



PENNSYLVANIA

Association of Career & Technical Administrators

#2520

February 19, 2008

Mr. Kim Kaufman
Executive Director
IRRC
14th Floor
333 Market Street
Harrisburg, 17101

INDEPENDENT REGULATORY
REVIEW COMMISSION

2008 FEB 19 PM 3:32

RECEIVED

Dear Mr. Kaufman:

The Pennsylvania Association of Career and Technical Administrators (PACTA) submits for your consideration the following comments on the final-form rulemaking of the Department of Education on Chapter 339, Vocational Education Standards.

Section 5.2 of the Regulatory Review Act of 2002 sets forth criteria for review of regulations. One of the criteria identified to satisfy "the public interest" review is consideration of "possible conflict with or duplication of statutes or existing regulations." PACTA asserts that the amendment by the Pennsylvania Department of Education (PDE) to 22 Pa. Code § 339.41(5) during final-form rulemaking conflicts with the existing regulation at 22 Pa. Code § 49.53 promulgated by the State Board of Education. That section reads,

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

- (a) The Secretary, the Board and the PSPC 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 written request to eliminate/change a type/category of certificate. The PSPC on its own initiative may conduct an investigation.
- (c) The Department and the PSPC 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 PSPC, 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.

The other regulations violated by the PDE amendment are found at 22 Pa. Code § 49.161 (Supervisor of Vocational Education) and § 49.163 (Vocational Administrative Director).

The final-form process used by PDE to change/enlarge the scope of the superintendent's letter of eligibility and discount the need for the vocational administrators' certificates lacked any transparency and input from the major stakeholder, vocational administrators. In the proposed rulemaking, section 339.41(5) stated:

(5) *Vocational supervision.* A vocational supervisory certificate or vocational director certificate is mandated when 50% or more of an assignment is related to supervising vocational education programs.

This proposed rule did not amend the existing standard nor did it elicit *any* comments.

Inexplicably and without any notice to stakeholders, the final-form regulations presented to the Standing Committee on Vocational Education on January 16, 2008 simply deleted this section. I raised major concerns regarding this change. My concerns dealt with both the substance of the change and the legality of making such a substantive change in certification in this manner. The January 17, 2008 final-form regulation reinserted the section with the following amendment:

(5) *Vocational supervision.* A SUPERINTENDENT'S LETTER OF ELIGIBILITY, vocational supervisory certificate or vocational director certificate is mandated when 50% or more of an assignment is related to supervising vocational education programs.

The superintendent's letter of eligibility has been added to permit this certificate to supplant the need for the vocational administrators' certifications. For the following reasons, PACTA believes that this enlargement of the scope of the superintendent's

letter of eligibility is contrary to the standards and quality of vocational education. Vocational administrators are faced with significant challenges requiring a skill set and expertise unique to overseeing the operation of a career and technical school. This expertise is clearly not acquired in superintendent preparation programs as it is outside the scope of superintendent responsibilities and qualifications. This expertise is only developed through extensive experience in industry, educational experience in a career and technical school, and specific educational credentials obtained through course work mandated by the vocational director and vocational supervisor certification program requirements.

Superintendent's Letter of Eligibility

While the superintendent's letter of eligibility encompasses the scope of responsibilities necessary to operate a school district, the work experience required by a person holding the superintendent's letter of eligibility is limited to the field of education. To acquire a director of vocational education certification, the candidate is required to have a minimum of two years of industry experience plus an additional five years of successful teaching experience in vocational education along with the requisite courses. Permitting a person to operate a career and technical school without industry related work experience severely compromises that person's ability to understand, operate, and advocate for the vocational programs. A vocational director must have industry credibility, knowledge of industry credentials and assessment measures, an understanding of the workforce and the role of career and technical education within the workforce, and a clear vision for career and technical education's role in economic development. Furthermore, a vocational director must have a firm grasp of the latest industry safety standards to increase the likelihood that all students will be safe in the career and technical school classroom and laboratories. Those skills are not prevalent requirements in other areas of education and a person holding the superintendent's letter of eligibility is not required to demonstrate competence in these areas prior to earning the letter. The lack of these skills fosters the great potential for poor leadership from inadequate professional preparation and minimal to no understanding of career and technical education. By making the assumption that anyone with a superintendent's letter of eligibility can lead a career and technical school, the state will severely jeopardize the future of career and technical education in our communities and the safety of our students.

