

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 8

Session of
1999

INTRODUCED BY STAIRS, COLAFELLA, NAILOR, FLICK, STEVENSON,
SCHULER, DRUCE, HERMAN, BATTISTO, STURLA, CURRY, WILLIAMS,
PESCI, MASLAND, RUBLEY, DeLUCA, GODSHALL, KENNEY, BROWNE,
GEIST, ORIE, READSHAW, LAUGHLIN, BARRAR, GORDNER, TIGUE,
SATHER, SEYFERT, E. Z. TAYLOR, ROSS, PRESTON, FARGO, MELIO,
RAMOS, HARHAI, MUNDY, L. I. COHEN, VAN HORNE, STEELMAN, BUNT,
CIVERA, SEMMEL, STETLER, GRUCELA AND THOMAS, JANUARY 20, 1999

SENATOR RHOADES, EDUCATION, IN SENATE, AS AMENDED, JUNE 7, 1999

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 transferred <—
6 ~~programs and classes, for~~ continuing professional development
7 and for a program for continuing professional education; and
8 providing for national board certification.

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

11 ~~Section 1. Section 1113 of the act of March 10, 1949~~ <—
12 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~
13 ~~amended August 5, 1991 (P.L.219, No.25), is amended to read:~~

14 ~~Section 1113. Transferred Programs and Classes. (a) When a~~
15 ~~program or class is transferred as a unit from one or more~~
16 ~~school entities to another school entity or entities,~~
17 ~~professional employees who [were assigned to the class or program~~
18 ~~immediately prior to the transfer and are classified as teachers~~

1 ~~as defined in section 1141(1) and are suspended as a result of~~
2 ~~the transfer and who are properly certificated shall be offered~~
3 ~~employment in the program or class by the receiving entity or~~
4 ~~entities when services of a professional employe are needed to~~
5 ~~sustain the program or class transferred, as long as there is no~~
6 ~~suspended professional employe in the receiving entity who is~~
7 ~~properly certificated to fill the position in the transferred~~
8 ~~class or program.] are classified as teachers as defined in~~
9 ~~section 1141(1) and who are properly certified and~~
10 ~~paraprofessional employes who were assigned to the class or~~
11 ~~program immediately prior to the transfer and who are suspended~~
12 ~~as a result of the transfer shall be offered employment in the~~
13 ~~program or class by the receiving entity or entities when~~
14 ~~services of professional or a paraprofessional employe are~~
15 ~~needed to sustain the program or class transferred as long as~~
16 ~~there is no suspended professional employe or furloughed~~
17 ~~paraprofessional in the receiving entity who is properly~~
18 ~~certificated, in the case of a professional employe, or~~
19 ~~experienced, in the case of a paraprofessional, to fill the~~
20 ~~position in the transferred class or program. The receiving~~
21 ~~entity, however, shall not be required to hire a professional or~~
22 ~~paraprofessional employe pursuant to this subsection whose~~
23 ~~personnel file, including sealed portions thereof, is not made~~
24 ~~available to the receiving entity for inspection as a condition~~
25 ~~of hiring. Receiving entities may refuse to employ an individual~~
26 ~~who received at least two unsatisfactory ratings during the~~
27 ~~thirty six (36) months prior to the date of transfer.~~

28 ~~(a.1) Transfers under the provisions of this act shall only~~
29 ~~occur once a year prior to the beginning of each school year and~~
30 ~~shall be included in the district's special education plan if~~

~~the receiving entity is a school district. Special education program transfers may not be implemented unless the transfers are approved by the Department of Education on or before March 31 of the school term preceding the proposed transfer.~~

~~(b) Transferred professional employees shall be credited by the receiving entity only for their sick leave accumulated in the sending entity and also for their years of service in the sending entity, the latter for purposes of sabbatical leave eligibility and placement in the salary schedule: Provided, however, That such employees shall not utilize the sabbatical leave until they have taught in the receiving entity for a period of three (3) years. Such employees shall transfer their accrued seniority in the area of certification required for the transferred program or class only. Transferred paraprofessional employees shall be credited by the receiving entity only for their sick leave accumulated in the sending entity and also for their years of service in the sending entity, the latter for the purpose of placement in the salary schedule.~~

~~(b.1) Professional employees who are classified as teachers and paraprofessional employees who are not transferred with the classes to which they are assigned or who have received a formal notice of suspension shall form a pool of employees within the school entity. No school entity shall be obligated to hire from the pool, once the pool which is in effect at the time of the transfer has been exhausted. No new [professional] employee who is classified as a teacher or a paraprofessional shall be employed by a school entity assuming program responsibility for transferred students while there is:~~

~~(1) a properly certificated professional employee who is classified as a teacher or a paraprofessional employee suspended~~

1 ~~in the receiving entity; or~~

2 ~~(2) if no person is qualified under clause (1), a properly~~
3 ~~certificated member of the school entity pool who is willing to~~
4 ~~accept employment with the school entity assuming program~~
5 ~~responsibility for transferred students. Members of the pool~~
6 ~~shall have the right to refuse employment offers from such~~
7 ~~school entity and remain in the pool[.]; Provided, however, That~~
8 ~~the pool member shall not remain in the pool after three~~
9 ~~refusals of offers of full time employment and Provided further,~~
10 ~~That any pool member who changes residency from this~~

11 ~~Commonwealth to another residency shall be removed from the~~
12 ~~pool. Refusal to accept work under this subsection shall not be~~
13 ~~grounds for denial of unemployment compensation under sections~~
14 ~~401 and 402 of the act of December 5, 1936 (2nd Sp.Sess., 1937~~
15 ~~P.L.2897, No.1), known as the "Unemployment Compensation Law."~~

16 ~~(c) Nothing contained in this section shall be construed to~~
17 ~~supersede or preempt any provision of a collective bargaining~~
18 ~~agreement in effect on February 4, 1982, and negotiated by a~~
19 ~~school entity and an exclusive representative of the employees in~~
20 ~~accordance with the act of July 23, 1970 (P.L.563, No.195),~~
21 ~~known as the "Public Employe Relations Act."~~

22 ~~(c.1) If a receiving entity returns a unit to the sending~~
23 ~~entity within two (2) academic years of the first transfer,~~
24 ~~professional and paraprofessional employees assigned to the unit~~
25 ~~shall be given the opportunity to return with the unit.~~

26 ~~(d) (1) As used in this section, the term "school entity"~~
27 ~~or "school entities" shall mean an intermediate unit and its~~
28 ~~participating school districts or an area vocational technical~~
29 ~~school and its sending school districts.~~

30 ~~(2) As used in this section, the term "unit" shall mean a~~

1 ~~program or class whose membership falls within the minimum and~~
2 ~~maximum class size as defined in Department of Education~~
3 ~~standards.~~

4 ~~(3) As used in this section, the term "paraprofessional~~
5 ~~employe" shall mean an instructional assistant or aide,~~
6 ~~classroom assistant or aide, special education assistant or~~
7 ~~aide, teaching assistant or associate teacher who is not defined~~
8 ~~as a "professional employe."~~

9 ~~Section 2. Section 1205.1 of the act, amended or added~~
10 ~~December 15, 1986 (P.L.1602, No.178) and March 30, 1988~~
11 ~~(P.L.321, No.43), is amended to read:~~

