

<h1>Regulatory Analysis Form</h1>		<p style="text-align: center;">This space for use by IRRC RECEIVED 2005 OCT 18 PM 4: 08 INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p style="text-align: right;">IRRC Number: 2502</p>
<p>(1) Agency</p> <p>State Board of Education</p>		
<p>(2) I.D. Number (Governor's Office Use)</p> <p>#006-293</p>		
<p>(3) Short Title</p> <p>Certification of Professional Personnel</p>		
<p>(4) PA Code Cite</p> <p>22 Pa. Code Chapter 49</p>	<p>(5) Agency Contacts & Telephone Numbers</p> <p>Primary Contact: Jim Buckheit 717-787-3787 jbuckheit@state.pa.us</p>	
<p>(6) Type of Rulemaking (check one)</p> <p><input checked="" type="checkbox"/> Proposed Rulemaking</p> <p>Final Order Adopting Regulation</p> <p>Final Order, Proposed Rulemaking Omitted</p>	<p>(7) Is a 120-Day Emergency Certification Attached?</p> <p><input checked="" type="checkbox"/> No</p> <p>Yes: By the Attorney General</p> <p>Yes: By the Governor</p>	
<p>(8) Briefly explain the regulation in clear and nontechnical language.</p> <p>Chapter 49 sets forth certification requirements for teachers, student services personnel, school administrators and other professional personnel in the Commonwealth's public schools. The proposed changes align the regulations with current state and federal statutes, judicial decisions and policies and standards of the Department of Education.</p>		
<p>(9) State the statutory authority for the regulation and any relevant state or federal court decisions.</p> <p>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.</p>		

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

These regulations are 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, judicial decisions 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.

Regulatory Analysis Form

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

No adverse 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 public schools; 3,248 public schools; and, the Commonwealth's 93 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. 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, court decisions and regulations, the costs or savings associated with compliance would be negligible.

Regulatory Analysis Form

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

Since these regulations largely reflect changes in state and federal statutes, court decisions and regulations the costs or savings associated with compliance will 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 changes in state and federal statutes, court decisions and regulations the costs or savings associated with compliance will be negligible.

Regulatory Analysis Form

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

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:						
Regulated 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 their will be no cost associated with them.

Regulatory Analysis Form

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

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

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

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

The Department of Education has already used nonregulatory alternatives to address many of the changes proposed in these regulations. The Department has issued Basic Education Circulars to provide guidance to schools on many of the issues addressed in these regulations. Since Basic Education Circulars do not have binding legal authority, the proposed regulations are needed to ensure that schools promptly enroll and educate students as provided by statute, federal regulations and court rulings.

Regulatory Analysis Form

(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, regulatory and judicial decisions, 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 have 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. Committee meetings were held in: February 2003, November 2003, January 2004, March 2004 and May 2004. 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.

Regulatory Analysis Form

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

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, are also available on the Department of Education web site. Therefore the cost associated with these changes will be minimum.

(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 effectiveness of Chapter 49 will be reviewed by the State Board of Education every 4 years, in accordance with the Board's policy and practice respecting all regulations promulgated by the Board.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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Copy below is hereby approved as to
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[Signature]

BY: _____
(DEPUTY ATTORNEY GENERAL)

OCT 18 2005

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections
attached.

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

State Board of Education
(AGENCY)

DOCUMENT/FISCAL NOTE NO. #006-293

DATE OF ADOPTION: May 20, 2004

BY: *[Signature]*

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

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form and legality. Executive or Independ-
ent Agencies

[Signature]
BY: DAVID A. DEVRIGS

9.12.05

DATE OF APPROVAL
EXECUTIVE
(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike inapplicable title)

Check if applicable. No Attorney Gen-
eral approval or objection within 30
days after submission.

Proposed

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

PROPOSED RULEMAKING

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 49]

CERTIFICATION OF PROFESSIONAL PERSONNEL

The State Board of Education (State Board) proposes to amend Chapter 49 (Certification of Professional Personnel) to read as set forth in Annex A. In doing so, the State Board acts under the authority of the Public School Code of 1949, act of March 10, 1949 (P.L. 30, No. 14), particularly Article XII (24 P.S. §§ 12-1201—12-1215) (Certification of Teachers) and section 2603-B, 24 P.S. § 26-2603-B (relating to powers and duties of the board), and the act of May 29, 1931 (P.L. 210, No. 126) (24 P.S. §§ 1224-31).

