

## No. 1999-48

## AN ACT

## HB 8

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for contracts with private residential rehabilitative institutions, for continuing professional development and for a program for continuing professional education; providing for national board certification and for private alternative education institutions for disruptive students; and making an appropriation.

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

Section 1. Section 914.1-A heading of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added April 6, 1980 (P.L.86, No.30), is amended and the section is amended by adding a subsection to read:

Section 914.1-A. Contracts with Private Residential Rehabilitative Institutions; *Certain Criteria in Department Audits.*—\* \* \*

*(f) The educational program cost criteria of a private residential rehabilitative institution that are deemed allowable by the department for the private residential rehabilitative institution's 1998-1999 school year shall be acceptable for all future audits conducted by the department.*

Section 2. Section 1205.1 of the act, amended or added December 15, 1986 (P.L.1602, No.178) and March 30, 1988 (P.L.321, No.43), is amended to read:

Section 1205.1. Continuing Professional Development.—(a) **[By January 1, 1989, every school district, joint school district, intermediate unit and area vocational-technical school shall submit to the Secretary of Education for approval a continuing professional development plan, developed pursuant to the provisions of subsection (b) and including, at a minimum, the elements provided for in subsection (c). The secretary shall determine approximately one-third of the school districts, joint school districts, intermediate units and area vocational-technical schools which shall submit two-year plans, one-third which shall submit three-year plans and one-third which shall submit four-year plans by January 1, 1989. Thereafter, upon] Upon** the expiration of **[the] an** existing professional development plan, each school **[district, joint school district, intermediate unit and area vocational-technical school] entity** shall submit to the secretary for approval a **[two-year] three-year** professional **[development] education** plan.

(b) The professional **[development] education** plan provided for in subsection (a) shall be prepared by **[teacher representatives chosen by the teachers] a committee consisting of teacher representatives divided equally among elementary, middle and high school teachers chosen by the teachers, educational specialist representatives chosen by educational specialists** and administrative representatives chosen by the **[administrative personnel of the school district, joint school district, intermediate unit or area vocational-technical school and shall then be approved by the board of directors prior to submission to the secretary] administrators of the school entity. The committee shall include parents of children attending a school in the district, local business representatives and other individuals representing the community appointed by the board of directors. The plan shall be approved by the board of directors prior to submission to the department for approval. Amendments to the plan may be recommended by the continuing professional education committee, approved by the board of directors of the school entity and submitted to the department for approval.** The secretary may specify the time at which and the form in which such plans are to be submitted. The State Board of Education shall promulgate regulations, subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," establishing the minimal content of such plans. The provisions of section 2552 shall apply to any school **[district, joint school district, intermediate unit or area vocational-technical school] entity** failing to comply with the provisions of this section.

(c) The professional **[development] education** plan of each school **[district, joint school district, intermediate unit and area vocational-technical school] entity** shall be designed to meet the educational needs of that school entity and its professional employees. **[Each plan shall include options for professional development and for fulfilling the professional development requirements of subsection (d), including activities such as professionally related graduate level coursework, obtaining a professionally related master's degree, Department of Education approved inservice courses, curriculum development work, attendance at professional conferences and supervised classroom observations of other professional employees. In its professional development plan, a school district, joint school district, intermediate unit or area vocational-technical school may provide for undertaking joint or cooperative professional development activities with another school entity or an institution of higher education.] A school entity shall annually review its plan to determine whether or not it continues to reflect the needs of the school entity and its strategic plan and the needs of its professional employees, students and the community. The plan shall be amended as necessary to ensure that the plan meets the requirements of this subsection. The plan shall specify the continuing professional educational courses, programs, activities and other learning experiences approved to meet continuing professional development requirements under section 1205.2(c).**

*(c.1) The continuing professional education plan shall specify the professional education needs that will be met by completion of each continuing professional education option and how it relates to areas of assignment and certification or potential administrative certification. The options may include, but shall not be limited to:*

- (1) Collegiate studies.*
- (2) Continuing professional education courses taken for credit.*
- (3) Other programs, activities or learning experiences taken for credit or hourly, to include:*
  - (i) curriculum development and other program design and delivery activities at the school entity or grade level as determined by the school entity and approved by the board of directors;*
  - (ii) participation in professional conferences and workshops;*
  - (iii) education in the workplace, where the work relates to the professional educator's area of assignment and is approved by the board of directors;*
  - (iv) review, redesign and restructuring of school programs, organizations and functions as determined by the school entity and approved by the board of directors;*
  - (v) in-service programs that comply with guidelines established by the department;*
  - (vi) early childhood and child development activities for professional educators whose area of assignment includes kindergarten through third grade;*
  - (vii) special education activities for professional educators whose area of assignment includes students with special needs; or*
  - (viii) other continuing professional education courses, programs, activities or learning experiences sponsored by the department.*

