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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 253      Session of  
1989

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Report of the Committee of Conference

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To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 253, entitled:  
"An act amending the act of December 12, 1973 (P.L.397, No.141), entitled 'An act relating to certification of teachers in the public schools of the Commonwealth and creating a Professional Standards and Practices Commission,' further providing for the commission; and providing for the reestablishment of the commission,"

respectfully submit the following bill as our report:

RALPH W. HESS

JAMES J. RHOADES

JEANETTE F. REIBMAN

(Committee on the part of the Senate.)

RONALD R. COWELL

JOSEPH W. BATTISTO

EDWARD F. BURNS, JR.

(Committee on the part of the House of Representatives.)

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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.

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

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

26 (5) "Administrator" shall mean any person who is a  
27 commissioned officer or holds a position requiring an  
28 administrative certificate.

29 (6) "Discipline" shall mean any one of the following  
30 actions:

31 (i) Issue a private reprimand.

32 (ii) Issue a public reprimand.

1     (iii) Direct the department to suspend the certificate of a  
2 professional educator for a period to be determined by the  
3 commission.

4     (iv) Direct the department to revoke the certificate.

5     (7) "Professional educator" shall mean a person who is  
6 certificated as a teacher, educational specialist or an  
7 administrator in the Commonwealth.

8     (8) "Department" shall mean the Department of Education.

9     (9) "School entity" shall mean a school district,  
10 intermediate unit or area vocational-technical school, Scotland  
11 School for Veterans' Children, Scranton State School for the  
12 Deaf and Thaddeus Stevens State School of Technology.

13     (10) "Secretary" shall mean the Secretary of Education.

14     (11) "State Board" shall mean the State Board of Education.

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

1 members of the commission shall be residents of the Commonwealth  
2 of Pennsylvania.

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

6 (1) [~~Eight~~] Seven classroom teachers, including one  
7 educational specialist, broadly representative of the teaching  
8 profession from public schools.

9 (2) Three administrators from public schools, at least one  
10 of whom shall be a commissioned officer and one a principal.

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

14 (4)] (3) One administrator from an approved institution of  
15 higher learning in the Commonwealth offering approved teacher  
16 education programs.

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

21 (6) One member] (4) Two members from the general public  
22 [who shall be a parent of a pupil attending a public school],  
23 one of whom shall be an elected public school director.

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

1 However, the Governor shall not be limited to nominating members  
2 of Statewide organizations for appointments to the commission.

3 (c) All members of the commission except the persons  
4 representing the [college students and] general public shall  
5 have been actively engaged in teaching or providing related  
6 educational, administrative or supervisory services in a public  
7 school or approved institution of higher education with approved  
8 teacher education programs for at least five of the eight years  
9 immediately preceding their appointment. A person appointed to  
10 the commission who leaves the Commonwealth to become domiciled  
11 in another state or whose employment status changes to a  
12 category different from that for which he was appointed shall  
13 have his position on the commission deemed vacated.

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

17 (e) The members of the commission, employees of the  
18 commission and agents of the commission shall in all of their  
19 deliberations consider the public interest.

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

23 [(1) To recommend to the State Board of Education standards  
24 for certification of teachers to render professional services in  
25 the public schools of the Commonwealth and for accreditation of  
26 teacher education programs and to evaluate teacher education and  
27 certification program services and activities to determine the  
28 effectiveness in terms of the annual and long-range program  
29 plans and to recommend changes to the State Board of Education  
30 as indicated by such evaluations.

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

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

10       (4) In order to make the recommendations referred to in  
11 subsections (1), (2) and (3) above, the Department of Education  
12 shall furnish all information the commission deems necessary.

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

18       (6) Nothing in this act shall be construed to prevent  
19 organizations of the teaching profession from adopting measures  
20 designed to improve the standards and practices of ethics and  
21 academic freedom among their members and in their relationships  
22 with other persons and groups.]

23       (1) To recommend to the State Board of Education rules and  
24 regulations defining positions for which certification should be  
25 required and criteria to determine qualifications, consistent  
26 with this act, necessary to hold such a certificate.

