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INDEPENDENT REGULATORY
REVIEW COMMISSION



March 9, 1999

Dr. James P. Gallagher
Chairman
State Board of Education
Commonwealth of Pennsylvania
333 Market Street, First Floor
Harrisburg, PA 17126-0333

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Dear Chairman Gallagher:

We are writing jointly to request that the State Board of Education formally consider withdrawing the final-form regulation (# 6-258) to 22 Pa. Code, Chapter 49 (Certification of Professional Personnel), which was forwarded to the House and Senate Education Committees for final approval or disapproval on February 9, 1999 under provisions of the Regulatory Review Act, and which was subsequently tolled by the State Board. We believe this course is in the best interest of furthering a goal we all share: reforming the Commonwealth's system of certifying professional school personnel.

These regulations were last reviewed by our committees in June of 1997. In the interim a new Chapter 4, implementing rigorous academic standards, was enacted as part of 22 PaCode. In addition, a new legislative session convened with members added to both our committees who were not party to previous discussions of this critical issue. Further, the legislature is presently moving toward statutory enactment of legislation establishing continuing professional development requirements for teachers in the Commonwealth. The Senate will soon begin consideration of a proposal on this issue. And, the House of Representatives is tentatively scheduled to deliberate its version of this legislation, House Bill 8, the week of March 15th. Should the General Assembly be successful in this endeavor during the 1999-2000 session, Chapter 49 would have to be reopened to reflect the statute. It appears counterproductive to act on Chapter 49 until the issue of continuing professional development legislation has been resolved.


Dr. James P. Gallagher
Page 2

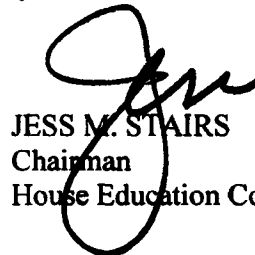
Considering the substantial differences between tolled regulation #6-258 and current legislative proposals, it would be impossible for us to recommend approval of this regulation to the members of our committees. Rather, we would be forced to recommend disapproval pending the outcome of the legislative deliberations that will soon take place.

We ask that you consider these facts prior to calling up tolled regulation #6-258 for the Board's consideration. Given the current legislative landscape, we hope that you will agree to withdraw this regulation and so allow the General Assembly to continue its work on this critical issue.

Thank you in advance for your consideration.

Sincerely,


JAMES J. RHOADES
Chairman
Senate Education Committee


JESS M. STAIRS
Chairman
House Education Committee

Cc: The Honorable Eugene Hickok
Mr. Robert Nyce ✓

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May 10, 1999

Dr. James P. Gallagher, Chairman
State Board of Education
333 Market Street – First Floor
Harrisburg, PA 17126-0333

Dear Chairman Gallagher:

Once again, we are writing jointly to request that the State Board of Education formally consider withdrawing the portions of final-form regulation (#6-258) to 22 Pa. Code, Chapter 49 (Certification of Professional Personnel) that conflict with legislative efforts to enact significant reforms to the existing law on the certification and professional development of professional school employees.

It is our understanding that the State Board of Education has scheduled a vote to send this regulation to the Senate and House Education Committees in final form. If the Board is intent on sending amendments to Chapter 49 through the legislative elements of the regulatory review process, we recommend the following:

1. that portions of the regulation which conflict with current legislative proposals on professional development be removed from the regulation. We believe this would include the following:

- Definitions Section—specifically the definition of “Continuing Professional Development” page 4
- Section 49.17 pages 13-17
- Section 49.83 (Subsection 3) page 37
- Section 49.103 (Subsection 3) page 42
- Section 49.111 (Subsection c) page 46
- Section 49.143 specific reference on page 51
- Section 49.163a page 56

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2. that only the remaining portions of the regulation which do not conflict with the legislative proposal on professional development be sent to the standing committees in final form.

Like you and your colleagues on the State Board, we have been working to reform Pennsylvania's system of teacher certification and continuing professional education for many years. Throughout this time, we have done what legislators must do during discussion of any controversial education issue: weigh the concerns and interests of all those who serve in, and who are served by, public education in order to formulate a well-balanced public policy.

The State Board and, in particular, the members of the Chapter 49 Committee, have also been engaged in active discussions of this issue. While we compliment you on the Board's work on the sensitive issue of professional development, we continue to be concerned that the Board's revisions to Chapter 49's professional development regulations will further complicate an already complex legislative process.

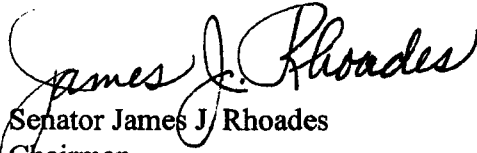
It is clear that the General Assembly intends to significantly alter the current law on professional development prior to its summer recess. It is also clear that the approach likely to be taken on this issue will not only represent a significant departure from current law, but will also potentially conflict with the regulation you propose to place before the standing committees. Since legislative action would supersede conflicting regulatory language, it appears counterproductive for the State Board to move forward at this time on the issue of continuing professional development. Absent the previously-suggested amendatory action by the State Board, the Education Committees may find it necessary to disapprove all of Chapter 49 until such time as legislative action has been completed.

