

<h1>Regulatory Analysis Form</h1>		<p>This space for use by IRRC</p> <p>99 FEB -9 PM 3:47</p> <p>REVENUE COMMISSION</p> <p>Coccodrilli</p> <p>IRRC Number: # 1827</p>
<p>(1) Agency</p> <p>State Board of Education</p>		
<p>(2) I.D. Number (Governor's Office Use)</p> <p>6-258</p>		
<p>(3) Short Title</p> <p>Certification of Professional Personnel</p>		
<p>(4) PA Code Cite</p> <p>22 Pa. Code, Chapter 49</p>	<p>(5) Agency Contacts & Telephone Numbers</p> <p>Primary Contact: Peter H. Garland 787-3787</p> <p>Secondary Contact:</p>	
<p>(6) Type of Rulemaking (check one)</p> <p>Proposed Rulemaking</p> <p>Final Order Adopting Regulation X</p> <p>Final Order, Proposed Rulemaking Omitted</p>	<p>(7) Is a 120-Day Emergency Certification Attached?</p> <p>No <input checked="" type="checkbox"/> X</p> <p>Yes: By the Attorney General</p> <p>Yes: By the Governor</p>	
<p>(8) Briefly explain the regulation in clear and nontechnical language.</p> <p>Chapter 49 sets forth the basic rules for teacher preparation, certification and continuing professional development in the Commonwealth. This final-form regulation is designed to strengthen teacher education programs and support to novice teachers; to expand the assessment program to include performance and to provide for additional assessments; to ensure that certificate and commission holders are current in their professional fields; and to provide a structure of professional education, certification and continuing development which supports the Commonwealth's curriculum requirements. These changes are the result of the Board's decennial review of the chapter as required by section 49.51.</p>		
<p>(9) State the statutory authority for the regulation and any relevant state or federal court decisions.</p> <p>The State Board of Education amends Title 22 of the Pennsylvania Code by amending Chapter 49 which relates to certification of professional personnel, as set forth at Annex A, under authority of Articles XII and sections 1109, 1141, 2603-B, and 2604-B of the Public School Code of 1949, as amended, (24 P.S. Sections 12-1201 -- 12-1268, 11-1109, 11-1141, 26-2603-B and 26-2604-B).</p>		

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

These regulations are mandated by the Public School Code of 1949 under specific sections referenced in (9) above.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

In the past decade there has been an increasing public awareness of and attention to the importance of strong teacher preparation, certification requirements, and continuing professional development. As the Commonwealth moves to strengthening standards for its K-12 students, it is in the public interest that no less measure of standards is expected from our public school's professional personnel.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Not revising these regulations will signal acceptance of the status quo which would not be in the best interest of the general welfare of students, the community and, ultimately, the Commonwealth's businesses and industries that will employ graduates.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The Commonwealth's 1.8 million public school students will benefit from these final-form regulations by having teachers and school administrators who must meet rigorous standards and undergo continuing professional development to ensure that the certificate and commission holders are current in their professional field. The Commonwealth's approximate 125,000 certificate and commission holders employed in K-12 education will benefit from regulations that improve the quality of their training and professional development and recognize the importance of their profession. Novice teachers will benefit from greater support under these final-form regulations. The Commonwealth as a whole will benefit from a well-trained professional education staff to prepare students to be productive, well-educated citizens.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No adverse affects are foreseen by having a regulatory system in place that sets forth clear, strong standards for teacher preparing programs, certification, and continuing professional development.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All 90 teacher preparing institutions will be required to comply with the program standards set forth in the final-form regulations. All certificate and commission holders will be required to comply with the final-form regulations, where applicable. Students currently in the Commonwealth's teacher preparing programs and all future prospective certificate and commission holders will be required to comply. School districts will be required to comply with professional development plan requirements.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

In keeping with State Board of Education by-laws and standard practice respecting all regulations, the State Board invited all interested parties and organizations to participate in the process of review and revision of Chapter 49. Nearly 800 individuals and organizations are on a standing Chapter 49 mailing list to receive meeting notices, drafts of regulations, and updates of committee work. The proposed revisions were presented at public meetings of the Board and its Chapter 49 committee at which an opportunity for public comment was given and six public hearings were conducted in the 3 ½ - year process of reviewing Chapter 49.

The proposal was published in the Pennsylvania Bulletin with an invitation to interested persons to submit written comments, suggestions or objections regarding the proposed amendments. All public comments and testimony were carefully considered in the development of the final-form.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Each applicant takes at least four tests: communication skills, general knowledge, principals of learning and teaching (which is replacing the professional knowledge test), and one test for each subject area of certification. All of these tests are becoming more "performance-oriented", i.e. fewer multiple choice questions and more essay style or open-ended questions are used. The scoring of open-ended questions is much more labor-intensive than the machine scoring that can be used with multiple choice questions. Current cost for the National Teachers Exam (Praxis) is about \$230. With the expansion of performance assessment components of these tests, the costs are likely to double to about \$430.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

School entities currently provide financial assistance and salary incentives to employees for additional post graduate credits through collective bargaining agreements. Districts are presently funding much of the professional development work required under this regulation. However, costs are not fixed, but rather negotiated. They can be changed and controlled. Districts have the ability to plan for and control this cost.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

Identifying effective assessment instruments for educators will require expenditure of state dollars which are not measurable at this time. The Department of Education has participated with other states in the development of model instruments. The Department is also working with Educational Testing Service (ETS) in understanding the costs of emerging national assessment instruments.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated	-0-	-0-	-0-	-0-	-0-	-0-
Local Government	-0-	-0-	-0-	-0-	-0-	-0-
State Government	-0-	-0-	-0-	-0-	-0-	-0-
Total Savings	-0-	-0-	-0-	-0-	-0-	-0-
COSTS: *						
Regulated						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated	-0-	-0-	-0-	-0-	-0-	-0-
Local Government	-0-	-0-	-0-	-0-	-0-	-0-
State Government	-0-	-0-	-0-	-0-	-0-	-0-
Total Revenue Losses	-0-	-0-	-0-	-0-	-0-	-0-

(20a) Explain how the cost estimates listed above were derived. N/A

*Costs: Regulated -- See response to (17)

Local Government -- Cost to local school districts for continuing professional development is and will continue to be variable. (Cost impact will begin in 5th year of implementation.)

State Government -- Additional costs for expanded assessment programs are not yet available. They will be based on Department development of the program and will likely incur additional costs for the state and individuals. (Cost impact will begin in 5th year of implementation.)

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(20b) Provide the past three year expenditure history for programs affected by the regulation.

There are no expenditures for testing over the past three years. When conversion from Pennsylvania testing to NTE was complete, certain specialty tests were given to ETS for broader use creating a credit for services needed in Pennsylvania.

Program	FY -3	FY -2	FY -1	Current FY

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

Potential benefits overall outweigh the potential costs. The teacher is at the heart of a quality education system. Efforts to assure the public that the teacher has the knowledge, skills, and ability to perform in the classroom is essential. Additionally, knowing that teachers maintain their currency through ongoing professional development is important to quality education.

The greatest source of additional cost for the Commonwealth is through the expanded assessment program. In developing the assessment program the Board directs the Department of Education in section 49.18(a) to employ, where appropriate, existing instruments to minimize costs.

The increased costs to the certificate seekers is justified by the increased validity of the instruments used. Other professional and graduate level tests have witnessed similar cost increases with their increasing reliance on "performance measurement".

The "waiver" and "comparable certification" provisions will provide flexibility for school districts to meet staffing and operational requirements in a way that capitalizes on available resources in an efficient manner. This benefits students and taxpayers.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Non regulatory alternatives were not considered given that this is a review and revision of regulations that are required under the Public School Code.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

See response to (22).

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

All other states require the certification of teachers generally, including program standards and testing. In developing these proposed regulations the Board has been careful to assure that teachers prepared in Pennsylvania will be able to become certified and obtain jobs in other states and to reduce barriers for teachers moving into Pennsylvania.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The final-form of Chapter 49 will affect certification standards of the Department of Education scheduled for review and revision following the promulgation of revisions to Chapter 49.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

A total of six public hearings were held during the 3 ½ - years of Board committee work leading to proposed rulemaking.. Additionally, at least three public hearings (eastern, central, and western Pennsylvania) were held during the public comment period.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

These regulations do not reduce or minimize legal, accounting, reporting or paperwork requirements. It is expected that the Department of Education will make every effort to minimize paperwork and reports as it implements these regulations.

With an expansion of the assessment program and increased requirements for professional development, applicants for certification and renewals are required to submit additional evidence. Optical scanning equipment and other technology enhancements will enable the Department of Education to process applications and renewals effectively and efficiently.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

In developing these proposed regulations, the Board recognized the need for stronger standards for teacher candidates preparing programs and a stronger base of support to novice teachers. The establishment of principles upon which teacher preparing and continuing professional development programs and certificates are based as well as expanded assessment will meet that need.

Students need to learn from teachers who are well prepared to assist them to achieve to their fullest potential under the Commonwealth's curriculum standards. All of the substantive revisions to Chapter 49 have been developed to address that need.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The revised regulations will take effect upon publication as Final Rulemaking in the Pennsylvania Bulletin. Compliance with Chapter 49 will be expected by the first September following the publication in the of Final Rulemaking in the Pennsylvania Bulletin in order to give teacher preparing institutions time to adjust their programs to meet the requirements of revised Chapter 49.

(31) Provide the schedule for continual review of the regulation.

The effectiveness of Chapter 49 is reviewed by the State Board of Education every 10 years under section 49.51. A 10-year interval for review allows for an appropriate time for full implementation to ensure a fair appraisal of the effectiveness of the process. However, revision to specific sections may occur at any time during the 10 years as the need arises.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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LEGISLATIVE REFERENCE BUREAU

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Copy below is hereby approved as to
form and legality. Attorney General

BY: _____
(DEPUTY ATTORNEY GENERAL)

DATE OF APPROVAL _____

☐ Check if applicable
Copy not approved. Objections
attached

Copy below is hereby certified to be a true and correct copy
of a document issued, prescribed or promulgated by.

State Board of Education

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 6-258

DATE OF ADOPTION September 10, 1997

BY John H. Carls

TITLE: Executive Director
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to
form and legality. Executive or Independent
Agency.

BY Peggy E. Dunlop

1/27/98
DATE OF APPROVAL

(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike inapplicable title)

☐ Check if applicable. No Attorney General
approval or objection within 30
days after submission.

Final Rulemaking

State Board of Education
Title 22 - Education
Chapter 49

Certification of Professional Personnel

PREAMBLE

DEPARTMENT OF EDUCATION STATE BOARD OF EDUCATION 22 PA. CODE - EDUCATION CHAPTER 49: CERTIFICATION OF PROFESSIONAL PERSONNEL

The State Board of Education amends Title 22 of the Pennsylvania Code by amending Chapter 49 which relates to certification of professional personnel, as set forth at Annex A, under authority of Articles XII and sections 1109, 1141, 2603-B, and 2604-B of the Public School Code of 1949, as amended, (24 P.S. §§12-1201 -- 12-1268, 11-1109, 11-1141, 26-2603-B, and 26-2604-B).

Notice of proposed rulemaking was published at 27 Pa.B. 2011 (April 19, 1997) with an invitation to submit written comments within 30 days.

Purpose

Chapter 49 sets forth the basic rules for teacher preparation, certification and continuing professional development in the Commonwealth. This final-form regulation is designed to strengthen teacher education programs and provide support to novice teachers; to expand the assessment program to include performance and to provide for additional assessments; to ensure that certificate and commission holders are current in their professional field; and, to provide a structure of professional education, certification and continuing professional development which supports the Commonwealth's curriculum requirements. These changes to Chapter 49 are the result of the Board's decennial review of the chapter as required by section 49.51.

Response to Public Comment

ALTERNATE ENTRY:

Considerable public comment was received on the proposal to permit equivalent education and experience to take the place of formal teacher preparation and recommendation for certification. Specific sections of the proposed revisions were 49.13(b)(12) which delegated to the Secretary of Education the responsibility to establish equivalencies of education and experience for all certificate areas. Language permitting equivalencies was found in the section establishing requirements for each of the broad areas of certification (49.42; 49.71; 49.82(b)(2); 49.121; 49.131; 49.142; 49.161(c); 49.163(b)(2); 49.172(1); 49.172(d); and 49.182(a)(1)). Most public comment was in opposition to equivalencies being established because it (a) undermines the profession of teaching, (b) is contradictory to other areas of revision seeking to strengthen criteria for entry to the profession, and (c) is not justified by need due to a current and projected surplus of fully certified teachers. In addition, public commentators, legislators and Independent Regulatory Review Commission (IRRC) staff questioned whether such equivalences were supportable under current statute. As a result, 49.13(b)(12) has been removed on final-form along with all references to equivalencies under each major category of certificate. Several commentators, legislators and IRRC staff also suggested that language on experimental programs (49.15), initially proposed for deletion be restored to enable teacher preparing institutions to design programs targeted to individuals not initially preparing for education professions. As a result, 49.15 has been restored on final-form.

TEMPORARY WAIVERS:

Proposed section 49.13(b)(13) would have permitted the Secretary, upon petition by a local board of school directors, to waive requirements of certification temporarily. This provision was designed to allow schools a greater degree of flexibility in staffing when making curricula changes. Public comment on this provision was generally negative. Commentators (a) warned that this provision would enable local boards to unnecessarily circumvent certification statute and regulation, (b) expressed the opinion that this provision is unwarranted because current provisions of regulation providing flexibility are rarely used, and (c) believed that waivers would undermine the profession. School administrators and school board members commented in favor of flexibility. Commentators, legislators and IRRC staff questioned the legal basis for waivers. As a result of comment, 49.13(b)(13) has been removed on final-form.

APPLICABILITY OF PROFESSIONAL DEVELOPMENT:

As proposed, requirements for professional development applied to all professional educators regardless of the date of receipt of certificate. A number of comments received were supportive of this provision while others questioned the authority of the Board to make this requirement on individuals already holding certification. Commentators, legislators and IRRC staff suggested that the Board had only the authority to make the requirement binding on individuals who received their certificate after June 1, 1987. Legal counsel to IRRC and the Board concurred that the Board's authority extended only to that date. As such, proposed revisions have been amended on final-form in 49.17(c) to require participation in professional development activities of all

educators receiving certification after June 1, 1987. In a similar vein, many commentators questioned references to certificates being "renewable" dependent on successful participation in professional development. In fact, the revisions to regulations do not affect the permanence of certification but rather active or inactive status of the certificate. As a result, references to permanent certificates have been restored on final-form; however, the status of that certificate is dependent upon meeting professional development requirements.

SUPERVISORY CERTIFICATES:

Revision to language on supervisory certificates was proposed to enable more generic supervisory certificates. Specifically, under 49.111(a)(2) language which restricted supervisory certificates to single, specified areas was deleted in order to permit the Department to issue certificates in more general program areas. This proposed revision was based on the understanding of the Board that (1) many of the skills of supervision were generic; (2) only larger school districts could afford subject specific supervisors, leaving smaller districts to rely instead on generally-trained principals to supervise teachers and curricula; and (3) supervisory certificates for program clusters would be within the reach of a greater number of school districts and improve instructional leadership.

A majority of public commentators and the Professional Standards and Practices Commission supported specific single program supervisory certificates. Administrators favored more generic supervisory certificates. The Board continues to believe that supervisory certificates designed for clusters of subject areas are more feasible. As proposed, the language would continue to permit the Department to offer supervisory certificates in such areas as Reading, Special Education, Curriculum

and Instruction and the like, but would also permit the Department to design supervisory certificates for clusters such as mathematics and science or English and language arts. As a result, the Board affirms its proposed revisions.

Additional and compelling public comment was received on the unique nature of vocational education and specific skills necessary for an individual to succeed supervising teachers and curricula in a vocational setting. As a result, the Board restored the provisions under 49.161 for Vocational Education Supervisor.

ASSURING PARALLEL REQUIREMENTS FOR CERTIFICATES:

Public comment was received that it was not clear that certificates issued to all educators provided similar requirements for continuing professional development, for successful completion of assessments, and for helping students to achieve the requirements of Chapter 5 (relating to curriculum). The Board has added language on final-form in several certificate areas to ensure that these requirements are clearly parallel.

Public commentators and legislators questioned proposed language requiring that all professional development activities for an educator be in the area of certification and assignment was too restrictive. As a result, the restriction has been removed permitting greater flexibility for professional development for the educator and the employing entity.

PROGRAM AND CERTIFICATE STANDARDS:

Public commentators, legislators and IRRC staff questioned whether the Board has the authority to delegate the development of general program standards and specific standards for certificates to the Department (for example, 49.14(4); 49.81(b); 49.101; 49.111(5)). To date, the Department has developed standards in consultation with the Board, where they have been presented and discussed in regular public meetings, and formally approved by the Board. While not meeting the current requirements of the regulatory review process, substantial opportunities were provided for public and legislative involvement. The Board does not believe that it is practical and efficient for the Board to determine specific standards for each certificate and so continues to delegate that responsibility to the Department and will continue to consult with the Department in their development. Doing so does not lessen the Department's responsibility to develop and promulgate general and specific standards within the requirements of the Regulatory Review Act.

Other Revisions on Final-Form

Other revisions not based upon public comments were made by the Board and included in final-form. These include:

PROFESSIONAL DEVELOPMENT ACTIVITIES:

The list of professional development activities under 49.17 is revised in final-form to include specific attention to the needs of those teaching in the early childhood years and for those engaged in school-based reform and restructuring efforts.

EXTENUATING CIRCUMSTANCES AND REINSTATEMENT:

Proposed revisions provided no consideration of extenuating circumstances for individuals unable to complete professional development requirements within the allotted time. Similarly, the proposed revisions provided no process by which a certificate holder, failing to meet professional development requirements rendering his or her certificate inactive, could restore their certificate to an active status. Language under 49.17 has been included in final-form to provide both processes.

GENERAL EDITORIAL CHANGES:

In addition, other changes were made to clarify provisions in the document. The original scope of proposed revisions was not expanded.

Affected Parties

All local education agencies, teacher preparing institutions, and perspective and current teachers and administrators are affected by these regulations.

Cost and Paperwork Estimates

ASSESSMENTS:

With the expansion of assessment to include a measure of professional performance and to measure performance and knowledge at more points, additional costs will be incurred. It is difficult to accurately estimate these costs, but it is anticipated that the current cost of \$230 for an applicant

is likely to double at each of the initial and advanced certificate points. In development of the assessment program, the Department is directed to use, where appropriate available instructions to eliminate development costs. Costs for assessment may be shared among the applicant for certification, the preparing institution and the employing entity.

Candidates for initial certification (Instruction I, Intern, and Education Specialist I Certificates) are required to complete a range of tests under the National Teachers Exam (NTE). The cost for these tests are borne by the applicant for certification.

TEACHER PREPARATION PROGRAM REVISIONS:

With new principles/standards for preparation programs, revisions will need to be made in such programs. It is difficult to measure the costs since the 90 institutions which offer at least one teacher preparation program vary in curricular design and delivery costs. However, it is assumed that the costs for revisions in programs will be similar to those costs engaged in program redesign regularly undertaken by institutions as required by changes in licensure or accreditation standards.

The requirement for approved programs to provide support to novice teachers in their first year of teaching will entail additional costs. It is envisioned that institutions, in cooperation with one another and employment appropriate technologies, will be able to accomplish this requirement while minimizing cost.

PROFESSIONAL DEVELOPMENT:

Under the final-form regulations, all educators will be required to engage in six credits or 180

hours of approved continuing professional development activities every five years. Previously, only teachers who had not completed a master's degree and commissioned officers who held a letter of eligibility were required to engage in professional development every five years. With delineating a broader array of professional development activities to include Department-approved continuing professional development activities and experiences (e.g. curriculum development activities professional publications and workshop participation) in addition to academic and inservice courses, additional costs are expected to be minimal.

Additional paperwork will be required of applicants for certification and renewal since they need to present the results of assessments and/or professional development activities. Optical scanning equipment and other technology enhancements will enable the Department of Education to process applications and renewals effectively and efficiently.

Effective Date

These regulations will become effective upon final publication in the Pennsylvania Bulletin.

Sunset Date

The effectiveness of Chapter 49 will be reviewed by the State Board of Education every 10 years, under section 49.51. Thus, no sunset date is necessary.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, (71 P.S. §745.5(a)), on April 9, 1997, the

State Board submitted a copy of the notice of proposed rulemaking published at 27 Pa.B 2011 to the Independent Regulatory Review Commission and to the Chairmen of the House and Senate Committees on Education for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Board also provided the Commission and Committees with copies of the comments received as well as other documentation.

In preparing these final-form regulations, the Board has considered the comments received from IRRC, the Committees and the public.

These final-form regulations were (**deemed**) approved by the Committees on _____, and were approved by IRRC on _____, in accordance with section 5(c) of the Regulatory Review Act.

Contact Person

The official responsible for information on the Board's process of promulgating these final-form regulations is Peter H. Garland, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, telephone (717) 787-3787.

Findings

The Board finds that:

(1) Public notice of the intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments are necessary and appropriate for the administration of the Public School Code of 1949 (24 P.S. §§ 1-101--27-2702).

Order

The Board, acting under the authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code, Chapter 49, are amended to read as set forth at Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Executive Director of the Board shall certify this Order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order is effective upon final publication in the Pennsylvania Bulletin.

By the State Board of Education:

A handwritten signature in cursive script, reading "Peter H. Garland", written over a horizontal line.

Peter H. Garland

Executive Director

ANNEX A
22 Pa. Code Chapter 49

CERTIFICATION OF PROFESSIONAL PERSONNEL

Subchapter A. GENERAL PROVISIONS

THE PROGRAM

Section	49.1.	Definitions.
	49.2.	Inactive and invalidity.
	49.11.	General.
	49.12.	Eligibility.
	49.13.	Policies.
	49.14.	Approval of institutions.
	49.15.	Approval of experimental programs.
	49.16.	Approval of induction plans.
	49.17.	Continuing professional development.
	49.18.	[Testing] <u>Assessment.</u>
	49.21.	(Reserved)
	49.22.	(Reserved)
	49.23.	(Reserved)
	49.24.	(Reserved)

EMERGENCY [CERTIFICATES] PERMITS

49.31.	Criteria for eligibility.
49.32.	Emergency cases.
49.33.	Expiration.
49.34.	Issuance by chief school administrator.

ADMINISTRATIVE COMMISSION

49.41.	Description.
49.42.	Letter of eligibility.

CHANGES IN CERTIFICATION

- 49.51. Review of certification.
- 49.52. Development of types/categories of certificates and development of their respective standards.