*(c.2) A professional education plan may include joint or cooperative professional education activities with another school entity or an institution of higher education.*

*(c.3) A professional education plan shall describe how the plan meets the educational and staff development needs of the school entity, its professional educators, students and the community. The professional education plan shall identify the individuals who developed the plan and the method used to select those individuals.*

*(c.4) A professional education plan shall identify any provider approved by the professional education committee to provide the continuing professional education options listed in the plan. Such providers shall be required to provide the school entity with official notice of the credits or hours of continuing professional education options successfully completed by the school entity's professional educators.*

*(d) [All professional employes of school districts, joint school districts, intermediate units or area vocational-technical schools receiving their initial Pennsylvania teaching or administrative certification, as provided*

for in this article, on or after June 1, 1987, shall be required at least once during every five-year period, commencing upon receipt of a permanent teaching certificate or an initial administrative certificate, to participate in professional development activity pursuant to the professional development plan of that professional employe's school district, joint school district, intermediate unit or area vocational-technical school. A professional employe who obtains a professionally related master's degree shall be deemed to have complied permanently with the provisions of this subsection. The chief school administrator of every school district, joint school district, intermediate unit and area vocational-technical school shall certify annually to the secretary the names of professional employes who have received their initial Pennsylvania teaching or administrative certification on or after June 1, 1987, and the professional development activities in which these employes have participated. The certification shall be made at such time and in such form as the secretary may require.

(e) The provisions of State Board of Education regulations in 22 Pa. Code § 49.17(a) and (b), promulgated September 13, 1984, are hereby specifically declared to be contrary to the provisions of this section and therefore null and void. Nothing in this section shall be deemed to affect the provisions of 22 Pa. Code § 49.17(c), (d) and (e).] *All professional educators of a school entity shall meet the professional education requirements of this section and section 1205.2 in order for the professional educator to maintain active certification.*

Section 3. The act is amended by adding sections to read:

*Section 1205.2. Program of Continuing Professional Education.—(a) A continuing professional education program is hereby established for professional educators, the satisfactory completion of which is required to maintain active certification. The continuing professional education program shall require the satisfactory completion of continuing professional education every five (5) years, which shall include:*

- (1) six (6) credits of collegiate study;*
- (2) six (6) credits of continuing professional education courses;*
- (3) one hundred eighty (180) hours of continuing professional education programs, activities or learning experiences; or*
- (4) any combination of collegiate studies, continuing professional education courses, or other programs, activities or learning experiences equivalent to one hundred eighty (180) hours.*

*(b) For the purposes of calculating hours and credits of continuing professional education, one (1) credit of collegiate studies or continuing professional education courses shall be equivalent to thirty (30) hours of continuing professional education programs, activities or learning experiences. In the initial year of the implementation of the continuing professional education requirements under this subsection, the department may evaluate and approve credits or continuing professional education*

*courses which were completed on or after January 1, 2000, for application to the continuing professional educational requirement.*

*(c) The requirements of subsection (a) may be satisfied by a professional educator, whether or not presently employed by a school entity, by the successful completion of credits or hours to include any of the following:*

*(1) Credits of collegiate studies related to an area of the professional educator's assignment or certification at an institution of higher education approved by the department.*

*(2) Credits of continuing professional education courses related to an area of the professional educator's assignment or certification conducted by providers approved by the department.*

*(3) Hours of other continuing professional education programs, activities or learning experiences related to an area of the professional educator's assignment or certification conducted by providers approved by the department.*

*(4) Credits or hours completed in any collegiate studies, continuing professional education courses or continuing professional education programs, activities or learning experiences included in the professional education plan of the professional educator's school entity and conducted by:*

*(i) the department;*

*(ii) providers approved by the department;*

*(iii) the professional educator's school entity; or*

*(iv) providers approved as part of the professional education plan of the professional educator's school entity.*

*(5) Credits or hours not included in clauses (1) through (4) approved by the board of directors of the school entity.*

*(6) Credits or hours required to obtain administrator certification.*

*(7) Credits or hours in an area other than the area of the professional educator's assignment or certification if the professional educator may be transferred by the board of directors to another assignment. The credits or hours must be approved for the professional educator by the board of directors.*

*(d) In order to ensure that credits and hours of continuing professional education are of high quality and designed to significantly advance the goals of improving and updating the educational skills of professional educators in this Commonwealth, the department shall develop and implement guidelines to approve certain providers of continuing professional education programs. The guidelines shall include a process to approve:*

*(1) providers of collegiate studies;*

*(2) providers of professional education courses;*

*(3) providers of continuing professional education programs, activities or learning experiences, provided the department, a professional educator's*

