

Regulatory Analysis Form

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INDEPENDENT REGULATORY
REVIEW COMMISSION

(1) Agency

State Board of Education

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

006-303

IRRC Number: 2583

(3) Short Title

Chapter 49 – Certification of Professional Personnel

(4) PA Code Cite

22 PA Code Chapter 49

(5) Agency Contacts & Telephone Numbers

Primary Contact: Jim Buckheit

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or

Sharon Brumbaugh

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(6) Type of Rulemaking (check one)

☒ Proposed Rulemaking

☐ Final Order Adopting Regulation

☐ Final Order, Proposed Rulemaking Omitted

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

☒ No

☐ Yes: By the Attorney General

☐ Yes: By the Governor

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

Chapter 49 sets forth requirements for certification of professional personnel in public schools. The proposed amendments change the scope of teaching certificates for teachers of prekindergarten through grade 3; elementary/middle grades 4 through 8; and, for all grade levels for special education teachers certified on or after January 1, 2012. It also refocuses existing requirements for induction programs for new teachers, credit requirements for novice teachers to earn a permanent certificate, and continuing professional education requirements for all teachers. The amendments are designed to enhance teacher quality by aligning their preparation with the age and grade level of the students they will teach; improve the knowledge, skills and abilities of all teachers to effectively provide instruction to diverse learners in inclusive classroom settings; and, to meet new federal requirements for special education teachers.

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

The Board is acting under the authority of Article XII and section 2603-B of the Public School Code of 1949 (24 P. S. §§ 12-1201--12-1215 and 26-2603-B) and the act of May 29, 1931 (P.L. 210, No. 126) (24 P. S. §§ 1224--1231).

Regulatory Analysis Form

(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.

No, the regulation is not mandated. However, Sections 1201, 1204, 1205, 1205.1 and 1205.2 of the Public School Code of 1949 authorize or recognize the authority of the State Board of Education to promulgate regulations that govern the preparation, certification and professional education of teachers.

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

Significant numbers of students are not experiencing academic success in Pennsylvania's public schools. Based on the 2005 PSSA statewide results only 23% of students with disabilities scored proficient or above in reading and math. Only 21% of students with limited English proficiency scored proficient or above in reading and 33% in math. This compares to 64% in reading and 61% in math for all students. With more than half of all students with disabilities mainstreamed into regular classroom settings, together with a growing population of English language learners, both new and current teachers need to be provided with the knowledge, skills and abilities they need to assist diverse learners with instructional strategies that will allow them to be successful. In addition, the early childhood education certification requirement will result in improved academic performance for all children from PK through grade 3 and beyond. The elementary/middle level certificate will ensure that teachers of young adolescents have better preparation in both academic content and pedagogy for that age range. Currently, there are no middle level teacher preparation programs in Pennsylvania.

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

Failure to improve the knowledge and skills necessary for teachers to address the unique needs of students with disabilities and English language learners will result in continued unacceptable academic achievement gaps for nearly 240,000 students. Failure to align teacher preparation and certification with the developmental needs of all children will continue to cause children to experience academic difficulty and teachers to leave the profession because they are not adequately prepared for their teaching assignment.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The Commonwealth's 1.8 million students will benefit from the improved preparation and post-service professional development their teachers will receive. Nearly 260,000 students with disabilities and 40,000 English language learners will also gain from the improved preparation requirements for new teachers and professional education requirements for both new and current teachers. The Commonwealth's 140,000 public school teachers, administrators and student services staff will benefit from the targeted professional education activities required by these regulations.

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.)

Teacher preparation programs will need to restructure programs, rewrite course content and, where necessary, develop partnerships with other institutions to address the need to provide teacher education students with appropriate coursework and related training necessary for them to effectively instruct both students with disabilities in inclusive settings and English language learners that will enable the students to attain proficiency in state academic standards..

(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.)

