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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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 HOUSE BILL
 

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 No. 1363 Session of  
2011
 

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INTRODUCED BY RAPP, CLYMER, KAUFFMAN, OBERLANDER, BLOOM,  
CALTAGIRONE, CAUSER, COHEN, GODSHALL, GRELL, HARRIS, KRIEGER,  
LAWRENCE, O'NEILL, PICKETT, PYLE, READSHAW, REICHLEY, ROCK,  
SAYLOR, SCHRODER, SONNEY, TOOHL, VULAKOVICH, YOUNGBLOOD,  
GINGRICH, MILLER, GROVE, GABLER, SWANGER, MURT AND HARHART,  
APRIL 25, 2011

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SENATOR PICCOLA, EDUCATION, IN SENATE, AS AMENDED, JUNE 26, 2012

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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 CERTAIN ←  
6 CIRCUMSTANCES IN WHICH STRIKES ARE PROHIBITED, FOR continuing  
7 professional development and for program of continuing  
8 professional development.

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

11 ~~Section 1. Section 1205.1 of the act of March 10, 1949 ←~~  
12 ~~(P.L.30, No.14), known as the Public School Code of 1949, is~~  
13 ~~amended by adding a subsection to read:~~

14 ~~Section 1205.1. Continuing Professional Development. \* \* \*~~

15 ~~(f) Beginning on the effective date of this subsection, the~~  
16 ~~requirements under this section shall be suspended until June~~  
17 ~~30, 2013.~~

18 ~~Section 2. Section 1205.2(a) and (f) of the act, amended~~

1 ~~July 13, 2005 (P.L.226, No.46) and February 2, 2006 (P.L.19,~~  
2 ~~No.5), are amended and the section is amended by adding a~~  
3 ~~subsection to read:~~

4 SECTION 1. SECTION 1131-A OF THE ACT OF MARCH 10, 1949 ←  
5 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, ADDED  
6 JULY 9, 1992 (P.L.403, NO.88), IS AMENDED TO READ:

7 SECTION 1131-A. STRIKES PROHIBITED IN CERTAIN  
8 CIRCUMSTANCES.--(A) ONE YEAR AFTER A CONTRACT IMPASSE, THE  
9 SECRETARY OF EDUCATION MAY REQUEST A PUBLIC HEARING IN THE  
10 SCHOOL DISTRICT OF IMPASSE. THE PUBLIC HEARING PROCESS SHALL  
11 FOLLOW THE FOLLOWING REQUIREMENTS:

12 (1) THE HEARING SHALL INCLUDE TESTIMONY FROM THE SCHOOL  
13 BOARD OF THE DISTRICT, SCHOOL DISTRICT ADMINISTRATION, THE  
14 EMPLOYE ORGANIZATION AND ANY ADDITIONAL PARTY REQUESTED BY THE  
15 SECRETARY OF EDUCATION.

16 (2) THE PUBLIC SHALL HAVE THIRTY (30) DAYS TO SUBMIT WRITTEN  
17 TESTIMONY. TESTIMONY MAY BE RECEIVED FROM EXPERTS COMMENTING ON  
18 THE SOCIAL, EMOTIONAL AND EDUCATIONAL WELL-BEING OF THE STUDENTS  
19 IN THE SCHOOL DISTRICT.

20 (3) WITHIN NINETY (90) DAYS FOLLOWING THE PUBLIC HEARING,  
21 THE SECRETARY OF EDUCATION SHALL ISSUE A REPORT ON  
22 RECOMMENDATIONS REGARDING THE IMPASSE.

23 (B) A STRIKE MUST CEASE WHERE THE PARTIES REQUEST FACT-  
24 FINDING FOR THE DURATION OF THE FACT-FINDING. A STRIKE MUST END  
25 WHERE THE PARTIES AGREE TO ARBITRATION. STRIKES ARE PROHIBITED:

26 (1) DURING THE PERIOD OF UP TO TEN (10) DAYS PROVIDED FOR  
27 UNDER SECTION 1125-A(A).

28 (2) DURING FINAL BEST-OFFER ARBITRATION, INCLUDING THE  
29 PERIOD OF UP TO TEN (10) DAYS AFTER RECEIPT OF THE DETERMINATION  
30 OF THE ARBITRATORS DURING WHICH THE GOVERNING BODY OF THE SCHOOL

1 ENTITY MAY CONSIDER THE DETERMINATION.

2 (3) WHEN THE ARBITRATORS' DETERMINATION BECOMES FINAL AND  
3 BINDING.