MISCELLANEOUS PROVISIONS

- 49.61. Teaching experience for out-of-state students.
- 49.62. Temporary [letters of certification] permits.
- 49.62a. [School program] Program specialist certificate.
- 49.63. Applicants educated in foreign countries.
- 49.64. (Reserved)
- 49.64a. Authority to annul[, revoke, or suspend] and reinstate certificates and discipline professional educators.
- 49.64b. [Causes for annulment, revocation, or suspension.] (Reserved).
- 49.64c. [All certificates and letters of eligibility subject to suspension or revocation.] (Reserved).
- 49.64d. [Reinstatement of suspended or revoked certificates.] (Reserved).
- 49.64e. Mandatory reports from schools.
- 49.64f. Publication of suspensions and revocations.
- 49.65. Out-of-state and nationally-certified applicants.
- 49.66. Appeal procedure.
- 49.67. [Master's degree equivalency certificates] (Reserved).
- 49.68. Evaluation of prescribed requirements and standards.
- 49.69. Deletion of areas from certificates.

THE PROGRAM

§49.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Act - The Public School Code of 1949 (24 P.S. §§1-101--27-2702).

Approved teacher certification program - A sequence of courses and experiences offered by a preparing institution which is reviewed and approved by the Department.

Assessment of basic skills - A measurement of a candidate's ability to communicate orally and in writing and to demonstrate proficiency in fundamental computational skills.

Assessment of general knowledge - A measurement of a candidate's knowledge in the fields of literature, fine arts, mathematics, the sciences and social studies.

Assessment of professional knowledge and practice - A measurement of a candidate's knowledge of educational theory, principles of human growth and development, educational psychology and other subjects directly related to educational practice and their application/demonstration in school settings.

Assessment of subject matter - A measurement of a candidate's knowledge of an academic field or discipline to be taught in the public schools of this Commonwealth.

Candidate - A person seeking certification in any of the areas outlined in this chapter.

Certificate - A document prepared and issued by the Department indicating that the holder has completed a professional preparation program and is qualified to perform specific profes-

sional duties.

Chief school administrator - The superintendent, intermediate unit executive director, or equivalent private school administrator.

Collegiate studies - Studies pursued at institutions which are entitled to apply to themselves the designation of college or university as defined by [the Board under section 1 of the act of May 7, 1937 (P.L. 585, No. 150) (24 P.S. §2421)] 24 Pa.C.S. Chapter 65 (relating to private colleges, universities and seminaries).

Commissioned officer - District superintendents and assistant district superintendents under section 1078 of the act (24 P.S. §10-1078) (relating to Commissions; objections to election).

Continuing professional development - [The formal acquisition of collegiate or in-service credits designed to improve and expand the expertise of professional personnel who receive their initial certificate in a given certificate category after June 1, 1987]. Ongoing enhancement of professional knowledge and skill pursued through activities, studies and other organized experiences.

Degree-granting institution - A public college or technical institute which provides a 2 year, postsecondary college-parallel, terminal-general, terminal-technical, out-of-school youth or adult education program or a combination of these and which is established and operated under the act.

Induction - A process by which a variety of professional support services are provided to newly employed teachers and educational specialists under the guidance of professional personnel to facilitate entry into the [teaching] education profession.

Induction plan - A description of the induction process developed and submitted by the school entity to the Department for approval which describes how a teacher or educational specialist will be introduced to the teaching profession under this chapter.

Invalid certificate - A certificate which no longer enables its holder to perform specific professional duties.

Occupational competency credential - A document issued by the Occupational Competency Testing Examiners which signifies that the holder possesses knowledge and skill in a technical field at a journeyman level. When the document is presented to a preparing institution or to the Department, it may be registered by the Department on the holder's vocational intern, vocational instructional or instructional certificate and it enables the holder to teach that occupational specialty.

[Passing score - Satisfactory achievement as determined by the Secretary in consultation with the Board on the Department prescribed tests required in this chapter.]

Permit - A document prepared and issued by the Department indicating that the holder is allowed to serve in lieu of a certificated professional for a specified period of time.

Preparing institution - A college or university that offers a program approved by the Department to prepare professional personnel for employment in the public schools.

Professional duties - A duty the performance of which is restricted to professional personnel by the scope of their certificate.

Professional personnel - Professional employees, excluding school secretaries, as defined in section [11-]1101 of the act (24 P.S. §11-1101) (relating to definitions).

Professional Standards and Practices Commission (PSPC) - [An advisory] A body [to the Board] composed of educators from the fields of basic and higher education, [a college student, and a parent of a child attending public school] members of the general public, and an ex officio member of the Board established [in sections 1253-1258 of the act (24 P.S. §§12-1253 -- 12-1258)] by the Teacher Certification Law.

Satisfactory achievement - An acceptable level of performance as determined by the Secretary in consultation with the Board on the Department prescribed assessments required in this chapter.

School entity - Public schools, school districts, intermediate units and area vocational-technical schools.

Teacher Certification Law - The act of December 12, 1973 (P.L. 397, No. 141) (24 P.S. §§ 2070.1--2070.18).

Term of validity - A period of time as defined in §§49.82, 49.92, 49.142 and 49.152 [(relating to Instructional I and term of validity)] in which the holder of a certificate is entitled to perform the professional duties for which the certificate was issued.

[Test of basic skills - An assessment of a candidate's ability to communicate in formal American English and to demonstrate proficiency in fundamental computational skills.]

[Test of general knowledge - An assessment of a candidate's knowledge in the fields of literature, fine arts, mathematics, science and social studies.]

[Test of professional knowledge - An assessment of a candidate's knowledge of educational theory, principles of human growth and development, educational psychology and other subjects directly related to teaching.]

[Test of subject matter - An assessment of a candidate's knowledge of an academic field or discipline to be taught in the public schools of this Commonwealth.]

§49.2. Inactivity and invalidity.

- (a) Inactivity. A certificate or commission shall be inactive if the holder fails to meet §49.17 (relating to continuing professional development).

- (b) Invalidity. A certificate shall be invalid if the holder fails to meet, or if circumstances arise as specified in[,]
§49.33, §49.34(b), §49.82, [~~§49.84,~~] §49.92, §49.102, [~~§~~
~~49.111(b),~~] ~~§49.142~~, or §49.152.

§49.11. General.

- (a) Certificates and letters of eligibility in force in this Commonwealth on [September 13, 1980] the effective date of this regulation shall continue in force and effect, subject to all the terms and conditions under which they were issued, unless modified by §49.17(c) (relating to continuing professional development) until they expire by virtue of their own limitations.
- (b) State certificates and permits shall be issued as provided in this chapter, and teachers, and other professional personnel shall not perform professional duties or services in the schools of the Commonwealth in any area for which they have not been properly certificated or permitted.
- (c) This chapter is to establish the specific requirements for the certification and permitting of persons serving in the [basic schools] public school entities of the Commonwealth as professional employees, temporary professional employees, substitutes, and commissioned school administrators of the Commonwealth.

§49.12. Eligibility.

In accordance with sections 1109, 1202, and 1209 of the Act (24 P.S. §§11-1109, 12-1202, and 12-1209), every professional employee certificated or permitted to serve in the schools of this Commonwealth shall:

- (1) Be of good moral character.

- (2) [Show a physician's certificate stating that the applicant is neither mentally nor physically disqualified from successful performance of the duties of a teacher.] Provide a physician's certificate stating that the applicant, with or without reasonable accommodation, is able to perform successfully the essential functions and duties of an educator. A qualified applicant who has tuberculosis or another communicable disease or a mental disability, will not be deemed to pose a direct threat to the health or safety of others unless a threat to health or safety cannot be eliminated by a reasonable accommodation.
- (3) Be at least 18 years of age.
- (4) Except [for] in the case of the [Letter of] Temporary [Certification] Permit, Vocational Instructional Intern Certificate, and Vocational Instructional Certificate, have earned minimally a baccalaureate degree as a general education requirement.

§49.13. Policies.

- (a) The Board, through the Secretary, will provide standards for the guidance of the preparing institutions in educating professional personnel for the schools of this Commonwealth.
- (b) The Department will have the following responsibilities with respect to certification and permitting of professional personnel in the schools of this Commonwealth:
 - (1) Provision of advisory services to college and school personnel in matters pertaining to teacher education and certification.
 - (2) Designation of professional titles for personnel.
 - (3) Prescription of procedures for issuance of certificates and permits.

- (4) Evaluation and approval of teacher education programs leading to the certification and permitting of professional personnel. Program approval teams shall consist of professional educators from basic and higher education.
- (5) Registration of certificated and permitted persons.
- (6) Maintenance of records of all certificates and permits.
- (7) Assurance that each professional person is properly certificated or permitted for the specific position in which [he] the professional person is employed.
- (8) Review and investigation of alleged violations of the provisions of this chapter.
- (9) Prescription of procedures approved by the Board for the appraisal and evaluation of education and experience of applicants for any type of professional certification issued by the Department when the applicant has been denied certification and is prepared by institutions outside this Commonwealth or has appealed in accordance with guidelines approved by the Board in §49.66 (relating to appeal procedure), a decision pertaining to eligibility for certification rendered by a Commonwealth institution having an approved program. The appellant initially shall have appealed to the institution.
- (10) The issuance of administrative agency interpretative policies and directives relating to professional certification and staffing in the schools of this Commonwealth as may be necessary to carry out the intent of this chapter.
- (11) Identification and approval of assessment tools, instruments, and procedures to measure basic skills and general knowledge; professional knowledge and practice; and subject matter knowledge.

- (c) Except for applicants whose certification status is subject to subsection (b)(9) and §49.171 (relating to general requirements), the Department will require that an applicant for a certificate shall have completed an approved program and shall be recommended by the preparing institution.
- (d) The Department will have the right to review approved programs at any time. Major evaluations shall be conducted at five-year intervals by teams of professional educators appointed by the Department in accordance with subsection (b)(4) of this section and shall review process and content.
- (e) The Department will accept the request of an institution to withdraw from an approved program. The Department will have the right to withdraw the approval of a program from an institution. New students shall not be accepted in a program which has lost its approved status after the date of such action.

§49.14. Approval of institutions.

To be authorized to conduct programs that lead to certificates for professional positions, institutions and any of their off-campus centers engaged in the preparation of teachers shall meet [all of] the following requirements:

- (1) Be approved as a baccalaureate or graduate degree granting institution by the Department.
- (2) Be evaluated and approved as a teacher-preparing institution to offer specific programs leading to certification in accordance with procedures established by the Department.
- (3) Report to the Department, for approval, all planned changes in previously approved programs. Such report shall be made 90 days prior to the implementation of the planned changes.

- (4) Follow Department prescribed standards developed from the following principles:
- (i) Institutions develop clear goals and purposes for each program, including attention to professional ethics and responsibilities.
 - (ii) Institutions are able to demonstrate how instructional and clinical activities provide educator candidates with the capacity to enable the achievement of all students.
 - (iii) Institutions are able to demonstrate that educator candidates have participated in instructional activities that enable the candidates to provide instruction to students to meet the provisions of Chapter 5 (relating to curriculum), including environment and ecology.
 - (iv) Institutions are able to demonstrate that educator candidates successfully participate in early and frequent clinical experiences fully integrated within the instructional program.
 - (v) Institutions have clearly expressed standards for admission to, retention in and graduation from approved programs and actively encourage the participation of students from historically underrepresented groups.
 - (vi) Institutions provide ongoing assessment of educator candidates' knowledge, skills, dispositions and performance with which to identify needs for further study or clinical experience or dismissal from the program.
 - (vii) Institutions can demonstrate how information from systematic evaluations of their programs, including students and educator evaluators, and achievement levels of candidates for certification in

the Department-designed assessment program are used for continual program improvement.

(viii) Institutions, in partnership with local education agencies, provide a school-based experience integrating the teacher candidates' knowledge, skills and dispositions in professional practice. This experience must be fully supported by institutional faculty, including frequent observation, consultation with supervising teachers, and opportunities for formative and summative evaluation.

(ix) Institutions provide ongoing support for novice educators in partnership with local education agencies during their induction period, including observation, consultation and assessment.

(x) Institutions provide evidence that an acceptable percentage of candidates applying for certification as determined by the Secretary and Board achieve at a satisfactory level all assessments appropriate to initial certification in each program for which they are approved.

§49.15. Approval of experimental programs.

The Department may enter into a written agreement with a preparing institution wishing to conduct an experimental program. The institution shall meet the requirements described in §49.14 (relating to approval of institutions). Certification shall be given to graduates of such an experimental program upon recommendation by the institution if the institution has met all of the following requirements:

- (1) Submitted a detailed explanation of the experimental program to the Department for approval.
- (2) Planned a thorough procedure conforming to accepted canons of educational research for evaluating results

of the experimental program. These results shall be reported to the Department in accordance with a schedule approved at the time of the agreement.

- (3) Agreed to terminate the experimental program upon request by the Department when it is judged by a program approval team to be inadequate for preparation of professional personnel.

§49.16. Approval of induction plans.

- (a) [Prior to June 1, 1987] Each school entity shall submit to the Department for approval a plan for the induction experience for first-year teachers and educational specialists as part of their strategic plan every 6 years as required by §5.203 (relating to strategic plans). The induction plan shall be prepared by teacher or educational specialist representatives or both chosen by teachers and educational specialists and administrative representatives chosen by the administrative personnel of the school entity. Newly employed professional personnel with prior school teaching experience may be required by the school entity to participate in an induction program.
- (b) The Department will review for approval induction plans submitted by school entities.
- (c) The induction plan shall reflect a mentor relationship between the first-year teacher or educational specialist, teacher educator and the induction team.
- (d) Criteria for approval of the induction plans will be established by the Secretary in consultation with the Board.

§49.17. Continuing professional development.

- (a) A school entity shall submit to the Secretary for approval a continuing professional development plan in accordance with section 1205.1 of the act (24 P.S. §12-1205.1).

(1) A school entity shall develop a continuing professional development plan which shall include options for professional development including [, but not limited to,] activities such as the following.

- (i) Graduate level coursework.
- (ii) Obtaining a professionally related master's degree.
- (iii) Department-approved in-service courses.
- (iv) Curriculum and instruction development work and other program design and delivery activities.
- (v) [Attendance] Participation in [at] professional conferences , seminars and workshops.
- (vi) Supervised [classroom] peer observations of or formal consultations with other professional employees.

(vii) Review, redesign and restructuring of the school entity, school programs, or organization and functions as determined by the school entity.

(viii) The manner in which professional employees in placements in kindergarten through third grade classrooms shall engage in professional development in the areas of early childhood education and child development.

(2) The continuing professional plan shall define terms used including[, but not limited to,] the following:

- (i) Professionally related graduate level coursework.
- (ii) Professionally related master's degree.
- (iii) Curriculum and instruction development work and other program design and delivery activities.
- (iv) Professional conferences, seminars and workshops.
- (v) Supervised [classroom] peer observations of or formal consultations with other professional employees.

- (3) The continuing professional development plan shall be developed by teacher representatives chosen by the teachers and administrative representatives chosen by the administrative personnel of the school entity. The plan shall describe the persons who developed the plan and how the persons were selected.
 - (4) The continuing professional development plan submitted to the Secretary shall be approved by both the development committee and the board of the school entity.
 - (5) The Secretary will [promulgate] develop guidelines which include a process for amending approved continuing professional development plans in accordance with the requirements for initial preparation of the plans.
 - (6) The continuing professional development plan shall include a section which describes how the professional development needs of the school entity and its professional employees are to be met through implementation of the plan. Annually, each school entity shall review its plan to determine that it continues to reflect the needs of the school entity, its students and its professional employees and amend as necessary.
 - (7) [Initial continuing professional development plans shall be implemented by a school entity no later than the beginning of the 1988-89 school year.] The continuing professional development plans shall be coordinated by school entities with their strategic and induction plans.
- (b) [(Reserved)]
- (c) A commissioned officer who obtains a Letter of Eligibility for Superintendent after June 1, 1987,] Professional personnel, obtaining an Instructional II, Educational Specialist II, Supervisory, or Administrative Certificate or Letter of Eligibility or Vocational Instructional II or Supervisor of

Vocational Education Certificate or Vocational Administrative Director Certificate after June 1, 1987 shall, thereafter, present to the Secretary evidence of satisfactory [completion of 6 credit hours of] participation in continuing professional development [courses] every 5-calendar years. This subsection will be satisfied by [taking collegiate studies or Department-approved in-service courses or a combination thereof.] completing any of the following or a combination thereof:

(1) Six credits of collegiate studies.

(2) Six credits of Department-approved in-service courses.

(3) One hundred eighty hours of Department-approved continuing professional development activities and experiences.

[(d)](c) Professional personnel who fail to comply with the continuing professional development plan under subsection (a) or [commissioned officers] those who fail to complete the [required 6 credit hours] requirements under subsection [(c)](b) will have their certificates or commissions rendered inactive until the requirement is met.

[(e)](d) School districts that employ professional personnel or commissioned officers with inactive certificates or commissions are subject to penalties provided for under section [25-]2518 of the act (24 P.S. §25-2518).

(e) Activities and experiences approved to meet requirements for continuing professional development shall meet the following standards:

(1) Have significant intellectual and practical content, the primary objective of which is to improve the participants' professional competence.

(2) Deal with matters directly related to subjects which satisfy the purposes of this chapter.

(3) Be organized and led by persons qualified with the practical or academic experience necessary to conduct the activity or experience effectively.

(4) Be approved as professional activities and experience by the continuing professional development committee of the school entity .

(f) The chief school administrator of every school entity shall certify annually to the Secretary the names of professional personnel employees who have satisfied the requirements of subsection (b) at such time and such format as the Secretary may require. The board of directors of the school entity shall approve this certification prior to sending the names of the employees to the Secretary. The Secretary shall establish a procedure to verify the completion of these requirements.

(g) Certificates or letters of eligibility of professional or administrative employees who fail to complete the requirements for professional development shall be rendered inactive until all requirements are met. The Secretary shall establish a procedure for reactivation of certificates that have been rendered inactive.

(h) The Secretary will establish a procedure for granting to the holder of the certificate or letter of eligibility an extension to fulfill these requirements due to extenuating circumstances.

§49.18. [Testing] Assessment.

(a) The Secretary will institute [a testing] an assessment program for candidates for certification designed to assess their basic skills[,] and general knowledge[,] ; professional knowledge [and knowledge of the subjects in which

they seek certification] and practice; and [the subjects]
subject matter knowledge. The following principles shall
guide the Secretary in the development of an assessment
program:

(1) The assessment program will be based in the stan-
dards developed for each certificate.

(2) The assessment program will measure candidates'
abilities across the domains of basic skills knowledge,
professional knowledge and practice, and subject matter
knowledge employing a variety of measures at a minimum
of three points: (i) During the candidate's prepara-
tion program, (ii) Upon application for initial certif-
ication and (iii) Upon application for Level II, super-
visory or administrative certification.

(3) The assessment program will be developed in con-
sultation with teachers, administrators, teacher educa-
tors, and educational specialists with relevant certif-
ication.

(4) The assessment program will employ, where
appropriate, available assessment tools, instruments
and procedures.

- (b) The Secretary, in consultation with the Board, will establish a [passing score] satisfactory achievement level for the [tests enumerated] assessments in subsection (a).
- (c) The [tests] assessments in basic skills[,], and general knowledge[,]; professional knowledge and practice; [,] and subject matter knowledge will be given, and [passing scores] satisfactory achievement levels shall be [achieved] reached, prior to the issuance of a certificate.
- (d) A periodic review of the [testing] assessment program will be made by the Board every 3 years.

§49.21. (Reserved).
§49.22. (Reserved).
§49.23. (Reserved).
§49.24. (Reserved).

EMERGENCY [CERTIFICATES] PERMITS

§49.31. Criteria for eligibility.

The Department may issue an emergency [certificate] permit for service in the public schools, at the request of the employing public school entity, to an applicant who is a graduate of a [state approved teacher preparing] 4-year college or university to fill a professional vacancy when a fully qualified and properly certificated applicant is not available. The emergency [certificate] permit is issued on the basis of terms and conditions agreed upon between the requesting public school entity and the Department. [Annually] Each July, the Department will report to the Board the number and nature of emergency [certificates] permits issued during that year.

§49.32. Emergency cases.

The Department may approve the issuance of an emergency [certificate] permit to a person at the request of a public school entity upon receiving appropriate evidence of exceptional conditions requiring Department resolution of the staffing problem.

§49.33. Expiration.

[All emergency certificates] Emergency permits shall expire with the termination of any summer school conducted [in the summer] which follows the date of issuance. Persons holding an emergency [certificate] permit shall be used in staffing summer school positions only when regular employees holding the appropriate provisional or permanent certificate are not available.

§49.34. Issuance by chief school administrator.

- (a) The chief school administrator of a public school entity is authorized to issue an emergency [certificate] permit for day-to-day service as a substitute when the following conditions are met:
- (1) The person for whom the [certificate] permit is sought holds a valid Pennsylvania [Instructional Certificate] certificate or [a valid Pennsylvania Educational Specialist Certificate] its equivalent from another state.
 - (2) No appropriately certificated individual is available to fill the substitute position.
 - (3) The person for whom the [certificate] permit is sought consents to an assignment outside the area of [his] the person's certification.
- (b) This [certificate] permit shall be valid for 15 cumulative school days of service as a day-to-day substitute in each certificate endorsement area. If renewal is necessary, the chief school administrator may request, [during the initial 15 day period] within 30 days of the person's last day of service, issuance of an emergency [certificate] permit by the Department [pursuant to] under §§49.31 and 49.32 (relating to criteria for eligibility; and emergency cases).
- (c) This [certificate shall] permit will not qualify the holder to serve in a vacant position which must be filled by a temporary professional employe or professional employe or to serve as a substitute for a regularly appointed professional employe or temporary professional employe on an approved leave of absence. Issuance by the Department is used to qualify persons for [such] this service.
- (d) Under no conditions may [this emergency certificate] a permit be issued or used during a work stoppage.

ADMINISTRATIVE COMMISSION

§49.41. Description.

- (a) Administrative commissions will be issued by the Department, in the form of a certificate of appointment.
- (b) A commission will be issued for a specific term in accordance with Article X of the Public School Code of 1949 (24 P.S. §§10-1001--~~[10-1083.1]~~10-1089).

§49.42 Letter of eligibility.

A letter of eligibility of an administrative commission shall be issued in lieu of a certificate by the Department to a candidate who has completed an approved program of preparation in administration and who has been recommended by the preparing institution. Candidates for letters of eligibility must be able to help students achieve under the provisions of 22 Pa. Code Chapter 5 (relating to curriculum requirements). Letters of eligibility will be issued to candidates who present evidence of satisfactory achievement in assessments prescribed by the Department under §49.18(a) (relating to assessment) and who meet Department prescribed standards based on the following principles:

- (1) The administrator demonstrates educational leadership which provides purpose and direction for the achievement of all students.
- (2) The administrator effectively organizes and manages the total educational program of a local education agency with particular attention to the statutory and regulatory environment of education.

- (3) The administrator understands and effectively manages financial and human resources to foster student achievement.
- (4) The administrator effectively communicates with students, faculty, staff, parents and members of the community.
- (5) The administrator, in collaboration with faculty, staff, students and parents, fosters a climate conducive to student achievement.
- (6) The administrator thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship, and actively seeks opportunities to grow professionally.