140,000 classroom teachers, administrators and student services staff
Approximately 14,000 individuals who seek teaching certificates each year
95 Teacher preparation institutions
501 school districts
29 Intermediate units
82 Area Vocational Technical Schools
109 Charter Schools

(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.

In addition to more than 600 individuals who participated in stakeholder meetings conducted by the Department in the development of its original proposal, the Board discussed the various draft proposals at five separate Board meetings, each of which included public comment periods. The Board held three regional public roundtable meetings, one invitational roundtable meeting and three regional public hearings. In addition, Board members met privately with scores of individuals and organizational representatives throughout the development of these regulations, in addition to reviewing dozens of written comments and emails submitted to the State Board.

(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.

The Board estimates the cost to the 95 teacher preparation institutions at approximately \$3.224 million. These include incremental costs associated with the regulations as each institution undertakes its regular review and revision of degree programs, course requirements and course content. In addition, the 27 institutions that do not currently have instructional staff to provide the required special education and English language learner instruction will need to hire new staff, train current staff or enter into partnerships with another institution that does have this capacity.

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.

Costs associated with compliance by school districts, intermediate units, charter schools and area career and technology centers are predicted to be negligible. Schools will need to carefully make hiring decisions as to the type of certified staff needed to address both short- and long-term needs after the January 2012 implementation date for the new certificate requirements. Some schools, such as those in urban and rural areas, may need to expand recruitment efforts or seek waivers to fill certain hard-to-fill positions due to potential supply issues as the transition is made to the new certification structure.

(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.

State Government costs to implement these changes will be covered with existing staff and budgets. In light of these proposed changes the Department of Education has placed a moratorium on conducting program reviews. This will free staff and budgets that support travel to develop or revise the guidelines, policies and procedures necessary to implement these requirements. Therefore there will not be any additional costs to state government.

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

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	0	0	0	0	0	0
COSTS:						
Regulated Community	0	0	\$324,000	\$2.91 m	\$2.91 m	\$2.91 m
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Costs	0	0	\$324,000	\$2.91 m	\$2.91 m	\$2.91 m
REVENUE LOSSES:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

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

In FY+2 teacher preparation programs will need to rewrite or realign courses and course requirements. This is estimated to cost approximately \$6,000 on average for the 54 teacher preparation institutions that already have special education courses and certificate programs. 27 teacher preparation programs that prepare teachers for early childhood or elementary education certificates that do not have special education will need to hire additional faculty or partner with another institution with that capacity. The cost to these institutions is estimated at 100,000. The remaining 14 teacher preparation institutions do not offer early childhood, elementary education or special education certificates. They will most likely hire adjunct faculty to address these requirements. The annual cost is estimated at \$15,000.

State Government costs to implement these changes will be covered with existing staff and budgets. In light of these proposed changes the Department of Education has placed a moratorium on conducting program approval reviews. In lieu of performing program approval reviews Department staff will use their time to develop the guidelines, policies and procedures necessary to implement these requirements.

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

Program	FY -3	FY -2	FY -1	Current FY
Education-GGO	\$26.219 (millions)	\$25.067	\$24.724	\$24.724

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

As demonstrated in 20(b) the operating budget of the Department of Education has decreased or maintained at level funding. These regulations will not impact the budget or staff requirements of the Department of Education.

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

Since the provisions that dictate certification limitations, level I to level II certificates, induction programs and ongoing professional education requires are either established by state statute or regulation the only way to address these issues is through changes to statute or regulation.

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

None

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(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.

The federal government does not dictate teacher certification or continuing professional education requirements. It has established requirements for teachers to be considered "highly qualified." These include: 1) holding a bachelor's degree 2) holding full state certification 3) demonstration of competency in the core academic subjects a teacher teaches. These regulations align with these requirements.

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

The regulation was carefully researched to compare these requirements with those of other states. A number of states were contacted to verify that they would accept teachers coming from Pennsylvania with the new certificates in their states. Other states are also requiring special education teachers to hold dual certification or are restructuring their schools so that special education teachers limit their activities to provision of instructional support.

