

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 AND GRUCELA, JANUARY 20, 1999

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 17, 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.

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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:~~

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15 SECTION 1. SECTION 1113 OF THE ACT OF MARCH 10, 1949
16 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,
17 AMENDED AUGUST 5, 1991 (P.L.219, NO.25), IS AMENDED TO READ:

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18 SECTION 1113. TRANSFERRED PROGRAMS AND CLASSES.--(A) WHEN A

1 PROGRAM OR CLASS IS TRANSFERRED AS A UNIT FROM ONE OR MORE
2 SCHOOL ENTITIES TO ANOTHER SCHOOL ENTITY OR ENTITIES,
3 PROFESSIONAL EMPLOYEES WHO [WERE ASSIGNED TO THE CLASS OR PROGRAM
4 IMMEDIATELY PRIOR TO THE TRANSFER AND ARE CLASSIFIED AS TEACHERS
5 AS DEFINED IN SECTION 1141(1) AND ARE SUSPENDED AS A RESULT OF
6 THE TRANSFER AND WHO ARE PROPERLY CERTIFICATED SHALL BE OFFERED
7 EMPLOYMENT IN THE PROGRAM OR CLASS BY THE RECEIVING ENTITY OR
8 ENTITIES WHEN SERVICES OF A PROFESSIONAL EMPLOYEE ARE NEEDED TO
9 SUSTAIN THE PROGRAM OR CLASS TRANSFERRED, AS LONG AS THERE IS NO
10 SUSPENDED PROFESSIONAL EMPLOYEE IN THE RECEIVING ENTITY WHO IS
11 PROPERLY CERTIFICATED TO FILL THE POSITION IN THE TRANSFERRED
12 CLASS OR PROGRAM.] ARE CLASSIFIED AS TEACHERS AS DEFINED IN
13 SECTION 1141(1) AND WHO ARE PROPERLY CERTIFIED AND
14 PARAPROFESSIONAL EMPLOYEES WHO WERE ASSIGNED TO THE CLASS OR
15 PROGRAM IMMEDIATELY PRIOR TO THE TRANSFER AND WHO ARE SUSPENDED
16 AS A RESULT OF THE TRANSFER SHALL BE OFFERED EMPLOYMENT IN THE
17 PROGRAM OR CLASS BY THE RECEIVING ENTITY OR ENTITIES WHEN
18 SERVICES OF PROFESSIONAL OR A PARAPROFESSIONAL EMPLOYEE ARE
19 NEEDED TO SUSTAIN THE PROGRAM OR CLASS TRANSFERRED AS LONG AS
20 THERE IS NO SUSPENDED PROFESSIONAL EMPLOYEE OR FURLOUGHED
21 PARAPROFESSIONAL IN THE RECEIVING ENTITY WHO IS PROPERLY
22 CERTIFICATED, IN THE CASE OF A PROFESSIONAL EMPLOYEE, OR
23 EXPERIENCED, IN THE CASE OF A PARAPROFESSIONAL, TO FILL THE
24 POSITION IN THE TRANSFERRED CLASS OR PROGRAM. THE RECEIVING
25 ENTITY, HOWEVER, SHALL NOT BE REQUIRED TO HIRE A PROFESSIONAL OR
26 PARAPROFESSIONAL EMPLOYEE PURSUANT TO THIS SUBSECTION WHOSE
27 PERSONNEL FILE, INCLUDING SEALED PORTIONS THEREOF, IS NOT MADE
28 AVAILABLE TO THE RECEIVING ENTITY FOR INSPECTION AS A CONDITION
29 OF HIRING. RECEIVING ENTITIES MAY REFUSE TO EMPLOY AN INDIVIDUAL
30 WHO RECEIVED AT LEAST TWO UNSATISFACTORY RATINGS DURING THE

1 THIRTY-SIX (36) MONTHS PRIOR TO THE DATE OF TRANSFER.

2 (A.1) TRANSFERS UNDER THE PROVISIONS OF THIS ACT SHALL ONLY
3 OCCUR ONCE A YEAR PRIOR TO THE BEGINNING OF EACH SCHOOL YEAR AND
4 SHALL BE INCLUDED IN THE DISTRICT'S SPECIAL EDUCATION PLAN IF
5 THE RECEIVING ENTITY IS A SCHOOL DISTRICT. SPECIAL EDUCATION
6 PROGRAM TRANSFERS MAY NOT BE IMPLEMENTED UNLESS THE TRANSFERS
7 ARE APPROVED BY THE DEPARTMENT OF EDUCATION ON OR BEFORE MARCH
8 31 OF THE SCHOOL TERM PRECEDING THE PROPOSED TRANSFER.

