

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 253 Session of
1989

INTRODUCED BY HESS, JANUARY 24, 1989

REFERRED TO EDUCATION, JANUARY 24, 1989

AN ACT

1 Amending the act of December 12, 1973 (P.L.397, No.141),
2 entitled "An act relating to certification of teachers in the
3 public schools of the Commonwealth and creating a
4 Professional Standards and Practices Commission," further
5 providing for the commission; and providing for the
6 reestablishment of the commission.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 1, 3, 4, 5, 6, 7 and 8 of the act of
10 December 12, 1973 (P.L.397, No.141), referred to as the Teacher
11 Certification Law, are amended to read:

12 Section 1. Definitions.--When used in this act, the
13 following words and phrases shall have the following meanings:

14 (1) "Teacher" shall mean any person who holds a valid
15 Pennsylvania teaching certificate.

16 (2) "Teach" shall mean to engage in the practice of teaching
17 in the public schools of the Commonwealth or to provide related
18 educational specialist, administrative or supervisory services
19 in such schools.

(3) "Commission" shall mean the Professional Standards and Practices Commission.

(4) "[Education] Educational specialist" shall mean a person employed by a public school as a certified guidance counselor, nurse, home and school visitor, psychologist, dental hygienist, instructional media specialist or nutrition specialist.

Section 3. Professional Standards and Practices Commission.--There is hereby created a Professional Standards and Practices Commission consisting of [sixteen] nineteen members appointed by the Governor with the advice and consent of a majority of the members elected to the Senate. The term of office of members of the commission, except the student member whose term shall be one year, shall be three years commencing on January 1 of the year following their appointment[, except that original appointments shall be for staggered terms of one, two and three years in order that the terms of five members of the commission shall expire each year thereafter]. Vacancies shall be filled for an unexpired term in the same manner as original appointments. No person shall serve for more than two consecutive terms as a member of the commission. The Governor may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty. All members of the commission shall be residents of the Commonwealth of Pennsylvania.

Section 4. Membership and Qualifications.--(a) The membership of the Professional Standards and Practices Commission shall consist of:

(1) [Eight] Ten classroom teachers, including one educational specialist, broadly representative of the teaching profession from public schools.

(2) Three administrators from public schools.

(3) Two faculty members from approved institutions of higher learning in the Commonwealth offering approved teacher education programs.

(4) One administrator from an approved institution of higher learning in the Commonwealth offering approved teacher education programs.

(5) One college student currently enrolled in a program of teacher education in an approved institution of higher learning in the Commonwealth offering approved teacher education programs.

(6) [One member] Two members from the general public who shall be [a parent of a pupil attending a public school] parents of pupils attending public schools.

(b) Except for the [representative] representatives of the general public, and the student representative, the Governor in making appointments shall consider recommendations from panels of nominees submitted by Statewide organizations of professional educators which certify that the panels include only representatives of the category of professional personnel for which the panel or panels of nominees are submitted.

(c) All members of the commission except the persons representing the college students and general public shall have been actively engaged in teaching or providing related educational, administrative or supervisory services in a public school or approved institution of higher education with approved teacher education programs for at least five of the eight years immediately preceding their appointment. A person appointed to the commission who leaves the Commonwealth to become domiciled in another state or whose employment status changes to a

category different from that for which he was appointed shall have his position on the commission deemed vacated.

(d) The chairman of the State Board of Education, or a member of the board designated by the chairman, shall be an ex officio member of the commission without voting privileges.

Section 5. Power and Duties.--(a) The Professional Standards and Practices Commission shall have the power and its duty shall be:

(1) To recommend to the State Board of Education standards for certification of teachers to render professional services in the public schools of the Commonwealth and for accreditation of teacher education programs and to [evaluate teacher education and certification program services and activities to determine the effectiveness in terms of] assess the effectiveness of educator preparation programs to determine the relevance of this program to the annual and long-range program plans and to recommend changes to the State Board of Education as indicated by such evaluations.

(2) To recommend to the State Board of Education standards of professional practice for teachers in public schools. Nothing contained herein is intended to confer upon the State Board of Education the authority to suspend, annul or revoke teaching certificates other than as is otherwise provided in law.

(3) To recommend to the State Board of Education and the Secretary of Education procedures which assure that actions concerning suspension, annulment or revocation of teaching certificates shall comply with due process.

(4) In order to make the recommendations referred to in subsections (1), (2) and (3) above, the Department of Education shall furnish upon request all information the commission deems

1 necessary.

2 (5) To adopt rules and regulations as may be necessary to
3 carry out the purposes of this act. The commission shall hold
4 public hearings and take testimony concerning proposed
5 recommendations which shall be presented to the State Board of
6 Education.

