

**Buckheit, James**

**From:** Buckheit, James  
**Sent:** Friday, December 22, 2006 11:26 AM  
**To:** 'David McNaughton'  
**Subject:** RE: Chapter 49 Comments

State Board of Education  
 333 Market Street, First Floor  
 Harrisburg, PA 17126 0333  
 December 22, 2006

Dear Dr. McNaughton:

Thank you for your letter received by the State Board of Education on December 22, 2006 regarding the proposed Chapter 49 Certification of Professional Personnel regulations.

Your letter is considered official public comment. As such copies are shared with each member of the State Board of Education, the chairs of the House and Senate Education Committees and Independent Regulatory Review Commission (IRRC). Your letter is also considered a public document that may be publicly released upon request.

The Regulatory Review Act provides that notice regarding final regulations be provided to those who make official comment if requested. If you would like to receive a copy of the final-form regulation when it is submitted for final approval by the legislative committees and IRRC, please submit a written request to me at the address listed above.

Sincerely,

Jim Buckheit  
 Executive Director

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

**From:** David McNaughton [mailto:dbm2@psu.edu]  
**Sent:** Friday, December 22, 2006 11:22 AM  
**To:** jrbuckheit@state.pa.us; IRRC@irrc.state.pa.us  
**Cc:** vmontgomer@state.pa.us; dhm6@psu.edu; Jacqueline Edmondson; Horst von Dorpowski; Kathy Ruhl; Kate McKinnon  
**Subject:** Chapter 49 Comments

Attached please comments from the Special Education Faculty at The Pennsylvania State University on proposed rule-making changes to Chapter 49-2.

While we appreciate the challenge of making changes to a complex document such as this, we have substantial concerns with both general requirements and specific definitions in the proposed rules. The current review of Chapter 49 Certification Requirements offers a unique opportunity to make positive changes in the preparation of Pennsylvania's teachers, and in the quality of services received by students with disabilities. We would ask that you carefully consider the issues in the attached document, as we believe important changes are needed in the proposed rules.

Sincerely

--  
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"We can, whenever and wherever we choose, successfully teach all children whose schooling is of interest to us. We already know more than we need in order to do this. Whether we do it must finally depend on how we feel about the fact that we have not done it so far." (Edmonds, 1979)

**Comments on Proposed Rulemaking for Chapter 49**  
**By the Special Education Faculty of The Pennsylvania State University**  
**Friday, December 22, 2006**

**We support**

- stipulation of focused coursework for all teachers and teacher candidates (Level 1 and 2) on providing instruction for students with special education needs;
- clear and rigorous standards for the certification of special education teachers;
- the development of "Program Endorsement Certificates".

**We are concerned**

- that teacher certification programs are only required to "provide assurances" that 270 hours (equivalent of 9 credits) have been given to accommodations and adaptations for students with disabilities;
- there is no requirement that this instruction is provided by qualified special education faculty;
- that definitions for important terms (i.e., *diverse learner*, *cognitive skill development*) are poorly constructed and open to misinterpretation.

**Specific Comments and Recommendations**

**1) 49.13. Policies: Required coursework in special education for all teacher candidates**

**Current Text:** *The evaluation by the Department will provide assurance that, on or before January 1, 2010, teacher education programs will require at least 9 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 9 credits or 270 hours, instruction in literacy skills development and cognitive skill development for students with disabilities must be included, as determined by the institution. At least 3 credits or 90 additional hours, or an equivalent combination thereof, must address the instructional needs of English language learners. For purposes of this requirement, 1 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.*

**Concerns:** We have three concerns.

- a) **Nine credits of SPLED prefix coursework should be required**, both to promote quality and to increase the number of individuals eligible for SPLED certification.
- b) **Coursework should clearly address evidence-based practices** (e.g., Direct Instruction in academic skills, research-supported classroom management) for needed community skills
- c) **The use of term "diverse learner" as a synonym for "student with disabilities" is inappropriate and misleading** – please see the detailed discussion of this issue at the end of this letter

**Alternative text:** The evaluation will provide assurance that all teacher education programs include at least nine (9) credit hours of SPLED prefix coursework on accommodation and adaptation for learners with disabilities. Special attention should be given to supporting the meaningful and appropriate academic and social participation of students with special education needs in general education classrooms, and in preparing students with special education needs to be full participants in the community. Within the content of these nine credits, research-supported practices in instructional design, literacy and mathematics instruction, and classroom management, shall be included. At least three (3) additional credit hours shall address the needs of English language learners.

