



Quality & Fairness in  
Pennsylvania's Public Schools

# EDUCATION LAW CENTER

### CO-DIRECTORS

Janet F. Stotland  
Len Riecer

### BOARD OF TRUSTEES

Mark Anderson, Esq.  
Martha E. Candillo, Esq.  
Pamela Cook  
Gail Dancert  
Pamela De George  
Rev. Richard Fernandez  
David Allan Frisby  
Maria Irene Gonzalez, Esq.  
Innocenzo A. Grignano  
Eugene Lincoln, Esq.  
Janet Loonsdale  
Fred T. Magaziner, Esq.  
Michael E. Murphy  
Susan M. Mussman, Esq.  
Vivian Narehood, Esq.  
Sol B. Vazquez-Otero, Esq.

### OFFICERS

David Richman, Esq., Chair  
May Yee, Vice Chair  
Anita Santos, Esq., Secretary  
Suzanne Becker, Treasurer

BY FAX AND MAIL

May 26, 2006

Independent Regulatory Review Commission  
333 Market St., 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Re: Comments on State Board of Education Final Form Regulations, 22 Pa. Code  
Chapter 49 – Certification of Professional Personnel (IRRC #2502)

To the Members of the Independent Regulatory Review Commission:

The Education Law Center (ELC) is a statewide non-profit legal advocacy and educational organization, dedicated to ensuring that all of Pennsylvania's children have access to a quality public education. We appreciate this opportunity to submit comments concerning the above regulations.

ELC commends the State Board of Education for these revisions to 22 Pa. Code Chapter 49. Through these revisions, the Board is raising the standards for teacher certification and preparation in ways that will benefit all students, including students with disabilities, English language learners, and other diverse learners.

Among the positive changes to the regulations, four improvements deserve special praise:

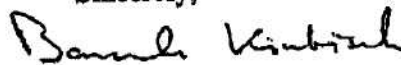
1. The Board has added several provisions that would require that teachers be better prepared to teach diverse learners in inclusive settings, including Sections 49.13(a) [university teacher preparation programs], 49.16(d) [induction plans for new teachers], and 49.17(a)(6) [continuing professional education]. Given the increasing diversity of student needs faced by all teachers, it is crucial to strengthen the knowledge and skills of teachers to address these needs. The

Board deserves high praise for bringing our teacher quality rules into the 21<sup>st</sup> century and thereby helping teachers to close the achievement gap for all children.

2. The Board is also wise to address the continuing professional education requirements of Pa. Act 48 of 1999 by adding relevant language in Section 49.11(a) and other sections throughout the chapter. Professional education is the key to updating instructional practices and raising student achievement over time, especially with regard to diverse learners such as students with disabilities. Implementation of Act 48 has been confusing to many teachers, administrators, and parents, because the statutory requirements were not clearly reflected in state regulations. The new regulatory language will help all stakeholders to understand and comply with the rules for professional education.
3. The Board is also improving conditions for long-term substitute teachers. Each year, thousands of students receive instruction from long-term substitutes. Long-term substitutes are often assigned to some of the most challenging classrooms with many students having diverse learning needs. These substitutes are sometimes hired too quickly, without an adequate search for a fully certificated teacher, and may receive little professional support. The Board should be commended for adding a sentence at the end of Section 49.31, clarifying the minimum duration of an adequate search for a fully certificated teacher and requiring that such a search occur before a long-term substitute is hired. It is also most important that the Board is proposing a new requirement for including long-term substitutes in the induction plans mandated under Section 49.16(a), because - *ONCE hired* - these substitutes deserve the added supervision and supports available through the induction process.
4. The Board is fixing an error in Section 49.17(a)(3), which improperly left parents out of the process of developing professional education plans by school entities. By correcting this error and conforming the regulation to state law (24 P.S. §12-1205.1(b)), the Board has emphasized the importance of parent involvement in school governance and in raising academic achievement for all students.

Thank you for your consideration. Please contact me with any questions.

Sincerely,



BARUCH KINTISCH  
Staff Attorney  
[bkintisch@elc-pa.org](mailto:bkintisch@elc-pa.org)  
215-238-6970 ext. 320

cc: Mr. Jim Buckheit, PA State Board of Education