12 ~~Section 1205.1. Continuing Professional Development. (a)~~
13 ~~By January 1, 1989, every school district, joint school~~
14 ~~district, intermediate unit and area vocational technical school~~
15 ~~shall submit to the Secretary of Education for approval a~~
16 ~~continuing professional development plan, developed pursuant to~~
17 ~~the provisions of subsection (b) and including, at a minimum,~~
18 ~~the elements provided for in subsection (c). The secretary shall~~
19 ~~determine approximately one third of the school districts, joint~~
20 ~~school districts, intermediate units and area vocational~~
21 ~~technical schools which shall submit two year plans, one third~~
22 ~~which shall submit three year plans and one third which shall~~
23 ~~submit four year plans by January 1, 1989. Thereafter, upon the~~
24 ~~expiration of the existing professional development plan, each~~
25 ~~school district, joint school district, intermediate unit [and],~~
26 ~~area vocational technical school and charter school shall submit~~
27 ~~to the secretary for approval a [two year] professional~~
28 ~~development plan according to an implementation schedule~~
29 ~~developed by the secretary.~~

30 ~~(b) The professional development plan provided for in~~

1 subsection (a) shall be prepared by a committee consisting of
2 two residents appointed by the board of directors or the charter
3 school board of trustees, one of whom shall represent the local
4 business community and one of whom shall represent parents of
5 students of the school district or school, teacher
6 representatives chosen by the teachers, educational specialist
7 representatives chosen by educational specialists and
8 administrative representatives chosen by the administrative
9 personnel of the school district, joint school district,
10 intermediate unit [or], area vocational technical school [and]
11 or the charter school. In order to insure that the professional
12 development plan includes input from all of the groups required
13 by this act, neither the administrators nor the faculty members
14 shall constitute a majority of the professional development
15 committee members. The school district superintendent or
16 designee shall serve as a nonvoting chairman or group
17 facilitator. The professional development plan shall then be
18 approved by the board of directors or the charter school board
19 of trustees prior to submission to the secretary for approval.
20 The secretary may specify the time at which and the form in
21 which such plans are to be submitted. The State Board of
22 Education shall promulgate regulations, subject to the act of
23 June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review
24 Act," establishing the minimal content of such plans. The
25 provisions of section 2552 shall apply to any school district,
26 joint school district, intermediate unit or area vocational
27 technical school failing to comply with the provisions of this
28 section.

29 (c) The professional development plan of each school
30 district, joint school district, intermediate unit [and], area

~~vocational technical school or charter school as provided for in
section 1719 A(13) shall be designed to meet the educational
needs of that school entity and its professional employees. Each
plan shall include [options for professional development and for
fulfilling the professional development requirements of
subsection (d), including activities such as professionally
related graduate level coursework, obtaining a professionally
related master's degree, Department of Education approved
inservice courses, curriculum development work, attendance at
professional conferences and supervised classroom observations
of other professional employees. In its professional development
plan, a school district, joint school district, intermediate
unit or area vocational technical school may provide for
undertaking joint or cooperative professional development
activities with another school entity or an institution of
higher education.] the continuing professional education
collegiate studies, courses or activities and learning
experiences approved for continuing professional education under
section 1205.2, provided that the plan specifies the
professional development need met by completion of each
continuing professional education option and its relevance to
areas of assignment or certification. In its professional
development plan, a school district, joint school district,
intermediate unit, area vocational technical school or charter
school may provide for undertaking joint or cooperative
professional development activities with another school entity
or charter school or an institution of higher education.~~

~~(c.1) The professional development plan of each school
district, joint school district, intermediate unit, area
vocational technical school or charter school shall provide for~~

~~continuing professional development activity as it relates to educating students with special needs. A core component of this activity shall include knowledge and skills concerning the unique needs of special learners which may include, but shall not be limited to:~~

~~(1) the characteristics, assessment, least restrictive alternatives and admission, review and dismissal processes for students requiring individualized or specialized education programs; and~~

~~(2) the characteristics, identification and needs of gifted and talented students.~~

~~{(d) All professional employes of school districts, joint school districts, intermediate units or area vocational-technical schools receiving their initial Pennsylvania teaching or administrative certification, as provided for in this article, on or after June 1, 1987, shall be required at least once during every five year period, commencing upon receipt of a permanent teaching certificate or an initial administrative certificate, to participate in professional development activity pursuant to the professional development plan of that professional employe's school district, joint school district, intermediate unit or area vocational technical school. A professional employe who obtains a professionally related master's degree shall be deemed to have complied permanently with the provisions of this subsection. The chief school administrator of every school district, joint school district, intermediate unit and area vocational technical school shall certify annually to the secretary the names of professional employes who have received their initial Pennsylvania teaching or administrative certification on or after June 1, 1987, and~~

1 the professional development activities in which these employees
2 have participated. The certification shall be made at such time
3 and in such form as the secretary may require.

4 (c) The provisions of State Board of Education regulations
5 in 22 Pa. Code § 49.17(a) and (b), promulgated September 13,
6 1984, are hereby specifically declared to be contrary to the
7 provisions of this section and therefore null and void. Nothing
8 in this section shall be deemed to affect the provisions of 22
9 Pa. Code § 49.17(c), (d) and (e).]

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

11 Section 1205.2. Program for Continuing Professional
12 Education. (a) A continuing professional education program is
13 hereby established for educators in this Commonwealth,
14 completion of which is a requirement for maintaining active
15 certification or employment as an educator in a charter school.
16 The program shall be established and administered by the
17 Department of Education and shall contain the following
18 elements:

19 (1) Satisfactory completion of one hundred eighty (180)
20 hours of continuing professional education every five (5) years,
21 which shall include any combination of the following:

22 (i) six (6) credits of collegiate study;
23 (ii) six (6) credits of continuing professional education
24 courses; or

25 (iii) one hundred eighty (180) hours of continuing
26 professional education activities and learning experiences. For
27 the purposes of calculating hours and credits of continuing
28 professional education, one credit of collegiate studies or
29 continuing professional education courses shall be equivalent to
30 thirty (30) contact hours of continuing professional education

~~activities and learning experiences.~~

~~(2) The hours of continuing professional education set forth in clause (1) shall be satisfied by any of the following:~~

~~(i) Successful completion of credits of collegiate studies in programs or courses related to any area of an educator's assignment or certification conducted at institutions of higher education approved by the department to provide continuing professional education collegiate studies.~~

~~(ii) Successful completion of credits of continuing professional education courses related to any area of the educator's assignment or certification and provided by an approved provider.~~

~~(iii) Successful completion of credits or hours of continuing professional education activities and learning experiences related to any area of an educator's assignment or certification and provided by the Department of Education or by an approved provider or the educator's school entity or charter school.~~

~~(iv) Successful completion of credits or hours completed in fulfillment of the professional development needs identified and approved within the professional development plan of the educator's school entity or charter school pursuant to section 1205.1. These credits or hours may include, but shall not be limited to:~~

~~(A) collegiate studies;~~

~~(B) continuing professional education courses;~~

~~(C) credits or hours of continuing professional education activities and learning experiences, including, but not limited to:~~

~~(I) curriculum development work and other program design and~~

~~delivery activities;~~

~~(II) participation in professional conferences and
workshops;~~

~~(III) supervised classroom observations of other
professional employees; and~~

~~(IV) Department of Education approved self study courses
delivered on line via the World Wide Web and Internet or by
using similar technologies.~~

~~The professional development plan shall define clearly the terms
used, including, but not limited to, "curriculum development
work"; "program design and delivery activities"; "supervised
classroom observations of other professional employees" and any
other terms which the professional development committee deems
necessary for understanding by the public.~~

~~(v) Successful completion of hours or credits not included
in subclauses (i) through (iv) which have the approval of the
school entity's or the charter school's chief administrator, the
professional development committee referenced in section
1205.1(b) and the local board of school directors or charter
school board of trustees. If any of the approving authorities
does not approve, the credits or hours not approved shall not be
included toward the educator's fulfillment of this requirement.~~

