

Regulatory Analysis Form

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2006 APR 20 PM 3: 53

(1) Agency

State Board of Education

INDEPENDENT REGULATORY
REVIEW COMMISSION

(2) I.D. Number (Governor's Office Use)

#006-293

IRRC Number: 2502

(3) Short Title

Certification of Professional Personnel

(4) PA Code Cite

22 Pa. Code Chapter 49

(5) Agency Contacts & Telephone Numbers

Primary Contact: Jim Buckheit

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(6) Type of Rulemaking (check one)

Proposed Rulemaking

Final Order Adopting Regulation

Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

No

Yes: By the Attorney General

Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

Chapter 49 sets forth certification requirements for teachers, student services personnel, school administrators and other professional personnel in the Commonwealth's public schools. The final form changes align the regulations with current state and federal statutes, judicial decisions and policies and standards of the Department of Education.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

Act of March 10, 1949, P.L. 30, No. 14, §26-2603-B, added by the Act of March 30, 1988, P.L. 321, No. 43.

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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 not mandated by law, court order or regulation. The enabling statute for the State Board of Education requires it to: "adopt broad policies and principles, and establish standards governing the education program of the Commonwealth" (24 P.S. § 26-2603-B (a)).

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

The regulations update, provide clarity and bring the regulations into conformity with state and federal statutes, regulations and policies and standards of the Department of Education.

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

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.)

1.8 million school age students enrolled in the Commonwealth's public schools will benefit from the instructional, support and administrative services provided by a highly trained and certified professional public school staff.

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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 effect is anticipated. These regulations maintain the already existing high standards needed by personnel in order to provide educational services in the Commonwealth's public schools.

(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.)

These regulations directly effect individuals who are currently or intend to enroll in professional educator preparation programs and seek Pennsylvania certification in order to obtain employment in a public school. Between 10-15,000 individuals seek certification from the Department of Education each year. The regulations also directly impact currently certified professional educators of which there are more than 142,000 employed in over 3,200 public schools and the Commonwealth's 96 professional educator preparation programs.

(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.

A committee of the Council of Higher Education held three-regional public roundtable meetings where interested parties were invited to identify issues and to make recommendations to the committee. The committee also held public hearings where interested parties delivered formal testimony. The committee's regular meetings were open to the public where interested parties provided additional comments throughout the development of the proposed regulations. Various drafts of the regulations were provided upon request to interested parties and were posted on the State Board of Education web page. Key stakeholders providing input to the State Board include: Pennsylvania Association of School Administrators, Pennsylvania School Board's Association, Pennsylvania State Education Association, Pennsylvania Federation of Teachers and Pennsylvania Association of Colleges and Teacher Educators and the Education Law Center. Numerous individuals also addressed the committee about certification requirements for early childhood education.

(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.

Since these regulations largely reflect existing provisions of State and Federal statutes, regulations and Department practice, the costs or savings associated with compliance would be negligible.

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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.

Since these regulations largely reflect existing provisions of State and Federal statutes, regulations and Department practice, the costs or savings associated with compliance would be negligible.

(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.

Since these regulations largely reflect existing provisions of State and Federal statutes, regulations and Department practice, the costs or savings associated with compliance would be negligible. Minor revisions to Department policies, guidelines, forms and instructions would be accomplished through its on-going, annual procedures used to update its policies, guidelines, forms and instructions. Most of these are now posted on the Department's web site so printing costs are minimal.

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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 Community						
Local Government						
State Government						
Total Savings	0	0	0	0	0	0
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	0	0	0	0	0	0
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	0	0	0	0	0	0

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

The proposed revisions do not substantively change current requirements and therefore it is expected there will be no cost associated with them.

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

Program	FY -3	FY -2	FY -1	Current FY
None				

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

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

Because these regulations codify current statutory provisions, regulatory standards and Department policy and practice nonregulatory alternatives are inappropriate. The Department of Education already uses Professional Educator Program Guidelines, Certification and Staffing Policy Guidelines and Basic Education Circulars to provide nonregulatory guidance to public schools and teacher preparation institutions.

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

The only alternative is to leave the regulations as currently written. Since they are out-of-date given statutory and regulatory changes, the only viable option, short of eliminating the regulation, is to bring the regulations up-to-date.

(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.

Most of the issues addressed by this regulation are state, not federal requirements, although select provisions are revised to assure compliance with the highly qualified teacher requirements under the federal No Child Left Behind Act of 2001.

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

These regulations will not put Pennsylvania at a competitive disadvantage with other states. Schools in other states seek Pennsylvania certified educators due to the high quality of professional educator preparation programs and rigorous certification requirements.

(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 revisions to Chapter 49 are designed to align it with or to update the highly qualified teacher requirements contained in the Chapter 403 regulations (relating to Compliance with the No Child Left Behind Act of 2001) promulgated by the Secretary of Education. Section 49.18(e) in the proposed regulation clarifies and revises the regulation contained in Section 403.4(c)(1) relating to issuance of additional instructional area certificates to holders of Instructional certificates who pass the appropriate subject matter test. Section 49.65 of the proposed regulation clarifies and revises the requirements addressed in Sections 403.4(c)(2) and 403.4(c)(3) relating to out-of-state and nationally certified applicants.

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

A committee of the State Board of Education held several public meetings over nearly a two-year period to seek stakeholder input in developing these regulations and related issues. Committee meetings were held in: February 2003, November 2003, January 2004, March 2004, May 2004, July 2004, September 2004, November 2004, January 2005, March 2005, June 2005, September 2005, November 2005 and January 2006. Public roundtable meetings were held in May 2003 and January 2004. Public hearings were held in Harrisburg on April 13, 2004 and in Pittsburgh on April 16, 2004.

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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.

The regulations changes the names given to a number of different types of teaching certificates. This will result in the Department of Education needing to revise some of its applications and forms. These documents, in addition to paper copy versions that periodically updated, copies are also available on the Department of Education web site. Therefore the cost associated with these changes will be minimal.

(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.

None

(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?

Effective upon final publication in the *Pennsylvania Bulletin*.

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

The State Board is currently reviewing issues related to the knowledge, skills and dispositions necessary that professional educators should possess to have the most effective educational impact on young children, students with disabilities and English language learners. A new set of proposed regulations will follow final adoption of these revisions.

CDL-1

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(Pursuant to Commonwealth Documents Law)

2502

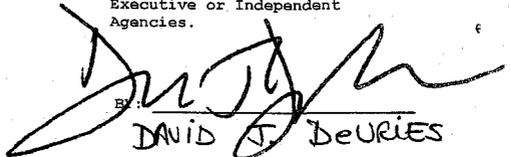
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BY: _____
(DEPUTY ATTORNEY GENERAL)

PA State Board of Education
(AGENCY)

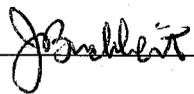

BY: DAVID J. DEURLES

DOCUMENT/FISCAL NOTE NO. #006-293

DATE OF APPROVAL

DATE OF ADOPTION: January 19, 2006

APR 18 2006
DATE OF APPROVAL

BY: 

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

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

[] Check if applicable
Copy not approved.
Objections attached.

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

FINAL REGULATIONS
COMMONWEALTH OF PENNSYLVANIA

22 PA. CODE, CH. 49
Certification of Professional Personnel

RECEIVED
2006 APR 20 PM 3: 53
INDEPENDENT REGULATORY
REVIEW COMMISSION

FINAL REGULATIONS
PREAMBLE

TITLE 22--EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE-CH. 49]

Certification of Professional Personnel

The State Board of Education (Board) amends Chapter 49 (relating to certification of professional personnel) to read as set forth in Annex A. Notice of proposed rulemaking was published at 35 Pa.B. 5988 (October 29, 2005), with an invitation to submit written comments.

