

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

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 26, 2010

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
10 (P.L.30, No.14), known as the Public School Code of 1949,
11 amended April 15, 1959 (P.L.41, No.16) and June 24, 1959
12 (P.L.485, No.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

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

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

12 (3) [in the habit of using opium or other narcotic drugs in
13 any form, or any intoxicating drink as a beverage, or to any
14 applicant who has a major physical disability or defect unless
15 such a person submits a certificate signed by an official of the
16 college or university from which he was graduated or of an
17 appropriate rehabilitation agency, certifying that in the
18 opinion of such official the applicant, by his work and
19 activities, demonstrated that he is sufficiently adjusted,
20 trained and motivated to perform the duties of a teacher,
21 notwithstanding his impediment.] Engages in the illegal use of
22 controlled substances or alcoholic beverages. An applicant for
23 certification may overcome the disqualification under this
24 paragraph and receive a teaching certificate if the applicant is
25 reviewed by the Department of Education pursuant to the
26 requirement of paragraph (2) and determined to be of good moral
27 character.

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

1 Section 3. This act shall take effect ~~in 60 days~~



2 IMMEDIATELY.