~~(vi) For an educator serving on a letter of eligibility,
successful completion of credits or hours completed in any
collegiate studies, continuing professional education courses or
continuing professional education activities and learning
experiences related to the area of the educator's assignment and
included in the personal professional development plan of the
educator as approved by an approved provider.~~

~~(3) (i) Credits and hours offered by providers of~~

~~continuing professional education shall be of high quality and shall be designed to significantly advance the goals of improving and updating the professional skills of educators in this Commonwealth and improving the opportunities to convey knowledge to Pennsylvania's school students.~~

~~(ii) Except for a provider selected and approved by a school entity to provide continuing professional education programs pursuant to the local professional development plan, the Department of Education shall have the sole authority to approve all providers of collegiate studies, continuing professional education courses and continuing professional education activities and learning experiences, including on line self-study courses, according to regulations developed and promulgated by the board, in order to assure the accomplishment of the goals in subclause (i). Approval shall be granted for individual courses or for a series of courses, shall be given for such a period of time as the Department of Education shall prescribe, and shall designate the area or type of certification to which the approved collegiate study, continuing professional education course or continuing professional education activity and learning experience is relevant. Until such time as the board shall promulgate final regulations dealing with the approval of providers, the department shall have the authority to develop and implement guidelines for this purpose.~~

~~(iii) The Department of Education shall approve sufficient providers to assure that continuing professional education is available to all educators at accessible locations throughout this Commonwealth and at a reasonable cost.~~

~~(4) (i) The Department of Education shall provide annually for a minimum of sixty (60) hours of continuing professional~~

~~education courses involving subjects determined by the department to be of significant Statewide importance to Pennsylvania's educators. In providing these courses, the department shall seek to use the most efficient and cost-effective means possible, including the use of advanced technology, such as CD-ROM, the Internet and distance communication. These courses shall be offered free of tuition charge to any educator employed by a Commonwealth school entity or charter school.~~

~~(ii) Any continuing professional education credits or hours provided by an educator's entity or charter school and required by the educator's current employer as a condition of continued employment shall be provided free of any tuition cost to the educator.~~

~~(b) (1) All educators who wish to be employed in a school entity or charter school in this Commonwealth shall participate in the program.~~

~~(2) (i) The Secretary of Education shall notify in writing each educator, not later than one hundred eighty (180) days prior to the expiration of the educator's professional education compliance period, that the educator has until the end of the compliance period to meet the continuing professional education requirements. The notification shall be sent to the educator's last known address and shall indicate the certificate affected, the issue date of the certificate, the compliance period's starting date and ending date and the educator's cumulative numbers of credits or hours, as submitted to the Department of Education.~~

~~(ii) The Secretary of Education shall notify in writing any educator who has failed to comply with this section and the~~

~~chief school administrator of the educator's school entity or
charter school that the educator's certification has been
rendered inactive subject to an appeal under subclause (iii). If
an educator in a charter school shall fail to comply with this
section and does not possess Pennsylvania certification, the
Secretary of Education shall notify, in writing, the educator
and chief administrator of the educator's charter school that
the educator may no longer be employed by the charter school
subject to an appeal under subclause (iii).~~

~~(iii) The Secretary of Education shall provide an educator
with the opportunity to appeal any determination that the
educator's certification is inactive or that the educator in a
charter school shall not be employed, pursuant to 2 Pa.C.S. Chs.
5 (relating to practice and procedure) and 7 (relating to
judicial review).~~

~~(iv) The Secretary of Education shall issue a notification
reinstating active certification upon a showing of compliance
with this section by the educator.~~

~~(3) The board, by regulation, shall establish a procedure
and criteria for granting an extension to fulfill the
requirements of this section due to extenuating circumstances.~~

~~(4) (i) Educators certified in this Commonwealth who are
not employed by a Commonwealth school entity as a professional
or temporary professional employee or as a professional staff
member in a charter school in this Commonwealth may apply to the
Department of Education for inactive certification.~~

~~(ii) Inactive certification shall act to suspend the
requirements of this section until inactive certification is
removed. Upon removal of inactive certification, an educator
shall have the same number of continuing professional education~~

~~hours to complete and the same amount of time in which to complete those hours as existed for the educator at the time inactive certification was granted, provided, that additional hours completed pursuant to subelause (iii) shall be included as continuing professional education hours needed for fulfillment of the requirement of this section.~~

~~(iii) The Department of Education shall remove inactive certification upon application by the educator and upon evidence of completion of thirty (30) hours of continuing professional education within the previous twelve (12) month period.~~

~~(5) No educator with inactive certification shall be employed by a school entity as a professional or temporary professional employe or by a charter school as a professional staff member, except any educator with inactive certification may be used as an evaluator of a home education program authorized under section 1327.1(e).~~

~~(6) Individuals employed pursuant to 24 Pa.C.S. § 8346(b) (relating to termination of annuities) shall be exempt from the requirements of this act for a period not to exceed five (5) years from the date the member terminates service.~~

~~(c) (1) The Department of Education shall establish and maintain a system of reporting and recordkeeping for all continuing professional education. The system shall include a mandatory annual report by the chief administrator of each school entity or charter school for all educators who have completed any continuing professional development credits or hours. The report shall be in a form and manner prescribed by the department and shall include the name of the educator, the educator's social security number, the educator's area of assignment or certification, the credits or hours accumulated by~~

~~the educator and verification that credited continuing professional education is in accordance with subsection (a)(2).~~

~~(2) The Department of Education shall develop a procedure whereby each higher education institution or other approved provider shall provide to the educator a written confirmation of the hours or credits of continuing professional education acquired by the educator for each activity or learning experience. Each educator shall, as soon as practical, present this written confirmation to the chief administrator of the educator's school entity or charter school. The chief school administrator shall place the confirmation in the educator's personnel file and shall include the educator's hours and credits earned in the annual report to the department.~~

~~(3) Each school entity or charter school shall make available to each of its educators, upon request, a complete list of all credits or hours reported by the educator within the educator's compliance period.~~

~~(4) A school district, joint school district, area vocational technical school or charter school may contract with the intermediate unit in which the school district or school is located to maintain records on the continuing professional education of all the educators in the school district, joint school district, area vocational technical school or charter school and to submit to the Department of Education the annual report required in clause (1) on behalf of the chief administrator of the school district, joint school district, area vocational technical school or charter school. This shall not be construed to relieve a chief school administrator of responsibility to file the report in the event that the intermediate unit does not file the report on the chief school~~

1 ~~administrator's behalf.~~

2 ~~(5) The Secretary of Education shall submit an annual report~~
3 ~~to the chairman and minority chairman of the Education Committee~~
4 ~~of the Senate and the chairman and minority chairman of the~~
5 ~~Education Committee of the House of Representatives which~~
6 ~~provides an evaluation of the effectiveness of the professional~~
7 ~~development program established by this act. This report shall~~
8 ~~include, but not be limited to, information on school entity and~~
9 ~~charter school professional development plans; the location,~~
10 ~~number and type of various professional development options; the~~
11 ~~number of total participants in departmental programs, including~~
12 ~~those programs offered by alternative approved providers; the~~
13 ~~cost to the Department of Education to offer various options;~~
14 ~~and the status of educator compliance with the requirements of~~
15 ~~this act.~~

16 ~~(d) The General Assembly shall appropriate funding for the~~
17 ~~administration of the program by the Department of Education. In~~
18 ~~addition, the costs of administering the program by the~~
19 ~~department shall be financed by the following fees and~~
20 ~~assessments adopted and collected by the department:~~

21 ~~(1) A reasonable fee from all approved providers and~~
22 ~~institutions of higher education for each continuing~~
23 ~~professional education credit or hour offered; provided, that no~~
24 ~~fee shall be assessed against school entities and charter~~
25 ~~schools which provide credits or hours pursuant to subsection~~
26 ~~(a)(4)(ii).~~

