

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 921 Session of  
2007

INTRODUCED BY D. EVANS, ROEBUCK, FREEMAN, GALLOWAY, JOSEPHS,  
W. KELLER, KING, KORTZ, LEACH, McILHATTAN, MELIO, MYERS,  
M. O'BRIEN, PALLONE, PARKER, PAYTON, PRESTON, READSHAW,  
SOLOBAY, STURLA, TANGRETTI, THOMAS, WALKO, YOUNGBLOOD AND  
LONGIETTI, MARCH 29, 2007

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JULY 5, 2007

## 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 ~~signing~~ RETENTION <—  
6 bonuses for certain first-year teachers; and making an  
7 appropriation.

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

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

13 ~~Section 1142.2. Teacher Signing Bonuses. (a) The~~ <—  
14 ~~Department of Education shall establish a program that awards~~  
15 ~~one time signing bonuses to teachers who:~~

16 ~~(1) Are hired to fill a vacancy in a critical shortage area.~~  
17 ~~Positions in critical shortage areas shall be certified by the~~  
18 ~~department on an annual basis.~~

1 ~~(2) Are properly certificated by the department to teach.~~

2 ~~(3) Are in the first year of full time teaching.~~

3 ~~(4) Agree~~

4 SECTION 1142.2. TEACHER RETENTION BONUSES.--(A) THE

<—

5 DEPARTMENT OF EDUCATION SHALL ESTABLISH A PROGRAM THAT ANNUALLY

6 CERTIFIES CRITICAL SHORTAGE AREAS AND AWARDS FUNDING FOR ONE-

7 TIME RETENTION BONUSES TO SUCH CRITICAL SHORTAGE AREAS. PAYMENTS

8 FOR RETENTION BONUSES SHALL BE PAID TO CRITICAL SHORTAGE AREAS

9 IN A MANNER PRESCRIBED BY THE DEPARTMENT. A TEACHER WHO MEETS

10 THE FOLLOWING REQUIREMENTS SHALL BE ELIGIBLE FOR THE ONE-TIME

11 RETENTION BONUS:

12 (1) IS HIRED TO FILL A VACANCY IN A CRITICAL SHORTAGE AREA.

13 (2) HOLDS A FORM OF TEACHER CERTIFICATION TO TEACH IN THE

14 PUBLIC SCHOOLS OF THIS COMMONWEALTH, VALID FOR THE SUBJECTS OR

15 GRADES IN WHICH THE TEACHER IS GIVING INSTRUCTION.

16 (3) IS WITHIN THE FIRST YEAR OF FULL-TIME TEACHING IN THE

17 ACADEMIC AREA OF, BUT NOT LIMITED TO, MATHEMATICS, SCIENCE,

18 FOREIGN LANGUAGE OR EDUCATIONAL PROGRAMS FOR STUDENTS WITH

19 DISABILITIES.

20 (4) HAS ACHIEVED CONSECUTIVE SATISFACTORY TEACHER EVALUATION

21 PERFORMANCE RATINGS OR, IN THE CASE OF A TEACHER HAVING WORKED

22 MORE THAN FIVE (5) MONTHS BUT LESS THAN ONE (1) YEAR, HAS

23 OBTAINED A SATISFACTORY PROBATIONARY REVIEW.

24 (5) AGREES to teach in a critical shortage area for at least

25 five (5) years.

26 (b) ~~An~~ PROVIDED A CRITICAL SHORTAGE AREA RECEIVES SUFFICIENT

<—

27 FUNDING, AN eligible teacher shall receive a ~~signing~~ RETENTION

<—

28 bonus equal to twenty per centum (20%) of the teacher's starting

29 salary to be paid to the teacher over a five-year period as

30 follows as long as the teacher continues to teach in the

1 critical shortage area:

2 (1) Year one, five per centum (5%).

3 (2) Year two, ten per centum (10%).

4 (3) Year three, twenty per centum (20%).

5 (4) Year four, twenty-five per centum (25%).

6 (5) Year five, forty per centum (40%).

7 IF A CRITICAL SHORTAGE AREA DOES NOT RECEIVE SUFFICIENT FUNDING <—  
8 TO PROVIDE RETENTION BONUSES IN ACCORDANCE WITH THIS SECTION,  
9 THE CRITICAL SHORTAGE AREA MAY REDUCE THE AMOUNT OF RETENTION  
10 BONUSES DISTRIBUTED TO ELIGIBLE TEACHERS.

11 (c) A teacher who receives a ~~signing~~ RETENTION bonus through <—  
12 false or misleading information or who otherwise improperly  
13 receives a ~~signing~~ RETENTION bonus shall be required to refund <—  
14 to the Department of Education the amount of ~~signing~~ RETENTION <—  
15 bonus received.

16 (D) THE DEPARTMENT OF EDUCATION SHALL NOTIFY A SCHOOL <—  
17 DISTRICT BY JANUARY 31, 2008, AND EACH JANUARY 31 THEREAFTER  
18 THAT THE SCHOOL DISTRICT HAS BEEN IDENTIFIED AS A CRITICAL  
19 SHORTAGE AREA AND IS ELIGIBLE TO BE PROVIDED WITH FUNDS TO BE  
20 USED FOR RETENTION BONUSES IN THE IMMEDIATELY FOLLOWING FISCAL  
21 YEAR.

