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Subject: PSBA comments on proposed regulation Chapter 49-2

To: Sen. James Rhoades, Senate Education Committee
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 Rep. James Roebuck, House Education Committee
 Rep. Jess Stairs, House Education Committee
 Mr. Kim Kauffman, Independent Regulatory Review Commission
 Mr. James Buckheit, Executive Director, State Board of Education

From: Timothy M. Allwein
 Assistant Executive Director
 Governmental and Member Relations

Subject: PSBA comments on proposed regulation Chapter 49-2,
 No. 2583, State Board of Education #6-603

Date: August 13, 2007

The Pennsylvania School Boards Association would like to comment on the final-form proposal, 22 Pa. Code, Chapter 49-2, as further revised and adopted by the State Board of Education on May 17, 2007. This proposal establishes provisions for the preparation and certification of professional personnel.

The changes under Chapter 49-2 will have a major impact on teachers, school officials, teacher preparation institutions, and of course, parents and students. PSBA has continually emphasized the need for flexibility so that school districts will be able to implement programs in a manner that meets their local needs/resources as well as the needs of their students.

The board in May approved final-form revisions to the Chapter 49-2 proposal that include some substantive changes from the previous of the draft. PSBA is appreciative of the changes made by the board that address some of the key concerns that had been expressed by the association over the last several months.

First, the latest draft removes the requirement under the previous draft for school entities to "ensure" that all professional employees participate in continuing education focused on education students with disabilities and English language learners in inclusive settings. The proposal now states that schools must "offer all professional employees opportunities to participate" in these activities. PSBA supports this change.

The association had suggested that the State Board replace the word "ensure" with the language that has been amended into the proposal. The association felt that the original language went beyond the scope of Act 48 of 1999. While Act 48 requires teachers to earn the necessary amount of credits or hours in subjects related to

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their type of certificate or area of assignment, it is not prescriptive. Act 48 establishes the parameters, and properly places upon professional employees the responsibility of choosing the ones that will benefit them best and keep their certificates active. As originally drafted, the proposal placed school districts into a policing and enforcement role as teachers determine how they will meet their Act 48 requirements.

Second, the State Board revised its proposed changes to the scope of instructional certificates and made other related modifications. PSBA, along with many others for varying reasons, opposed the proposed new scope of instructional certificate because we believe these changes could lead to serious staffing difficulties and in some cases, teacher shortages. The proposal as originally drafted creates a significant narrowing of the scope by eliminating the existing K-6 Elementary Certificate and replacing it with two new certificates: Early Childhood (PreK- 3rd Grade) and Elementary/Middle level (4th -8th Grade). PSBA also expressed concerns with the proposed split in the special education certificate along with the new requirement for dual certification for special education teachers.

The proposed new rules will affect school districts differently, depending on their building configurations. With the elimination of the K-6 certificate, elementary schools will have to employ some teachers with the Early Childhood certificate, and also hire those with the Elementary/Middle certificate. They will be limited in the way they assign these teachers, and other organizations have raised concerns that the proposed certifications will not be marketable across states.

PSBA specifically expressed opposition to the lack of an overlap in certification scope at the elementary level. The proposal, with no overlap in the scope of certificates, would result in less flexibility in assigning and reassigning elementary school staff. PSBA noted that school administrators experience practical realities that occur as part of day-to-day operations. School officials who are responsible for ensuring that classrooms are appropriately staffed when the day begins must have the ability and flexibility to handle assignments caused by both short- and long-term situations, as well as emergencies.

The State Board revised the scope of instructional certificates to allow for an overlap in grades in elementary school. Under the final-form version of the proposal, the scope of the Early Childhood Certificate would cover grades pre-K-4, and the Elementary/Middle Certificate would cover grades 4-8. The secondary certificate remains at grades 7-12.

Another staffing concern is related to the provisions for dual certification for special education teachers. However, as revised by the State Board in May, while dual certification is still required, the proposal now creates two instead of three certificates. The two special education certificates would be Special Education Pre-K- 8, with dual certification in either Early Childhood, Elementary/Middle, or Reading Specialist certificates; and Special Education 7-12, with dual certification in either Secondary or Reading Specialist certificates.

PSBA also emphasized the need for school administrators to have the flexibility to be able to quickly and efficiently handle necessary changes in staffing assignments due to personnel issues such as medical and parental leaves, changes in student populations within a building, and other matters. We appreciated the efforts of the State Board to include language that allows school districts to seek permission on a case-by-case basis to place individual teachers in classrooms outside of the scope of their certificates. However, PSBA still continued to raise questions and concerns about the provisions as drafted. The State Board eventually broadened this language, which now allows districts to seek exceptions for the two special education certificates as well as the Early Childhood and Elementary/Middle certificates. Certainly this will help to address the concerns raised by many over the potential for a shortage in special education teachers.

PSBA supports these changes made by the board as a step to improve the proposal. School boards want to provide the best education possible for all of their students, and the issues and concerns regarding staffing decisions and flexibility reflect their responsibility and desire to provide students with effective teachers in the

classroom.

Thank you for the opportunity to comment on Chapter 49-2.

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