27 ~~(2) A reasonable assessment from professional educators~~
28 ~~whenever a certification is initially issued, amended or~~
29 ~~modified. For purposes of this clause, amendment or modification~~
30 ~~of a certification shall not include change in name or address~~

~~or compliance with the requirements of this section.~~

~~(c) The board shall promulgate such rules and regulations as are necessary to administer and enforce this section.~~

~~(f) As used in this section, the following words and phrases shall have the following meanings:~~

~~"Approved provider" shall mean any institution of higher education, school entity, Commonwealth agency, corporation, partnership, association or other entity approved by the Department of Education to offer collegiate studies, continuing professional education courses or continuing professional education activities and learning experiences.~~

~~"Area of educator's assignment or certification" shall mean any component of the education profession as it relates to the current job title or description of the educator or to any area of certification listed on the educator's Pennsylvania certification or to any type of certificate or endorsement held by the educator.~~

~~"Board" shall mean the State Board of Education of the Commonwealth.~~

~~"Charter school" shall mean a charter school or regional charter school as defined in section 1703 A.~~

~~"Collegiate studies" shall mean a formal program or course of study at an institution of higher education leading to the award of academic credit.~~

~~"Compliance period" shall mean the five (5) year period in which an educator must comply with the requirements of this act.~~

~~"Continuing professional education courses" shall mean courses for credit, other than collegiate studies, conducted by approved providers.~~

~~"Educator" shall mean any professional educator who holds a~~

~~Pennsylvania teaching, educational specialist or administrative certification or letter of eligibility, and any professional staff member of a charter school who does not hold appropriate State certification.~~

~~"Program" shall mean the continuing professional education program established in this section.~~

~~"School entity" shall mean a school district, an intermediate unit, a joint school district, an area vocational technical school, the Scotland School for Veterans' Children, the Scranton School for the Deaf and the Thaddeus Stevens State College of Technology or any of these acting jointly.~~

~~Section 1205.3. National Board Certification. Pennsylvania teachers who complete national board certification shall be deemed to have fulfilled their continuing education requirements under section 1205.2 for the five year compliance period in which national certification is earned.~~

~~Section 4. (a) The amendment or addition of sections 1205.1, 1205.2 and 1205.3 of the act shall not apply in any school entity until the collective bargaining agreement in effect on the effective date of this section expires and a successor agreement is mutually agreed upon by the employee representative and the board of directors, or the collective bargaining agreement in effect on the effective date of this section is extended by mutual agreement of the employee representative and the board of directors.~~

~~(b) The provisions of subsection (a) shall not compel any educator to complete the professional development requirements of sections 1205.1, 1205.2 and 1205.3 of the act in less than a five year period.~~

~~(c) Any educator who transfers from a school entity whose~~

~~educators are required to complete the professional education requirements of this act under subsection (a), to a school entity whose educators are not yet required to complete the professional education requirements of this act, shall have any and all credits or hours of continuing professional development successfully completed before the transfer takes place counted against his or her requirements for continuing professional development in the initial five year compliance period in the school entity to which the transfer was made.~~

~~Section 5. This act shall take effect as follows:~~

~~(1) The amendment of section 1113 of the act shall take effect in 60 days.~~

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

SECTION 1. SECTION 1205.1 OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, AMENDED OR ADDED DECEMBER 15, 1986 (P.L.1602, NO.178) AND MARCH 30, 1988 (P.L.321, NO.43), IS AMENDED TO READ:

SECTION 1205.1. CONTINUING PROFESSIONAL DEVELOPMENT.--(A)
[BY JANUARY 1, 1989, EVERY SCHOOL DISTRICT, JOINT SCHOOL DISTRICT, INTERMEDIATE UNIT AND AREA VOCATIONAL-TECHNICAL SCHOOL SHALL SUBMIT TO THE SECRETARY OF EDUCATION FOR APPROVAL A CONTINUING PROFESSIONAL DEVELOPMENT PLAN, DEVELOPED PURSUANT TO THE PROVISIONS OF SUBSECTION (B) AND INCLUDING, AT A MINIMUM, THE ELEMENTS PROVIDED FOR IN SUBSECTION (C). THE SECRETARY SHALL DETERMINE APPROXIMATELY ONE-THIRD OF THE SCHOOL DISTRICTS, JOINT SCHOOL DISTRICTS, INTERMEDIATE UNITS AND AREA VOCATIONAL-TECHNICAL SCHOOLS WHICH SHALL SUBMIT TWO-YEAR PLANS, ONE-THIRD WHICH SHALL SUBMIT THREE-YEAR PLANS AND ONE-THIRD WHICH SHALL SUBMIT FOUR-YEAR PLANS BY JANUARY 1, 1989. THEREAFTER, UPON]

1 UPON THE EXPIRATION OF [THE] AN EXISTING PROFESSIONAL
2 DEVELOPMENT PLAN, EACH SCHOOL [DISTRICT, JOINT SCHOOL DISTRICT,
3 INTERMEDIATE UNIT AND AREA VOCATIONAL-TECHNICAL SCHOOL] ENTITY
4 SHALL SUBMIT TO THE SECRETARY FOR APPROVAL A TWO-YEAR
5 PROFESSIONAL [DEVELOPMENT] EDUCATION PLAN.

6 (B) THE PROFESSIONAL [DEVELOPMENT] EDUCATION PLAN PROVIDED
7 FOR IN SUBSECTION (A) SHALL BE PREPARED BY [TEACHER
8 REPRESENTATIVES CHOSEN BY THE TEACHERS] A COMMITTEE CONSISTING
9 OF TEACHER REPRESENTATIVES DIVIDED EQUALLY AMONG ELEMENTARY,
10 MIDDLE AND HIGH SCHOOL TEACHERS CHOSEN BY THE TEACHERS,
11 EDUCATIONAL SPECIALIST REPRESENTATIVES CHOSEN BY EDUCATIONAL
12 SPECIALISTS AND ADMINISTRATIVE REPRESENTATIVES CHOSEN BY THE
13 [ADMINISTRATIVE PERSONNEL OF THE SCHOOL DISTRICT, JOINT SCHOOL
14 DISTRICT, INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL
15 AND SHALL THEN BE APPROVED BY THE BOARD OF DIRECTORS PRIOR TO
16 SUBMISSION TO THE SECRETARY] ADMINISTRATORS OF THE SCHOOL
17 ENTITY. THE COMMITTEE SHALL INCLUDE PARENTS OF CHILDREN
18 ATTENDING A SCHOOL IN THE DISTRICT, LOCAL BUSINESS
19 REPRESENTATIVES AND OTHER INDIVIDUALS REPRESENTING THE COMMUNITY
20 APPOINTED BY THE BOARD OF DIRECTORS. THE PLAN SHALL BE APPROVED
21 BY THE BOARD OF DIRECTORS PRIOR TO SUBMISSION TO THE DEPARTMENT
22 FOR APPROVAL. AMENDMENTS TO THE PLAN MAY BE RECOMMENDED BY THE
23 CONTINUING PROFESSIONAL EDUCATION COMMITTEE, APPROVED BY THE
24 BOARD OF DIRECTORS OF THE SCHOOL ENTITY, AND SUBMITTED TO THE
25 DEPARTMENT FOR APPROVAL. THE SECRETARY MAY SPECIFY THE TIME AT
26 WHICH AND THE FORM IN WHICH SUCH PLANS ARE TO BE SUBMITTED. THE
27 STATE BOARD OF EDUCATION SHALL PROMULGATE REGULATIONS, SUBJECT
28 TO THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE
29 "REGULATORY REVIEW ACT," ESTABLISHING THE MINIMAL CONTENT OF
30 SUCH PLANS. THE PROVISIONS OF SECTION 2552 SHALL APPLY TO ANY

SCHOOL [DISTRICT, JOINT SCHOOL DISTRICT, INTERMEDIATE UNIT OR
AREA VOCATIONAL-TECHNICAL SCHOOL] ENTITY FAILING TO COMPLY WITH
THE PROVISIONS OF THIS SECTION.