27       (2) To recommend to the State Board of Education rules and  
28 regulations providing for making a certificate permanent upon  
29 evidence of such teaching experience and additional preparation  
30 as may by rule be required.

1     (3) To recommend to the State Board of Education rules and  
2 regulations providing for the Department of Education  
3 investigation and determination of the acceptability of programs  
4 of professional education in colleges and universities of this  
5 Commonwealth issuing degrees to persons who may desire to teach  
6 in the schools of this Commonwealth. The commission may  
7 recommend as its own, with or without modification, standards  
8 used by other organizations engaged in the evaluation of teacher  
9 preparation programs. In establishing standards pursuant to this  
10 clause, the commission shall consider, among other factors, the  
11 following:

12     (i) Ongoing research and developing theories in education.

13     (ii) The knowledge and skills necessary to effectively  
14 perform professional education functions.

15     (iii) The liberal arts and general education requirements  
16 that are the foundation of a teacher preparation program.

17     (iv) The value of student teacher, laboratory work and other  
18 professional experience as preparation for certification.

19     (v) The cultural and demographic diversity of relevant  
20 student populations.

21     (vi) Other interests of the public.

22 The commission shall assess the effectiveness of educator  
23 preparation programs and recommend changes to the State Board of  
24 Education as indicated by such evaluations.

25     (4) To recommend to the State Board of Education changes in  
26 teacher education programs based on commission conducted  
27 assessments of these programs.

28     (5) To recommend to the State Board of Education rules and  
29 regulations providing for acceptance or approval of certificates  
30 to teach issued by other states, countries and bodies.



1     (6) To recommend to the State Board of Education rules and  
2 regulations providing for the department to enter into  
3 agreements with agencies of other states for reciprocal approval  
4 of teacher preparation program.

5     (7) To recommend to the State Board of Education rules and  
6 regulations governing examinations for the initial certification  
7 of teachers.

8     (8) To cooperate with a national board for professional  
9 education certification recognized by the commission, to such  
10 degree as in the commission's judgment shall bring advantage to  
11 the Commonwealth.

12    (9) To establish procedures for conducting hearings pursuant  
13 to section 13 and for hearings regarding reinstatement of  
14 certificates.

15    (10) To adopt by July 1, 1991, a code for professional  
16 practice and conduct, pursuant to the act of July 31, 1968  
17 (P.L.769, No.240), referred to as the Commonwealth Documents  
18 Law. Nothing in the code for professional practice and conduct  
19 shall be an independent basis for the suspension or revocation  
20 of a certificate, nor shall it pertain to questions of  
21 membership or affiliation or nonaffiliation in an employe  
22 organization, or participation in the actions of an employe  
23 organization, or participation or nonparticipation in the  
24 actions of an employe organization related to the negotiation of  
25 a collective bargaining agreement, a strike or other work  
26 stoppage as defined under the act of July 23, 1970 (P.L.563,  
27 No.195), known as the "Public Employe Relations Act," provided  
28 that, the code may specify those sections the violation of which  
29 may constitute a basis for reprimand.

30    (11) To discipline, as provided hereunder, any professional

1 educator found guilty upon hearings of immorality, incompetency,  
2 intemperance, habitual use of drugs or narcotics, cruelty,  
3 negligence or for violation of any provision of the act of May  
4 29, 1931 (P.L.210, No.126), entitled, as amended, "An act to  
5 regulate the certification and the registration of persons  
6 qualified to teach in accredited elementary and secondary  
7 schools in this State; imposing certain duties upon the  
8 Department of Public Instruction and the State Board of  
9 Education; defining violations; providing penalties, and for  
10 appeal to the court of common pleas of Dauphin County," and to  
11 direct the department to suspend the certificate of any  
12 professional educator indicted for a crime or misdemeanor  
13 involving moral turpitude or as a drug addict whenever a  
14 certified copy of such indictment shall have been filed with the  
15 commission and to revoke the same upon conviction thereof  
16 whenever a certified copy of the verdict or judgment or sentence  
17 of the court shall have been filed with the commission, and to  
18 direct reinstatement of such certificate by the department in  
19 any case where after hearing the commission shall deem the same  
20 just and proper. The commission shall establish definitions  
21 consistent with this clause.

