(G) The time served by any public-school teacher working as teacher in any foreign country under leave granted him for the purpose by the Department of Education of Puerto Rico shall, for the purposes of this Act, be computed as though the service had been rendered in the public schools of Puerto Rico, provided such teachers so request in writing within the year following the termination of such services and provided such teachers pay to the Fund the contributions they would have had to pay for all of that time on the basis of the salaries received during such service, plus an adequate sum, in the judgment of the actuary, so that the Fund may be able to credit them with the said years of service without impairing its financial solvency.

Section 2—This act shall take effect immediately after its approval.

Approved June 21, 1955.

(Subs. for S. B. 481)

[No. 94]
[Approved June 21, 1955]

AN ACT

To regulate the certification of teachers in the public education system and in private schools accredited by the Department of Education of Puerto Rico; to repeal Act No. 211, approved May 11, 1945, as amended by Act No. 414, of April 23, 1946, and Act No. 29, of April 23, 1931, as amended.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—Definition of terms:

1. Teacher's certificate—A document issued by the Secretary of Education entitling the holder thereof to engage in the teaching or technical work specified therein.

2. Provisional teacher's certificate—A document provisionally and temporarily authorizing the holder thereof to engage in teaching work, in those cases in which such holder does not meet the qualifications of academic training and of experience, or either of them, as fixed by the law and the regulations in force for the granting of a teacher's certificate.
3. Accredited—Refers to normal schools, colleges of education, colleges of liberal arts, colleges of science, colleges of social sciences, colleges of humanities, or colleges of natural sciences, and universities, accredited by the University of Puerto Rico or by regional or professional associations of the United States of America, organized for the official accreditation of university studies.

4. Teacher—For the purposes of this act, applies to any supervision, technical or teaching personnel of the school system, excluding office personnel.

5. Elementary school—Includes from the first to the sixth grades.

6. Secondary school—Comprises the intermediate school, formed by the seventh, eighth and ninth grades, and the high school, formed by the tenth, eleventh and twelfth grades.

7. Accredited private school—Is an elementary, intermediate or high school whose courses are given academic credits equivalent to those granted in public schools and other accredited private schools.

Section 2.—The Secretary of Education is hereby empowered to adopt regulations, subject to approval by the Governor, prescribing the academic, vocational and technical qualifications and the requirements of professional experience and of majors related to their profession which shall be met by candidates for certificates to work in the diverse categories of teachers within the public education system of Puerto Rico and private schools duly accredited by the Department of Education of Puerto Rico, as well as the requirements for obtaining renewal of such certificates. Said regulations shall be promulgated by the Secretary of Education and shall have the force of law immediately after approved by the Governor; provided, that the said regulations shall be published twice in one or more dailies of general circulation in the Commonwealth one month prior to their submission to the Governor. Copy of the said regulations shall be transmitted to the Legislature of Puerto Rico.

Section 3.—The certificates to teach in the public schools and in duly accredited private schools that may be in force at the time this act is approved, shall continue to have the same force and effect that they had on said date.
Section 4.—Teacher’s certificates issued by the Secretary of Education shall specify the type of service authorized thereby, the school level, date of issuance, and date of expiration.

Section 5.—Candidates for teacher’s certificates shall meet the following general qualifications:

1. To be a citizen of the United States of America or of Puerto Rico.
2. To be of a blameless moral behavior.
3. To be physically able to work as teacher, as shown by a medical certificate issued upon forms prepared for the purpose by the Secretary of Education.
4. To have attained 18 years of age.
5. To hold a Normal School diploma or its equivalent, or a degree of Bachelor of Arts majoring in elementary school teaching, issued by the University of Puerto Rico or other duly accredited college or university institution, to teach in elementary schools; a degree of Bachelor of Arts or Bachelor of Science, majoring in education, or its equivalent, issued by the University of Puerto Rico or other duly accredited college or university institution, to teach in secondary schools; and in order to hold supervisory and technical positions, said candidates must hold at least a degree of Bachelor of Arts or Bachelor of Science, majoring in education, or its equivalent, issued by the University of Puerto Rico or other duly accredited college or university institution, with the experience and credits in the techniques in which they have majored, or in school administration and supervision, that the regulations may fix. Vocational teachers shall meet the minimum qualifications of academic training prescribed in the Commonwealth Vocational Education Plan and the qualifications fixed by the regulations; the equivalence of diplomas and degrees required for the issuance of a teacher’s certificate shall be determined upon the academic and professional training of the candidate, according to standards set by the University of Puerto Rico or duly accredited colleges and universities.