(C) THE PROFESSIONAL [DEVELOPMENT] EDUCATION PLAN OF EACH
SCHOOL [DISTRICT, JOINT SCHOOL DISTRICT, INTERMEDIATE UNIT AND
AREA VOCATIONAL-TECHNICAL SCHOOL] ENTITY SHALL BE DESIGNED TO
MEET THE EDUCATIONAL NEEDS OF THAT SCHOOL ENTITY AND ITS
PROFESSIONAL EMPLOYEES. [EACH PLAN SHALL INCLUDE OPTIONS FOR
PROFESSIONAL DEVELOPMENT AND FOR FULFILLING THE PROFESSIONAL
DEVELOPMENT REQUIREMENTS OF SUBSECTION (D), INCLUDING ACTIVITIES
SUCH AS PROFESSIONALLY RELATED GRADUATE LEVEL COURSEWORK,
OBTAINING A PROFESSIONALLY RELATED MASTER'S DEGREE, DEPARTMENT
OF EDUCATION APPROVED INSERVICE COURSES, CURRICULUM DEVELOPMENT
WORK, ATTENDANCE AT PROFESSIONAL CONFERENCES AND SUPERVISED
CLASSROOM OBSERVATIONS OF OTHER PROFESSIONAL EMPLOYEES. IN ITS
PROFESSIONAL DEVELOPMENT PLAN, A SCHOOL DISTRICT, JOINT SCHOOL
DISTRICT, INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL
MAY PROVIDE FOR UNDERTAKING JOINT OR COOPERATIVE PROFESSIONAL
DEVELOPMENT ACTIVITIES WITH ANOTHER SCHOOL ENTITY OR AN
INSTITUTION OF HIGHER EDUCATION.] A SCHOOL ENTITY SHALL ANNUALLY
REVIEW ITS PLAN TO DETERMINE WHETHER OR NOT IT CONTINUES TO
REFLECT THE NEEDS OF THE SCHOOL ENTITY AND ITS STRATEGIC PLAN
AND THE NEEDS OF ITS PROFESSIONAL EMPLOYEES, STUDENTS AND THE
COMMUNITY. THE PLAN SHALL BE AMENDED AS NECESSARY TO ENSURE THAT
THE PLAN MEETS THE REQUIREMENTS OF THIS SUBSECTION. THE PLAN
SHALL SPECIFY THE CONTINUING PROFESSIONAL EDUCATIONAL COURSES,
PROGRAMS, ACTIVITIES AND OTHER LEARNING EXPERIENCES APPROVED TO
MEET CONTINUING PROFESSIONAL DEVELOPMENT REQUIREMENTS UNDER
SECTION 1205.2(C).

(C.1) THE CONTINUING PROFESSIONAL EDUCATION PLAN SHALL

SPECIFY THE PROFESSIONAL EDUCATION NEEDS THAT WILL BE MET BY
COMPLETION OF EACH CONTINUING PROFESSIONAL EDUCATION OPTION AND
HOW IT RELATES TO AREAS OF ASSIGNMENT AND CERTIFICATION OR
POTENTIAL ADMINISTRATIVE CERTIFICATION. THE OPTIONS MAY INCLUDE,
BUT SHALL NOT BE LIMITED TO:

(1) COLLEGIATE STUDIES;

(2) CONTINUING PROFESSIONAL EDUCATION COURSES TAKEN FOR
CREDIT;

(3) OTHER PROGRAMS, ACTIVITIES OR LEARNING EXPERIENCES TAKEN
FOR CREDIT OR HOURLY TO INCLUDE:

(I) CURRICULUM DEVELOPMENT AND OTHER PROGRAM DESIGN AND
DELIVERY ACTIVITIES AT THE SCHOOL ENTITY OR GRADE LEVEL AS
DETERMINED BY THE SCHOOL ENTITY AND APPROVED BY THE BOARD OF
DIRECTORS;

(II) PARTICIPATION IN PROFESSIONAL CONFERENCES AND
WORKSHOPS;

(III) EDUCATION IN THE WORKPLACE, WHERE THE WORK RELATES TO
THE PROFESSIONAL EDUCATOR'S AREA OF ASSIGNMENT AND IS APPROVED
BY THE BOARD OF DIRECTORS;

(IV) REVIEW, REDESIGN AND RESTRUCTURING OF SCHOOL PROGRAMS,
ORGANIZATIONS AND FUNCTIONS AS DETERMINED BY THE SCHOOL ENTITY
AND APPROVED BY THE BOARD OF DIRECTORS;

(V) IN-SERVICE PROGRAMS THAT COMPLY WITH GUIDELINES
ESTABLISHED BY THE DEPARTMENT;

(VI) EARLY CHILDHOOD AND CHILD DEVELOPMENT ACTIVITIES FOR
PROFESSIONAL EDUCATORS WHOSE AREA OF ASSIGNMENT INCLUDES
KINDERGARTEN THROUGH THIRD GRADE;

(VII) SPECIAL EDUCATION ACTIVITIES FOR PROFESSIONAL
EDUCATORS WHOSE AREA OF ASSIGNMENT INCLUDES STUDENTS WITH
SPECIAL NEEDS; OR

1 (VIII) OTHER CONTINUING PROFESSIONAL EDUCATION COURSES,
2 PROGRAMS, ACTIVITIES OR LEARNING EXPERIENCES SPONSORED BY THE
3 DEPARTMENT.

4 (C.2) A PROFESSIONAL EDUCATION PLAN MAY INCLUDE JOINT OR
5 COOPERATIVE PROFESSIONAL EDUCATION ACTIVITIES WITH ANOTHER
6 SCHOOL ENTITY OR AN INSTITUTION OF HIGHER EDUCATION.

7 (C.3) A PROFESSIONAL EDUCATION PLAN SHALL DESCRIBE HOW THE
8 PLAN MEETS THE EDUCATIONAL AND STAFF DEVELOPMENT NEEDS OF THE
9 SCHOOL ENTITY, ITS PROFESSIONAL EDUCATORS, STUDENTS AND THE
10 COMMUNITY. THE PROFESSIONAL EDUCATION PLAN SHALL IDENTIFY THE
11 INDIVIDUALS WHO DEVELOPED THE PLAN AND THE METHOD USED TO SELECT
12 THOSE INDIVIDUALS.

13 (C.4) A PROFESSIONAL EDUCATION PLAN SHALL IDENTIFY ANY
14 PROVIDER APPROVED BY THE PROFESSIONAL EDUCATION COMMITTEE TO
15 PROVIDE THE CONTINUING PROFESSIONAL EDUCATION OPTIONS LISTED IN
16 THE PLAN. SUCH PROVIDERS SHALL BE REQUIRED TO PROVIDE THE SCHOOL
17 ENTITY WITH OFFICIAL NOTICE OF THE CREDITS OR HOURS OF
18 CONTINUING, PROFESSIONAL EDUCATION OPTIONS SUCCESSFULLY
19 COMPLETED BY THE SCHOOL ENTITY'S PROFESSIONAL EDUCATORS.