28 states have early childhood certificates comparable to that proposed in the regulation which covers prekindergarten through grade 3. 26 states have elementary/middle level certificates comparable to that proposed in the regulation which covers grades 4 through 8. With regard to dual certification requirements for special education teachers 27 teacher education programs already provide a dual certification option for students enrolled in elementary and special education teacher education programs. Eight states currently require certification in elementary or secondary education before issuing certification or endorsement in special education. 37 states require special education coursework for all students pursuing regular teaching certificates. Only five states have no requirement for special education coursework in general education teacher preparation programs.

(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 regulation amends Chapter 49, an existing regulation. The Department of Education may choose to revise its Chapter 354 regulation that addresses teacher preparation programs.

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

No. The State Board already held 15 public meetings to date. The Board will hold additional meetings after the close of the public comment period as it develops the final form regulations.

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

Yes. The regulation will revise the content of the existing induction and professional education planning guidelines issued by the Department of Education. School entities will need to describe in these plans how they will provide induction and professional education activities designed to provide teachers with the skills necessary to teach diverse learners in inclusive settings.

The Department will also revise its teacher preparation program approval guidelines that describes the knowledge, skills and abilities teacher education programs are to instill in their graduates and how the programs will be reviewed for approval by Department lead review teams.

The Department is also to develop a Certification Staffing and Policy Guideline that outlines up to six credit requirements for teachers holding a Level I certificate would need to take as part of the 24 credits needed to obtain a Level II certificate.

The Department also needs to develop guidelines and procedures to grant school entities exceptions to the certification limitations on a case-by-case basis.

(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.

Provisions of the regulation are designed to insure that teachers instructing young children, adolescents, students with disabilities and English language learners have the knowledge, skills and abilities to assist their students to attain proficiency in the state academic standards.

(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?

Provisions of the regulation effecting induction, level I to level II conversion, professional education will be effective upon publication in the *Pennsylvania Bulletin*. Provisions regarding Section 49.85(b) require that teacher preparation programs have necessary coursework in place by January 1, 2010. The Department of Education needs to revise its program approval procedures in place to provide adequate planning time for programs to comply with the requirements. Candidates for teaching certificates must meet the new requirements beginning January 1, 2012.

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

The State Board of Education as a matter of policy reviews its regulation every four years.

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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Copy below is hereby approved as to form and legality. Attorney General

BY: *Amy M. Elliott*
(DEPUTY ATTORNEY GENERAL)
NOV 07 2006

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. #006-303

DATE OF ADOPTION: June 29, 2006

BY: *J. B. Smith*

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

Copy below is hereby approved as to form and legality. Executive or Independent Agencies

BY: *Andrew C. Clark*

OCT 13 2006

DATE OF APPROVAL

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

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

PROPOSED REGULATION
COMMONWEALTH OF PENNSYLVANIA

22 PA. CODE, CH. 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 (Board) proposes to amend Chapter 49 (relating to certification of professional personnel) to read as set forth in Annex A. The Board is acting under the authority of Article XII and section 2603-B of the Public School Code of 1949 (Code) (24 P. S. §§ 12-1201—12-1215 and 26-2603-B) and the act of May 29, 1931 (P.L. 210, No. 126) (24 P. S. §§ 1224—1231).

Purpose

Chapter 49 sets forth requirements for certification of professional personnel in public schools. The proposed amendments change the scope of grade level certification requirements for new teachers of prekindergarten through grade 3; grades 4 through 8; and for all grade levels for special education teachers to ensure that preparation is aligned with the academic content and developmental needs of students they will be teaching. It also focuses existing requirements for induction programs and continuing professional education to provide both new and current teachers with the knowledge and skills necessary to effectively provide instruction to diverse learners in inclusive classroom settings.

