

## **ACT 45 & ACT 48 MORATORIUM UPDATE**

Act 24 of 2011 provides for a two year suspension of the Act 45 and Act 48 continuing professional education requirements for school and system leaders and educators. The following list of frequently asked questions along with their answers is provided for your information.

### **Frequently Asked Questions**

#### **1. Under what authority has the Act 45 and Act 48 suspension/moratorium been instituted?**

Act 24 of 2011 amended section 1205.1 of the Public School Code of 1949 by adding subsection (F); section 1205.2 of the Public School Code of 1949 by adding subsection (N.1); and section 1205.5 of the Public School Code of 1949 by adding subsection (H). These amendments suspended Act 45 and Act 48 continuing professional education requirements for school and system leaders and educators until June 30, 2013. 24 P.S. §§ 12-1205.1(F); 12-1205.2(N.1); 12-1205.5(H).

#### **2. When do the Act 45 and Act 48 moratoriums take effect?**

The Act 48 suspension/moratorium period takes effect on August 29, 2011. The Act 45 suspension/moratorium was effective on June 30, 2011.

#### **3. May I complete Act 45 or Act 48 courses, programs or activities and receive credit hours during the suspension?**

Yes, no one is prohibited from taking Act 45 or Act 48 courses, programs or activities if they choose to do so during the suspension/moratorium period. Any educator or school or system leader may continue to acquire Act 45 or Act 48 credits and/or hours during the statutorily prescribed two-year suspension period. Hours accrued during this time will be credited to the compliance period in effect at the time the suspension/moratorium took effect.

#### **4. Have all of the professional education requirements for Act 45 and Act 48 been suspended for two years?**

No, not entirely – see below:

##### **INDUCTION**

The requirement for principals, vice principals and assistant principals to complete the PIL induction program within five years of appointment for the first time as a principal, vice principal or assistant vice principal to convert to an administrative II certification was not suspended. See generally 24 P.S. § 11-1109.

##### **ALTERNATIVE PATHWAY TO ADMINISTRATIVE OR VOCATIONAL DIRECTOR CERTIFICATION**

Candidates for administrative or vocational director certification that do not complete a college or university graduate program in education approved by the Department MUST complete a leadership development program that addresses the school leadership standards (PIL) within two

years of serving in the capacity for which the candidate was certified. See 24 P.S. § 12-1207.1(D)(1)(IV).

The Department is currently developing guidelines that will identify approved program(s) for this purpose.

**ALTERNATIVE PATHWAY FOR APPOINTMENT OR ELECTION TO A SUPERINTENDENT OR ASSISTANT SUPERINTENDENT POSITION**

An individual that holds a graduate degree from an accredited higher education institution in business or finance and has at least four years of relevant experience in business, finance or management that is elected or appointed as a district superintendent or assistant district superintendent for the first time MUST complete a program that addresses the school leadership standards (PIL). See 24 P.S. § 10-1003(B-C).

The Department is currently developing guidelines that will identify approved program(s) for this purpose, with a definitive timeline for completion of any approved program(s).

**NOTE: All previously established routes to obtain either Administrative or Vocational Director Certificate(s) AND/OR Letters of Eligibility or Appointment or Election to Superintendent or Assistant Superintendent that existed prior to the passage of Act 24 of 2011 are still valid.**

**5. Will individuals facing inactivation of their certification prior to the effective date of the suspension/moratorium have their certificate inactivated?**

Inactivation notices will be sent out to all educators not completing Act 48 requirements with continuing education periods that end on or before August 28, 2011. These educators' certificates will be placed in "Inactivation Pending" status and may be inactivated between June 30 and July 31, 2012. Certificates of school and system leaders that are pending inactivation for failure to complete their Act 45 continuing professional education requirements will remain in "Inactivation Pending" status during the course of the suspension/moratorium period, as the moratorium/suspension for Act 45 was effective on June 30, 2011.

**6. Will end dates be changed for educators with continuing education periods ending on or after the start of the suspension/moratorium?**

Yes, two years will be added to the continuing professional education period of all educators with continuing education periods that currently end on or after August 29, 2011, the start date of the suspension/moratorium. In other words, their continuing education period end dates will be changed so that their periods expire two years later than they would have expired without the suspension/moratorium.

**7. During the suspension/moratorium period does it matter that educators have "inactive" certificates?**

Yes, those educators with inactive certificates as of June 1, 2011 will remain inactive although educators may have their certificates reactivated during the suspension/moratorium if they

complete their outstanding continuing professional education requirements during the period of the suspension/moratorium. *See* Question No. 10 below.

**8. What is the last continuing education period end date that the Department will send inactivation notices for prior to the beginning of the suspension/moratorium (08/29/2011)?**

Inactivation notices will be sent to all educators not completing Act 48 requirements with continuing education periods ending on or before August 28, 2011.

