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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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SENATE AMENDMENTS TO HOUSE AMENDMENTS, MAY 25, 2010

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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," IN SCHOOL DISTRICTS, FURTHER ←  
6 PROVIDING FOR STATE REPORT CARD; PROVIDING FOR VALUE-ADDED  
7 ASSESSMENT SYSTEM AND FOR SCHOOL REPORT CARD; IN  
8 CERTIFICATION OF TEACHERS, further providing for certificates  
9 qualifying persons to teach and for kinds of State  
10 certificates; providing for postbaccalaureate certification;  
11 ~~and~~ further providing for disqualifications relating to ←  
12 teacher's certificate; IN SCHOOL HEALTH SERVICES, PROVIDING ←  
13 FOR MEDICAL EXAMINATIONS OF TEACHERS AND OTHER PERSONS; AND,  
14 IN EDUCATION EMPOWERMENT, FURTHER PROVIDING FOR BOARDS OF  
15 CONTROL IN CERTAIN SCHOOL DISTRICTS AND FOR EXPIRATION.

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 ~~Section 1. Section 1201 of the act of March 10, 1949 ←~~  
19 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~  
20 ~~amended January 14, 1970 (1969 P.L.468, No.192), is amended to~~  
21 ~~read:~~

22 SECTION 1. SECTION 220(A)(2) OF THE ACT OF MARCH 10, 1949 ←  
23 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,

1 AMENDED JULY 7, 2006 (P.L.611, NO.94), IS AMENDED TO READ:

2 SECTION 220. STATE REPORT CARD.--(A) THE DEPARTMENT SHALL  
3 CREATE A STATE REPORT CARD BASED ON THE INFORMATION COLLECTED  
4 PURSUANT TO THIS SECTION. THE DEPARTMENT:

5 \* \* \*

6 (2) SHALL PUBLISH ON ITS WORLD WIDE WEB SITE THE STATE  
7 REPORT CARD, PROVIDING INFORMATION AT THE STATE, LOCAL EDUCATION  
8 AGENCY AND SCHOOL LEVELS. THE STATE REPORT CARD SHALL INCLUDE  
9 ALL OF THE FOLLOWING:

10 (I) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL  
11 DISTRICTS THAT HAVE ACHIEVED ADEQUATE YEARLY PROGRESS AND THE  
12 NUMBER OF SCHOOLS AND SCHOOL DISTRICTS THAT HAVE NOT ACHIEVED  
13 ADEQUATE YEARLY PROGRESS.

14 (II) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL  
15 DISTRICTS THAT HAVE ACHIEVED EACH ACADEMIC PERFORMANCE TARGET  
16 AND THE NUMBER OF SCHOOLS AND SCHOOL DISTRICTS THAT HAVE NOT  
17 ACHIEVED EACH ACADEMIC PERFORMANCE TARGET.

18 (III) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL  
19 DISTRICTS IN WHICH MORE THAN FIVE PERCENT (5%) OF THE STUDENTS  
20 TO WHOM THE PSSA TEST WAS ADMINISTERED WERE ENROLLED IN THE  
21 SCHOOL DISTRICT FOR LESS THAN TWO (2) SCHOOL YEARS AS OF THE DAY  
22 ON WHICH THE PSSA TEST WAS ADMINISTERED.

23 (IV) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL  
24 DISTRICTS IDENTIFIED UNDER SUBPARAGRAPH (III) THAT HAVE ACHIEVED  
25 EACH ACADEMIC PERFORMANCE TARGET AND THE NUMBER OF SCHOOLS AND  
26 SCHOOL DISTRICTS THAT HAVE NOT ACHIEVED EACH ACADEMIC  
27 PERFORMANCE TARGET. FOR THE PURPOSES OF THIS SUBPARAGRAPH,  
28 ACHIEVEMENT OF THE ACADEMIC PERFORMANCE TARGET SHALL BE  
29 CALCULATED BY EXCLUDING THE PSSA TEST SCORE OF ANY STUDENT WHO  
30 WAS ENROLLED IN THE SCHOOL DISTRICT FOR LESS THAN TWO (2) SCHOOL

1 YEARS AS OF THE DAY ON WHICH THE PSSA TEST WAS ADMINISTERED.

2 (V) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL  
3 DISTRICTS IN WHICH MORE THAN FIVE PERCENT (5%) OF THE STUDENTS  
4 TO WHOM THE PSSA TEST WAS ADMINISTERED WERE CLASSIFIED AS  
5 LIMITED ENGLISH PROFICIENT AS OF THE DAY ON WHICH THE PSSA TEST  
6 WAS ADMINISTERED.

7 (VI) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL  
8 DISTRICTS IDENTIFIED UNDER SUBPARAGRAPH (V) THAT HAVE ACHIEVED  
9 EACH ACADEMIC PERFORMANCE TARGET AND THE NUMBER OF SCHOOLS AND  
10 SCHOOL DISTRICTS THAT HAVE NOT ACHIEVED EACH ACADEMIC  
11 PERFORMANCE TARGET. FOR THE PURPOSES OF THIS SUBPARAGRAPH,  
12 ACHIEVEMENT OF THE ACADEMIC PERFORMANCE TARGET SHALL BE  
13 CALCULATED BY EXCLUDING THE PSSA TEST SCORE OF ANY STUDENT WHO  
14 WAS CLASSIFIED AS LIMITED ENGLISH PROFICIENT AS OF THE DAY ON  
15 WHICH THE PSSA TEST WAS ADMINISTERED.