Background

At the September 21-22, 2005 meetings of the Board and its councils and committees, the Department of Education, after considerable research and consultation with over 600 stakeholders, presented its recommendations to restructure teacher preparation and certification requirements. Most significant of these recommendations was a requirement that all new teachers hold dual certification in both their academic area and in special education. The Department also called for splitting the current elementary certificate into

an early childhood certificate that would cover pre-kindergarten through grade three and an elementary certificate that would cover grades four through six.

Using the Department's proposal as a starting point, the Board's Chapter 49 Committee conducted three regional public roundtable meetings in Pittsburgh, Harrisburg and Allentown to provide interested individuals and organizations an opportunity to discuss the proposal with members of the Board. Interested individuals and organizations were also encouraged to provide written comments to the Board.

Based on discussions at the roundtables, written comments received and individual discussions among members of the Board and interested individuals, the Board developed its own new proposal. An invitational roundtable meeting was held in Harrisburg where individuals who attended one of the previous roundtable meetings were invited to discuss the new proposal. Based on these discussions, additional revisions were made to the Board's draft proposal. These were discussed at the November 2005 and January 2006 Board meetings. The chair of the Chapter 49 Committee and staff in March 2006 met with representatives of teacher education programs from about 20 independent colleges and universities to discuss the latest proposal.

Throughout this period the chair of the Chapter 49 Committee and other members of the Board engaged in numerous discussions with individuals and organizational representatives. Additional refinements to the proposed regulations were made and were shared at the March 2006 Board meeting. Interested individuals and representatives of numerous organizations presented formal testimony at the hearings held in Downingtown, Harrisburg and Monroeville. Based on this testimony, additional refinements were made to the regulation. The Board announced its intention to adopt the regulations at its June 28-29, 2006 meetings.

Requirements of the Regulations

The proposed rulemaking would amend the following sections.

Section 49.1 (relating to definitions) would be amended as follows:

- Definitions of the terms *community provider*, *core academic subject* and *inclusive setting* would be added.
- The definitions of *diverse learners*, *educational specialist* and *prekindergarten* would be revised.

Section 49.13(b) (relating to policies) would be amended to require that on or before January 1, 2010, all teacher education programs include at least nine credits or 270 hours of instruction on accommodations and adaptations for students with disabilities in an inclusive setting and at least 3 credits or 90 hours of instruction to address the instructional needs of English language learners. The content of the 9 credits or 270 hours of instruction would have to include instruction in literacy skills development and cognitive skill development for students with disabilities.

Section 49.14 (relating to approval of institutions) would be amended to add language requiring institutions to demonstrate how instructional and clinical activities prepare candidates for teaching certificates to enable the achievement of all students, including diverse learners in an inclusive setting.

Section 49.16 (relating to approval of induction plans) would be amended to add a requirement that induction programs include teachers in prekindergarten programs. The proposed amendment also would direct the Department of Education to establish guidelines for induction plans. This language would put long-standing practice into regulation. In addition, the Board proposes to add new language that would require induction activities to address teaching diverse learners in inclusive settings.

Section 49.17 (relating to continuing professional education) would be amended to add new language directing the Secretary to establish guidelines for submission of the professional education plan. This proposed language would put long-standing practice into regulation. Proposed new language also would require the plan to describe how all

professional employees will participate in continuing education focused on teaching diverse learners in inclusive settings. In addition, proposed new language would direct school districts that operate prekindergarten programs through community providers to offer professional education opportunities to teachers in the prekindergarten program.

Section 49.18 (relating to assessment) would be amended to add a requirement that candidates for a certificate in special education be assessed in the area of general knowledge.

Section 49.62(b) (relating to program endorsement certificate) would be amended to revise for purposes of clarity and illustration language regarding the program endorsement certificate.

Section 49.83 (relating to Instructional II) would be revised to use the term credits. Also, new language would be added directing the Department to issue a Certification and Staffing Policy Guideline that establishes up to six credit requirements of the 24 required for each certificate.

