

Lapsed Certificates

Section 24 P.S. 12-1201

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PURPOSE

For purposes of this Basic Education Circular (BEC), lapsed certificates are those certificates that are not valid because the period of service has expired. This BEC explains the proper course of action when the public entity discovers that a professional employee may have an invalid certificate, and will address audits concerning such certificates.

PROCEDURES

Although it is the professional employee's responsibility to hold and maintain valid certification for assigned duties and functions, it is the employing public school entity's responsibility to employ or retain only those members of the professional staff who hold a valid certificate. The most frequent teacher certification audit irregularity is the failure of the professional employee to maintain a valid Pennsylvania certificate as required by law and/or regulation.

Course of action for a public school entity when it believes that a professional employee may have a lapsed certificate:

A school entity cannot unilaterally decide that the professional employee's certificate is no longer valid. *Pointek v. Elk School District, 26 Pa. Commonwealth Court 52, 360 A.2d 840 (1976)*. Instead, the school entity must immediately inform the Bureau of Teacher Certification and Preparation (BTC) in writing that the certificate of the professional employee may have lapsed, and request a determination of the certificate's status. A link to the form for requesting this determination of the validity of a certificate, which is based on years of service, is provided for this BEC, and should be authenticated by both the Chief School Official and employee.

Reference may be made to [Certification Staffing Policy and Guideline](#) (CSPG) #8 for reviewing how to calculate service time. In addition, the public school entity shall notify the professional employee that this information is being forwarded to the Department for official review.

The BTC, approximately 30 days from receipt of the school entity's documentation worksheet and request for determination, shall notify the school entity whether the certificate of the professional employee has lapsed. The school entity may choose to continue employment of the professional employee while the Bureau is investigating whether the individual's certificate has lapsed. If the Bureau determines that the employee's certificate has lapsed, the school entity must immediately relieve that employee of any professional responsibilities or it will suffer a forfeiture penalty.

AUDITS

Section 2518 of the Pennsylvania School Code mandates that any school district, intermediate unit, area vocational-technical school or other public school entity employing any person in a position that is subject to the certification requirements of the Department of Education, who has not been certified for his or her position, shall suffer a subsidy forfeiture. A forfeiture penalty, however, will not be applied to a school entity under Section 2518 of the School Code for the period beginning from the date of receipt by the BTCP of the school entity's worksheet for the validity determination until the date of the school entity receives the Bureau's determination in writing.

In *Bristol Township v. Pennsylvania Department of Education, Certification Audit Appeal No. 95-01* (decision issued July 10, 1995), the Secretary of Education held that the employment of individuals with lapsed certificates constitutes a violation under Section 2510 and Section 2518 of the Public School Code and the Department lacks authority to waive the forfeiture imposed by Section 2518 where there is no dispute as to the existence of the violation. Consequently, the Department shall not waive a forfeiture even when the district can demonstrate that, although the employee was not properly certified, he or she was qualified for the position. The Department has no authority to waive a financial penalty on the basis of a 'good faith' argument by the school entity.

REFERENCES:

Purdon's Statutes

24 P.S. Section 12-1201
24 P.S. Section 12-1202
24 P.S. Section 12-1212
24 P.S. Section 16-1604
24 P.S. Section 20-2070.2
24 P.S. Section 25-2518

State Board of Education Regulations

[22 Pa Code, Chapter 49. Certification of Professional Personnel](#)

[22 Pa Code § 49.2\(b\)](#)

[22 Pa Code § 49.11](#)

[22 Pa Code § 49.12](#)

[22 Pa Code § 49.33](#)

[22 Pa Code § 49.34](#)

[22 Pa Code § 49.72](#)

[22 Pa Code § 49.82](#)

[22 Pa Code § 49.84](#)

[22 Pa Code § 49.92](#)

[22 Pa Code § 49.102](#)

[22 Pa Code § 49.111](#)

[22 Pa Code § 49.142](#)

[22 Pa Code § 49.152](#)

[22 Pa Code § 49.163](#)

Department of Education Standards

[22 Pa Code § 235.6](#)

[22 Pa Code § 235.7](#)

Others

Certification Audit Appeal No. 95-01 (Bristol v. PDE)
Pointek v. Elk School District

LINK:

[PDE Documentation Work Sheet for Determining Certificate Validity](#)

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