

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



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

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

September 2, 1999

Honorable Eugene W. Hickok, Jr., Secretary
Department of Education
333 Market Street, 10th Floor
Harrisburg, PA 17126

Re: IRRC Regulation #6-264 (#2039)
Department of Education
Institutional Preparation of Professional Educators

Dear Secretary Hickok:

Enclosed are our Comments on the subject regulation. They are also available on our website at <http://www.irrc.state.pa.us>.

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact Mary Lou Harris at 772-1284.

Sincerely,

Robert E. Nyce
Executive Director

REN:wbg
Enclosure

cc: Samuel G. Marcus
Ronald J. Simanovich
Office of General Counsel
Office of Attorney General
Pete Tartline

COMMENTS OF THE INDEPENDENT REGULATORY REVIEW COMMISSION

ON

DEPARTMENT OF EDUCATION REGULATION NO. 6-264

INSTITUTIONAL PREPARATION OF PROFESSIONAL EDUCATORS

SEPTEMBER 2, 1999

We have reviewed this proposed regulation from the Department of Education (Department) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) specify the criteria the Commission must employ in determining whether a regulation is in the public interest. In applying these criteria, our Comments address issues relating to statutory authority, reasonableness, economic impact and costs, need and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. State Board of Education Approval. - Statutory Authority.

The State Board of Education (Board) is authorized to promulgate rules and regulations governing the Commonwealth's education program, pursuant to 24 P.S. Section 26-2603-B(k). Under 24 P.S. Section 26-2606-B, the Department may, with Board approval, propose rules and regulations in the "areas under the control of the Board." We note that the Department submitted this proposed regulation to the Board, and the Board approved it on November 18, 1998.

It is not clear if the Department has interpreted 24 P.S. Section 26-2606-B as the statutory authority to propose this regulation. If so, it should discuss the rationale for this interpretation in the Preamble when it submits the final-form version of this rulemaking. We understood that the Department will submit its final-form regulation to the Board. However, if the Department elects not to secure Board approval, it should explain why it failed to do so.

2. Similarities between Chapter 354 and Chapter 49. - Clarity.

There are marked similarities between a number of sections in Chapter 354 and Chapter 49 (relating to certification of professional personnel). Provisions in this proposed regulation define standards for individuals seeking professional certification, as well as requirements that must be met by units of preparing institutions.

The Department should explain why there are some individual standards for teacher certification in Chapter 354 that are not in Chapter 49. Such standards are more appropriately located in Chapter 49 and cross-referenced in this rulemaking.

3. Section 354.1. Definitions. - Clarity.

Candidate

In certain instances, the term “candidate” refers to an individual currently enrolled in a program for the initial or advanced preparation of professional educators. In other situations, the term indicates those seeking admission to professional educator programs. For clarity, the term “candidate” should include only those currently participating in a program for initial or advanced preparation for professional educators. We suggest the Department use the term “applicant” for those individuals who are seeking admission to professional educator programs.

Educational institutions

This definition includes public and private schools, intermediate units, vocational-technical schools, colleges and universities, and private sectarian and non-sectarian schools, colleges and universities. The inclusion of each of these terms in the definition is confusing and can be misleading.

The House Education Committee (House Committee) recommends eliminating the term, and replacing it with the term “school entity,” a term common to the School Code. We agree with the Committee’s recommendation, and ask the Department to consider this change.

General standards

The term “general standards” is defined in part as “overall standards that shall be met for an institution to be approved.” There are no further details on what these overall standards are, or where they may be found. It is our understanding that these standards are contained in the Department’s program specific standards. The Department should indicate where these standards may be found and include that information in this definition.

Specific professional educator program standards

The definition includes the vague term “Department-defined competencies.” However, these competencies are not listed anywhere within the regulation. The Department should outline what these “Department-defined competencies” are and where they may be found, or delete the phrase.

