

<b>Regulatory Analysis Form</b>		This space for use by IRRC RECEIVED
(1) Agency  Education		2005 JUN 30 PM 3: 56 REVIEW COMMISSION
(2) I.D. Number (Governor's Office Use) # 6-294		IRRC Number: 2486
(3) Short Title  Certification of Need for Emergency Resolution for Bridge Certification program		
(4) PA Code Cite  22 Pa. Code §403.4	(5) Agency Contacts & Telephone Numbers  Dr. on Nelson, Bureau of Teacher Certification and Preparation 772-4737	
(6) Type of Rulemaking (Check One)  <input type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input checked="" type="checkbox"/> Final Order, Proposed Rulemaking  Omitted		(7) Is a 120-Day Emergency Certification Attached?  <input type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input checked="" type="checkbox"/> Yes: By the Governor
(8) Briefly explain the regulation in clear and non-technical language.  The regulation will extend the deadline for certain teachers to apply to participate in the Bridge Certification program to July 30, 2006. The teachers that may apply are as follows:  Special education teachers needing to become Highly Qualified.  Middle school teachers that currently hold only an elementary certificate, who are teaching two or more subjects. If an eligible middle school teacher chooses to use the Bridge Certification program as a vehicle to meet the NCLB Highly Qualified standard, and if he/she teaches multiple subjects that include Math and/or English, these teachers must use Bridge I to become highly qualified in Math and/or English. These teachers may then use Bridge II to obtain a Highly Qualified designation in the other content areas for which they are instructing students.		
(9) State the statutory authority for the regulation and any relevant state or federal court decisions.  24 P.S. §26-2603-B(d)(10)		

### 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.

The Federal No Child Left Behind Act requires that all public school teachers of an academic content area become highly qualified by September 2006. To assist in this effort, the State Board of Education approved the Bridge certificate as an alternative vehicle for teachers to meet Highly Qualified status.

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

Many currently employed special education teachers and elementary education teachers (employed at the middle level grades) teaching academic content to students do not meet highly qualified status as required in the No Child Left Behind Act. The NCLB Act requires all teachers to be highly qualified by the end of the 2005-06 school year. Pennsylvania implemented the Bridge Certification program in 2004. Currently, the Bridge timeline requires all affected teachers to meet any course requirements to enter the Bridge program by the end of June, 2005. Many teachers did not have adequate time to take coursework, etc., which would aid in their entry to the Bridge Certification program. In addition, the requirement that all Bridge applicants be employed by July 2004 did not provide any means for recent hires to be able to enter Bridge. Finally, federal guidance and law has changed since June of 2004. Extending the date until July, 2006 will permit the teachers described in (8) to participate in the Bridge Certification program.

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

Not applicable.

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

Estimated number – 3,000 to 4,000 individual teachers.

Regulatory Analysis Form
<p>(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effect as completely as possible and approximate the number of people who will be adversely affected.)</p> <p>There will be no adverse effects.</p>
<p>(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.) This regulation will affect</p> <p>The Bridge Certification program is merely one of many mechanisms available for teachers to become highly qualified as required by NCLB.</p>
<p>(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.</p> <p>Education organizations recommended an extension of the timeline.</p>
<p>(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.</p> <p>This action will permit teachers to become highly qualified via a flexible mechanism rather than via an additional preparation program. No costs other than some teachers needing to take required coursework, etc. should be involved. Some districts provide course reimbursements while others do not.</p>

### 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.

This section is not applicable as local governments are not involved.

(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.

Teachers must be highly qualified by the end of the 2005-06 school year or the Department's federal dollars will be at risk.

### Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and cost associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years. Note: This table is not completed as it is not applicable)

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community	N/A	N/A				
Local Government						
State Government	N/A	N/A				
Total Savings						
<b>COSTS:</b>	N/A	N/A				
Regulated Community						
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>	N/A	N/A				
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

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

Regulatory Analysis Form				
(20b) Provide the past three-year expenditure history for programs affected by the regulation.				
Program	FY-3	FY-2	FY-1	Current FY
N/A				
(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs. N/A				
(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.  This was the only practical vehicle available to extend the regulatory deadline before the current deadline expires.				
(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.  N/A				

### 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, NCLB is the federal legislation driving the highly qualified requirement.

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

All states must comply with NCLB. Pennsylvania has a requirement that teachers must achieve a first academic content certificate before participating in the Bridge program. In essence, Pennsylvania's program is a more strident requirement than other states. However, Pennsylvania's Bridge program provides for a more highly skilled/content specific group of teachers.

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

No other regulations should be effected. Existing policy in the Department's Bridge Guidelines will be revised to incorporate the date extension.

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

No hearings/meetings are planned.

### Regulatory Analysis Form

(32) 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.

Yes, the extension will require the Department to update to our data management system for the population of teachers that are eligible to participate via the extension of time. No hard copies are utilized.

(33) 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 regulation will be effective upon publication. Teachers eligible to participate in the Bridge program via the extension will need to enroll prior to August 1, 2006.

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

Enrollment updates will be available for review by Department management and the Governor's office.



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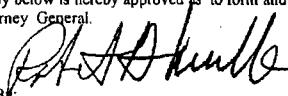
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**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE  
LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

#2486

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality.  
Attorney General.By:   
(Deputy Attorney General)JUN 27 2005

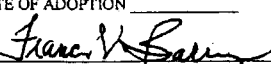
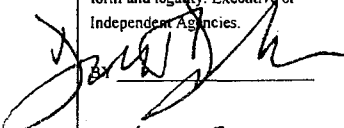
Date of Approval

☐ Check if applicable  
Copy not approved. Objections attached.
Copy of below is hereby certified to be true and  
correct copy of a document issued, prescribed or  
promulgated by:

Department  
of  
Education  
(Agency)

DOCUMENT/FISCAL NOTE NO: 006-294

DATE OF ADOPTION \_\_\_\_\_

 BY:   
Secretary of Education
Copy below is hereby approved as to  
form and legality. Executive or  
Independent Agencies.By: 6.20.05

(Date of Approval)

**EXECUTIVE**  
(Deputy General Counsel)  
(~~Chief Counsel, Independent Agency~~)  
(Strike Inapplicable Title)

☐ Check if applicable. No attorney  
General Approval or Objection within  
30 days after submission.

## TITLE 22 EDUCATION

## PART XVI. DEPARTMENT OF EDUCATION

## CHAPTER 403: COMPLIANCE WITH THE NO CHILD LEFT BEHIND ACT OF 2001

## Emergency Regulation

## **Title 22--EDUCATION**

### **DEPARTMENT OF EDUCATION**

#### **[22 PA. CODE CH. 403]**

#### **Compliance with the No Child Left Behind Act of 2001**

The Department of Education (Department) acting under the authority in 24 P.S. § 26-2603-B(d)(10) and in accordance with section 6(d) of the Regulatory Review Act (71 P.S. § 745.6(d)) and section 204 of the act of July 31, 1968 (P.L. 769, No. 240)(45 P.S. § 1204), amends Chapter 403 (relating to compliance with the No Child Left Behind Act of 2001) to read as set forth in Annex A.

#### *Purpose of Chapter 403*

Section 2603-B(d)(10) empowers the Department, with the approval of the State Board of Education (State Board), to adopt standards to comply with the provisions of the No Child Left Behind Act of 2001 (NCLB)(Pub. L. No. 107-110, 115 Stat. 1425) to maintain the eligibility of the Commonwealth to receive Federal funding for education programs. On May 19, 2005 acting under section 2603-B(d)(10), the State Board adopted a resolution in support of extending the application deadline for the NCLB Bridge Certificate beyond June 30, 2005.