Section 49.85(a) (relating to limitations) would be amended to require that instructional certificates issued before January 1, 2012, adhere to the certificate structure outlined in paragraphs (1)-(6).

Section 49.85(b) would be amended to require that instructional certificates issued on or after January 1, 2012, follow the new grade level limitations outlined as follows:

- Early childhood—prekindergarten through grade three.
- Elementary/middle—grades 4-8
- Secondary—grades 7-12
- Specialized areas—prekindergarten through 12
- Special education/Primary—prekindergarten through 3
- Special education/elementary/middle—grades 4 through eight
- Special education secondary—grades 7 through 12

- Special education—hearing impaired, visually impaired and speech/language impaired-grades prekindergarten through 12

Section 49.85(d) would be added to grant the Secretary authority to grant exceptions between the early childhood and early childhood/special education and elementary/middle and elementary/middle/special education certificates for individual teachers on a case-by-case basis when requested by a school entity, based on guidelines established by the Secretary.

Section 49.85(e) would be added to require that community provided prekindergarten services be provided by teachers certified in early childhood within five years for programs in place prior to the adoption of this requirement and five years from the start of services for newly contracted prekindergarten programs.

Section 49.85(f) would be added to authorize the Secretary to grant statewide exceptions to specific provisions of this section address statewide shortages of certified personnel when necessary to facilitate the transition to the revised provisions scheduled to be effective on January 1, 2012.

Section 49.86 (relating to Accelerated program for early childhood and elementary/middle level certificate holders) would be added to direct the Department to establish standards for the establishment of accelerated programs of study to permit an early childhood certificate holder to earn an elementary/middle certificate and an elementary/middle certificate holder to earn a early childhood certificate through an approved Commonwealth institution.

Section 49.131 (relating to basic requirements for baccalaureate and nonbaccalaureate programs) would be amended to add special education to content that must be included in teacher preparation programs for candidates for vocational education certificates.

Section 49.142 (relating to Vocational Instructional I) would be amended to require, for vocational I certificates issued on or after January 1, 2012, that at least 3 credits or 90

hours of the required 18 credits address accommodations and adaptations for diverse learners in an inclusive setting.

Section 49.143 (relating to Vocational Instructional II) would be amended to add requirements that, of the 60 credits required for a holder of an vocational I certificate to obtain the vocational II certificate, at least 6 credits or 180 hours must address accommodations and adaptations for students with disabilities in an inclusive setting and at least 3 credits or 90 hours in teaching English language learners must be completed.

Miscellaneous

For purposes of teacher education programs and related requirements contained in § 49.13(b)(4)(i) (relating to policies), § 49.142(a)(3) (relating to Vocational Instructional I) and 49.143(2) (relating to Vocational Instructional II), one credit equals 30 hours of coursework. Applicable hours are limited to a combination of seat hours of classroom instruction, field observation experiences, major research assignments, and development and implementation of lesson plans with accommodations and adaptations for diverse learners in an inclusive setting.

Affected Parties

The proposed rulemaking would affect 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

It is estimated that costs for implementation and compliance with the proposed amendments to the regulations would total \$3.23 million. These costs would be incurred by the 95 colleges and universities that offer Department approved teacher education programs. The bulk of these represent staffing costs to programs currently without instructional resources with content expertise in providing instruction to diverse learners.

The remaining costs would be for review and revision of degree course requirements and for the rewriting of certain course curricula.

Effective Date

The proposed rulemaking would become effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.

Sunset Date

In accordance with its policy and practice respecting all regulations that it promulgates, the Board plans to review the effectiveness of Chapter 49 after 4 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 Nov. 8, 2006, 2006, the Board submitted a copy of this proposed rulemaking and a copy of a 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 rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, 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 proposed rulemaking to Jim Buckheit, Executive Director, State Board of

Education, 333 Market Street, Harrisburg, PA 17126-0333, or jbuckheit@state.pa.us, within 30 days following publication in the *Pennsylvania Bulletin*. Persons with disabilities who need an alternative means of providing public comment may make arrangements by calling Jim Buckheit, (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

§ 49.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Community provider—A not-for-profit or for-profit organization that operates prekindergarten programs.