4 SECTION 2. SECTIONS 1205.1(F)(1) AND 1205.2(A), (F) AND  
5 (N.1) OF THE ACT, AMENDED OR ADDED JUNE 30, 2011 (P.L.112,  
6 NO.24), ARE AMENDED TO READ:

7 SECTION 1205.1. CONTINUING PROFESSIONAL DEVELOPMENT.--\* \* \*

8 (F) (1) BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION,  
9 THE REQUIREMENTS UNDER [THIS SECTION] SUBSECTIONS (A), (B), (C),  
10 (C.1), (C.2), (C.3), (C.4), (D) AND (E) SHALL BE SUSPENDED UNTIL  
11 JUNE 30, 2013.

12 \* \* \*

13 Section 1205.2. Program of Continuing Professional  
14 Education.--(a) A continuing professional education program is  
15 hereby established for professional educators, the satisfactory  
16 completion of which is required to maintain active  
17 certification. Except as provided in subsection [(j.1)] (n.1),  
18 the continuing professional education program shall require the  
19 satisfactory completion of continuing professional education  
20 every five (5) years, which shall include:

21 (1) six (6) credits of collegiate study;

22 (2) six (6) credits of continuing professional education  
23 courses;

24 (3) one hundred eighty (180) hours of continuing  
25 professional education programs, activities or learning  
26 experiences; or

27 (4) any combination of collegiate studies, continuing  
28 professional education courses, or other programs, activities or  
29 learning experiences equivalent to one hundred eighty (180)  
30 hours.

1 \* \* \*

2 (f) [The] Except as provided in subsection (n.1), the  
3 department shall annually provide a minimum of forty (40) hours  
4 of continuing professional education courses, programs,  
5 activities or learning experiences at no charge to professional  
6 educators. In providing these courses, the department shall seek  
7 to use the most efficient and cost-effective means possible,  
8 including the use of advanced technology such as CD-ROM, the  
9 Internet and distance communication.

10 \* \* \*

11 ~~(n.1) (1) Beginning on the effective date of this~~ ←  
12 ~~subsection, the requirements under subsections (a) and (f) shall~~  
13 ~~be suspended until June 30, 2013.~~

14 ~~(2) On July 1, 2013, each professional educator shall have~~  
15 ~~the same number of credits or hours of continuing professional~~  
16 ~~education and the same amount of time in which to complete those~~  
17 ~~credits or hours as existed for the professional educator on the~~  
18 ~~effective date of this subsection: Provided, however, That any~~  
19 ~~continuing professional education credits or hours completed by~~  
20 ~~a professional educator during the period of suspension under~~  
21 ~~this subsection shall be credited to the professional educator's~~  
22 ~~continuing professional education record.~~

23 (N.1) (1) BEGINNING ON THE EFFECTIVE DATE OF THIS ←  
24 SUBSECTION, THE REQUIREMENTS UNDER SUBSECTIONS (A) AND (F) SHALL  
25 BE SUSPENDED UNTIL JUNE 30, 2013. DURING THAT TIME, THE  
26 LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL CONDUCT A STUDY  
27 OF THE COSTS AND BENEFITS OF THE CONTINUING PROFESSIONAL  
28 EDUCATION PROGRAM [WHICH]. AN INTERIM REPORT SHALL BE DUE ON  
29 NOVEMBER 30, 2012, AND THE FINAL REPORT SHALL BE DUE ON MARCH 1,  
30 2013. ON JULY 1, 2013, EACH PROFESSIONAL EDUCATOR SHALL HAVE THE

1 SAME NUMBER OF HOURS OF CONTINUING PROFESSIONAL EDUCATION AND  
2 THE SAME AMOUNT OF TIME IN WHICH TO COMPLETE THOSE HOURS AS  
3 EXISTED FOR THE PROFESSIONAL EDUCATOR ON THE EFFECTIVE DATE OF  
4 THIS SUBSECTION: PROVIDED, HOWEVER, THAT ANY CONTINUING  
5 PROFESSIONAL EDUCATION CREDITS OR HOURS COMPLETED BY A  
6 PROFESSIONAL EDUCATOR DURING THE PERIOD OF SUSPENSION UNDER THIS  
7 SUBSECTION SHALL BE CREDITED TO THE PROFESSIONAL EDUCATOR'S  
8 CONTINUING PROFESSIONAL EDUCATION RECORD.

9 (2) NOTWITHSTANDING THIS SUBSECTION, THE PROVISIONS OF  
10 SECTIONS 1003(A) (3) AND (C) AND 1207.1(D) (1) (IV) REQUIRING THAT  
11 CANDIDATES FOR APPOINTMENT AS A DISTRICT SUPERINTENDENT OR  
12 ASSISTANT DISTRICT SUPERINTENDENT AND CANDIDATES FOR  
13 ADMINISTRATIVE AND VOCATIONAL DIRECTOR CERTIFICATES COMPLETE A  
14 LEADERSHIP DEVELOPMENT PROGRAM THAT MEETS THE PENNSYLVANIA  
15 SCHOOL LEADERSHIP STANDARDS UNDER SECTION 1217 SHALL NOT BE  
16 SUSPENDED.

17 \* \* \*

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