16 (VII) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND SCHOOL  
17 DISTRICTS IN WHICH MORE THAN SIXTEEN PERCENT (16%) OF THE  
18 STUDENTS TO WHOM THE PSSA TEST WAS ADMINISTERED WERE CLASSIFIED  
19 AS STUDENTS WITH A DISABILITY AS OF THE DAY ON WHICH THE PSSA  
20 TEST WAS ADMINISTERED.

21 (VIII) INFORMATION REGARDING THE NUMBER OF SCHOOLS AND  
22 SCHOOL DISTRICTS IDENTIFIED UNDER SUBPARAGRAPH (VII) THAT HAVE  
23 ACHIEVED EACH ACADEMIC PERFORMANCE TARGET AND THE NUMBER OF  
24 SCHOOLS AND SCHOOL DISTRICTS THAT HAVE NOT ACHIEVED EACH  
25 ACADEMIC PERFORMANCE TARGET. FOR THE PURPOSES OF THIS  
26 SUBPARAGRAPH, ACHIEVEMENT OF THE ACADEMIC PERFORMANCE TARGET  
27 SHALL BE CALCULATED BY EXCLUDING THE PSSA TEST SCORE OF ANY  
28 STUDENT WHO WAS CLASSIFIED AS A STUDENT WITH A DISABILITY AS OF  
29 THE DAY ON WHICH THE PSSA TEST WAS ADMINISTERED.

30 (IX) A LIST OF THE SCHOOLS, INCLUDING PUBLIC ELEMENTARY AND

1 SECONDARY SCHOOLS, CHARTER SCHOOLS, CYBER CHARTER SCHOOLS AND  
2 AREA VOCATIONAL-TECHNICAL SCHOOLS, THAT SCORED IN THE LOWEST  
3 MEASURED GROUP OF FIVE PERCENT (5%) IN EITHER MATH OR READING ON  
4 THE MOST RECENT PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT TEST OR  
5 ANY OTHER TEST ESTABLISHED BY THE STATE BOARD OF EDUCATION TO  
6 MEET THE REQUIREMENTS OF SECTION 2603-B(D)(10)(I) PURSUANT TO 22  
7 PA. CODE § 403.3 (RELATING TO SINGLE ACCOUNTABILITY SYSTEM).  
8 WITH THE EXCEPTION OF CYBER CHARTER SCHOOLS, THE LIST SHALL  
9 EXCLUDE ALL SCHOOLS THAT ARE PART OF OR LOCATED WITHIN A SCHOOL  
10 DISTRICT OF THE FIRST CLASS.

11 \* \* \*

12 SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

13 SECTION 221. VALUE-ADDED ASSESSMENT SYSTEM.--(A) BEGINNING  
14 ON THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT OF  
15 EDUCATION SHALL MAKE AVAILABLE ON ITS PUBLICLY ACCESSIBLE  
16 INTERNET WEBSITE THE FOLLOWING:

17 (1) VALUE-ADDED ASSESSMENT SYSTEM DATA FOR THE SCHOOL  
18 DISTRICT LEVEL AND THE SCHOOL LEVEL. THE DEPARTMENT OF  
19 EDUCATION'S DISCLOSURE OF VALUE-ADDED ASSESSMENT SYSTEM DATA  
20 SHALL BE SUBJECT TO THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY  
21 ACT OF 1974 (PUBLIC LAW 90-247, 20 U.S.C. § 1232G) OR A  
22 SUCCESSOR FEDERAL STATUTE.

23 (2) INSTRUCTIONS THAT MAY ASSIST THE PUBLIC IN UNDERSTANDING  
24 AND INTERPRETING THE DATA PROVIDED UNDER PARAGRAPH (1).

25 (B) FOR PURPOSES OF THIS SECTION:

26 "VALUE-ADDED ASSESSMENT SYSTEM" SHALL MEAN A STATISTICAL  
27 ANALYSIS OF RESULTS ON THE PENNSYLVANIA SYSTEM OF SCHOOL  
28 ASSESSMENT TEST OR ANY OTHER TEST ESTABLISHED BY THE STATE BOARD  
29 OF EDUCATION TO MEET THE REQUIREMENTS OF SECTION 2603-B(D)(10)  
30 (I) PURSUANT TO 22 PA. CODE § 403.3 (RELATING TO SINGLE

1 ACCOUNTABILITY SYSTEM) THAT USES MEASURES OF STUDENT LEARNING TO  
2 ENABLE THE ESTIMATION OF SCHOOL OR SCHOOL DISTRICT STATISTICAL  
3 DISTRIBUTIONS.

4 SECTION 222. SCHOOL REPORT CARD.--(A) WITHIN THIRTY (30)  
5 DAYS AFTER BEING IDENTIFIED BY THE DEPARTMENT OF EDUCATION UNDER  
6 SECTION 220(A)(2)(IX) AS SCORING IN THE LOWEST MEASURED FIVE  
7 PERCENT (5%) IN MATH OR READING ON THE MOST RECENT PENNSYLVANIA  
8 SYSTEM OF SCHOOL ASSESSMENT TEST OR ANY OTHER TEST ESTABLISHED  
9 BY THE STATE BOARD OF EDUCATION TO MEET THE REQUIREMENTS OF  
10 SECTION 2603-B(D)(10)(I) PURSUANT TO 22 PA. CODE § 403.3  
11 (RELATING TO SINGLE ACCOUNTABILITY SYSTEM), THE GOVERNING BODY  
12 OF THE SCHOOL SHALL POST A SCHOOL REPORT CARD ON THE SCHOOL'S OR  
13 SCHOOL DISTRICT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE. THE  
14 GOVERNING BODY OF THE SCHOOL SHALL PROVIDE A PAPER COPY OF THE  
15 SCHOOL REPORT CARD TO ANY RESIDENT OF THE SCHOOL DISTRICT UPON  
16 REQUEST. THE GOVERNING BODY MAY COMPLY WITH THIS SECTION BY  
17 INCLUDING THE INFORMATION REQUIRED UNDER SUBSECTION (B) IN A  
18 REPORT CARD DISTRIBUTED IN COMPLIANCE WITH THE NO CHILD LEFT  
19 BEHIND ACT OR ITS SUCCESSOR FEDERAL STATUTE.