Unit

This term refers to the department within a “preparing institution” responsible for the initial or advanced preparation of professional educators or the preparation of vocational instructional certificated personnel programs. It appears to be superfluous, since the definition of “preparing institution” describes essentially the same term as “unit.”

The House Committee recommends combining the two definitions under the term “preparing institution” and recommended an alternative definition. We agree with the Committee. We have not identified any requirements of the regulation that apply to a “unit” that would not also apply to the “preparing institution” and vice versa. In addition, the defined term should be used consistently throughout the regulation.

4. Section 354.2. Purpose. - Need.

Section 354.2 contains general concepts and undefined standards, such as “proven record of high academic achievement” and “shall maintain the highest standards of academic excellence.” We question the use of such unspecific terms and phrases. A more appropriate Purpose section would be one that provides that this chapter establishes the standards and procedures for Department-approved institutional programs that prepare professional educators.

Subsection (b) uses the phrase “institutions of higher education that prepare professional educators.” That phrase should be deleted and replaced with the term “preparing institutions.”

5. Section 354.11. Minimum requirements for approval. - Clarity.

Subsection (1) provides that baccalaureate or graduate degree-granting institutions must have Department approval to conduct preparation programs. For improved clarity, the Department should include a cross-reference to the chapter and sections of the Department’s regulations that outline the approval process.

Subsection (2) provides that the institution must meet “specific professional educator program standards established by the Department.” Sections 354.25(a)(2), 354.26(c)(2) and 354.33(1) contain similar language. We understand that this language refers to the Department’s program specific standards, which are being revised and updated. For improved clarity and to facilitate compliance, there should be a citation to all applicable standards or a reference to their location.

6. Section 354.12. Approval procedures. - Clarity.

Subsections (a) and (d)

The proposed Subsection (a) states that the Department may withdraw its approval of a preparing institution for failure to meet the minimum requirements for approval. Since this deals with what happens *after* the Department has completed its approval review process (and denies approval or withdraws prior approval), it should be the concluding subsection, not the first.

Since the proposed Subsection (d) is the *introduction* to the approval process and deals with the basic requirements for securing the Department’s approval, it should be first. It provides that preparing institutions must apply to the Department for approval of new programs and changes to existing programs 90 days prior to implementation. Therefore, the order of these subsections should be reversed (i.e., Subsection (d) should be labeled Subsection (a) and vice versa).

We also have a practical question relating to the proposed Subsection (d). What happens if the Department does not respond to an institution’s application within 90 days? The regulation should cover that situation.

The subsection dealing with an institution’s loss of approval should reference the procedures the Department follows when withdrawing an institution’s approval, and the recourse available to the institution. It should also address what happens to candidates enrolled in a program that has lost its approved status. The Department should address all these issues by

outlining program approval procedures and cross-referencing provisions relating to the appeal rights of institutions.

Subsection (b)

Subsection (b) states “[T]he Department may review approved preparation programs at any time.” The review process is unstructured. Therefore, we join the House Committee in requesting that the Department specify its program review procedures.

Subsection (c)

This subsection requires that evaluation teams shall consist of professional educators from basic education and “appropriate personnel from institutions of higher education.” Who are these “appropriate personnel” and what will qualify them to evaluate programs? Some additional requirements or basic parameters should be provided.

The House Committee recommended that the Department show the specific composition of the evaluation teams. We do not recommend that this information be included in this regulation. However, the Department should provide a guidance document that specifies the composition of the evaluation teams.

7. Section 354.22. Field experience. - Clarity.

This section requires preparing institutions to develop sequential and developmental field experiences. Subsection (a) provides that such experiences may begin as early as the first semester of college enrollment. Subsection (b) provides that field experiences shall be an integrated part of the professional education curriculum and consistent with the overall program design. We question the need for this section given the references relating to “field experiences” in Sections 354.26(d), (d)(1), and (d)(2), and the requirements for “field experiences” in Section 354.26(d)(3).

