

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 256 Session of
2005

INTRODUCED BY CRAHALLA, ALLEN, BAKER, BASTIAN, BEBKO-JONES,
BELFANTI, BIRMELIN, BLACKWELL, BUNT, CALTAGIRONE, CAPPELLI,
CAUSER, CAWLEY, CORNELL, CRUZ, EACHUS, J. EVANS, FRANKEL,
FREEMAN, GEORGE, GINGRICH, HARHAI, HARPER, HARRIS, HENNESSEY,
HERMAN, KILLION, LEACH, LEDERER, MARKOSEK, NICKOL, PETRARCA,
PETRONE, PISTELLA, REICHLEY, ROEBUCK, ROHRER, SAINATO,
SATHER, SOLOBAY, R. STEVENSON, E. Z. TAYLOR, THOMAS, TIGUE,
WALKO, WATSON, YOUNGBLOOD, MAHER, BOYD, GOODMAN, CURRY,
JAMES, BROWNE AND O'NEILL, FEBRUARY 8, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 27, 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," PROVIDING FOR CONDITIONAL <—
6 CERTIFICATION OF PERSONS BY THE DEPARTMENT OF EDUCATION; AND
7 further providing for definitions and for health services.

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

10 ~~Section 1. Section 1401 of the act of March 10, 1949~~ <—
11 ~~(P.L.30, No.14), known as the Public School Code of 1949, is~~
12 ~~amended by adding a definition to read:~~

13 SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN <—
14 AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING A
15 SECTION TO READ:

16 SECTION 1109.3. CONDITIONAL CERTIFICATION.--(A) A PERSON

1 WHO HAS EARNED A BACCALAUREATE OR GRADUATE DEGREE IN EDUCATION
2 FROM A COMMONWEALTH-APPROVED TEACHER-PREPARATION INSTITUTION AND
3 MEETS THE REQUIREMENTS OF 22 PA. CODE § 49.12 (RELATING TO
4 ELIGIBILITY) BUT HAS NOT PASSED ALL NONSUBJECT MATTER TESTS
5 REQUIRED BY 22 PA. CODE § 49.18 (RELATING TO ASSESSMENT) MAY
6 APPLY FOR A CONDITIONAL TEACHER CERTIFICATE WITH THE DEPARTMENT.

7 (B) AN APPLICANT WHO RECEIVES A CONDITIONAL TEACHER
8 CERTIFICATE WILL BE ELIGIBLE TO ENTER INTO A CONTRACT WITH A
9 SCHOOL DISTRICT TO TEACH FOR UP TO TWO SCHOOL YEARS. A
10 CONDITIONAL CERTIFICATION MAY ONLY BE ISSUED ONE TIME TO AN
11 ELIGIBLE APPLICANT.

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

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

21 (1) ESTABLISH AND PROCESS A CONDITIONAL TEACHER CERTIFICATE
22 AND HAVE IT ACCESSIBLE ON THE DEPARTMENT OF EDUCATION'S INTERNET
23 WEBSITE.

24 (2) ESTABLISH A CONDITIONAL TEACHER EVALUATION FORM SIMILAR
25 TO AN EMPLOYE EVALUATION FORM FOR INSTRUCTIONAL I TEACHERS. THIS
26 FORM SHALL BE USED BY SCHOOL DISTRICTS TO EVALUATE CONDITIONAL
27 TEACHERS AS NOTED IN SUBSECTION (C).

28 (E) A CONDITIONAL TEACHER CERTIFICATE APPLICANT WITH REGARD
29 TO THIS ACT SHALL:

30 (1) APPLY FOR A CONDITIONAL TEACHER CERTIFICATE WITH THE

1 DEPARTMENT.

2 (2) APPLY FOR A CRIMINAL BACKGROUND CHECK AS PROVIDED FOR IN
3 SECTION 111 AND A CHILD ABUSE CLEARANCE PRIOR TO APPLYING FOR A
4 CONDITIONAL TEACHER CERTIFICATE AS PROVIDED FOR IN 23 PA.C.S CH.
5 63 SUBCH. C.2 (RELATING TO BACKGROUND CHECKS FOR EMPLOYMENT IN
6 SCHOOLS).

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

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

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

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

25 SECTION 2. SECTION 1401 OF THE ACT IS AMENDED BY ADDING A
26 CLAUSE TO READ:

27 Section 1401. Definitions.--As used in this article--

28 * * *

29 (13) "Type 2 diabetes risk assessment" means a noninvasive
30 assessment that includes, but is not limited to: (i) determining

1 whether a child is overweight or at risk of being overweight, as
2 determined by standards developed by the Centers for Disease
3 Control and Prevention; and (ii) assessing whether the child has
4 any of the following risk factors: (A) signs of insulin
5 resistance or conditions associated with insulin resistance,
6 including acanthosis nigricans, hypertension, dyslipidemia, or
7 polycystic ovarian syndrome; (B) family history of type 2
8 diabetes mellitus; or (C) belonging to a race or ethnicity with
9 known predisposition for developing type 2 diabetes.

10 Section 2 3. Section 1402 of the act is amended by adding a <—
11 subsection to read:

12 Section 1402. Health Services.--* * *

13 (e.1) A type 2 diabetes risk assessment shall be completed
14 as a required part of each medical examination conducted
15 pursuant to subsection (e). A pupil shall be considered at risk
16 of developing type 2 diabetes if the pupil is determined to be
17 overweight or at risk of being overweight and has at least one
18 of the other risk factors of the risk assessment. Results of the
19 type 2 diabetes risk assessment shall be documented on the
20 child's medical report of examination and become part of the
21 child's school health record.

22 * * *

23 Section 3 4. This act shall take effect in 60 days. <—