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## Pennsylvania's Act 91: Addressing the Substitute Teacher Shortage and Providing Qualified Personnel during Educator Absences

Pennsylvania faces a substitute teacher shortage which creates a crisis for schools needing to ensure students are safe and learning during the COVID-19 pandemic. Although substitute teacher shortages have been an issue for several years, increased educator retirements, fewer new educators entering the workforce, and quarantine and isolation requirements related to the pandemic are exacerbating the shortages in the 2021-22 school year. This leaves classrooms uncovered, disrupts learning, and makes it harder to ensure student safety. In response, Pennsylvania's Act 91 of 2021, which passed with bipartisan support, expands the pool of potential substitute teachers and pilots a classroom monitor program.

This *Advisory* describes expanded opportunities under Act 91 for classroom coverage using the following categories of personnel: certified teachers, individuals with emergency permits, retired educators, prospective teachers, and classroom monitors. Additional information about the legislation is available on PSEA's website.<sup>1</sup>

### **Certified Educators**

As always, certified teachers (PA and out-of-state) with active certificates can substitute in their area of certification at any time. Act 91 permanently expands the number of days certified educators assigned to substitute in a position outside their area of certification can serve. Previously, certified substitutes could be assigned as day-to-day substitutes for a maximum of 20 days per year in each curricular content area outside of their field of certification. Act 91 now allows certified substitutes to substitute for up to 20 days for any individual teacher, even if multiple assignments are in the same content area. Certified teachers who want to provide coverage for one teacher outside their area of certification for more than 20 days still must obtain a long-term substitute permit.

Act 91 also permanently increases the number of days that educators with inactive certificates can work as substitutes, from 90 to 180 days per school year. Like educators with active certificates, Act 91 permits those with inactive certificates to be assigned as day-to-day substitutes for a maximum of 20 days for any individual teacher. Teachers with inactive certificates who want to substitute outside their area of certification for more than 20 days for one teacher must obtain a long-term substitute permit.

Individuals who hold a Pennsylvania teaching certificate or comparable out-of-state teaching certificate and are interested in substitute teaching should contact the district's human resources office or private substitute staffing agency to learn more about working as a certified substitute teacher.

### **Educators with Day-to-Day Emergency Permits**

Individuals who have a bachelor's degree but do not have a teaching certificate can substitute with a day-to-day substitute emergency permit. Act 91 permanently expands the number of days people with a bachelor's degree can serve as day-to-day substitute teachers, from a maximum of 20 days per year in each curricular content area to 20 days for any individual teacher, even if multiple assignments are in the same content area. For assignments of longer than 20 days, individuals with a bachelor's degree must obtain an emergency long-term substitute permit.

Individuals interested in substitute teaching who have a bachelor's degree but do not have a teaching certificate should contact the district's human resources office or private staffing agency to learn more about substitute teaching.

<sup>1</sup> <https://www.psea.org/sublegislation>

## Retired Educators

For the 2021-22 and 2022-23 school years, Act 91 loosens the requirements for schools to employ retirees as substitutes.

Prior to Act 91, a retiree might place his or her annuity at risk by returning to employment as a substitute teacher unless there was an emergency work overload or staffing shortage approved by PSERS and the school entity made a good faith effort to first seek non-retired substitutes. Act 91 eliminates the requirement that the school entity first seeks non-retired candidates. The requirement that a district declares a work overload or staffing emergency still exists. Assuming PSERS approves a district's emergency staffing declaration, retirees now can substitute in the district for up to 180 days a year.

***PSEA highly recommends that retirees request documentation of PSERS' approval of a district's emergency staffing declaration prior to employment as a substitute teacher by the district. To best protect against any harm to their annuities, retirees should arrange to provide substitute services through a private staffing agency.***

## Prospective Educators

For the 2021-22 and 2022-23 school years, Act 91 expands substitute teaching opportunities for individuals who are currently or recently enrolled in approved PA teacher preparation programs:

**Recent and Soon-To-Be College Graduates.** Act 91 permits individuals who have: (i) completed a teacher preparation program, (ii) met all requirements for the awarding of a bachelor's degree, and (iii) passed or are working to schedule required certification exams, to serve as substitute teachers under a temporary certificate for substitute teachers. Previously, only people who had completed the certification testing could obtain a temporary certificate.

Persons with temporary certificates continue to be able to fill day-to-day vacancies (up to 20 consecutive days in a position). Act 91 also temporarily expands the number of days these individuals can serve as substitutes by adding that they may, for the 2021-2022 and 2022-2023 school years, fill long-term vacancies (i.e., single assignments that exceed 20 consecutive days).

**Students Enrolled in Approved Educator Preparation Programs (not Student Teaching).** Under previous law, Individuals enrolled in a PA-approved educator preparation program could substitute for no more than 10 days a year for an individual teacher and up to 20 total days across multiple teachers. Act 91 waives these service limitations for this school year and the next. The limitations imposed on student teachers under current law remain in place during this time: while in a student teaching program, the prospective educator can only substitute for 10 days for an individual teacher and no more than 20 total days of service.

