

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 441 Session of 2009

INTRODUCED BY VANCE, BAKER, BROWNE, COSTA, EARLL, FOLMER,  
 FONTANA, O'PAKE, ORIE, RAFFERTY, WASHINGTON, M. WHITE AND  
 WONDERLING, FEBRUARY 24, 2009

REFERRED TO EDUCATION, FEBRUARY 24, 2009

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  
 6 disqualifications relating to teacher's certificate.

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

9 Section 1. Section 1209 of the act of March 10, 1949 (P.L.  
 10 30, No.14), known as the Public School Code of 1949, amended  
 11 April 15, 1959 (P.L.41, No.16) and June 24, 1959 (P.L.485, No.  
 12 110), is amended to read:

13 Section 1209. Disqualifications.--No teacher's certificate  
 14 shall be granted to any person who [has]:

15 (1) Has not submitted, upon a blank furnished by the  
 16 [Superintendent of Public Instruction] Secretary of Education, a  
 17 certificate from a physician [legally qualified to practice  
 18 medicine], certified registered nurse practitioner or physician  
 19 assistant licensed or certified in this Commonwealth, or in any

1 other state or the District of Columbia, setting forth that  
2 [said] the applicant is [neither mentally nor physically  
3 disqualified, by reason of tuberculosis or any other  
4 communicable disease or by reason of mental disorder] not  
5 disqualified by reason of a mental or physical disability or a  
6 communicable disease from the successful performance of the  
7 [duties of a teacher; nor to any person who has not] essential  
8 functions of a teacher with or without a reasonable  
9 accommodation.

10 (2) Does not have a good moral character[, or who is].

11 (3) [in the habit of using opium or other narcotic drugs in  
12 any form, or any intoxicating drink as a beverage, or to any  
13 applicant who has] Engages in the illegal use of controlled  
14 substances or alcoholic beverages or has been convicted,  
15 adjudicated delinquent, or plead guilty or nolo contendere for a  
16 violation of the act of April 14, 1972 (P.L.233, No.64), known  
17 as The Controlled Substance, Drug, Device and Cosmetic Act, or  
18 an alcohol-related criminal or civil offense.

19 (4) Has a [major] physical or mental disability [or defect]  
20 as documented by competent medical evidence, which after  
21 reasonable accommodation of such disability as required by law,  
22 substantially interferes with major life activities, unless  
23 [such a] the person submits a certificate signed by an official  
24 of the college or university from which [he] the person was  
25 graduated or of an appropriate rehabilitation agency, certifying  
26 that in the opinion of [such] the official the applicant, by  
27 [his] work and activities, demonstrated that [he is sufficiently  
28 adjusted, trained and motivated to perform the duties of a  
29 teacher, notwithstanding his impediment] the applicant is able  
30 to perform the essential functions of his employment with or

1 without reasonable accommodation.

2       Section 2. Any regulations of the Department of Education  
3 that are inconsistent with this act are hereby abrogated to the  
4 extent of the inconsistency.

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