9 (B) TRANSFERRED PROFESSIONAL EMPLOYEES SHALL BE CREDITED BY
10 THE RECEIVING ENTITY ONLY FOR THEIR SICK LEAVE ACCUMULATED IN
11 THE SENDING ENTITY AND ALSO FOR THEIR YEARS OF SERVICE IN THE
12 SENDING ENTITY, THE LATTER FOR PURPOSES OF SABBATICAL LEAVE
13 ELIGIBILITY AND PLACEMENT IN THE SALARY SCHEDULE: PROVIDED,
14 HOWEVER, THAT SUCH EMPLOYEES SHALL NOT UTILIZE THE SABBATICAL
15 LEAVE UNTIL THEY HAVE TAUGHT IN THE RECEIVING ENTITY FOR A
16 PERIOD OF THREE (3) YEARS. SUCH EMPLOYEES SHALL TRANSFER THEIR
17 ACCRUED SENIORITY IN THE AREA OF CERTIFICATION REQUIRED FOR THE
18 TRANSFERRED PROGRAM OR CLASS ONLY. TRANSFERRED PARAPROFESSIONAL
19 EMPLOYEES SHALL BE CREDITED BY THE RECEIVING ENTITY ONLY FOR
20 THEIR SICK LEAVE ACCUMULATED IN THE SENDING ENTITY AND ALSO FOR
21 THEIR YEARS OF SERVICE IN THE SENDING ENTITY, THE LATTER FOR THE
22 PURPOSE OF PLACEMENT IN THE SALARY SCHEDULE.

23 (B.1) PROFESSIONAL EMPLOYEES WHO ARE CLASSIFIED AS TEACHERS
24 AND PARAPROFESSIONAL EMPLOYEES WHO ARE NOT TRANSFERRED WITH THE
25 CLASSES TO WHICH THEY ARE ASSIGNED OR WHO HAVE RECEIVED A FORMAL
26 NOTICE OF SUSPENSION SHALL FORM A POOL OF EMPLOYEES WITHIN THE
27 SCHOOL ENTITY. NO SCHOOL ENTITY SHALL BE OBLIGATED TO HIRE FROM
28 THE POOL, ONCE THE POOL WHICH IS IN EFFECT AT THE TIME OF THE
29 TRANSFER HAS BEEN EXHAUSTED. NO NEW [PROFESSIONAL] EMPLOYEE WHO
30 IS CLASSIFIED AS A TEACHER OR A PARAPROFESSIONAL SHALL BE

1 EMPLOYED BY A SCHOOL ENTITY ASSUMING PROGRAM RESPONSIBILITY FOR
2 TRANSFERRED STUDENTS WHILE THERE IS:

3 (1) A PROPERLY CERTIFICATED PROFESSIONAL EMPLOYEE WHO IS
4 CLASSIFIED AS A TEACHER OR A PARAPROFESSIONAL EMPLOYEE SUSPENDED
5 IN THE RECEIVING ENTITY; OR

6 (2) IF NO PERSON IS QUALIFIED UNDER CLAUSE (1), A PROPERLY
7 CERTIFICATED MEMBER OF THE SCHOOL ENTITY POOL WHO IS WILLING TO
8 ACCEPT EMPLOYMENT WITH THE SCHOOL ENTITY ASSUMING PROGRAM
9 RESPONSIBILITY FOR TRANSFERRED STUDENTS. MEMBERS OF THE POOL
10 SHALL HAVE THE RIGHT TO REFUSE EMPLOYMENT OFFERS FROM SUCH
11 SCHOOL ENTITY AND REMAIN IN THE POOL[.]; PROVIDED, HOWEVER, THAT
12 THE POOL MEMBER SHALL NOT REMAIN IN THE POOL AFTER THREE
13 REFUSALS OF OFFERS OF FULL-TIME EMPLOYMENT AND PROVIDED FURTHER,
14 THAT ANY POOL MEMBER WHO CHANGES RESIDENCY FROM THIS
15 COMMONWEALTH TO ANOTHER RESIDENCY SHALL BE REMOVED FROM THE
16 POOL. REFUSAL TO ACCEPT WORK UNDER THIS SUBSECTION SHALL NOT BE
17 GROUNDS FOR DENIAL OF UNEMPLOYMENT COMPENSATION UNDER SECTIONS
18 401 AND 402 OF THE ACT OF DECEMBER 5, 1936 (2ND SP.SESS., 1937
19 P.L.2897, NO.1), KNOWN AS THE "UNEMPLOYMENT COMPENSATION LAW."

