

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL****No. 441** Session of  
2009

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

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SENATOR PICCOLA, EDUCATION, AS AMENDED, JUNE 2, 2009

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## 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.~~ APPLICANT WHO HAS A MAJOR  
2 PHYSICAL DISABILITY OR DEFECT UNLESS SUCH A PERSON SUBMITS A  
3 CERTIFICATE SIGNED BY AN OFFICIAL OF THE COLLEGE OR UNIVERSITY  
4 FROM WHICH HE WAS GRADUATED OR OF AN APPROPRIATE REHABILITATION  
5 AGENCY, CERTIFYING THAT IN THE OPINION OF SUCH OFFICIAL THE  
6 APPLICANT, BY HIS WORK AND ACTIVITIES, DEMONSTRATED THAT HE IS  
7 SUFFICIENTLY ADJUSTED, TRAINED AND MOTIVATED TO PERFORM THE  
8 DUTIES OF A TEACHER, NOTWITHSTANDING HIS IMPEDIMENT.] ENGAGES IN  
9 THE ILLEGAL USE OF CONTROLLED SUBSTANCES OR ALCOHOLIC BEVERAGES.  
10 AN APPLICANT FOR CERTIFICATION MAY OVERCOME THE DISQUALIFICATION  
11 UNDER THIS PARAGRAPH AND RECEIVE A TEACHING CERTIFICATE IF THE  
12 APPLICANT IS REVIEWED BY THE DEPARTMENT OF EDUCATION PURSUANT TO  
13 THE REQUIREMENT OF PARAGRAPH (2) AND DETERMINED TO BE OF GOOD  
14 MORAL CHARACTER.

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

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