Chapter 49 sets forth requirements for certification of professional personnel in public schools. The final regulations make changes to Chapter 49. The overarching purposes of the changes are to align the regulations with State and Federal statutory requirements and Department of Education (Department) policies and practices. The Board's amended regulations also add new policies and clarify others.

Statutory Authority

The Board takes this action under the authority granted to it by section 2603-B of the Public School Code of 1949 (24 P.S. § 26-2603-B) and other sections of the Public School Code.

Background

Chapter 49 sets forth the requirements for the certification of professional personnel necessary to be employed in the public schools of this Commonwealth.

Chapter 49 sets forth the requirements for substitute permits, changes in certification, out-of-State credentials, instructional certificates, temporary teaching permits, educational specialist certificates and vocational education certificates. The amendments update the regulations to reflect statutory changes that have been made since Chapter 49 was last amended in 1999, to align or clarify certification policies necessary to comply with the highly qualified teacher provisions of the federal No Child Left Behind Act of 2001, to conform the regulations to Department policies and practices. In addition, the Board is amending some provisions to afford public schools and teachers additional flexibility.

Summary of Public Comments and Responses to Proposed Rulemaking

The regulations were published as proposed in the October 29, 2005, issue of the *Pennsylvania Bulletin* (35 Pa.B. 5988). The regulations were also published on the Department of Education website located at www.pde.state.pa.us. The Board accepted formal written comments during a 30-day public comment period that began after publication of the proposed amendments.

The Board received comments from the Independent Regulatory Review Commission (IRRC), the Education Law Center, and from seven individuals during the public comment period. The individual commentators were: Clythera S. Hornung; Richard M. Kardon; Binny Silverman; David F. Piperato; Christopher Hey; Joseph J. Roy; and Renee Kerr. The Board also met with representatives from the Department of Education who suggested additional modifications to the regulations. Comments were also received from additional private citizens after the official comment period but before the Board adopted the final-form regulations.

Following is a summary of the comments and the Board's response to those comments:

Section 49.1. Definitions.

Comment: IRRC raised four issues concerning the definitions contained in this section. First, IRRC recommended that substantive provision contained in the definition of *continuing professional education*, *intern certificate* and *prekindergarten* be removed from the definitions and located elsewhere in the regulation. IRRC also recommended that the definition of *continuing professional education* reflect the statutory provision that equates one college credit with 30 hours of professional education. IRRC also commented that the definitions of *day-to-day substitute permit*, *emergency permit* and *long-term substitute permit* were not clearly written.

IRRC and the Education Law Center both suggested that the Board add a definition for the term *diverse learners*. IRRC also suggested that language be added to several sections of the regulations to address the needs of diverse learners. The Education Law Center also commented that the definition of *prekindergarten* contained in the proposed regulation excluded students with disabilities and suggested that that definition violates State and Federal laws.

Department staff suggested that the definition of *educational specialist* be revised to provide examples of educational specialist rather than to have the definition enumerate each specialty to allow for the addition or deletion of categories of certificates in the future.

Response: The Board has removed the substantive provisions from definitions contained in § 49.1 and revised the definitions for *day-to-day substitute permit*,

emergency permit and *long-term substitute permit*, as suggested by IRRC. The Board added definitions for *articulation agreements*, *diverse learners* and *exceptional case permit*. The Board determined that rather than include a lengthy description of credits and professional education hours required in the definition of continuing professional education, the description would best serve its purposes in § 49.11(a).

The Board disagrees with the comment from the Education Law Center that the definition of *prekindergarten* excludes students with disabilities. The definition, as it applies to this chapter, relates to the ages of *all* children enrolled in the program and the qualifications required for professional educators to teach students enrolled in a prekindergarten program. The Board revised the definition of *educational specialist*, as suggested by the Department.

Regarding the suggestion from IRRC that the Board explain how the regulation sufficiently accommodates diverse learners, the Board responds that it is currently engaged in a separate review and analysis of teacher preparation and certification requirements for early childhood, elementary, middle school and special education teachers with emphasis on meeting the needs of diverse learners. In addition, significant research and policy analysis are underway on the use of induction, Level I to Level II conversions, professional education plans and on-going professional education requirements for currently certified professional educators.

The Education Law Center's comments submitted in response to these regulations, on which IRRC's recommendation is based, come from draft documents and discussions held by the Board in public stakeholder meetings, Board committee meetings and from other Board documents circulated at public meetings and posted on the Board's

web pages. These are complex, significant issues that will be addressed in proposed regulations that will be submitted by the Board for regulatory review and approval in the future. In addition, final Federal regulations for the Individuals With Disabilities Education Improvement Act, enacted in 2004, are not expected to be issued by the U.S. Department of Education until later this year.

Rather than further delay the important changes contained in these final form regulations, the Board has chosen to adopt these amendments in final form while simultaneously conducting the necessary research and discussions with stakeholders necessary to develop policies designed to better prepare both current and future professional educators to address the diverse learning needs of all students while considering potential significant costs to teacher candidates, current teachers, teacher training institutions and public schools.

Section 49.11. General.

Comment: IRRC recommended that deleted language regarding the term of validity of professional certificates in this section be retained.

Response: The Board restored the original language but updated it to reflect the statutory requirement that professional educators participate in specified amounts of professional education activities in order for their certificate to remain active.

Section 49.13. Policies.

Comment: Dr. Clytherea Hornung commented that school districts are requiring applicants for teaching positions to submit PRAXIS test scores as part of the application requirements and asked what can be done about this. The Department suggested that subsection (b)(4) be revised to permit program approval reviews to be performed by

professional educators from basic and higher education, rather than teams. The Department also suggested changing the major program review cycle from five to seven years to be performed by professional educators. This change will align the Department's review cycle with that of the National Council for Accreditation of Teacher Education, which is the major accreditation agency for teacher education programs.

Response: Under the Public School Code, employment policies and practices fall within the purview of the governing boards of local school entities. Disclosures of PRAXIS test scores are at the discretion of each teacher candidate and applicant for teaching position. School entities may consider test scores when determining which candidates for a position are most highly qualified. The Board concurred with the Department's recommendations to remove the requirement that a team perform the program approval review and also that the reviews should be performed every seven years.

Section 49.14. Approval of institutions.

Comment: IRRC recommended that the term articulation agreement used in this section be defined. The Education Law Center suggested adding the ability to teach diverse learners to the requirements for program approval of professional educator preparation programs. The Education Law Center also suggested requiring that at least 24 credit hours address the capacity to teach diverse learners in an inclusive setting with 12 of these in special education and three in teaching English language learners. Dr. Clythera Hornung questioned the meaning in subsection (x) of what an acceptable percentage of candidates applying for certification as determined by the Secretary and

Board achieve at a satisfactory level. She asks what is an acceptable percentage, could it change from program to program and from year to year or by area of certification.

In paragraph (4)(iii), the Board deleted reference to the academic standards for environment and ecology since all academic standards are viewed equally important. Department representatives suggested, in paragraph (4)(iv), replacing the term early and frequent with the term sequential, believing it more clearly describes the intent of the regulation. Department representatives also recommended that certification assessment assistance be added to the list of areas for which institutions should provide ongoing assessment of educator candidates' knowledge, skills and dispositions to assure that the programs are assisting students to be prepared to be successful in taking the battery of teacher licensing tests.

Response: The comments from the Education Law Center relate to the ongoing work of the Board on a separate set of revisions to Chapter 49 that will be submitted for regulatory review in the future. The Board believes the ELC's suggested revisions reflect significant and substantial changes that must be thoroughly analyzed and considered through both the Board's and regulatory review public comment process.

In response to Dr. Hornung, the Department already establishes cut scores for each of the required tests. These do vary by certificate and level based on a variety of factors and are periodically reviewed and adjusted as appropriate. The Board concurs with the recommendations made by the Department.