Purpose

Chapter 49 sets forth requirements for certification of professional personnel in public schools. Proposed revisions to the regulations reflect current State and Federal statutory requirements and Department of Education policies and practices.

Requirements of the Regulations

The proposed regulations revise the following items:

- *Section 49.1. Definitions.* Revisions are made to the following definitions:

Assessment of general knowledge - fine arts is deleted from the definition.

Certificate - clarification of the definition is improved by adding that a candidate has completed an *approved* professional preparation program.

Continuing professional development - term is revised to continuing professional education to make the regulations consistent with its use in the Public School Code of 1949.

Day-to-Day Substitute Permit - definition is added to establish a new category of what previously was known as a substitute permit. This change is necessary to comply with the federal No Child Left Behind Act of 2001.

Educational Specialist - defines educational specialists as those professional employees whose service is not primarily instructional or administrative.

Emergency Permit - establishes emergency permit to allow for unanticipated contingencies such as sudden resignations, terminations, retirement or death of an incumbent.

Intern Certificate - provides further clarification of the intern certificate, which allows a holder, who is enrolled in an approved intern program, to provide instruction for up to three years.

Long-Term Substitute Permit - provides a definition for the long-term substitute permit.

Pre-kindergarten - defines pre-kindergarten programs operated by a school entity.

Professional personnel - inserts the term *certified* in the definition to distinguish between professional school personnel, which includes school secretaries, and professional certificated school personnel, which does not.

School entity - Establishes term that incorporates each type of public school that is governed by the requirements of Chapter 49.

Term of validity - references to applicable sections of the regulations are updated to reflect proposed revisions.

- Section 49.11. Deletes subsection (a) to reflect that certificates are no longer permanent.
- Section 49.12(4). Replaces temporary permit with resource specialist permit.
- Section 49.13. Policies - (a) adds clause that the standards for preparation of professional personnel shall address accommodations and adaptations for diverse learners.
- Section 49.13(b)(12). Clarifies that individual assessment results are not to be released without the permission of the candidate or pursuant to subpoena or court order.
- Section 49.13(c). Provides clarification that all applicants for a certificate shall complete an approved teacher preparation program operated by an approved post-secondary institution.
- Section 49.14(5). Provides authority to approved teacher preparation institutions to enter into articulation agreements with community colleges.
- Sections 49.16(a) & (c). Adds requirement that long-term substitutes who are offered positions of 45 days or more shall be included in school entity induction plans.
- Section 49.16(d). Adds requirement that induction plans address accommodations and adaptations for diverse learners.
- Section 49.17(a). The continuing professional education plan is made part of the school entity strategic plan required under § 4.13 (relating to academic standards

and assessment) and is required to be submitted to the Secretary every three-years.

- Sections 49.17(a)(vi) and (2)(v). Supervised classroom observations is removed as an approved continuing professional education activity.
- Section 49.17(3). Places the same requirement for representation on the continuing professional education planning committee for educational specialists (*e.g.*, guidance counselors, school nurses) as already exists for teachers.
- Section 49.17(5). Directs the Secretary of Education to outline allowable activities to be credited towards meeting the continuing professional education requirements under sections 1205.1 and 1205.2 of the Public School Code (as amended by Act 48 of 1999).
- Section 49.18(a). Clarifies that candidates for elementary, K-12 instructional and early childhood certificates must be assessed in the area of general knowledge.
- Section 49.18(e). Permits the Department to issue additional subject area certificates to holders of Instructional or Intern certificates who pass the appropriate subject matter test except in early childhood, elementary education, health and physical education, cooperative education and special education. It also permits the Department to exclude additional certificates based on criteria established by the Secretary.
- Section 49.31. Adds long-term and day-to-day substitute permits to cover short and limited-term assignments.
- Section 49.32. Changes name of emergency case permit to exceptional case permit.