22 (12) To establish procedures which assure that actions  
23 concerning discipline of professional educators shall comply  
24 with due process.

25 (13) To keep minutes of its meetings and report annually to  
26 the Governor, the General Assembly, the State Board of  
27 Education, the education profession and the public and to  
28 publish, from time to time, such other reports as it deems  
29 appropriate.

30 (14) To adopt, pursuant to the act of July 31, 1968

1 (P.L.769, No.240), referred to as the Commonwealth Documents  
2 Law, operating and procedural rules and regulations 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 Nothing in this act shall be construed to prevent  
8 organizations of the education 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.--  
25 [The commission shall annually select a chairman and vice-  
26 chairman by ballot.] (a) The Governor shall annually select a  
27 chairman from among the membership of the commission. The  
28 chairman, or a commission member designated by the chairman,  
29 shall be an ex officio member of the State Board of Education  
30 without voting privileges or assignment to either council.

1       **(b)** Meetings shall be held at least [four] five times per  
2 year at the call of the chairman or upon request in writing of a  
3 majority of the commission. A majority shall constitute a quorum  
4 and a majority of such quorum shall have authority to act upon  
5 any matter properly before the commission. The first meeting of  
6 the commission shall be held within six months of the effective  
7 date of this act. Meetings of the commission shall be open to  
8 the public and the [Director of Professional Standards and  
9 Practices] executive director of the commission shall be  
10 responsible for seeing that notices of meetings of the  
11 commission are properly circulated.

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

1 government operations of the Department of Education, for any  
2 income lost, pursuant to guidelines established by the  
3 commission, as a result of attendance at commission meetings or  
4 performance of other official commission duties upon  
5 presentation of a request for reimbursement and documentation of  
6 such loss.

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

22       (b) [The commission shall keep minutes of its meetings and  
23 report annually to the Governor, the General Assembly, the  
24 teaching profession and the public.] The Governor, through his  
25 General Counsel, shall provide such legal advice and assistance  
26 as the commission may require.

27       Section 2. Section 9 of the act is repealed.

28       Section 3. The act is amended by adding sections to read:

29       Section 9. Complaints.--(a) A proceeding to discipline a  
30 professional educator shall be initiated by the filing of a

1 complaint with the department by any interested party within one  
2 year from the date of the occurrence of any alleged action  
3 specified under section 5(a)(11), or from the date of its  
4 discovery. If the alleged action is of a continuing nature, the  
5 date of its occurrence is the last date on which the practice  
6 occurred.

7 (b) Commissioned officers in school entities shall report  
8 promptly to the department each instance:

9 (1) where the school entity has dismissed a certified  
10 employee for cause; and/or

11 (2) where the commissioned officer is aware that one of his  
12 school entity's present certificated employees has been formally  
13 charged or convicted of a crime of moral turpitude or some other  
14 offense requiring mandatory suspension or revocation of  
15 certificate under this act.

16 (c) The department shall by regulation prescribe standards  
17 for the filing of complaints. The complaint shall:

18 (1) be in a form prescribed by the department;

19 (2) specify the nature and character of the charges; and

20 (3) be verified under oath by the complaining party or a  
21 duly authorized agent of the complaining party.

22 (d) The commission, and its individual members, may not file  
23 a complaint or initiate a disciplinary proceeding on their own  
24 motion, except that if in the performance of commission  
25 business, the commission, or any of its individual members,  
26 uncovers evidence that would appear to require discipline, the  
27 commission may transmit such evidence to the department where  
28 such evidence will be treated as a complaint in accordance with  
29 the provisions of this act.

30 (e) The department shall assemble any information relevant

1 to the complaint. The department shall then conduct a  
2 preliminary review of the allegations and record. If the  
3 department believes that disciplinary action may be appropriate,  
4 or that further investigation is called for, it shall forward  
5 the record and its recommendations to the chief counsel of the  
6 department.