20 (B) THE DEPARTMENT OF EDUCATION SHALL ESTABLISH GUIDELINES  
21 FOR THE CONTENTS OF THE SCHOOL REPORT CARD, WHICH SHALL INCLUDE:

22 (1) SUBJECT TO THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT  
23 OF 1974 (PUBLIC LAW 90-247, 20 U.S.C. § 1232G) OR A SUCCESSOR  
24 FEDERAL STATUTE, ALL VALUE-ADDED ASSESSMENT SYSTEM DATA  
25 GENERATED FOR THE SCHOOL DISTRICT AND THE SCHOOL.

26 (2) A STATEMENT THAT THE SCHOOL SCORED IN THE LOWEST  
27 MEASURED FIVE PERCENT (5%) IN EITHER MATH OR READING ON THE MOST  
28 RECENT PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT TEST OR ANY  
29 OTHER TEST ESTABLISHED BY THE STATE BOARD OF EDUCATION TO MEET  
30 THE REQUIREMENTS OF SECTION 2603-B(D)(10)(I) PURSUANT TO 22 PA.

1 CODE § 403.3.

2 (3) NOTIFICATION OF THE FOLLOWING:

3 (I) THAT A STUDENT ATTENDING THE SCHOOL MAY TRANSFER TO  
4 ANOTHER SCHOOL OF THE STUDENT'S GRADE LEVEL WITHIN THE SCHOOL  
5 DISTRICT UPON THE REQUEST OF A PARENT, CONSISTENT WITH  
6 PROVISIONS OF THE NO CHILD LEFT BEHIND ACT (PUBLIC LAW 107-110,  
7 115 STAT. 1425) OR ITS SUCCESSOR FEDERAL STATUTE RELATED TO  
8 INTRADISTRICT TRANSFERS.

9 (II) WHETHER THERE ARE OTHER SCHOOLS OF THE STUDENT'S GRADE  
10 LEVEL WITHIN THE SCHOOL DISTRICT. IF THERE ARE OTHER SCHOOLS OF  
11 THE STUDENT'S GRADE LEVEL WITHIN THE SCHOOL DISTRICT, THE SCHOOL  
12 REPORT CARD SHALL INCLUDE:

13 (A) A LIST OF OTHER SCHOOLS OF THE STUDENT'S GRADE LEVEL  
14 WITHIN THE SCHOOL DISTRICT.

15 (B) FOR EACH SCHOOL LISTED UNDER CLAUSE (A), THE INFORMATION  
16 REQUIRED UNDER PARAGRAPH (1).

17 (III) INSTRUCTIONS FOR EXERCISING THE STUDENT'S OPTION TO  
18 TRANSFER TO A SCHOOL LISTED UNDER SUBPARAGRAPH (II) (A),  
19 CONSISTENT WITH PROVISIONS OF THE NO CHILD LEFT BEHIND ACT OR  
20 ITS SUCCESSOR FEDERAL STATUTE RELATED TO INTRADISTRICT  
21 TRANSFERS.

22 (4) INSTRUCTIONS FOR INTERPRETING THE INFORMATION REQUIRED  
23 TO BE PROVIDED UNDER SUBSECTION (B) (1).

24 (5) CONTACT INFORMATION FOR A SCHOOL EMPLOYEE TO WHOM PARENTS  
25 MAY DIRECT QUESTIONS CONCERNING THE SCHOOL REPORT CARD.

26 SECTION 3. SECTION 1201 OF THE ACT, AMENDED JANUARY 14, 1970  
27 (1969 P.L.468, NO.192), IS AMENDED TO READ:

28 Section 1201. Certificates Qualifying Persons to Teach.--  
29 Only those persons holding one of the following certificates  
30 shall be qualified to teach in the public schools of this

1 Commonwealth--(1) Permanent college certificate, (2) provisional  
2 college certificate, (3) normal school diploma, (4) normal  
3 school certificate, (5) special permanent certificate, (6)  
4 special temporary certificate, (7) permanent State certificate,  
5 (8) residency certificate, (9) intern certificate, (10)  
6 certificates which are permanent licenses to teach by virtue of  
7 the provisions of section one thousand three hundred eight of  
8 the act, approved the eighteenth day of May, one thousand nine  
9 hundred eleven (Pamphlet Laws 309), as amended, which is  
10 repealed hereby, or [(9)] (11) such other kinds of certificates  
11 as are issued under the standards prescribed by the State Board  
12 of Education. The State Board of Education shall also provide  
13 for issuance of certificates by district superintendents to meet  
14 such emergencies or shortage of teachers as may occur.