Artículo 4.—Los certificados de maestro expedidos por el Secretario de Instrucción Pública especificarán la clase de servicio que autorizan, el nivel escolar, la fecha de su expedición y la fecha de expiración.

Artículo 5.—Los candidatos a certificados de maestro deben reunir los siguientes requisitos generales:

1. Ser ciudadano de Estados Unidos de Norte América o de Puerto Rico.
2. Tener conducta moral intachable.
3. Estar físicamente capacitados para ejercer como maestros, según certificado facultativo expedido en los formularios que para tal fin prepare el Secretario de Instrucción Pública.
4. Haber cumplido 18 años de edad.
5. Poseer diploma de Normal o su equivalente, o el grado de Bachiller en Artes especializado en la enseñanza de la Escuela Elemental, expedido por la Universidad de Puerto Rico u otra institución colegial o universitaria debidamente acreditada, para enseñar en la Escuela Elemental; de Bachiller en Artes o en Ciencias, especializado en Educación, o su equivalente, expedido por la Universidad de Puerto Rico u otra institución colegial o universitaria debidamente acreditada, para enseñar en la Escuela Secundaria; y para desempeñar cargos de Supervisión y de Técnicos, deberán poseer por lo menos Bachillerato en Artes o en Ciencias, especializado en Educación, o su equivalente, expedido por la Universidad de Puerto Rico u otra institución colegial o universitaria debidamente acreditada, con experiencia y los créditos en técnicas especializadas, o en Administración y Supervisión Escolar que fije el Reglamento. Los maestros vocacionales deberán poseer los requisitos mínimos de preparación académica que fije el Plan Estatal de instrucción vocational y los requisitos que fije el reglamento; la equivalencia de los diplomas y grados exigidos para el otorgamiento del certificado de Maestro la determinará la preparación académica y profesional del candidato de acuerdo con normas establecidas por la Universidad de Puerto Rico o colegios y universidades debidamente acreditados.
6. The measure of experience as required by the regulations.

Section 6.—The Secretary of Education of Puerto Rico is hereby empowered to establish by said regulations standards of academic and professional training in addition to those prescribed herein for the issuance of certificates authorizing candidates to hold positions requiring academic and professional training in addition to the Bachelor’s degree.

Section 7.—The Secretary of Education shall not issue or approve any appointment as teacher to work in public schools and accredited private schools in Puerto Rico to any person who does not hold a teacher’s certificate in force of the grade appertaining to the position covered by such appointment.

Section 8.—Issuance of certificates.—The Secretary of Education shall issue the proper certificate to a candidate who meets the qualifications prescribed in this act and in the regulations, which certificate shall be valid for the purpose and during the period for which it is issued. A certificate shall be originally issued for a period of four years, upon expiration of which it may be renewed for a period of six years to candidates meeting the requirements fixed by law and by the regulations.

Section 9.—Teacher’s life certificates.—The Secretary of Education shall issue life certificates of the several categories to teachers who have satisfactorily worked in the public schools or in duly accredited private schools in Puerto Rico for a period of not less than fifty months, of which at least thirty months must have been worked by them as teachers in a position of the same category as that of the certificate sought to be issued. The experience acquired by a teacher working under a provisional teacher’s certificate shall not be computed as valid experience for the issuance of the life certificate.

Section 10.—No duplicates of teacher’s certificates shall be issued. However, official certifications may be issued to accredit the holding of a certificate.

Section 11.—Provisional teacher’s certificate.—The Secretary of Education shall, under such regulations as he may make for the purpose, issue provisional teacher’s certificates for a
period not exceeding one year for any of the categories set by
the regulations, to such persons as do not meet the qualifications
as to experience or academic or professional training prescribed
in this act and in the regulations, whenever no persons holding
teacher’s certificates are available to fill vacancies occurring in
the public education system or in accredited private schools.

Section 12.—Cancellation of certificates.—The Secretary of
Education may cancel the certificate of any teacher whenever, at
a hearing held for the purpose and upon preference of charges
pursuant to law, the holder of said certificate is, in the judg-
ment of the Secretary, found guilty of:

a) Immorality.
b) Alcoholism or addiction to drugs or narcotics.
c) Holding of a certificate through fraud or deceit.
d) Cruelty.
e) Incompetency.
f) Gross negligence in the discharge of his duties.
g) Insubordination.
h) Abandonment of service without just cause and with-
out due authorization.
i) Advocating the overthrow of the Government of
Puerto Rico or of the United States by means of
force or violence, or being a member of any group,
meeting, or organization advocating the overthrow
of the Government of Puerto Rico or of the United
States by force and violence.