20 (D) [ALL PROFESSIONAL EMPLOYES OF SCHOOL DISTRICTS, JOINT
21 SCHOOL DISTRICTS, INTERMEDIATE UNITS OR AREA VOCATIONAL-
22 TECHNICAL SCHOOLS RECEIVING THEIR INITIAL PENNSYLVANIA TEACHING
23 OR ADMINISTRATIVE CERTIFICATION, AS PROVIDED FOR IN THIS
24 ARTICLE, ON OR AFTER JUNE 1, 1987, SHALL BE REQUIRED AT LEAST
25 ONCE DURING EVERY FIVE-YEAR PERIOD, COMMENCING UPON RECEIPT OF A
26 PERMANENT TEACHING CERTIFICATE OR AN INITIAL ADMINISTRATIVE
27 CERTIFICATE, TO PARTICIPATE IN PROFESSIONAL DEVELOPMENT ACTIVITY
28 PURSUANT TO THE PROFESSIONAL DEVELOPMENT PLAN OF THAT
29 PROFESSIONAL EMPLOYEE'S SCHOOL DISTRICT, JOINT SCHOOL DISTRICT,
30 INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL. A

1 PROFESSIONAL EMPLOYEE WHO OBTAINS A PROFESSIONALLY RELATED
2 MASTER'S DEGREE SHALL BE DEEMED TO HAVE COMPLIED PERMANENTLY
3 WITH THE PROVISIONS OF THIS SUBSECTION. THE CHIEF SCHOOL
4 ADMINISTRATOR OF EVERY SCHOOL DISTRICT, JOINT SCHOOL DISTRICT,
5 INTERMEDIATE UNIT AND AREA VOCATIONAL-TECHNICAL SCHOOL SHALL
6 CERTIFY ANNUALLY TO THE SECRETARY THE NAMES OF PROFESSIONAL
7 EMPLOYEES WHO HAVE RECEIVED THEIR INITIAL PENNSYLVANIA TEACHING
8 OR ADMINISTRATIVE CERTIFICATION ON OR AFTER JUNE 1, 1987, AND
9 THE PROFESSIONAL DEVELOPMENT ACTIVITIES IN WHICH THESE EMPLOYEES
10 HAVE PARTICIPATED. THE CERTIFICATION SHALL BE MADE AT SUCH TIME
11 AND IN SUCH FORM AS THE SECRETARY MAY REQUIRE.

12 (E) THE PROVISIONS OF STATE BOARD OF EDUCATION REGULATIONS
13 IN 22 PA. CODE § 49.17(A) AND (B), PROMULGATED SEPTEMBER 13,
14 1984, ARE HEREBY SPECIFICALLY DECLARED TO BE CONTRARY TO THE
15 PROVISIONS OF THIS SECTION AND THEREFORE NULL AND VOID. NOTHING
16 IN THIS SECTION SHALL BE DEEMED TO AFFECT THE PROVISIONS OF 22
17 PA. CODE § 49.17(C), (D) AND (E).] ALL PROFESSIONAL EDUCATORS OF
18 A SCHOOL ENTITY SHALL MEET THE PROFESSIONAL EDUCATION
19 REQUIREMENTS OF THIS SECTION AND SECTION 1205.2 IN ORDER FOR THE
20 PROFESSIONAL EDUCATOR TO MAINTAIN ACTIVE CERTIFICATION.

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

22 SECTION 1205.2. PROGRAM OF CONTINUING PROFESSIONAL
23 EDUCATION.--(A) A CONTINUING PROFESSIONAL EDUCATION PROGRAM IS
24 HEREBY ESTABLISHED FOR PROFESSIONAL EDUCATORS THE SATISFACTORY
25 COMPLETION OF WHICH IS REQUIRED TO MAINTAIN ACTIVE
26 CERTIFICATION. THE CONTINUING PROFESSIONAL EDUCATION PROGRAM
27 SHALL REQUIRE THE SATISFACTORY COMPLETION OF CONTINUING
28 PROFESSIONAL EDUCATION EVERY FIVE (5) YEARS, WHICH SHALL
29 INCLUDE:

30 (1) SIX (6) CREDITS OF COLLEGIATE STUDY;

(2) SIX (6) CREDITS OF CONTINUING PROFESSIONAL EDUCATION COURSES;

(3) ONE HUNDRED EIGHTY (180) HOURS OF CONTINUING PROFESSIONAL EDUCATION PROGRAMS, ACTIVITIES OR LEARNING EXPERIENCES; OR

(4) ANY COMBINATION OF COLLEGIATE STUDIES, CONTINUING PROFESSIONAL EDUCATION COURSES, OR OTHER PROGRAMS, ACTIVITIES OR LEARNING EXPERIENCES EQUIVALENT TO ONE HUNDRED EIGHTY (180) HOURS.

(B) FOR THE PURPOSES OF CALCULATING HOURS AND CREDITS OF CONTINUING PROFESSIONAL EDUCATION, ONE (1) CREDIT OF COLLEGIATE STUDIES OR CONTINUING PROFESSIONAL EDUCATION COURSES SHALL BE EQUIVALENT TO THIRTY (30) HOURS OF CONTINUING PROFESSIONAL EDUCATION PROGRAMS, ACTIVITIES OR LEARNING EXPERIENCES. IN THE INITIAL YEAR OF THE IMPLEMENTATION OF THE CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS UNDER THIS SUBSECTION, THE DEPARTMENT MAY EVALUATE AND APPROVE CREDITS OR CONTINUING PROFESSIONAL EDUCATION COURSES WHICH WERE COMPLETED ON OR AFTER JUNE 1999 FOR APPLICATION TO THE CONTINUING PROFESSIONAL EDUCATIONAL REQUIREMENT.

(C) THE REQUIREMENTS OF SUBSECTION (A) MAY BE SATISFIED BY A PROFESSIONAL EDUCATOR, WHETHER OR NOT PRESENTLY EMPLOYED BY A SCHOOL ENTITY, BY THE SUCCESSFUL COMPLETION OF CREDITS OR HOURS TO INCLUDE ANY OF THE FOLLOWING:

(1) CREDITS OF COLLEGIATE STUDIES RELATED TO AN AREA OF THE PROFESSIONAL EDUCATOR'S ASSIGNMENT OR CERTIFICATION AT AN INSTITUTION OF HIGHER EDUCATION APPROVED BY THE DEPARTMENT.

(2) CREDITS OF CONTINUING PROFESSIONAL EDUCATION COURSES RELATED TO AN AREA OF THE PROFESSIONAL EDUCATOR'S ASSIGNMENT OR CERTIFICATION CONDUCTED BY PROVIDERS APPROVED BY THE DEPARTMENT.

(3) HOURS OF OTHER CONTINUING PROFESSIONAL EDUCATION PROGRAMS, ACTIVITIES OR LEARNING EXPERIENCES RELATED TO AN AREA OF THE PROFESSIONAL EDUCATOR'S ASSIGNMENT OR CERTIFICATION CONDUCTED BY PROVIDERS APPROVED BY THE DEPARTMENT.

(4) CREDITS OR HOURS COMPLETED IN ANY COLLEGIATE STUDIES, CONTINUING PROFESSIONAL EDUCATION COURSES OR CONTINUING PROFESSIONAL EDUCATION PROGRAMS, ACTIVITIES OR LEARNING EXPERIENCES INCLUDED IN THE PROFESSIONAL EDUCATION PLAN OF THE PROFESSIONAL EDUCATOR'S SCHOOL ENTITY AND CONDUCTED BY:

(A) THE DEPARTMENT;

(B) PROVIDERS APPROVED BY THE DEPARTMENT;

(C) THE PROFESSIONAL EDUCATOR'S SCHOOL ENTITY; OR

(D) PROVIDERS APPROVED AS PART OF THE PROFESSIONAL EDUCATION PLAN OF THE PROFESSIONAL EDUCATOR'S SCHOOL ENTITY.