CHANGES IN CERTIFICATION

§49.51. Review of certification.

- (a) The Department will [review certification regulations annually and will] report [needed revisions to the Board] annually to the Board on the status of certification in the Commonwealth .
- (b) The Board will conduct a major review of certification regulations at ten-year intervals.

§49.52. Development of types/categories of certificates and development of their respective standards.

- (a) The Secretary, the Board, and the Professional Standards and Practices Commission will receive requests to initiate a new type/category of certificate. Whenever any of these parties receives such a request it will inform the other two parties.

- (b) An investigation into a cogent request for a new type/category of certificate will be conducted by the Department. The Professional Standards and Practices Commission on its own initiative may conduct an investigation.
- (c) The Department and the Professional Standards and Practices Commission will review the findings of the investigation regarding the need for a type/category of certificate and present their recommendations to the Board.
- (d) If the Board does not disapprove or take any other action on the new type/category of certificate within 120 days of submission, the type/category of certificate will stand approved.
- (e) If the proposed type/category is approved by the Board, the Secretary will appoint a committee of professionals to develop standards for preparing professionals in the type/category of certificate. This committee shall include at least two members of the Professional Standards and Practices Commission. Proposed standards shall not stipulate academic degrees, experience, or prerequisite certificates not established by this chapter. After the receipt of the proposed standards, the Secretary and the Professional Standards and Practices Commission will review the proposed standards and make recommendations to the Board. If the Board does not disapprove the new standards within 120 days of submission, the standards will stand approved.

MISCELLANEOUS PROVISIONS

§49.61. Teaching experience for out-of-state students.

The Department may accept satisfactory teaching experience, in lieu of the student teaching requirement, from out-of-state applicants for certification provided that the teaching experience is full time under contract in an approved public or non-public school at the elementary or secondary level on a certificate comparable to the Pennsylvania Level I certificate in

the area of certification sought.

§49.62. Temporary [letters of certification] permits.

The Department may issue [a letter of certification] permits at the request of an employing public school entity. The [letter of certification] permit may be issued in lieu of a certificate to a competent specialist in any area of knowledge [in order] to enable the schools of [the] this Commonwealth to use the services of noncertified personnel for supplemental instruction under the supervision of a certificated teacher. The service shall be parttime and [shall] may not exceed 300 clock-hours during a school year. [Such] These persons [shall] will not be considered professional staff.

§49.62a. [School program] Program specialist certificate.

- (a) The Department may issue a [school]program specialist certificate, at the request of the employing public school entity, to an applicant [whom the Department verifies as meeting] who meets the qualifications and competencies needed to perform the duties and functions of a locally established professional position approved by the local board of directors.
- (b) [School program] Program specialist certificates may be issued only for an area of service in which a certificate does not exist. They may be issued only to persons who hold a valid [Instructional or Educational Specialist] Pennsylvania certificate or its equivalent from another state. Annually, the Department will report to the Board the number and nature of [such] these certificates issued during the year.
- (c) [School program] Program specialist certificates are valid only for the position described in the approved position description and are not transferable to other school entities.

[(d) The provisions of this section and of §49.184 (relating to Intermediate Unit Program Specialist Certificates) are mutually exclusive, neither related nor interchangeable.]

§49.63. Applicants educated in foreign countries.

- (a) The Department will issue certificates to applicants who have been educated in a foreign country who meet the established Commonwealth standards for the certificates sought. Applicants shall be required to provide official transcripts of studies completed abroad.
- (b) The Department may substitute competency examinations for transcript review in a case involving the loss of [credentials] credentialing documents in a foreign country providing the applicant submits acceptable evidence that [he] the applicant did, in fact, complete a teacher education program.
- (c) The Department and its recommending institutions will insure that applicants educated in foreign countries or who are foreign nationals or resident aliens are proficient in speaking, reading, and writing in the English language.

§49.64. (Reserved).

§49.64a. Authority to annul[, revoke, or suspend] and reinstate certificates and discipline professional educators.

- (a) [Annulment or revocation. In accordance with the authority vested in the Secretary by section 1211 of the Public School Code of 1949, P.L. 30 (24 P.S. §12-1211) and by section 2(j) of the act of May 29, 1931, P.L. 210, as amended (24 P.S. §1225(j)), the secretary shall annul or revoke the professional certificate or letter of eligibility of any person for cause as enumerated by the above statutes and by §49.64b (relating to causes for annulment, revocation, or

suspension), thereby prohibiting such person from teaching or engaging in other professional services in the schools of the Commonwealth until such time as such person is reinstated in accordance with §49.64d(b) (relating to reinstatement of suspended or revoked certificates).] A professional certificate or letter of eligibility obtained by fraud or mistake shall be considered void "ab initio" and shall be annulled by the Secretary. An annulment will not be effected without prior notice and hearing in accordance with reasonable procedures as the Secretary shall prescribe, after review of and comment on the procedures by the Board.

- (b) [Suspension. In accordance with the authority vested in the Secretary by section 2(j) of the act of May 29, 1931, P.L. 210, as amended (24 P.S. §1225(j)), the Secretary shall suspend the professional certificate or letter of eligibility of any person for cause as enumerated by the above statute or by §49.64b (relating to causes for annulment, revocation, or suspension), for a period of time not to exceed one year, thereby denying such person the right to teach or engage in other professional services in the schools of the Commonwealth for that period of time. When the period of suspension has passed, the certificate or letter of eligibility shall be reinstated in accordance with §49.64d(a) (relating to reinstatement of suspended or revoked certificates).] In accordance with the authority vested with the Professional Standards and Practices Commission by the Teacher Certification Law, the Commission may discipline professional educators.
- (c) [Procedure. No annulment, revocation, or suspension under subsections (a) and (b) shall be effected without prior notice and hearing in accordance with such reasonable procedures as the Secretary shall prescribe, after review of and comment on the procedures by the Board.] In accordance with the authority vested with the Professional Standards and Practices Commission by section 16 of the Teacher Certification Law (24 P.S. §2070.16), the Commission may reinstate a professional educator's certificate.

§49.64b. [Causes for annulment, revocation, or suspension.]
(Reserved).

- [(a) The Secretary shall annul, revoke, or suspend certification for those causes specified by section 1211 of the Public School Code of 1949 (24 P.S. §12-1211) and by section 2(j) of the act of May 29, 1931, P.L. 210 (24 P.S. §1225(j)).
- (b) Any professional certificate or letter of eligibility obtained by fraud or mistake shall be considered void "ab initio" and shall be annulled by the Secretary after notice and hearing as provided in §49.64a(c) (relating to authority to annul, revoke, or suspend).
- (c) Any alteration of a professional certificate shall render that certificate null and void and reissuance of a new certificate may be refused pending annulment, revocation, or suspension proceedings for any of the causes enumerated in subsection (a).
- (d) In addition to any other remedy provided by law, should any person willfully refuse to return a certificate or letter of eligibility recalled for cause by the Secretary, such certificate may be revoked or further suspended for cause as enumerated in subsection (a) after notice and hearing as provided by §49.64a(c) (relating to authority to annul, revoke, or suspend).
- (e) Annulment, revocation, or suspension of a professional certificate by another state for one of the causes enumerated in subsection (a) shall be considered probable cause for initiation of annulment, revocation, or suspension proceedings by the Secretary, but no annulment, revocation or suspension shall be effected except after notice and hearing as provided by §49.64a(c) (relating to authority to annul, revoke, or suspend).]

§49.64c. [All certificates and letters of eligibility subject to suspension or revocation.] Reserved.

[The suspension or revocation by the Secretary of a certificate or letter of eligibility of any person shall automatically suspend or revoke any and all certificates or letters of eligibility issued by the Department held by that person except that person found incompetent in any one area of certification may retain their other certificates or letters of eligibility when the sole basis of the suspension or revocation is insufficient knowledge of subject matter.]

§49.64d. [Reinstatement of suspended or revoked certificates.]
(Reserved).

- [(a) Any certificate or letter of eligibility which has been suspended is automatically reinstated at the end of the suspension period, provided, in the case of certificates, that the suspended certificate did not expire during the period of suspension. If the certificate did not expire during the period of suspension. If the certificate expired during the period of suspension, the holder of the former certificate may be issued a new one provided he satisfies the requirements for the new certificate by demonstrating competency in the area of the previous certificate.
- (b) An individual whose certificate or letter of eligibility has been annulled or revoked may have his case reconsidered annually. The burden of demonstrating his fitness for having his certificate or letter of eligibility reinstated rests with the individual. If the burden is met, the Secretary may place conditions on the issuance of the reinstated certificate or letter of eligibility.]

§49.64e. Mandatory reports from schools.

The board of school directors of the employing school district or the board of directors of each employing intermediate unit or area vocational technical school, or the appropriate governing body of the employing public charter or nonpublic school shall report to the Secretary within [ten] 10 days of dismissal the name of any person who has been dismissed and the cause for

[such] the dismissal and the name of any individual who is charged or convicted of a crime of moral turpitude.

§49.64f. Publication of suspensions and revocations.

The Secretary, or his designee, shall notify all chief state school officers of the states and territories of the United States and all chief school administrators and teacher preparing institutions of this Commonwealth of the names and social security numbers of persons whose teaching certificates or commissions are suspended or revoked, the period of suspension or revocation including effective date and the reason for such action.

§49.65. Out-of-state and Nationally-certified applicants.

- (a) The Department will issue the appropriate Commonwealth certificate to applicants who have:
 - (1) Graduated from a State approved out-of-[state] State college or university whose teacher education requirements are [equivalent] comparable to those of this Commonwealth.
 - (2) Completed the preparing institution's teacher education program of the preparing institution.
 - (3) Received the recommendation of the preparing institution for the subject or area to be taught.
 - (4) Presented evidence of satisfactory achievement in assessments prescribed by the Department under §49.18-(a) (relating to assessment).
- (b) [If evaluation by the Department reveals minor deficiencies in the preparation program of the applicant, the Department will prescribe the additional educational requirements to be met in securing Commonwealth certification.] The Department

may enter into a reciprocal certification agreement with the appropriate authority of another state to recognize comparable certificates.

(c) Candidates certified by the National Board for Professional Teaching Standards will be granted the highest level certificate applicable.

§49.66. Appeal procedure.

Applicants who have been denied certification may appeal for reconsideration of their case to the Department.

§49.67. [Master's Degree Equivalency Certificates] (Reserved).

[A Master's Degree Equivalency Certificate shall be issued for salary purposes only, subject to the following terms and conditions:

- (1) The certificate is issued to persons holding a valid Instructional I, Instructional II, Educational Specialist I, Educational Specialist II certificate or their equivalents, upon the accumulation of 36 hours of graduate level credit. A minimum of 18 academic graduate credits must be earned in the content area of the applicant's primary teaching assignment at a college or university approved to offer graduate work. A maximum of 18 of the credit requirement may be satisfied through inservice programs approved by the Secretary of Education for meeting master's equivalency requirements.
- (2) The certificate is also issued to holders of Vocational Instructional I, Vocational Instructional II or their equivalents upon the accumulation of 90 college credits. A minimum of 18 credit hours of the final 30 shall be earned at a State-approved baccalaureate degree granting institution. The remaining 12 may be satisfied, in full or in part, through inservice

programs approved by the Secretary of Education for meeting master's equivalency requirements.

- (3) A grade of "C" or better is required in college and university courses in which grades are given and a letter of satisfactory completion is required for all inservice courses used toward the attainment of the certificate.]

§49.68. Evaluation of prescribed requirements and standards.

Institutions of higher education within this Commonwealth with approved teacher education programs are authorized to evaluate, equate, and accredit educational experience and background of candidates for meeting the specific requirements for certification. A candidate may not be recommended for certification until [the candidate passes] providing evidence of satisfactory achievement in the [tests] assessments under §49.18 (relating to [testing] assessment).

§49.69. Deletion of areas from certificates.

- (a) Annually, between October 1 and December 31, any holder of a Pennsylvania certificate may request and the Department will grant the removal of any area for which the certificate is endorsed if any of the following conditions are met:
 - (1) The applicant has not taught in the area for which deletion is sought within the previous ten years.
 - (2) The applicant is not a regularly employed full time teacher.
- (b) In all other cases, an applicant requesting the removal of any area for which the certificate is endorsed must secure the approval of the local school authority. If such approval is granted, then the Department will delete the area from the certificate. If such approval is denied by the local school authority, the applicant shall have the

right to appeal to the Department. In any such appeal, the burden is on the applicant to show lack of current subject matter competency.

- (c) A moratorium for requesting certification deletions shall exist from January 1 through September 30 of each year to allow schools the opportunity to plan for the assignment of their certified staffs in the ensuing school year.
- (d) All action by the Department to delete areas of certification shall be effective on the 30th day of June following receipt of the application to delete.
- (e) Any area of certification deleted from a certificate under the provisions of this section shall be restored only after the person becomes eligible by subsequently meeting all laws, regulations, standards, policies, and procedures as are in effect at the time of application for recertification in the area previously deleted.

SUBCHAPTER B. CERTIFICATION OF GRADUATES FROM COMMONWEALTH INSTITUTIONS

GENERAL PROVISIONS

Section	49.71.	Basic requirements.
	49.72.	Categories of certificates and letters of eligibility.
	49.73.	(Reserved)

INSTRUCTIONAL CERTIFICATES

	49.81.	General.
	49.82.	Instructional I.
	49.83.	Instructional II.

- 49.84. [Collegiate credit acceptable for renewal or conversion of the Instructional I Certificate] Reserved.
49.85. Limitations.

INTERN CERTIFICATES

- 49.91. Criteria for eligibility.
49.92. Term of validity.

EDUCATIONAL SPECIALIST CERTIFICATES

- 49.101. General.
49.102. Educational Specialist I.
49.103. Educational Specialist II.
49.104. [College credit acceptable for renewal or conversion of Educational Specialist I Certificate] Reserved.
49.105. Limitations.

SUPERVISORY CERTIFICATE[S]

- 49.111. Supervisory [I] Certificate.
49.112. [Supervisory II] Reserved.

ADMINISTRATIVE CERTIFICATE[S]

- 49.121. Administrative [I] Certificate.
49.122. [Administrative II] Reserved.

GENERAL PROVISIONS

§49.71. Basic requirements.

Applicants for a certificate shall have completed, in addition to all legal requirements, a program of teacher education approved by the Department and shall have the recommendation of the preparing institution.

§49.72. Categories of certificates and letters of eligibility.

(a) The following basic categories of certificates and letters of eligibility will be issued by the Department:

- (1) [~~Letters of~~] Temporary [~~Certification~~] Permit.
- (2) Emergency [~~Certificates~~] Permit.
- (3) Intern Certificates.
- (4) Instructional Certificates.
- (5) Educational Specialist Certificates.
- (6) Supervisory [~~Certificates~~] Certificate.
- (7) Administrative [~~Certificates~~] Certificate.
- (8) [~~School~~] Program Specialist [~~Certificates~~] Certificate.
- (9) Letters of Eligibility.
- (10) Vocational Education Certificates.
- [(11) Intermediate Unit Program Specialist Certificates.]

(b) The Secretary annually will disseminate an approved list of official titles of all certificates and letters of eligibility which the Department has issued during the past fiscal year or proposes to issue in the ensuing year.

§49.73. (Reserved).

INSTRUCTIONAL CERTIFICATES

§49.81. General.

- (a) The Department will issue instructional certificates to persons whose primary responsibility is teaching. Candidates for instructional certificates shall be able to help students achieve under Chapter 5 (relating to curriculum).
- (b) Instructional certificates will be issued to candidates who meet Department prescribed standards based on the following principles:
- (1) The teacher understands the central concepts, tools of inquiry, and structures of the discipline the teacher teaches and can create learning experiences that make these aspects of subject matter meaningful for all students.
 - (2) The teacher understands how all children learn and develop, and can provide learning opportunities that support their intellectual, social, career and personal development.
 - (3) The teacher understands how students differ in their ability and approaches to learning and creates opportunities that foster achievement of diverse learners in the inclusive classroom.
 - (4) The teacher understands and uses a variety of instructional strategies, including interdisciplinary learning experiences, to encourage students' development of critical thinking, problem solving and performance skills.
 - (5) The teacher uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.

- (6) The teacher uses knowledge of effective verbal, nonverbal, and media communication techniques supported by appropriate technology to foster active inquiry, collaboration, and supportive interaction in the classroom.
- (7) The teacher plans instruction based upon knowledge of subject matter, students, the community, and curriculum goals.
- (8) The teacher understands and uses formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social and physical development of the learner.
- (9) The teacher thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and who actively seeks out opportunities to grow professionally.
- (10) The teacher contributes to school effectiveness by collaborating with other professionals and parents, by using community resources, and by working as an advocate to improve opportunities for student learning.

§49.82. Instructional I.

- (a) The Instructional I Certificate shall be valid for 6 years of teaching in the area for which it [is endorsed] applies. It may be converted to an Instructional II Certificate as provided by §49.83 (relating to Instructional II).
- (b) The Instructional I Certificate will be issued to applicants who:
 - (1) Possess a baccalaureate degree.

- (2) [~~Successfully complete~~] Present evidence of successful completion of a Department-approved teacher [~~certification~~] preparation program.
- (3) Present evidence of [~~having passed the~~] satisfactory achievement in assessments prescribed by the Department [~~-prescribed tests~~] under §49.18(a) (relating to [~~testing~~] assessment).
- (4) Receive recommendation for certification from a college or university.

§49.83. Instructional II.

The Instructional II Certificate shall be a permanent certificate subject to the requirements of §49.17(c) (relating to professional development) issued to an applicant who has completed:

- (1) A Department-approved induction program.
- (2) Three years of satisfactory teaching on an Instructional I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed.
- (3) Twenty-four credit hours of collegiate study or its equivalent in inservice courses approved by the Department or Department approved professional development activities or [both] a combination thereof.
- (4) Present evidence of satisfactory achievement in assessments prescribed by the Department under §49.18(a) (relating to assessment).

§49.84. [Collegiate credit acceptable for renewal or conversion of the Instructional I Certificate] Reserved.

- [(a) College credit acceptable for renewal of the Instructional I Certificate and conversion to the Instructional II Certificate shall be earned at a State approved baccalaureate degree granting institution.
- (b) Credits earned in programs designed to prepare for professional fields such as law, medicine or theology, when relevant to the area of certification, will be considered acceptable for purposes of renewing or converting the Instructional I Certificate.
- (c) All credits must be earned subsequent to the conferring of the baccalaureate degree.]

§49.85. Limitations.

(a) The grade level limitations of instructional certificates shall be the following:

- (1) Early childhood (nursery, kindergarten, grades one to three or ages 3 to 8).
- (2) Elementary (kindergarten, grades one to six or ages 3 to 11).
- (3) Middle level (grades six to nine or ages 11 to 14).
- (4) [Specialized areas (Kindergarten to grade 12] Secondary (grades seven to 12 or ages 11 to 21).
- (5) Specialized areas (kindergarten to grade 12 or up to age 21).

(b) The decision about staffing based on age or grade level rests with the school entity.

INTERN CERTIFICATES

§49.91. Criteria for eligibility.

- (a) The Department may make a one-time issuance of an Intern Certificate for service in approved elementary, middle and secondary schools to applicants who, in addition to meeting the requirements of §49.12 (relating to eligibility), present evidence of [having passed the] satisfactory achievement on Department-prescribed assessments of basic skills, general knowledge and subject matter tests; are enrolled in and have completed appropriate professional education courses in an approved intern program, which may include an induction; and are recommended for certificates by the institution holding approval.
- (b) The applicant will be issued an Instructional I Certificate upon completion of the approved intern program and [the passing] satisfactory achievement on the assessment of [the] professional knowledge [test] and practice.

§49.92. Term of validity.

The intern certificate shall be issued for the period of time necessary for the candidate to complete the approved intern program, but in no case shall this time period exceed 3 years.

EDUCATIONAL SPECIALIST CERTIFICATES

§49.101. General.

The Department will issue educational specialist certificates to persons whose primary responsibility shall be to render professional service other than classroom teaching. The service shall be directly related to the personal welfare of the learner and may include service for the needs of other professional personnel working with learners. Candidates for educational specialist certificates shall be able to help students achieve under Chapter 5 (relating to curriculum). Educational specialist certificates will be issued to candidates who meet Department prescribed standards based on the following principles:

- (1) The educational specialist understands the central concepts, structures and delivery styles of the profes-

sional area in which the educational specialist practices and can foster learning experiences for all students.

- (2) The educational specialist understands how all children learn and develop, and can contribute to the provision of learning opportunities that support their intellectual, social, career and personal development.
- (3) The educational specialist understands how students differ in their ability and approaches to learning and creates opportunities that are adapted to diverse learners.
- (4) The educational specialist understands and uses a variety of professional strategies to encourage students' development of critical thinking, problem solving and performance skills.
- (5) The educational specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning and self-motivation.
- (6) The educational specialist uses knowledge of effective verbal, nonverbal, and media communication techniques supported by appropriate technology to foster active inquiry, collaboration, and supportive interaction in and out of the classroom.
- (7) The educational specialist plans professional services based upon knowledge of professional field, students, the community, and curriculum goals.
- (8) The educational specialist understands and uses formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social and physical development of the learner.

(9) The educational specialist thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and actively seeks out opportunities to grow professionally.

(10) The educational specialist contributes to school effectiveness by collaborating with other educators and parents, by using community resources, and by working as an advocate for change to improve opportunities for student learning.

§49.102. Educational Specialist I.

(a) The Educational Specialist I Certificate shall be valid for six years of service in each area for which it is endorsed. It may be converted to an Educational Specialist II Certificate in any endorsement area as provided in §49.103 (relating to Educational Specialist II).

(b) The Educational Specialist I Certificate will be issued to applicants who:

(1) Present evidence of successful completion of a Department-approved educational specialist preparation program or its equivalent.

(2) Present evidence of satisfactory achievement in assessments prescribed by the Department under §49.18(a) (relating to assessment).

(3) Receive recommendation for certification from a college or university if completing a Department-approved educational specialist preparation program.

§49.103. Educational Specialist II.

[(a) The Educational Specialist II Certificate shall be a permanent certificate issued to an applicant who shall

have completed three years of satisfactory service on a Level I Educational Specialist Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed. In addition, the applicant shall have completed 24 semester credit hours of collegiate study as described in §49.104 (relating to college credit acceptable for renewal or conversion of Educational Specialist I Certificate).

- (b) The 24 semester credit hour requirement may be satisfied, in whole or in part, through inservice programs approved by the Department.]

The Educational Specialist II Certificate shall be a permanent certificate subject to the requirements of §49.17(c) (relating to professional development) issued to applicants who:

- (1) Have completed a Department-approved induction program.
- (2) Have completed 3 years of satisfactory teaching on an Educational Specialist I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed.
- (3) Have completed 24 credit hours of collegiate study or its equivalent in inservice courses approved by the Department or Department-approved professional development activities or a combination thereof.
- (4) Present evidence of satisfactory achievement in assessments prescribed by the Department under §49.18(a) (relating to assessment).