For clarity, the provisions of this section should be integrated into Section 354.26(d). For example, Subsection 354.22(a) could be integrated into Section 354.26(d)(3), which would add the permissible beginning point to the latter subsection’s “no later than” beginning point. The requirements of Section 354.22(b) could be integrated into Section 354.26(d)(2).

8. Section 354.23. Unit reporting. - Reasonableness, Economic Impact and Costs, and Clarity.

This section deals with the preparing institution’s biennial reporting requirements to the Department. It provides that institutions shall submit a systematic evaluation, using information “*which includes*” information from the four sources described (emphasis added).

However, this section should specify what is to be evaluated and what specific information must be reported. If institutions are not collecting and reporting similar data, how will the data be evaluated and compared by the Department in any meaningful way? Of what value is it to the Department?

Subsection (a)

Subsection (a) uses the term “systematic evaluation” while Subsection (b) uses the term “systemic evaluation.” We presume that the correct term is “systematic.” If so, the appropriate correction should be made in Subsection (b). If these terms are intended to be different, that fact should be explained and clarified in the final regulation.

Subsection (a)(2) requires that data be collected from candidates, but does not specify what kinds. For clarity and to ensure uniformity in what institutions will be reporting, the final regulation should specify what data preparing institutions are to collect from candidates. In making its determinations, the Department should weigh the cost for preparing institutions to collect, process, and submit the required data.

Subsection (a)(3) requires that the data be collected from “recent graduates.” For purposes of reasonableness and clarity, the Department should define or specify the timeframe encompassed by the term “recent” graduate.

What constitutes “other members of the professional community” in Subsection (a)(4)? For improved clarity, the final-form regulation should explain that term and distinguish data in that category from the data for those in teaching positions or employed in education.

Subsection (c)

Subsection (c)(3) requires that an institution’s placement rate information be supplied on “other professions, to be categorized by type of employment.” What is the scope of the term “other professions”? Are candidates who have enrolled in advanced educator preparation programs included in this category? The final regulation should clarify these points to reduce ambiguity and to ensure that all institutions are reporting the same types of data.

9. Section 354.24. General studies. - Clarity.

This section is captioned “[G]eneral studies.” Given its content, we question whether a more appropriate caption should be “[A]cademic achievement” or “[A]cademic preparation.” For the same reason, we also question the use of the term “general studies” in Subsection (b).

In Subsection (a), what constitutes “experiences” in the liberal arts and sciences? This phrase should be explained or clarified in the final-form regulation. Subsection (a) also refers to “formal acceptance into a professional education program.” For improved clarity, the final regulation should describe what actions or procedures constitute “formal acceptance” into the program.

10. Section 354.25. Academic competence. - Reasonableness and Clarity.

This section establishes the general standards and criteria that professional educator candidates must meet to demonstrate academic competence. Do these standards apply to those candidates who will be seeking acceptance into professional educator programs or those already admitted to, or in, a professional educator program? This aspect should be clarified in this section and in Section 354.31 of the final regulation.

Subsection (a)(1)

In Subsection (a)(1) (and in Section 354.26(c)(1)), the scope of application and meaning of the word “experiences” are unclear. Does it mean only “field experiences” or does it also encompass other life experiences (e.g., work, military, etc.)? The term “experiences” should be defined or its meaning and scope clarified.

Subsection (a)(1) requires that candidates must be able to demonstrate an understanding of, among other things, the “uses of technology.” For improved clarity and relevance of application, this phrase should be amended to state that “uses of technology” should be related to promoting learning in the classroom.

Subsection (a)(3)

Many commentators have questioned the validity of requiring candidates to maintain a 3.0 GPA standard while in an approved teacher certification program. Why did the Department elect to use a 3.0 GPA standard? If it is retained, we request the Department explain its choice.

This subsection (and Section 354.31(4)) provides for a phase-in of the 3.0 GPA standard, but Section 354.33(4) does not. For improved clarity and internal consistency, all three provisions should provide for the same phase-in of the applicable standard.