7 (f) Upon receipt of a complaint by the chief counsel of the  
8 department, he shall promptly determine whether the complaint  
9 alleges facts which, if true, are sufficient to require  
10 discipline.

11 (1) If the facts alleged are not sufficient, the department  
12 shall dismiss the complaint and provide written notice of such  
13 dismissal to the complaining party and to the affected  
14 professional educator.

15 (2) If the facts alleged are deemed sufficient by the  
16 department, it shall notify the affected professional educator  
17 and the complaining party in writing of the sufficiency of the  
18 complaint. Except as provided below in the case of a complaint  
19 initiated by a governing board, the department shall then  
20 conduct a preliminary investigation to determine whether there  
21 is probable cause to believe that grounds for discipline exist.  
22 The department shall be provided, upon request, any documents it  
23 may reasonably require in pursuit of its investigation. Such  
24 request shall be made in writing to the professional educator  
25 and/or his employer, a copy of which shall be filed with the  
26 commission.

27 (3) If the department determines that probable cause does  
28 not exist it shall issue a written notice to the affected  
29 professional educator, the complaining party and the employer if  
30 the employer was notified of the complaint. If a finding of

1 probable cause is made, the department shall so notify the  
2 affected professional educator and the complaining party and  
3 shall transmit the complaint and its preliminary findings to the  
4 local school governing board of the school entity in which the  
5 affected professional educator is or was last serving, unless  
6 the local school board is the complaining party and has provided  
7 the report described in section 11. If the local school board is  
8 the complaining party and has already conducted hearings of  
9 record according to the procedures established by law or by  
10 collective bargaining agreement for adjudication of complaints  
11 against professional educators, and if the local board has  
12 provided a transcript of such hearing to the department together  
13 with the adjudication resulting from such hearing, and has also  
14 transmitted the report described in section 11, then no  
15 preliminary investigation shall be conducted, and the hearing  
16 procedures described in sections 12 and 13 shall be initiated  
17 within 30 days of the receipt of the complaint. Both parties  
18 shall be notified of the transmission of the complaint.

19 Section 10. Confidentiality.--All information relating to  
20 any complaints, or any proceedings relating to or resulting from  
21 such complaints, shall remain confidential, unless or until  
22 discipline, other than a private reprimand, is ordered, any  
23 provision of law to the contrary notwithstanding. Should  
24 proceedings, after all appeals, result in discipline, other than  
25 private reprimand, such discipline and all records pertaining  
26 thereto shall become public. There shall be no ex-parte  
27 communication on any pending matter regarding discipline. This  
28 section shall not prohibit any person from disclosing  
29 information previously made public as a result of action by a  
30 school entity to dismiss a certified employe for cause or as a



result of a certified employe having been formally charged with or convicted of a crime of moral turpitude or another offense requiring mandatory suspension or revocation of a certificate.

Section 11. Proceedings Before Local School Board.--(a) Upon receipt of a complaint from the department in accordance with section 9, a local school board shall investigate and determine within 90 days whether said complaint will be submitted to the procedures established by law or by collective bargaining agreement for adjudication of complaints against professional educators, and shall report such determination to the department.

(b) The school board, when its proceedings are completed, shall report to the department its findings and a summary of the evidence, and any action taken, and may make a definite recommendation concerning discipline. The school board shall notify the affected professional educator of any such recommendation.

Section 12. Department Action Upon School Board Recommendations.--Upon receipt of a copy of the findings, summary of evidence and recommendations of the school board, the department may order the charges dismissed, determine that appropriate and sufficient punishment has been imposed by the local school board, or initiate hearing procedures.

Section 13. Hearing.--(a) Upon determination to initiate hearing procedures, the department shall, within 30 days, send a written notice to the affected professional educator advising of the charges and of his right to request a hearing within 30 days of receipt of such notice.