§49.104. [College credit acceptable for renewal or conversion of Educational Specialist I Certificate] (Reserved).

- [(a) College credit acceptable for renewal of the Educational Specialist I Certificate and conversion to the Educational Specialist II must be earned at a State approved baccalaureate degree granting institution.
- (b) Credits earned in programs designed to prepare for professional fields such as law, medicine, or theology, unless relevant to the area of certification, will not be considered acceptable for purposes of renewing or converting the Educational Specialist I Certificate.
- (c) All credit must be earned subsequent to the conferring of the baccalaureate degree.]

§49.105. Limitations.

The grade level limitations of educational specialist certificates shall be specified in the standards stated for the respective preparation programs of certification.

SUPERVISORY CERTIFICATE[S]

§49.111. Supervisory [I] Certificate.

- (a) The Department will issue Supervisory [I] Certificates for positions in the schools of [the] this Commonwealth to persons who:
 - (1) Have completed five years of satisfactory professional experience in the area in which the supervisory certificate is sought.
 - (2) Have completed an approved graduate program preparing the applicant for the responsibilities of supervising in the [specified single] program area and of directing the activities of certificated professional employees.

- (3) Present evidence of satisfactory achievement in assessments prescribed by the Department under §49.18(a) (relating to assessment).
- (4) Are able to help students achieve under Chapter 5 - (relating to curriculum).
- (5) Meet Department prescribed standards following these principles:
 - (i) The supervisor understands the central concepts of organizational leadership, tools of research and inquiry and principles of teaching and learning that make supervision effective and efficient.
 - (ii) The supervisor understands how all children learn and develop and configures resources to support the intellectual, social and personal growth of students.
 - (iii) The supervisor knows and understands effective instructional strategies and encourages and facilitates employment of them by teachers.
 - (iv) The supervisor uses an understanding of individual and group motivation to create a professional development environment that engages teachers to develop and apply effective instructional techniques for all students.
 - (v) The supervisor is an effective communicator with various school communities.
 - (vi) The supervisor organizes resources and manages programs effectively.
 - (vii) The supervisor understands and uses formative and summative assessment strategies to gauge effectiveness of people and programs on student learning.

(viii) The supervisor understands the process of curriculum development, implementation and evaluation and uses this understanding to develop high quality curricula for student learning in collaboration with teachers, administrators, parents and community members.

(ix) The supervisor possesses knowledge and skills in observation of instruction and conducting conferences with professional staff which are intended to improve their performance and enhance the quality of learning experiences for students.

(x) The supervisor thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and actively seeks out opportunities to grow professionally.

(xi) The supervisor contributes to school effectiveness by collaborating with other professionals and parents, by using community resources, and by working as an advocate to improve opportunities for student learning.

(b) A Supervisory [I] Certificate for either Curriculum and Instruction or Pupil Personnel Services [, valid for 3 years of provisional service in the specified area,] shall be issued to persons who:

- (1) Have five years of satisfactory service in the school program area for which the comprehensive certificate is sought.
- (2) Have completed an approved graduate program preparing the applicant for the broad area, district-wide supervisory functions specified by the endorsement area of the certificate.

(3) Present evidence of satisfactory achievement in assessments prescribed by the Department under §49.18(a).

(c) Persons who obtain a Supervisory Certificate after the effective date of these regulations shall thereafter, present to the Secretary evidence of satisfactory participation in continuing professional development as defined in §49.17(c) (relating to professional development).

§49.112. [Supervisory II] Reserved.

[Supervisory II Certificate shall be permanent certificates issued to applicants who shall have completed three years of satisfactory supervisory experience on a Supervisory I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service is performed.]

ADMINISTRATIVE CERTIFICATE[S]

§49.121. Administrative [I] Certificate.

(a) The Department will issue Administrative [I] Certificates to persons who have had a minimum of 5 years of professional school experience and have completed an approved program of graduate study preparing [him] the applicant to direct, operate, supervise, and administer the organizational and general educational activities of a school. Applicants shall be recommended by the preparing institution in which the graduate program was completed. Candidates for administrative certificates must be able to help students achieve under Chapter 5 (relating to curriculum).

(b) Certificates may be issued for any administrative area for which program approval has been granted by the Department.

(c) The Department will issue Administrative Certificates to persons who present evidence of satisfactory achievement on

assessments prescribed by the Department under §49.18(a) (relating to assessment).

(d) The Department will issue Administrative Certificates to persons who meet Department prescribed standards following these principles:

- (1) The administrator demonstrates instructional leadership which provides purpose and direction for the achievement of all students.
- (2) The administrator demonstrates the organizational skills to implement plans of action efficiently and effectively for student achievement.
- (3) The administrator, in collaboration with students, faculty, staff and parents, creates a school climate that fosters student achievement.
- (4) The administrator gathers information from, and communicates effectively to students, faculty, parents, staff, and the community to facilitate student achievement.
- (5) The administrator understands the importance of a clear, detailed vision and an explicitly stated philosophy in shaping a coherent curriculum and in fostering an effective school.
- (6) The administrator makes systematic use of data to assess the needs and accomplishments of students, faculty and staff.
- (7) The administrator thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship, and actively seeks out opportunities to grow professionally.

§49.122. [Administrative II] Reserved.

tory administrative experience on an Administrative I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service was performed.]

SUBCHAPTER C. VOCATIONAL EDUCATION CERTIFICATION

GENERAL PROVISIONS

- Section 49.131. Basic requirements for baccalaureate and non-baccalaureate programs.
49.132. Types of certificates.
49.133. Levels of certification.

VOCATIONAL INSTRUCTIONAL CERTIFICATES

- 49.141. General.
49.142. Vocational Instructional I.
49.143. Vocational Instructional II.

VOCATIONAL INTERN CERTIFICATES

- 49.151. Eligibility and criteria.
49.152. Term of validity.
49.153. Vocational emergency [certificate] permit.

SUPERVISOR OF VOCATIONAL EDUCATION CERTIFICATE

- 49.161. Supervisor of Vocational Education I
49.162. [Supervisor of Vocational Education II] Reserved.

VOCATIONAL ADMINISTRATIVE DIRECTOR CERTIFICATE

- 49.163 Vocational Administrative Director [I].
49.164 [Vocational Administrative Director II] Reserved.

GENERAL PROVISIONS

§49.131. Basic requirements for baccalaureate and non-baccalaureate programs.

- (a) Applicants for a certificate ~~[must]~~ shall have completed, in addition to all legal requirements, a program of teacher education approved by the Department and shall have received the recommendation of the preparing institutions.
- (b) Preparation in general education, professional education, and specialized studies shall be in accordance with standards established by the Department.
- (c) Applicants must present evidence of ~~[obtaining passing scores on tests]~~ satisfactory achievement on assessments required in §49.18 (relating to ~~[testing]~~ assessment).
- (d) Professional personnel must present evidence of compliance with §49.17 (relating to continuing professional development).

§49.132. Types of certificates.

Four basic types of certificates shall be issued, as follows:

- (1) Vocational Instructional Intern.
- (2) Vocational Instructional.
- (3) Supervisor of Vocational Education.
- (4) Vocational Administrative Director.

§49.133. Levels of certification.

Vocational Instructional Certificates [, Supervisor of Vocational Education Certificates and Vocational Administrative Director Certificates] shall be issued for the following levels of qualifications:

- (1) Level I (Provisional).
- (2) Level II (Permanent).

VOCATIONAL INSTRUCTIONAL CERTIFICATES

§49.141. General.

- (a) The Department will issue Vocational Instructional Certificates to persons whose primary responsibility is teaching occupational skills in State approved vocational education programs in the public schools of the Commonwealth. Such certificates will be valid for teaching in any vocational or technical area for which the holder has registered his occupational competency credential with the Department in the manner prescribed by the Department.
- (b) The holder of a vocational teaching certificate may also teach the technical skills and knowledge of [his] the holder's occupation in courses of comparable content provided in secondary school programs which have not been accorded State approval as vocational education programs under conditions [set forth] in the policies and standards of the Department. Candidates for vocational instructional certificates shall be able to help students achieve under Chapter 5 (relating to curriculum).

§49.142. Vocational Instructional I.

- (a) A single certificate will be issued and titled, "Vocational Instructional Certificate." Individuals qualifying for this certificate shall be authorized to teach in the areas for which they also hold an occupational competency credential. The occupational competency credential will be issued by the Department or an institution of higher education approved by the Secretary. The applicant [must] shall have:
 - (1) A minimum of 2 years wage-earning experience in addition to the learning period required to establish competency in the occupation to be taught.
 - (2) Successfully completed the occupational competency examination or evaluation of credentials for

occupations where examinations do not exist or [passed a test] present evidence of satisfactory achievement on an assessment of subject matter under §49.18 (relating to [testing] assessment).

- (3) Completed 18 credit hours in an approved program of vocational teacher education.
 - (4) Presented evidence of [having passed] satisfactory achievement on the [test] assessment of basic skills under §49.18 (relating to [testing] assessment).
- (b) The Vocational Instructional I Certificate shall be valid for [7] 6 years during which time the applicant [must] shall complete the approved preparation program leading to the Vocational Instructional II Certificate.

§49.143. Vocational Instructional II.

The Vocational Instructional II Certificate shall be a permanent certificate subject to the requirements of §49.17(c) (relating to professional development) issued to an applicant who has:

- (1) Completed 3 years of satisfactory teaching on a Vocational Instructional I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed.
- (2) Completed 60 credit hours in an approved program in the appropriate field of vocational education or its equivalent.
- (3) Presented evidence of [having passed the test] satisfactory achievement in assessments of general knowledge and [the test] of professional knowledge and practice under §49.18 (relating to [testing] assessment).
- (4) Completed a Department-approved induction program.

VOCATIONAL INTERN CERTIFICATES

§49.151. Eligibility and criteria.

- (a) The Department will issue Vocational Intern Certificates for teaching in State approved programs of vocational education in the public schools of this Commonwealth to applicants who have:
 - (1) Met all eligibility requirements stipulated in §49.12 (relating to eligibility) except for the baccalaureate degree requirement as set forth in paragraph (4) of §49.12.
 - (2) Provided evidence of [passing the test] satisfactory achievement in assessments of subject matter under §49.18 (relating to [testing] assessment) or satisfactory occupational competency by one of the following:
 - (i) Successfully completing the occupational competency examination of the Department.
 - (ii) Securing recognition of occupational competency upon the basis of credentials review and adequate work experience beyond the learning period as established by the Department in those competency areas where occupational competency examinations do not exist.
 - (iii) Receiving State licensure or occupational accreditation by a Board of Examiners recognized by the Commonwealth.
 - (iv) Receiving certification from another state whose certification criteria are similar to those of this Commonwealth.

- (3) Been accepted for enrollment in a State approved vocational teacher preparation program at a Commonwealth college or university.
- (4) Been recommended for the certificate by the institution at which they are enrolled or accepted.
- (b) The applicant shall be issued a Vocational Instructional I Certificate upon presenting evidence of 2 years wage-earning experience, completion of an approved intern program, and [passing] satisfactory achievement on the [test] assessment of basic skills.

§49.152. Term of validity.

The Vocational Instructional Intern Certificate shall be issued for the period of time needed by the applicant to complete 18 semester hours within the approved vocational teacher preparation program, but in no case shall the validity period exceed three years from the date of issuance.

§49.153. Vocational emergency [certificate] permit.

- (a) The chief school administrator having jurisdiction over any approved Vocational Education program shall be authorized to issue a special emergency [certificate] permit on a day-to-day basis to an occupational practitioner when no properly certificated teachers are available. The teacher shall function under the supervision of a properly certificated [vocational] supervisor or administrator. Assignments as described in this section shall be made only in case of an extreme emergency and may not exceed 15 consecutive school days. This [certificate] permit shall be valid for 15 days of substitute service and may be renewed for an additional 15 school days upon the approval of the Secretary.
- (b) This [certificate] permit shall not qualify the holder to serve as a regularly elected teacher to fill a vacant position or as a long-term substitute. Such positions [must] shall be filled by a person holding a valid

Vocational Instructional or a State issued Emergency [Certificate] Permit. Reference should be made to §49.32 (relating to emergency cases).

SUPERVISOR OF VOCATIONAL EDUCATION CERTIFICATE

§49.161. Supervisor of Vocational Education [I].

(a) The Department will issue a Supervisor of Vocational Education Certificate to a person who shall have a minimum of three years satisfactory certificated vocational teaching experience and whose primary assignment will be either or both of the following:

- (1) Instructional supervision in the fields of vocational education[,] -- vocational agriculture, vocational business, distributive education, health occupations, vocational home economics, and vocational industrial, or trade and industrial -- in area vocational technical schools and corresponding vocational courses in the public secondary schools of the Commonwealth.
- (2) Directing the activities of professional staff teaching in the program areas specified in paragraph (1).

(b) The Department will issue a Supervisor of Vocational Education Certificate to a person who shall meet the requirements of §49.111(a)(3-5) (relating to supervisory certificates).

§49.162. [Supervisor of Vocational Education II] Reserved.

[The Supervisor of Vocational Education II Certificate shall be a permanent certificate issued to a person who:

- (1) Has three years of satisfactory service on a Supervisor of Vocational Education I Certificate; or

- (2) Has completed a preparation program and has accumulated three years of satisfactory service on a formerly issued Pennsylvania Supervisory Certificate issued for a single field of vocational education or on a formerly issued Pennsylvania Coordinator of Trade and Industrial or Vocational Education Certificate.]

VOCATIONAL ADMINISTRATIVE DIRECTOR CERTIFICATE[S]

§49.163. Vocational Administrative Director [I].

[(a) Vocational Administrative Director I Certificate shall be valid for six years of service as a Director of Vocational Education. It may be converted to a Vocational Administrative Director II Certificate after three years evidence of satisfactory service as provided in §49.164 (relating to Vocational Administrative Director II).]

[(b)] The Department will issue the Vocational Administrative Director [I] Certificate to persons who:

- (1) Have a minimum of [five] 5 years successful teaching in vocational education.
- (2) Have completed an approved program of graduate study [of a comprehensive scope] following Department prescribed standards under the principles listed in §49.121(d) (relating to administrative certificates preparing them to direct, operate, supervise, and administer the organizational and educational activities of a vocational technical school or department; applicants shall be recommended by the preparing institution in which the graduate program was completed.
- (3) Present evidence of satisfactory achievement on assessments prescribed by the Department under §49.18(a) - (relating to assessment).

§49.163a. Vocational Administrator Director Professional Development.

Persons who obtain a Vocational Administrator Certificate after the effective date of the regulations shall thereafter present to the Secretary evidence of satisfactory participation in continuing professional development every 5 years as provided in §49.17 (relating to continuing professional development).

§49.164. [Vocational Administrative Director II] Reserved.

[A permanent certificate shall be issued to applicants who have satisfactorily completed three years of administrative experience on a Vocational Administrative Director I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service was performed.]

SUBCHAPTER D. OUT-OF-STATE APPLICANTS

Section 49.171. General requirements.
49.172. Letter of eligibility.

§49.171. General requirements.

- (a) Applicants recommended by out-of-state institutions shall submit to the Department official transcripts for all professional preparation and related studies and satisfactory evidence of educational and work experience. Such records will be evaluated by the Department using the established standards applicable to the comparable approved programs at Commonwealth institutions.
- (b) The Department will issue the appropriate certificates to persons whose preparation and experience equate to the established standards. If an evaluation by the Department

reveals minor deficiencies, the Department will prescribe the additional educational requirements.

- (c) ~~[Also, the]~~ ~~The~~ Department may issue the comparable Pennsylvania **[Level I]** Certificate to an applicant who, lacking institutional recommendation:
- (1) Has been legally certificated by another state at a level comparable to the **[Level I]** Pennsylvania certificate sought.
 - (2) Provides evidence of preparation and experience equating to the established standards for the area of certification sought.

§49.172. Letter of eligibility.

- (a) The Department will issue the appropriate letter of eligibility for consideration for appointment as a district superintendent or an assistant district superintendent to an applicant who shall
- (1) Either:
 - (i) Have completed a Pennsylvania approved graduate level program of educational administrative study **[minimally approximating two full academic years]** for the preparation of chief school administrators; or
 - (ii) Have been prepared through an out-of-state graduate level program equivalent to those approved in this Commonwealth.
 - (2) Have received the recommendation of the preparing institution for certification as a chief school, district level, administrator **[or assistant chief school, district level, administrator]**.

- (3) Have provided evidence of six years of teaching or other professionally certificated service in the basic schools three years of which shall have been in supervisory or administrative positions.
- (b) Department evaluation will comply with the following:
- (1) ~~[For persons prepared at colleges and universities, t]~~The adequacy of preparation will be determined by the Department.
 - (2) The qualifying educational service to meet experience requirements out-of-~~[state]~~State will be determined for all applicants by the Department.
 - (3) Institutional endorsement of the candidate may be waived by the Department for exceptional reasons such as, but not limited to, nonrecency of graduation, multi-institutional preparation, and institution no longer offering a preparation program for the superintendent.
- (c) A commission shall be issued to a person holding ~~[an appropriate]~~ a letter of eligibility upon election as a district superintendent or assistant district superintendent by the respective local board of school directors.

SUBCHAPTER E. COMMISSIONS AND CERTIFICATES FOR INTERMEDIATE UNITS

- Section 49.181. (Reserved)
- 49.182. Letter of eligibility -- executive director.
- 49.183. ~~[Letter of eligibility - assistant executive director]~~ Reserved.
- 49.184. ~~[Intermediate Unit Program Specialist Certificates]~~ Reserved.

§49.181. (Reserved).

§49.182. Letter of eligibility [-- executive director].

- (a) A letter of eligibility to serve as an intermediate unit executive director or assistant executive director will be issued in lieu of a certificate by the Department to a candidate who has obtained or achieved:
- (1) An earned doctorate or a master's degree plus 40 hours of graduate study successfully completed at a State approved college or university.
 - (2) [Who has had six] Six years of experience in education work at the elementary, secondary, county office, intermediate unit, [state] State department of education, or State approved college or university level. In [three] 3 of these [six] 6 years the applicant shall have served successfully in a management or supervisory capacity.
 - (3) Satisfactory achievement in assessments prescribed by the Department under §49.18(a) (relating to assessment).
- (b) The appropriateness of this experience and [his] the candidate's academic preparation will be determined by the Department.
- (c) A commission will be issued to a person holding an appropriate letter of eligibility upon [his] the candidate's election as the executive director or assistant executive director of an intermediate unit by its respective board of directors.

§49.183. [Letter of eligibility - assistant executive director]
Reserved.

[(a) A letter of eligibility to serve as an intermediate unit assistant executive director will be issued in lieu of a

certificate by the Department to a candidate who has obtained or achieved:

- (1) An earned doctorate or a master's degree plus 40 hours of graduate study successfully completed at a State approved college or university.
 - (2) Who has had six years of experience in education work at the elementary, secondary, county office, intermediate unit, state department of education, or State approved college or university level.
- (b) The appropriateness of the applicant's experience and academic preparation will be determined by the Department.
 - (c) A commission will be issued to a person holding an appropriate letter of eligibility upon his election as an assistant executive director of an intermediate unit by its respective board of directors.]

§49.184. [Intermediate Unit Program Specialist Certificates]
Reserved.

- [(a) Certificates for the employment of program specialists will be issued by the Department at the request of an intermediate unit board of directors when the applicant meets requirements established by a job specification proposal which has been approved by the Department; such certificates shall not be transferable for use in another intermediate unit.
- (b) Intermediate Unit Program Specialist Certificates may be issued only for an area of professional service in which a certificate does not exist.
- (c) The provisions of this section and of §49.62a (relating to school program specialist certificate (district)) are mutually exclusive, neither related nor interchangeable.]

SUBCHAPTER F. LETTERS OF EQUIVALENCY FOR PAY PURPOSES

§49.191. Letters of Equivalency.

(a) A Letter of Equivalency shall be issued for salary purposes only, subject to the following terms and conditions:

- (1) The Letter of Equivalency for Master's Degree is issued to persons holding a valid Instructional I, Instructional II, Educational Specialist I, Educational Specialist II certificate or their equivalents, upon the accumulation of 36 hours of graduate level credit. A minimum of 18 academic graduate credits must be earned in the content area of the applicant's primary teaching assignment at a college or university approved to offer graduate work. A maximum of 18 of the credit requirement may be satisfied through inservice programs approved by the Secretary of Education for meeting master's equivalency requirements.
- (2) The Letter of Equivalency for Baccalaureate Degree is issued to holders of Vocational Instructional I, Vocational Instructional II or their equivalents upon the accumulation of 90 college credits. A minimum of 18 credit hours of the final 30 shall be earned at a State-approved baccalaureate degree granting institution. The remaining 12 may be satisfied, in full or in part, through inservice programs approved by the Secretary of Education for meeting baccalaureate equivalency requirements.
- (3) A grade of "C" or better is required in college and university courses in which grades are given and a letter of satisfactory completion is required for all inservice courses used toward the attainment of the certificate.



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

February 9, 1999

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

Dear Mr. Nyce:

Enclosed is a copy of the final-form of State Board of Education regulations regarding certification of professional personnel (#6-258) for review by the Commission pursuant to the provisions of section 5(c) of the Regulatory Review Act. The act provides that the Commission shall approve or disapprove final-form regulations within 10 days of the close of the Committee review period or at its next scheduled meeting.

The State Board of Education will provide the Commission with any assistance it requires to facilitate a thorough review of these final-form regulations.

Please let me know if there is anything that you need.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter H. Garland".

Peter H. Garland
Executive Director

Enclosure

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

RECEIVED

99 FEB -9 PM 3:47

I.D. NUMBER: 6-258

SUBJECT: Certification of Professional Personnel

AGENCY: DEPARTMENT OF EDUCATION - State Board of Education

INDEPENDENT REGULATORY REVIEW COMMISSION

TYPE OF REGULATION

Proposed Regulation

X Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions

b.