Section 49.16. Approval of induction plans.

Comment: The Education Law Center recommended that at least one-third of induction activities address the teaching of diverse learners in an inclusive setting. It also

recommended that parents be included as participants in the development of the induction plan and that specific new requirements for mentors and supervision of first year teachers be addressed in the induction plan. Dr. Clythera Hornung suggested that induction plans currently stress the logistical needs and demands of school districts and suggested more can be done to strengthen the induction process.

Response: In response to comments from the Education Law Center regarding requiring one-third of induction activities to address the needs of diverse learners, see the Board's response in Section 49.1. In response to the ELC's suggestion that parents be included in the development of the induction plan, the Board believes that since induction plans are training plans for new employees, this is not an appropriate role for parents. In response to Dr. Hornung's comments, the Board recently sponsored research on the effectiveness of induction programs and the Governor's Commission on Preparing America's Teachers is exploring options to strengthen induction programs. The Board anticipates that it will address this issue once the research is completed and Governor's Commission completes its work.

Section 49.17. Continuing professional education.

Comment: IRRC recommended that the list of persons who develop the continuing professional education plan be made consistent with that contained in statute (24 P.S. §12-1205.1(b)). The Education Law Center suggested adding language providing that the Secretary of Education shall promulgate and enforce guidelines requiring at least one-third of professional education focus on the teaching of diverse learners in an inclusive setting. The Education Law Center also recommended that parents of children enrolled in the school entity participate in the development of the

continuing professional education plan. The Department recommended that subsection (e) include a requirement that certified personnel notify the Department of any changes to their home mailing address as provided by section 1205.2(h.1) of the School Code (24 P.S. § 12-1205.2(h.1)).

Response: The Board agrees with the comments from IRRC and revised the language consistent with statute. See the response in Section 49.1 in response to comments by the Education Law Center that one-third of professional education focus on teaching diverse learners. Since section 1205.1 of the School Code (24 P.S. 12-1205.1) already requires that parents of children attending school in the district be represented on the plan development committee, it is not necessary to add this requirement to the regulation as suggested by the Education Law Center. The Board added language as suggested by the Department that professional educators are responsible for notifying the Department of changes to their mailing address.

Section 49.18. Assessment.

Comment: The Education Law Center recommended that language be added to both subsections (a) and (b) that candidates for certification be assessed in their ability to teach diverse learners in an inclusive setting. As a result of discussions with the Department, the Board removed, in subsection (e), early childhood and elementary education certificates from the list of those certificates precluded from being added to the certificates of currently certified staff by their passing the appropriate subject area test.

Response: See the response to comments made on Section 49.1 in response to the comments made by the Education Law Center. The Board removed early childhood and elementary certificates from the list of those certificates that would be prohibited, by

regulation, from being added to an existing professional educator's teaching certificate through the testing program. The removal of these certificates from the list does not imply that the Board wants to make these certificate areas available through testing at this time. The intent of the Board is to provide the Secretary of Education with additional flexibility to add these areas should circumstances dictate such a need in the future.

Section 49.31. Criteria for eligibility.

Comment: The Education Law Center recommended that time limit restrictions be included for emergency, long-term and day-to-day substitute permits when the teaching assignment involves self-contained classroom with all students with disabilities, English language learners or disciplinary alternative education students. The Department suggested that the Board require that school entities make a genuine effort to identify qualified personnel before requesting a long-term substitute permit be issued.

Response: See the response in Section 49.1 in reaction to comments from the Education Law Center. In response to the Department's suggestion, the Board has added a requirement that applications for emergency, long-term and day-to-day substitute permits not be granted until a vacancy has been posted on a school entity's web site for at least 10 days and no qualified candidate has been identified.

Section 49.32. Exceptional case permit.

Comment: IRRC recommended the term *exceptional case permit* be defined in Section 49.1.

Response: A definition was added to Section 49.1.

Section 49.33. Expiration.

Comment: The Department suggested adding a new subsection (e) to reflect that emergency permits are available for a total of three consecutive years as provided by section 1204 of the Public School Code (24 P.S. § 12-1204).

Response: The Board added language as suggested by the Department.

Section 49.53. Elimination or change of types/categories of certificates.

Comment: IRRC outlined two concerns with the proposed language. It suggested clarifying what is meant by the term *cogent request*. It also suggested clarifying what triggers the start of the 150-day period described in subsection (d).

Response: The Board concurs with IRRC's comments and has revised the final form regulation replacing the term *cogent* with the term *written* and clarified what triggers the 150 day timeline for action by the Board.

Section 49.62a. Program specialist certificate.

Comment: The Department suggested deleting the clause in subsection (a) that states *at the request of the employing school entity* in order to permit the Department to issue a program specialist certificate without the request of the employing school entity.

Response: The Board revised the regulation as suggested by the Department.

Section 49.62b. Program endorsement certificate.

Comment: The Department suggested clarifying that the program endorsement certificate is not required to perform service in the areas for which the certificate is issued.

Response: The Board deleted the term *intended to be* to be clear that the program endorsement certificate is not required to perform service in a particular work assignment.

Section 49.64e. Mandatory reports from schools.

Comment: The Department suggested that the Board revise the language and replace the term *his* with a gender-neutral term.

Response: The Board concurs and has revised the final form language to make it gender neutral.

Section 49.83. Instructional II.

Comment: The Education Law Center recommended that at least 12 of the 24 credits needed to convert an Instructional I to an Instructional II Certificate focus on the teaching of diverse learners in an inclusive setting including at least three credits in special education and three credits in teaching English language learners.

Response: See the response in Section 49.1 in response to comments made by the Education Law Center.

Section 49.84. Collegiate credit acceptable for conversion of the Instructional I Certificate.

Comment: IRRC recommended that the regulation be corrected to reflect the policy that Instructional I Certificates may not be renewed. Several comments were submitted encouraging the Board to permit teachers to earn a portion or all 24 academic credits necessary to move from an Instructional I to Instructional II certificate from a graduate degree granting institution.

Response: The Board concurs with IRRC's recommendation and revised the final form regulation accordingly. The Board also concurs with the recommendation submitted by several individuals that credits earned at graduate education institutions be credited towards meeting the 24 credit requirement.

Section 49.91. Criteria for eligibility.

Comment: IRRC recommended that the Board clarify what is meant by the term *intensive supervision*. The Education Law Center recommended that time limit restrictions be included for emergency, long-term and day-to-day substitute permits when the teaching assignment involves self-contained classroom with all students with disabilities, English language learners or disciplinary alternative education students. Dr. Clythera Hornung recommended that subsection (c) be clarified by defining the terms *intensive supervision* and *accelerated pedagogical training*. The Department suggested clarifying subsection (d) by inserting the word *calendar* before *years* in the first sentence, an accredited before 4-year college or university and a statement that requires those holding an Intern Certificate to maintain continued enrollment in a State-approved teacher intern program.

Response: The Board clarified its intent by replacing the term *intensive supervision* with *a minimum of one classroom observation each month*. See the response in Section 49.1 in response to comments from the Education Law Center. The Board believes its intent in using the term *accelerated pedagogical training* provides sufficient guidance to the Department in crafting its guidelines for the approval of Intern Certificate programs. The Board added language to clarify the requirements as suggested by the Department.

Section 49.103. Educational Specialist II.

Comment: Dr. Clythera Hornung suggested that permitting teachers to earn credits from a Pennsylvania intermediate unit towards the 24 credits necessary to convert a level I to a level II certificate is lowering the rigor of the requirement implying that intermediate unit programs are not as demanding as those offered by other institutions.

Response: The Board believes that intermediate units play a critical role in the support and delivery of professional education to educators. The Department has provided intermediate units with significant new funding and technical resources to establish a new statewide network for the delivery of professional education services to educators using standards of quality and programs of demonstrated effectiveness.