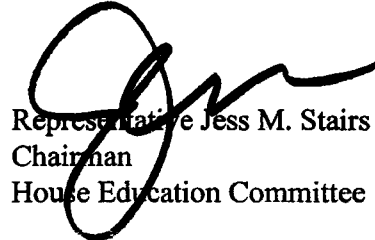
While we believe that both the General Assembly and the State Board are committed to making true reforms to the Commonwealth's current system of certification and professional development; it would be counterproductive for the State Board to attempt at this time to enact regulatory changes to Chapter 49 which might conflict with subsequent statutory provisions and ultimately necessitate a re-opening of Chapter 49. For this reason, we ask that the State Board work with the General Assembly toward enactment of these statutory reforms by refraining from submitting a regulation that clearly conflicts with plans for legislative action on these issues.

Page Three

Thank you in advance for your consideration.

Sincerely,


Senator James J. Rhoades
Chairman
Senate Education Committee


Representative Jess M. Stairs
Chairman
House Education Committee

cc: Honorable Eugene Hickok, Secretary, PA Department of Education
Robert E. Nyce, Executive Director, Independent Regulatory Review Commission ✓

MAY 23 1997

15TH DISTRICT
JEFFREY PICCOLA

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Senate of Pennsylvania

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May 22, 1997

The Honorable James Rhoades, Chairman
Senate Education Committee
Room 350 Main Capitol Building
Harrisburg, PA 17120

Dear Jim:

Thank you for the opportunity to comment on IRRC Regulation #6-258, Title 22-Chapter 49, Certification of Professional Personnel. I would like to present my comments in concert with Senate Bill 706, legislation which I have re-introduced this legislative session to require continuing certification for education professionals.

As you know, under the current system of certification for education professionals, once an employee becomes permanently certified, there is no requirement to continue on with educational studies. While there are many dedicated and excellent education professionals who automatically pursue continuing education, there are some who, once they become permanently certified, do nothing to continue their studies. Probably in no other profession is it more important to keep current in academic disciplines; for these are the individuals who are teaching our youth and challenging them daily to prepare for a world where information changes at lightning speed.

Item 1: Requirements for continuing education:

Chapter 49 changes require continuing certification every five years including completing any of the following or a combination thereof: 6 college credits in the areas of assignment and certification; 6 credits of Department-approved in-service courses in the areas of assignment and certification; or 180 hours of Department-approved professional development activities and experiences which may include curriculum work and professional conferences and workshops. Senate Bill 706 provides for more rigorous requirements. While the above requirements would apply to those who have completed a Master's degree, individuals who *do not* have a Master's degree, under my legislation.

Senator James Rhoades

5-22-97

Page 2

would need to complete any of the following or a combination thereof: 9 college credits in the areas of assignment and certification; 9 credits of Department-approved in service courses in the areas of assignment and certification; and 250 clock hours of Department-approved continuing professional development experiences in the areas of assignment and certification which may include curriculum development work, program design and delivery and professional seminars and workshops.

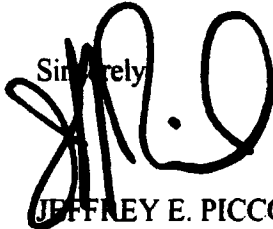
Retroactivity:

Chapter 49 regulations would apply only to those currently in professional preparation programs and all future prospective education professionals. Senate Bill 709 includes all current and new education professionals. I believe it is imperative that everyone in the current public school system engage in continuing professional development so that all students may share in the benefits of such a system.

Fiscal impact on professional personnel:

Chapter 49 does not address how requirements for continuing professional development would financially impact on personnel. Senate Bill 709 provides that if the continuing professional development activity is to be used for renewable certification and is paid for by the individual, school board approval is not required. However, if the district is paying for the activity, school board approval is required. This also allows for more oversight and control at the local level in terms of what types of continuing professional development activities are being pursued.

In closing, as we continue to raise the bench marks of achievement for student academic standards, we must also ensure that our educators continually strive to set their standards higher and higher as well. I believe the rigorous standards in my legislation, as well as the requirement for all professionals to comply with them, will be a significant first step in achieving that goal.

Sincerely,

JEFFREY E. PICCOLA

JEP/nj

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REPLY TO:

Reading Office



Senate of Pennsylvania

June 2, 1997

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PENNSYLVANIA COMMISSION ON
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The Hon. James J. Rhoades
Senate Post Office
The State Capitol
Harrisburg, PA 17120-0030

Dear Senator Rhoades:

I am writing to submit comments to the proposed changes in Title 22 of the Pennsylvania Code regarding the certification of professional personnel.

The change to section 49.103 (b) (2), which requires an applicant for an Education Specialist II to complete three years of satisfactory teaching with an Education I Certificate, presents some confusion because the Education I Certificate is not a teaching certificate. Consequently, it appears that a school psychologist is being required to obtain teaching certification, along with teaching for three years in order to qualify as an Education Specialist II. This would impose a radical change in the training process of school psychologists.