15 Section 2 4. Sections 1203 and 1206 of the act are amended ←  
16 to read:

17 Section 1203. Kinds of State Certificates.--(a) State  
18 certificates hereafter granted shall include the following:

19 Provisional College Certificates,

20 Permanent College Certificates,

21 Certificates issued by other states and validated by the  
22 Superintendent of Public Instruction,

23 Special Temporary Certificates,

24 Special Permanent Certificates[.].

25 Residency Certificates,

26 Intern Certificates.

27 (b) All persons receiving any of such certificates shall  
28 have qualifications not less than graduation from a State  
29 Teachers' College of this Commonwealth, or equivalent training.  
30 Postbaccalaureate certification programs, including residency,

1 intern and administrative certification programs completed under  
2 section 1207.1 are equivalent training for purposes of this act.

3 (c) Every college certificate shall set forth the names of  
4 the college or university from which its holder was graduated.  
5 State certificates shall entitle their holders to teach in every  
6 part of this Commonwealth for the terms herein specified.

7 Section 1206. Certificates Issued by Other States.--[The  
8 Superintendent of Public Instruction may validate in this  
9 Commonwealth teachers' certificates issued by other states, or  
10 by the State normal schools or colleges of other states, whose  
11 requirements are equivalent to those of this Commonwealth. Such  
12 validation of certificates may be revoked by the Superintendent  
13 of Public Instruction at any time.] (a) Candidates holding a  
14 valid instructional certificate issued by another state may be  
15 eligible for comparable Pennsylvania certification provided that  
16 the candidate meets the following requirements:

17 (1) Holds a bachelor's degree from a regionally accredited  
18 college or university.

19 (2) Has at least three (3) years of successful professional  
20 experience.

21 (3) Demonstrates subject matter competency in the applicable  
22 area of Pennsylvania certification.

23 (4) Satisfies the requirements of section 1209.

24 (b) The Secretary of Education shall adopt standards and  
25 guidelines as necessary to implement this section.

26 Section 3 5. The act is amended by adding a section to read: ←

27 Section 1207.1. Postbaccalaureate Certification.--(a)  
28 Notwithstanding any other provision of law to the contrary, the  
29 Secretary of Education shall have all of the following powers  
30 and duties with regard to postbaccalaureate certification



1 programs:

2 (1) Evaluate and approve, in accordance with this section,  
3 all postbaccalaureate certification programs, including  
4 accelerated programs, leading to the certification of  
5 professional personnel including intern certification programs,  
6 residency certification programs and administrative  
7 certification programs.

8 (2) Evaluate and approve qualified providers of  
9 postbaccalaureate certification programs, which may include  
10 providers other than institutions of higher education.

11 (3) Develop guidelines for the approval of postbaccalaureate  
12 instructional certification programs, which shall include:

13 (i) Instruction and training in the following:

14 (A) Educational strategies for the designated subject area.

15 (B) Child development specifically related to the level of  
16 the certificate sought.

17 (C) Professional ethics and responsibilities.

18 (D) Pennsylvania academic standards.

19 (E) Assessment knowledge and skills.

20 (F) Accommodations and adaptations for students with  
21 disabilities in an inclusive setting.

22 (G) Strategies for meeting instructional needs of English  
23 language learners.

24 (ii) Requirements for candidate oversight and mentoring that  
25 include field placement, student teaching, classroom  
26 observations and ongoing support for novice educators in  
27 partnership with local education agencies during their induction  
28 period, including observation, consultation and assessment that  
29 includes close supervision by a professional employe.

30 (4) Issue certificates in accordance with this section to

1 qualified candidates.

2 (5) Adopt standards and guidelines as necessary to implement  
3 this section.

4 (b) (1) The Secretary of Education may make a one-time  
5 issuance of a residency certificate for service in a specific  
6 shortage area of instruction in public schools of this  
7 Commonwealth to an applicant who meets all of the following:

8 (i) Satisfies the requirements specified under section 1209.

9 (ii) Meets one of the following:

10 (A) Holds a doctoral degree from an accredited college or  
11 university in the subject area of shortage.

12 (B) Holds a master's degree from an accredited college or  
13 university in the subject area of shortage and has at least two  
14 (2) years of work experience in the subject area or related  
15 field.

16 (C) Holds a bachelor's degree from an accredited college or  
17 university in the subject area of shortage and has at least five  
18 (5) years of work experience in the subject area or related  
19 field.

20 (iii) Is continuously enrolled in an approved residency  
21 program.

22 (iv) Presents evidence of satisfactory achievement on the  
23 appropriate subject area content test.

24 (2) A residency certificate shall be valid for three (3)  
25 years of teaching in the public schools of this Commonwealth in  
26 the area for which it applies.

27 (3) The Secretary of Education shall have all of the  
28 following powers and duties related to the issuance of residency  
29 certificates:

30 (i) Identify areas of certification in which there is a

1 Statewide or regional shortage of qualified teachers.

2 (ii) Develop guidelines for the residency program in  
3 accordance with subsection (a).

4 (iii) Issue residency certificates to qualified applicants.

5 (iv) Report annually to the State Board of Education on the  
6 number of residency certificates issued under this section.

7 (4) A residency certificate may be converted to an  
8 Instructional I Certificate upon the completion of all residency  
9 program requirements under Department of Education guidelines  
10 and the completion of three (3) years of satisfactory teaching  
11 in the public schools of this Commonwealth.

12 (c) (1) Postbaccalaureate instructional intern  
13 certification programs shall provide flexible and accelerated  
14 pedagogical training to teachers who have demonstrated subject  
15 matter competency in a subject area related to their  
16 certification, provided that the first year of teaching includes  
17 a minimum of one classroom observation each month by an approved  
18 postbaccalaureate certification program provider.

