

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 903

Session of
1973

INTRODUCED BY MESSRS. DAGER, PANCOAST, GALLAGHER, FISCHER, WISE,
BERKES, AND PARKER, MAY 1, 1973

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 2, 1973

AN ACT

1 Relating to certification of teachers and creating a
2 Professional Standards and Practices Commission.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

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

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

9 (2) "Teach" shall mean to engage in the practice of teaching
10 or to provide related educational specialist, administrative or
11 supervisory services.

12 (3) "Approved school" shall mean all public schools and
13 nonpublic educational institutions of basic education in the
14 Commonwealth that have been granted a license or charter to
15 operate as a nursery school, elementary school, high school, or
16 their equivalents.

17 (4) "Commission" shall mean the Professional Standards and

1 Practices Commission.

2 Section 2. ~~Teaching Without Certificate Prohibited.~~ <—

3 CERTIFICATION REQUIREMENTS.--No person shall teach or offer to <—

4 teach in any approved school in the Commonwealth unless he holds <—

5 ~~a valid Pennsylvania teaching certificate issued by the~~

6 ~~Secretary of Education and recorded in the office of the~~

7 ~~Director of Professional Standards and Practices in the~~

8 ~~Department of Education.~~ HAS MET THE CERTIFICATION REQUIREMENTS <—

9 AS ESTABLISHED BY THE STATE BOARD OF EDUCATION WHICH ARE

10 APPLICABLE TO THE INSTITUTION WHERE HE IS EMPLOYED.

11 Section 3. Professional Standards and Practices

12 Commission.--There is hereby created a Professional Standards

13 and Practices Commission consisting of ~~fifteen~~ SIXTEEN members <—

14 appointed by the Governor. The term of office of members of the

15 commission, EXCEPT THE STUDENT MEMBER WHOSE TERM SHALL BE ONE <—

16 YEAR, shall be three years commencing on January 1 of the year

17 following their appointment, except that original appointments

18 shall be for staggered terms of one, two and three years in

19 order that the terms of five members of the commission shall

20 expire each year thereafter. Vacancies shall be filled for an

21 unexpired term in the same manner as original appointments. No

22 person shall serve for more than two consecutive terms as a

23 member of the commission. The Governor may remove any member

24 from the commission for misconduct or malfeasance in office,

25 incapacity, or neglect of duty. ALL MEMBERS OF THE COMMISSION <—

26 SHALL BE RESIDENTS OF THE COMMONWEALTH OF PENNSYLVANIA.

27 Section 4. Membership and Qualifications.--(a) The

28 membership of the Professional Standards and Practices

29 Commission shall consist of:

30 (1) Eight classroom teachers, including one educational

1 specialist, broadly representative of the teaching profession
2 from approved schools.

3 (2) Three administrators from approved schools.

4 (3) ~~Three~~ TWO faculty members from approved institutions of <—
5 higher learning in the Commonwealth offering approved teacher
6 education programs.

7 (4) ONE ADMINISTRATOR FROM AN APPROVED INSTITUTION OF HIGHER <—
8 LEARNING IN THE COMMONWEALTH OFFERING APPROVED TEACHER EDUCATION
9 PROGRAMS.

10 (5) ONE COLLEGE STUDENT CURRENTLY ENROLLED IN A PROGRAM OF
11 TEACHER EDUCATION IN AN APPROVED INSTITUTION OF HIGHER LEARNING
12 IN THE COMMONWEALTH OFFERING APPROVED TEACHER EDUCATION
13 PROGRAMS.

14 ~~(4)~~ (6) One member from the general public who shall be a <—
15 parent of a pupil attending an approved school.