20 (C) NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO
21 SUPERSEDE OR PREEMPT ANY PROVISION OF A COLLECTIVE BARGAINING
22 AGREEMENT IN EFFECT ON FEBRUARY 4, 1982, AND NEGOTIATED BY A
23 SCHOOL ENTITY AND AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN
24 ACCORDANCE WITH THE ACT OF JULY 23, 1970 (P.L.563, NO.195),
25 KNOWN AS THE "PUBLIC EMPLOYEE RELATIONS ACT."

26 (C.1) IF A RECEIVING ENTITY RETURNS A UNIT TO THE SENDING
27 ENTITY WITHIN TWO (2) ACADEMIC YEARS OF THE FIRST TRANSFER,
28 PROFESSIONAL AND PARAPROFESSIONAL EMPLOYEES ASSIGNED TO THE UNIT
29 SHALL BE GIVEN THE OPPORTUNITY TO RETURN WITH THE UNIT.

30 (D) (1) AS USED IN THIS SECTION, THE TERM "SCHOOL ENTITY"

1 OR "SCHOOL ENTITIES" SHALL MEAN AN INTERMEDIATE UNIT AND ITS
2 PARTICIPATING SCHOOL DISTRICTS OR AN AREA VOCATIONAL-TECHNICAL
3 SCHOOL AND ITS SENDING SCHOOL DISTRICTS.

4 (2) AS USED IN THIS SECTION, THE TERM "UNIT" SHALL MEAN A
5 PROGRAM OR CLASS WHOSE MEMBERSHIP FALLS WITHIN THE MINIMUM AND
6 MAXIMUM CLASS SIZE AS DEFINED IN DEPARTMENT OF EDUCATION
7 STANDARDS.

8 (3) AS USED IN THIS SECTION, THE TERM "PARAPROFESSIONAL
9 EMPLOYE" SHALL MEAN AN INSTRUCTIONAL ASSISTANT OR AIDE,
10 CLASSROOM ASSISTANT OR AIDE, SPECIAL EDUCATION ASSISTANT OR
11 AIDE, TEACHING ASSISTANT OR ASSOCIATE TEACHER WHO IS NOT DEFINED
12 AS A "PROFESSIONAL EMPLOYE."

13 SECTION 2. SECTION 1205.1 OF THE ACT, AMENDED OR ADDED
14 DECEMBER 15, 1986 (P.L.1602, NO.178) AND MARCH 30, 1988
15 (P.L.321, NO.43), IS AMENDED TO READ:

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

1 to the secretary for approval a [two-year] professional
2 development plan according to an implementation schedule
3 developed by the secretary.

4 (b) The professional development plan provided for in
5 subsection (a) shall be prepared by a committee consisting of
6 two residents appointed by the board of directors or the charter
7 school board of trustees, one of whom shall represent the local
8 business community and one of whom shall represent parents of
9 students of the school district or school, teacher
10 representatives chosen by the teachers, educational specialist
11 representatives chosen by educational specialists and
12 administrative representatives chosen by the administrative
13 personnel of the school district, joint school district,
14 intermediate unit [or], area vocational-technical school ~~or the~~ <—
15 ~~charter school~~ and [AND] OR THE CHARTER SCHOOL. IN ORDER TO <—
16 INSURE THAT THE PROFESSIONAL DEVELOPMENT PLAN INCLUDES INPUT
17 FROM ALL OF THE GROUPS REQUIRED BY THIS ACT, NEITHER THE
18 ADMINISTRATORS NOR THE FACULTY MEMBERS SHALL CONSTITUTE A
19 MAJORITY OF THE PROFESSIONAL DEVELOPMENT COMMITTEE MEMBERS. THE
20 SCHOOL DISTRICT SUPERINTENDENT OR DESIGNEE SHALL SERVE AS A
21 NONVOTING CHAIRMAN OR GROUP FACILITATOR. THE PROFESSIONAL
22 DEVELOPMENT PLAN shall then be approved by the board of
23 directors or the charter school board of trustees prior to
24 submission to the secretary for approval. The secretary may
25 specify the time at which and the form in which such plans are
26 to be submitted. The State Board of Education shall promulgate
27 regulations, subject to the act of June 25, 1982 (P.L.633,
28 No.181), known as the "Regulatory Review Act," establishing the
29 minimal content of such plans. The provisions of section 2552
30 shall apply to any school district, joint school district,