I question whether the added requirements of teacher certification and three years of classroom experience will significantly add to the skill and expertise necessary to adequately perform the duties of a school psychologist. This situation could easily be remedied by replacing the word "teaching" found in 49.103 (b) (2) with the word "service", as it was stated in the previous version of Chapter 49.

Thank you for your attention to and consideration of this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike".

Michael A. O'Pake
Senator--11th District

MAOP:G

JESS M. STAIRS, MEMBER
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R.D. #1
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House of Representatives
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June 4, 1997

Dr. James Gallagher, Chairman
State Board of Education
First Floor, 333 Market Street
Harrisburg, PA 17126

Dear Dr. Gallagher:

The House Education Committee has received proposed rulemaking #6-258 (proposed regulations to Title 22, Pa Code of Regulations, Chapter 49) on certification of professional personnel, submitted by the State Board of Education. Pursuant to Section 5(B.2) of the Act of 1982 (PL 633, No. 181), as amended, known as the Regulatory Review Act, the Committee reviewed said proposed rulemaking on Wednesday, May 14, 1997, and offers the following comments:

§49.1. (Definitions). The Committee suggests that the term "commission" be included among the definitions. It is a confusing term, as it applies to the contractual status of the chief school administrator as well as the possible reference to the Professional Standards and Practices Commission (PSPC).

It is the Committee's suggestion that the definition of "commissioned officer" include executive directors and assistant executive directors of intermediate units, as that term is referenced in §49.182(c), as well as in the title of Subchapter E.

The Committee further suggests that §49.1 contain the following definitions: "maintaining active certification" (as it relates to acquiring continuing professional development credits); and "areas of assignment and certification".

§49.13(b)(12). "Equivalencies". The Committee strongly objects to the language of this subsection which, it believes, runs counter to the legislative intent of granting authority to the State Board for the standards of certification. While the Secretary, in Section 1204 of the Act, may grant certification to an applicant whose equivalent background and experience meets the standards established by the State Board of Education, it was never the intent of the Legislature to permit the Board to transfer to the Secretary of Education the authority to set the standards for equivalent background.

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The Committee also suggests that the Board provide language to permit the Commonwealth's teacher preparation institutions to determine equivalent experiences, just as they currently evaluate teacher candidates for fitness and qualifications for the profession. In any case it is the Board which must develop the specific standards by which equivalency is determined and then identify who will make the determination. The Committee further suggests that standards for certification and equivalent background be promulgated as a separate chapter of State Board regulations.

§49.11 - General. The Committee suggests that language be inserted into this section or another appropriate section to require the Board and the Department to perform a comprehensive review, on a five-year basis, of all existing areas of certification, as well as new areas of certification.

§49.13(b)(13). Temporary waiver language. This particular subsection is unclear as to whether a temporary waiver is the same as a temporary permit. That is crucial in determining whether this language pertains to waiving certification for potential employees or continuing a policy for current employees. The Committee suggests that the Board clarify this language to identify the class of employee involved and further suggests that the Board provide, within the text of the regulations, the specific criteria which trigger such a waiver. The Committee further suggests that the criteria or standards for granting a temporary waiver of certification be included in the separate chapter for standards.

§49.15. Elimination of the section on approval of experimental programs. The House Education Committee suggests that the Board reinstate this section. As the Commonwealth proposes education reform, experimental programs at colleges and universities may provide both an alternative entry into the profession while providing evidence of the validity of various education reforms, such as college-based charter schools.

§49.17(c)(1)(2). Continuing professional development. The Committee urges the Board to consider amending the language in this subsection to replace the word "in" with the phrase "related to" before the phrase "the areas of assignment and certification". If not defined in §49.1 (Definitions), the use of the phrase "the areas of assignment and certification" should be clarified by specific examples, such as courses or activities in methodology, teaching technology, current educational trends, pedagogy, educational psychology, or courses or activities within the subject areas or in the practice of teaching.

Language needs to be added to identify the chief school administrator of the school entity as the final authority in determining valid studies or courses in one's areas of assignment and certification. This would appear to conform with the intent of §1205.1(d) of the School Code.

The Committee further recommends that the breadth of possible continuing professional development activities include those listed in Section 1205.1(c) of the Act.

§49.65. Out-of-state and Nationally-certified applicants. The Committee suggests that the Board designate a separate section for nationally-certified applicants as a way of emphasizing the importance of this class of certificate holders.

§49.111(a)(2). Supervisory Certifications. The Committee recommends that the Board reinstate the word "specified" before "program area". We believe that a supervisory certification may be helpful to cover more than one program area for staffing purposes; however, the Committee questions whether a supervisor should be permitted to supervise in an area for which he/she has no known preparation.

§49.83. Instructional II and §49.103 - Educational Specialist II. Language contained in these sections refers to the certificates as "renewable", and eliminates the term "permanent". Sections 1201 and 1203 of the School Code specifically list several certifications as "permanent". If it is the Board's intent to replace permanent certificates with renewable certificates in the literal sense, then this Committee opposes that change as contrary to the intent and content of the Act. If it is the Board's intent to require professional development as a means of maintaining an active certificate, then the Committee suggests that the Board use language to that effect throughout the proposal and delete references to "renewable" and "renewability". (A phrase has been suggested for definition in §49.1.)