#### *Purpose of this Rulemaking*

The purpose of this rulemaking is to extend the deadline for certain teachers to become highly qualified, as required by NCLB, via the Bridge certificate process, an alternative evaluation system for certain teachers.

#### *Significant Provisions of this Rulemaking*

The regulations add a paragraph to section 403.4(d) that extends the deadline to July 30, 2006 for certain teachers to participate in the Department's Bridge certification program. Certain teachers holding a special education certificate and middle level teachers assigned to multiple subject areas may apply to participate in the Bridge certification program if they are in need of becoming highly qualified. If middle level teachers are teaching Math and/or English, they must use the Bridge I program, rather than the Department's Bridge II highly qualified designation program, to obtain certification in the subject area.

#### *Persons and Entities Affected*

This rulemaking affects certain teachers that are seeking to become highly qualified, as required by NCLB.

#### *Fiscal Impact*

This rulemaking will have no fiscal impact.

### *Regulatory Review*

A copy of the rulemaking was submitted to the Office of Attorney General and approved on June 27, 2005. Under section 5.1 of the Regulatory Review Act (71 P. S. § 745.5a), on June 30, 2005, the Department submitted a copy of this rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees for review. In addition to the rulemaking, the Committees were provided with a copy of the certification of the Governor that the rulemaking is required to meet an emergency threatening the Department's federal education funding, as well as a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

### *Sunset Date*

The Department is not establishing a sunset date for these regulations, since these regulations include an expiration date.

### *Contact Person*

The contact person for technical questions regarding this rulemaking is Marjorie Blaze, Bureau of Teacher Certification and Preparation, 333 Market Street, Harrisburg, PA 17126-0333, (717) 772-4737.

### *Order*

The Department orders that:

- (a) The regulations of the Department at 22 Pa. Code §403.4(d) are amended by adding the language set forth in Annex A.
- (b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.
- (c) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

FRANCIS V. BARNES  
Secretary

ANNEX A

PART XVI. DEPARTMENT OF EDUCATION

CHAPTER 403: COMPLIANCE WITH THE NO CHILD LEFT BEHIND ACT OF 2001

§403.4. Highly qualified teachers.

....

(d) NCLB Bridge Certificates.

...

(7) Notwithstanding the timelines in paragraphs (1) and (2), teachers holding a level I or II certificate issued prior to July 1, 2005, and who are employed in one of the following circumstances may apply for an NCLB Bridge Certificate no later than July 30, 2006, if qualified therefore under paragraph (4):

- (i) A teacher who is certified in and teaching special education.
- (ii) A teacher who is only certified in elementary education and is teaching two or more subjects in grades seven, eight or nine in a middle/junior high school, provided that the following conditions are also met:
  - (A) The teacher is required to become highly qualified for the position held.
  - (B) If teaching Math and/or English, the teacher uses the Bridge I process to become highly qualified in those areas.



## Governor's Office

### CERTIFICATION OF NEED FOR EMERGENCY REGULATION

*WHEREAS, Teachers are required to become highly qualified by the end of the 2005-06 school year or the Department of Education's federal education dollars will be placed in jeopardy; and*

*WHEREAS, the Department of Education implemented regulations in June of 2004 providing that certain experienced teachers that needed to become highly qualified could participate in the Bridge Certification program, a more flexible certification program involving consideration of a teacher's experience; and*

*WHEREAS, federal guidance related to the Department's Bridge Certification program has evolved since June of 2004, thereby clarifying the eligibility of multi-subject teachers to participate in the program; and*

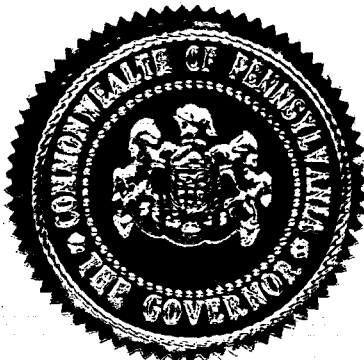
*WHEREAS, federal law related to the education of special education students was amended in December 2004, thereby allowing new special education teachers to participate in the Bridge Certification program; and*