19 (2) The Secretary of Education may make a one-time issuance  
20 of a postbaccalaureate instructional intern certificate for  
21 service in a specific area of instruction to candidates who, in  
22 addition to meeting the requirements of section 1209, present  
23 evidence of satisfactory achievement on the department-  
24 prescribed subject matter assessments related to the area of  
25 certification and hold a bachelor's degree from an accredited  
26 college or university. This certificate shall require continuing  
27 enrollment in an approved postbaccalaureate instructional intern  
28 certification program.

29 (3) A postbaccalaureate instructional intern certificate  
30 shall be valid for three (3) years of teaching in the public

1 schools of this Commonwealth and may not be renewed.

2 (4) A candidate shall be issued an Instructional I  
3 Certificate upon successful completion of the approved  
4 postbaccalaureate instructional intern program provided that the  
5 candidate has satisfied the requirements of section 1209.

6 (d) (1) Notwithstanding any other provision of law, no  
7 person shall be granted an administrative certificate by the  
8 Department of Education unless:

9 (i) The candidate holds a bachelor's degree from a  
10 regionally accredited college or university.

11 (ii) The candidate has had three (3) years of relevant  
12 professional experience.

13 (iii) The candidate satisfies the requirements of section  
14 1209.

15 (iv) The candidate has completed in a college or university  
16 a graduate program in education approved by the Department of  
17 Education or has provided to the Secretary of Education  
18 satisfactory evidence that the candidate has successfully  
19 completed a leadership development program that meets the  
20 Pennsylvania school leadership standards under section 1217.

21 (2) The Secretary of Education may adopt standards and  
22 guidelines as necessary to implement this section.

23 (e) Notwithstanding any other provision of law, no candidate  
24 for certification or admission into a certification preparation  
25 program who holds a bachelor's degree from a regionally  
26 accredited college or university shall be required to complete  
27 the academic preparation requirements of 22 Pa. Code Ch. 354  
28 (relating to preparation of professional educators).

29 Section 4 6. Section 1209 of the act, amended April 15, 1959  
30 (P.L.41, No.16) and June 24, 1959 (P.L.485, No.110), is amended



1 to read:

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

4 (1) Has not submitted, upon a blank furnished by the  
5 [Superintendent of Public Instruction] Secretary of Education, a  
6 certificate from a physician [legally qualified to practice  
7 medicine], certified registered nurse practitioner or physician  
8 assistant licensed or certified in this Commonwealth, or in any  
9 other state or the District of Columbia, setting forth that  
10 [said] the applicant is [neither mentally nor physically  
11 disqualified, by reason of tuberculosis or any other  
12 communicable disease or by reason of mental disorder] not  
13 disqualified by reason of a mental or physical disability or a  
14 communicable disease from the successful performance of the  
15 [duties of a teacher; nor to any person who has not] essential  
16 functions of a teacher with or without a reasonable  
17 accommodation.

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

19 (3) [in the habit of using opium or other narcotic drugs in  
20 any form, or any intoxicating drink as a beverage, or to any  
21 applicant who has a major physical disability or defect unless  
22 such a person submits a certificate signed by an official of the  
23 college or university from which he was graduated or of an  
24 appropriate rehabilitation agency, certifying that in the  
25 opinion of such official the applicant, by his work and  
26 activities, demonstrated that he is sufficiently adjusted,  
27 trained and motivated to perform the duties of a teacher,  
28 notwithstanding his impediment.] Engages in the illegal use of  
29 controlled substances or alcoholic beverages. An applicant for  
30 certification may overcome the disqualification under this

1 paragraph and receive a teaching certificate if the applicant is  
2 reviewed by the Department of Education pursuant to the  
3 requirement of paragraph (2) and determined to be of good moral  
4 character.

5 SECTION 7. SECTION 1418(D) OF THE ACT, AMENDED JULY 14, 1971 ←  
6 (P.L.229, NO.47), IS AMENDED TO READ:

7 SECTION 1418. MEDICAL EXAMINATIONS OF TEACHERS AND OTHER  
8 PERSONS.--\* \* \*

9 (D) MEDICAL EXAMINATIONS SHALL BE MADE BY THE SCHOOL  
10 PHYSICIAN OF THE DISTRICT IF PROVISION THEREFOR IS MADE BY THE  
11 DISTRICT OR JOINT SCHOOL BOARD OR BY A PHYSICIAN, CERTIFIED  
12 REGISTERED NURSE PRACTITIONER OR PHYSICIAN ASSISTANT OF THE  
13 EMPLOYE'S OWN CHOICE [LEGALLY QUALIFIED TO PRACTICE MEDICINE AND  
14 SURGERY OR OSTEOPATHY OR OSTEOPATHIC SURGERY IN THE] LICENSED OR  
15 CERTIFIED IN THIS COMMONWEALTH.