§49.161. Supervisor of Vocational Education. The Committee believes, for reasons already stated, that supervisory certificates should be held by people with preparation in subject areas to be supervised. This is extremely important for supervision in vocational education. Therefore, the Committee recommends that the Board reinstate this section under a single consolidated certification, as with other supervisory certification. (49.111)

Several additional changes affect multiple sections of the proposal as they relate to educational specialists. The Committee suggests that the word "service" replace "teaching" in §49.103(2); language should be inserted into §49.18(a)(iii) to permit educational specialists to act as consultants in the assessment process, where assessments deal with the services offered by educational specialists and whenever educational specialists are properly certified; and the induction procedure and the use of the term "induction" should be modified as it relates to educational specialists. These suggestions are offered to help define the discrete role of educational specialist certification.

Page Four

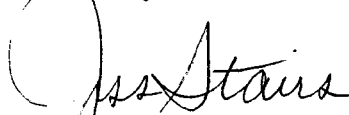
The Committee expresses some concern with a tendency by state educational agencies to anticipate legislative intent prior to the passage of legislation. Within the regulatory process, the language of existing statute must be the standard by which the content of proposed regulations must be measured, regardless of pending legislation. Changes outlined within this letter include some of those concerns.

To this end, the Committee Chairmen extend an offer to meet with the State Board and its staff, the Senate Education Committee Chairmen and their staff, the Governor's Office and Secretary of Education at a mutually convenient time, in order to discuss the statutory changes needed to move the Commonwealth toward a more accountable certification process. Your consideration of this offer is appreciated and we await your response.

Our thanks to the State Board especially Karl Girton, Member, and Dr. Peter Garland, Executive Director, for their assistance to the Committee and its staff in the review of these regulations.

If you have questions regarding these comments, please contact us.

Sincerely



Representative Jess M. Stairs
Chairman, House Education Committee



Representative Ronald Cowell
Minority Chairman, House Education Committee

JMS/er

cc: John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission ✓
Members, House Education Committee

JESS M. STAIRS, MEMBER
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House of Representatives
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June 7, 1999

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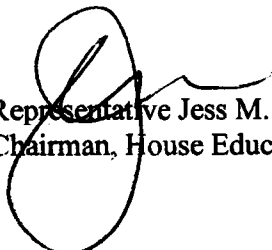
John R. McGinley, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Mr. McGinley:

In accordance with Section 5.1 (d) of Regulatory Review Act (Act 181 of 1982, as amended), the House Education Committee met on Monday, June 7, 1999, to take action on revised final-form rulemaking #6-258 (Certification of Professional Personnel) of the State Board of Education. At that meeting, the Committee voted to approve the revised final-form regulation #6-258 as submitted on May 17, 1999.

If you have any questions regarding this action, please do not hesitate to contact me.

Sincerely,


Representative Jess M. Stairs
Chairman, House Education Committee

JMS/er

cc: Dr. James Gallagher, State Board of Education
Dr. Peter Garland, Executive Director, State Board of Education

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June 7, 1999

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John R. McGinley, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Mr. McGinley:

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If you have any questions regarding this action, please do not hesitate to contact me.

Sincerely,

A handwritten signature of Representative Jess M. Stairs, consisting of a large, stylized 'J' and 'S'.

Representative Jess M. Stairs
Chairman, House Education Committee

JMS/er

cc: Dr. James Gallagher, State Board of Education
Dr. Peter Garland, Executive Director, State Board of Education

29TH DISTRICT
JAMES J. RHOADES

PLEASE REPLY TO:

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Senate of Pennsylvania

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June 7, 1999

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John R. McGinley, Chairman
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

RE: IRRC Regulation #6-258
Department of Education
Chapter 49 (Certification of Professional Personnel)

Dear Chairman McGinley:

Please be advised that on June 7, 1999 the Senate Education Committee considered Final Form Regulation #6-258, an amendment to 22 Pa. Code, Chapter 49 (Certification of Professional Personnel).

The committee voted to recommend approval of this regulation. Please accept this as evidence of our recommended approval.

If you have any questions, please contact my office.

Sincerely,

Handwritten signature of James J. Rhoades in cursive script.

JAMES J. RHOADES
Chairman

cc: Representative Jess Stairs
Representative Nicholas A. Colafella
Secretary Eugene Hickok
Dr. Peter Garland

SAMUEL E. ROHRER, MEMBER
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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

June 9, 1997

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Dr. James Gallagher, Chairman
State Board of Education
First Floor, 333 Market Street
Harrisburg, PA 17108

Dear Dr. Gallagher:

Pursuant to Section 5(B.2) of the Regulatory Review Act, the undersigned offer comments regarding proposed Rulemaking #6-258 (Chapter 49 of Title 22 of the PA Code) submitted by the State Board of Education. Specifically, we suggest that the State Board eliminate all references to student learning outcomes, references to current Chapter 5 of the State Board's regulations, and language linking the certification of professional employees to preparation and instruction in curriculum content of the current Chapter 5 regulations.