1 intermediate unit or area vocational-technical school failing to
2 comply with the provisions of this section.

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

1 or charter school or an institution of higher education.

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

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

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

16 [(d) All professional employes of school districts, joint
17 school districts, intermediate units or area vocational-
18 technical schools receiving their initial Pennsylvania teaching
19 or administrative certification, as provided for in this
20 article, on or after June 1, 1987, shall be required at least
21 once during every five-year period, commencing upon receipt of a
22 permanent teaching certificate or an initial administrative
23 certificate, to participate in professional development activity
24 pursuant to the professional development plan of that
25 professional employe's school district, joint school district,
26 intermediate unit or area vocational-technical school. A
27 professional employe who obtains a professionally related
28 master's degree shall be deemed to have complied permanently
29 with the provisions of this subsection. The chief school
30 administrator of every school district, joint school district,

1 intermediate unit and area vocational-technical school shall
2 certify annually to the secretary the names of professional
3 employes who have received their initial Pennsylvania teaching
4 or administrative certification on or after June 1, 1987, and
5 the professional development activities in which these employes
6 have participated. The certification shall be made at such time
7 and in such form as the secretary may require.

8 (e) The provisions of State Board of Education regulations
9 in 22 Pa. Code § 49.17(a) and (b), promulgated September 13,
10 1984, are hereby specifically declared to be contrary to the
11 provisions of this section and therefore null and void. Nothing
12 in this section shall be deemed to affect the provisions of 22
13 Pa. Code § 49.17(c), (d) and (e).]

14 Section ~~2~~ 3. The act is amended by adding sections to read: ←

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

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

26 (i) six (6) credits of collegiate study;

27 (ii) six (6) credits of continuing professional education
28 courses; or

29 (iii) one hundred eighty (180) hours of continuing
30 professional education activities and learning experiences. For

1 the purposes of calculating hours and credits of continuing
2 professional education, one credit of collegiate studies or
3 continuing professional education courses shall be equivalent to
4 thirty (30) contact hours of continuing professional education
5 activities and learning experiences.

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

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

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

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

23 (iv) Successful completion of credits or hours completed in
24 fulfillment of the professional development needs identified and
25 approved within the professional development plan of the
26 educator's school entity or charter school pursuant to section
27 1205.1. These credits or hours may include, but shall not be
28 limited to:

29 (A) collegiate studies;

30 (B) continuing professional education courses;

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

4 (I) curriculum development work and other program design and
5 delivery activities;

6 (II) participation in professional conferences and
7 workshops;

8 (III) supervised classroom observations of other
9 professional employes; and

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

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

19 (v) Successful completion of hours or credits not included
20 in subclauses (i) through (iv) which have the approval of the
21 school entity's or the charter school's chief administrator, the
22 professional development committee referenced in section
23 1205.1(b) and the local board of school directors or charter
24 school board of trustees. If any of the approving authorities
25 does not approve, the credits or hours not approved shall not be
26 included toward the educator's fulfillment of this requirement.

27 (vi) For an educator serving on a letter of eligibility,
28 successful completion of credits or hours completed in any
29 collegiate studies, continuing professional education courses or
30 continuing professional education activities and learning

1 experiences related to the area of the educator's assignment and
2 included in the personal professional development plan of the
3 educator as approved by an approved provider.

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

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

29 (iii) The Department of Education shall approve sufficient
30 providers to assure that continuing professional education is

1 available to all educators at accessible locations throughout
2 this Commonwealth and at a reasonable cost.