- Section 49.33. Adds long-term and day-to-day substitute permits.
- Section 49.34. Describes the criteria for when a chief school administrator may issue a day-to-day substitute permit.
- 49.42(5). Adds language to have candidates for a letter of eligibility to possess the knowledge and skills necessary to foster a climate conducive to the achievement of all students.
- Section 49.52. Clarifies that if the State Board does not disapprove or take other action after receiving an affirmative recommendation to establish a new certificate from either the Professional Standards and Practices Commission or the Secretary of Education, the recommendation will stand approved.
- Section 49.53. Establishes procedures for the elimination or change of types or categories of certificates.
- Section 49.62. Changes the name of the temporary permit to a resource specialist permit and permits holders to provide up to 400 clock-hours of instruction each school year under the supervision of a certified teacher. It also permits professional practitioners in the fine arts or performing arts in schools of creative or performing arts to provide instruction up to 800 hours per year.
- Section 49.62a. Clarifies the requirements for issuance of a program specialist certificate.
- Section 49.62b. Creates a program endorsement certificate designed to recognize specialized skills in new and emerging areas where formal certification does not exist.

- Section 49.63. Clarifies the requirements for issuance of a certificate to applicants who have been educated in a foreign country.
- Section 49.64a. Updates the statutory reference to the Professional Educator Discipline Act.
- Section 49.64e. Clarifies and defines the requirements for mandatory reporting by chief school administrators.
- Section 49.65. Clarifies the requirements for out-of-state and nationally certified applicants, including the requirement that candidates who complete national teacher training programs shall complete one year of intensive supervision in an approved internship program. Also updates language concerning applicants for certification who hold certification issued by a state that is party to the Interstate Certification Agreement.
- Section 49.69. Changes the timeframe from 10 to five years and clarifies the process to be followed when a professional educator does not utilize an area in which he or she is certified before the Department may remove the area from the educator's certificate.
- Section 49.72. Adds substitute, exceptional case and resource specialist permits.
- Section 49.82. Clarifies that Instructional I certificate is valid for six years in the Pennsylvania public schools.
- Section 49.83. Provides that 24 credits or its equivalent in credits from the Department of Education or an intermediate unit may be earned to meet the requirement to obtain the Instructional II certificate.

- Section 49.85. Addresses the requirements for pre-kindergarten programs, revises the age limitation for elementary certificates, revises the age range for middle level certificates and addresses limitations on special education certificates. It also revises each item to use a consistent format and language for each.
- Section 49.90. Adds criteria for eligibility for temporary teaching permits.
- Section 49.91. New language clarifies requirements for the Intern Certificate and provides that candidates for elementary, K-12 instructional and early childhood certificates are assessed in the area of general knowledge.
- Section 49.92. Clarifies that those holding intern certificates must complete their program within three calendar years.
- Section 49.102. Clarifies that the educational specialist I certificate is valid for service in Pennsylvania public schools.
- Section 49.103. Clarifies the criteria for eligibility of a Educational Specialist II certificate.
- Section 49.104. Clarifies when credits earned in professional fields may be considered for renewal or conversion of the Educational Specialist I Certificate.
- Section 49.111. Clarifies that those seeking a Supervisory Certificate must understand how to support the intellectual, social and personal growth of all students and how to assist professional staff to enhance the quality of learning experiences for all students. Also clarifies that those seeking a Supervisory Certificate in curriculum or instruction have five years of satisfactory professional certified service in the school program area for which certification is sought.

- Section 49.121. Clarifies that those seeking an Administrative Certificate must have satisfactory professional certified school experience.
- Section 49.132. Adds the Vocational Substitute Permit to the list of vocational certificates that will be issued.
- Section 49.153. Changes the Vocational Emergency Certificate to the Vocational Day-to-Day Substitute Permit and updates the limitations and requirements.
- Section 49.172. Clarifies requirements for a Letter of Eligibility for superintendent or assistant superintendent.
- Section 49.182. Clarifies requirements for a Letter of Eligibility for intermediate unit executive director or assistant executive director.
- Section 49.191. Revises requirements for Letters of Equivalency.
- Miscellaneous - The term "certificated" is replaced throughout the regulation with the term "certified" to bring consistent usage throughout the regulation. The term continuing professional development is changed to continuing professional education throughout the regulation.

Affected Parties

The proposed regulations would affect the professional educators, public schools, teacher education programs and professional employees of the public schools of this Commonwealth (including intermediate units, area vocational-technical schools, public charter and alternative schools).

Cost and Paperwork Estimates

Since these regulations largely reflect existing provisions of State and Federal statutes, court decisions and regulations, the costs associated with compliance would be negligible.

Effective Date

The proposed regulations would become effective upon final publication in the *Pennsylvania Bulletin*.