Vocational Director Preparation Programs

In Pennsylvania, the qualifications for becoming a vocational director require significant coursework, professional experience, and industry work experience. The coursework includes career and technical education facility management which involves facilities planning, knowledge of program competencies and layout, and appropriate educational settings and safety within programs. Additionally, vocational directors acquire specific skills in working with professionals who may be transitioning from their industry positions to becoming career and technical education teachers. These skills are different than those needed by principals or superintendents who oversee certified teachers educated in the traditional approach. These novice career and technical education teachers need special counseling on becoming an educator and functioning

in the educational environment rather than the industry environment. Prospective vocational directors also receive extensive education in budget preparation and the differences in a career and technical school's budget compared to a district's budget. This specific knowledge is crucial to the aspiring director because it involves working with multiple districts on a zero-based budget as opposed to the budget of a single district. It means balancing the needs of the technical school with specific variables affecting some (but possibly not all) of the member districts. The new requirements of Act 1 are especially crucial to budget preparation for career and technical schools because the director must understand how to create a budget that keeps all member district revenue to the career and technical school below the index as opposed to a superintendent having the responsibility for only one district.

Business and Industry Relationships

A vocational director must maintain close ties to the local business community including the local workforce investment board, the school's local advisory committee, occupational advisory committees for each program, and employers involved in the school's cooperative education program. The certification program for vocational directors requires candidates to understand the complexity of relationships among these stakeholders and therefore requires industry experience to become a vocational director. The superintendent's letter of eligibility requirements contain none of these expectations and do not provide appropriate preparation for an individual to become a career and technical school director. Allowing individuals without these requisite skills would once again, severely compromise the leadership of a career and technical school by having an unqualified person attempting to carry out duties for which he or she is imminently unprepared and poorly equipped. Since the superintendent's letter of eligibility preparation does not include competencies or coursework related to workforce investment, industry credentials, local industry advisory committees, occupational advisory committees, or workforce education experience, graduates of those programs do not possess the knowledge and skills to lead a career and technical school.

Curriculum and Assessment

While persons holding superintendent's letters of eligibility may have an extensive background in curriculum and instruction, simply possessing the superintendent's letter of eligibility is not indicative of any knowledge of curriculum development based on industry standards, assessment based on industry standards, competency based education, competency based assessment, or industry recognized credentials and assessments. In fact, all career and technical education instruction and assessment are based on these areas. Specific courses required for the vocational director certification involve advanced assessment techniques, program planning, curriculum development, and industry standards which together, form a solid foundation for leadership skills in career and technical education. These leadership skills coupled with an individual's extensive industry experience and teaching experience in career and technical education provide the credibility and skill set necessary to direct a career and technical school. Additionally, the vocational director's certification requires knowledge of the state approval process, the state program quality standards, state and federal Perkins

requirements, and a thorough understanding of the student occupational competency assessment for each state approved program. While a superintendent's letter of eligibility may certify an individual to oversee a school district, it does not provide the educational background, experience, and knowledge base for the unique and specific requirements for serving as a career and technical school director.

Industry and Work Experience

Perhaps the most important requirement for becoming a vocational director involves work experience. An individual cannot be certified as a vocational director in Pennsylvania without documented industry based experience and experience as a vocational teacher. There are substantive and solid reasons for this. The existing requirements are essential to assuring that vocational directors understand industry needs through their own experiences. It also assures that vocational directors possess firm credibility with industry resulting in high levels of industry confidence in the operation of career and technical schools. Clearly, the requirements for the superintendent's letter of eligibility are completely and totally void of these areas making it incompatible with the expertise needed to serve as a vocational director.

PACTA is obviously the major stakeholder in defending the integrity and necessity of the vocational supervisor and vocational director certifications in Chapter 49. To my knowledge, no process of investigation regarding the need to change the superintendent's letter of eligibility as a replacement for vocational director has ever been investigated by PDE or presented to PSPC as required by 22 Pa. Code § 49.53. No notice of any written request or investigation by the Department of Education or PSPC has been received or has occurred.

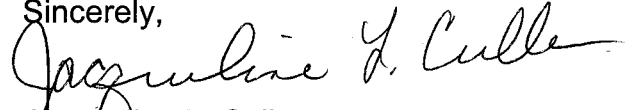
On the contrary, PACTA was advised of PDE certification citation findings of career and technical schools when the administrative directors of those schools held only a superintendent certificate/letter of eligibility. The attached guidance from PDE made it clear that such an assignment violated the regulations because overseeing the operation of a career and technical school was outside the scope of the superintendent certificate/letter of eligibility unless such supervision of vocational education programs was less than 50% of the assignment. The guidance advised that having a person without a vocational director certification in charge of a career and technical school was a certification irregularity and that the cited entities would be given adequate time for corrective action to assure a properly certified individual was serving as the vocational director. This new regulation change clearly eliminates the certification irregularity and attempts to void the need for a qualified person to serve as a vocational director. If individuals intended the certification to be changed to avoid a certification irregularity, then the regulatory process is set forth in 22 Pa. Code § 49.53 as quoted above.