16 SECTION 8. SECTION 1707-B OF THE ACT, AMENDED NOVEMBER 22,  
17 2000 (P.L.672, NO.91) AND JULY 20, 2007 (P.L.278, NO.45), IS  
18 AMENDED TO READ:

19 SECTION 1707-B. BOARDS OF CONTROL FOR CERTAIN SCHOOL  
20 DISTRICTS.--(A) THE GENERAL ASSEMBLY FINDS AND DECLARES AS  
21 FOLLOWS:

22 (1) IN ADDITION TO THE OPERATION OF FAILING SCHOOL DISTRICTS  
23 BY A STATE, OTHER JURISDICTIONS ACROSS THE NATION ARE UTILIZING  
24 OTHER MODELS TO REFORM FAILING URBAN SCHOOL DISTRICTS IN WHICH  
25 THE CHIEF EXECUTIVE OF THE CITY GOVERNMENT IS EMPOWERED TO  
26 CONTROL THE GOVERNANCE OF THE PUBLIC SCHOOLS SERVING THE CITY.  
27 FOR EXAMPLE, CHICAGO HAS IMPLEMENTED A REFORM MODEL OPERATED BY  
28 THE MAYOR.

29 (2) IN THIS COMMONWEALTH, THE MAYOR OF THE CITY OF  
30 PHILADELPHIA, A CITY OF THE FIRST CLASS COTERMINOUS WITH A

1 SCHOOL DISTRICT OF THE FIRST CLASS, RECENTLY WAS EMPOWERED BY  
2 AMENDMENTS TO THE HOME RULE CHARTER IMMEDIATELY TO APPOINT ALL  
3 MEMBERS OF THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT OF  
4 PHILADELPHIA TO SERVE AT HIS PLEASURE. IN NO OTHER SCHOOL  
5 DISTRICT OF THE COMMONWEALTH IS THE MAYOR OR CHIEF EXECUTIVE OF  
6 A MUNICIPALITY EMPOWERED TO CONTROL OR AFFECT THE GOVERNANCE OF  
7 SCHOOL DISTRICTS. UNDER THE HOME RULE CHARTER AMENDMENTS, THE  
8 MAYOR OF PHILADELPHIA WILL HAVE SIGNIFICANT INPUT INTO THE  
9 DEVELOPMENT AND IMPLEMENTATION OF ANY SCHOOL DISTRICT  
10 IMPROVEMENT PLAN ADOPTED UNDER SECTION 1703-B AND THE SCHOOL  
11 DISTRICT GENERALLY.

12 (3) IN ORDER TO ASSESS THE EFFECTIVENESS OF A MAYOR-LED  
13 SYSTEM OF SCHOOL GOVERNANCE IN OTHER LARGE CITY SCHOOL DISTRICTS  
14 IN THIS COMMONWEALTH WHICH HAVE A HISTORY OF EXTRAORDINARILY LOW  
15 TEST PERFORMANCE, A PILOT PROGRAM UNDER THIS SECTION SHALL BE  
16 ESTABLISHED FOR CERTAIN SCHOOL DISTRICTS OF THE SECOND CLASS  
17 COTERMINOUS WITH CITIES THAT HAVE OPTED UNDER THE ACT OF JULY  
18 15, 1957 (P.L.901, NO.399), KNOWN AS THE "OPTIONAL THIRD CLASS  
19 CITY CHARTER LAW," OR 53 PA.C.S. PT. III SUBPT. E (RELATING TO  
20 HOME RULE AND OPTIONAL PLAN GOVERNMENT) TO BE GOVERNED BY A  
21 MAYOR-COUNCIL FORM OF GOVERNMENT.

22 (A.1) FOR A SCHOOL DISTRICT OF THE SECOND CLASS WHICH HAS A  
23 HISTORY OF EXTRAORDINARILY LOW TEST PERFORMANCE, WHICH IS  
24 COTERMINOUS WITH A CITY OF THE THIRD CLASS THAT HAS OPTED UNDER  
25 THE "OPTIONAL THIRD CLASS CITY CHARTER LAW" OR 53 PA.C.S. PT.  
26 III SUBPT. E TO BE GOVERNED BY A MAYOR-COUNCIL FORM OF  
27 GOVERNMENT AND WHICH HAS A POPULATION IN EXCESS OF FORTY-FIVE  
28 THOUSAND (45,000), THE SECRETARY SHALL WAIVE THE INCLUSION OF  
29 THE SCHOOL DISTRICT ON THE EDUCATION EMPOWERMENT LIST UNDER  
30 SECTION 1703-B(A) AND IMMEDIATELY CERTIFY THE SCHOOL DISTRICT AS

1 AN EDUCATION EMPOWERMENT DISTRICT. [NO SCHOOL DISTRICT SHALL BE  
2 CERTIFIED UNDER THIS SECTION LATER THAN DECEMBER 31, 2005.]

3 (B) (1) A BOARD OF CONTROL IN AN EDUCATION EMPOWERMENT  
4 DISTRICT CERTIFIED UNDER THIS SECTION SHALL CONSIST OF SEVEN (7)  
5 RESIDENTS OF THE SCHOOL DISTRICT, FIVE (5) OF WHOM SHALL BE  
6 APPOINTED BY THE MAYOR OF THE COTERMINOUS CITY WITHIN FOURTEEN  
7 (14) DAYS OF THE CERTIFICATION OF THE SCHOOL DISTRICT AS AN  
8 EDUCATION EMPOWERMENT DISTRICT AND TWO (2) OF WHOM SHALL BE  
9 ELECTED BY AND FROM THE MEMBERS OF THE ELECTED BOARD OF SCHOOL  
10 DIRECTORS.

11 (1.1) BEGINNING JULY 1, 2010, A BOARD OF CONTROL IN AN  
12 EDUCATION EMPOWERMENT DISTRICT CERTIFIED UNDER THIS SECTION  
13 SHALL CONSIST OF SEVEN (7) MEMBERS, FIVE (5) OF WHOM SHALL BE  
14 APPOINTED BY THE MAYOR OF THE COTERMINOUS CITY AND TWO (2) OF  
15 WHOM SHALL BE ELECTED BY AND FROM THE MEMBERS OF THE ELECTED  
16 BOARD OF SCHOOL DIRECTORS.