Sunset Date

In accordance with its policy and practice respecting all regulations promulgated by it, the State Board would plan to 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 10/17, 2005, the State Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or

objections shall specify the regulatory review criteria that have not been met. The Act specifies detailed procedures for review, before final publication of the regulation, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comments and Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, within 30 days following publication in the *Pennsylvania Bulletin*.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Jim Buckheit at (717) 787-3787 or TDD (717) 787-7367.

Jim Buckheit
Executive Director

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] Exceptional case[s] 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] Resource Specialist permits.

49.62b [(Reserved)] Program endorsement certificate.

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

TEMPORARY TEACHING PERMITS

49.90 **Criteria for eligibility.**

**SUBCHAPTER C
VOCATIONAL EDUCATION CERTIFICATION**

VOCATIONAL INTERN CERTIFICATES

49.153 **Vocational [emergency] day-to-day substitute certificate.**

Subchapter A. GENERAL PROVISIONS

THE PROGRAM

§ 49.1. Definitions.

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 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) (relating to continuing professional development; and program of continuing professional education) requires that to maintain their certificate in active status, educators must earn six collegiate credits, six department-approved in-service credits, 180 continuing education hours, or any combination thereof, every five 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 or her position during the school year for a period of no longer than 20 consecutive days.**

Educational specialist--**Professional certified personnel whose primary responsibility is to render professional service other than classroom teaching, including dental hygienist, elementary counselor, secondary counselor, home and school visitor, instructional technology, school nurse, 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.**

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 three 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.

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.

Pre-kindergarten--A program operated by a school entity or under contract from a school entity which is open to children up to two years prior to the school entity's entry age for kindergarten. 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. The program shall include instruction to support each child's development in the following areas: approaches to learning; creative expression; language and literacy; math, logic and science; social-personal development; and 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]**).

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

§ 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.]

[(b)] (a) State certificates and permits shall 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:

(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 pursuant to § 49.18 (relating to assessment) are not released without the permission of the candidate or pursuant to subpoena or court order. The Department shall inform the candidate via his or her 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.

§ 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:

(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 **three-year professional education [continuing professional development] 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 **education** **[development]** plan which shall include 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 (24 P.S. § 12-1205.1)**. The plan shall 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 also **outline allowable activities for credit earned under sections 1205.1 and 1205.2 of the act after July 1, 2005.**

(6) The continuing professional **[development] education** plan shall 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 shall 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,]** 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 of Education** 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) All certified personnel are responsible for monitoring their own progress toward completing the requirements prescribed by sections 1205.1 and 1205.2 of the act.

§ 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 guide the Secretary in the development of an assessment program:

(e) The Department of Education may issue additional subject areas to holders of Instructional (see § 49.82 and § 49.83) or Intern (see § 49.91) 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, **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, long-term and day-to-day substitute permits issued during that year.

§ 49.32. [Emergency] Exceptional case[s] permits.

The Department may approve the issuance of an [emergency] 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, long-term and day-to-day substitute permits shall expire with the termination of any summer school conducted which follows the date of issuance. Persons holding an 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 a[n emergency] 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 20 [15] cumulative school days of service as a day-to-day substitute in each certificate endorsement area. If renewal is necessary, the chief school administrator may request, within 30 days of the person's last day of service, issuance of a[n emergency] permit by the Department under §§ 49.31 and 49.32 (relating to criteria for eligibility; and [emergency] exceptional case[s] permits).

ADMINISTRATIVE COMMISSION

§ 49.42. Letter of eligibility.

A letter of eligibility of an administrative commission shall be issued in lieu of a certificate by the Department to a candidate who has completed an approved program of preparation in administration and who has been recommended by the preparing institution. Candidates for letters of eligibility 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 **receiving an affirmative recommendation [submission]**, 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 cogent 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, 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 shall notify all institutions of higher education offering such programs that effective as of the date of notification no further students are to be accepted into the program. All 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] Resource Specialist permits.

The Department may issue 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 in a course of study directed by a [under the supervision of a certificated] certified teacher. The service shall 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 (e.g., music, dance, pottery, painting, sculpture, etc.) in schools designated by its governing board as a creative and performing arts specialty school, such Resource Specialists may be employed for up to 800 hours per year. Such 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.

