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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.

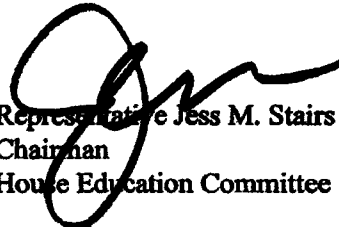
While we believe that both the General Assembly and the State Board are committed to making true reforms to the Commonwealth's current system of certification and professional development; it would be counterproductive for the State Board to attempt at this time to enact regulatory changes to Chapter 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.

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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 ✓