Section 49.104. College credit acceptable for conversion of Educational Specialist I Certificate.

Comment: Several comments were submitted encouraging the Board to permit teachers to earn all or a portion of the 24 academic credits necessary to convert a Educational Specialist I to Educational Specialist II certificate from a graduate degree granting institution. Although IRRC did not specifically comment on this section, its comments regarding Section 49.84 concerning renewal of Instructional I certificates also apply to Educational Specialist Certificates.

Response: The Board concurs with the recommendation submitted by several individuals that credits earned at graduate education institutions be credited towards meeting the 24 credit requirement. In addition, the Board revised the final form language to reflect that Educational Specialist I certificates may not be renewed.

Section 49.111. Supervisory Certificate.

Comment: The Education Law Center recommended that language be added to provide that candidates for Supervisory Certificates understand how children learn and develop and that configures resources to support the intellectual, social and personal growth of all students, including diverse learners in inclusive settings.

Response: See the response in Section 49.1 in response to comments made by the Education Law Center.

Section 49.121. Administrative Certificate.

Comment: The Education Law Center suggested that candidates for an Administrative Certificate demonstrate instructional leadership that provides purpose and direction for the achievement of all students, including teaching diverse learners in an inclusive setting and reducing achievement gaps between students.

Response: See the response in Section 49.1 in response to comments made by the Education Law Center.

Section 49.141. Vocational Instructional Certificates - General.

Comment: The Education Law Center recommended adding language that requires that candidates for the Vocational Teaching Certificate be able to teach diverse learners in an inclusive setting.

Response: See the response in Section 49.1 in response to comments made by the Education Law Center.

Section 49.142. Vocational Instructional I.

Comment: The Education Law Center suggested that at least six credits of the 18 required for a Vocational Instructional I Certificate address the teaching of diverse learners in an inclusive setting.

Response: See the response in Section 49.1 in response to comments made by the Education Law Center.

Section 49.143. Vocational Instructional II.

Comment: The Education Law Center suggested that at least 20 credits of the 60 required for a Vocational Instructional II Certificate address the teaching of diverse learners in an inclusive setting.

Response: See the response in Section 49.1 in response to comments made by the Education Law Center.

Additional Comments.

Comment: The Education Law Center recommended that a new Section 49.19 - Initial Teaching Responsibilities - be added that directs the Secretary of Education to promulgate and enforce guidelines ensuring that teachers with Instructional I or Intern Certificates and Emergency or Long-term Substitute Permits are provided assignments balanced with their responsibilities for professional development and support.

Response: The Board believes this recommendation has potential major cost implications and would establish policies in areas heretofore not addressed by either statute or regulation. Employment and work assignments have been the purview of local school boards. Given the far-reaching implications of this suggestion, the Board believes consideration of such a policy shift should proceed only after due consideration and thorough outreach to and comments from stakeholders. The Board does not believe that this revision should be made through this final-form rulemaking.

Fiscal Impact and Paperwork Requirements

Because these regulations largely reflect changes in Federal and State statutes, Federal regulations and current Department policies and practices, any costs associated with compliance with the regulation should be negligible. The regulations are aligned with current statutory provisions and Department practice.

To comport with the new provisions of the regulations, professional educator preparation institutions will need to review their programs to ensure that they provide sequential clinical experiences, offer certification assessment assistance and sufficiently

include in their curriculum instruction that provides candidates for certification with the skills necessary to address the needs of diverse learners. The Department must review its Chapter 354 standards and related policies to determine if they need to be revised.

Review of standards and policies is an ongoing activity of the Department and, therefore, any costs associated with the implementation of changes to this chapter will be limited.

Effective Date

The regulations are effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

In accordance with its policy and practice respecting all regulations, the Board will review the effectiveness of Chapter 49 after four years. Thus, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 17, 2005, the Board submitted a copy of this proposed rulemaking (published at 35 Pa.B. 5988) for review and comment by IRRC and the House and Senate Committees on Education.

In compliance with section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the Board also provided IRRC and the Committees with copies of the comments received, as well as other documentation. In preparing this final-form

rulemaking, the Board considered the comments received from IRRC, the Committees and the public.

In accordance with section 5.1(a) of the Regulatory Review Act (71 P.S. § 745a(a)), the Board submitted the final-form rulemaking to IRRC and the Committees for review as provided by section 5.1 of the Regulatory Review Act.

In accordance with section 5.1 of the Regulatory Review Act, these final-form regulations were deemed approved by the Senate Education Committee on _____, approved by the House Education Committee on _____, and approved by IRRC on _____.

Contact Person

The official responsible for information on these final-form regulations is Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, telephone (717) 787-3787 or TDD (717) 787-7367.

Findings

The State Board of Education finds that:

(1) Public notice of the intention to adopt this final-form rulemaking 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 final-form rulemaking is necessary and appropriate for the administration of the Public School Code of 1949.

Order

The State Board of Education, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 49, is amended to read as set forth in 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:

Jim Buckheit
Executive Director
State Board of Education

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subchapter C. HIGHER EDUCATION

CHAPTER 49. CERTIFICATION OF PROFESSIONAL PERSONNEL

Subchapter A. GENERAL PROVISIONS

THE PROGRAM

49.17. Continuing professional [development] education.

[EMERGENCY] LONG-TERM AND DAY-TO-DAY SUBSTITUTE PERMITS

49.32. [Emergency cases] Exceptional Case Permits.

49.34. [Issuance by chief school administrator] Locally issued Day-to-Day Substitute Permits.

CHANGES IN CERTIFICATION

49.53. Elimination or change of types/categories of certificates.

MISCELLANEOUS PROVISIONS

49.61. Teaching experience for out-of-State [students] applicants.

49.62. [Temporary permits] Resource Specialist Permits.

49.62b. [(Reserved)] Program Endorsement Certificate.

Subchapter B. CERTIFICATION OF GRADUATES FROM COMMONWEALTH INSTITUTIONS

INSTRUCTIONAL CERTIFICATES

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

TEMPORARY TEACHING PERMITS

49.90. Criteria for eligibility.

EDUCATIONAL SPECIALIST CERTIFICATES

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

Subchapter C. VOCATIONAL EDUCATION CERTIFICATION

VOCATIONAL INTERN CERTIFICATES

§ 49.153. Vocational [emergency certificate] Day-to-Day Substitute Permit.

Subchapter A. GENERAL PROVISIONS

THE PROGRAM

§ 49.1. Definitions.

ARTICULATION AGREEMENT—A FORMAL AGREEMENT BETWEEN TWO HIGHER EDUCATIONAL INSTITUTIONS, STATING SPECIFIC POLICIES RELATING TO TRANSFER AND RECOGNITION OF ACADEMIC ACHIEVEMENT IN ORDER TO FACILITATE THE SUCCESSFUL TRANSFER OF STUDENTS WITHOUT DUPLICATION OF COURSE WORK.

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

Certificate—A document prepared and issued by the Department indicating that the holder has completed [a] **an approved** professional preparation program and is qualified to perform specific professional duties.

Continuing professional [development] education—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]. Sections 1205.1 and 1205.2 of the act (24 P.S. §§ 12-1205.1 — 12-1205.2) regarding continuing professional development and program of continuing professional education require that to maintain their certificate in active status, educators shall earn six collegiate credits, six Department approved in-service credits, 180 continuing education hours, or any combination thereof, every 5 calendar years.

Day-to-day substitute permit—A day-to-day substitute permit is issued to qualify a person to serve as a substitute for a certified employee who will be absent from his position during the school year for no longer than 20 consecutive days TO FILL A POSITION DUE TO THE ABSENCE OF PROFESSIONAL CERTIFIED PERSONNEL.