- (a) The Department may issue a program specialist certificate, at the request of the employing [public] school entity, upon verification that the applicant meets the requirements established for that certificate [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].

- (b) Program 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 **a** person[s] who 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 are valid only for the position described in the approved position description **and will be annotated on the teaching certificate of the individual. They will be valid throughout the Commonwealth** [are valid only for the position described in the approved position description and are not transferable to other school entities].

§ 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] **chief school administrator or his designee** [of the employing school district or the board of directors of each employing intermediate unit or area vocational technical school, or the appropriate governing body of the employing public charter or nonpublic school] shall report to the [Secretary within 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 all 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 Pennsylvania in accordance with the current reciprocity agreement with other states. It shall be valid for one year to allow the teacher to meet Pennsylvania'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 Pennsylvania, provided the approved program includes one 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 Pennsylvania 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 secure the approval of the **[local] employing** school authority. If such approval is granted, then the Department will delete the area

from the certificate. If such approval is denied by the **[local] 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**

§ 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 **and Substitute** Permits.

(11) Exceptional Case Permits.

(12) Resource Specialist Permits.

INSTRUCTIONAL CERTIFICATES

§ 49.82. Instructional I.

(a) The Instructional I Certificate shall be valid for 6 years of teaching **in Pennsylvania public schools** 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 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.**

§ 49.85. Limitations.

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

- (1) Early childhood (~~[nursery]~~ **pre-kindergarten**, 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 (**pre-kindergarten [kindergarten to] through** grade 12 or up to age 21).
- (6) Special education (pre-kindergarten 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 the Commonwealth, met all requirements for an Instructional I certificate, with the exception of the Math/English course requirements under Chapter 354, related to general standards for teacher preparation in the Commonwealth.

(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 one calendar year from the date of issuance.

(c) The Department will issue an Instructional I certificate when the prescribed course(s) 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 **a specific area of instruction for use in an [approved] 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.**

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

(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 by an approved Pennsylvania college/university.

(d) An Intern certificate is valid for three years. This professional certificate may be issued only to an applicant who is a graduate of a 4-year college or university. During the first year, the applicant must complete all tests, enroll in an authorized program and complete a minimum of nine credits per year. This certificate cannot be renewed.

§ 49.92. Term of validity.

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

EDUCATIONAL SPECIALIST CERTIFICATES

§ 49.101. General.

The Department will issue educational specialist certificates to persons whose primary responsibility shall be to render professional service other than classroom teaching. The service shall be directly related to the personal welfare of the learner and may include service for the needs of other professional personnel working with learners. Candidates for educational specialist certificates shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment). Educational specialist certificates will be issued to candidates who meet 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 valid for 6 years of service in Pennsylvania public schools 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 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, **credits from a Pennsylvania intermediate unit, or [a] 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.

(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.

(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 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 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 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 be issued, as follows:

(5) Vocational Substitute Permits.

VOCATIONAL INSTRUCTIONAL CERTIFICATES

§ 49.141. General.

(b) The holder of a 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 shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment).

§ 49.153. Vocational [emergency] 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 day-to-day substitute [emergency] permit [on a day-to-day basis] 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 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] exceptional cases).

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 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) (1) [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 **and, for the superintendent's letter, [have] including** at least three years of **[administrative] satisfactory certified** service **[3 years of which shall have been]** 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 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.]

(1) 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 of Education for meeting master's equivalency requirements.

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Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

October 17, 2005

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 proposed State Board of Education regulation 22 Pa. Code, Chapter 49, Certification of Professional Personnel (#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 proposed 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 these proposed regulations.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Gerald Zahorchak, Acting Secretary of Education
Gregory Dunlap, Esq.
Adam Schott

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

I.D. NUMBER: 006-293
 SUBJECT: STATE BOARD OF EDUCATION: Certification of Professional Personnel
 AGENCY: DEPARTMENT OF EDUCATION

TYPE OF REGULATION

- X Proposed Regulation
- 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

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 INDEPENDENT REGULATORY REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
10/18/05	<i>Eleane Roman</i>	HOUSE COMMITTEE ON EDUCATION
10/18/05	<i>John Dech</i>	
10/18/05	<i>Hook</i>	SENATE COMMITTEE ON EDUCATION
10-18	<i>A. Rybaczynski</i>	
10/18/05	<i>Steph J. Hoff</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
10/18	<i>C. Lee Brown</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)