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

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

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

22 (2) (i) The Secretary of Education shall notify in writing
23 each educator, not later than one hundred eighty (180) days
24 prior to the expiration of the educator's professional education
25 compliance period, that the educator has until the end of the
26 compliance period to meet the continuing professional education
27 requirements. The notification shall be sent to the educator's
28 last known address and shall indicate the certificate affected,
29 the issue date of the certificate, the compliance period's
30 starting date and ending date and the educator's cumulative

1 numbers of credits or hours, as submitted to the Department of
2 Education.

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

14 (iii) The Secretary of Education shall provide an educator
15 with the opportunity to appeal any determination that the
16 educator's certification is inactive or that the educator in a
17 charter school shall not be employed, pursuant to 2 Pa.C.S. Chs.
18 5 (relating to practice and procedure) and 7 (relating to
19 judicial review).

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

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

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

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

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

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

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

25 (c) (1) The Department of Education shall establish and
26 maintain a system of reporting and recordkeeping for all
27 continuing professional education. The system shall include a
28 mandatory annual report by the chief administrator of each
29 school entity or charter school for all educators who have
30 completed any continuing professional development credits or

1 hours. The report shall be in a form and manner prescribed by
2 the department and shall include the name of the educator, the
3 educator's social security number, the educator's area of
4 assignment or certification, the credits or hours accumulated by
5 the educator and verification that credited continuing
6 professional education is in accordance with subsection (a)(2).

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

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

22 (4) A school district, joint school district, area
23 vocational-technical school or charter school may contract with
24 the intermediate unit in which the school district or school is
25 located to maintain records on the continuing professional
26 education of all the educators in the school district, joint
27 school district, area vocational-technical school or charter
28 school and to submit to the Department of Education the annual
29 report required in clause (1) on behalf of the chief
30 administrator of the school district, joint school district,

1 area vocational-technical school or charter school. This shall
2 not be construed to relieve a chief school administrator of
3 responsibility to file the report in the event that the
4 intermediate unit does not file the report on the chief school
5 administrator's behalf.

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

20 (d) The General Assembly shall appropriate funding for the
21 administration of the program by the Department of Education. In
22 addition, the costs of administering the program by the
23 department shall be financed by the following fees and
24 assessments adopted and collected by the department:

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

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

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

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

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

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

22 "Board" shall mean the State Board of Education of the
23 Commonwealth.

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

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

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

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

4 "Educator" shall mean any professional educator who holds a
5 Pennsylvania teaching, educational specialist or administrative
6 certification or letter of eligibility, and any professional
7 staff member of a charter school who does not hold appropriate
8 State certification.

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

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

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

21 ~~Section 3. (a) The provisions of this act shall not apply~~ <—
22 SECTION 4. (A) THE AMENDMENT OR ADDITION OF SECTIONS 1205.1, <—
23 1205.2 AND 1205.3 OF THE ACT SHALL NOT APPLY in any school
24 entity until the collective bargaining agreement in effect on
25 the effective date of this ~~act~~ SECTION expires and a successor <—
26 agreement is mutually agreed upon by the employee representative
27 and the board of directors, or the collective bargaining
28 agreement in effect on the effective date of this ~~act~~ SECTION is <—
29 extended by mutual agreement of the employee representative and
30 the board of directors.

1 (b) The provisions of subsection (a) shall not compel any
2 educator to complete the professional development requirements
3 of ~~this~~ SECTIONS 1205.1, 1205.2 AND 1205.3 OF THE act in less <—
4 than a five-year period.

5 (c) Any educator who transfers from a school entity whose
6 educators are required to complete the professional education
7 requirements of this act under subsection (a), to a school
8 entity whose educators are not yet required to complete the
9 professional education requirements of this act, shall have any
10 and all credits or hours of continuing professional development
11 successfully completed before the transfer takes place counted
12 against his or her requirements for continuing professional
13 development in the initial five-year compliance period in the
14 school entity to which the transfer was made.

15 ~~Section 4. This act shall take effect immediately.~~ <—

16 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

17 (1) THE AMENDMENT OF SECTION 1113 OF THE ACT SHALL TAKE
18 EFFECT IN 60 DAYS.

19 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
20 IMMEDIATELY.