(b) Notwithstanding any other provision of this act, if the department in its discretion determines that immediate

discipline is necessary to protect the health, safety or welfare of students or other persons in the schools of this Commonwealth, it shall request that the commission modify the procedure set forth in this section and schedule an expedited hearing in accordance with subsection (c).

(c) The hearing shall be held in accordance with the following procedures:

(1) The commission shall appoint a hearing officer from a list of impartial third parties qualified to conduct such hearings. The list shall have been previously agreed upon jointly by the Governor's General Counsel and at least two-thirds of the commission, and shall have at least ten names which shall be chosen on a rotating basis.

(2) The burden of proof shall be on the department, which shall act as prosecutor, to establish that grounds for discipline exist.

(3) The professional educator against whom the charge is made shall have the right to be represented by counsel and to present evidence and argument in accordance with rules of procedure promulgated by the commission.

(4) The governing board of the school entity in which the affected professional educator is or was last employed may intervene, for cause shown, in accordance with 1 Pa. Code § 35.28.

(5) The hearing shall be closed, unless the affected professional educator requests that it be open. If the hearing is open, the hearing officer, in his discretion, may close any portion of the hearing for good cause shown. If the hearing is closed, only the department, commission members and staff, the affected professional educator and his or her representatives,

1 and any material witnesses shall be permitted to attend.  
2 Students attending school in the district which employs the  
3 professional educator shall not be permitted to attend any  
4 hearing except as witnesses duly subpoenaed to testify with  
5 respect to the charges made.

6 (6) The department may recommend to the hearing officer and  
7 commission appropriate discipline.

8 (7) The hearing officer shall, within 30 days after the  
9 conclusion of the hearing, issue a decision concerning whether  
10 discipline should be imposed. A decision shall include findings  
11 of fact, conclusions of law, and specify the discipline.

12 Section 14. Decision by Hearing Officer.--(a) The decision  
13 of the hearing officer shall become final unless excepted to by  
14 either the professional educator or by the department within 30  
15 days of the date of the recommended decision.

16 (b) The commission shall promptly consider exceptions to the  
17 hearing officer's decision. The commission by a majority vote of  
18 the full membership shall accept, modify or reject the hearing  
19 officer's decision, except that in the case of discipline of an  
20 administrator, all exceptions shall be taken by a special panel  
21 of at least five members of the commission selected by the  
22 chairperson, which will not include teachers.

23 (c) Within 45 days after receiving the decision from the  
24 hearing officer and the exceptions thereto, the commission shall  
25 issue a written opinion and order affirming, reversing or  
26 modifying the hearing officer's decision and imposing  
27 discipline, if any.

28 Section 15. Appeal.--(a) An order of the commission  
29 regarding discipline of a professional educator may be appealed  
30 only by the department or the professional educator as an

1 adjudication by a State agency in the manner provided by law.

2 (b) An appeal filed under subsection (a) shall operate as a  
3 stay of the discipline until the determination of the appeal,  
4 except where the commission's decision to discipline is  
5 accompanied by a finding that immediate discipline is necessary  
6 to protect the health, safety or welfare of students or other  
7 persons in the schools of this Commonwealth.

8 (c) Where the final decision is in favor of the professional  
9 educator, the charges pertaining to the matter shall be expunged  
10 from any personal or professional file of the professional  
11 educator maintained by the department and/or the local school  
12 entity.

13 Section 16. Reinstatement.--Any professional educator whose  
14 certificate has been suspended or revoked may apply to the  
15 commission for an order lifting the suspension or reinstating  
16 the certificate. The commission shall seek and consider  
17 recommendations from the department prior to ordering the  
18 lifting of the suspension or reinstatement of the certificate  
19 and shall conduct hearings on the application at the request of  
20 the professional educator in accordance with procedures of this  
21 act.

22 Section 17. Unauthorized Release of Information.--(a) Any  
23 member, staff member, or employee of the commission, the  
24 Department of Education, or any local school entity who releases  
25 or gives out information received at a commission meeting or  
26 hearing or through the investigation of a professional educator  
27 or through any disciplinary proceedings conducted pursuant to  
28 this act, without authorization of the commission, is guilty of  
29 a misdemeanor of the third degree.