We make these suggestions for two reasons. First, the Governor has indicated his plan to submit academic content standards to replace the current Chapter 5 regulations. Therefore, linking teacher preparation and certification to curriculum regulations likely to be superseded over the next few years, seems inappropriate and inefficient.

Second, linking Chapter 49 regulations to a body of curriculum regulations which have engendered such legislative opposition as has Chapter 5, seems to be counterproductive. Many of the changes supported in Chapter 49 are supported by proposed legislation. Chapter 5 has, however, provoked legislation in opposition to the current language in previous legislative sessions.

June 9, 1997
Page 2

Based upon the foregoing reasons, we ask the State Board to consider our suggested revisions as these regulations are prepared for final rulemaking.

Thank you for your time and consideration of these suggestions.

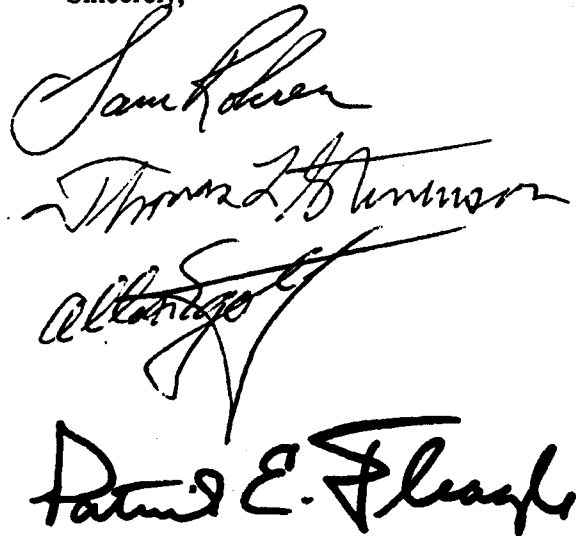
Sincerely,

Samuel E. Rohrer

Thomas L. Stevenson

Allan Egolf

Patrick E. Fleagle

The block contains four handwritten signatures stacked vertically. The first signature is 'Sam Rohrer', the second is 'Thomas L. Stevenson', the third is 'Allan Egolf', and the fourth is 'Patrick E. Fleagle'. Each signature is written in a cursive, handwritten style.

cc: Mr. John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission
House Education Committee Members

29TH DISTRICT
JAMES J. RHOADES

PLEASE REPLY TO:

SENATE POST OFFICE
THE STATE CAPITOL
HARRISBURG, PA 17120-0030
(717) 787-2637

32 E. CENTRE STREET
MAHANOH CITY, PA 17948
(717) 773-0891



Senate of Pennsylvania

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PHEAA BOARD OF DIRECTORS
EDUCATION COMMITTEE OF NCSL
COMMISSIONER, EDUCATION COMMISSION OF
THE STATES

June 9, 1997

ORIGINAL: #1827
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JEWETT
SMITH
SANDUSKY
WYATTE
NYCE
BERESCHAK

John R. McGinley, Chairman
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

RE: IRRC Regulation #6-258
Title 22-Chapter 49
Certification of Professional
Personnel

Dear Chairman McGinley:

Members of the Senate Education Committee have received, considered and held a public hearing on the proposed State Board Regulation #6-258. Chapter 49 regulations define the basic requirements for teacher preparation, certification and continuing professional development. The purpose of the changes in Chapter 49 is to strengthen teacher education programs. This is the standard against which such changes should be judged. Improving teacher education is key to improving the quality of education in the schools of the Commonwealth.

One of the fundamental problems with the Chapter 49 regulatory changes is the application of such changes. Every professional has an obligation to continually seek knowledge to improve their performance. No where is this obligation more important than in the classroom. The basis of the State Board of Education's decision regarding the inapplicability of the requirements to renew certification [see 49.11 (a) and 49.17 (c)] for the current work force is not clear. Senator Piccola shares this concern, as is clearly demonstrated in his comments which were forwarded to the committee.

Although this area has been debated in the past, it is worthwhile to consider a way in which these regulations may be applicable to the current work force. The time lag involved in making these regulations meaningful should be carefully weighed against the potential costs of such a requirement. The State Board should consider other strategies which allow the requirements to renew certification to be phased in with the current work force.

The State Board should reexamine the rigor of the requirements in section 49.16 to renew certification. Recent Senate legislation has suggested more rigorous requirements than those contained in the proposed regulation but allows latitude in the type of activities by which the requirements may be met. This is an area that should be reconsidered.

The definition in section 49.1 under "induction plan" should be amended to change "teaching" profession to "education" profession to be consistent with the language describing a "teacher or educational specialist" in this section.

In section 49.13 (b) (12), the "establishment of equivalencies" language should be deleted. Reference to these equivalencies elsewhere in the draft ought to be deleted. This language is counter to the demonstrated need for certification and to the desire to raise the standard for teacher education. Further, the current Chapter 49 requirements provide opportunities for uncertified persons to teach in the public schools of the Commonwealth through the use of the "intern" certificate, the "emergency" certificate and experimental programs. The experimental programs were deleted in the revisions and this is a change that ought to be reconsidered.

