

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2055 Session of
2005

INTRODUCED BY T. STEVENSON, ARMSTRONG, BARRAR, BEYER,
CALTAGIRONE, CORRIGAN, CRAHALLA, CREIGHTON, DENLINGER, DIVEN,
GEIST, HENNESSEY, KOTIK, MCGILL, MUSTIO, PETRI, PYLE, SATHER,
E. Z. TAYLOR AND YOUNGBLOOD, OCTOBER 17, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 12, 2006

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 manner of
6 election of district superintendents and assistant
7 superintendents and for their removal; AND PROVIDING FOR
8 CONDITIONAL CERTIFICATION OF PERSONS BY THE DEPARTMENT OF
9 EDUCATION. <—

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

12 Section 1. Section 1073(a) of the act of March 10, 1949
13 (P.L.30, No.14), known as the Public School Code of 1949,
14 amended January 16, 1974 (P.L.1, No.1), is amended and the
15 section is amended by adding a subsection to read:

16 Section 1073. Manner of Election or Approval.--(a) The
17 board of school directors of each school district, except in
18 school districts of the first class, shall meet at its regular
19 place of meeting, during the last year of the term of the
20 district superintendent or at any other time when a vacancy

1 shall occur in the office of district superintendent, at an hour
2 previously fixed by the board. The secretary of each board of
3 school directors shall mail to each member thereof at least five
4 days beforehand, a notice of the time, place and purpose of such
5 meeting. At such meeting the board shall elect or approve a
6 properly qualified district superintendent to serve a term of
7 from three (3) to five (5) years, and not more than three (3)
8 years if the person has no prior experience as a superintendent
9 or assistant superintendent, from the first day of July next
10 following his election or from a time mutually agreed upon by
11 the duly elected district superintendent and the board of school
12 directors.

13 * * *

14 (e) (1) Notwithstanding any other provision of law, no
15 individual shall be employed as a superintendent or assistant
16 superintendent by a school district except pursuant to a written
17 contract of employment expressly stating the terms and
18 conditions of employment.

19 (2) A contract for the employment of a superintendent or
20 assistant superintendent shall:

21 (i) Contain the mutual and complete agreement between the
22 superintendent or assistant superintendent and the board of
23 school directors with respect to the terms and conditions of
24 employment.

25 (ii) Consistent with State Board of Education certification
26 requirements, specify the duties, responsibilities, job
27 description and performance expectations.

28 (iii) Incorporate all provisions relating to compensation
29 and benefits to be paid to or on behalf of the superintendent or
30 assistant superintendent.

1 (iv) Specify the term of employment and state that the
2 contract shall terminate immediately upon the expiration of the
3 term unless the contract is allowed to renew automatically under
4 the provisions of subsection (b).

5 (v) Specify the termination, buy-out, and severance
6 provisions including all post-employment compensation and the
7 period of time in which such compensation shall be provided.

8 (vi) Contain provisions relating to outside work that may be
9 performed, if any.

10 (vii) State that any modification to the contract must be in
11 writing.

12 (viii) State that the contract shall be governed by
13 Pennsylvania law.

14 (IX) LIMIT COMPENSATION FOR UNUSED SICK LEAVE TO THE MAXIMUM <—
15 COMPENSATION FOR UNUSED SICK LEAVE UNDER THE TEACHERS'
16 COLLECTIVE BARGAINING AGREEMENT FOR THAT DISTRICT AT THE TIME OF
17 THE CONTRACT OR RENEWAL.

18 (X) LIMIT TRANSFERRED SICK LEAVE FROM PREVIOUS EMPLOYMENT TO
19 NOT MORE THAN 30 DAYS.

20 (3) No agreement between the board of school directors and a
21 superintendent or assistant superintendent for a negotiated
22 severance of employment prior to the end of the specified
23 contract term shall provide for severance compensation to the
24 superintendent or assistant superintendent, including the
25 reasonable value of any noncash severance benefits or post-
26 employment benefits not otherwise accruing under the contract or
27 pursuant to law, that:

28 (i) Where the agreement is effective two years or more prior
29 to the end of the specified contract term, exceeds the
30 equivalent of one year's compensation and benefits otherwise due

1 under the contract.

2 (ii) Where the agreement is effective less than two years
3 prior to the end of the specified contract term, exceeds the
4 equivalent of one-half of the total compensation and benefits
5 due under the contract for the remainder of the term.

6 Section 2. Section 1080 of the act is amended to read:

7 Section 1080. Removal.--(a) District superintendents and
8 assistant district superintendents may be removed from office,
9 after hearing, by a majority vote of the board of school
10 directors of the district, for neglect of duty, incompetency,
11 intemperance, or immorality, of which hearing notice of at least
12 one week has been sent by mail to the accused, as well as to
13 each member of the of the board of school directors.

14 (b) The board of school directors shall publicly disclose at
15 the next regularly scheduled monthly meeting the cause or reason
16 for the removal from office under subsection (a).

17 (c) Notwithstanding any of the provisions of this section, a
18 school superintendent under contract with a board of school
19 directors of a school district prior to the effective date of
20 this subsection shall be permitted to complete the remainder of
21 said contract according to its terms and shall become subject to
22 the provisions of this section in the first contract renewal
23 following the effective date of this subsection.