17 (1.2) ON DECEMBER 1 IMMEDIATELY FOLLOWING THE FIRST GENERAL  
18 ELECTION AFTER THE BOARD OF CONTROL APPOINTED UNDER PARAGRAPH  
19 (1.1) HAS BEEN IN PLACE FOR AT LEAST TWELVE (12) MONTHS, THE  
20 BOARD OF CONTROL SHALL CONSIST OF FOUR (4) MEMBERS WHO SHALL BE  
21 APPOINTED BY THE MAYOR OF THE COTERMINOUS CITY AND THREE (3)  
22 MEMBERS WHO SHALL BE ELECTED BY AND FROM THE MEMBERS OF THE  
23 ELECTED BOARD OF SCHOOL DIRECTORS, ONE (1) OF WHOM SHALL BE  
24 SUBJECT TO THE APPROVAL OF THE MAYOR OF THE COTERMINOUS CITY.

25 (1.3) ON DECEMBER 1 IMMEDIATELY FOLLOWING THE SECOND GENERAL  
26 ELECTION AFTER THE BOARD OF CONTROL APPOINTED UNDER PARAGRAPH  
27 (1.1) HAS BEEN IN PLACE FOR AT LEAST TWELVE (12) MONTHS, THE  
28 BOARD OF CONTROL SHALL CONSIST OF THREE (3) MEMBERS WHO SHALL BE  
29 APPOINTED BY THE MAYOR OF THE COTERMINOUS CITY AND FOUR (4)  
30 MEMBERS WHO SHALL BE ELECTED BY AND FROM THE MEMBERS OF THE



1 ELECTED BOARD OF SCHOOL DIRECTORS, TWO (2) OF WHOM SHALL BE  
2 SUBJECT TO THE APPROVAL OF THE MAYOR OF THE COTERMINOUS CITY.

3 (1.4) BEGINNING JULY 1, 2010, THE RESIDENCY OF THE MEMBERS  
4 OF THE BOARD OF CONTROL SHALL BE AS FOLLOWS:

5 (I) ONE (1) OF THE MEMBERS OF THE BOARD OF CONTROL APPOINTED  
6 BY THE MAYOR OF THE COTERMINOUS CITY SHALL BE A RESIDENT OF THE  
7 COUNTY IN WHICH THE SCHOOL DISTRICT IS LOCATED, BUT SHALL NOT BE  
8 A RESIDENT OF THE SCHOOL DISTRICT.

9 (II) THE REMAINING MEMBERS OF THE BOARD OF CONTROL APPOINTED  
10 BY THE MAYOR OF THE COTERMINOUS CITY AND ALL MEMBERS OF THE  
11 BOARD OF CONTROL ELECTED BY AND FROM THE MEMBERS OF THE ELECTED  
12 BOARD OF SCHOOL DIRECTORS SHALL BE RESIDENTS OF THE SCHOOL  
13 DISTRICT.

14 (2) THE MEMBERS OF THE BOARD OF CONTROL THAT ARE ELECTED BY  
15 AND FROM THE MEMBERS OF THE ELECTED BOARD OF SCHOOL DIRECTORS  
16 SHALL SERVE ON THE BOARD OF CONTROL FOR A PERIOD OF TIME  
17 CONCURRENT WITH THEIR TERMS OF OFFICE AS MEMBERS OF THE ELECTED  
18 BOARD OF SCHOOL DIRECTORS AND ARE NOT SUBJECT TO REMOVAL BY THE  
19 MAYOR.

20 (3) THE MEMBERS OF THE BOARD OF CONTROL THAT ARE NOT ELECTED  
21 BY AND FROM THE MEMBERS OF THE ELECTED BOARD OF SCHOOL DIRECTORS  
22 SHALL SERVE AT THE PLEASURE OF THE MAYOR.

23 (4) THE MAYOR OF THE COTERMINOUS CITY SHALL SELECT ONE (1)  
24 MEMBER OF THE BOARD OF CONTROL TO SERVE AS CHAIRPERSON.

25 (5) NO PERSON WHO IS AN OFFICER, BOARD MEMBER OR EMPLOYE OF  
26 THE SCHOOL DISTRICT SHALL BE APPOINTED TO THE BOARD OF CONTROL.

27 (6) MEMBERS OF THE BOARD OF CONTROL WHO ARE NOT EMPLOYES OF  
28 THE COMMONWEALTH OR A POLITICAL SUBDIVISION SHALL RECEIVE  
29 COMPENSATION UNDER SECTION 692.2.

30 (7) VACANCIES ON THE BOARD OF CONTROL SHALL BE FILLED IN THE

1 SAME MANNER AS THE ORIGINAL APPOINTMENT.

2 (8) ACTIONS OF THE BOARD OF CONTROL SHALL BE BY A MAJORITY  
3 VOTE. A MAJORITY OF THE MEMBERS APPOINTED SHALL CONSTITUTE A  
4 QUORUM.

5 (C) (1) THE AUTHORITY GRANTED TO A BOARD OF SCHOOL  
6 DIRECTORS UNDER SECTION 1704-B(A) SHALL BE EXERCISED BY THE  
7 BOARD OF CONTROL OF AN EDUCATION EMPOWERMENT DISTRICT CERTIFIED  
8 UNDER THIS SECTION. THE PROVISIONS OF [SECTIONS 1705-B(C), (D),  
9 (E) AND (G),] 1706-B AND 1708-B(A) SHALL BE APPLICABLE TO A  
10 BOARD OF CONTROL APPOINTED UNDER SUBSECTION (B).