Language in section 49.13 (b)(13) relating to the ability of the Secretary to waive requirements contained in the chapter should be eliminated. If a waiver is needed, then specific criteria ought to be established for when such a waiver might occur. The continuation of the intern and emergency certificates helps to address this need for flexibility.

In section 49.17 (c)(1), there is a requirement that courses taken for continuing professional development be "in the areas of assignment and certification." As stated in this section, this provision may be too limiting and so requires further definition. Teachers should know how these courses will be judged to be in the areas of assignment and certification and who will make this decision.

Section (49.18a.3) needs to be amended to read: "The assessment program will be developed in consultation with teachers, administrators, teacher educators or educational specialists with relevant certification." This change is also necessary for consistency and to clarify that education specialists are not always teachers, but that they do perform educational services of importance.

Section 49.65 defines the criteria for establishing teaching reciprocity with other states and recognizes those who attain certification by the National Board for Professional Teaching Standards. This change is supported and should be retained in the regulations. Administrative reciprocity should be examined as well.

Section 49.71 should retain language regarding an applicant's completion of approved programs of teacher education. Reference to "equivalent" should be deleted. The way in which the standards which evolve from the principles established in section 49.81 are assessed should be addressed.

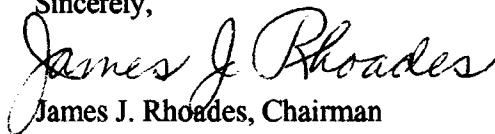
Section 49.103(b)(2) requires an applicant for an Education Specialist II to complete three years of satisfactory teaching with an Education I Certificate. Senator O'Pake's comments point out that this presents some confusion because the Education I Certificate is not a teaching certificate and would not apply to school psychologists. Senator O'Pake suggests that the word "teaching" found in this section be replaced with the word "service" as it was stated in the previous version of Chapter 49.

Section 49.121's reference to "or a similar combination of experience and education" needs to be reconsidered. The intent of this section is not clear and seems contrary to the tone of the regulations which strive to retain high standards and more rigorous assessment.

The elimination of the Vocational Supervisor Certificate in section 49.161 and 49.162 has created concern and requires a re-evaluation. During the Senate Education Committee's Public Hearing on this regulation, testimony was presented noting that the supervision of vocational-technical education programs requires a specialized set of skills uniquely different from other education programs. The vocational supervisor promotes the integration of academic and vocational education, according to the testimony. Vocational teachers are provided with different certification than other teachers. The same standard should apply for vocational supervisors.

The Committee appreciates the opportunity to comment on these important regulations.

Sincerely,



James J. Rhoades, Chairman
Senate Education Committee

JJR/my

cc: Senate Education Committee Members
Representative Jess Stairs
Representative Ronald R. Cowell
The Honorable Eugene Hickok
Dr. Peter Garland

29TH DISTRICT
JAMES J. RHOADES

PLEASE REPLY TO:

☒ SENATE POST OFFICE
THE STATE CAPITOL
HARRISBURG, PA 17120-0030
(717) 787-2637

☐ 32 E. CENTRE STREET
MAHANOTY CITY, PA 17948
(717) 773-0891



Senate of Pennsylvania

COMMITTEES

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EDUCATION COMMITTEE OF NCSE
COMMISSIONER, EDUCATION COMMISSION OF
THE STATES

June 7, 1999

ORIGINAL: 1827

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Harbison

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Sandusky

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Notebook

John R. McGinley, Chairman
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

RE: IRRC Regulation #6-258
Department of Education
Chapter 49 (Certification of Professional Personnel)

Dear Chairman McGinley:

Please be advised that on June 7, 1999 the Senate Education Committee considered Final Form Regulation #6-258, an amendment to 22 Pa. Code, Chapter 49 (Certification of Professional Personnel).

The committee voted to recommend approval of this regulation. Please accept this as evidence of our recommended approval.

If you have any questions, please contact my office.

Sincerely,

A handwritten signature in cursive script that reads "James J. Rhoades".
JAMES J. RHOADES
Chairman

cc: Representative Jess Stairs
Representative Nicholas A. Colafella
Secretary Eugene Hickok
Dr. Peter Garland



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

RECEIVED
99 FEB 23 PM 2:51
INDEPENDENT REGULATORY
REVIEW COMMISSION

February 19, 1999

The Honorable Senator James J. Rhoades
Chair, Senate Education Committee
Room 350, Capitol
Harrisburg, PA 17120

ORIGINAL: 1827
COCCODRILLI
COPIES: Coccodrilli
Smith
Sandusky
Legal

Re: State Board of Education Regulation 6-258
Certification of Professional Personnel
IRRC #1827

Dear Senator Rhoades:

Pursuant to Section 5a(g) of the Regulatory Review Act (71 P.S. § 745.5a(g)), the State Board of Education is tolling the review of the above captioned regulation. By letter dated February 19, 1999, Robert Nyce, Executive Director of the Independent Regulatory Review Commission, informed us that the Commission did not object.