Subsection (a)(3) of 354.25 uses the words “shall maintain a minimum grade point average in each academic discipline.” If the 3.0 GPA standard is retained, for improved clarity the word “cumulative” should be added to references to the 3.0 GPA standard.

11. Section 354.26. Preparation program curriculum. - Clarity.

Subsection (a)(1) requires that the preparation program’s design should “be of high quality.” How is this defined or measured? For clarity, we request that the Department explain its intent in using the phrase “high quality.”

Subsections (a) and (c)(3) use the word “students.” This word should be defined in the context of this rulemaking, or replaced by the word “applicants” or “candidates,” depending upon the section and the context.

12. Section 354.27. Collaborative programs. - Clarity.

Subsection (a)(2)

This section provides for the development of student teaching, internships and other field experiences. While the parameters of such relationships are defined, specific performance goals are not provided. In its comments, the House Committee stated that student teaching must be tied to specific performance objectives or standards.

We agree with the House Committee’s comments. The regulation should include or incorporate by reference performance standards as part of the student teaching component of collaborative programs designed by institutions.

Subsection (d) provides that the unit shall cooperate with local school entities in the development and implementation of *appropriate alternative certification programs* (emphasis

added). For improved clarity, this type of program should be identified and explained (i.e., what it is and where it may be found). Also, a citational reference to it should be included. If such programs are not in effect, this provision should be deleted from this rulemaking.

13. Section 354.31. Admission. - Reasonableness, Need and Clarity.

Subsection 354.31 requires a preparing institution to document that its program unit recruits, admits and retains candidates who demonstrate potential for professional success. We recommend that the Department supplement this section by providing examples of how these candidates will be recruited, and the minimum standards they must meet.

Subsection (3)(iv)

One of the criteria for admission into a teacher preparation program is “[B]iographical information.” This phrase is too vague. What biographical information must the institution consider? The Department should further clarify and expand upon this provision in the final regulation.

Subsection (4)

This subsection includes a minimum GPA *exclusive of professional education courses* (emphasis added) as a candidate requirement. The Senate Education Committee questioned why grades attained in professional education courses should not be included in benchmarks for admission. Several members of the House Committee submitted a comment recommending deletion of the exclusion of pedagogical courses from the required GPA. We request the Department explain why professional education courses would not be included in the minimum GPA for candidates.

Subsection (4)(i) - (iv)

Many commentators have questioned the validity of using the 3.0 GPA standard as an entrance requirement to an approved teacher certification program. Why did the Department elect to use a 3.0 GPA standard as the academic entrance requirement? If it is retained, we request the Department to explain its choice.

How will the required academic standard (3.0 GPA or some other standard) apply to non-traditional students (i. e., those returning after a period of time away from academia or those who have not majored in Education)? As written, this rulemaking does not deal with those types of applicants and those who are completing or have completed their academic studies prior to the date of imposition of the academic standard required under this regulation.

If the Department finalizes the 3.0 GPA standard, how will it impact those students currently enrolled in initial and advanced preparation programs that are not subject to such a standard? Will candidates currently enrolled in preparation programs be “grandfathered”? We have similar concerns regarding the basis for determining the minimum Praxis I test scores, an alternative standard in Subsection (4)(v). In these regards, the regulation should be clarified.

Further, there is no mention of minimum college entrance exams (SAT or ACT). We, along with the House Committee, question why the Department did not include minimum scores on the SAT or ACT tests in the program entrance requirements for an approved program.

Subsections (5) and (7)

Under these subsections, preparation programs may accept up to ten percent of their candidates from individuals who do not meet the minimum GPA standard only “if exceptional circumstances justify admission.” The phrase “exceptional circumstances” is too vague. It is our understanding that the ten percent requirement is intended to give institutions the flexibility to accept students that may not otherwise qualify for the program. The Department should clarify that institutions have the responsibility to draft the criteria for, or otherwise define, what each considers to be “exceptional circumstances.”