(5) CREDITS OR HOURS NOT INCLUDED IN CLAUSES (1) THROUGH (4) APPROVED BY THE BOARD OF DIRECTORS OF THE SCHOOL ENTITY.

(6) CREDITS OR HOURS REQUIRED TO OBTAIN ADMINISTRATOR CERTIFICATION.

(7) CREDITS OR HOURS IN AN AREA OTHER THAN THE AREA OF THE PROFESSIONAL EDUCATOR'S ASSIGNMENT OR CERTIFICATION IF THE PROFESSIONAL EDUCATOR MAY BE TRANSFERRED BY THE BOARD OF DIRECTORS TO ANOTHER ASSIGNMENT. THE CREDITS OR HOURS MUST BE APPROVED FOR THE PROFESSIONAL EDUCATOR BY THE BOARD OF DIRECTORS.

(D) IN ORDER TO ENSURE THAT CREDITS AND HOURS OF CONTINUING PROFESSIONAL EDUCATION ARE OF HIGH QUALITY AND DESIGNED TO SIGNIFICANTLY ADVANCE THE GOALS OF IMPROVING AND UPDATING THE EDUCATIONAL SKILLS OF PROFESSIONAL EDUCATOR'S IN THIS COMMONWEALTH, THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT GUIDELINES TO APPROVE CERTAIN PROVIDERS OF CONTINUING

1 PROFESSIONAL EDUCATION PROGRAMS. THE GUIDELINES SHALL INCLUDE A
2 PROCESS TO APPROVE:

3 (1) PROVIDERS OF COLLEGIATE STUDIES;

4 (2) PROVIDERS OF PROFESSIONAL EDUCATION COURSES;

5 (3) PROVIDERS OF CONTINUING PROFESSIONAL EDUCATION PROGRAMS,
6 ACTIVITIES OR LEARNING EXPERIENCES. PROVIDED, THE DEPARTMENT, A
7 PROFESSIONAL EDUCATOR'S SCHOOL ENTITY OR A PROVIDER APPROVED AS
8 PART OF THE SCHOOL ENTITY'S PROFESSIONAL EDUCATION PLAN NEED NOT
9 BE APPROVED BY THE DEPARTMENT; AND

10 (4) PROVIDERS INCLUDED AS PART OF THE PROFESSIONAL EDUCATION
11 PLAN OF A SCHOOL ENTITY, FOR USE BY A SCHOOL ENTITY'S
12 PROFESSIONAL EDUCATION COMMITTEE.

13 (E) IF THE SCHOOL ENTITY IS ASSUMING ALL COSTS OF CREDITS OR
14 HOURS, THE BOARD OF DIRECTORS MAY DISAPPROVE ANY COURSE,
15 PROGRAM, ACTIVITY OR LEARNING EXPERIENCE THAT IS INCONSISTENT
16 WITH THE GOALS OF THE PROFESSIONAL EDUCATIONAL PLAN.

17 (F) THE DEPARTMENT SHALL ANNUALLY PROVIDE A MINIMUM OF FORTY
18 (40) HOURS OF CONTINUING PROFESSIONAL EDUCATION COURSES,
19 PROGRAMS, ACTIVITIES OR LEARNING EXPERIENCES AT NO CHARGE TO
20 PROFESSIONAL EDUCATORS EMPLOYED BY A SCHOOL ENTITY. IN PROVIDING
21 THESE COURSES, THE DEPARTMENT SHALL SEEK TO USE THE MOST
22 EFFICIENT AND COST-EFFECTIVE MEANS POSSIBLE, INCLUDING THE USE
23 OF ADVANCED TECHNOLOGY SUCH AS CD-ROM, THE INTERNET AND DISTANCE
24 COMMUNICATION.

25 (G) THE DEPARTMENT SHALL ADOPT GUIDELINES TO ESTABLISH A
26 SYSTEM FOR MAINTAINING RECORDS OF CREDITS AND HOURS OF
27 CONTINUING PROFESSIONAL EDUCATION SUCCESSFULLY COMPLETED BY
28 PROFESSIONAL EDUCATORS. THOSE GUIDELINES SHALL INCLUDE
29 REQUIREMENTS THAT:

30 (1) A SCHOOL ENTITY SHALL NOTIFY THE DEPARTMENT AND THE

PROFESSIONAL EDUCATOR EMPLOYED BY THE SCHOOL ENTITY OF THE
SUCCESSFUL COMPLETION OF CREDITS OR HOURS OF PROGRAMS,
ACTIVITIES OR LEARNING EXPERIENCES CONDUCTED BY THE SCHOOL
ENTITY AND SHALL FORWARD TO THE DEPARTMENT ANY OFFICIAL NOTICE
GIVEN BY A PROVIDER IDENTIFIED IN THE SCHOOL ENTITY'S
PROFESSIONAL EDUCATION PLAN THAT A PROFESSIONAL EDUCATOR HAS
SUCCESSFULLY COMPLETED CREDITS OR HOURS OF COLLEGIATE STUDIES,
CONTINUING PROFESSIONAL EDUCATION COURSES OR PROGRAMS,
ACTIVITIES OR LEARNING EXPERIENCES CONDUCTED BY THE PROVIDER.

(2) AN APPROVED PROVIDER SHALL NOTIFY THE DEPARTMENT, THE
SCHOOL ENTITY THAT EMPLOYS THE PROFESSIONAL EDUCATOR AND THE
PROFESSIONAL EDUCATOR OF THE SUCCESSFUL COMPLETION OF CREDITS OR
HOURS OF COLLEGIATE STUDIES, CONTINUING PROFESSIONAL EDUCATION
COURSES OR PROGRAMS, ACTIVITIES OR LEARNING EXPERIENCES
CONDUCTED BY THE APPROVED PROVIDER.

(3) THE DEPARTMENT SHALL NOTIFY THE SCHOOL ENTITY THAT
EMPLOYES THE PROFESSIONAL EDUCATOR AND THE PROFESSIONAL EDUCATOR
OF THE SUCCESSFUL COMPLETION OF CREDITS OR HOURS OF CONTINUING
PROFESSIONAL EDUCATION COURSES OR PROGRAMS, ACTIVITIES OR
LEARNING EXPERIENCES CONDUCTED BY THE DEPARTMENT.

(H) THE DEPARTMENT SHALL PROVIDE THE FOLLOWING INFORMATION
TO PROFESSIONAL EDUCATORS AND SCHOOL ENTITIES:

(1) NOTICE OF THE NUMBER OF CREDITS OR HOURS NEEDED FOR A
PROFESSIONAL EDUCATOR TO COMPLY WITH THIS SECTION, AS OF THE
DATE ON WHICH SUCH NOTICE IS GIVEN. SUCH NOTICE SHALL BE
PROVIDED NO LATER TWELVE (12) MONTHS PRIOR TO THE END OF A
PROFESSIONAL EDUCATOR'S FIVE-YEAR COMPLIANCE PERIOD.

(2) REASONABLE ACCESS TO REPORTS AND RECORDS RELATING TO A
PROFESSIONAL EDUCATOR'S CONTINUING PROFESSIONAL EDUCATION.

(3) NOTICE OF INACTIVE CERTIFICATION REQUESTED BY A

1 PROFESSIONAL EDUCATOR.

2 (4) NOTICE OF INACTIVE CERTIFICATION DUE TO FAILURE OF THE
3 PROFESSIONAL EDUCATOR TO MEET THE REQUIREMENTS OF THIS SECTION,
4 WHETHER OR NOT THE INDIVIDUAL IS EMPLOYED BY A SCHOOL ENTITY.

5 (5) NOTICE OF REINSTATEMENT.