Copies of our tolling letter and Mr. Nyce's response are enclosed.

Sincerely yours,

Peter H. Garland
Executive Director

cc: Robert E. Nyce
James P. Gallagher
Eugene W. Hickok
Jane Demko, Office of General Counsel



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

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INDEPENDENT REGULATORY
REVIEW COMMISSION

February 19, 1999

The Honorable Nicholas A. Colafella
House Education Committee
Room 300, Main Capitol
Harrisburg, PA 17120

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Sandusky
Legal

Re: State Board of Education Regulation 6-258
Certification of Professional Personnel
IRRC #1827

Dear Representative Colafella:

Pursuant to Section 5a(g) of the Regulatory Review Act (71 P.S. § 745.5a(g)), the State Board of Education is tolling the review of the above captioned regulation. By letter dated February 19, 1999, Robert Nyce, Executive Director of the Independent Regulatory Review Commission, informed us that the Commission did not object.

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Sincerely yours,

Peter H. Garland
Executive Director

cc: Robert E. Nyce
James P. Gallagher
Eugene W. Hickok
Jane Demko, Office of General Counsel



**Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION**

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INDEPENDENT REGULATORY
REVIEW COMMISSION

February 19, 1999

The Honorable Allyson Y. Schwartz
Senate Education Committee
Room 182, Capitol
Harrisburg, PA 17120

ORIGINAL: 1827
COCCODRILLI
COPIES: Coccodrilli
Smith
Sandusky
Legal

Re: State Board of Education Regulation 6-258
Certification of Professional Personnel
IRRC #1827

Dear Senator Schwartz

Pursuant to Section 5a(g) of the Regulatory Review Act (71 P.S. § 745.5a(g)), the State Board of Education is tolling the review of the above captioned regulation. By letter dated February 19, 1999, Robert Nyce, Executive Director of the Independent Regulatory Review Commission, informed us that the Commission did not object.

Copies of our tolling letter and Mr. Nyce's response are enclosed.

Sincerely yours,

Peter H. Garland
Executive Director

cc: Robert E. Nyce
James P. Gallagher
Eugene W. Hickok
Jane Demko, Office of General Counsel



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

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INDEPENDENT REGULATORY
REVIEW COMMISSION

February 19, 1999

The Honorable Jess M. Stairs
Chairman
House Education Committee
43-A East Wing, Capitol
Harrisburg, PA 17120

ORIGINAL: 1827
COCCODRILLI
COPIES: Coccodrilli
Smith
Sandusky
Legal

Re: State Board of Education Regulation 6-258
Certification of Professional Personnel
IRRC #1827

Dear Representative Stairs:

Pursuant to Section 5a(g) of the Regulatory Review Act (71 P.S. § 745.5a(g)), the State Board of Education is tolling the review of the above captioned regulation. By letter dated February 19, 1999, Robert Nyce, Executive Director of the Independent Regulatory Review Commission, informed us that the Commission did not object.

Copies of our tolling letter and Mr. Nyce's response are enclosed.

Sincerely yours,

Peter H. Garland
Executive Director

cc: Robert E. Nyce
James P. Gallagher
Eugene W. Hickok
Jane Demko, Office of General Counsel

JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN
ALVIN C. BUSH, VICE CHAIRMAN
ARTHUR COCCODRILLI
ROBERT J. HARBISON, III
JOHN F. MIZNER, ESQ.
ROBERT E. NYCE, EXECUTIVE DIRECTOR
MARY S. WYATTE, CHIEF COUNSEL



PHONE: (717) 783-5417
FAX: (717) 783-2664
irrc@irrc.state.pa.us
<http://www.irrc.state.pa.us>

INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

February 19, 1999

Peter H. Garland, Executive Director
State Board of Education
333 Market Street, 10th Floor
Harrisburg, PA 17126

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99 FEB 23 PM 2:52
INDEPENDENT REGULATORY REVIEW COMMISSION

Re: IRRC Regulation #6-258 (#1827)
State Board of Education
Certification of Professional Personnel

Dear Mr. Garland:

The Commission does not object to tolling the review of the subject regulation. Therefore, the tolling period began with the receipt of your letter on February 19, 1999. By March 22, 1999, the State Board of Education must hand-deliver to the Commission and the Committees either the revised regulation or written notification that the regulation will not be revised. The revised regulation or notification must be accompanied by a transmittal sheet (copy enclosed) confirming delivery to the Committees and the Commission on the same date. The regulation will be deemed withdrawn, if the State Board of Education does not return the regulation or provide the required notification by March 22, 1999.

If you have any questions, please call me at 783-5506.

Sincerely,

Robert E. Nyce
Executive Director

REN:wbg
Enclosure

cc: Honorable James J. Rhoades
Honorable Allyson Y. Schwartz
Honorable Jess M. Stairs
Honorable Nicholas Colafella
Jane Demko, Office of General Counsel



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

February 19, 1999

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Mr. Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
14th Floor
333 Market Street
Harrisburg, PA 17126

ORIGINAL: 1827
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COPIES: Coccodrilli
~~Nyce~~
Smith
Sandusky
Legal

Dear Mr. Nyce:

The House Education Committee has recommended that references to 22 Pa. Code, Chapter 5 in the final-form of 22 Pa. Code, Chapter 49 (Certification of Professional Personnel) (#6-258) be corrected from Chapter 5 to Chapter 4 (Academic Standards and Assessment) which became effective on January 16, 1999.