DIVERSE LEARNERS—THOSE STUDENTS WHO BECAUSE OF LIMITED ENGLISH LANGUAGE PROFICIENCY OR DISABILITIES MAY HAVE ACADEMIC NEEDS THAT REQUIRE VARIED INSTRUCTIONAL STRATEGIES TO HELP THEM LEARN.

Educational specialist—Professional certified personnel whose primary responsibility is to render professional service other than classroom teaching, including dental hygienist, SUCH AS elementary counselor, secondary counselor, home and school visitor, instructional technology, school nurse, AND school psychologist and social restoration specialist.

Emergency permit—An emergency permit may be issued to qualify a person to serve as a temporary professional or professional employee to fill a vacancy created as a new position or by the resignation, termination, retirement or death of an incumbent. A PERMIT ISSUED TO FILL A VACANCY RESULTING FROM RESIGNATION, TERMINATION, RETIREMENT, DEATH OR THE CREATION OF A NEW POSITION.

EXCEPTIONAL CASE PERMIT—A PERMIT ISSUED TO FILL A VACANCY DUE TO EXCEPTIONAL CONDITIONS.

Intern Certificate—A professional certificate that entitles the holder to fill a full-time professional teaching position. ~~The certificate is issued in instructional areas only and is valid for 3 years. The certificate requires continuing enrollment in a State approved teacher intern program.~~

Long-Term Substitute Permit—A Long-Term Substitute Permit may be issued to qualify the holder to serve for an indeterminate period for a certified employee who will be absent from the position during the school year. A PERMIT ISSUED FOR AN INDETERMINATE PERIOD TO FILL A POSITION DUE TO THE ABSENCE OF PROFESSIONAL CERTIFIED PERSONNEL.

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

Prekindergarten—A program operated by a school entity DISTRICT or under contract from a school entity DISTRICT which THAT is open to children up to 2 years prior to the school entity's entry age for WHO ARE THREE OR FOUR

YEARS OF AGE AND WHO HAVE COMPLETED THE PROGRAM PRIOR TO THE SCHOOL DISTRICT'S ENTRY AGE FOR kindergarten. A SCHOOL DISTRICT MAY MAKE INDIVIDUAL EXCEPTIONS BASED UPON LOCAL POLICY THAT WOULD PERMIT ENROLLMENT OF CHILDREN UNDER AGE 3 OR OVER AGE 5.

~~(i) The program shall be comprehensive and appropriate for the age, developmental level and individual needs of each child, based on how young children develop and learn.~~

~~(ii) The program must include instruction to support each child's development in the following areas:~~

~~(A) Approaches to learning.~~

~~(B) Creative expression.~~

~~(C) Language and literacy.~~

~~(D) Math, logic and science.~~

~~(E) Social personal development.~~

~~(F) Physical development and health.~~

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

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

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

Professional Educator Discipline Act—The act of December 12, 1973 (P. L. 397, No. 141) (24 P. S. §§ 2070.1a—2070.18a).

*Professional Standards and Practices Commission (PSPC)—A body composed of educators from the fields of basic and higher education, members of the general public[,], and an *ex officio* member of the Board established by the [Teacher Certification Law] Professional Educator Discipline Act.*

School entity—Public schools, school districts, intermediate units, [and] area vocational-technical schools, charter schools, cyber schools and independent 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 specified in §§ 49.33, 49.34, 49.82, 49.92, 49.102, 49.142 and 49.152 in which the holder of a certificate is entitled to perform the professional duties for which the certificate was issued.

§ 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**] education).

§ 49.11. General.

(a) [Certificates and letters of eligibility in force in this Commonwealth on September 25, 1999, shall continue in force, subject to all the terms and conditions under which they were issued until they expire by virtue of their own limitations.] CERTIFICATES AND LETTERS OF ELIGIBILITY IN FORCE IN THIS COMMONWEALTH ON SEPTEMBER 25, 1999, SHALL CONTINUE IN FORCE, SUBJECT TO ALL THE TERMS AND CONDITIONS UNDER WHICH THEY WERE ISSUED AND THE ACT UNTIL THEY EXPIRE BY VIRTUE OF THEIR OWN LIMITATIONS. IN ORDER FOR CERTIFICATES OR A LETTER OF ELIGIBILITY TO REMAIN ACTIVE, EVERY 5 YEARS A PROFESSIONAL EDUCATOR SHALL SATISFACTORILY COMPLETE 6 CREDITS OF COLLEGIATE STUDY; 6 CREDITS OF CONTINUING PROFESSIONAL EDUCATION COURSES; 180 HOURS OF CONTINUING PROFESSIONAL EDUCATION COURSES, ACTIVITIES OR LEARNING EXPERIENCES OR ANY COMBINATION OF COLLEGIATE STUDIES, CONTINUING PROFESSIONAL EDUCATION COURSES OR OTHER PROGRAMS EQUIVALENT TO 180 HOURS.

(b) State certificates and permits [~~shall~~ **will**] be issued as provided in this chapter, and teachers[,] and other professional personnel may not perform professional duties or services in the schools of this Commonwealth in any area for which they have not been properly [~~certificated~~] certified or permitted.

{(c)} ~~(b)~~ This chapter establishes the specific requirements for the certification and permitting of persons serving in the public school entities of this 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] certified** or permitted to serve in the schools of this Commonwealth shall:

(4) Except in the case of the **[Temporary] Resource Specialist** 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, **all of which are to include accommodations and adaptations for diverse learners.**

(b) The Department will have the following responsibilities with respect to certification and permitting of professional personnel in the schools of this Commonwealth:

(4) Evaluation and approval of teacher education programs leading to the certification and permitting of professional personnel. Program approval ~~teams~~ **REVIEWS** shall ~~consist of~~ **BE CONDUCTED BY** professional educators from basic and higher education.

(5) Registration of **[certificated] certified** and permitted persons.

(7) Assurance that each professional person is properly **[certificated] certified** or permitted for the specific position in which the professional person is employed.

(12) Assurance that individual scores or measurements achieved on assessments instituted under § 49.18 (relating to assessment) are not released without the permission of the candidate or pursuant to subpoena or court order.

The Department will inform the candidate by means of the candidate's last known address when it has received a subpoena or court order.

(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 **teacher preparation** 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 **5-year 7-YEAR** intervals, by **teams of** professional educators appointed by the Department in accordance with subsection (b)(4), **and shall TO** review process and content.

§ 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 the following requirements:

(4) Follow Department prescribed standards developed from the following principles:

(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 SEQUENTIAL** clinical experiences fully integrated within the instructional program.

(vi) Institutions provide ongoing assessment of educator candidates' knowledge, skills, dispositions and performance with which to identify needs for further study, **CERTIFICATION ASSESSMENT ASSISTANCE** or clinical experience or dismissal from the program.

(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 on all assessments appropriate to initial certification in each program for which they are approved.

(5) Institutions may enter into articulation agreements with community colleges that permit students to earn credits toward meeting the requirements of this chapter.

§ 49.16. Approval of induction plans.

(a) Each school entity shall submit to the Department for approval a plan for the induction experience for first-year teachers, **long-term substitutes who are offered a position for 45 days or more,** and educational specialists. **The induction plan shall be submitted** as part of **[their] the school entity's** strategic plan every 6 years as required by Chapter 4 (relating to academic standards and assessments). 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.

(c) The induction plan shall reflect a mentor relationship between the first-year teacher, **long-term substitute** 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 **and must include an element of accommodations and adaptations for diverse learners.**

§ 49.17. Continuing professional [development] education.

(a) A school entity shall submit to the Secretary for approval a **[continuing professional development] 3-year professional education plan as part of its strategic 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] education plan,** which **[shall include] includes** options for professional development including, but not limited to, activities such as the following:

[(vi) Supervised classroom observations of other professional employees.]

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

[(v) Supervised classroom observations of other professional employees.]