Core academic subject—Includes reading, language arts, mathematics, science, foreign languages, social studies and the arts.

Diverse learner—[Those students] A student who because of limited English language proficiency or disabilities may have academic needs that require varied instructional strategies to help [them] the student learn.

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

Inclusive setting--The placement of a diverse learner in a regular classroom setting.

Prekindergarten--A program operated by a school district or under contract from a school district that is open to children who are 3 [or 4] years of age and who have completed the program prior to the school district's entry age for kindergarten. [A school district may make individual exceptions based upon local policy that would permit enrollment of children under 3 years of age or over 5 years of age.]

§ 49.13. Policies.

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

- (4) Evaluation and approval of teacher education programs leading to the certification and permitting of professional personnel. [Program approval reviews shall be conducted by professional educators from basic and higher education.]

(i) The evaluation by the Department will provide assurance that, on or before January 1, 2010, all teacher education programs will require at least nine credits or 270 hours, or an equivalent combination thereof, regarding accommodations and adaptations for students with disabilities in an inclusive setting. Within the content of these nine credits or 270 hours, instruction in literacy skills development and cognitive skill development for students with disabilities shall be included, as determined by the institution. At least 3 credits or 90 additional hours, or an equivalent combination thereof, shall address the instructional needs of English language learners. For purposes of this requirement, one credit equals 30 hours of coursework. Applicable hours are limited to a combination of seat hours of classroom instruction, field observation experiences, major research assignments, and development and implementation of lesson plans with accommodations and adaptations for diverse learners in an inclusive setting.

(ii) Program approval reviews shall be conducted by professional educators from basic and higher education.

§ 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:

(ii) Institutions are able to demonstrate how instructional and clinical activities provide educator candidates with the capacity to enable the achievement of all students, including diverse learners in an inclusive setting.

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 (including teachers in prekindergarten programs, when offered), long-term substitutes who are hired for a position for 45 days or more, and educational specialists. The induction plan shall be submitted as part of 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.

(b) The Department shall establish guidelines and will review for approval induction plans submitted by school entities.

(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] induction activities that focus on teaching diverse learners in inclusive settings.

§ 49.17. Continuing professional [development] education.

(a) A school entity shall submit to the Secretary for approval a 3-year professional education plan as part of its strategic plan in accordance with the professional education guidelines established by the Secretary and section 1205.1 of the act (24 P. S. § 12-1205.1).

(7) The continuing professional education plan shall include a description of how the school entity will ensure that all professional employees participate in continuing education focused on teaching diverse learners in inclusive settings.

(8) A school district that contracts with a community provider to operate a prekindergarten program shall address in the school district's professional education plan how the school district will offer professional education opportunities to teachers in the community provider's prekindergarten program.

§ 49.18. Assessment.

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

MISCELLANEOUS PROVISIONS

§ 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. The Program Endorsement Certificate documents knowledge in new and emerging areas where formal certification does not exist. [but would] The Program Endorsement Certificate is intended to improve [the] a teacher's skills in dealing with complex classroom settings[. Areas include, but are not limited to], including teaching gifted students or diverse learners in areas such as

assistive technology curriculum modification, autism spectrum disorders, assessment, gifted education, classroom management, classroom technology and disruptive youth. These endorsements would be added to existing Level I or Level II Certificates but are not required to perform service in these areas.

Subchapter B. CERTIFICATION OF GRADUATES FROM COMMONWEALTH INSTITUTIONS

INSTRUCTIONAL CERTIFICATES

49.83. Instructional II.

The Instructional II Certificate will be issued to an applicant who has completed:

(3) Twenty-four credit hours of collegiate study or its equivalent in credits from the Department, a Pennsylvania intermediate unit or any combination thereof. The Department shall publish a Certification and Staffing Policy Guideline that establishes up to the equivalent of six specific course credit requirements for each certificate.