16 (b) ~~Appointments shall be made by the Governor~~ EXCEPT FOR <—
17 THE REPRESENTATIVE OF THE GENERAL PUBLIC, AND THE STUDENT
18 REPRESENTATIVE, THE GOVERNOR IN MAKING APPOINTMENTS SHALL
19 CONSIDER RECOMMENDATIONS from panels of nominees submitted by
20 Statewide ~~professional organizations~~ ORGANIZATIONS OF <—
21 PROFESSIONAL EDUCATORS which certify that the panels include
22 only representatives of the category of professional personnel
23 for which the panel or panels of nominees are submitted AND <—
24 FURTHER PROVIDED THAT ANY PROFESSIONAL ORGANIZATION OF EDUCATORS
25 SUBMITTING A PANEL OR PANELS SHALL CERTIFY THAT THE ORGANIZATION
26 MAINTAINS A MEMBERSHIP CATEGORY OF PROFESSIONAL PERSONNEL FOR
27 WHICH THE PANEL OR PANELS OF NOMINEES ARE SUBMITTED.

28 (c) All members of the commission except the ~~person~~ PERSONS <—
29 representing the COLLEGE STUDENTS AND general public shall ~~hold~~ <—
30 ~~a valid permanent Pennsylvania teaching certificate and shall~~

1 have been actively engaged in teaching or providing related
2 educational, administrative or supervisory services in an
3 approved school or approved institution of higher education with
4 approved teacher education programs for at least five of the
5 eight years immediately preceding their appointment. ~~All members~~ <—
6 ~~of the commission shall be residents of the Commonwealth of~~
7 ~~Pennsylvania.~~ A PERSON APPOINTED TO THE COMMISSION WHO LEAVES <—
8 THE COMMONWEALTH TO BECOME DOMICILED IN ANOTHER STATE OR WHOSE
9 EMPLOYMENT STATUS CHANGES TO A CATEGORY DIFFERENT FROM THAT FOR
10 WHICH HE WAS APPOINTED SHALL HAVE HIS POSITION ON THE COMMISSION
11 DEEMED VACATED.

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

15 (1) To recommend to the State Board of Education standards
16 for certification of teachers to render professional services in
17 the approved schools of the Commonwealth and for accreditation
18 of teacher education programs and to evaluate teacher education
19 and certification program services and activities to determine
20 the effectiveness in terms of the annual and long-range program
21 plans and to recommend changes to the State Board of Education
22 as indicated by such evaluations.

23 (2) To ~~adopt standards~~ RECOMMEND TO THE STATE BOARD OF <—
24 EDUCATION STANDARDS OF PRACTICE and codes of ethics for teachers
25 in approved schools. ~~and establish procedures for receiving and~~ <—
26 ~~acting upon charges regarding violations thereof.~~

27 ~~(3) To investigate complaints against any teacher in regard~~
28 ~~to alleged violation of standards and codes of ethics adopted by~~
29 ~~the commission. Following such investigation, the commission may~~
30 ~~(i) dismiss the complaint, (ii) issue a written warning or~~

1 ~~reprimand, or (iii) by a vote of two thirds of the members,~~
2 ~~after hearing, of which reasonable notice in writing was given~~
3 ~~to the parties interested, at which the parties interested shall~~
4 ~~have the right to be heard in person or by counsel or both, and~~
5 ~~from which an appeal may be taken as now provided under the~~
6 ~~provisions of the Administrative Agency Law, direct the~~
7 ~~Department of Education to annul the certificate, or endorsement~~
8 ~~of the certificate of another state, as the case may be, of the~~
9 ~~teacher for wilful violation of the standards and codes of~~
10 ~~ethics adopted by the commission. The hearing herein provided~~
11 ~~for shall be open to the public except when a request that the~~
12 ~~hearing be private is submitted to the commission by the teacher~~
13 ~~against whom the complaint is brought prior to the time set for~~
14 ~~the hearing.~~