With your concurrence, we will toll final-form Chapter 49 in order to change references from Chapter 5 to Chapter 4 as indicated on the list below:

Final-form Annex A - p. 11, Section 49.14 (4)(iii)
p. 13, Section 49.16(a)
p. 21, Section 49.42
p. 35, Section 49.81(a)
p. 39, Section 49.101
p. 44, Section 49.111(a)(4)
p. 46, Section 49.121 (a)
p. 50, Section 49. 141(b)
and any other references to Chapter 5.

Sincerely yours,

Peter H. Garland
Executive Director

cc: James Gallagher
Eugene Hickok



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

February 19, 1999

Mr. Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
14th Floor
333 Market Street
Harrisburg, PA 17126

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Sandusky
Legal
Notebook

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Mr. Nyce:

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p. 35, Section 49.81(a)
p. 39, Section 49.101
p. 44, Section 49.111(a)(4)
p. 46, Section 49.121 (a)
p. 50, Section 49. 141(b)
and any other references to Chapter 5.

Sincerely yours,

Peter H. Garland
Executive Director

cc: James Gallagher
Eugene Hickok

JESS M. STAIRS, MEMBER
PA HOUSE OF REPRESENTATIVES
HOUSE BOX 202020
HARRISBURG, PA 17120-2020
PHONE: (717) 783-9311
WEB SITE: WWW.JSTAIRS.COM
E-Mail: EROMANO@PAHOUSEGOP.COM

R.D. #1
ACME, PA 15610
PHONE: (724) 423-5141



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

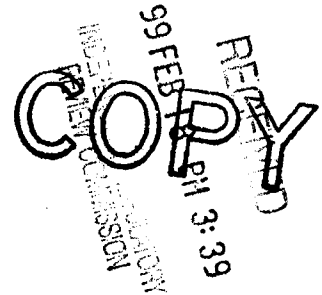
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STATE BOARD OF EDUCATION
FIREFIGHTERS CAUCUS
COMMISSIONER-EDUCATION
COMMISSION OF THE STATES
PA LEGISLATIVE SPORTSMEN'S
CAUCUS
THE RURAL CAUCUS

February 19, 1999

Dr. Peter Garland, Executive Director
State Board of Education
333 Market Street—First Floor
Harrisburg, PA 17126-0333

ORIGINAL: 1827
COCCODRILLI
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Nyce



Dear Dr. Garland:

Smith, Sandusky, Legal, Notebook

I am writing to request that the State Board of Education formally consider withdrawing the final-form regulations (#6-258) to 22 Pa. Code, Chapter 49 (Certification of Professional Personnel), which were forwarded on February 9, 1999, to the House Education Committee for final approval or disapproval under provisions of the Regulatory Review Act.

These regulations were last reviewed by the House Education Committee in June of 1997, at which time the members of the Committee made extensive comments regarding needed revisions to the document. There has been virtually no public action on these critical regulations since the Board's final action in September of 1997. In the interim, new academic standards (22 Pa Code, Chapter 4) have been implemented; a new legislative session has been convened, with a new Minority Chairman and new members added to the House Education Committee; and official action by the General Assembly regarding continuing professional development is under way. Complicating matters further is the fact that the 20-day time frame for the Committee's action on the final-form regulations occurs during a period when the General Assembly is not in session, making the establishment of the official quorum of the Committee necessary to vote to approve or disapprove the regulations extremely problematic.

Under this scenario, and given the provisions of the Regulatory Review Act, the possibility exists that these very critical and important regulations could be deemed approved by the House Education Committee simply because of the lack of a quorum. I can find no justification for placing the Committee in such a position solely due to an **18-month lapse of activity by those involved in the promulgation process**. I believe that the current situation does not afford the standing committee appropriate time to properly consider these extensive and critical final-form regulations and circumvents the intent of the Regulatory Review Act.

February 18, 1999

Page Two

The Education Committee is making every effort to comply with the 20-day IRRC time frame and has scheduled a meeting to consider regulation #6-258 on Monday, February 22, 1999. Assuming a quorum can be established to take formal action, the extraordinary time delay from September of 1997 to the present, and the rush to action on the Committee's part necessitated as a result, may lead to action to disapprove these regulations solely on procedural issues. This controversy could be completely averted if the regulations were withdrawn and resubmitted in a time frame which will allow for appropriate review and comment by our committee, and I am asking that the State Board give every consideration to this course of action.

Your attention to this matter is greatly appreciated.

Sincerely,



Representative Jess M. Stairs
Chairman, House Education Committee

JMS/er

cc: Honorable Eugene Hickok, Secretary, Pennsylvania Department of Education
Honorable James Rhoades, Chairman, Senate Education Committee
Robert E. Nyce, Executive Director, Independent Regulatory Review Commission ✓
House Education Committee Members