(3) The continuing professional [development] education plan shall be developed ~~by teacher representatives chosen by the teachers, educational specialists chosen by educational specialists and administrative representatives chosen by the administrative personnel of the school entity as specified in section 1205.1 of the act.~~ The plan [shall] must describe the persons who developed the plan and how the persons were selected.

(4) The continuing professional [development] education plan submitted to the Secretary shall be approved by both the [development] professional education committee and the board of the school entity.

(5) The Secretary will promulgate guidelines which include a process for amending approved continuing professional [development] education plans in accordance with the requirements for initial preparation of the plans. The guidelines [shall] will also outline allowable activities for credit earned under section 1205.1 of the act and 1205.2 of the act (24 P.S. §§ 12-1205.1 and 1205.2) after July 1, 2005 2006.

(6) The continuing professional [development] education plan [shall] must include a section which describes how the professional [development] education needs of the school entity, including those of diverse learners, and its professional employees are to be met through implementation of the plan. The plan must describe how professional development activities will improve language and literacy acquisition for all students and contribute to closing achievement gaps among students.

[(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) A commissioned officer who obtains a Letter of Eligibility for Superintendent [after June 1, 1987, shall, thereafter,] shall present to the Secretary evidence of satisfactory completion of 6 credit hours of continuing professional [development] education courses every 5 years. This subsection will be satisfied by taking collegiate studies or Department-approved in-service courses or a combination thereof.

(c) Professional personnel who fail to comply with the continuing professional [development] education plan under subsection (a) or [commissioned officers who fail to complete the required 6 credit hours under subsection (b)] fail to complete

the requirements of sections 1205.1 and 1205.2 of the act will have their certificates or commissions rendered inactive by the Department until the requirement is met. Professional personnel whose certificate or commission is rendered inactive shall have a right to appeal the action to the Secretary.

(e) Certified personnel are responsible for monitoring their own progress toward completing the requirements prescribed by sections 1205.1 and 1205.2 of the act AND FOR NOTIFYING THE DEPARTMENT OF ANY CHANGES TO THEIR HOME MAILING ADDRESS.

§ 49.18. Assessment.

(a) The Secretary will institute an assessment program for candidates for certification designed to assess their basic skills [and general knowledge]; professional knowledge and practice; and subject matter knowledge. Candidates for elementary, K-12 instructional and early childhood certificates shall also be assessed in the area of general knowledge. The following principles [shall] will guide the Secretary in the development of an assessment program:

(e) The Department may issue additional subject areas to holders of Instructional (see §§ 49.82 and 49.83 relating to Instructional I; and Instructional II) or Intern (see § 49.91 (relating to criteria for eligibility)) certification who pass the appropriate subject matter testing components in areas other than Early Childhood, Elementary Education, Health and Physical Education, Cooperative Education and all Special Education areas. The Department may identify other certification areas to be excluded from eligibility based on criteria established by the Secretary and approved by the Board.

EMERGENCY, LONG-TERM AND DAY-TO-DAY SUBSTITUTE PERMITS

§ 49.31. Criteria for eligibility.

The Department may issue an emergency [permit], Long-Term or Day-to-Day Substitute 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 4-year college or university to fill a [professional vacancy] vacant position or to serve as a long-term or day-to-day substitute teacher, when a fully qualified and properly certificated applicant is not available. The [emergency] permit is issued on the basis of terms and conditions agreed upon between the requesting public school entity and the Department. Each July, the Department will report to the Board the number and nature of emergency [permit], Long-Term and Day-to-Day Substitute Permits issued during that year. **A LONG-TERM SUBSTITUTE PERMIT MAY BE ISSUED ONLY AFTER THE POSITION HAS BE POSTED A MINIMUM OF**

10 DAYS ON THE SCHOOL ENTITY'S WEB SITE AND NO QUALIFIED CANDIDATE HAS BEEN IDENTIFIED.

§ 49.32. [Emergency cases] Exceptional Case Permits.

The Department may approve the issuance of an [emergency permit] Exceptional Case 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.**

Emergency [permits shall], Long-Term and Day-to-Day Substitute Permits expire with the termination of any summer school conducted which follows the date of issuance. Persons holding an [emergency permit] Emergency, Long-Term or Day-to-Day Substitute 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] Locally issued Day-to-Day Substitute Permits.

(a) The chief school administrator of a public school entity is authorized to issue [an emergency permit] a Day-to-Day Substitute Permit for [day-to-day] service as a substitute when the following conditions are met:

(2) No appropriately [certificated] certified individual is available to fill the substitute position.

(b) This permit shall be valid for [15] 20 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, within 30 days of the person's last day of service, issuance of [an emergency] a permit by the Department under §§ 49.31 and 49.32 (relating to criteria for eligibility; and [emergency cases] exceptional case permits).

(c) **EMERGENCY PERMITS ARE AVAILABLE FOR A TOTAL OF 3 CONSECUTIVE YEARS.**

ADMINISTRATIVE COMMISSION

§ 49.42. Letter of eligibility.

A letter of eligibility of an administrative commission [**shall will**] 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 shall be able to help students achieve under 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 the following standards:

(5) The administrator, in collaboration with faculty, staff, students and parents, fosters a climate conducive to **[student] the achievement of all students.**

CHANGES IN CERTIFICATION

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

(d) If the Board does not disapprove or take any other action on the new type/category of certificate within 120 days of **[submission] receiving an affirmative recommendation**, the type/category of certificate will stand approved.

49.53 Elimination or change of types/categories of certificates.

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

(b) The Department will conduct an investigation into a ~~eogent~~ WRITTEN request to eliminate/change a type/category of certificate. 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 to eliminate/change a type/category of certificate and present their individual recommendations to the Board.

(d) If the Board does not disapprove or take any other action on the elimination or change of the type/category of certificate within 150 days of submission TO THE BOARD OF A FORMAL RECOMMENDATION FROM EITHER THE DEPARTMENT OR PROFESSIONAL STANDARDS AND PRACTICES COMMISSION, the type/category of certificate will be considered eliminated/changed.

(e) In the case of the elimination of a type/category of certificate, once the elimination is approved by the Board, the Secretary will notify all institutions of higher education offering the programs that effective as of the date of notification no further students are to be accepted into the program. Students currently enrolled in the certification phase of the program will be given an opportunity to complete the program and degree or be provided an opportunity to switch to a different course of study.

MISCELLANEOUS PROVISIONS

§ 49.61. Teaching experience for out-of-state [students] applicants.

§ 49.62. [Temporary permits] Resource Specialist Permits.

The Department may issue [permits] Resource Specialist Permits at the request of an employing public school entity. The permit may be issued in lieu of a certificate to a competent specialist in any area of knowledge to enable the schools of this Commonwealth to use the services of non-certified personnel for supplemental instruction [under the supervision of a certificated] in a course of study directed by a certified teacher. The service [shall] must be part-time and may not exceed [300] 400 clock-hours during a school year. When services are provided by professional practitioners in the fine arts or performing arts (for example—music, dance, pottery, painting, sculpture, and the like) in schools designated by its governing board as a creative and performing arts specialty school, the Resource Specialists may be employed for up to 800 hours per year. These Resource Specialists may not supplant certified fine or performing arts teachers. [These persons will not be] Individuals employed under these provisions are not considered professional staff.

§ 49.62a. Program [specialist certificate] Specialist Certificate.

(a) The Department may issue a [program specialist certificate] **Program Specialist Certificate,** ~~at the request of the employing [public] school entity,~~ [to an applicant 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] **upon verification that the applicant meets the requirements established for that certificate.**

(b) Program [specialist certificates] **Specialist Certificates** may be issued [only for an] **for a selected** area of service [in which] **when** a certificate does not exist **for that area.** [It] **They may be issued** only to [persons] **a person** who [hold] **holds** a valid Pennsylvania certificate or its equivalent from another state. Annually, the Department will report to the Board the number and nature of these certificates issued during the year.