11 (2) THE PROVISIONS OF SECTIONS 693, 694 AND 695 RELATING TO  
12 SPECIAL BOARDS OF CONTROL SHALL APPLY TO A BOARD OF CONTROL  
13 UNDER THIS SECTION.

14 (D) WITHIN THIRTY (30) DAYS OF THE CERTIFICATION OF AN  
15 EDUCATION EMPOWERMENT DISTRICT UNDER THIS SECTION, THE MAYOR  
16 SHALL APPOINT A SCHOOL DISTRICT EMPOWERMENT TEAM UNDER SECTION  
17 1703-B(D) (2) TO DEVELOP A SCHOOL DISTRICT IMPROVEMENT PLAN UNDER  
18 SECTION 1703-B(E). THE MAYOR OR A DESIGNEE SHALL SERVE AS  
19 CHAIRMAN OF THE SCHOOL DISTRICT EMPOWERMENT TEAM.

20 (E) THE SCHOOL DISTRICT IMPROVEMENT PLAN UNDER SUBSECTION  
21 (D) SHALL BE TRANSMITTED BY THE BOARD OF CONTROL TO THE  
22 DEPARTMENT WITHIN ONE HUNDRED TWENTY (120) DAYS OF THE  
23 APPOINTMENT OF THE SCHOOL DISTRICT EMPOWERMENT TEAM. THE  
24 DEPARTMENT SHALL RETURN THE SCHOOL DISTRICT IMPROVEMENT PLAN TO  
25 THE BOARD OF CONTROL WITH ITS APPROVAL OR ANY REQUEST FOR  
26 MODIFICATIONS WITHIN THIRTY (30) DAYS FOLLOWING ITS SUBMISSION.  
27 ANY FURTHER MODIFICATIONS MADE BY THE SCHOOL DISTRICT  
28 EMPOWERMENT TEAM SHALL BE TRANSMITTED TO THE DEPARTMENT BY THE  
29 BOARD OF CONTROL.

30 (F) WHEN THE DEPARTMENT HAS DETERMINED THAT A SCHOOL

1 DISTRICT CERTIFIED AS AN EDUCATION EMPOWERMENT DISTRICT UNDER  
2 THIS SECTION [NO LONGER HAS A HISTORY OF LOW TEST PERFORMANCE]  
3 HAS MET ITS ACADEMIC PERFORMANCE TARGETS AS APPROVED BY THE  
4 DEPARTMENT FOR TWO CONSECUTIVE YEARS AND HAS REACHED THE GOALS  
5 SET FORTH IN THE SCHOOL DISTRICT IMPROVEMENT PLAN, THE  
6 DEPARTMENT SHALL REMOVE THE CERTIFICATION AS AN EDUCATION  
7 EMPOWERMENT DISTRICT [AS PROVIDED UNDER SECTION 1710-B, EXCEPT  
8 THAT NO CERTIFICATION REMOVAL OF A SCHOOL DISTRICT INITIALLY  
9 CERTIFIED UNDER SUBSECTION (A.1) SHALL BE MADE FOR A PERIOD OF  
10 AT LEAST FIVE (5) YEARS]. WHEN THE DEPARTMENT REMOVES A SCHOOL  
11 DISTRICT FROM CERTIFICATION AS AN EDUCATION EMPOWERMENT  
12 DISTRICT, THE BOARD OF CONTROL SHALL DISSOLVE AND ALL POWERS AND  
13 DUTIES VESTED IN THE BOARD OF CONTROL SHALL REVERT TO THE  
14 ELECTED BOARD OF SCHOOL DIRECTORS.

15 (G) A SCHOOL DISTRICT CERTIFIED AS AN EDUCATION EMPOWERMENT  
16 DISTRICT UNDER THIS SECTION SHALL NOT HAVE ITS CERTIFICATION  
17 REMOVED AS A RESULT OF THE REPORTS OF THE BUREAU OF THE CENSUS  
18 OR ANY CHANGE IN CLASSIFICATION OF MUNICIPALITIES OR SCHOOL  
19 DISTRICTS.

20 SECTION 9. SECTION 1716-B OF THE ACT, ADDED MAY 10, 2000  
21 (P.L.44, NO.16), IS AMENDED TO READ:

22 SECTION 1716-B. EXPIRATION.--[THIS] (A) EXCEPT AS PROVIDED  
23 IN SUBSECTION (B) OR SECTION 1704-B, THE PROVISIONS OF THIS  
24 ARTICLE SHALL EXPIRE JUNE 30, 2010.

25 (B) FOR PURPOSES OF ANY BOARD OF CONTROL THAT IS CREATED  
26 UNDER OR SUBJECT TO SECTION 1707-B, ALL PROVISIONS OF THIS  
27 ARTICLE SHALL EXPIRE JUNE 30, 2013, EXCEPT THAT SECTIONS 1705-B,  
28 1710-B, 1714-B AND 1714.1-B SHALL EXPIRE FOR ALL PURPOSES ON  
29 JUNE 30, 2010.

30 Section 5 10. Any regulations of the Department of Education ←

1 that are inconsistent with this act are hereby abrogated to the  
2 extent of the inconsistency.

3 Section 6 11. This act shall take effect immediately.