*WHEREAS, regulation currently provides that teachers seeking to apply for the Bridge Certification program must do so by the end of June 2005; and*

*WHEREAS, many teachers are required to obtain coursework to be eligible for the Bridge Certification program; and*

*WHEREAS, without immediate amendment of the regulations, teachers of multiple subjects and new special education teachers will not be the eligible to participate in the Bridge Certification program until after July 1, 2005.*

*THEREFORE, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, do hereby certify that the regulatory amendments to 22 Pa. Code, Chapter 403, attached hereto as Annex A are required to meet the emergency conditions enumerated in the recitals above. I hereby authorize the Secretary of Education to publish these amendments in the Pennsylvania Bulletin as a Final Rulemaking consistent with the provisions of Section 6 of the Regulatory Review Act, as amended, 71 P. S. § 745.6(d).*



*GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, on this twenty- eighth day of June in the year of our Lord two thousand and five, and of the Commonwealth the two hundred and twenty-ninth.*

*Edward G. Rendell*

EDWARD G. RENDELL  
Governor



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

OFFICE OF CHIEF COUNSEL

June 30, 2005

717-787-5500  
FAX: 717-783-0347  
TDD: 717-783-8445

Robert E. Nyce, Executive Director  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harritown 2  
333 Market Street  
Harrisburg, PA 17101

Dear Mr. Nyce:

Enclosed is a copy of an emergency certified final-omitted regulation for review by your Committee. The regulation, Title 22 – Education, Chapter 403, Compliance with the No Child Left Behind Act of 2001, Annex A (regulatory package #006-294) extends the deadline for certain experienced teachers to become highly qualified, as required by the No Child Left Behind Act of 2001, via the Department's Bridge certificate process, a flexible mechanism for certain experienced teachers to become highly qualified.

The Department expects the regulation to be published in the Pennsylvania Bulletin on July 2, 2005. The regulation will be effective on the date of publication.

The Department of Education will provide the Commission with any assistance you may require to facilitate a thorough review of these regulations.

Thank you for your consideration.

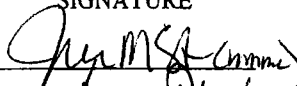
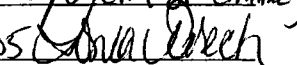
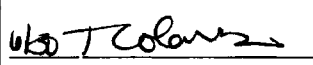
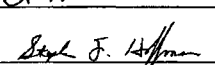
Sincerely,

M. Patricia Fullerton  
Assistant Chief Counsel

Enclosure

cc: Francis V. Barnes, Secretary of Education  
Marjorie Blaze, Bureau of Teacher Certification & Preparation

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

<b>I.D. NUMBER:</b>	#6-294	
<b>SUBJECT:</b>	Compliance with the No Child Left Behind Act of 2001 - AMENDMENTS	
<b>AGENCY:</b>	DEPARTMENT OF EDUCATION	
# 2486		
<b>TYPE OF REGULATION</b>		
Proposed Regulation		
Final Regulation		
X	Final Regulation with Notice of Proposed Rulemaking Omitted	
120-day Emergency Certification of the Attorney General		
X	120-day Emergency Certification of the Governor	
Delivery of Tolled Regulation		
a.	With Revisions	
b.	Without Revisions	
<b>FILING OF REGULATION</b>		
<b>DATE</b>	<b>SIGNATURE</b>	<b>DESIGNATION</b>
6/30		HOUSE COMMITTEE ON EDUCATION
6/30/05		HOUSE COMMITTEE ON EDUCATION
6/30		SENATE COMMITTEE ON EDUCATION
6/30	LQH	SENATE COMMITTEE ON EDUCATION
6/30		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)

June 21, 2005