Section 13.—Any teacher aggrieved by the decision of the
Secretary of Education in any of the instances referred to in
the preceding section shall have the right to appeal before the
Superior Court within a period of fifteen (15) days reckoning
from the date the Secretary of Education served notice on him
of the resolution cancelling his certificate. Said appeal shall be
taken by filing with the clerk of the above-mentioned court a
writ containing the finding of fact and the issues of law on
which the appellant bases his remedy. Notice of said writ
shall be served on the Secretary of Education in the manner
determined by the court and the Secretary shall answer within
thirty days following the date of such notice. After the answer

de las categorías especificadas en el reglamento, a aquellas per-
sonas que no reunan los requisitos de experiencia, preparación
académica o profesional, fijadas en esta ley y en el reglamento,
cuando no consiga personas con certificados de maestro para las
vacantes que ocurran en el sistema de instrucción pública o en
las escuelas privadas acreditadas, de acuerdo con el reglamento
que al efecto promulgue.

Artículo 12.—Cancelación de Certificados—El Secretario de
Instrucción Pública podrá cancelar el certificado de cualquier
maestro cuando, en audiencia celebrada al efecto, previa for-
mulación de cargos con arreglo a la ley, el tenedor del certificado
aparezca, a juicio del Secretario, culpable de:

a) Inmoralidad.
b) Alcoholismo o adicción al uso de drogas o narcóticos.
c) Posesión de un certificado mediante fraude o engaño.
d) Crueldad.
e) Incompetencia.
f) Negligencia manifiesta en el desempeño de sus fun-
ciones.
g) Insubordinación.
h) Abandono del servicio sin causa justificada y sin la
debida autorización.
i) Abogar por el derrocamiento del Gobierno de Puerto
Rico o de los Estados Unidos por medio de la fuerza
o la violencia, o ser miembro de cualquier grupo,
assemblea u organización que abogue por el derroca-
miento por la fuerza y la violencia del Gobierno de
Puerto Rico o de los Estados Unidos.

Artículo 13.—El maestro afectado por la decisión del Secreta-
tario de Instrucción Pública en cualquiera de los casos a que se
refiere el artículo anterior, tendrá derecho a establecer recurso
de apelación ante el Tribunal Superior dentro de un plazo de
quince (15) días a contar de la fecha en que el Secretario de
Instrucción Pública le haya comunicado la resolución cancelán-
dole el certificado. Dicha apelación se tramitará radicando en
la Secretaría del antes mencionado Tribunal un escrito con-
teniendo los fundamentos de hecho y de derecho en que basa
el apelante su recurso. Este escrito será notificado al Secretario
de Instrucción Pública en la forma que el tribunal dispusiere y
el Secretario lo contestará dentro de los treinta días subsiguien-
is filed, the court shall set a date within the thirty days following such filing for the hearing of the case, at which hearing the Secretary may produce evidence in support of his resolution, and the appellant may offer such evidence as he may have or may deem necessary. It shall be the duty of the Superior Court taking cognizance of the case to render judgment not later than the twentieth day after the hearing is held.

Section 14.—Issuance of certificates on the basis of certificates issued in the United States of North America.

a) The Secretary of Education may acknowledge as valid the certificates issued by any State or Territory of the United States of North America for the purpose of issuing a similar certificate to work in public schools and accredited private schools in Puerto Rico, provided such certificates represent, in his judgment, the minimum academic training and other general requirements prescribed by this act and by the regulations for the issuance of certificates of the same category in Puerto Rico, and provided that in the school laws and regulations of said State or Territory provision is made for reciprocity with the Commonwealth of Puerto Rico.

Section 15.—This act and the regulations herein authorized to be promulgated shall be construed and applied in the most liberal and favorable way to safeguard the rights now enjoyed by teachers of all categories in active service or entitled to practice their profession by virtue of the certificates they hold at the time this act takes effect.

Section 16.—Act No. 211, approved May 11, 1945, amendatory Act No. 414, approved April 28, 1946, and Act No. 29, of April 23, 1931, as amended, are hereby repealed.

Section 17.—This act shall take effect on the date of its approval.

Approved June 21, 1955.