

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 630 Session of
2005

INTRODUCED BY RHOADES, MUSTO, LAVALLE, HUGHES, GREENLEAF,
GORDNER, TARTAGLIONE, BOSCOLA, RAFFERTY, KASUNIC AND LEMMOND,
MAY 10, 2005

REFERRED TO EDUCATION, MAY 10, 2005

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," establishing a special designation
6 for highly qualified teachers.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding an
11 article to read:

12 ARTICLE XII-B

13 HIGHLY QUALIFIED TEACHERS

14 Section 1201-B. Scope.

15 This article provides for the establishment of a special
16 designation for certain highly qualified teachers.

17 Section 1202-B. Definitions.

18 The following words and phrases when used in this article
19 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Core content subject." The term shall have the same meaning
3 given to it under the No Child Left Behind Act of 2001.

4 "Highly qualified." The term shall have the same meaning
5 given to it under the No Child Left Behind Act of 2001.

6 "Public school entity." A school district, joint school
7 district, intermediate unit, public charter school or an area
8 vocational-technical school.

9 "Teacher." The term shall have the same meaning given to it
10 under section 1141 (relating to definitions).

11 Section 1203-B. Compliance with Federal law.

12 (a) General rule.--Except as set forth in subsection (b), a
13 teacher who is employed by a public school entity and holds a
14 State certificate shall be deemed highly qualified under the No
15 Child Left Behind Act of 2001.

16 (b) Exception.--A teacher who is employed by a public school
17 entity and holds a State certificate shall not be deemed highly
18 qualified where the teacher:

19 (1) holds a State certificate to teach in grades
20 kindergarten through six and is assigned as the primary
21 instructor providing direct instruction in one or more core
22 content subjects in grades seven or eight;

23 (2) holds a State certificate in special education and
24 who is assigned as the primary instructor providing direct
25 instruction in one or more core content subjects; or

26 (3) holds a State certificate and is assigned as the
27 primary instructor providing direct instruction in one or
28 more core content subjects in an alternative education class
29 or in an English as a second language class.

30 Section 1204-B. Attainment of highly qualified designation for

1 certain teachers.

2 (a) Requirements.--

3 (1) Subject to the provisions of paragraph (2), a
4 teacher, to whom section 1203-B(b) (relating to compliance
5 with Federal law) applies may attain the designation of
6 highly qualified status by completing the requirements as set
7 forth in this section and following the procedures as set
8 forth in section 1205-B(b) or (c) (relating to notification
9 to chief school administrator).

10 (2) A teacher who submits notice to the chief school
11 administrator under section 1205-B(a) shall be deemed to be
12 highly qualified for no more than 36 months after the date on
13 which the notice is submitted. During this 36-month period,
14 the teacher shall complete the requirements as set forth in
15 this section. Upon completion of such requirements, the
16 teacher shall receive a permanent highly qualified
17 designation.

18 (b) Requirements.--A teacher to whom section 1203-B(b)
19 applies shall be deemed highly qualified if the teacher
20 completes any of the following requirements:

21 (1) Achieves a passing score on the PRAXIS examination
22 in each core content subject to which the teacher is
23 assigned.

24 (2) Successfully completes an academic minor or its
25 equivalent in each core content subject to which the teacher
26 is assigned. For the purposes of this paragraph the
27 completion of 12 or more credits in a core content area at a
28 two-year or four-year accredited post-secondary institution
29 shall constitute an academic minor or its equivalent.

30 (3) Accumulates 100 or more total points, as certified

1 by the chief school administrator of the public school entity
2 to which the teacher is assigned, from any combination of at
3 least two of the following areas:

4 (i) Fifty points for a year in which the teacher
5 delivered instruction in a core content subject for which
6 highly qualified designation is sought and for which the
7 teacher received a satisfactory evaluation on the State-
8 approved evaluation instrument. A teacher may accumulate
9 points under this subparagraph for only one year.

10 (ii) Five points for each year, other than the year
11 referenced in subparagraph (i), in which the teacher
12 delivered instruction in the core content subject for
13 which highly qualified designation is sought.

14 (iii) Three points for each year, other than the
15 year referenced in subparagraphs (i) and (ii), in which
16 the teacher delivered instruction in the classroom.

17 (iv) Thirty points for each credit hour of
18 collegiate studies or credit hour of professional
19 education course and one point for each hour of programs,
20 activities or learning experiences that lead to the
21 successful completion of continuing professional
22 education under section 1205.2 (relating to program of
23 continuing professional education).

24 (v) Thirty points for any course in a core content
25 subject taken at an accredited two-year or four-year
26 post-secondary institution for which the teacher received
27 a grade of C or higher.

28 (vi) Five points for each year during which the
29 teacher was a head of a department.

30 Section 1205-B. Notification to chief school administrator.

1 (a) Duty of teacher.--A teacher seeking highly qualified
2 designation under section 1204-B (relating to attainment of
3 highly qualified designation for certain teachers) shall notify
4 the chief school administrator or designee on a form provided by
5 the Department of Education.

6 (b) Time period for notice.--

7 (1) A teacher assigned to a core content subject as of
8 the effective date of this section shall notify the chief
9 school administrator or designee of the teacher's intent to
10 seek highly qualified status under section 1204-B no later
11 than 90 days after the effective date of this section. The
12 teacher must complete the requirements of section 1204-B no
13 later than 36 months after the effective date of this
14 section.

15 (2) A teacher who is assigned to a core content subject
16 at any time after the effective date of this section shall
17 notify the chief school administrator or designee of the
18 teacher's intent to seek highly qualified status under
19 section 1204-B no later than 60 days after the date on which
20 the teacher receives official notice of assignment. The
21 teacher must complete the requirements of section 1204-B
22 within 36 months of the date on which the teacher receives
23 official notice of assignment.

24 Section 1206-B. Reporting.

25 Upon issuance of a highly qualified designation to a teacher,
26 the chief school administrator or designee shall send a record
27 of issuance to the Department of Education. The Department of
28 Education shall send an acknowledgment to the chief school
29 administrator confirming receipt and shall retain records of
30 issuance of the designation in a central repository for a time

1 period determined by the Department of Education.

2 Section 1207-B. Prohibition against adverse employment action.

3 It shall be unlawful for a public school entity, a State
4 agency or an agent thereof to take any adverse employment action
5 against a teacher due to the teacher's failure to obtain a
6 highly qualified designation. Such entity or agent shall be
7 permitted to provide notice regarding the qualifications of
8 teachers as required under the No Child Left Behind Act of 2001.

9 Section 2. This act shall take effect immediately.