Without Revisions

FILING OF REGULATION

DATE

SIGNATURE

DESIGNATION

2/9/99 Eleanor Romano

HOUSE COMMITTEE ON EDUCATION

2/9/99 Vicki O'Leary

2/9/99 Wendy Cornett

SENATE COMMITTEE ON EDUCATION

2/9/99 Betty Jones

2/9/99 Kim E. Garner

INDEPENDENT REGULATORY REVIEW COMMISSION

ATTORNEY GENERAL

LEGISLATIVE REFERENCE BUREAU

February 2, 1999

<h1 style="margin: 0;">Regulatory Analysis Form</h1>		<p>This space for use by IRRC</p> <p style="text-align: center;">MAY 17 PM 3:10</p> <p style="text-align: center;">REVIEW DEPARTMENT</p> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">Coccodrilli</p> <p style="text-align: right;">IRRC Number: #1827</p>
<p>(1) Agency</p> <p style="text-align: center;">State Board of Education</p>		
<p>(2) I.D. Number (Governor's Office Use)</p> <p style="text-align: center;">6-258</p>		
<p>(3) Short Title</p> <p style="text-align: center;">Certification of Professional Personnel</p>		
<p>(4) PA Code Cite</p> <p style="text-align: center;">22 Pa. Code, Chapter 49</p>	<p>(5) Agency Contacts & Telephone Numbers</p> <p>Primary Contact: Peter H. Garland 787-3787</p> <p>Secondary Contact:</p>	
<p>(6) Type of Rulemaking (check one)</p> <p>Proposed Rulemaking</p> <p>Final Order Adopting Regulation <input checked="" type="checkbox"/> X</p> <p>Final Order, Proposed Rulemaking Omitted</p>	<p>(7) Is a 120-Day Emergency Certification Attached?</p> <p>No <input checked="" type="checkbox"/> X</p> <p>Yes: By the Attorney General</p> <p>Yes: By the Governor</p>	
<p>(8) Briefly explain the regulation in clear and nontechnical language.</p> <p>Chapter 49 sets forth the basic rules for teacher preparation, certification and continuing professional development in the Commonwealth. This final-form regulation is designed to strengthen teacher education programs and provide support to novice teachers; to expand the assessment program to include performance and to provide for additional assessments; and to provide a structure of professional education and certification that supports the Commonwealth's curriculum requirements. These changes are the result of the Board's decennial review of the chapter as required by section 49.51.</p>		
<p>(9) State the statutory authority for the regulation and any relevant state or federal court decisions.</p> <p>The State Board of Education amends Title 22 of the Pennsylvania Code by amending Chapter 49 which relates to certification of professional personnel, as set forth at Annex A, under authority of Articles XII and sections 1109, 1141, 2603-B, and 2604-B of the Public School Code of 1949, as amended, (24 P.S. Sections 12-1201 -- 12-1268, 11-1109, 11-1141, 26-2603-B and 26-2604-B).</p>		

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

This regulation is mandated by the Public School Code of 1949 under specific sections referenced in (9) above.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

In the past decade there has been an increasing public awareness of and attention to the importance of strong teacher preparation, certification requirements, and continuing professional development. As the Commonwealth moves to strengthening standards for its K-12 students, it is in the public interest that no less measure of standards is expected from our public school's professional personnel.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Not revising this regulation will signal acceptance of the status quo which would not be in the best interest of the general welfare of students, the community and, ultimately, the Commonwealth's businesses and industries that will employ graduates.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The Commonwealth's 1.8 million public school students will benefit from this final-form regulation by having teachers and school administrators who must meet rigorous standards. The Commonwealth's approximately 125,000 certificate and commission holders employed in K-12 education will benefit from regulations that improve the quality of their training. Novice teachers will benefit from greater support under this final-form regulation. The Commonwealth as a whole will benefit from a well-trained professional education staff to prepare students to be productive, well-educated citizens.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No adverse effects are foreseen by having a regulatory system in place that sets forth clear, strong standards for teacher preparation programs and certification procedures.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All 91 teacher preparing institutions will be required to comply with the program standards set forth in the final-form regulation. All certificate and commission holders will be required to comply with the final-form regulation, where applicable. Students currently in the Commonwealth's teacher preparing programs and all future prospective certificate and commission holders will be required to comply with this final-form regulation.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

In keeping with State Board of Education by-laws and standard practice respecting all regulations, the State Board invited all interested parties and organizations to participate in the process of review and revision of Chapter 49. Nearly 800 individuals and organizations are on a standing Chapter 49 mailing list to receive meeting notices, drafts of regulations, and updates of committee work. The proposed revisions were presented at public meetings of the Board and its Chapter 49 committee at which an opportunity for public comment was given and six public hearings were conducted in the 3 ½ - year process of reviewing Chapter 49.

The proposal was published in the Pennsylvania Bulletin on April 19, 1997 with an invitation to interested persons to submit written comments, suggestions or objections regarding the proposed amendments. All public comment and testimony were carefully considered in the development of the final-form.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Each applicant takes at least four tests: communication skills, general knowledge, principals of learning and teaching (which is replacing the professional knowledge test), and one test for each subject area of certification. All of these tests are becoming more "performance-oriented", i.e. fewer multiple choice questions and more essay style or open-ended questions are used. The scoring of open-ended questions is much more labor-intensive than the machine scoring that can be used with multiple choice questions. Current cost for the National Teachers Exam (Praxis) is about \$230. With the expansion of performance assessment components of these tests, the costs are likely to double to about \$430.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

No additional costs are anticipated for school entities.

Revisions in preparation programs at colleges and universities may be necessary as a result of this regulation and will take place during the institution's normal program review and revision cycle. As a result, minimal additional costs are anticipated for colleges and universities.

The requirement for approved programs to provide support to novice teachers in their first year of teaching might entail additional costs. It is envisioned that institutions, in cooperation with one another and employing appropriate technologies, will be able to accomplish this requirement while minimizing any additional costs.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

Identifying effective assessment instruments for educators will require expenditure of state dollars which are not measurable at this time. The Department of Education has participated with other states in the development of model instruments. The Department is also working with Educational Testing Service (ETS) in understanding the costs of emerging national assessment instruments.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated	-0-	-0-	-0-	-0-	-0-	-0-
Local Government	-0-	-0-	-0-	-0-	-0-	-0-
State Government	-0-	-0-	-0-	-0-	-0-	-0-
Total Savings	-0-	-0-	-0-	-0-	-0-	-0-
COSTS: *						
Regulated						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated	-0-	-0-	-0-	-0-	-0-	-0-
Local Government	-0-	-0-	-0-	-0-	-0-	-0-
State Government	-0-	-0-	-0-	-0-	-0-	-0-
Total Revenue Losses	-0-	-0-	-0-	-0-	-0-	-0-

(20a) Explain how the cost estimates listed above were derived. N/A

*Costs: Regulated -- See response to (17)

Colleges and universities -- See response to (18)

State Government -- Additional costs for expanded assessment programs are not yet available. They will be based on Department development of the program and will likely incur additional costs for the state and individuals. (Cost impact will begin in 5th year of implementation.)

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

There are no expenditures for testing over the past three years. When conversion from Pennsylvania testing to NTE was complete, certain specialty tests were given to ETS for broader use creating a credit for services needed in Pennsylvania.

Program	FY -3	FY -2	FY -1	Current FY

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

Potential benefits overall outweigh the potential costs. The teacher is at the heart of a quality education system. Efforts to assure the public that the teacher has the knowledge, skills, and ability to perform in the classroom is essential.

The greatest source of additional cost for the Commonwealth is through the expanded assessment program. In developing the assessment program the Board directs the Department of Education in section 49.18(a) to employ, where appropriate, existing instruments to minimize costs.

The increased costs to the certificate seekers is justified by the increased validity of the instruments used. Other professional and graduate level tests have witnessed similar cost increases with their increasing reliance on "performance measurement".

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Non regulatory alternatives were not considered given that this is a review and revision of regulations that are required under the Public School Code.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

See response to (22).

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

All other states require the certification of teacher generally, including program standards and testing. In developing these proposed regulations the Board has been careful to assure that teachers prepared in Pennsylvania will be able to become certified and obtain jobs in other states and to reduce barriers for teachers moving into Pennsylvania.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The final-form of Chapter 49 will affect certification standards of the Department of Education scheduled for review and revision following the promulgation of revisions to Chapter 49.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

A total of six public hearings were held during the 3 ½ - years of Board committee work leading to proposed rulemaking. Additionally, three public hearings (eastern, central, and western Pennsylvania) were held during the public comment period.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

These regulations do not reduce or minimize paperwork, legal, accounting, reporting or paperwork requirements. It is expected that the Department of Education will make every effort to minimize paperwork and reports as it implements these regulations.

With an expansion of the assessment program, applicants for certification and renewals are required to submit additional evidence. Optical scanning equipment and software recently purchased by the Department of Education will improve efficiency in processing.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

In developing these proposed regulations, the Board recognized the need for stronger standards for teacher candidates preparing programs and a stronger base of support for novice teachers. The establishment of principles under which teachers are prepared and certificates are issued as well as expanded assessment will meet that need.

Students need to learn from teachers who are well prepared to assist them to achieve to their fullest potential under the Commonwealth's academic standards. All of the substantive revisions to Chapter 49 have been developed to address that need.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The revised regulations will take effect upon publication as Final Rulemaking in the Pennsylvania Bulletin. Compliance with Chapter 49 will be expected by the first September following the publication in the of Final Rulemaking in the Pennsylvania Bulletin in order to give teacher preparing institutions time to adjust their programs to meet the requirements of revised Chapter 49.

(31) Provide the schedule for continual review of the regulation.

The effectiveness of Chapter 49 is reviewed by the State Board of Education every 10 years under section 49.51. A 10-year interval for review allows for an appropriate time for full implementation to ensure a fair appraisal of the effectiveness of the process. However, revision to specific sections may occur at any time during the 10 years as the need arises.

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

MAY 17 PM 3:10

LEGISLATIVE REFERENCE BUREAU

#1827

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
form and legality. Attorney General

BY: _____
(DEPUTY ATTORNEY GENERAL)

DATE OF APPROVAL

☐ Check if applicable
Copy not approved. Objections
attached.

Copy below is hereby certified to be a true and correct copy
of a document issued, prescribed or promulgated by:

State Board of Education

(AGENCY)
6-258

DOCUMENT/FISCAL NOTE NO. _____
May 13, 1999

DATE OF ADOPTION: _____

BY: John W. Carland
Executive Director

TITLE: _____
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as
form and legality. Executive or Indepen-
ent Agencies.

Mary E. Dunlop

5/14/99
DATE OF APPROVAL

(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike inapplicable title)

☐ Check if applicable. No Attorney Ge-
eral approval or objection within
days after submission.

Final-Form

State Board of Education
Title 22 - Education
Chapter 49
Certification of Professional Personnel

PREAMBLE

DEPARTMENT OF EDUCATION STATE BOARD OF EDUCATION 22 PA. CODE - EDUCATION CHAPTER 49: CERTIFICATION OF PROFESSIONAL PERSONNEL

The State Board of Education amends Title 22 of the Pennsylvania Code by amending Chapter 49 which relates to certification of professional personnel, as set forth at Annex A, under authority of Articles XII and sections 1109, 1141, 2603-B, and 2604-B of the Public School Code of 1949, as amended, (24 P.S. §§ 12-1201 -- 12-1268, 11-1109, 11-1141, 26-2603-B, and 26-2604-B).

Notice of proposed rulemaking was published at 27 Pa.B. 2011 (April 19, 1997) with an invitation to submit written comments within 30 days.

Purpose

Chapter 49 sets forth the basic rules for teacher preparation, certification and continuing professional development in the Commonwealth. This final-form regulation is designed to strengthen teacher education programs and provide support to novice teachers; to expand the assessment program to include performance and to provide for additional assessments; and, to provide a structure of professional education and certification which supports the Commonwealth's academic standards. These changes to Chapter 49 are the result of the Board's decennial review of the chapter as required by section 49.51.

Response to Public Comment

ALTERNATE ENTRY:

Considerable public comment was received on the proposal to permit equivalent education and experience to take the place of formal teacher preparation and recommendation for certification. Specific sections of the proposed revisions were 49.13(b)(12) which delegated to the Secretary of Education the responsibility to establish equivalencies of education and experience for all certificate areas. Language permitting equivalencies was found in the section establishing requirements for each of the broad areas of certification (49.42; 49.71; 49.82(b)(2); 49.121; 49.131; 49.142; 49.161(c); 49.163(b)(2); 49.172(1); 49.172(d); and 49.182(a)(1)). Most public comment was in opposition to equivalencies being established because it (a) undermines the profession of teaching, (b) is contradictory to other areas of revision seeking to strengthen criteria for entry to the profession, and (c) is not justified by need due to a current and projected surplus of fully certified teachers. In addition, public commentators, legislators and Independent Regulatory Review Commission (IRRC) staff questioned whether such equivalences were supportable under current statute. As a result, 49.13(b)(12) has been removed on final-form along with all references to equivalencies under each major category of certificate. Several commentators, legislators and IRRC staff also suggested that language on experimental programs (49.15), initially proposed for deletion be restored to enable teacher preparing institutions to design programs targeted to individuals not initially preparing for education professions. As a result, 49.15 has been restored on final-form.

TEMPORARY WAIVERS:

Proposed section 49 13(b)(13) would have permitted the Secretary, upon petition by a local

board of school directors, to waive requirements of certification temporarily. This provision was designed to allow schools a greater degree of flexibility in staffing when making curricula changes. Public comment on this provision was generally negative. Commentators (a) warned that this provision would enable local boards to unnecessarily circumvent certification statute and regulation, (b) expressed the opinion that this provision is unwarranted because current provisions of regulation providing flexibility are rarely used, and (c) believed that waivers would undermine the profession. School administrators and school board members commented in favor of flexibility. Commentators, legislators and HRRC staff questioned the legal basis for waivers. As a result of comment, 49.13(b)(13) has been removed on final-form.

PROFESSIONAL DEVELOPMENT:

As proposed, requirements for professional development applied to all professional educators regardless of the date of receipt of certificate. A number of comments received were supportive of this provision while others questioned the authority of the Board to establish this requirement. Legislators questioned the advisability of the Board establishing a professional development requirement when legislative proposals to do the same were under active consideration in the General Assembly. As such, proposed revisions have been eliminated and existing language restored in 49.17 on final-form. Related proposed revisions in 49.83, 49.103, 49.111, 49.143 and 49.163 have been eliminated.

SUPERVISORY CERTIFICATES:

Revision to language on supervisory certificates was proposed to enable more generic supervisory certificates. Specifically, under 49.111(a)(2) language which restricted supervisory

certificates to single, specified areas was deleted in order to permit the Department to issue certificates in more general program areas. This proposed revision was based on the understanding of the Board that (1) many of the skills of supervision were generic; (2) only larger school districts could afford subject specific supervisors, leaving smaller districts to rely instead on generally-trained principals to supervise teachers and curricula; and (3) supervisory certificates for program clusters would be within the reach of a greater number of school districts and improve instructional leadership. A majority of public commentators and the Professional Standards and Practices Commission supported specific single program supervisory certificates. Administrators favored more generic supervisory certificates. The Board continues to believe that supervisory certificates designed for clusters of subject areas are more feasible. As proposed, the language would continue to permit the Department to offer supervisory certificates in such areas as Reading, Special Education, Curriculum and Instruction and the like, but would also permit the Department to design supervisory certificates for clusters such as mathematics and science or English and language arts. As a result, the Board affirms its proposed revisions.

Additional and compelling public comment was received on the unique nature of vocational education and specific skills necessary for an individual to succeed supervising teachers and curricula in a vocational setting. As a result, the Board restored the provisions under 49.161 for Vocational Education Supervisor.

ASSURING PARALLEL REQUIREMENTS FOR CERTIFICATES:

Public comment was received that it was not clear that certificates issued to all educators provided similar requirements for continuing professional development, for successful completion

of assessments, and for helping students to achieve the requirements of Chapter 4 (relating to academic standards and assessment). The Board has added language on final-form in several certificate areas to ensure that these requirements are clearly parallel.

Public commentators and legislators questioned proposed language requiring that all professional development activities for an educator be in the area of certification and assignment was too restrictive. As a result, the restriction has been removed permitting greater flexibility for professional development for the educator and the employing entity.

PROGRAM AND CERTIFICATE STANDARDS:

Public commentators, legislators and IRRC staff questioned whether the Board has the authority to delegate the development of general program standards and specific standards for certificates to the Department (for example, 49.14(4); 49.81(b); 49.101; 49.111(5)). To date, the Department has developed standards in consultation with the Board, where they have been presented and discussed in regular public meetings, and formally approved by the Board. While not meeting the current requirements of the regulatory review process, substantial opportunities were provided for public and legislative involvement. The Board does not believe that it is practical and efficient for the Board to determine specific standards for each certificate and so continues to delegate that responsibility to the Department and will continue to consult with the Department in their development. Doing so does not lessen the Department's responsibility to develop and promulgate general and specific standards within the requirements of the Regulatory Review Act.

Other Revisions on Final-Form

Other changes, not based upon public comments, were made by the Board to clarify provisions in the document. These changes are included in the final-form. The original scope of proposed revisions was not expanded.

Affected Parties

All local education agencies, teacher preparing institutions, and perspective and current teachers and administrators are affected by these regulations.

Cost and Paperwork Estimates

ASSESSMENTS:

With the expansion of assessment to include a measure of professional performance and to measure performance and knowledge at more points, additional costs will be incurred. It is difficult to accurately estimate these costs, but it is anticipated that the current cost of \$230 for an applicant is likely to double at each of the initial and advanced certificate points. In development of the assessment program, the Department is directed to use, where appropriate available instructions to eliminate development costs. Costs for assessment may be shared among the applicant for certification, the preparing institution and the employing entity.

Candidates for initial certification (Instructional I, Intern, and Education Specialist I Certificates) are required to complete a range of tests under the National Teachers Exam (NTE). The cost for these tests are borne by the applicant for certification.

TEACHER PREPARATION PROGRAM REVISIONS:

With new principles/standards for preparation programs, revisions will need to be made in such programs. It is difficult to measure the costs since the 91 institutions which offer at least one teacher preparation program vary in curricular design and delivery costs. However, it is assumed that the costs for revisions in programs will be similar to those costs engaged in program redesign regularly undertaken by institutions as required by changes in licensure or accreditation standards.

The requirement for approved programs to provide support to novice teachers in their first year of teaching will likely lead to some additional costs. It is envisioned that institutions, in cooperation with one another and employing appropriate technologies, will be able to accomplish this requirement while minimizing any additional cost.

Effective Date

These regulations will become effective upon final publication in the Pennsylvania Bulletin.

Sunset Date

The effectiveness of Chapter 49 will be reviewed by the State Board of Education every 10 years, under section 49.51. Thus, no sunset date is necessary.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, (71 P.S. §745.5(a)), on April 9, 1997, the

State Board submitted a copy of the notice of proposed rulemaking published at 27 Pa.B 2011 to the Independent Regulatory Review Commission and to the Chairmen of the House and Senate Committees on Education for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Board also provided the Commission and Committees with copies of the comments received as well as other documentation.

In preparing these final-form regulations, the Board has considered the comments received from IRRC, the Committees and the public.

These final-form regulations were (deemed) approved by the Committees on _____, and were approved by IRRC on _____, in accordance with section 5(c) of the Regulatory Review Act.

Contact Person

The official responsible for information on the Board's process of promulgating these final-form regulations is Peter H. Garland, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, telephone (717) 787-3787.

Findings

The Board finds that:

(1) Public notice of the intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa Code §§ 7.1 and 7.2

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments are necessary and appropriate for the administration of the Public School Code of 1949 (24 P.S. §§ 1-101--27-2702).

Order

The Board, acting under the authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code, Chapter 49, are amended to read as set forth at Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Executive Director of the Board shall certify this Order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order is effective upon final publication in the Pennsylvania Bulletin.

By the State Board of Education:



Peter H. Garland

Executive Director

ANNEX A

22 Pa.Code Chapter 49

CERTIFICATION OF PROFESSIONAL PERSONNEL

Subchapter A. GENERAL PROVISIONS

THE PROGRAM

Section	49.1.	Definitions.
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	49.11.	General.
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	49.18.	[Testing] <u>Assessment.</u>
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	49.22.	(Reserved)
	49.23.	(Reserved)
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EMERGENCY [CERTIFICATES] PERMITS

49.31.	Criteria for eligibility.
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- 49.63. Applicants educated in foreign countries.
- 49.64. (Reserved)
- 49.64a. Authority to annul[, revoke, or suspend] and reinstate certificates and discipline professional educators.
- 49.64b. [Causes for annulment, revocation, or suspension.] (Reserved).
- 49.64c. [All certificates and letters of eligibility subject to suspension or revocation.] (Reserved).
- 49.64d. [Reinstatement of suspended or revoked certificates.] (Reserved).
- 49.64e. Mandatory reports from schools.
- 49.64f. Publication of suspensions and revocations.
- 49.65. Out-of-state and nationally-certified applicants.
- 49.66. Appeal procedure.
- 49.67. [Master's degree equivalency certificates] (Reserved).
- 49.68. Evaluation of prescribed requirements and standards.
- 49.69. Deletion of areas from certificates.

THE PROGRAM

§49.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Act - The Public School Code of 1949 (24 P.S. §§1-101--27-2702).

Approved teacher certification program - A sequence of courses and experiences offered by a preparing institution which is reviewed and approved by the Department.

Assessment of basic skills - A measurement of a candidate's ability to communicate orally and in writing and to demonstrate proficiency in fundamental computational skills.

Assessment of general knowledge - A measurement of a candidate's knowledge in the fields of literature, fine arts, mathematics, the sciences and social studies.

Assessment of professional knowledge and practice - A measurement of a candidate's knowledge of educational theory, principles of human growth and development, educational psychology and other subjects directly related to educational practice and their application/demonstration in school settings.

Assessment of subject matter - A measurement of a candidate's knowledge of an academic field or discipline to be taught in the public schools of this Commonwealth.

Candidate - A person seeking certification in any of the areas outlined in this chapter.

Certificate - A document prepared and issued by the Department indicating that the holder has completed a professional preparation program and is qualified to perform specific professional duties.

Chief school administrator - The superintendent, intermediate unit executive director, or equivalent private school administrator.

Collegiate studies - Studies pursued at institutions which are entitled to apply to themselves the designation of college or university as defined by [the Board under section 1 of the act of May 7, 1937 (P.L. 585, No. 150) (24 P.S. §2421)]24 Pa.C.S. Chapter 65 (relating to private colleges, universities and seminaries).

Commissioned officer - District superintendents and assistant district superintendents under section 1078 of the act (24 P.S. §10-1078) (relating to Commissions; objections to election).

Continuing professional development - The formal acquisition of collegiate or in-service credits designed to improve and expand the expertise of professional personnel who receive their initial certificate in a given certificate category after June 1, 1987.

Degree-granting institution - A public college or technical institute which provides a 2 year, postsecondary college-parallel, terminal-general, terminal-technical, out-of-school youth or adult education program or a combination of these and which is established and operated under the act.

Induction - A process by which a variety of professional support services are provided to newly employed teachers and educational specialists under the guidance of professional personnel to facilitate entry into the [teaching] education profession.

Induction plan - A description of the induction process developed and submitted by the school entity to the Department for approval which describes how a teacher or educational specialist will be introduced to the teaching profession under this chapter.

Invalid certificate - A certificate which no longer enables its holder to perform specific professional duties.

Occupational competency credential - A document issued by the Occupational Competency Testing Examiners which signifies that the holder possesses knowledge and skill in a technical field at a journeyman level. When the document is presented to a preparing institution or to the Department, it may be registered by the Department on the holder's vocational intern, vocational instructional or instructional certificate and it enables the holder to teach that occupational specialty.

[Passing score - Satisfactory achievement as determined by the Secretary in consultation with the Board on the Department prescribed tests required in this chapter.]

Permit - A document prepared and issued by the Department indicating that the holder is allowed to serve in lieu of a certificated professional for a specified period of time.