**9. Will the Department be changing the status of those educators in “Inactivation Pending” status to “Inactive” status in on June 30, 2012?**

The Department maintains the right under the law to continue to inactivate certificates with “Inactivation Pending” status during the period of the suspension/moratorium. Pursuant to section 1205.2 of Act 48, the Department may place a professional educator’s (including school and system leaders) certificate in inactive status between June 30 and July 31, 2012. 24 P.S. § 12-1205.2(h)(4).

**10. Will educators with inactive certificates be able to reactivate their certificates during the suspension/moratorium period?**

Yes, an educator’s certificate(s) will be reactivated if the individual completes the required 180 hours or six college credits of continuing education during the course of the suspension/moratorium period.

**11. Will four year notices be sent to those with one year or less remaining in their compliance period during the suspension/moratorium period?**

No, four year notices will be discontinued during the suspension/moratorium period.

**12. Will reporting of continuing education hours and credits continue during the suspension/moratorium period?**

Yes, all providers will be able to report Act 45/Act 48 hours and credits during the suspension/moratorium period.

**13. How does the suspension/moratorium affect the continuing professional education periods of educators who get their first Act 48 covered certificate issued to them during the suspension/moratorium?**

All educators who are issued their first Act 48 covered certificate during the period of the suspension/moratorium will be assigned a continuing education period end date of June 30, 2018.

**14. Will extensions of the continuing professional education period be granted during the suspension/moratorium period?**

There will be no need to grant extensions during the suspension/moratorium period; therefore, none will be granted.

**15. Will the Department place educators on Voluntary Inactive status during the period of the suspension/moratorium?**

Yes, educators may apply for Voluntary Inactive status, and the Department will continue to place them on Voluntary Inactive status, during the suspension/moratorium period.

**16. What will happen with regard to the continuing education period end dates of educators who apply to have their Voluntary Inactive status removed during the suspension/moratorium period?**

Normally, when an educator requests removal of Voluntary Inactive status the educator upon reactivation is credited with the amount of time remaining in the continuing education period when that educator's certificate was placed on Voluntary Inactive status – i.e., it is added to the remainder of the educator's continuing education period. However, because the moratorium will be effective upon the removal of the voluntary inactive status, the educator's compliance period will be extended by the amount of time remaining in the continuing education period when that educator's certificate was placed on Voluntary Inactive status upon expiration of the suspension/moratorium.

**17. Will the Department continue to offer free online courses for Act 48 hours during the period of the Suspension/Moratorium?**

Yes, the free online courses will continue to be offered during the period of the suspension/moratorium. Educators can go to <http://pdesas.org> and establish a login (free to everyone) at the question prompt "Registered User?" in the right hand column. At the top right, click on Teacher Tools, and after that, click on PD Center. Descriptions of the free courses can be found there and educators can register to take them.

**18. May currently approved Pennsylvania Inspired Leaders (PIL) courses continue to be offered during the suspension/moratorium period?**

Yes, courses and programs approved through the ITQ process prior to the suspension may be offered throughout the period of the suspension/moratorium.

**19. Will the provider approval process continue for Act 48 Approved Providers during the suspension/ moratorium period?**

Yes, providers that wish to apply for initial Act 48 Approved Provider status may submit new applications for review and approval by the Department.

**20. What will happen if an Act 48 Provider's period of approval expires during the period of the suspension/moratorium?**

The suspension/moratorium has no effect on the length of approval for Act 48 and Act 45 Providers. Act 48 and Act 45 Providers will follow the normal three-year submission cycle for seeking approval.

**21. Will the Invitation to Qualify (ITQ) approval process continue for new PIL courses and programs during the suspension/moratorium period?**

Yes, the Department of Education will continue to approve PIL courses and programs at regularly scheduled intervals throughout the year.

**22. Are Local Education Agencies (LEAs) required to submit professional education plans during the suspension/moratorium period?**

Professional education plans as required by section 1205.1 of the Public School Code of 1949, 24 P.S. § 12-1205.1, are not required during the suspension/moratorium period; however, professional education plans associated with the federal requirements of Title I and Title II will continue in effect. It should be noted that Title I requires sustained on-going, intensive professional development as a component within mandated school improvement plans. Further, any district receiving Title I and Title II funding is required to include a professional development plan within the school improvement plan along with the requirements of 22 Pa. Code § 49.17 (Continuing Professional Education).

**23. Will the Department continue to review and approve initial professional education plans submitted by private/nonpublic schools during the suspension/moratorium?**

Yes, private/non-public schools may continue to submit initial professional education plans to the Department for review and approval during the period of the suspension/moratorium. Approvals will be granted for a period of three years.

**24. What will happen if a private/nonpublic school's professional education plan expires during the suspension/moratorium period?**

The suspension/moratorium has no effect on the length of approval for private/nonpublic school professional education plans. Private/nonpublic schools will continue to follow the normal three-year submission cycle for seeking approval of professional education plans.