

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, C. 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 AND STETLER, JANUARY 20, 1999

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 3, 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 continuing
6 professional development and for a program for continuing
7 professional education; AND PROVIDING FOR NATIONAL BOARD
8 CERTIFICATION. ←

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

11 Section 1. Section 1205.1 of the act of March 10, 1949
12 (P.L.30, No.14), known as the Public School Code of 1949,
13 amended or added December 15, 1986 (P.L.1602, No.178) and March
14 30, 1988 (P.L.321, No.43), is amended to read:

15 Section 1205.1. Continuing Professional Development.--(a)
16 By January 1, 1989, every school district, joint school
17 district, intermediate unit and area vocational-technical school
18 shall submit to the Secretary of Education for approval a

1 continuing professional development plan, developed pursuant to
2 the provisions of subsection (b) and including, at a minimum,
3 the elements provided for in subsection (c). The secretary shall
4 determine approximately one-third of the school districts, joint
5 school districts, intermediate units and area vocational-
6 technical schools which shall submit two-year plans, one-third
7 which shall submit three-year plans and one-third which shall
8 submit four-year plans by January 1, 1989. Thereafter, upon the
9 expiration of the existing professional development plan, each
10 school district, joint school district, intermediate unit
11 [and], area vocational-technical school and charter school shall
12 submit to the secretary for approval a [two-year] professional
13 development plan according to an implementation schedule
14 developed by the secretary.

15 (b) The professional development plan provided for in
16 subsection (a) shall be prepared by a committee consisting of
17 two residents appointed by the board of directors or the charter
18 school board of trustees, one of whom shall represent the local
19 business community and one of whom shall represent parents of
20 students of the school district or school, teacher
21 representatives chosen by the teachers, educational specialist
22 representatives chosen by educational specialists and
23 administrative representatives chosen by the administrative
24 personnel of the school district, joint school district,
25 intermediate unit [or], area vocational-technical school or the
26 charter school and shall then be approved by the board of
27 directors or the charter school board of trustees prior to
28 submission to the secretary for approval. The secretary may
29 specify the time at which and the form in which such plans are
30 to be submitted. The State Board of Education shall promulgate

1 regulations, subject to the act of June 25, 1982 (P.L.633,
2 No.181), known as the "Regulatory Review Act," establishing the
3 minimal content of such plans. The provisions of section 2552
4 shall apply to any school district, joint school district,
5 intermediate unit or area vocational-technical school failing to
6 comply with the provisions of this section.

7 (c) The professional development plan of each school
8 district, joint school district, intermediate unit [and] area
9 vocational-technical school or charter school as provided for in
10 section 1719-A(13) shall be designed to meet the educational
11 needs of that school entity and its professional employees. Each
12 plan shall include [options for professional development and for
13 fulfilling the professional development requirements of
14 subsection (d), including activities such as professionally
15 related graduate level coursework, obtaining a professionally
16 related master's degree, Department of Education approved
17 inservice courses, curriculum development work, attendance at
18 professional conferences and supervised classroom observations
19 of other professional employees. In its professional development
20 plan, a school district, joint school district, intermediate
21 unit or area vocational-technical school may provide for
22 undertaking joint or cooperative professional development
23 activities with another school entity or an institution of
24 higher education.] the continuing professional education
25 collegiate studies, courses or activities and learning
26 experiences approved for continuing professional education under
27 section 1205.2, provided that the plan specifies the
28 professional development need met by completion of each
29 continuing professional education option and its relevance to
30 areas of assignment or certification. In its professional

1 development plan, a school district, joint school district,
2 intermediate unit, area vocational-technical school or charter
3 school may provide for undertaking joint or cooperative
4 professional development activities with another school entity
5 or charter school or an institution of higher education.

6 (c.1) The professional development plan of each school
7 district, joint school district, intermediate unit, area
8 vocational-technical school or charter school shall provide for
9 continuing professional development activity as it relates to
10 educating students with special needs. A core component of this
11 activity shall include knowledge and skills concerning the
12 unique needs of special learners which may include, but shall
13 not be limited to:

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

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

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 employe's school district, joint school district,
30 intermediate unit or area vocational-technical school. A

1 professional employe 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 employes 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 employes
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).]

18 Section 2. The act is amended by adding ~~a section~~ SECTIONS ←
19 to read:

20 Section 1205.2. Program for Continuing Professional
21 Education.--(a) A continuing professional education program is
22 hereby established for educators in this Commonwealth,
23 completion of which is a requirement for maintaining active
24 certification or employment as an educator in a charter school.
25 The program shall be established and administered by the
26 Department of Education and shall contain the following
27 elements:

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

1 (i) six (6) credits of collegiate study;
2 (ii) six (6) credits of continuing professional education
3 courses; or
4 (iii) one hundred eighty (180) hours of continuing
5 professional education activities and learning experiences. For
6 the purposes of calculating hours and credits of continuing
7 professional education, one credit of collegiate studies or
8 continuing professional education courses shall be equivalent to
9 thirty (30) contact hours of continuing professional education
10 activities and learning experiences.