(c) Program [specialist certificates] **Specialist Certificates** are valid only for the position described in the approved position description [**and are not transferable to other school entities**] **and will be annotated on the teaching certificate of the individual.** **They will be valid throughout the Commonwealth.**

§ 49.62b. Program Endorsement Certificate.

Following approval by the Department, baccalaureate or graduate degree granting institutions, alone or in cooperation with other institutions, community colleges or school entities, may offer short programs (12 credits maximum) that lead to the Program Endorsement Certificate in new and emerging areas where formal certification does not exist but would improve the teachers' skills in dealing with complex classroom settings. Areas include, but are not limited to, classroom management, classroom technology and disruptive youth. These endorsements would be added to existing Level I or Level II Certificates but are not intended to be required to perform service in these areas.

§ 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, **and an evaluation of those transcripts by a Department of Education-approved foreign credential evaluation group.**

§ 49.64a. Authority to annul and reinstate certificates and discipline professional educators.

(b) In accordance with the authority vested with the Professional Standards and Practices Commission by the [Teacher Certification Law] Professional Educator Discipline Act, the Commission may discipline professional educators.

§ 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] chief school administrator or a THE ADMINISTRATOR'S designee shall report to the [Secretary within 10 days of dismissal the name of any person who has been dismissed and the cause for the dismissal and the name of any individual who is charged or convicted of a crime of moral turpitude.] Department dismissals, resignations to avoid dismissal for cause and criminal charges and convictions of educators on forms provided by the Department as follows:

(1) Within 30 days of employment termination, the name of any person who has been terminated and the cause for the employment termination.

(2) Within 30 days of learning that an educator has been charged or convicted of a crime involving moral turpitude or a crime set forth in section 111(e)(1) of the act (24 P.S. § 1-111(e)(1)), the name of the educator and information related to the conduct leading to the criminal matter.

(3) Within 60 days of receiving information constituting reasonable cause to believe that an educator caused physical injury to a student or child due to negligence, malice, or sexual abuse or exploitation, the name of the educator, and all available relevant information.

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

(a) The Department will issue the appropriate Commonwealth certificate to applicants who have:

(2) Completed the preparing institution's teacher education program [of the preparing institution].

(4) Presented evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment) **and the requirements of Chapter 354 (relating to teacher preparation).**

(b) The Department may enter into a reciprocal certification agreement with the appropriate authority of another state to recognize comparable certificates. **A temporary teaching permit may be issued to educators prepared outside of the Commonwealth in accordance with the current reciprocity agreement with other states. It shall be valid for 1 year to allow the teacher to meet the Commonwealth's requirements as outlined in the reciprocity agreement.**

(d) Candidates successfully completing other National teacher training programs that require a candidate to demonstrate mastery of the subject area to be taught and professional knowledge needed for classroom effectiveness as approved by the Board, will be certified to teach in this Commonwealth, provided the approved program includes 1 year of intensive supervision in an internship program approved by the Secretary and the teacher has satisfied the basic certification requirements of the act (see 24 P.S. §§ 12-1202 and 12-1209), such as having good moral character, being at least 18 years old and having a bachelor's degree.

(e) Candidates holding a valid and current instructional certificate issued by one of the states party to the Interstate Certification Agreement with Pennsylvania may be eligible for certification if they have taught on the out-of-State certificate for 3 of the past 7 years and have achieved the qualifying score on the appropriate content area test required by the Commonwealth and meet the requirements of § 49.12 (relating to eligibility). The out-of-State certificate must be comparable to the grade level and scope of the Pennsylvania certificate being requested, and the test must have been taken within 5 years of the date of application for the Pennsylvania certificate. In those cases, no other tests will be required.

§ 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 [10] 5 years.

(b) In all other cases, an applicant requesting the removal of any area for which the certificate is endorsed **[must] shall** secure the approval of the **[local] employing** school authority. If **[such] the** approval is granted, **[then]** the Department will delete the area from the certificate. If **[such] the** approval is denied by the **[local] employing** 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.

Subchapter B. CERTIFICATION OF GRADUATES FROM COMMONWEALTH INSTITUTIONS

GENERAL PROVISIONS

§ 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:

(2) Emergency **[Permit] and Substitute Permits.**

(11) Exceptional Case Permits.

(12) Resource Specialist Permits.

INSTRUCTIONAL CERTIFICATES

§ 49.82. Instructional I.

(a) The Instructional I Certificate **[shall be] is** valid for 6 years of teaching **in public schools in this Commonwealth** in the area for which it applies. It may be converted to an Instructional II Certificate as provided by § 49.83 (relating to Instructional II).

§ 49.83. Instructional II.

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

(3) Twenty-four credit hours of collegiate study or its equivalent **[in in-service courses approved by the Department, or both] in credits from the Department, a Pennsylvania intermediate unit or any combination thereof.**

§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 **OR GRADUATE** degree granting institution.

§ 49.85. Limitations.

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

(1) Early childhood (~~[nursery]~~ **prekindergarten**, kindergarten, grades one ~~[to]~~ **through** three or ages 3 to 8).

(2) Elementary (kindergarten, grades one ~~[to]~~ **through** six or ages ~~[3 to]~~ **4 through** 11).

(3) Middle level (grades six ~~[to]~~ **through** nine or ages 11 ~~[to 14]~~ **through 15)**.

(4) Secondary (grades seven ~~[to]~~ **through** 12, or ages 11 ~~[to]~~ **through** 21).

(5) Specialized areas (~~[kindergarten to]~~ **prekindergarten through** grade 12 or up to age 21).

(6) Special education (prekindergarten through grade 12 or up to age 21).

TEMPORARY TEACHING PERMITS

49.90. Criteria for eligibility.

(a) The Department may make a one-time issuance of a Temporary Teaching Permit for service in a specific area of instruction for use in elementary, middle or secondary schools to applicants who, in addition to meeting the requirements of § 49.12 (relating to eligibility), present evidence of one of the following:

(1) For candidates prepared outside of this Commonwealth, met all requirements for an Instructional I certificate, with the exception of the Math/English course requirements under Chapter 354 (relating to preparation of professional educators).

(2) For candidates holding a credential issued by a Board-approved National alternative certification program, completed any ancillary requirements agreed upon by the Department and the credentialing authority.

(b) The Temporary Teaching Permit will be valid for 1 calendar year from the date of issuance.

(c) The Department will issue an Instructional I certificate when the prescribed courses or ancillary requirements are satisfied.

INTERN CERTIFICATES

§ 49.91. Criteria for eligibility.

(a) The Department may make a one-time issuance of an Intern Certificate for service in **[approved] a specific area of instruction for use in** elementary, middle and secondary schools to applicants who, in addition to meeting the requirements of § 49.12 (relating to eligibility), present evidence of 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. Candidates for elementary, K-12 instructional and early childhood certificates shall also be assessed in the area of general knowledge.

(c) Intern certificate programs must provide flexible and accelerated pedagogical training to teachers who have demonstrated competency in a subject area, provided that the first year of teaching includes intensive supervision A

MINIMUM OF ONE CLASSROOM OBSERVATION EACH MONTH by an approved college/university in this Commonwealth.

(d) An Intern Certificate is valid for 3 CALENDAR years. This professional certificate may be issued only to an applicant who is a graduate of a AN ACCREDITED 4-year college or university. During the first year, the applicant shall complete all tests, enroll in an authorized program and complete a minimum of nine credits per year. THE CERTIFICATE REQUIRES CONTINUING ENROLLMENT IN A STATE-APPROVED TEACHER INTERN PROGRAM. This certificate cannot be renewed.

§ 49.92. Term of validity.