22 (E) AN ELIGIBLE TEACHER WHO HAS BEEN PROVIDED WITH A  
23 RETENTION BONUS UNDER THE PROVISIONS OF THIS SECTION, BUT WHO  
24 LEAVES EMPLOYMENT BEFORE HE FULFILLS HIS FIVE-YEAR COMMITMENT OF  
25 EMPLOYMENT WITH A CRITICAL SHORTAGE AREA THAT PROVIDED A  
26 RETENTION BONUS, SHALL BE REQUIRED TO REFUND THE TOTAL AMOUNT OF  
27 THE RETENTION BONUS RECEIVED BY THE TEACHER TO THE DEPARTMENT OF  
28 EDUCATION WITHIN ONE YEAR OF LEAVING EMPLOYMENT WITH THE SCHOOL  
29 DISTRICT WITH WHICH THE TEACHER WAS EMPLOYED AND RECEIVING THE  
30 RETENTION BONUS. THE DEPARTMENT OF EDUCATION SHALL ESTABLISH A

1 PROCEDURE IN WHICH SUCH A TEACHER MAY BE PERMITTED TO REFUND THE  
2 TOTAL AMOUNT OF A RETENTION BONUS RECEIVED IN WHOLE OR IN  
3 INCREMENTS WITHIN THAT YEAR.

4 (F) THE DEPARTMENT OF EDUCATION SHALL WAIVE THE REFUND  
5 REQUIREMENT IF THE DEPARTMENT FINDS THAT THE ELIGIBLE TEACHER  
6 WAS UNABLE TO MAINTAIN ELIGIBILITY IN THE PROGRAM DUE TO AN  
7 ADMINISTRATIVE ACTION ON THE PART OF THE EMPLOYING SCHOOL  
8 DISTRICT FOR CAUSES OTHER THAN THOSE ENUMERATED IN SECTION 1122  
9 OR UNABLE TO MAINTAIN ELIGIBILITY DUE TO OFFICIAL MILITARY  
10 LEAVE, ILLNESS OR CATASTROPHIC ILLNESS OF A MEMBER OF THE  
11 ELIGIBLE TEACHER'S IMMEDIATE FAMILY, OR PARENTAL LEAVE TO CARE  
12 FOR A NEWBORN OR NEWLY ADOPTED CHILD AND MAY WAIVE THE REFUND  
13 REQUIREMENT DUE TO OTHER EXTRAORDINARY CIRCUMSTANCES.

14 (G) NO MORE THAN TEN PER CENTUM (10%) OF THE TOTAL SUM  
15 APPROPRIATED ANNUALLY SHALL BE GRANTED TO ANY SINGLE SCHOOL  
16 DISTRICT CERTIFIED AS A CRITICAL SHORTAGE AREA.

17 (H) A CRITICAL SHORTAGE AREA SHALL MEAN:

18 (1) A SCHOOL DISTRICT IN WHICH THERE ARE TEACHER VACANCIES  
19 IN THE ACADEMIC AREAS OF, BUT NOT LIMITED TO, MATHEMATICS,  
20 SCIENCE, FOREIGN LANGUAGES, OR EDUCATIONAL PROGRAMS FOR STUDENTS  
21 WITH DISABILITIES FOR WHICH THE DISTRICT HAS ADVERTISED, BUT NO  
22 FULLY QUALIFIED AND PROPERLY CERTIFICATED APPLICANTS ARE  
23 AVAILABLE; OR

24 (2) A SCHOOL DISTRICT IN WHICH TEACHER POSITIONS IN THE  
25 ACADEMIC AREAS OF, BUT NOT LIMITED TO, MATHEMATICS, SCIENCE,  
26 FOREIGN LANGUAGES OR EDUCATIONAL PROGRAMS FOR STUDENTS WITH  
27 DISABILITIES HAVE BEEN FILLED BY EMERGENCY CERTIFICATED TEACHERS  
28 OR INDIVIDUALS NOT CERTIFIED TO TEACH THE CLASS ON A PERMANENT  
29 BASIS. THE DEPARTMENT OF EDUCATION SHALL ESTABLISH GUIDELINES  
30 FOR DETERMINING WHICH SCHOOL DISTRICTS SHALL BE CERTIFIED AS

1 CRITICAL SHORTAGE AREAS NO LATER THAN NOVEMBER 30, 2007.

2 (I) THE DEPARTMENT OF EDUCATION SHALL PROVIDE AN ANNUAL  
3 REPORT ON THE TEACHER RETENTION BONUS PROGRAM TO THE EDUCATION  
4 COMMITTEE OF THE SENATE AND THE EDUCATION COMMITTEE OF THE HOUSE  
5 OF REPRESENTATIVES AND SHALL POST THE REPORT ON ITS PUBLICLY  
6 ACCESSIBLE INTERNET WEBSITE BY APRIL 1 OF EACH CALENDAR YEAR.

7 ~~(d)~~ (J) The Department of Education shall administer the <—  
8 program under this section and shall adopt such regulations,  
9 policies, procedures and forms as are necessary and not  
10 inconsistent with this section.

11 Section 2. The sum of \$4,000,000, or as much thereof as may  
12 be necessary, is hereby appropriated to the Department of  
13 Education for the fiscal year July 1, 2007, to June 30, 2008, to  
14 carry out the provisions of section 1142.2 of the act.

15 Section 3. This act shall take effect in 60 days.