Preparing institution - A college or university that offers a program approved by the Department to prepare professional personnel for employment in the public schools.

Professional duties - A duty the performance of which is restricted to professional personnel by the scope of their certificate.

Professional personnel - Professional employees, excluding school secretaries, as defined in section [11-]1101 of the act (24 P.S. §11-1101) (relating to definitions).

Professional Standards and Practices Commission (PSPC) - [An advisory] A body [to the Board] composed of educators from the fields of basic and higher education, [a college student, and a parent of a child attending public school] members of the general public, and an ex officio member of the Board established [in sections 1253-1258 of the act (24 P.S. §§12-1253 -- 12-1258)] by the Teacher Certification Law.

Satisfactory achievement - An acceptable level of performance as determined by the Secretary in consultation with the Board on the Department prescribed assessments required in this chapter.

School entity - Public schools, school districts, intermediate units and area vocational-technical schools.

Teacher Certification Law - The act of December 12, 1973 (P.L. 397, No. 141) (24 P.S. §§ 2070.1--2070.18).

Term of validity - A period of time as defined in §§49.82, 49.92, 49.142 and 49.152 [(relating to Instructional I and term of validity)] in which the holder of a certificate is entitled to perform the professional duties for which the certificate was issued.

[Test of basic skills - An assessment of a candidate's ability to communicate in formal American English and to demonstrate proficiency in fundamental computational skills.]

[Test of general knowledge - An assessment of a candidate's knowledge in the fields of literature, fine arts, mathematics, science and social studies.]

[Test of professional knowledge - An assessment of a candidate's knowledge of educational theory, principles of human growth and

development, educational psychology and other subjects directly related to teaching.]

[Test of subject matter - An assessment of a candidate's knowledge of an academic field or discipline to be taught in the public schools of this Commonwealth.]

§49.2. Inactivity and invalidity.

- (a) Inactivity. A certificate or commission shall be inactive if the holder fails to meet §49.17 (relating to continuing professional development).
- (b) Invalidity. A certificate shall be invalid if the holder fails to meet, or if circumstances arise as specified in[, §49.33, §49.34(b), §49.82, [§49.84,] §49.92, §49.102, [§49.111(b),] ~~§49.142~~, or §49.152.

§49.11. General.

- (a) Certificates and letters of eligibility in force in this Commonwealth on [September 13, 1980] the effective date of this regulation shall continue in force and effect, subject to all the terms and conditions under which they were issued until they expire by virtue of their own limitations.
- (b) State certificates and permits shall be issued as provided in this chapter, and teachers, and other professional personnel shall not perform professional duties or services in the schools of the Commonwealth in any area for which they have not been properly certificated or permitted.
- (c) This chapter is to establish the specific requirements for the certification and permitting of persons serving in the [basic schools] public school entities of the Commonwealth as professional employees, temporary professional employees, substitutes, and commissioned school administrators of the Commonwealth.

§49.12. Eligibility.

In accordance with sections 1109, 1202, and 1209 of the Act (24 P.S. §§11-1109, 12-1202, and 12-1209), every professional employee

certificated or permitted to serve in the schools of this Commonwealth shall:

- (1) Be of good moral character.
- (2) [Show a physician's certificate stating that the applicant is neither mentally nor physically disqualified from successful performance of the duties of a teacher.] Provide a physician's certificate stating that the applicant, with or without reasonable accommodation, is able to perform successfully the essential functions and duties of an educator. A qualified applicant who has tuberculosis or another communicable disease or a mental disability, will not be deemed to pose a direct threat to the health or safety of others unless a threat to health or safety cannot be eliminated by a reasonable accommodation.
- (3) Be at least 18 years of age.
- (4) Except [for] in the case of the [Letter of] Temporary [Certification] Permit, Vocational Instructional Intern Certificate, and Vocational Instructional Certificate, have earned minimally a baccalaureate degree as a general education requirement.

§49.13. Policies.

- (a) The Board, through the Secretary, will provide standards for the guidance of the preparing institutions in educating professional personnel for the schools of this Commonwealth.
- (b) The Department will have the following responsibilities with respect to certification and permitting of professional personnel in the schools of this Commonwealth:
 - (1) Provision of advisory services to college and school personnel in matters pertaining to teacher education and certification.
 - (2) Designation of professional titles for personnel.
 - (3) Prescription of procedures for issuance of certificates and permits.

- (4) Evaluation and approval of teacher education programs leading to the certification and permitting of professional personnel. Program approval teams shall consist of professional educators from basic and higher education.
 - (5) Registration of certificated and permitted persons.
 - (6) Maintenance of records of all certificates and permits.
 - (7) Assurance that each professional person is properly certificated or permitted for the specific position in which [he] the professional person is employed.
 - (8) Review and investigation of alleged violations of the provisions of this chapter.
 - (9) Prescription of procedures approved by the Board for the appraisal and evaluation of education and experience of applicants for any type of professional certification issued by the Department when the applicant has been denied certification and is prepared by institutions outside this Commonwealth or has appealed in accordance with guidelines approved by the Board in §49.66 (relating to appeal procedure), a decision pertaining to eligibility for certification rendered by a Commonwealth institution having an approved program. The appellant initially shall have appealed to the institution.
 - (10) The issuance of administrative agency interpretative policies and directives relating to professional certification and staffing in the schools of this Commonwealth as may be necessary to carry out the intent of this chapter.
 - (11) Identification and approval of assessment tools, instruments, and procedures to measure basic skills and general knowledge; professional knowledge and practice; and subject matter knowledge.
- (c) Except for applicants whose certification status is subject to subsection (b)(9) and §49.171 (relating to general requirements), the Department will require that an applicant for a certificate shall have completed an approved program and shall be recommended by the preparing institution.

- (d) The Department will have the right to review approved programs at any time. Major evaluations shall be conducted at five-year intervals by teams of professional educators appointed by the Department in accordance with subsection (b)(4) of this section and shall review process and content.
- (e) The Department will accept the request of an institution to withdraw from an approved program. The Department will have the right to withdraw the approval of a program from an institution. New students shall not be accepted in a program which has lost its approved status after the date of such action.

§49.14. Approval of institutions.

To be authorized to conduct programs that lead to certificates for professional positions, institutions and any of their off-campus centers engaged in the preparation of teachers shall meet [all of] the following requirements:

- (1) Be approved as a baccalaureate or graduate degree granting institution by the Department.
- (2) Be evaluated and approved as a teacher-preparing institution to offer specific programs leading to certification in accordance with procedures established by the Department.
- (3) Report to the Department, for approval, all planned changes in previously approved programs. Such report shall be made 90 days prior to the implementation of the planned changes.
- (4) Follow Department prescribed standards developed from the following principles:
 - (i) Institutions develop clear goals and purposes for each program, including attention to professional ethics and responsibilities.
 - (ii) Institutions are able to demonstrate how instructional and clinical activities provide educator candidates with the capacity to enable the achievement of all students.

- (iii) Institutions are able to demonstrate that educator candidates have participated in instructional activities that enable the candidates to provide instruction to students to meet the provisions of Chapter 4 (relating to academic standards and assessment), including environment and ecology.
- (iv) Institutions are able to demonstrate that educator candidates successfully participate in early and frequent clinical experiences fully integrated within the instructional program.
- (v) Institutions have clearly expressed standards for admission to, retention in and graduation from approved programs and actively encourage the participation of students from historically underrepresented groups.
- (vi) Institutions provide ongoing assessment of educator candidates' knowledge, skills, dispositions and performance with which to identify needs for further study or clinical experience or dismissal from the program.
- (vii) Institutions can demonstrate how information from systematic evaluations of their programs, including students and educator evaluators, and achievement levels of candidates for certification in the Department-designed assessment program are used for continual program improvement.
- (viii) Institutions, in partnership with local education agencies, provide a school-based experience integrating the teacher candidates' knowledge, skills and dispositions in professional practice. This experience must be fully supported by institutional faculty, including frequent observation, consultation with supervising teachers, and opportunities for formative and summative evaluation.

(ix) Institutions provide ongoing support for novice educators in partnership with local education agencies during their induction period, including observation, consultation and assessment.

(x) Institutions provide evidence that an acceptable percentage of candidates applying for certification as determined by the Secretary and Board achieve at a satisfactory level all assessments appropriate to initial certification in each program for which they are approved.

§49.15. Approval of experimental programs.

The Department may enter into a written agreement with a preparing institution wishing to conduct an experimental program. The institution shall meet the requirements described in §49.14 (relating to approval of institutions). Certification shall be given to graduates of such an experimental program upon recommendation by the institution if the institution has met all of the following requirements:

- (1) Submitted a detailed explanation of the experimental program to the Department for approval.
- (2) Planned a thorough procedure conforming to accepted canons of educational research for evaluating results of the experimental program. These results shall be reported to the Department in accordance with a schedule approved at the time of the agreement.
- (3) Agreed to terminate the experimental program upon request by the Department when it is judged by a program approval team to be inadequate for preparation of professional personnel.

§49.16. Approval of induction plans.

- (a) [Prior to June 1, 1987] Each school entity shall submit to the Department for approval a plan for the induction experience for first-year teachers and educational specialists as part of their strategic plan every 6 years as required by §5.203 (relating to strategic plans). The induction plan shall be prepared by teacher or educational specialist representatives or both chosen by teachers and educational

specialists and administrative representatives chosen by the administrative personnel of the school entity. Newly employed professional personnel with prior school teaching experience may be required by the school entity to participate in an induction program.

- (b) The Department will review for approval induction plans submitted by school entities.
- (c) The induction plan shall reflect a mentor relationship between the first-year teacher or educational specialist, teacher educator and the induction team.
- (d) Criteria for approval of the induction plans will be established by the Secretary in consultation with the Board.

§49.17. Continuing professional development.

- (a) A school entity shall submit to the Secretary for approval a continuing professional development plan in accordance with section 1205.1 of the act (24 P.S. §12-1205.1).
 - (1) A school entity shall develop a continuing professional development plan which shall include options for professional development including, but not limited to, activities such as the following.
 - (i) Graduate level coursework.
 - (ii) Obtaining a professionally related master's degree.
 - (iii) Department-approved in-service courses.
 - (iv) Curriculum development work.
 - (v) Attendance at professional conferences.
 - (vi) Supervised classroom observations of other professional employees.
 - (2) The continuing professional plan shall define terms used including, but not limited to, the following:
 - (i) Professionally related graduate level coursework.
 - (ii) Professionally related master's degree.
 - (iii) Curriculum development work.
 - (iv) Professional conferences.
 - (v) Supervised classroom observations of other professional employees.

- (3) The continuing professional development plan shall be developed by teacher representatives chosen by the teachers and administrative representatives chosen by the administrative personnel of the school entity. The plan shall describe the persons who developed the plan and how the persons were selected.
- (4) The continuing professional development plan submitted to the Secretary shall be approved by both the development committee and the board of the school entity.
- (5) The Secretary will promulgate guidelines which include a process for amending approved continuing professional development plans in accordance with the requirements for initial preparation of the plans.
- (6) The continuing professional development plan shall include a section which describes how the professional development needs of the school entity and its professional employees are to be met through implementation of the plan.
- (7) Initial continuing professional development plans shall be implemented by a school entity no later than the beginning of the 1988-89 school year.
- (b) (Reserved)
- (c) A commissioned officer who obtains a Letter of Eligibility for Superintendent after June 1, 1987, shall, thereafter, present to the Secretary evidence of satisfactory completion of 6 credit hours of continuing professional development courses every 5 years. This subsection will be satisfied by taking collegiate studies or Department-approved in-service courses or a combination thereof.
- (d) Professional personnel who fail to comply with the continuing professional development plan under subsection (a) or commissioned officers who fail to complete the required 6 credit hours under subsection (c) will have their certificates or commissions rendered inactive until the requirement is met.
- (e) School districts that employ professional personnel or commissioned officers with inactive certificates or commissions are subject to penalties provided for under section 25-2518 of the act (24 P.S. §25-2518).

§49.18. [Testing] Assessment.

- (a) The Secretary will institute [a testing] an assessment program for candidates for certification designed to assess their basic skills[,] and general knowledge[,] ; professional knowledge [and knowledge of the subjects in which they seek certification] and practice; and [the subjects] subject matter knowledge. The following principles shall guide the Secretary in the development of an assessment program:

(1) The assessment program will be based in the standards developed for each certificate.

(2) The assessment program will measure candidates' abilities across the domains of basic skills knowledge, professional knowledge and practice, and subject matter knowledge employing a variety of measures at a minimum of three points: (i) During the candidate's preparation program, (ii) Upon application for initial certification and (iii) Upon application for Level II, supervisory or administrative certification.

(3) The assessment program will be developed in consultation with teachers, administrators, teacher educators, and educational specialists with relevant certification.

(4) The assessment program will employ, where appropriate, available assessment tools, instruments and procedures.

- (b) The Secretary, in consultation with the Board, will establish a [passing score] satisfactory achievement level for the [tests enumerated] assessments in subsection (a).
- (c) The [tests] assessments in basic skills[,] and general knowledge[,] ; professional knowledge and practice; [,] and subject matter knowledge will be given, and [passing scores] satisfactory achievement levels shall be [achieved] reached, prior to the issuance of a certificate.

- (d) A periodic review of the [testing] assessment program will be made by the Board every 3 years.

§49.21. (Reserved).
§49.22. (Reserved).
§49.23. (Reserved).
§49.24. (Reserved).

EMERGENCY [CERTIFICATES] PERMITS

§49.31. Criteria for eligibility.

The Department may issue an emergency [certificate] permit for service in the public schools, at the request of the employing public school entity, to an applicant who is a graduate of a [state approved teacher preparing] 4-year college or university to fill a professional vacancy when a fully qualified and properly certificated applicant is not available. The emergency [certificate] permit is issued on the basis of terms and conditions agreed upon between the requesting public school entity and the Department. [Annually] Each July, the Department will report to the Board the number and nature of emergency [certificates] permits issued during that year.

§49.32. Emergency cases.

The Department may approve the issuance of an emergency [certificate] permit to a person at the request of a public school entity upon receiving appropriate evidence of exceptional conditions requiring Department resolution of the staffing problem.

§49.33. Expiration.

[All emergency certificates] Emergency permits shall expire with the termination of any summer school conducted [in the summer] which follows the date of issuance. Persons holding an emergency [certificate] permit shall be used in staffing summer school positions only when regular employees holding the appropriate provisional or permanent certificate are not available.

§49.34. Issuance by chief school administrator.

- (a) The chief school administrator of a public school entity is authorized to issue an emergency [certificate] permit for day-to-day service as a substitute when the following conditions are met:
- (1) The person for whom the [certificate] permit is sought holds a valid Pennsylvania [Instructional Certificate] certificate or [a valid Pennsylvania Educational Specialist Certificate] its equivalent from another state.
 - (2) No appropriately certificated individual is available to fill the substitute position.
 - (3) The person for whom the [certificate] permit is sought consents to an assignment outside the area of [his] the person's certification.
- (b) This [certificate] permit shall be valid for 15 cumulative school days of service as a day-to-day substitute in each certificate endorsement area. If renewal is necessary, the chief school administrator may request, [during the initial 15 day period] within 30 days of the person's last day of service, issuance of an emergency [certificate] permit by the Department [pursuant to] under §§49.31 and 49.32 (relating to criteria for eligibility; and emergency cases).
- (c) This [certificate shall] permit will not qualify the holder to serve in a vacant position which must be filled by a temporary professional employe or professional employe or to serve as a substitute for a regularly appointed professional employe or temporary professional employe on an approved leave of absence. Issuance by the Department is used to qualify persons for [such] this service.
- (d) Under no conditions may [this emergency certificate] a permit be issued or used during a work stoppage.

ADMINISTRATIVE COMMISSION

§49.41. Description.

- (a) Administrative commissions will be issued by the Department, in the form of a certificate of appointment.
- (b) A commission will be issued for a specific term in accordance with Article X of the Public School Code of 1949 (24 P.S. §§10-1001--~~[10-1083.1]~~10-1089).

§49.42 Letter of eligibility.

A letter of eligibility of an administrative commission shall be issued in lieu of a certificate by the Department to a candidate who has completed an approved program of preparation in administration and who has been recommended by the preparing institution. Candidates for letters of eligibility must be able to help students achieve under the provisions of 22 Pa. Code Chapter 4 (relating to academic standards and assessment). Letters of eligibility will be issued to candidates who present evidence of satisfactory achievement in assessments prescribed by the Department under §49.18(a) (relating to assessment) and who meet Department prescribed standards based on the following principles:

- (1) The administrator demonstrates educational leadership which provides purpose and direction for the achievement of all students.
- (2) The administrator effectively organizes and manages the total educational program of a local education agency with particular attention to the statutory and regulatory environment of education.
- (3) The administrator understands and effectively manages financial and human resources to foster student achievement.
- (4) The administrator effectively communicates with students, faculty, staff, parents and members of the community.

- (5) The administrator, in collaboration with faculty, staff, students and parents, fosters a climate conducive to student achievement.
- (6) The administrator thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship, and actively seeks opportunities to grow professionally.

CHANGES IN CERTIFICATION

§49.51. Review of certification.

- (a) The Department will [review certification regulations annually and will] report [needed revisions to the Board] annually to the Board on the status of certification in the Commonwealth.
- (b) The Board will conduct a major review of certification regulations at ten-year intervals.

§49.52. Development of types/categories of certificates and development of their respective standards.

- (a) The Secretary, the Board, and the Professional Standards and Practices Commission will receive requests to initiate a new type/category of certificate. Whenever any of these parties receives such a request it will inform the other two parties.
- (b) An investigation into a cogent request for a new type/category of certificate will be conducted by the Department. The Professional Standards and Practices Commission on its own initiative may conduct an investigation.
- (c) The Department and the Professional Standards and Practices Commission will review the findings of the investigation regarding the need for a type/category of certificate and present their recommendations to the Board.
- (d) If the Board does not disapprove or take any other action on the new type/category of certificate within 120 days of

submission, the type/category of certificate will stand approved.

- (e) If the proposed type/category is approved by the Board, the Secretary will appoint a committee of professionals to develop standards for preparing professionals in the type/category of certificate. This committee shall include at least two members of the Professional Standards and Practices Commission. Proposed standards shall not stipulate academic degrees, experience, or prerequisite certificates not established by this chapter. After the receipt of the proposed standards, the Secretary and the Professional Standards and Practices Commission will review the proposed standards and make recommendations to the Board. If the Board does not disapprove the new standards within 120 days of submission, the standards will stand approved.

MISCELLANEOUS PROVISIONS

§49.61. Teaching experience for out-of-state students.

The Department may accept satisfactory teaching experience, in lieu of the student teaching requirement, from out-of-state applicants for certification provided that the teaching experience is full time under contract in an approved public or non-public school at the elementary or secondary level on a certificate comparable to the Pennsylvania Level I certificate in the area of certification sought.

§49.62. Temporary [letters of certification] permits.

The Department may issue [a letter of certification] permits at the request of an employing public school entity. The [letter of certification] permit may be issued in lieu of a certificate to a competent specialist in any area of knowledge [in order] to enable the schools of [the] this Commonwealth to use the services of noncertified personnel for supplemental instruction under the supervision of a certificated teacher. The service shall be parttime and [shall] may not exceed 300 clock-hours during a school year. [Such] These persons [shall] will not be considered professional staff.

§49.62a. [School program] Program specialist certificate.

- (a) The Department may issue a [school]program specialist certificate, at the request of the employing public school entity, to an applicant [whom the Department verifies as meeting] who meets the qualifications and competencies needed to perform the duties and functions of a locally established professional position approved by the local board of directors.
- (b) [School program] Program specialist certificates may be issued only for an area of service in which a certificate does not exist. They may be issued only to persons who hold a valid [Instructional or Educational Specialist] Pennsylvania certificate or its equivalent from another state. Annually, the Department will report to the Board the number and nature of [such] these certificates issued during the year.
- (c) [School program] Program specialist certificates are valid only for the position described in the approved position description and are not transferable to other school entities.
- [(d) The provisions of this section and of §49.184 (relating to Intermediate Unit Program Specialist Certificates) are mutually exclusive, neither related nor interchangeable.]

§49.63. Applicants educated in foreign countries.

- (a) The Department will issue certificates to applicants who have been educated in a foreign country who meet the established Commonwealth standards for the certificates sought. Applicants shall be required to provide official transcripts of studies completed abroad.
- (b) The Department may substitute competency examinations for transcript review in a case involving the loss of [credentials] credentialing documents in a foreign country providing the applicant submits acceptable evidence that [he] the applicant did, in fact, complete a teacher education program.
- (c) The Department and its recommending institutions will insure that applicants educated in foreign countries or who are

foreign nationals or resident aliens are proficient in speaking, reading, and writing in the English language.

§49.64. (Reserved).

§49.64a. Authority to annul[, revoke, or suspend] and reinstate certificates and discipline professional educators.

- (a) [Annulment or revocation. In accordance with the authority vested in the Secretary by section 1211 of the Public School Code of 1949, P.L. 30 (24 P.S. §12-1211) and by section 2(j) of the act of May 29, 1931, P.L. 210, as amended (24 P.S. §1225(j)), the secretary shall annul or revoke the professional certificate or letter of eligibility of any person for cause as enumerated by the above statutes and by §49.64b (relating to causes for annulment, revocation, or suspension), thereby prohibiting such person from teaching or engaging in other professional services in the schools of the Commonwealth until such time as such person is reinstated in accordance with §49.64d(b) (relating to reinstatement of suspended or revoked certificates).] A professional certificate or letter of eligibility obtained by fraud or mistake shall be considered void "ab initio" and shall be annulled by the Secretary. An annulment will not be effected without prior notice and hearing in accordance with reasonable procedures as the Secretary shall prescribe, after review of and comment on the procedures by the Board.
- (b) [Suspension. In accordance with the authority vested in the Secretary by section 2(j) of the act of May 29, 1931, P.L. 210, as amended (24 P.S. §1225(j)), the Secretary shall suspend the professional certificate or letter of eligibility of any person for cause as enumerated by the above statute or by §49.64b (relating to causes for annulment, revocation, or suspension), for a period of time not to exceed one year, thereby denying such person the right to teach or engage in other professional services in the schools of the Commonwealth for that period of time. When the period of suspension has passed, the certificate or

letter of eligibility shall be reinstated in accordance with §49.64d(a) (relating to reinstatement of suspended or revoked certificates).] In accordance with the authority vested with the Professional Standards and Practices Commission by the Teacher Certification Law, the Commission may discipline professional educators.

- (c) [Procedure. No annulment, revocation, or suspension under subsections (a) and (b) shall be effected without prior notice and hearing in accordance with such reasonable procedures as the Secretary shall prescribe, after review of an comment on the procedures by the Board.] In accordance with the authority vested with the Professional Standards and Practices Commission by section 16 of the Teacher Certification Law (24 P.S. §2070.16), the Commission may reinstate a professional educator's certificate.