*school entity or a provider approved as part of the school entity's professional education plan need not be approved by the department; and*

*(4) providers included as part of the professional education plan of a school entity for use by a school entity's professional education committee.*

*(e) If the school entity is assuming all costs of credits or hours, the board of directors may disapprove any course, program, activity or learning experience that is inconsistent with the goals of the professional educational plan.*

*(f) The department shall annually provide a minimum of forty (40) hours of continuing professional education courses, programs, activities or learning experiences at no charge to professional educators employed by a school entity. In providing these courses, the department shall seek to use the most efficient and cost-effective means possible, including the use of advanced technology such as CD-ROM, the Internet and distance communication.*

*(g) The department shall adopt guidelines to establish a system for maintaining records of credits and hours of continuing professional education successfully completed by professional educators. Those guidelines shall include requirements that:*

*(1) A school entity shall notify the department and the professional educator employed by the school entity of the successful completion of credits or hours of programs, activities or learning experiences conducted by the school entity and shall forward to the department any official notice given by a provider identified in the school entity's professional education plan that a professional educator has successfully completed credits or hours of collegiate studies, continuing professional education courses or programs, activities or learning experiences conducted by the provider.*

*(2) An approved provider shall notify the department, the school entity that employs the professional educator and the professional educator of the successful completion of credits or hours of collegiate studies, continuing professional education courses or programs, activities or learning experiences conducted by the approved provider.*

*(3) The department shall notify the school entity that employs the professional educator and the professional educator of the successful completion of credits or hours of continuing professional education courses or programs, activities or learning experiences conducted by the department.*

*(h) The department shall provide the following information to professional educators and school entities:*

*(1) Notice of the number of credits or hours needed for a professional educator to comply with this section, as of the date on which such notice is given. Such notice shall be provided no later twelve (12) months prior to the end of a professional educator's five-year compliance period.*

*(2) Reasonable access to reports and records relating to a professional educator's continuing professional education.*

*(3) Notice of inactive certification requested by a professional educator.*

*(4) Notice of inactive certification due to failure of the professional educator to meet the requirements of this section, whether or not the individual is employed by a school entity.*

*(5) Notice of reinstatement.*

*(i) The Secretary of Education shall provide an educator with the opportunity to appeal any determination that the educator's certification is inactive pursuant to 2 Pa.C.S. Chs. 5 (relating to practice and procedure) and 7 (relating to judicial review).*

*(j) The department shall establish a procedure to grant extensions to professional educators to fulfill the requirements of this section based upon extenuating circumstances.*

*(k) A professional educator who is not employed by a school entity as a professional or temporary professional employe may apply to the department for inactive certification. Inactive certification shall:*

*(1) Suspend the requirements of this section until inactive certification is removed by the department. Upon the removal of inactive certification, a professional educator shall have the same number of hours of continuing professional education and the same amount of time in which to complete those hours as existed for the professional educator at the time inactive certification was granted.*

*(2) Be removed by the department upon the application of the professional educator and evidence of the completion of thirty (30) hours of continuing professional education within the immediate preceding twelve (12) months. The department shall establish guidelines to approve courses that will authorize the removal of inactive certification.*

*(3) Disqualify an individual from being employed by a school entity as a professional or temporary employe. An individual with inactive certification may be employed as a temporary substitute teacher for no more than ninety (90) days during a school year.*

*(l) The department shall submit an annual report to the chairman and minority chairman of the Appropriations Committee and the Education Committee of the Senate and the chairman and minority chairman of the Appropriations Committee and the Education Committee of the House of Representatives regarding the program of continuing professional education. The report shall include information about programs offered by the department, including costs, the number of professional educators who have met continuing professional education requirements during each compliance period and the number of professional educators who have not met the requirements.*

*(m) The State Board of Education may promulgate any final-omitted regulations necessary to implement this section.*

*(n) Nothing contained in this act shall supersede or preempt any provisions of a collective bargaining agreement between a school entity and an employe organization in effect on the effective date of this act.*

*(o) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:*

*“Approved provider” is an institution of higher education, school entity, individual, corporation, partnership, limited liability company or association approved by the department to provide continuing professional education credits or hours under this section. Provided, a school entity may approve a provider of continuing professional education credits or hours in accordance with department guidelines.*

*“Area of a professional educator’s assignment or certification” shall mean any component of the education profession as it relates to the current job title or description of the professional educator or to any area of certification listed on the professional employe’s Pennsylvania certification or to the type of certificate or endorsement held by the professional educator.*

*“Collegiate studies” shall mean a formal program or course of study at an institution of higher education leading to the award of academic credit.*

*“Continuing professional education courses” shall mean courses for credit, other than collegiate studies, conducted by providers approved by the department.*

