXIBLE AND ACCELERATED
16 PEDAGOGICAL TRAINING TO TEACHERS WHO HAVE DEMONSTRATED SUBJECT
17 MATTER COMPETENCY IN A SUBJECT AREA RELATED TO THEIR
18 CERTIFICATION, PROVIDED THAT THE FIRST YEAR OF TEACHING INCLUDES
19 A MINIMUM OF ONE CLASSROOM OBSERVATION EACH MONTH BY AN APPROVED
20 POSTBACCALAUREATE CERTIFICATION PROGRAM PROVIDER.

21 (2) THE SECRETARY OF EDUCATION MAY MAKE A ONE-TIME ISSUANCE
22 OF A POSTBACCALAUREATE INSTRUCTIONAL INTERN CERTIFICATE FOR
23 SERVICE IN A SPECIFIC AREA OF INSTRUCTION TO CANDIDATES WHO, IN
24 ADDITION TO MEETING THE REQUIREMENTS OF SECTION 1209, PRESENT
25 EVIDENCE OF SATISFACTORY ACHIEVEMENT ON THE DEPARTMENT-
26 PRESCRIBED SUBJECT MATTER ASSESSMENTS RELATED TO THE AREA OF
27 CERTIFICATION AND HOLD A BACHELOR'S DEGREE FROM AN ACCREDITED
28 COLLEGE OR UNIVERSITY. THIS CERTIFICATE SHALL REQUIRE CONTINUING
29 ENROLLMENT IN AN APPROVED POSTBACCALAUREATE INSTRUCTIONAL INTERN
30 CERTIFICATION PROGRAM.

1 (3) A POSTBACCALAUREATE INSTRUCTIONAL INTERN CERTIFICATE
2 SHALL BE VALID FOR THREE (3) YEARS OF TEACHING IN THE PUBLIC
3 SCHOOLS OF THIS COMMONWEALTH AND MAY NOT BE RENEWED.

4 (4) A CANDIDATE SHALL BE ISSUED AN INSTRUCTIONAL I
5 CERTIFICATE UPON SUCCESSFUL COMPLETION OF THE APPROVED
6 POSTBACCALAUREATE INSTRUCTIONAL INTERN PROGRAM PROVIDED THAT THE
7 CANDIDATE HAS SATISFIED THE REQUIREMENTS OF SECTION 1209.

8 (D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO
9 PERSON SHALL BE GRANTED AN ADMINISTRATIVE CERTIFICATE BY THE
10 DEPARTMENT OF EDUCATION UNLESS:

11 (I) THE CANDIDATE HOLDS A BACHELOR'S DEGREE FROM A
12 REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY.

13 (II) THE CANDIDATE HAS HAD THREE (3) YEARS OF RELEVANT
14 PROFESSIONAL EXPERIENCE.

15 (III) THE CANDIDATE SATISFIES THE REQUIREMENTS OF SECTION
16 1209.

17 (IV) THE CANDIDATE HAS COMPLETED IN A COLLEGE OR UNIVERSITY
18 A GRADUATE PROGRAM IN EDUCATION APPROVED BY THE DEPARTMENT OF
19 EDUCATION OR HAS PROVIDED TO THE SECRETARY OF EDUCATION
20 SATISFACTORY EVIDENCE THAT THE CANDIDATE HAS SUCCESSFULLY
21 COMPLETED A LEADERSHIP DEVELOPMENT PROGRAM THAT MEETS THE
22 PENNSYLVANIA SCHOOL LEADERSHIP STANDARDS UNDER SECTION 1217.

23 (2) THE SECRETARY OF EDUCATION MAY ADOPT STANDARDS AND
24 GUIDELINES AS NECESSARY TO IMPLEMENT THIS SECTION.

25 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO CANDIDATE
26 FOR CERTIFICATION OR ADMISSION INTO A CERTIFICATION PREPARATION
27 PROGRAM WHO HOLDS A BACHELOR'S DEGREE FROM A REGIONALLY
28 ACCREDITED COLLEGE OR UNIVERSITY SHALL BE REQUIRED TO COMPLETE
29 THE ACADEMIC PREPARATION REQUIREMENTS OF 22 PA. CODE CH. 354
30 (RELATING TO PREPARATION OF PROFESSIONAL EDUCATORS).

1 SECTION 4. SECTION 1209 OF THE ACT, AMENDED APRIL 15, 1959
2 (P.L.41, NO.16) AND JUNE 24, 1959 (P.L.485, NO.110), IS AMENDED
3 TO READ:

4 Section 1209. Disqualifications.--No teacher's certificate
5 shall be granted to any person who [has]:

6 (1) Has not submitted, upon a blank furnished by the
7 [Superintendent of Public Instruction] Secretary of Education, a
8 certificate from a physician [legally qualified to practice
9 medicine], certified registered nurse practitioner or physician
10 assistant licensed or certified in this Commonwealth, or in any
11 other state or the District of Columbia, setting forth that
12 [said] the applicant is [neither mentally nor physically
13 disqualified, by reason of tuberculosis or any other
14 communicable disease or by reason of mental disorder] not
15 disqualified by reason of a mental or physical disability or a
16 communicable disease from the successful performance of the
17 [duties of a teacher; nor to any person who has not] essential
18 functions of a teacher with or without a reasonable
19 accommodation.

20 (2) Does not have a good moral character[, or who is].

21 (3) [in the habit of using opium or other narcotic drugs in
22 any form, or any intoxicating drink as a beverage, or to any
23 applicant who has a major physical disability or defect unless
24 such a person submits a certificate signed by an official of the
25 college or university from which he was graduated or of an
26 appropriate rehabilitation agency, certifying that in the
27 opinion of such official the applicant, by his work and
28 activities, demonstrated that he is sufficiently adjusted,
29 trained and motivated to perform the duties of a teacher,
30 notwithstanding his impediment.] Engages in the illegal use of

1 controlled substances or alcoholic beverages. An applicant for
2 certification may overcome the disqualification under this
3 paragraph and receive a teaching certificate if the applicant is
4 reviewed by the Department of Education pursuant to the
5 requirement of paragraph (2) and determined to be of good moral
6 character.

7 Section 2 5. Any regulations of the Department of Education ←
8 that are inconsistent with this act are hereby abrogated to the
9 extent of the inconsistency.

10 Section 3 6. This act shall take effect ~~in 60 days~~ ←
11 IMMEDIATELY. ←