§49.64b. [Causes for annulment, revocation, or suspension.]
(Reserved).

- [(a) The Secretary shall annul, revoke, or suspend certification for those causes specified by section 1211 of the Public School Code of 1949 (24 P.S. §12-1211) and by section 2(j) of the act of May 29, 1931, P.L. 210 (24 P.S. §1225(j)).
- (b) Any professional certificate or letter of eligibility obtained by fraud or mistake shall be considered void "ab initio" and shall be annulled by the Secretary after notice and hearing as provided in §49.64a(c) (relating to authority to annul, revoke, or suspend).
- (c) Any alteration of a professional certificate shall render that certificate null and void and reissuance of a new certificate may be refused pending annulment, revocation, or suspension proceedings for any of the causes enumerated in subsection (a).
- (d) In addition to any other remedy provided by law, should any person willfully refuse to return a certificate or letter of

eligibility recalled for cause by the Secretary, such certificate may be revoked or further suspended for cause as enumerated in subsection (a) after notice and hearing as provided by §49.64a(c) (relating to authority to annul, revoke, or suspend).

- (e) Annulment, revocation, or suspension of a professional certificate by another state for one of the causes enumerated in subsection (a) shall be considered probable cause for initiation of annulment, revocation, or suspension proceedings by the Secretary, but no annulment, revocation or suspension shall be effected except after notice and hearing as provided by §49.64a(c) (relating to authority to annul, revoke, or suspend).]

§49.64c. [All certificates and letters of eligibility subject to suspension or revocation.] Reserved.

[The suspension or revocation by the Secretary of a certificate or letter of eligibility of any person shall automatically suspend or revoke any and all certificates or letters of eligibility issued by the Department held by that person except that person found incompetent in any one area of certification may retain their other certificates or letters of eligibility when the sole basis of the suspension or revocation is insufficient knowledge of subject matter.]

§49.64d. [Reinstatement of suspended or revoked certificates.] (Reserved).

- [(a) Any certificate or letter of eligibility which has been suspended is automatically reinstated at the end of the suspension period, provided, in the case of certificates, that the suspended certificate did not expire during the period of suspension. If the certificate did not expire during the period of suspension. If the certificate expired during the period of suspension, the holder of the former certificate may be issued a new one provided he satisfies the requirements for the new certificate by demonstrating competency in the area of the previous certificate.

- (b) An individual whose certificate or letter of eligibility has been annulled or revoked may have his case reconsidered annually. The burden of demonstrating his fitness for having his certificate or letter of eligibility reinstated rests with the individual. If the burden is met, the Secretary may place conditions on the issuance of the reinstated certificate or letter of eligibility.]

§49.64e. Mandatory reports from schools.

The board of school directors of the employing school district or the board of directors of each employing intermediate unit or area vocational technical school, or the appropriate governing body of the employing public charter or nonpublic school shall report to the Secretary within [ten] 10 days of dismissal the name of any person who has been dismissed and the cause for [such] the dismissal and the name of any individual who is charged or convicted of a crime of moral turpitude.

§49.64f. Publication of suspensions and revocations.

The Secretary, or his designee, shall notify all chief state school officers of the states and territories of the United States and all chief school administrators and teacher preparing institutions of this Commonwealth of the names and social security numbers of persons whose teaching certificates or commissions are suspended or revoked, the period of suspension or revocation including effective date and the reason for such action.

§49.65. Out-of-state and Nationally-certified applicants.

- (a) The Department will issue the appropriate Commonwealth certificate to applicants who have:
- (1) Graduated from a State approved out-of-[state] State college or university whose teacher education requirements are [equivalent] comparable to those of this Commonwealth.
 - (2) Completed the preparing institution's teacher education program of the preparing institution.

- (3) Received the recommendation of the preparing institution for the subject or area to be taught.
 - (4) Presented evidence of satisfactory achievement in assessments prescribed by the Department under §49.18-(a) (relating to assessment).
- (b) [If evaluation by the Department reveals minor deficiencies in the preparation program of the applicant, the Department will prescribe the additional educational requirements to be met in securing Commonwealth certification.] The Department may enter into a reciprocal certification agreement with the appropriate authority of another state to recognize comparable certificates.
- (c) Candidates certified by the National Board for Professional Teaching Standards will be granted the highest level certificate applicable.

§49.66. Appeal procedure.

Applicants who have been denied certification may appeal for reconsideration of their case to the Department.

§49.67. [Master's Degree Equivalency Certificates] (Reserved).

[A Master's Degree Equivalency Certificate shall be issued for salary purposes only, subject to the following terms and conditions:

- (1) The certificate is issued to persons holding a valid Instructional I, Instructional II, Educational Specialist I, Educational Specialist II certificate or their equivalents, upon the accumulation of 36 hours of graduate level credit. A minimum of 18 academic graduate credits must be earned in the content area of the applicant's primary teaching assignment at a college or university approved to offer graduate work. A maximum of 18 of the credit requirement may be satisfied through inservice programs approved by the Secretary of

Education for meeting master's equivalency requirements.

- (2) The certificate is also issued to holders of Vocational Instructional I, Vocational Instructional II or their equivalents upon the accumulation of 90 college credits. A minimum of 18 credit hours of the final 30 shall be earned at a State-approved baccalaureate degree granting institution. The remaining 12 may be satisfied, in full or in part, through inservice programs approved by the Secretary of Education for meeting master's equivalency requirements..
- (3) A grade of "C" or better is required in college and university courses in which grades are given and a letter of satisfactory completion is required for all inservice courses used toward the attainment of the certificate.]

§49.68. Evaluation of prescribed requirements and standards.

Institutions of higher education within this Commonwealth with approved teacher education programs are authorized to evaluate, equate, and accredit educational experience and background of candidates for meeting the specific requirements for certification. A candidate may not be recommended for certification until [the candidate passes] providing evidence of satisfactory achievement in the [tests] assessments under §49.18 (relating to [testing] assessment).

§49.69. Deletion of areas from certificates.

- (a) Annually, between October 1 and December 31, any holder of a Pennsylvania certificate may request and the Department will grant the removal of any area for which the certificate is endorsed if any of the following conditions are met:
 - (1) The applicant has not taught in the area for which deletion is sought within the previous ten years.
 - (2) The applicant is not a regularly employed full time teacher.

- (b) In all other cases, an applicant requesting the removal of any area for which the certificate is endorsed must secure the approval of the local school authority. If such approval is granted, then the Department will delete the area from the certificate. If such approval is denied by the local school authority, the applicant shall have the right to appeal to the Department. In any such appeal, the burden is on the applicant to show lack of current subject matter competency.
- (c) A moratorium for requesting certification deletions shall exist from January 1 through September 30 of each year to allow schools the opportunity to plan for the assignment of their certified staffs in the ensuing school year.
- (d) All action by the Department to delete areas of certification shall be effective on the 30th day of June following receipt of the application to delete.
- (e) Any area of certification deleted from a certificate under the provisions of this section shall be restored only after the person becomes eligible by subsequently meeting all laws, regulations, standards, policies, and procedures as are in effect at the time of application for recertification in the area previously deleted.

**SUBCHAPTER B. CERTIFICATION OF GRADUATES
FROM COMMONWEALTH INSTITUTIONS**

GENERAL PROVISIONS

Section	49.71.	Basic requirements.
	49.72.	Categories of certificates and letters of eligibility.
	49.73.	(Reserved)

INSTRUCTIONAL CERTIFICATES

	49.81.	General.
	49.82.	Instructional I.
	49.83.	Instructional II.

- 49.84. Collegiate credit acceptable for renewal or
conversion of the Instructional I Certificate.
49.85. Limitations.

INTERN CERTIFICATES

- 49.91. Criteria for eligibility.
49.92. Term of validity.

EDUCATIONAL SPECIALIST CERTIFICATES

- 49.101. General.
49.102. Educational Specialist I.
49.103. Educational Specialist II.
49.104. College credit acceptable for renewal or
conversion of Educational Specialist I
Certificate.
49.105. Limitations.

SUPERVISORY CERTIFICATE[S]

- 49.111. Supervisory [I] Certificate.
49.112. [Supervisory II] Reserved.

ADMINISTRATIVE CERTIFICATE[S]

- 49.121. Administrative [I] Certificate.
49.122. [Administrative II] Reserved.

GENERAL PROVISIONS

§49.71. Basic requirements.

Applicants for a certificate shall have completed, in addition to all legal requirements, a program of teacher education approved by the Department and shall have the recommendation of the preparing institution.

§49.72. Categories of certificates and letters of eligibility.

- (a) The following basic categories of certificates and letters of eligibility will be issued by the Department:
- (1) [Letters of] Temporary [Certification] Permit.
 - (2) Emergency [Certificates] Permit.
 - (3) Intern Certificates.
 - (4) Instructional Certificates.
 - (5) Educational Specialist Certificates.
 - (6) Supervisory [Certificates] Certificate.
 - (7) Administrative [Certificates] Certificate.
 - (8) [School] Program Specialist [Certificates] Certificate.
 - (9) Letters of Eligibility.
 - (10) Vocational Education Certificates.
 - [(11) Intermediate Unit Program Specialist Certificates.]
- (b) The Secretary annually will disseminate an approved list of official titles of all certificates and letters of eligibility which the Department has issued during the past fiscal year or proposes to issue in the ensuing year.

§49.73. (Reserved).

INSTRUCTIONAL CERTIFICATES

§49.81. General.

- (a) The Department will issue instructional certificates to persons whose primary responsibility is teaching. Candidates for instructional certificates shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment).
- (b) Instructional certificates will be issued to candidates who meet Department prescribed standards based on the following principles:
- (1) The teacher understands the central concepts, tools of inquiry, and structures of the discipline the teacher teaches and can create

learning experiences that make these aspects of subject matter meaningful for all students.

- (2) The teacher understands how all children learn and develop, and can provide learning opportunities that support their intellectual, social, career and personal development.
- (3) The teacher understands how students differ in their ability and approaches to learning and creates opportunities that foster achievement of diverse learners in the inclusive classroom.
- (4) The teacher understands and uses a variety of instructional strategies, including interdisciplinary learning experiences, to encourage students' development of critical thinking, problem solving and performance skills.
- (5) The teacher uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- (6) The teacher uses knowledge of effective verbal, nonverbal, and media communication techniques supported by appropriate technology to foster active inquiry, collaboration, and supportive interaction in the classroom.
- (7) The teacher plans instruction based upon knowledge of subject matter, students, the community, and curriculum goals.
- (8) The teacher understands and uses formal and informal assessment strategies to evaluate

and ensure the continuous intellectual, social and physical development of the learner.

- (9) The teacher thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and who actively seeks out opportunities to grow professionally.
- (10) The teacher contributes to school effectiveness by collaborating with other professionals and parents, by using community resources, and by working as an advocate to improve opportunities for student learning.

§49.82. Instructional I.

- (a) The Instructional I Certificate shall be valid for 6 years of teaching in the area for which it [is endorsed] applies. It may be converted to an Instructional II Certificate as provided by §49.83 (relating to Instructional II).
- (b) The Instructional I Certificate will be issued to applicants who:
- (1) Possess a baccalaureate degree.
 - (2) [Successfully complete] Present evidence of successful completion of a Department-approved teacher [certification] preparation program.
 - (3) Present evidence of [having passed the] satisfactory achievement in assessments prescribed by the Department[-prescribed tests] under §49.18(a) (relating to [testing] assessment).
 - (4) Receive recommendation for certification from a college or university.

§49.83. Instructional II.

The Instructional II Certificate shall be a permanent certificate issued to an applicant who has completed:

- (1) A Department-approved induction program.
- (2) Three years of satisfactory teaching on an Instructional I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed.
- (3) Twenty-four credit hours of collegiate study or its equivalent in inservice courses approved by the Department or both.
- (4) Present evidence of satisfactory achievement in assessments prescribed by the Department under §49.18(a) (relating to assessment).

§49.84. Collegiate credit acceptable for renewal or conversion of the Instructional I Certificate.

- (a) College credit acceptable for renewal of the Instructional I Certificate and conversion to the Instructional II Certificate shall be earned at a State approved baccalaureate degree granting institution.
- (b) Credits earned in programs designed to prepare for professional fields such as law, medicine or theology, when relevant to the area of certification, will be considered acceptable for purposes of renewing or converting the Instructional I Certificate.
- (c) All credits must be earned subsequent to the conferring of the baccalaureate degree.

§49.85. Limitations.

(a) The grade level limitations of instructional certificates shall be the following:

- (1) Early childhood (nursery, kindergarten, grades one to three or ages 3 to 8).

(2) Elementary (kindergarten, grades one to six or ages 3 to 11).

(3) Middle level (grades six to nine or ages 11 to 14).

(4) [Specialized areas (Kindergarten to grade 12] Secondary (grades seven to 12 or ages 11 to 21).

(5) Specialized areas (kindergarten to grade 12 or up to age 21).

(b) The decision about staffing based on age or grade level rests with the school entity.

INTERN CERTIFICATES

§49.91. Criteria for eligibility.

(a) The Department may make a one-time issuance of an Intern Certificate for service in approved elementary, middle and secondary schools to applicants who, in addition to meeting the requirements of §49.12 (relating to eligibility), present evidence of [having passed the] satisfactory achievement on Department-prescribed assessments of basic skills, general knowledge and subject matter tests; are enrolled in and have completed appropriate professional education courses in an approved intern program, which may include an induction; and are recommended for certificates by the institution holding approval.

(b) The applicant will be issued an Instructional I Certificate upon completion of the approved intern program and [the passing] satisfactory achievement on the assessment of [the] professional knowledge [test] and practice.

§49.92. Term of validity.

The intern certificate shall be issued for the period of time necessary for the candidate to complete the approved intern program, but in no case shall this time period exceed 3 years.

EDUCATIONAL SPECIALIST CERTIFICATES

§49.101. General.

The Department will issue educational specialist certificates to persons whose primary responsibility shall be to render professional service other than classroom teaching. The service shall be directly related to the personal welfare of the learner and may include service for the needs of other professional personnel working with learners. Candidates for educational specialist certificates shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment). Educational specialist certificates will be issued to candidates who meet Department prescribed standards based on the following principles:

- (1) The educational specialist understands the central concepts, structures and delivery styles of the professional area in which the educational specialist practices and can foster learning experiences for all students.
- (2) The educational specialist understands how all children learn and develop, and can contribute to the provision of learning opportunities that support their intellectual, social, career and personal development.
- (3) The educational specialist understands how students differ in their ability and approaches to learning and creates opportunities that are adapted to diverse learners.
- (4) The educational specialist understands and uses a variety of professional strategies to encourage students' development of critical thinking, problem solving and performance skills.
- (5) The educational specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning and self-motivation.

- (6) The educational specialist uses knowledge of effective verbal, nonverbal, and media communication techniques supported by appropriate technology to foster active inquiry, collaboration, and supportive interaction in and out of the classroom.
- (7) The educational specialist plans professional services based upon knowledge of professional field, students, the community, and curriculum goals.
- (8) The educational specialist understands and uses formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social and physical development of the learner.
- (9) The educational specialist thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and actively seeks out opportunities to grow professionally.
- (10) The educational specialist contributes to school effectiveness by collaborating with other educators and parents, by using community resources, and by working as an advocate for change to improve opportunities for student learning.

§49.102. Educational Specialist I.

- (a) The Educational Specialist I Certificate shall be valid for six years of service in each area for which it is endorsed. It may be converted to an Educational Specialist II Certificate in any endorsement area as provided in §49.103 (relating to Educational Specialist II).
- (b) The Educational Specialist I Certificate will be issued to applicants who:

- (1) Present evidence of successful completion of a Department-approved educational specialist preparation program or its equivalent.
- (2) Present evidence of satisfactory achievement in assessments prescribed by the Department under §49.18(a) (relating to assessment).
- (3) Receive recommendation for certification from a college or university if completing a Department-approved educational specialist preparation program.

§49.103. Educational Specialist II.

- [(a) The Educational-Specialist II Certificate shall be a permanent certificate issued to an applicant who shall have completed three years of satisfactory service on a Level I Educational Specialist Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed. In addition, the applicant shall have completed 24 semester credit hours of collegiate study as described in §49.104 (relating to college credit acceptable for renewal or conversion of Educational Specialist I Certificate).
- (b) The 24 semester credit hour requirement may be satisfied, in whole or in part, through inservice programs approved by the Department.]

The Educational Specialist II Certificate shall be a permanent certificate subject to the requirements of §49.17(c) (relating to professional development) issued to applicants who:

- (1) Have completed a Department-approved induction program.
- (2) Have completed 3 years of satisfactory teaching on an Educational Specialist I Certificate attested to by the chief school administrator of the approved public or

nonpublic school entity in which the most recent service of the applicant was performed.

- (3) Have completed 24 credit hours of collegiate study or its equivalent in inservice courses approved by the Department or a combination thereof.
- (4) Present evidence of satisfactory achievement in assessments prescribed by the Department under §49.18(a) (relating to assessment).

§49.104. College credit acceptable for renewal or conversion of Educational Specialist I Certificate.

- (a) College credit acceptable for renewal of the Educational Specialist I Certificate and conversion to the Educational Specialist II must be earned at a State approved baccalaureate degree granting institution.
- (b) Credits earned in programs designed to prepare for professional fields such as law, medicine, or theology, unless relevant to the area of certification, will not be considered acceptable for purposes of renewing or converting the Educational Specialist I Certificate.
- (c) All credit must be earned subsequent to the conferring of the baccalaureate degree.

§49.105. Limitations.

The grade level limitations of educational specialist certificates shall be specified in the standards stated for the respective preparation programs of certification.

SUPERVISORY CERTIFICATE[S]

§49.111. Supervisory [I] Certificate.

- (a) The Department will issue Supervisory [I] Certificates for positions in the schools of [the] this Commonwealth to persons who:

- (1) Have completed five years of satisfactory professional experience in the area in which the supervisory certificate is sought.
- (2) Have completed an approved graduate program preparing the applicant for the responsibilities of supervising in the [specified single] program area and of directing the activities of certificated professional employees.
- (3) Present evidence of satisfactory achievement in assessments prescribed by the Department under §49.18(a) (relating to assessment).
- (4) Are able to help students achieve under Chapter 4 (relating to academic standards and assessment).
- (5) Meet Department prescribed standards following these principles:
 - (i) The supervisor understands the central concepts of organizational leadership, tools of research and inquiry and principles of teaching and learning that make supervision effective and efficient.
 - (ii) The supervisor understands how all children learn and develop and configures resources to support the intellectual, social and personal growth of students.
 - (iii) The supervisor knows and understands effective instructional strategies and encourages and facilitates employment of them by teachers.
 - (iv) The supervisor uses an understanding of individual and group motivation to create a professional development environment that engages teachers to develop and apply effective instructional techniques for all students.
 - (v) The supervisor is an effective communicator with various school communities.

(vi) The supervisor organizes resources and manages programs effectively.

(vii) The supervisor understands and uses formative and summative assessment strategies to gauge effectiveness of people and programs on student learning.

(viii) The supervisor understands the process of curriculum development, implementation and evaluation and uses this understanding to develop high quality curricula for student learning in collaboration with teachers, administrators, parents and community members.

(ix) The supervisor possesses knowledge and skills in observation of instruction and conducting conferences with professional staff which are intended to improve their performance and enhance the quality of learning experiences for students.

(x) The supervisor thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and actively seeks out opportunities to grow professionally.

(xi) The supervisor contributes to school effectiveness by collaborating with other professionals and parents, by using community resources, and by working as an advocate to improve opportunities for student learning.

(b) A Supervisory [I] Certificate for either Curriculum and Instruction or Pupil Personnel Services [, valid for 3 years of provisional service in the specified area,] shall be issued to persons who:

(1) Have five years of satisfactory service in the school program area for which the comprehensive certificate is sought.

- (2) Have completed an approved graduate program preparing the applicant for the broad area, district-wide supervisory functions specified by the endorsement area of the certificate.

- (3) Present evidence of satisfactory achievement in assessments prescribed by the Department under §49.18(a).

§49.112. [Supervisory II] Reserved.

[Supervisory II Certificate shall be permanent certificates issued to applicants who shall have completed three years of satisfactory supervisory experience on a Supervisory I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service is performed.]

ADMINISTRATIVE CERTIFICATE[S]

§49.121. Administrative [I] Certificate.

- (a) The Department will issue Administrative [I] Certificates to persons who have had a minimum of 5 years of professional school experience and have completed an approved program of graduate study preparing [him] the applicant to direct, operate, supervise, and administer the organizational and general educational activities of a school. Applicants shall be recommended by the preparing institution in which the graduate program was completed. Candidates for administrative certificates must be able to help students achieve under Chapter 4 (relating to academic standards and assessment).
- (b) Certificates may be issued for any administrative area for which program approval has been granted by the Department.
- (c) The Department will issue Administrative Certificates to persons who present evidence of satisfactory achievement on assessments prescribed by the Department under §49.18(a) (relating to assessment).

(d) The Department will issue Administrative Certificates to persons who meet Department prescribed standards following these principles:

- (1) The administrator demonstrates instructional leadership which provides purpose and direction for the achievement of all students.
- (2) The administrator demonstrates the organizational skills to implement plans of action efficiently and effectively for student achievement.
- (3) The administrator, in collaboration with students, faculty, staff and parents, creates a school climate that fosters student achievement.
- (4) The administrator gathers information from, and communicates effectively to students, faculty, parents, staff, and the community to facilitate student achievement.
- (5) The administrator understands the importance of a clear, detailed vision and an explicitly stated philosophy in shaping a coherent curriculum and in fostering an effective school.
- (6) The administrator makes systematic use of data to assess the needs and accomplishments of students, faculty and staff.
- (7) The administrator thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship, and actively seeks out opportunities to grow professionally.

§49.122. [Administrative II] Reserved.

[Administrative II Certificates shall be permanent certificates issued to applicants who have completed three years of satisfac-

tory administrative experience on an Administrative I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service was performed.]

SUBCHAPTER C. VOCATIONAL EDUCATION CERTIFICATION

GENERAL PROVISIONS

- Section 49.131. Basic requirements for baccalaureate and non-baccalaureate programs.
49.132. Types of certificates.
49.133. Levels of certification.

VOCATIONAL INSTRUCTIONAL CERTIFICATES

- 49.141. General.
49.142. Vocational Instructional I.
49.143. Vocational Instructional II.

VOCATIONAL INTERN CERTIFICATES

- 49.151. Eligibility and criteria.
49.152. Term of validity.
49.153. Vocational emergency [certificate] permit.

SUPERVISOR OF VOCATIONAL EDUCATION CERTIFICATE

- 49.161. Supervisor of Vocational Education I
49.162. [Supervisor of Vocational Education II] Reserved.

VOCATIONAL ADMINISTRATIVE DIRECTOR CERTIFICATE

- 49.163. Vocational Administrative Director [I].
49.164. [Vocational Administrative Director II] Reserved.

GENERAL PROVISIONS

§49.131. Basic requirements for baccalaureate and non-baccalaureate programs.