Subsection (6)

The phrase “[T]he criteria for admission to advanced programs” should be revised to read “[T]he criteria for admission to advanced *preparation* programs” (emphasis added), to be consistent with the definitions section and the rest of the regulation.

The phrase “shall include at least” denotes that admission to advanced preparation programs must be based upon all of the criteria that are specified in this subsection, as well as other requirements that may be imposed by each institution. What else is or could be included? The language of this subsection should be further clarified.

We question the reasonableness of applying the proposed 3.0 GPA requirement of Subsection (6)(ii) to program applicants who completed their undergraduate academic studies at an earlier time, before this regulation imposed the minimum academic standard requirement. The Department should amend the regulation to provide whether in such cases the 3.0 GPA standard is either deleted or waived. Also, for improved clarity, the term “undergraduate applicants” should be added to this subsection.

Similarly, the requirement for faculty and professional recommendations in Subsection (6)(iii) may also present problems for applicants who are not recent graduates. As a practical matter, applicants who have not attended a college or university for a number of years may not be able to obtain faculty recommendations. Therefore, the Department should amend Subsection (iii) to provide for “faculty *or* professional recommendations” (emphasis added).

Subsection (8)(iv)

This subsection states that “the unit seeks to recruit, admit and retain a diverse student body.” Does this phrase replicate certain Pennsylvania and federal requirements? If this phrase replicates certain Pennsylvania and federal requirements, why is it necessary?

14. Section 354.32. Monitoring and assessment. - Clarity.

We have a number of questions relating to Subsection (a). First, the subsection states “[T]he unit shall develop a program that systematically monitors and assesses the progress of candidates and confirms they receive appropriate academic and professional counseling.” The

term “appropriate” is vague. We recommend that the Department clarify what constitutes “appropriate academic and professional counseling.”

Second, what are the “performance based assessments” in Subsection (a)(1)? The Department should clarify what standards will apply, or provide specific examples of performance-based assessments. The same subsection should also be amended to require instructional technical skills as one of the listed “skill dimensions.” Such a provision is necessary, and is consistent with our recommendation on this same subject under Section 354.25(a)(1).

Third, in Subsection (a)(1)(xiii), what does the Department mean by, and how will the institution measure, a candidate’s “[T]olerance for stress”? The Department should clarify, or cite specific examples of, what constitutes a tolerance for stress and what standards should apply.

Finally, in Subsection (a)(1)(xiv), what are the “professional standards and practice” that the institution’s unit is to establish? The Department should provide citations to where they may be found and specific examples of the professional standards and practices used to assess a candidate’s progress through the program.

15. Section 354.33. Professional competency. - Reasonableness and Clarity.

Subsection (4) is inconsistent with the phased-in introduction of the 3.0 GPA standard described in Section 354.31 (4)(i) - (iv), as we noted under **Issue #10**. It should be amended to include the same phase-in provisions.

Under Subsection (4), if a candidate does not achieve a 3.0 GPA, does this mean the candidate will not qualify for a teaching certificate? This subsection should be clarified to explain the effect it will have upon those enrolled in the program prior to the effective date of this regulation, and at what point currently enrolled candidates must meet the 3.0 GPA standard.

In Subsection (5), the phrases “an acceptable percentage of candidates” and “at a satisfactory level” are too vague. The Department should clarify these phrases by assigning a specific value (or a range of values) and acceptable percentages that will satisfy the State Board of Education and the Department’s Secretary.

16. Section 354.41. Faculty quality. - Clarity.

Section 354.41 is vague. Are there minimum standards that will be required of a preparing institution’s professional education faculty? If so, the Department should specify what they are or provide examples of minimum standards.

Subsection (b) states that “the unit shall provide documentation to confirm that the unit seeks to recruit, admit and retain a diverse student body.” As mentioned in **Issue #13**, above, if this phrase replicates certain Pennsylvania and federal requirements, why is it necessary?