49.85. Limitations.

(a) For instructional certificates issued before January 1, 2012, [The] the grade level limitations [of instructional certificates] shall be the following:

- (1) Early childhood (prekindergarten, kindergarten, grades one through three or ages 3 [to] through 8).
- (2) Elementary (kindergarten, grades one through six or ages 4 through 11).
- (3) Middle level (grades six through nine or ages 11 through 15).
- (4) Secondary (grades seven through 12 or ages 11 through 21).
- (5) Specialized areas (prekindergarten through grade 12 or up to age 21).

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

(b) [The decision about staffing based on age or grade level rests with the school entity.] For instructional certificates issued on or after January 1, 2012, the grade level limitations shall be the following:

(1) Early childhood (prekindergarten, kindergarten, grades one through three or ages 3 through 8).

(2) Elementary/Middle (grades four through eight or ages 9 through 14). Elementary/Middle certificates permit instruction in any subject in grades four, five and six and in a core academic subject or subjects in grades seven and eight.

(3) Secondary (grades seven through twelve or ages 11 through 21).

(4) Specialized areas (prekindergarten through grade twelve or up through age 21).

(5) Special Education/Primary (prekindergarten, kindergarten, grades one through eight or ages 3 through 14) with early childhood (prekindergarten, kindergarten, grades one through three or ages 3 through 8), as specified in paragraph (1).

(6) Special Education/Middle (prekindergarten, kindergarten, grades one through eight or ages 3 through 14) with Elementary/Middle (grades four through eight or ages 9 through 14), as specified in paragraph (2).

(7) Special Education/Secondary in a core academic subject (grades seven through twelve or ages 11 through 21).

(8) Special Education Hearing Impaired, Visually Impaired and Speech/Language Impaired Certificates (prekindergarten, kindergarten, grades one through twelve or ages 3 through 21).

(c) The decision about staffing based on age or grade level rests with the school entity.

(d) The Secretary may grant exceptions to the grade and age level limitations between Early Childhood (subsection (b)(1)), Elementary/Middle (subsection (b)(2)), Special Education/Primary (subsection (b)(5)), and Special Education/Middle (subsection (b)(5)) for individual teachers on a case-by-case basis. The school entity shall submit a written request to the Secretary that provides justification for the exception. The Secretary shall set a time limit for each individual exception granted. The Secretary shall issue guidelines that outline the circumstances under which exceptions will be granted.

(e) When a school district contracts with a community provider for the provision of prekindergarten services, prekindergarten teachers providing the services shall possess a certificate in early childhood as provided in subsection (a)(1) or subsection (b)(1) within the following timeframe:

(i) For contracts in place prior to the adoption of this regulation, five years from the date of adoption of this regulation.

(ii) For new contracts, five years from the start of services.

(f) The Secretary may grant exceptions in response to shortages of certified personnel that apply statewide to specific provisions of this section when it is necessary to facilitate transition to the revised provisions scheduled to become effective on January 1, 2012. Exceptions may be granted under the following conditions:

(1) The Secretary shall provide written notification to the Board that shall include relevant information and justification of the need for the exception.

(2) The exception shall be valid for a limited term not to exceed 3 years.

(3) The Secretary will report annually to the Board on the nature and status of exceptions made under this section.

§ 49.86. Accelerated program for Early Childhood and Elementary/Middle level certificate holders.

(a) The Department shall establish standards for an accelerated program for Early Childhood and Elementary/Middle level certificate holders to be effective beginning January 1, 2012.

(b) Early Childhood Instructional I or Instructional II certificate holders may add the Elementary/Middle Level I Certificate through the successful completion of a Department approved accelerated program of study offered by an approved Commonwealth institution.

(c) Elementary/Middle Level Instructional I or Instructional II certificate holders may add the Early Childhood Instructional I Certificate through the successful completion of a Department approved accelerated program of study offered by an approved Commonwealth institution.