15 ~~(4) To issue subpoenas to compel the attendance of witnesses~~
16 ~~before the commission or any members thereof, in the same manner~~
17 ~~as any court in this State. Whenever the testimony of any~~
18 ~~witness upon any matter pending before it is material, the~~
19 ~~chairman shall cause the attendance of the witnesses before the~~
20 ~~commission or any members of the commission, to testify~~
21 ~~concerning the matter, and the commission may make a reasonable~~
22 ~~allowance for this purpose not exceeding the fees of witnesses~~
23 ~~in civil cases.~~

24 (3) TO RECOMMEND TO THE STATE BOARD OF EDUCATION PROCEDURES <—
25 WHICH ASSURE THAT ACTIONS RESULTING FROM ALLEGED VIOLATIONS OF
26 THE STANDARDS OF PRACTICE AND CODES OF ETHICS REFERRED TO IN
27 SUBSECTION (2) WILL COMPLY WITH DUE PROCESS.

28 (4) IN ORDER TO MAKE THE RECOMMENDATIONS REFERRED TO IN
29 SUBSECTIONS (1), (2) AND (3) ABOVE, THE DEPARTMENT OF EDUCATION
30 SHALL FURNISH ALL INFORMATION THE COMMISSION DEEMS NECESSARY.

1 (5) To adopt rules and regulations as may be necessary to
2 carry out the purposes of this act. ~~including an appeals~~
3 ~~procedure.~~ <—

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

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

15 Section 6. Organization and Meetings of the Commission.--The
16 commission shall annually select a chairman and vice-chairman by
17 ballot. Meetings shall be held at least four times per year at
18 the call of the chairman or upon request in writing of a
19 majority of the commission. A majority shall constitute a quorum
20 and a majority of such quorum shall have authority to act upon
21 any matter properly before the commission. The first meeting of
22 the commission shall be held within six months of the effective
23 date of this act.

24 Section 7. Expenses.--Members of the commission shall
25 receive no compensation for their services, but shall be
26 reimbursed for their actual and necessary expenses incurred in
27 the performance of official commission business. A member of the
28 commission who is an employe of an agency of the Commonwealth,
29 or any of its political subdivisions including school districts,
30 shall be permitted to attend commission meetings and perform

1 other commission duties without loss of income or other
2 benefits. A member of the commission who is employed by a
3 private ~~institution~~ EMPLOYER shall be reimbursed for any income <—
4 lost as a result of attendance at commission meetings or
5 performance of other official commission duties. ~~An agency of~~ <—
6 ~~the Commonwealth, or any of its political subdivisions,~~
7 ~~including school districts, which employs a member of the~~
8 ~~commission and employs a person to replace such member during~~
9 ~~his performance of commission duties, or incurs other additional~~
10 ~~expenses as a result of such performance, shall be reimbursed~~
11 ~~for the actual amount of any costs so incurred.~~

12 Section 8. Director of Professional Standards and
13 Practices.--There shall be a Director of Professional Standards
14 and Practices who shall serve as the executive officer and
15 secretary of the commission. The director shall be appointed by
16 the ~~Governor~~. SECRETARY OF EDUCATION AFTER CONSULTATION WITH THE <—
17 COMMISSION. The Department of Education shall provide adequate
18 space, equipment, staff, secretarial and administrative
19 assistance to facilitate the activities of the commission.

20 The commission shall keep minutes of its meetings and report
21 annually to the Governor, the General Assembly, the teaching
22 profession and the public.

23 Section 9. ~~Appropriation. The sum of fifty thousand dollars~~ <—
24 ~~(\$50,000), or as much thereof as may be necessary, is hereby~~
25 ~~specifically appropriated to the Professional Standards and~~
26 ~~Practices Commission.~~ PROFESSIONAL STANDARDS COMMITTEE; <—
27 ABOLITION.--THE PROFESSIONAL STANDARDS COMMITTEE ESTABLISHED
28 UNDER CHAPTER 49 OF THE REGULATIONS OF THE STATE BOARD OF
29 EDUCATION IS HEREBY ABOLISHED.

30 Section 10. Effective Date.--This act shall take effect

1 immediately.