*“Professional educator” shall mean an individual who holds a Pennsylvania teacher, educational specialist or administrative certification or letter of eligibility.*

*“School entity” shall mean a school district, an intermediate unit, a joint school district, an area vocational-technical school, a charter school, the Scotland School for Veterans’ Children and the Scranton School for the Deaf or any of these acting jointly.*

*Section 1205.3. Charter Schools.—An uncertified teacher or administrator who is employed full time by a charter school shall comply with the continuing professional education requirements of sections 1205.1 and 1205.2(a) through (c) to maintain employment in a charter school. The charter school shall maintain the records of an uncertified teacher or administrator who is employed full time by a charter school.*

Section 4. Section 1902-C of the act is amended by adding a clause to read:

Section 1902-C. Applications.—Applicants shall submit applications at the time, in the manner and containing or accompanied by such information as the department may prescribe but, in any case, shall document the following:

\* \* \*

*(8) An applicant applying for funds under this section that contracts with a private alternative education institution under Article XIX-E shall be exempt from the application requirements in clauses (1), (3) and (6).*

Section 5. The act is amended by adding an article to read:



**ARTICLE XIX-E.**  
**PRIVATE ALTERNATIVE EDUCATION INSTITUTIONS**  
**FOR DISRUPTIVE STUDENTS.**

*Section 1901-E. Definitions.—For purposes of this article, the following terms shall have the following meanings:*

*“Private alternative education institution.” An institution operated by an individual or a for-profit or not-for-profit entity to provide alternative education programs as defined in section 1901-C(1).*

*“School entity.” A school district, joint school, charter school, area vocational-technical school, combination of school districts or intermediate unit.*

*Section 1902-E. Contracts with Private Alternative Education Institutions.—*

*(1) A school entity may contract with a private alternative education institution.*

*(2) A contract under this section shall specify the policies established by the school entity to identify those students who are eligible for assignment to the institution and assure that the placement of a student will comply with the informal hearing procedures set forth in 22 Pa. Code § 12.8(c) (relating to hearings). Notice of the hearing should precede placement in the institution. Where the student’s presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the student may be immediately removed from the regular education curriculum with notice and a hearing to follow as soon as practicable.*

*(3) A private alternative education institution shall:*

*(i) Be exempt from statutory requirements established in this act and from regulations of the State Board of Education and standards of the Secretary of Education, except the following: sections 111, 325, 326, 327, 431, 436, 437, 443, 518, 527, 736, 737, 738, 739, 740, 741, 753, 755, 771, 809, 810, 1112(a), 1303(a), 1317, 1317.1, 1317.2, 1327, 1332, 1361, 1366, 1501, 1513, 1517, 1518, 1546 and 1547 of this act; Articles XIII-A and XIV of this act; 22 Pa. Code Chs. 4 (relating to academic standards and assessment), 11 (relating to pupil attendance) and 14 (relating to special education services and programs); the act of July 17, 1961 (P.L.776, No.341), known as the “Pennsylvania Fair Educational Opportunities Act”; and regulations promulgated pursuant to this article.*

*(ii) Comply with all Federal and State laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion or ancestry and shall provide for enrollment and hiring in a nondiscriminatory manner.*

*(iii) Be nonsectarian in all operations and shall not provide any religious instruction, nor shall it display religious objects and symbols on the premises of the institution.*

*(iv) Be subject to any additional requirements established through regulation.*

*(v) Submit an application to the Department of Education as prescribed by the Department of Education.*

*(4) A private alternative education institution shall submit an annual report to the Department of Education containing information required by the Department of Education.*

*Section 1903-E. Approval by Department of Education.—(a) A private alternative education institution may not operate in this Commonwealth unless it is approved by the Department of Education.*

*(b) The Department of Education shall be responsible for evaluating a private alternative education institution's initial application to operate in this Commonwealth, and each private alternative education institution operating in this Commonwealth shall be reevaluated for approval every three years.*

*(c) The Department of Education may issue guidelines for the operation of a private alternative education institution.*

Section 6. The sum of \$10,000,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Education for fiscal year July 1, 1999, to June 30, 2000, for alternative education. This amount shall replace the amount appropriated for alternative education in section 212 of the act of May 5, 1999 (P.L.987, No.1A), known as the General Appropriation Act of 1999. Any expenditures from the appropriation in section 212 of the General Appropriation Act of 1999 shall be credited to this appropriation.

Section 7. This act shall take effect as follows:

(1) The amendment of sections 914.1-A and 1902-C and the addition of Article XIX-E of the act shall take effect immediately.

(2) Section 6 and this section shall take effect immediately.

(3) The remainder of this act shall take effect July 1, 2000.

APPROVED—The 23rd day of November, A.D. 1999.

THOMAS J. RIDGE