Prospective teachers who are interested in substitute teaching should contact the district's human resources office or private substitute staffing agency to learn more about substitute teaching.

## Classroom Monitors

Act 91 pilots a classroom monitor program to assist with classroom coverage needs in the 2021-22 and 2022-23 school years. A monitor is permitted to deliver student assignments that are preplanned by the classroom teacher but cannot plan lessons or create or grade student work. Classroom monitors must meet clearance and citizenship requirements, be at least 25 years old, and complete classroom management training provided by an Intermediate Unit. In addition, classroom monitors must meet one of two criteria:

- A classroom monitor must have attained at least 60 college credits from an accredited PA college or university; **OR**
- A classroom monitor must currently be employed by a public school entity as a paraprofessional and have at least three years of experience as a paraprofessional. In this case, compensation must reflect the higher of the paraprofessional's existing contractual compensation or that established by the school (or third-party agency) for day-to-day substitute teachers.

Individuals who are interested in working as a classroom monitor and who meet the criteria listed above should contact the district's human resources office or private substitute staffing agency to learn more about substitute teaching.

## Moving Beyond Act 91 to Address the School Staffing Needs

**Reducing the likelihood of teacher absences.** PSEA continues to advocate for the adoption of recommended public health pandemic mitigation strategies because they reduce the likelihood of teacher absences due to illness. Keeping professional employees healthy and on the job and reducing the need for quarantine and isolation measures is a foundational strategy to keeping classrooms fully staffed.

**Ensuring the provision of federally mandated services.** Employers may assign paraprofessional staff to work as classroom monitors. However, paraprofessional employees provide critical services to students, especially related to federal special education and Title I required services. Employers who re-assign paraprofessionals to work as classroom monitors must ensure that the re-assignment does not disrupt the provision of mandatory services.

**Providing appropriate supervision for classroom monitors.** Classroom monitors do not hold professional certificates or emergency permits and are not able to assume the rights and responsibilities of certificated personnel. Administrators should ensure those classroom monitors have proper supervision at all times.

**Advocating for the use of multiple pathways.** Stakeholders should advocate districts for the use of any or all of the multiple pathways to addressing substitute shortages that are included in Act 91. PSEA members should consider communicating with their employers to ensure they are pursuing all available options.

**Addressing root causes.** The substitute teacher shortage has been exacerbated by quarantine and isolation requirements of the COVID 19 pandemic. However, staff shortages in schools were a growing problem even before the pandemic. Act 91 of 2021 provides school districts with new or expanded options to address an immediate crisis but does not address the root causes of staffing shortages in schools. To address root causes, advocates should consider supporting the following reforms:

- **Increase compensation and improve working conditions for substitute teachers,** including the creation of permanently contracted building substitute positions. In a tight labor market, it is particularly important to ensure that critical jobs like substitute teaching are attractive to potential job candidates. Some districts provide paid training and other supports to substitute teachers to foster success on the job. Federal ESSER funding<sup>2</sup> can be used to increase substitute teacher compensation immediately and to provide other needed supports.
- **Build programs to attract young people and mid-career changes to teaching.** Over the last several years, the number of individuals entering the teacher preparation pipeline has significantly decreased. This makes it difficult for school districts to replace experienced teachers who leave. Substitute teachers are in particularly high demand when teacher shortages lead to professional vacancies that cannot be filled on a full-time basis. Some programs that have been effective at recruiting candidates into teacher preparation programs include higher education loan forgiveness, grow-your-own programs to support mid-career changers from the local community, and explicit efforts to increase the starting salaries and working conditions of new teachers.
- **Increase compensation and improve working conditions to retain classroom teachers.** Substitute teacher shortages are exacerbated when teachers leave the profession and create a staff vacancy that may remain open due to a shortage of certified educators. Recently, the number of experienced educators leaving the field has increased significantly, particularly among educators in their first five years of teaching and educators nearing retirement age. Efforts to retain experienced educators are enhanced by generous compensation and supportive working conditions that include opportunities for professional collaboration, adequate instructional resources for classrooms, supportive school leadership, and comprehensive induction programs for new teachers.

### For More Information

For information about substitute teaching and classroom monitors in a specific school or district, PSEA members should contact their UniServ Representative. Individuals who are considering working as a substitute teacher or classroom monitor should contact the human resources department of the school district in which they would like to work. For general information about the provisions of Act 91, PSEA members should contact PSEA's Education Services personnel: Dr. Gina Gullo ([GGullo@psea.org](mailto:GGullo@psea.org)) for policy inquires or Dr. Chris Clayton ([CCLayton@psea.org](mailto:CCLayton@psea.org)) for certification inquiries.

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<sup>2</sup> For more information on ARP ESSER funds see the July 16, 2021 *Advisory*: [ARP ESSER Funds: Basics and Use](#).