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

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

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

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

28 (iv) Successful completion of credits or hours completed in
29 fulfillment of the professional development needs identified and
30 approved within the professional development plan of the

1 educator's school entity or charter school pursuant to section
2 1205.1. These credits or hours may include, but shall not be
3 limited to:

4 ~~(1)~~ (A) collegiate studies; <—

5 ~~(2)~~ (B) continuing professional education courses; <—

6 ~~(3)~~ (C) credits or hours of continuing professional <—

7 education activities and learning experiences, including, but
8 not limited to:

9 ~~(i)~~ (I) curriculum development work and other program design <—
10 and delivery activities;

11 ~~(ii)~~ (II) participation in professional conferences and <—
12 workshops;

13 ~~(iii)~~ (III) supervised classroom observations of other <—
14 professional employees; and

15 ~~(iv)~~ (IV) Department of Education-approved self-study <—
16 courses delivered on-line via the World Wide Web and Internet or
17 by using similar technologies.

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

24 (v) Successful completion of hours or credits not included
25 in subclauses (i) through (iv) which have the approval of the
26 school entity's or the charter school's chief administrator, the
27 professional development committee referenced in section
28 1205.1(b) and the local board of school directors or charter
29 school board of trustees. If any of the approving authorities
30 does not approve, the credits or hours not approved shall not be

1 included toward the educator's fulfillment of this requirement.

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

9 (3) (i) Credits and hours offered by providers of
10 continuing professional education shall be of high quality and
11 shall be designed to significantly advance the goals of
12 improving and updating the professional skills of educators in
13 this Commonwealth and improving the opportunities to convey
14 knowledge to Pennsylvania's school students.

15 (ii) ~~The~~ EXCEPT FOR A PROVIDER SELECTED AND APPROVED BY A ←
16 SCHOOL ENTITY TO PROVIDE CONTINUING PROFESSIONAL EDUCATION
17 PROGRAMS PURSUANT TO THE LOCAL PROFESSIONAL DEVELOPMENT PLAN,
18 THE Department of Education shall have the sole authority to
19 approve all providers of collegiate studies, continuing
20 professional education courses and continuing professional
21 education activities and learning experiences, including on-line
22 self-study courses, according to regulations developed and
23 promulgated by the board, in order to assure the accomplishment
24 of the goals in subclause (i). Approval shall be granted for
25 individual courses or for a series of courses, shall be given
26 for such a period of time as the Department of Education shall
27 prescribe, and shall designate the area or type of certification
28 to which the approved collegiate study, continuing professional
29 education course or continuing professional education activity
30 and learning experience is relevant. Until such time as the

1 board shall promulgate final regulations dealing with the
2 approval of providers, the department shall have the authority
3 to develop and implement guidelines for this purpose.

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

8 (4) (i) The Department of Education shall provide annually
9 for a minimum of sixty (60) hours of continuing professional
10 education courses involving subjects determined by the
11 department to be of significant Statewide importance to
12 Pennsylvania's educators. In providing these courses, the
13 department shall seek to use the most efficient and cost-
14 effective means possible, including the use of advanced
15 technology, such as CD-ROM, the Internet and distance
16 communication. These courses shall be offered free of tuition
17 charge to any educator employed by a Commonwealth school entity
18 or charter school.

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

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

27 (2) (i) The Secretary of Education shall notify in writing
28 each educator, not later than one hundred eighty (180) days
29 prior to the expiration of the educator's professional education
30 compliance period, that the educator has until the end of the

1 compliance period to meet the continuing professional education
2 requirements. The notification shall be sent to the educator's
3 last known address and shall indicate the certificate affected,
4 the issue date of the certificate, the compliance period's
5 starting date and ending date and the educator's cumulative
6 numbers of credits or hours, as submitted to the Department of
7 Education.

8 (ii) The Secretary of Education shall notify in writing any
9 educator who has failed to comply with this section and the
10 chief school administrator of the educator's school entity or
11 charter school that the educator's certification has been
12 rendered inactive subject to an appeal under subclause (iii). If
13 an educator in a charter school shall fail to comply with this
14 section and does not possess Pennsylvania certification, the
15 Secretary of Education shall notify, in writing, the educator
16 and chief administrator of the educator's charter school that
17 the educator may no longer be employed by the charter school
18 subject to an appeal under subclause (iii).

19 (iii) The Secretary of Education shall provide an educator
20 with the opportunity to appeal any determination that the
21 educator's certification is inactive or that the educator in a
22 charter school shall not be employed, pursuant to 2 Pa.C.S. Chs.
23 5 (relating to practice and procedure) and 7 (relating to
24 judicial review).

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

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

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

6 (ii) Inactive certification shall act to suspend the
7 requirements of this section until inactive certification is
8 removed. Upon removal of inactive certification, an educator
9 shall have the same number of continuing professional education
10 hours to complete and the same amount of time in which to
11 complete those hours as existed for the educator at the time
12 inactive certification was granted, provided, that additional
13 hours completed pursuant to subclause (iii) shall be included as
14 continuing professional education hours needed for fulfillment
15 of the requirement of this section.