- (a) Applicants for a certificate [must] shall have completed, in addition to all legal requirements, a program of teacher education approved by the Department and shall have received the recommendation of the preparing institutions.
- (b) Preparation in general education, professional education, and specialized studies shall be in accordance with standards established by the Department.
- (c) Applicants must present evidence of [obtaining passing scores on tests] satisfactory achievement on assessments required in §49.18 (relating to [testing] assessment).
- (d) Professional personnel must present evidence of compliance with §49.17 (relating to continuing professional development).

§49.132. Types of certificates.

Four basic types of certificates shall be issued, as follows:

- (1) Vocational Instructional Intern.
- (2) Vocational Instructional.
- (3) Supervisor of Vocational Education.
- (4) Vocational Administrative Director.

§49.133. Levels of certification:

Vocational Instructional Certificates [, Supervisor of Vocational Education Certificates and Vocational Administrative Director Certificates] shall be issued for the following levels of qualifications:

- (1) Level I (Provisional).
- (2) Level II (Permanent).

VOCATIONAL INSTRUCTIONAL CERTIFICATES

§49.141. General.

- (a) The Department will issue Vocational Instructional Certificates to persons whose primary responsibility is teaching

occupational skills in State approved vocational education programs in the public schools of the Commonwealth. Such certificates will be valid for teaching in any vocational or technical area for which the holder has registered his occupational competency credential with the Department in the manner prescribed by the Department.

- (b) The holder of a vocational teaching certificate may also teach the technical skills and knowledge of [his] the holder's occupation in courses of comparable content provided in secondary school programs which have not been accorded State approval as vocational education programs under conditions [set forth] in the policies and standards of the Department. Candidates for vocational instructional certificates shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment).

§49.142. Vocational Instructional I.

- (a) A single certificate will be issued and titled, "Vocational Instructional Certificate." Individuals qualifying for this certificate shall be authorized to teach in the areas for which they also hold an occupational competency credential. The occupational competency credential will be issued by the Department or an institution of higher education approved by the Secretary. The applicant [must] shall have:
- (1) A minimum of 2 years wage-earning experience in addition to the learning period required to establish competency in the occupation to be taught.
 - (2) Successfully completed the occupational competency examination or evaluation of credentials for occupations where examinations do not exist or [passed a test] present evidence of satisfactory achievement on an assessment of subject matter under §49.18 (relating to [testing] assessment).
 - (3) Completed 18 credit hours in an approved program of vocational teacher education.
 - (4) Presented evidence of [having passed] satisfactory achievement on the [test] assessment of basic skills under §49.18 (relating to [testing] assessment).

- (b) The Vocational Instructional I Certificate shall be valid for [7] 6 years during which time the applicant [must] shall complete the approved preparation program leading to the Vocational Instructional II Certificate.

§49.143. Vocational Instructional II.

The Vocational Instructional II Certificate shall be a permanent certificate issued to an applicant who has:

- (1) Completed 3 years of satisfactory teaching on a Vocational Instructional I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed.
- (2) Completed 60 credit hours in an approved program in the appropriate field of vocational education.
- (3) Presented evidence of [having passed the test] satisfactory achievement in assessments of general knowledge and [the test] of professional knowledge and practice under §49.18 (relating to [testing] assessment).
- (4) Completed a Department-approved induction program.

VOCATIONAL INTERN CERTIFICATES

§49.151. Eligibility and criteria.

- (a) The Department will issue Vocational Intern Certificates for teaching in State approved programs of vocational education in the public schools of this Commonwealth to applicants who have:
- (1) Met all eligibility requirements stipulated in §49.12 (relating to eligibility) except for the baccalaureate degree requirement as set forth in paragraph (4) of §49.12.
 - (2) Provided evidence of [passing the test] satisfactory achievement in assessments of subject matter under §49.18 (relating to [testing] assessment) or satisfactory occupational competency by one of the following:

- (i) Successfully completing the occupational competency examination of the Department.
- (ii) Securing recognition of occupational competency upon the basis of credentials review and adequate work experience beyond the learning period as established by the Department in those competency areas where occupational competency examinations do not exist.
- (iii) Receiving State licensure or occupational accreditation by a Board of Examiners recognized by the Commonwealth.
- (iv) Receiving certification from another state whose certification criteria are similar to those of this Commonwealth.
- (3) Been accepted for enrollment in a State approved vocational teacher preparation program at a Commonwealth college or university.
- (4) Been recommended for the certificate by the institution at which they are enrolled or accepted.
- (b) The applicant shall be issued a Vocational Instructional I Certificate upon presenting evidence of 2 years wage-earning experience, completion of an approved intern program, and [passing] satisfactory achievement on the [test] assessment of basic skills.

§49.152. Term of validity.

The Vocational Instructional Intern Certificate shall be issued for the period of time needed by the applicant to complete 18 semester hours within the approved vocational teacher preparation program, but in no case shall the validity period exceed three years from the date of issuance.

§49.153. Vocational emergency [certificate] permit.

- (a) The chief school administrator having jurisdiction over any approved Vocational Education program shall be authorized to issue a special emergency [certificate] permit on a day-to-day basis to an occupational practitioner when no properly certificated teachers are available. The teacher shall function under the supervision of a properly certificated

[vocational] supervisor or administrator. Assignments as described in this section shall be made only in case of an extreme emergency and may not exceed 15 consecutive school days. This [certificate] permit shall be valid for 15 days of substitute service and may be renewed for an additional 15 school days upon the approval of the Secretary.

- (b) This [certificate] permit shall not qualify the holder to serve as a regularly elected teacher to fill a vacant position or as a long-term substitute. Such positions [must] shall be filled by a person holding a valid Vocational Instructional or a State issued Emergency [Certificate] Permit. Reference should be made to §49.32 (relating to emergency cases).

SUPERVISOR OF VOCATIONAL EDUCATION CERTIFICATE

§49.161. Supervisor of Vocational Education [I].

- (a) The Department will issue a Supervisor of Vocational Education Certificate to a person who shall have a minimum of three years satisfactory certificated vocational teaching experience and whose primary assignment will be either or both of the following:
- (1) Instructional supervision in the fields of vocational education[,] -- vocational agriculture, vocational business, distributive education, health occupations, vocational home economics, and vocational industrial, or trade and industrial -- in area vocational technical schools and corresponding vocational courses in the public secondary schools of the Commonwealth.
 - (2) Directing the activities of professional staff teaching in the program areas specified in paragraph (1).
- (b) The Department will issue a Supervisor of Vocational Education Certificate to a person who shall meet the requirements of §49.111(a)(3-5) (relating to supervisory certificates).

§49.162. [Supervisor of Vocational Education II] Reserved.

[The Supervisor of Vocational Education II Certificate shall be a permanent certificate issued to a person who:

- (1) Has three years of satisfactory service on a Supervisor of Vocational Education I Certificate; or
- (2) Has completed a preparation program and has accumulated three years of satisfactory service on a formerly issued Pennsylvania Supervisory Certificate issued for a single field of vocational education or on a formerly issued Pennsylvania Coordinator of Trade and Industrial or Vocational Education Certificate.]

VOCATIONAL ADMINISTRATIVE DIRECTOR CERTIFICATE[S]

§49.163. Vocational Administrative Director [I].

[(a) Vocational Administrative Director I Certificate shall be valid for six years of service as a Director of Vocational Education. It may be converted to a Vocational Administrative Director II Certificate after three years evidence of satisfactory service as provided in §49.164 (relating to Vocational Administrative Director II).]

[(b)] The Department will issue the Vocational Administrative Director [II] Certificate to persons who:

- (1) Have a minimum of [five] 5 years successful teaching in vocational education.
- (2) Have completed an approved program of graduate study [of a comprehensive scope] following Department prescribed standards under the principles listed in §49.121(d) (relating to administrative certificates preparing them to direct, operate, supervise, and administer the organizational and educational activities of a vocational technical school or department; applicants shall be recommended by the preparing institution in which the graduate program was completed.

- (3) Present evidence of satisfactory achievement on assessments prescribed by the Department under §49.18(a) - (relating to assessment).

§49.164. [Vocational Administrative Director II] Reserved.

[A permanent certificate shall be issued to applicants who have satisfactorily completed three years of administrative experience on a Vocational Administrative Director I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service was performed.]

SUBCHAPTER D. OUT-OF-STATE APPLICANTS

Section 49.171. General requirements.
49.172. Letter of eligibility.

§49.171. General requirements.

- (a) Applicants recommended by out-of-state institutions shall submit to the Department official transcripts for all professional preparation and related studies and satisfactory evidence of educational and work experience. Such records will be evaluated by the Department using the established standards applicable to the comparable approved programs at Commonwealth institutions.
- (b) The Department will issue the appropriate certificates to persons whose preparation and experience equate to the established standards. If an evaluation by the Department reveals minor deficiencies, the Department will prescribe the additional educational requirements.
- (c) [Also, the] The Department may issue the comparable Pennsylvania [Level I] Certificate to an applicant who, lacking institutional recommendation:
 - (1) Has been legally certificated by another state at a level comparable to the [Level I] Pennsylvania certificate sought.

- (2) Provides evidence of preparation and experience equating to the established standards for the area of certification sought.

§49.172. Letter of eligibility.

- (a) The Department will issue the appropriate letter of eligibility for consideration for appointment as a district superintendent or an assistant district superintendent to an applicant who shall

- (1) Either:

- (i) Have completed a Pennsylvania approved graduate level program of educational administrative study [minimally approximating two full academic years] for the preparation of chief school administrators; or

- (ii) Have been prepared through an out-of-state graduate level program equivalent to those approved in this Commonwealth.

- (2) Have received the recommendation of the preparing institution for certification as a chief school, district level, administrator [or assistant chief school, district level, administrator].

- (3) Have provided evidence of six years of teaching or other professionally certificated service in the basic schools three years of which shall have been in supervisory or administrative positions.

- (b) Department evaluation will comply with the following:

- (1) [For persons prepared at colleges and universities, t]The adequacy of preparation will be determined by the Department.
- (2) The qualifying educational service to meet experience requirements out-of-[state]State will be determined for all applicants by the Department.
- (3) Institutional endorsement of the candidate may be waived by the Department for exceptional reasons such as, but not limited to, nonrecency of graduation,

multi-institutional preparation, and institution no longer offering a preparation program for the superintendent.

- (c) A commission shall be issued to a person holding [an appropriate] a letter of eligibility upon election as a district superintendent or assistant district superintendent by the respective local board of school directors.

SUBCHAPTER E. COMMISSIONS AND CERTIFICATES FOR INTERMEDIATE UNITS

Section 49.181. - (Reserved)
49.182. Letter of eligibility -- executive director.
49.183. [Letter of eligibility - assistant executive director] Reserved.
49.184. -[Intermediate Unit Program Specialist Certificates] Reserved.

§49.181. (Reserved).

§49.182. Letter of eligibility [-- executive director].

- (a) A letter of eligibility to serve as an intermediate unit executive director or assistant executive director will be issued in lieu of a certificate by the Department to a candidate who has obtained or achieved:
- (1) An earned doctorate or a master's degree plus 40 hours of graduate study successfully completed at a State approved college or university.
 - (2) [Who has had six] Six years of experience in education work at the elementary, secondary, county office, intermediate unit, [state] State department of education, or State approved college or university level. In [three] 3 of these [six] 6 years the applicant shall have served successfully in a management or supervisory capacity.
 - (3) Satisfactory achievement in assessments prescribed by the Department under §49.18(a) (relating to assessment).

- (b) The appropriateness of this experience and [his] the candidate's academic preparation will be determined by the Department.
- (c) A commission will be issued to a person holding an appropriate letter of eligibility upon [his] the candidate's election as the executive director or assistant executive director of an intermediate unit by its respective board of directors.

§49.183. [Letter of eligibility - assistant executive director]
Reserved.

[(a) A letter of eligibility to serve as an intermediate unit assistant executive director will be issued in lieu of a certificate by the Department to a candidate who has obtained or achieved:

- (1) An earned doctorate or a master's degree plus 40 hours of graduate study successfully completed at a State approved college or university.
 - (2) Who has had six years of experience in education work at the elementary, secondary, county office, intermediate unit, state department of education, or State approved college or university level.
- (b) The appropriateness of the applicant's experience and academic preparation will be determined by the Department.
 - (c) A commission will be issued to a person holding an appropriate letter of eligibility upon his election as an assistant executive director of an intermediate unit by its respective board of directors.]

§49.184. [Intermediate Unit Program Specialist Certificates]
Reserved.

- [(a) Certificates for the employment of program specialists will be issued by the Department at the request of an intermediate unit board of directors when the applicant meets requirements established by a job specification proposal which has been approved by the Department; such certificates shall not be transferable for use in another intermediate unit.
- (b) Intermediate Unit Program Specialist Certificates may be issued only for an area of professional service in which a certificate does not exist.
- (c) The provisions of this section and of §49.62a (relating to school program specialist certificate (district)) are mutually exclusive, neither related nor interchangeable.]

SUBCHAPTER F. LETTERS OF EQUIVALENCY FOR PAY PURPOSES

§49.191. Letters of Equivalency.

- (a) A Letter of Equivalency shall be issued for salary purposes only, subject to the following terms and conditions:
 - (1) The Letter of Equivalency for Master's Degree is issued to persons holding a valid Instructional I, Instructional II, Educational Specialist I, Educational Specialist II certificate or their equivalents, upon the accumulation of 36 hours of graduate level credit. A minimum of 18 academic graduate credits must be earned in the content area of the applicant's primary teaching assignment at a college or university approved to offer graduate work. A maximum of 16 of the credit requirement may be satisfied through inservice programs approved by the Secretary of Education for meeting master's equivalency requirements.
 - (2) The Letter of Equivalency for Baccalaureate Degree is issued to holders of Vocational Instructional I, Voca-

tional Instructional II or their equivalents upon the accumulation of 90 college credits. A minimum of 18 credit hours of the final 30 shall be earned at a State-approved baccalaureate degree granting institution. The remaining 12 may be satisfied, in full or in part, through inservice programs approved by the Secretary of Education for meeting baccalaureate equivalency requirements.

- (3) A grade of "C" or better is required in college and university courses in which grades are given and a letter of satisfactory completion is required for all inservice courses used toward the attainment of the certificate.



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

May 17, 1999

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

Dear Mr. Nyce:

Enclosed is a copy of the final-form of State Board of Education regulations regarding certification of professional personnel (#6-258) for review by the Commission pursuant to the provisions of section 5(c) of the Regulatory Review Act.

This final-form document reflects the concerns raised by the Chairmen of the Standing Committees on Education in their letter of May 10, 1999 regarding provisions for continuing professional development in light of pending legislation on the matter. This final-form version of the regulations returns to provisions of continuing professional development now in place. The Board will update these sections as necessary to coincide with legislation when it is enacted.

The act provides that the Commission shall approve or disapprove final-form regulations within 10 days of the close of the Committee review period or at its next scheduled meeting.

The State Board of Education will provide the Commission with any assistance it requires to facilitate a thorough review of these final-form regulations.

Please let me know if there is anything that you need.

Sincerely,

A handwritten signature in cursive script, reading "Peter H. Garland".

Peter H. Garland
Executive Director

Enclosure

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 6-258
SUBJECT: Certification of Professional Personnel
AGENCY: DEPARTMENT OF EDUCATION

90 MAY 17 PM 3:10

REVIEW COMMISSION

TYPE OF REGULATION

Proposed Regulation

X Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions

b.

Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
5/17/99	<i>Charles Roman</i>	HOUSE COMMITTEE ON EDUCATION
5/17/99	<i>Pirkki Leary</i>	
5/17/99	<i>Becky Jones</i>	SENATE COMMITTEE ON EDUCATION
5/17/99	<i>John Case</i>	
5/17/99	<i>Kim C. Garner</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

May 14, 1999

"This legislation, if enacted, will help us guarantee every student in the public-school system has a quality education."

— REP. RON COWELL, D-ALLEGHENY,
THE BILL'S CO-SPONSOR



Recertification of teachers may require courses

House education panelists suggest update in training

BY ALIAH D. WRIGHT
OF THE ASSOCIATED PRESS

Pennsylvania teachers would be required to take professional-development courses to maintain their certifications, but the state would pick up the tab, under a bill advanced yesterday by two ranking House Education Committee members.

The bill, sponsored by committee Chairman Jess Stairs, R-Westmoreland, aims to link current school-district programs for professional development with state money to help teachers meet new statewide continuing-education requirements.

It does not specify a price tag, and any appropriation would have to come from the budget lawmakers will shape between now and the beginning of the fiscal year, in July.

"This legislation, if enacted, will help us guarantee every student in the public-school system has a quality education," said the bill's co-sponsor, Rep. Ron Cowell, D-Allegheny, the ranking Democrat on the committee.

The question of whether teachers should be compelled to take courses to maintain their professional certificates is nothing new.

Early last year, the state Board of

ment. However, they stopped short of saying they would withdraw their support without that change.

"They've worked all of their careers and have been doing continuing professional education, and there should be some acknowledgment of that," said Wythe Keever, spokesman for the Pennsylvania State Education Association.

"There is an incentive for teachers to continue their professional development anyway, because most collective-bargaining units have salary schedules" that increase teachers' pay as they advance their educations, Keever added.

But education officials say the most senior teachers are often the ones most in need of updating their skills and learning new methods — especially since teaching is such a competitive field. Last year, the state certified 11,000 people to teach in public schools, but only 2,000 were hired.

"We're calling on higher standards for students and those who become teachers," said Dan Langan, spokesman for the state Education Department. "It's only natural that we raise the bar for existing teachers, as well."

The bill would cover all 107,000 of the state's public-school teachers. In charter schools and private schools, the proposal would affect only those educators who hold state certificates.

The House Education Committee is slated to debate the bill today.

Last month, Ridge called for requiring college students majoring in education to maintain at least a "B" average in their teaching disciplines. The requirement must still be approved by the state Education



STAIRS

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
333 MARKET STREET
HARRISBURG, PENNSYLVANIA 17126-0333

SECRETARY OF EDUCATION

717-787-5820

February 12, 1997

I write in response to the letter of January 10, 1997 that the Chairman of the Professional Standards and Practices Commission, Dr. Richard Hupper, addressed to the chairs of the Senate and House Education Committees. In this letter, Dr. Hupper noted that, with one dissent, the Commission recommended that "professional employees of a charter school be appropriately certified according to the standards applicable to all other public schools." The Commission's primary concern, which informed this recommendation, was protecting the health, safety, and welfare of students. The Commission hopes to accomplish this by binding charter school personnel to the standards of professional ethics and practice contained within the Teacher Certification Law and by enforcing its disciplinary procedures.

I look forward to working with the Professional Standards and Practices Commission in developing regulations for charter schools that would require background checks along with other appropriate provisions for preventing personnel with a criminal past from gaining employment in our schools. But certification, as the PSPC knows through experience, does not alone protect students from the immorality and intemperance of unprofessional teachers. It is our expectation that the smaller, community-based charter schools will create an environment in which the prudence and vigilance of the community will allow much less opportunity for unprofessional behavior to occur than in larger school systems.

As is all too apparent, certification requirements have not created the standards of academic excellence Pennsylvania needs from its teachers. We should not allow the current system of teacher certification to keep out of the charter schools the brilliant and motivated college graduates who want to teach but do not want to go through the time consuming process of gaining an education degree on top of their BA, BS, or MA. By allowing charter schools the discretion to hire these brilliant and dedicated experts who desire to share their expertise in the classroom, we greatly expand the educational opportunities of public school students. For decades, prestigious and successful private schools have chosen their teachers on the basis of

-over-

subject expertise and commitment to academic excellence without regard to certification. Our public school students deserve to have the same opportunities to learn from such outstanding teachers in charter schools.

As Deputy Secretary Michael Poliakoff explained both to the State Board of Education and to the Professional Standards and Practices Commission, the current system of teacher certification sets such minimal requirements that it cannot stand as a criterion of professional skill. We are vigorously pursuing changes in the current system, but it is simply wrong to suggest that National Teachers Exam scores in the bottom quintile, or in some cases, decile, that are currently accepted for certification protect our students from substandard education. I attach, for your consideration, a tabulation of the percentile ranks that constitute our qualification scores for certification in this state. In regard to the academic excellence of a potential teacher, the current system of certification actually protects the unqualified and screens out gifted teachers who have not come through the schools of education. For this reason, charter schools should not be burdened by an insistence that they adhere to this deeply flawed certification system.

Thank you for your interest in creating a system of truly outstanding charter schools in Pennsylvania.

Sincerely yours,

A handwritten signature in cursive script that reads "Eugene W. Hickok".

Eugene W. Hickok

Attachment



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

June 23, 1999

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

Original: 1827
Coccodrilli
Copies: McGinley
Bush
Coccodrilli
Harbison
Mizner
Smith
Sandusky
Legal

CO JUN 23 11:04

Dear Mr. Nyce.

Please be advised that the State Board of Education plans to proceed with 22 Pa Code, Chapter 49 (Certification of Professional Personnel). The final-form regulation will be revised and promulgated as revised under Section 7(c) of the Regulatory Review Act. The full report required by that section will be forthcoming.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter H. Garland".

Peter H. Garland
Executive Director

cc: J. Gallagher
E. Hickok
G. Dunlap

DRRC

99 JUN 23 11:04

TRANSMITTAL SHEET FOR
NOTICE PURSUANT TO SECTION 7(a)
OF THE REGULATORY REVIEW ACT

DEPARTMENT: EDUCATION ID NUMBER: 6-258

SUBJECT: Certification of Professional Personnel

PA CODE CITE: 22 Pa. Code, Ch. 49

Type of Notice:

Notice of agency determination to proceed with final-form regulation without revision pursuant to Section 7(a) of the Regulatory Review Act.

X Notice of agency determination to revise final-form regulation and to proceed with regulation as revised pursuant to Section 7(c) of the Regulatory Review Act.

Notice that final-form regulation will be withdrawn.

Filing of Notice:

DATE

SIGNATURE

AGENCY

Governor's Office
(333 Market St.)

6/23/99
6/23/99

Eleana Romano
Lacy

House Committee on Education

6/23/99
6/23/99

Sherry Baker
Wendy Council

Senate Committee on Education

6/23/99

Kevin C. Martin

Independent Regulatory
Review Commission



**Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION**

June 23, 1999

Mr. Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
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Peter H. Garland
Executive Director

cc: J. Gallagher
E. Hickok
G. Dunlap

SRKC

99 JUN 23 AM 11:04

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<u>DATE</u>	<u>SIGNATURE</u>	<u>AGENCY</u>
<u>6/23/99</u>	<u>Gleanas Romano</u>	Governor's Office (333 Market St.)
<u>6/23/99</u>	<u>Nancy</u>	House Committee on Education
<u>6/23/99</u>	<u>Sherry Baker</u>	
<u>6/23/99</u>	<u>Wendy Cornett</u>	Senate Committee on Education
<u>6/23/99</u>	<u>Kevin C. Martin</u>	Independent Regulatory Review Commission