

JESS M. STAIRS, MEMBER  
PA HOUSE OF REPRESENTATIVES  
HOUSE BOX 202020  
HARRISBURG, PA 17120-2020  
PHONE: (717) 783-9311  
WEB SITE: WWW.JESSSTAIRS.COM  
E-Mail: jstairs@pahousegop.com

RECEIVED



2006 MAR 22 AM

INDEPENDENT REGULATORY  
REVIEW COMMISSION

House of Representatives

COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

R.D. #1  
ACME, PA 15610  
PHONE: (724) 423-5141

Original: 2520

March 22, 2006

COMMITTEES  
EDUCATION COMMITTEE  
MAJORITY CHAIRMAN  
TRANSPORTATION COMMITTEE  
PENNSYLVANIA HIGHER EDUCATION  
ASSISTANCE AGENCY BOARD  
STATE BOARD OF EDUCATION  
FIREFIGHTERS CAUCUS  
COMMISSIONER-EDUCATION  
COMMISSION OF THE STATES  
PA LEGISLATIVE SPORTSMEN'S  
CAUCUS  
COMMUNITY COLLEGE CAUCUS  
THE RURAL CAUCUS  
PA HISTORICAL PRESERVATION CAUCUS  
PHEAA STATE GRANT TASK FORCE  
CHAIRMAN  
PIAA OVERSIGHT COMMITTEE  
MAJORITY LEADER'S TASK FORCE  
TO CONNECT

Dr. Gerald Zahorchak  
Secretary  
PA Department of Education  
333 Market Street, 10<sup>th</sup> Floor  
Harrisburg, PA 17126-0333

COPY

Dear Secretary Zahorchak:

I am writing to provide the comments of the House Education Committee regarding the proposed Chapter 339 regulations. The Committee specifically raised concerns regarding several issues, which have been included below.

Members of the Committee raised concerns regarding the basis for modifying the regulations to remove reimbursements for vocational education courses as a supplement to a student's own academic program. For example, a student might wish to gain exposure to agriculture courses prior to entering college and pursuing a degree in a biotechnology-related field. If the current process is working for students and businesses, why are modifications necessary?

Members also raised concerns regarding the reintroduction of seat-time requirements, which do not guarantee student success in vocational programs. In recent decades, the Department has moved away from seat-time requirements and has chosen to use attainment of skills certifications and the business community's view of career and technical programs as a measure of success. Why has the Department chosen to return to seat-time requirements? What research indicates that additional seat-time will increase student attainment and success?

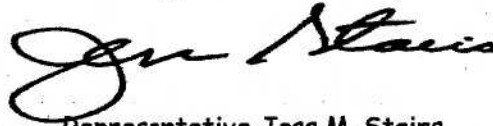
Additionally, the Committee had concerns regarding the inclusion of the skills certificate, the occupational assessment, and classification of instructional programs (CIP) codes. Please provide the reasons for inclusion of each of these items in the regulations.

Finally, the Committee raised concerns regarding the inclusion of regulations regarding dual enrollment, since no vocational programs have refused to provide dual enrollment. Please provide an explanation of the need for inclusion of dual enrollment in Chapter 339 regulations.

Page Two

The Committee respectfully requests a response to each of the questions raised by members and the attached staff comments, which were included in the Committee summary of the proposed regulations, prior to the introduction of final-form regulations. Timely answers will allow the Committee to assist the Department in promulgating acceptable final-form regulations.

Sincerely,



Representative Jess M. Stairs  
Chairman, House Education Committee

JMS/er  
Attachment

cc: John R. McGinley, Jr., Chairman, IRRC  
Members, House Education Committee (Harrisburg Office)

### Effect of change to required hours of career and technical instruction per year.

Staff has received numerous comments regarding the change to a 360-hour minimum required for reimbursement of career and technical programs. Staff has concerns regarding the methods used to arrive at the proposed 360-hour minimum. It appears that many programs are currently able to exceed current requirements and could meet the proposed minimum if given adequate time. For this reason, staff recommends that the regulations be modified to include a graduated increase from the current standard to the proposed 360 hour minimum. By requiring a gradual increase over a period of time, schools that cannot currently meet the proposed minimum would have an opportunity to invest in the changes necessary to comply.

#### Additional questions:

- How did PDE arrive at the 360-hour minimum established in Section 339.4 (a) (10) of the proposed regulations?
- Is this an arbitrary number of hours per year or is it based on research and proven results?
- How will the proposed regulations affect schools that do not currently have the resources to increase classroom capacity, improve scheduling flexibility, and/or add additional staff to meet the 360-hour requirement?
- Have any precautions been taken to prevent closure of valuable career and technical programs in districts that could not afford to maintain career and technical programs that do not meet the 360-hour minimum (e.g. Vo-Ag programs)?

### Effect of proposed regulations on Vocational-Agriculture programs.

Staff has received numerous comments regarding the effect of the proposed regulations on vocational-agriculture programs. It appears that additional consideration of the number of programs that currently meet or have the capacity to meet the proposed requirements is necessary. At this time, a significant number of programs apparently are not capable of meeting the proposed requirements in the timeframe provided. For this reason, staff recommends that the regulations include a timeframe for implementation that accommodates the majority of our vocational-agriculture programs.

#### Additional questions:

- What impact would the change to Section 339.4 (a) (10) have on Vo-Ag programs throughout the state?
- At this time, how many Vo-Ag programs would not qualify for funding if the proposed regulations were adopted?
- If districts are unable to maintain Vo-Ag programs under the 360-hour requirement, will the Department provide alternative opportunities to learn the skills necessary to obtain employment in the Commonwealth largest economic sector?
- Why have "Supervised Agriculture Experiences" been eliminated from creditable hours for students in Vo-Ag programs?

### Phase-in of regulatory changes

Due to the substantive increase in classroom time requirements, it is likely that many career and technical centers and comprehensive high schools will have difficulty meeting new requirements immediately. Staff recommends a phase-in period allowing current students to complete career and technical programs. Additionally, since many schools lack the classroom capacity, scheduling flexibility, and necessary staff to implement the proposed changes for all grades immediately, it is recommended that the regulations take effect for the next incoming vocational class and apply to each class thereafter.

### Technical Drafting

Staff has concerns regarding the absence of a definition of the term "civic organization," which is used in sections 339.13 and 339.14. This term could include any organization that deems itself civic, and each section appears to allow such organizations to authorize representation on Local Advisory Committees and Occupational Advisory Committees.

Additionally, staff has concerns with the wording of Section 339.4 (d) (2) since it appears to state that no school will submit for reapproval in less than 5 years, but may submit for reapproval at anytime thereafter. Staff recommends that the language be modified to:

**(2) School entities shall submit for reapproval based on attainment of accountability standards every 5 years following the original date of reapproval under section 339.4 (a) (2).**