It appears that the procedures of Section 49.53 were simply ignored and these final-form regulations were used to quietly and quickly maneuver a change in the superintendent's letter of eligibility while avoiding interaction with PSPC and major stakeholders. This is particularly offensive because the change was not included in the proposed regulations submitted to the Education Committees and IRRC which

effectively prevented input from external organizations. Overall, the manner in which this change was made has the appearance of an underhanded approach to change certification regulations for the benefit of a few, but to the potential detriment of many.

As a result, PACTA asks the Committee and IRRRC to disapprove the final-form Chapter 339 submitted by the Department of Education. Thank you for your consideration of our request. If you would like further information, please call me at (717) 761-3381.

Sincerely,



Jacqueline L. Cullen
Executive Director

cc: Donna Weldon, Esquire
PACTA Executive Committee

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RECEIVED

-----Original Message-----

From: Johnson, Darlene [mailto:djohnson@state.pa.us]

Sent: Monday, August 27, 2007 1:43 PM

To: all-lea@lists.cas.psu.edu

Subject: Clarification of Vocational Certification Staffing Policies and Guidelines

2008 FEB 19 PM 3: 39

INDEPENDENT REGULATORY
REVIEW COMMISSION

DATE: August 27, 2007

SUBJECT: Clarification of Certification Staffing Policies and Guidelines: #92, Supervisor of Vocational Education; #96, Superintendent; and # 97, Vocational Education Director with regards to Chapter 339.41(5) Vocational Supervision and the assignments thereof at Vocational Entities.

TO: Superintendents, Executive Directors, Vocational Directors,
Human Resource Directors

FROM: Terry Barnaby
Bureau Director
Bureau of School Leadership and Teacher Quality
(formerly Teacher Certification and Preparation)

Lee Burket
Bureau Director
Bureau of Career and Technical Education

Via: Karen Turner
Basic Education Associate
Bureau of School Leadership and Teacher Quality

This memo will clarify the requirements for supervising vocational education programs under the long standing requirements in Chapter 339.41 and supercedes CSPG #96. It also describes the accommodations that will be made for those holding a Certificate/Letter of Eligibility in a position requiring a vocational supervisory or vocational director certificate. The CSPG will be clarified and reissued. This memo further clarifies the effects of Chapter 339.41 on CSPG #92 and #97.

Certification Staffing Policies and Guideline, #96 Superintendent, effective 7-1-2004, states that a Superintendent holding a Certificate/Letter of Eligibility may be assigned as a Vocational Director. Upon review by PDE Office of Chief Counsel, the following regulation must supercede the certification staffing policy and guideline as currently written.

According to Chapter 339.41 Certification: (5) Vocational supervision- A vocational supervisory certificate or vocational director certificate is mandated when 50% or more of an assignment is related to supervising vocational education programs. This section of Chapter 339 is not a provision that is proposed under the current proposed rulemaking of Chapter 339, but has been part of the PA Code since 1986 and remains in current final amendments of the PA Code including the current online version.

There is no ambiguity regarding the terms of 339.41(5). It clearly mandates the requirement of a Vocational Supervisory or Vocational Director Certificate if 50% or more of an educator's assignment is related to supervising vocational education programs. Therefore, under the provisions of Section 339.41(5), a Superintendent's Certificate/Letter of Eligibility would not qualify an educator to supervise vocational education programs on a full-time basis when it was 50% or more of an educator's assignment. However, under the conditions of Chapter 339.41(5), those educators employed with Superintendent's Certificate/Letter of Eligibility may certainly continue to supervise vocational education programs as long as this supervision is less than 50% of their assignment.

Guidance in addressing the issue of educators who are currently employed as Supervisors or Directors of Vocational Education Programs based only on their possession of a Superintendent's Certificate/Letter of Eligibility will be as follows:

No immediate citation will be issued for a certification irregularity under these conditions, but rather the Bureau will give adequate time for school entities:

- * To contact the Bureau of School Leadership and Teacher Quality and/or the Bureau of Career and Technical Education for additional information and advisement
- * To contact an approved college program regarding certification for Supervisory of Vocational Education or Vocational Director
- * Or, to adjust their assignments within the entity in order to comply with 22 PA Code 339.41 (5) in a reasonable amount of time as determined by both Bureaus.