



Quality & Fairness in
Pennsylvania's Public Schools

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December 22, 2006

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pa. 17101

Comments Regarding Regulation No. 6-303,
Certification of Professional Personnel (Chapter 49)

To the Members of the Independent Regulatory Review Commission:

The Education Law Center (ELC) strongly supports the proposed changes to Chapter 49 and encourages the Independent Regulatory Review Commission (IRRC) to approve the regulations.

Why the regulations are needed. The regulations are absolutely necessary to address the legal obligations of the Commonwealth under existing state and federal laws. By addressing teacher competency to address the academic needs of all students, including diverse learners, the State Board of Education is simply complying with the mandates established by the No Child Left Behind Act (NCLB) in 2001 and by the academic standards established by the State starting in 1999. The proposed changes in certification grade levels and in teacher preparation are necessary to ensure that educators have the knowledge and skills required to meet the higher expectations for school performance, teacher quality, and student achievement established by both state and federal law.

INDEPENDENT REGULATORY
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The proposed regulations focus on the remaining weak link in the chain of public school reform – teacher preparation and certification. Previously, Pennsylvania established statewide academic standards for all subjects and grade levels in public schools, mandatory student assessments to determine individual achievement and school performance, and systems of accountability and supports for struggling students and schools. These well-established reforms will have limited effectiveness over time unless they also address the initial preparation, official certification, and continuing education of teachers.

The proposed changes to Chapter 49 wisely distribute the new teacher quality reforms throughout the career of a teacher. College students preparing for a teaching career will learn more about the needs of the diverse learners they will face in every classroom. Teachers will gain additional knowledge and skills about diverse learners during their first year of employment, prior to permanent certification (within five years), and as part of their ongoing professional development.

The State Board has also wisely made modest adjustments to the grade levels covered by many of the teaching certificates offered by Pennsylvania. By focusing the early childhood, elementary, and middle grades certificates on a slightly narrower range of grade levels, the State Board will ensure that teachers have greater knowledge about the needs of students within these grades. This will benefit the academic achievement of all students, especially children with exceptional needs. The proposed regulations also include a new provision allowing teachers great flexibility to expand their certification into another level.

There is an overwhelming public need for these teacher quality reforms. At the present time, teachers are simply not prepared to raise academic achievement for all students to meet the expectations established by state and federal policy. Only two-thirds of all students are currently able to pass the state assessments for their grade level. The passing rate is much lower -- ranging between 23 percent and 49 percent -- for students with disabilities, students in poverty, students learning English, and students of color. Teachers currently do not have the knowledge and skills necessary to close the achievement gap. The new regulations proposed by the State Board are desperately needed to help all students and their teachers to be more successful.

The State Board has done an excellent job of developing the proposed regulations. As presented to IRRC, the proposals are the product of a two-year process of public hearings, stakeholder meetings, thoughtful deliberations, and genuine compromise. The Board went out of its way to accommodate the needs of colleges and universities, public schools, and the children affected by these issues.

Some individuals and institutions have expressed concerns about the proposed regulations. ELC has attended and participated in nearly every public meeting, roundtable, and hearing held by the State Board over the last two years, and we have seen an overwhelming number of parents, teachers, administrators, and universities speak out in strong support of the proposed reforms. The objections offered by a relatively small number of critics were fairly considered by the State Board, often resulting in changes to the regulations to add flexibility, to allow more time for implementation, and to accommodate the legitimate needs of all stakeholders. ELC has observed that some critics continue to raise concerns that seem unwarranted given the actual content of the proposals and the basic requirements of state and federal law. For example, new teachers in middle and high schools are required by law to be certified in an academic subject in addition to a grade level certification. The State Board must implement this and other requirements, and has now done so in ways that are sensitive to the needs of students, teachers, administrators, and undergraduate teacher preparation programs.

One necessary correction. Finally, we ask IRRC to instruct the State Board to correct one drafting error in the proposed regulations. Proposed Section 49.83 states that, to receive Instructional II (permanent) certification, all teachers must complete "six specific course credit requirements" within a total of 24 college credit hours. This language is problematic for several reasons. Earlier versions of the proposed changes stated more specifically that six credit hours would be required for courses *about teaching diverse learners in an inclusive setting*. The more general and vague phrasing of "course credit requirements" was later inserted, replacing the direct reference to diverse learners despite Board insistence that its intention remained unchanged. The current terms are excessively ambiguous and could mean almost anything.

Accordingly, we suggest that Section 49.83 be amended to require teachers seeking permanent certification to "complete six credits focused on teaching diverse learners in inclusive settings." This language mirrors that found in other sections of Chapter 49 and more clearly articulates the Board's intent.

I thank you for your consideration. Please contact me with any questions.

Sincerely,



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cc: Mr. Jim Buckheit, PA State Board of Education