

December 21, 2006

Mr. James Buckheit, Executive Director  
State Board of Education  
333 Market Street  
Harrisburg, PA 17126-0333

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

Dear Mr. Buckheit:

The Pennsylvania School Boards Association would like to take this opportunity to comment on proposed 22 Pa. Code, Chapter 49-2, as published in the November 25, 2006 issue of the *Pennsylvania Bulletin*. This proposal revises provisions for certification of professional personnel.

The changes being proposed 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 new programs and changes to current certification requirements in a manner that meets their local needs and resources.

PSBA is supportive of the new emphasis to revise teacher preparation programs and clinical activities to include training and experience for new teachers regarding students with disabilities and English language learners in a regular classroom setting. In conjunction with this, the proposed regulation calls for induction plans for first-year teachers to include activities that focus on teaching students with disabilities and English language learners in a regular classroom setting.

The proposal also directs the Department of Education to create Certification and Staffing Policy Guideline that establishes up to six credit requirements of the 24 required for teachers seeking an Instructional II Certificate. We believe it is important to allow teachers to tailor their program of study to include credits specific to their needs and to fulfill the requirements of the Instructional II certificate. PSBA supports this broad approach and would suggest that the CSPG not become too prescriptive.

PSBA is concerned, however, with the proposed language as drafted under Section 49.17(7) regarding continuing professional education. This language requires 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." PSBA does not oppose a requirement for school districts to include such programs in their professional development plans. However, we have concerns with the language as drafted because it places upon school districts a new responsibility to "ensure" that all professional employees participate in the required activities regarding students with disabilities and English language learners.

This language goes 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 their type of certificate or area of

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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 drafted, the proposal places school districts into a policing and enforcement role as teachers determine how they will meet their Act 48 requirements. How will administrators be expected to “ensure” that the expectation was met? What would happen if an employee did not fulfill the requirement? Does this become grounds for PDE to declare a certificate inactive? Does this become grounds for the employee to be disqualified for school employment? What penalties would a school administrator face if he or she could not “ensure” that every professional employee achieved the requirement? Would an appeal process for both schools and teachers have to be established? These questions must be answered now, rather than later.

We believe the language should be amended to require school entities to “offer opportunities for all professional employees participate in continuing education focused on education students with disabilities and English language learners in inclusive settings.”

We would also like to share our thoughts regarding proposed changes that narrow the scope of instructional certificates under 49.85. The changes contained in this proposal will greatly affect the staffing decisions made by school administrators, as well as the ability of teachers to seek employment, particularly in elementary schools.

We continue to believe that elementary schools will experience severe staffing limitations due to the lack of any overlap between the Early Childhood and Elementary/Middle level certificates. It was for this reason that we emphasized the need for temporary flexibility in certain staffing assignments, and we thank the board for attempting to address this problem with the provisions under 49.85 (d) that allow for temporary exceptions for individual teachers with these certificates when requested by a school entity. However, it is a practical reality that both short and longer-term situations do occur as part of day-to-day operations and must be handled by the school officials who are responsible for ensuring that classrooms are appropriately staffed. We also are concerned about the possible shortage of special education teachers that may arise under the new requirements.

The language under Section 49.85 (d) also states “the secretary will issue guidelines that outline the circumstances under which exceptions will be granted.” It has been suggested by some that schools do not need flexibility or that flexibility will somehow compromise the quality of teaching in the elementary classroom. We believe that teachers will be well prepared and able to adjust to such changes if necessary. The language in Section 49.85 (d) is intended to provide to providing assistance to districts when it is justifiably needed. As such, the secretary’s guidelines should be written very broadly so that school administrators can make staffing decisions efficiently. Further, the guidelines should not create impractical barriers in order to acquire PDE approval of requests for exceptions. Certain circumstances, such as “grade population bubbles” that move through an elementary school or emergency/temporary staffing vacancies, are justifiable reasons to seek an exception, and should be

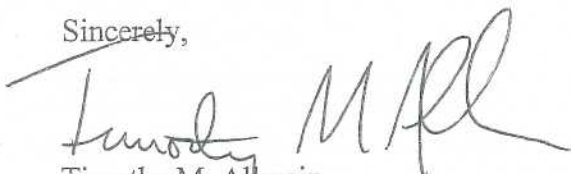
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given priority consideration by the department. We also urge the board to consider how the department will handle numerous requests in a timely manner.

PSBA commends the board for its efforts to raise the quality of teacher preparation programs. We believe that this proposal provides balanced flexibility in many instances. However, we urge the board to remember the practical considerations that must be met by schools in assigning and reassigning staff.

Thank you for the opportunity to comment on the proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy M. Allwein". The signature is fluid and cursive, with the first name "Timothy" written in a larger, more prominent script than the last name "Allwein".

Timothy M. Allwein  
Assistant Executive Director  
Governmental and Member Relations

cc: Sen. James Rhoades, Senate Education Committee  
Sen. Raphael Musto, Senate Education Committee  
Rep. Jess Stairs, House Education Committee  
Rep. James Roebuck, House Education Committee  
Mr. Kim Kauffman, Independent Regulatory Review Commission