7 (6) Nothing in this act shall be construed to prevent
8 organizations of the teaching profession from adopting measures
9 designed to improve the standards and practices of ethics and
10 academic freedom among their members and in their relationships
11 with other persons and groups.

12 (b) All teachers' certificates in force in this Commonwealth
13 at the time this act goes into effect shall continue in full
14 force and effect, subject to all the terms and conditions under
15 which they were issued, until they expire by virtue of their own
16 limitations, unless they are sooner annulled for the reasons and
17 in the manner provided by law.

18 (c) Recommendations as outlined in subsection (a) shall be
19 presented publicly at a scheduled State Board of Education
20 meeting. This presentation shall be prior to any board action on
21 regulations, standards or guidelines affecting teacher
22 certification, professional practices, accreditation of teacher
23 education programs and long range plans.

24 Section 6. Organization and Meetings of the Commission.--The
25 commission shall annually select a chairman and vice-chairman by
26 ballot. The chairman, or a commission member designated by the
27 chairman, shall be an ex officio member of the State Board of
28 Education without voting privileges or assignment to either
29 council. Meetings shall be held at least [four] six times per
30 year at the call of the chairman or upon request in writing of a

1 majority of the commission. A majority shall constitute a quorum
2 and a majority of such quorum shall have authority to act upon
3 any matter properly before the commission. The first meeting of
4 the commission shall be held within six months of the effective
5 date of this act. Meetings of the commission shall be open to
6 the public and the Director of Professional Standards and
7 Practices shall be responsible for seeing that notices of
8 meetings of the commission are properly circulated.

9 Section 7. Expenses.--Members of the commission shall
10 receive no compensation for their services, but shall be
11 reimbursed for their actual and necessary expenses incurred in
12 the performance of official commission business. A member of the
13 commission who is an employe of an agency of the Commonwealth,
14 or any of its political subdivisions including school districts,
15 shall be permitted to attend commission meetings and perform
16 other commission duties without loss of income or other
17 benefits. A State agency or any political subdivision of this
18 Commonwealth, including a school entity, required to employ a
19 substitute for a member of the commission who is absent from his
20 employment while performing commission business, shall be
21 reimbursed by the Department of Education from funds
22 appropriated for the general government operations of the
23 Department of Education for the actual amount of any costs
24 incurred upon presentation of a request for reimbursement and
25 documentation of such cost. A member of the commission who is
26 employed by a private employer shall be reimbursed by the
27 Department of Education, from funds appropriated for the general
28 government operations of the Department of Education, for any
29 income lost as a result of attendance at commission meetings or
30 performance of other official commission duties upon

1 presentation of a request for reimbursement and documentation of
2 such loss.

3 Section 8. Director of Professional Standards and
4 Practices.--(a) There shall be a Director of Professional
5 Standards and Practices who shall serve as the executive officer
6 and secretary of the commission. The director shall be appointed
7 jointly by the Secretary of Education [after consultation with
8 the commission.] and the commission. The director, with approval
9 of the commission and the secretary, may employ additional
10 professional and clerical personnel as may be necessary to carry
11 out the duties and responsibilities of the commission. The
12 Department of Education shall provide adequate space[,
13 equipment, staff, secretarial and administrative assistance] and
14 equipment to facilitate the activities of the commission.

15 (b) The commission shall keep minutes of its meetings and
16 report annually to the Governor, the General Assembly, the
17 teaching profession and the public.

18 Section 2. This act, with respect to the Professional
19 Standards and Practices Commission, constitutes the legislation
20 required to reestablish an agency under the act of December 22,
21 1981 (P.L.508, No.142), known as the Sunset Act.

22 Section 3. The Professional Standards and Practices
23 Commission shall continue together with its statutory functions
24 and duties until December 31, 1992, when it shall terminate and
25 go out of existence unless reestablished or continued by the
26 General Assembly for an additional ten years. Evaluation and
27 review, termination, reestablishment and continuation of the
28 agency shall be conducted pursuant to the act of December 22,
29 1981 (P.L.508, No.142), known as the Sunset Act.

30 Section 4. The members of the existing Professional

1 Standards and Practices Commission, as of December 31, 1988,
2 shall continue to serve as members until their present terms of
3 office expire and until their successors are appointed and
4 qualified.

5 Section 5. Each rule and regulation of the Professional
6 Standards and Practices Commission in effect on December 31,
7 1988, shall remain in effect until repealed or amended by the
8 commission.

9 Section 6. This act shall be retroactive to December 31,
10 1988.

11 Section 7. This act shall take effect immediately.