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

August 19, 1999

Peter H. Garland, Ph.D., Executive Director  
State Board of Education  
333 Market Street, 1st Floor  
Harrisburg, PA 17126

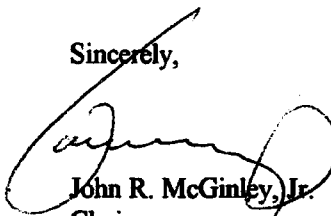
Re: IRRC Regulation #6-258 (#1827)  
State Board of Education  
Certification of Professional Personnel

Dear Mr. Garland:

The Independent Regulatory Review Commission approved the subject regulation at its August 19, 1999 public meeting. Our Order is enclosed and is available on our website at <http://www.irrc.state.pa.us>.

We appreciate the joint effort that went into producing a regulation that met the criteria and intent of the Regulatory Review Act.

Sincerely,



John R. McGinley, Jr.  
Chairman

JRM:cae  
Enclosure  
cc: Eugene W. Hickok, Jr.

# INDEPENDENT REGULATORY REVIEW COMMISSION

14th Floor, 333 Market Street  
Harrisburg, PA 17101

Commissioners Present:

Public Meeting Held August 19, 1999

John R. McGinley, Jr., Chairman  
Alvin C. Bush, Vice Chairman  
Arthur Coccodrilli  
Robert J. Harbison, III  
John F. Mizner



State Board of Education  
Certification of Professional Personnel

Regulation No. 6-258

## BY ORDER OF THE COMMISSION

On April 9, 1997, the Independent Regulatory Review Commission received this proposed regulation from the State Board of Education (Board). This rulemaking amends Subchapters A, B, and C of 49 Pa. Code. The authority for this regulation is Sections 1201 - 1268, 1109, 1141, 2603-B and 2604-b of the Public School Code (24 P.S. §§ 12-1201 - 12-1268, 11-1109, 11-1141, 26-2603-B and 26-2604-B). The proposed regulation was published in the April 19, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 17, 1999. At its June 17, 1999 public meeting, the Commission voted to disapprove the final-form regulation. On June 23, 1999, the Board notified the Commission of its intent to revise and resubmit the regulation. On July 27, 1999, the revised final-form regulation was submitted to the Commission.

This regulation is the result of the Board's decennial review of certification rules and procedures. In response to comments from the Standing Committees, the public and the Commission, the Board made several major amendments to the final-form regulation. The Board removed controversial provisions for alternate entry, temporary waivers, and professional development. This regulation will add program and certificate principles, improve the assessment program for certification and collapse two levels of supervisory and administrative certificates into one level.

The Commission cited two issues in the disapproval Order. First, the disapproved final-form regulation stated certificates will be issued to candidates "...who meet *Department prescribed standards based on the following principles*:" In our disapproval Order we stated that the statutory authority to establish certification requirements rests completely with the Board. In response, the Board deleted the phrase "Department prescribed standards based on the following principles," and replaced it with the phrase "the following standards." The list of principles, which served as guidelines for the Department to develop standards, is now a list of the Board's standards. The regulation now requires candidates to meet these Board standards to get a certificate, as required by the statute.

The second issue raised in our disapproval Order relates to Educational Specialist Certificates. These certificates cover services "other than classroom teaching," such as school psychologists, dental hygienists and school nurses. The disapproved final regulation would have required an applicant to have completed three years of satisfactory *teaching* on an Educational Specialist I Certificate. However, psychologists, dental hygienists and school nurses don't teach, they serve. This inconsistency was raised in our disapproval Order. The Board has corrected the provision to require three years of *service* on an Education Specialist I Certificate.

We have reviewed the revised final-form regulation and find it to be in the public interest. The Board has responded satisfactorily to the concerns raised in our disapproval Order. The revised final-form regulation meets the criteria of the Regulatory Review Act.

**THEREFORE, IT IS ORDERED THAT:**

1. Regulation No. 6-258 from the State Board of Education, as resubmitted to the Commission on July 27, 1999, is approved;
2. The Commission's bar to final publication of Regulation No. 6-258 issued pursuant to Section 6(b) of the Regulatory Review Act is hereby rescinded; and
3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

  
John R. McGirley, Jr., Chairman