30 (b) Any material witness or his or her representative who

releases or gives out information received at a commission meeting or hearing involving disciplinary proceedings, or who releases or gives out information obtained as a result of direct involvement in the investigation of a professional educator or in any disciplinary proceedings conducted pursuant to this act, without authorization of the commission, is guilty of a misdemeanor of the third degree unless this information was known to the material witness or his or her representative prior to that meeting, hearing or investigation.

Section 18. Commission Proceedings and Procedures.--(a) The commission shall conduct its proceedings in accordance with the provisions of this act and Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure); if any inconsistency arises, the provisions of this act shall be controlling. Any person is entitled to be heard by the commission in person, in writing, or through his or her designated representative, in accordance with procedures adopted pursuant to this act. The commission shall enter as a matter of record the minutes of each meeting, every vote taken by the commission, and every official act of the commission.

(b) In all disciplinary proceedings pending before it, the commission is authorized to issue subpoenas as provided for by law to compel the attendance and testimony of witnesses and the production of books, records, documents and other evidentiary material.

(c) No commissioner shall vote in any case where:

(1) the professional educator who is the subject of the proceeding is employed by the same school entity; or

(2) the professional educator is a member of a Statewide professional educator organization of which the commissioner is

1 an officer, director or employe.

2 Section 4. Section 10 of the act is amended to read:

3 Section [10] 19. Effective Date.--This act shall take effect  
4 immediately.

5 Section 5. This act, with respect to the Professional  
6 Standards and Practices Commission, constitutes the legislation  
7 required to reestablish an agency under the act of December 22,  
8 1981 (P.L.508, No.142), known as the Sunset Act.

9 Section 6. The Professional Standards and Practices  
10 Commission shall continue together with its statutory functions  
11 and duties until December 31, 1994, when it shall terminate and  
12 go out of existence unless reestablished or continued by the  
13 General Assembly. Evaluation and review, termination,  
14 reestablishment and continuation of the agency shall be  
15 conducted pursuant to the act of December 22, 1981 (P.L.508,  
16 No.142), known as the Sunset Act.

17 Section 7. No members of the Professional Standards and  
18 Practices Commission, as it existed on June 30, 1989, shall  
19 continue to serve as members unless reappointed by the Governor  
20 and confirmed by the Senate.

21 Section 8. Each rule and regulation of the Professional  
22 Standards and Practices Commission in effect on December 31,  
23 1988, shall remain in effect until repealed or amended by the  
24 commission.

25 Section 9. Notwithstanding the repeal of other laws by this  
26 act, the secretary shall retain all present authority to conduct  
27 investigations and to discipline professional educators, as if  
28 those laws had not been repealed, with regard to any complaint  
29 received by the department prior to March 1, 1990. This act  
30 shall apply to disciplinary proceedings based upon complaints

1 filed after March 1, 1990.

2 Section 10. The following acts or parts of acts are  
3 repealed:

4 Section 2(i) and (j) of the act of May 29, 1931 (P.L.210,  
5 No.126), entitled, as amended, "An act to regulate the  
6 certification and the registration of persons qualified to teach  
7 in accredited elementary and secondary schools in this State;  
8 imposing certain duties upon the Department of Public  
9 Instruction and the State Board of Education; defining  
10 violations; providing penalties, and for appeal to the court of  
11 common pleas of Dauphin County."

12 Section 1211 of the act of March 10, 1949 (P.L.30, No.14),  
13 known as the Public School Code of 1949.

14 Section 11. Sections 5, 6 and 8 of this act shall be  
15 retroactive to December 31, 1988.

16 Section 12. This act shall take effect as follows:

17 (1) Section 1 (section 5(a)(9), (10), (11) and (12)),  
18 section 3 (sections 9 through 18) and section 4 (section 19)  
19 shall take effect in 60 days.

20 (2) The remainder of this act shall take effect  
21 immediately.