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

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

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

30 (c) (1) The Department of Education shall establish and

1 maintain a system of reporting and recordkeeping for all
2 continuing professional education. The system shall include a
3 mandatory annual report by the chief administrator of each
4 school entity or charter school for all educators who have
5 completed any continuing professional development credits or
6 hours. The report shall be in a form and manner prescribed by
7 the department and shall include the name of the educator, the
8 educator's social security number, the educator's area of
9 assignment or certification, the credits or hours accumulated by
10 the educator and verification that credited continuing
11 professional education is in accordance with subsection (a)(2).

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

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

27 (4) A school district, joint school district, area
28 vocational-technical school or charter school may contract with
29 the intermediate unit in which the school district or school is
30 located to maintain records on the continuing professional

1 education of all the educators in the school district, joint
2 school district, area vocational-technical school or charter
3 school and to submit to the Department of Education the annual
4 report required in clause (1) on behalf of the chief
5 administrator of the school district, joint school district,
6 area vocational-technical school or charter school. This shall
7 not be construed to relieve a chief school administrator of
8 responsibility to file the report in the event that the
9 intermediate unit does not file the report on the chief school
10 administrator's behalf.

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

25 (d) The General Assembly shall appropriate funding for the
26 administration of the program by the Department of Education. In
27 addition, the costs of administering the program by the
28 department shall be financed by the following fees and
29 assessments adopted and collected by the department:

30 (1) A reasonable fee from all approved providers and

1 institutions of higher education for each continuing
2 professional education credit or hour offered; provided, that no
3 fee shall be assessed against school entities and charter
4 schools which provide credits or hours pursuant to subsection
5 (a)(4)(ii).

6 (2) A reasonable assessment from professional educators
7 whenever a certification is initially issued, amended or
8 modified. For purposes of this clause, amendment or modification
9 of a certification shall not include change in name or address
10 or compliance with the requirements of this section.

11 (e) The board shall promulgate such rules and regulations as
12 are necessary to administer and enforce this section.

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

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

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

27 "Board" shall mean the State Board of Education of the
28 Commonwealth.

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

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

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

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

9 "Educator" shall mean any professional educator who holds a
10 Pennsylvania teaching, educational specialist or administrative
11 certification or letter of eligibility, and any professional
12 staff member of a charter school who does not hold appropriate
13 State certification.

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

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

21 ~~Section 3. This act shall take effect immediately.~~ <—

22 SECTION 1205.3. NATIONAL BOARD CERTIFICATION.--PENNSYLVANIA <—
23 TEACHERS WHO COMPLETE NATIONAL BOARD CERTIFICATION SHALL BE
24 DEEMED TO HAVE FULFILLED THEIR CONTINUING EDUCATION REQUIREMENTS
25 UNDER SECTION 1205.2 FOR THE FIVE-YEAR COMPLIANCE PERIOD IN
26 WHICH NATIONAL CERTIFICATION IS EARNED.

27 SECTION 3. (A) THE PROVISIONS OF THIS ACT SHALL NOT APPLY
28 IN ANY SCHOOL ENTITY UNTIL THE COLLECTIVE BARGAINING AGREEMENT
29 IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT EXPIRES AND A
30 SUCCESSOR AGREEMENT IS MUTUALLY AGREED UPON BY THE EMPLOYEE

1 REPRESENTATIVE AND THE BOARD OF DIRECTORS, OR THE COLLECTIVE
2 BARGAINING AGREEMENT IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT
3 IS EXTENDED BY MUTUAL AGREEMENT OF THE EMPLOYEE REPRESENTATIVE
4 AND THE BOARD OF DIRECTORS.

5 (B) THE PROVISIONS OF SUBSECTION (A) SHALL NOT COMPEL ANY
6 EDUCATOR TO COMPLETE THE PROFESSIONAL DEVELOPMENT REQUIREMENTS
7 OF THIS ACT IN LESS THAN A FIVE-YEAR PERIOD.

8 (C) ANY EDUCATOR WHO TRANSFERS FROM A SCHOOL ENTITY WHOSE
9 EDUCATORS ARE REQUIRED TO COMPLETE THE PROFESSIONAL EDUCATION
10 REQUIREMENTS OF THIS ACT UNDER SUBSECTION (A), TO A SCHOOL
11 ENTITY WHOSE EDUCATORS ARE NOT YET REQUIRED TO COMPLETE THE
12 PROFESSIONAL EDUCATION REQUIREMENTS OF THIS ACT, SHALL HAVE ANY
13 AND ALL CREDITS OR HOURS OF CONTINUING PROFESSIONAL DEVELOPMENT
14 SUCCESSFULLY COMPLETED BEFORE THE TRANSFER TAKES PLACE COUNTED
15 AGAINST HIS OR HER REQUIREMENTS FOR CONTINUING PROFESSIONAL
16 DEVELOPMENT IN THE INITIAL FIVE-YEAR COMPLIANCE PERIOD IN THE
17 SCHOOL ENTITY TO WHICH THE TRANSFER WAS MADE.

18 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.