(d) Accelerated programs shall include appropriate level academic content aligned with State academic standards, child development and instructional practice appropriate for the developmental level covered by the certificate. Applicants must demonstrate subject matter knowledge by passing the appropriate assessment under § 49.18 (relating to assessment).

Subchapter C. VOCATIONAL EDUCATION CERTIFICATION

GENERAL PROVISIONS

49.131. Basic requirements for baccalaureate and nonbaccalaureate programs.

(b) Preparation in general education, **special education**, professional education and specialized studies shall be in accordance with standards established by the Department.

VOCATIONAL INSTRUCTIONAL CERTIFICATES

49.142. Vocational Instructional I.

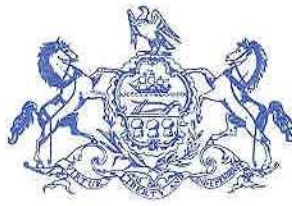
(a) A single certificate will be issued and titled, "Vocational Instructional Certificate." Individuals qualifying for this certificate shall be authorized to teach in the areas for which they also hold an occupational competency credential. The occupational competency credential will be issued by the Department or an institution of higher education approved by the Secretary. The applicant shall have:

(3) Completed 18 credit hours in an approved program of vocational teacher education. **For Vocational I certificates issued on or after January 1, 2012, the 18 credit hours shall include at least 3 credits or 90 hours, or equivalent combination thereof, regarding accommodations and adaptations for diverse learners in an inclusive setting. For purposes of this requirement, one credit equals 30 hours of coursework. Applicable hours are limited to a combination of seat hours of classroom instruction, field observation experiences, major research assignments, and development and implementation of lesson plans with accommodations and adaptations for diverse learners in an inclusive setting.**

49.143. Vocational Instructional II.

The Vocational Instructional II Certificate shall be a permanent certificate issued to an applicant who has:

(2) Completed 60 credit hours, including at least 6 credits or 180 hours, or an equivalent combination thereof, regarding accommodations and adaptations for students with disabilities in an inclusive setting and at least 3 credits or 90 hours, or an equivalent combination thereof, in teaching English language learners, in an approved program in the appropriate field of vocational education. For purposes of this requirement, one credit equals 30 hours of coursework. Applicable hours are limited to a combination of seat hours of classroom instruction, field observation experiences, major research assignments, and development and implementation of lesson plans with accommodations and adaptations for diverse learners in an inclusive setting.



Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

November 8, 2006

Mr. Kim Kaufman
Executive Director
Independent Regulatory Review Commission
14th Floor, 333 Market Street
Harrisburg, PA 17101

Dear Mr. Kaufman:

Enclosed is a copy of proposed State Board of Education regulation 22 Pa. Code, Chapter 49, Certification of Professional Personnel (#006-303) for review by the Commission pursuant to the provisions of section 5 (c) of the Regulatory Review Act.

The State Board of Education will provide the Commission with any assistance it requires to facilitate a thorough review of these proposed regulations.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jim Buckheit".

Jim Buckheit
Executive Director

cc: Gerald Zahorchak
Gregory Dunlap, Esq.
Deborah Wynn

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

RECEIVED

I.D. NUMBER: 6-303
SUBJECT: CERTIFICATION OF PROFESSIONAL PERSONNEL
AGENCY: STATE BOARD OF EDUCATION

2006 NOV -8 AM 11:11

INDEPENDENT REGULATORY
REVIEW COMMISSION

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

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
11/8/06	[Signature]	HOUSE COMMITTEE ON EDUCATION
11/8/06	Rita A. Markle	
11-8-06	A. Rybarczyk	SENATE COMMITTEE ON EDUCATION
11/8/06	R. B. [Signature]	
11/8/06	[Signature]	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
11/8/06	C. [Signature]	LEGISLATIVE REFERENCE BUREAU (for Proposed only)