6 (I) THE SECRETARY OF EDUCATION SHALL PROVIDE AN EDUCATOR
7 WITH THE OPPORTUNITY TO APPEAL ANY DETERMINATION THAT THE
8 EDUCATOR'S CERTIFICATION IS INACTIVE PURSUANT TO 2 PA.C.S. CHS.
9 5 (RELATING TO PRACTICE AND PROCEDURE) AND 7 (RELATING TO
10 JUDICIAL REVIEW).

11 (J) THE DEPARTMENT SHALL ESTABLISH A PROCEDURE TO GRANT
12 EXTENSIONS TO PROFESSIONAL EDUCATORS TO FULFILL THE REQUIREMENTS
13 OF THIS SECTION BASED UPON EXTENUATING CIRCUMSTANCES.

14 (K) A PROFESSIONAL EDUCATOR WHO IS NOT EMPLOYED BY A SCHOOL
15 ENTITY AS A PROFESSIONAL OR TEMPORARY PROFESSIONAL EMPLOYEE MAY
16 APPLY TO THE DEPARTMENT FOR INACTIVE CERTIFICATION. INACTIVE
17 CERTIFICATION SHALL:

18 (1) SUSPEND THE REQUIREMENTS OF THIS SECTION UNTIL INACTIVE
19 CERTIFICATION IS REMOVED BY THE DEPARTMENT. UPON THE REMOVAL OF
20 INACTIVE CERTIFICATION, A PROFESSIONAL EDUCATOR SHALL HAVE THE
21 SAME NUMBER OF HOURS OF CONTINUING PROFESSIONAL EDUCATION AND
22 THE SAME AMOUNT OF TIME IN WHICH TO COMPLETE THOSE HOURS AS
23 EXISTED FOR THE PROFESSIONAL EDUCATOR AT THE TIME INACTIVE
24 CERTIFICATION WAS GRANTED.

25 (2) BE REMOVED BY THE DEPARTMENT UPON THE APPLICATION OF THE
26 PROFESSIONAL EDUCATOR AND EVIDENCE OF THE COMPLETION OF THIRTY
27 (30) HOURS OF CONTINUING PROFESSIONAL EDUCATION WITHIN THE
28 IMMEDIATE PRECEDING TWELVE (12) MONTHS. THE DEPARTMENT SHALL
29 ESTABLISH GUIDELINES TO APPROVE COURSES THAT WILL AUTHORIZE THE
30 REMOVAL OF INACTIVE CERTIFICATION.

1 (3) DISQUALIFY AN INDIVIDUAL FROM BEING EMPLOYED BY A SCHOOL
2 ENTITY AS A PROFESSIONAL OR TEMPORARY EMPLOYEE. AN INDIVIDUAL
3 WITH INACTIVE CERTIFICATION MAY BE EMPLOYED AS A TEMPORARY
4 SUBSTITUTE TEACHER FOR NO MORE THAN NINETY (90) DAYS DURING A
5 SCHOOL YEAR.

6 (L) THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE
7 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE
8 AND THE EDUCATION COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
9 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE AND THE
10 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES REGARDING
11 THE PROGRAM OF CONTINUING PROFESSIONAL EDUCATION. THE REPORT
12 SHALL INCLUDE INFORMATION ABOUT PROGRAMS OFFERED BY THE
13 DEPARTMENT, INCLUDING COSTS, THE NUMBER OF PROFESSIONAL
14 EDUCATORS WHO HAVE MET CONTINUING PROFESSIONAL EDUCATION
15 REQUIREMENTS DURING EACH COMPLIANCE PERIOD; AND THE NUMBER OF
16 PROFESSIONAL EDUCATORS WHO HAVE NOT MET THE REQUIREMENTS.

17 (M) THE STATE BOARD OF EDUCATION MAY PROMULGATE ANY FINAL-
18 OMITTED REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION.

19 (N) NOTHING CONTAINED IN THIS ACT SHALL SUPERSEDE OR PREEMPT
20 ANY PROVISIONS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN A
21 SCHOOL ENTITY AND AN EMPLOYEE ORGANIZATION IN EFFECT ON THE
22 EFFECTIVE DATE OF THIS ACT.

23 (O) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
24 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
25 SUBSECTION:

26 "APPROVED PROVIDER" IS AN INSTITUTION OF HIGHER EDUCATION,
27 SCHOOL ENTITY, INDIVIDUAL, CORPORATION, PARTNERSHIP, LIMITED
28 LIABILITY COMPANY OR ASSOCIATION APPROVED BY THE DEPARTMENT TO
29 PROVIDE CONTINUING PROFESSIONAL EDUCATION CREDITS OR HOURS UNDER
30 THIS SECTION. PROVIDED, A SCHOOL ENTITY MAY APPROVE A PROVIDER

OF CONTINUING PROFESSIONAL EDUCATION CREDITS OR HOURS IN
ACCORDANCE WITH DEPARTMENT GUIDELINES.

"AREA OF A PROFESSIONAL EDUCATOR'S ASSIGNMENT OR
CERTIFICATION" SHALL MEAN ANY COMPONENT OF THE EDUCATION
PROFESSION AS IT RELATES TO THE CURRENT JOB TITLE OR DESCRIPTION
OF THE PROFESSIONAL EDUCATOR, OR TO ANY AREA OF CERTIFICATION
LISTED ON THE PROFESSIONAL EMPLOYEE'S PENNSYLVANIA CERTIFICATION
OR TO THE TYPE OF CERTIFICATE OR ENDORSEMENT HELD BY THE
PROFESSIONAL EDUCATOR.

"COLLEGIATE STUDIES" SHALL MEAN A FORMAL PROGRAM OR COURSE OF
STUDY AT AN INSTITUTION OF HIGHER EDUCATION LEADING TO THE AWARD
OF ACADEMIC CREDIT.

"CONTINUING PROFESSIONAL EDUCATION COURSES" SHALL MEAN
COURSES FOR CREDIT, OTHER THAN COLLEGIATE STUDIES, CONDUCTED BY
PROVIDERS APPROVED BY THE DEPARTMENT.

"PROFESSIONAL EDUCATOR" SHALL MEAN AN INDIVIDUAL WHO HOLDS A
PENNSYLVANIA TEACHER, EDUCATIONAL SPECIALIST OR ADMINISTRATIVE
CERTIFICATION OR LETTER OF ELIGIBILITY.

"SCHOOL ENTITY" SHALL MEAN A SCHOOL DISTRICT, AN INTERMEDIATE
UNIT, A JOINT SCHOOL DISTRICT, AN AREA VOCATIONAL-TECHNICAL
SCHOOL, A CHARTER SCHOOL, THE SCOTLAND SCHOOL FOR VETERANS'
CHILDREN AND THE SCRANTON SCHOOL FOR THE DEAF OR ANY OF THESE
ACTING JOINTLY.

SECTION 1205.3. CHARTER SCHOOLS.--AN UNCERTIFIED TEACHER OR
ADMINISTRATOR WHO IS EMPLOYED FULL-TIME BY A CHARTER SCHOOL
SHALL COMPLY WITH THE CONTINUING PROFESSIONAL EDUCATION
REQUIREMENTS OF SECTION 1205.1 AND 1205.2(A) THROUGH (C) TO
MAINTAIN EMPLOYMENT IN A CHARTER SCHOOL. THE CHARTER SCHOOL
SHALL MAINTAIN THE RECORDS OF AN UNCERTIFIED TEACHER OR
ADMINISTRATOR WHO IS EMPLOYED FULL-TIME BY A CHARTER SCHOOL.

1 SECTION 3. THIS ACT SHALL TAKE EFFECT JANUARY 1, 2000.