The [intern certificate shall] **Intern Certificate will** 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 **will not** exceed 3 **calendar** years.

EDUCATIONAL SPECIALIST CERTIFICATES

§ 49.101. General.

The Department will issue [educational specialist certificates] **Educational Specialist Certificates** to persons whose primary responsibility [shall be] **is** 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] **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 the following standards:

(7) The educational specialist plans professional services based upon knowledge of **the** professional field, students, the community and curriculum goals.

§ 49.102. Educational Specialist I.

(a) The Educational Specialist I Certificate [shall be] **is** valid for 6 years of service **in public schools in this Commonwealth** 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).

§ 49.103. Educational Specialist II.

The Educational Specialist II Certificate ~~[shall] will~~ be ~~[a permanent certificate] issued to an applicant~~ subject to the requirements of § 49.17(c) (relating to professional development) ~~[issued to applicants] who has completed:~~

- (1) ~~[Have completed a] A~~ Department-approved induction program.
- (2) ~~[Have completed 3] Three~~ years of satisfactory service 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] Twenty-four~~ credit hours of collegiate study, or its equivalent in ~~[in-service courses] credits~~ approved by the Department, ~~[or a] credits from an intermediate unit, or any~~ 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 **OR GRADUATE** degree granting institution.
- (b) Credits earned in programs designed to prepare for professional fields such as law, medicine[,] or theology, ~~[unless] when~~ relevant to the area of certification, will ~~[not]~~ be considered acceptable for purposes of ~~renewing or~~ converting the Educational Specialist I Certificate.

SUPERVISORY CERTIFICATES

§ 49.111. Supervisory Certificate.

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

(2) Have completed an approved graduate program preparing the applicant for the responsibilities of supervising in the program area and of directing the activities of **[certificated] certified** professional **[employees] employees**.

(5) Meet the following standards:

(ii) The supervisor understands how all children learn and develop and configures resources to support the intellectual, social and personal growth of **all** students.

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

(b) A Supervisory Certificate for either Curriculum and Instruction or Pupil Personnel Services **[shall] will** be issued to persons who:

(1) Have 5 years of satisfactory **professional certified** service in the school program area for which the comprehensive certificate is sought.

ADMINISTRATIVE CERTIFICATES

§ 49.121. Administrative Certificate.

(a) The Department will issue Administrative Certificates to persons who have had a minimum of 5 years of **satisfactory** professional **[certificated] certified** school experience and have completed an approved program of graduate study preparing 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] shall** be able to help students achieve under Chapter 4 (relating to academic standards and assessment).

Subchapter C. VOCATIONAL EDUCATION CERTIFICATION

GENERAL PROVISIONS

§ 49.132. Types of certificates.

[Four] Five basic types of certificates [shall] will be issued, as follows:

(5) Vocational Substitute Permits.

VOCATIONAL INSTRUCTIONAL CERTIFICATES

§ 49.141. General.

(b) The holder of a [vocational teaching certificate] Vocational Teaching Certificate may also teach the technical skills and knowledge of 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 the conditions in the policies and standards of the Department. Candidates for [vocational instructional certificates] Vocational Teaching Certificate shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment).

VOCATIONAL INTERN CERTIFICATES

§ 49.153. Vocational [emergency permit] Day-to-Day Substitute Permit.

(a) The chief school administrator or vocational school administrative director having jurisdiction over any approved Vocational Education program [shall be] is authorized to issue a special [emergency permit on a day-to-day basis] Day-to-Day Substitute Permit to an occupational practitioner when no properly [certificated] certified teachers are available. The teacher shall function under the supervision of a properly [certificated] certified supervisor or administrator. Assignments as described in this section shall be made only in case of an [extreme] emergency and

may not exceed **[15] 20**-consecutive school days. This permit **[shall] will** be valid for **[15] 20** days of substitute service and may be renewed for an additional **[15] 20** school days upon the approval of the Secretary.

(b) This permit does not qualify the holder to serve as a regularly **[elected teacher] employed teacher** to fill a vacant position or as a long-term substitute. These positions shall be filled by a person holding a valid Vocational Instructional or a State issued **[Emergency] Long-term or Day-to-Day Substitute** Permit. Reference should be made to § 49.32 (relating to **[emergency cases] Exceptional Case Permits**).

SUPERVISOR OF VOCATIONAL EDUCATION CERTIFICATE

§ 49.161. Supervisor of Vocational Education.

(a) The Department will issue a Supervisor of Vocational Education Certificate to a person who **[shall have] has** a minimum of 3 years satisfactory **[certificated] certified** vocational teaching experience and whose primary assignment will be **[either or both] one or more** of the following:

Subchapter D. OUT-OF-STATE APPLICANTS

§ 49.171. General requirements.

(c) The Department may issue the comparable Pennsylvania Certificate to an applicant who, lacking institutional recommendation:

(1) Has been legally **[certificated] certified** by another state at a level comparable to the Pennsylvania certificate 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) **[Have done one of the following:**

(i) **[Completed] Has completed** a Pennsylvania-approved graduate level program of educational administrative study for the preparation of chief school administrators[.

(ii) **Been** or **been** prepared through an out-of-State graduate level program equivalent to those approved in this Commonwealth.

(2) **Have** **Has** received the recommendation of the preparing institution for certification as a chief school, district level, administrator.

(3) **Have** **Has** provided evidence of 6 years of **teaching or other professionally certificated** **certified** service in the basic **K-12** schools **[3 years of which shall have been]** **and, for the superintendent's letter, [have] including at least 3 years of satisfactory certified service** in supervisory or administrative positions.

Subchapter E. COMMISSIONS AND CERTIFICATES FOR INTERMEDIATE UNITS

§ 49.182. Letter of eligibility.

(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]**:

[(3) Satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).]

Subchapter F. LETTERS OF EQUIVALENCY FOR PAY PURPOSES

§ 49.191. Letters of Equivalency.

A Letter of Equivalency **[shall] will** 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 shall 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 in-service 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 in-service programs approved by the Secretary for meeting baccalaureate equivalency requirements.]

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 in-service programs approved by the Secretary for meeting baccalaureate equivalency requirements.

(2) 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, Vocational Instructional I, Vocational Instructional II, or their equivalents, upon the accumulation of 36 hours of graduate level credit. A minimum of 18 academic graduate credits shall 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 in-service programs approved by the Secretary for meeting master's equivalency requirements.



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

April 20, 2006

Mr. Kim Kaufman
Executive Director
Independent Regulatory Review Commission
14th Floor, 333 Market Street
Harrisburg, PA 17126

Dear Mr. Kaufman:

Enclosed is a copy of final form State Board of Education regulation 22 Pa. Code, Chapter 49, Certification of Professional (006-293) 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 your Commission with any assistance it requires to facilitate a thorough review of this final-form regulation.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in cursive script that reads "Jim Buckheit".

Jim Buckheit
Executive Director

Enclosure

cc: Dr. Gerald Zahorchak
Gregory Dunlap, Esq.
Ernie Helling, Esq.

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

I.D. NUMBER: #6-293
 SUBJECT: Certification of Professional Personnel
 AGENCY: PA STATE BOARD OF EDUCATION

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

INDEPENDENT REGULATORY
REVIEW COMMISSION

2006 APR 20 PM 3: 53

RECEIVED

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
4/20/06	<i>Clean Board</i>	HOUSE COMMITTEE ON EDUCATION
4/20/06	<i>Donna Walsh</i>	
4/20/06	<i>D. H.</i>	SENATE COMMITTEE ON EDUCATION
4-20-06	<i>A.R.</i>	
4/20/06	<i>Kathy Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
_____	_____	ATTORNEY GENERAL (for Final Omitted only)
_____	_____	LEGISLATIVE REFERENCE BUREAU (for Proposed only)