24 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

25 SECTION 1109.3. CONDITIONAL CERTIFICATION.--(A) A PERSON
26 WHO HAS EARNED A BACCALAUREATE OR GRADUATE DEGREE IN EDUCATION
27 FROM A COMMONWEALTH-APPROVED TEACHER-PREPARATION INSTITUTION AND
28 MEETS THE REQUIREMENTS OF 22 PA. CODE § 49.12 (RELATING TO
29 ELIGIBILITY) BUT HAS NOT PASSED ALL NONSUBJECT MATTER TESTS
30 REQUIRED BY 22 PA. CODE § 49.18 (RELATING TO ASSESSMENT) MAY

1 APPLY FOR A CONDITIONAL TEACHER CERTIFICATE WITH THE DEPARTMENT.

2 (B) AN APPLICANT WHO RECEIVES A CONDITIONAL TEACHER
3 CERTIFICATE WILL BE ELIGIBLE TO ENTER INTO A CONTRACT WITH A
4 SCHOOL DISTRICT TO TEACH FOR UP TO TWO SCHOOL YEARS. A
5 CONDITIONAL CERTIFICATION MAY ONLY BE ISSUED ONE TIME TO AN
6 ELIGIBLE APPLICANT.

7 (C) DURING THE TWO-YEAR PERIOD, THE SCHOOL DISTRICT WILL
8 ASSESS AND EVALUATE THE CONTRACTED EMPLOYE ON PLANNING AND
9 PREPARATION, CLASSROOM ENVIRONMENT, INSTRUCTIONAL DELIVERY AND
10 PROFESSIONALISM. UPON SATISFACTORY RECOMMENDATION BY THE SCHOOL
11 DISTRICT, THE DEPARTMENT SHALL ISSUE AN INSTRUCTIONAL I
12 CERTIFICATE BASED ON THE SCHOOL DISTRICT'S EVALUATION UNDER
13 SUBSECTION (B) AND THE REQUIREMENTS OF 22 PA. CODE § 49.12.

14 (D) THE DEPARTMENT'S RESPONSIBILITIES WITH REGARD TO THIS
15 SECTION SHALL BE TO:

16 (1) ESTABLISH AND PROCESS A CONDITIONAL TEACHER CERTIFICATE
17 AND HAVE IT ACCESSIBLE ON THE DEPARTMENT OF EDUCATION'S INTERNET
18 WEBSITE.

19 (2) ESTABLISH A CONDITIONAL TEACHER EVALUATION FORM SIMILAR
20 TO AN EMPLOYE EVALUATION FORM FOR INSTRUCTIONAL I TEACHERS. THIS
21 FORM SHALL BE USED BY SCHOOL DISTRICTS TO EVALUATE CONDITIONAL
22 TEACHERS AS NOTED IN SUBSECTION (C).

23 (E) A CONDITIONAL TEACHER CERTIFICATE APPLICANT WITH REGARD
24 TO THIS ACT SHALL:

25 (1) APPLY FOR A CONDITIONAL TEACHER CERTIFICATE WITH THE
26 DEPARTMENT.

27 (2) APPLY FOR A CRIMINAL BACKGROUND CHECK AS PROVIDED FOR IN
28 SECTION 111 AND A CHILD ABUSE CLEARANCE PRIOR TO APPLYING FOR A
29 CONDITIONAL TEACHER CERTIFICATE AS PROVIDED FOR IN 23 PA.C.S CH.
30 63 SUBCH. C.2 (RELATING TO BACKGROUND CHECKS FOR EMPLOYMENT IN

1 SCHOOLS).

2 (3) APPLY FOR A TEACHING POSITION IN THE SAME MANNER AS A
3 PENNSYLVANIA-CERTIFIED TEACHER.

4 (F) PERSONS WITH A CONDITIONAL TEACHER CERTIFICATE EMPLOYED
5 UNDER A TWO-YEAR CONTRACT WITH A SCHOOL DISTRICT WILL NOT BE
6 ABLE TO USE THIS TIME TOWARD TEACHER TENURE WITH THE SCHOOL
7 DISTRICT UNDER SECTION 1121(C). PERSONS APPLYING FOR A POSITION
8 WITH THE SCHOOL DISTRICT WHO HAVE A CONDITIONAL TEACHER
9 CERTIFICATE SHALL NOT BE DISCRIMINATED AGAINST IF APPLYING FOR
10 THE SAME POSITION AS A PERSON HOLDING AN INSTRUCTIONAL I
11 CERTIFICATE.

12 (G) (1) AS USED IN THIS SECTION "DEPARTMENT" MEANS THE
13 DEPARTMENT OF EDUCATION OF THE COMMONWEALTH.

14 (2) AS USED IN THIS SECTION "CONDITIONAL TEACHER
15 CERTIFICATE" MEANS A TWO-YEAR TEMPORARY CERTIFICATE FOR A RECENT
16 GRADUATE OF A TEACHER PREPARATION INSTITUTION SEEKING A TEACHING
17 POSITION IN ANY OF THE 501 SCHOOL DISTRICTS, BUT HAS NOT MET ALL
18 THE NECESSARY REQUIREMENTS IN TESTING FOR PENNSYLVANIA TEACHER
19 CERTIFICATION.

20 Section 3 4. This act shall take effect in 60 days.

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