**Discussion:** As noted above, we have two concerns. First, we believe the requirement for special education coursework makes clear that the focus of the course should be on meeting the instructional needs of students with disabilities. While this may be a challenge for some smaller teacher preparation programs, we believe innovative approaches (e.g. distance education, faculty development programs) can address these concerns. It may also be advisable to phase in these requirements over time so that programs can develop new resources – accepting a lower standard of training (the “assurances” of a teacher preparation program that time has been given to a topic) provides little useful evidence that appropriate preparation is being provided.

Pre-service teachers regularly complete 120-125 credits of coursework for Level 1 certification. To ask that 9 credits address the needs of those students who are most in need of effective instruction does not seem inappropriate. As part of the Gaskins Agreement, Pennsylvania committed to provide improved training to both pre-service and in-service teachers. The proposed changes do not provide the needed impetus for meaningful change in teacher preparation programs, and simply shifts the responsibility for preparing teachers from teacher preparation programs to the school districts that hire them. This is inappropriate, and an unfair burden on school districts that are poorly prepared to take on this responsibility.

The second concern is that there is no mention of requiring teachers to have course work in evidence-based practices (e.g., Effective Instruction, Applied Behavior Analysis) that have been shown to produce positive outcomes for students with disabilities. By allowing a teacher preparation program to “affirm” that attention has been given to a topic, there is no way to determine what has been taught and to what standard of quality.

## 2) 49.83. Instructional II.

**Current Text:** *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 will publish a Certification and Staffing Policy Guideline that establishes up to the equivalent of six specific course credit requirements for each certificate.*

**Concerns:** We believe that

- a) **Nine credits of SPLED prefix coursework** should be required as part of Level 2, both to promote quality and to increase the number of individuals eligible for SPLED certification.
- b) **Coursework should clearly address evidence-based practices** (e.g., Direct Instruction in academic skills, research-supported classroom management) for needed community skills

**Alternative text:**

Twenty-four credit hours of collegiate study or its equivalent [in in-service courses approved by the Department or both] in credits from the Department, a Pennsylvania intermediate unit, or any combination thereof. At least nine (9) credit hours should be SPLED prefix coursework on accommodations and adaptations for learners with disabilities. Coursework should focus on research-supported practices for supporting the meaningful and appropriate academic and social participation of students with special education needs in general education classrooms, and in preparing students with special education needs to be full participants in the community.

#### **Discussion:**

For general education teachers, we believe that nine credits of special education prefix coursework should be required as part of Level 2. With the Gaskins agreement, more children with special education needs will be served in general education classrooms, and teachers will need additional coursework and activities in order to be prepared. Stipulating that special education coursework must be a part of Level 2 certification provides an opportunity for teachers to take more specialized coursework once they are in their first teaching position. By requiring special education prefix coursework, PDE can be confident that the courses will be taught by knowledgeable special education faculty. In addition, as teachers accrue special education coursework, they are making progress towards special education certification, and helping to build capacity in Pennsylvania.

Action is needed to improve the quantity and quality of special education services in Pennsylvania, and requirements for Special Education prefix coursework is an important first step.

### **3) Special Education Certification**

**Concerns:** We believe that the current standards for special education certification are inadequate, and result in poorly prepared teachers working with the students who are in most desperate need of high quality instruction.

#### **Alternative text**

Special education certification should be reserved for individuals who

- 1) **Complete a minimum of 21 credits of special education coursework** taught by a qualified faculty member with a PhD or EdD in special education.
- 2) **Obtain a minimum score of 158** on the SPLED PRAXIS
- 3) **Demonstrate mastery of targeted skills** in key areas

#### **Discussion**

Attempting to address shortages of special education teachers by lowering the standards for preparation and creating programs to rush people through to certification is not in the best interests of children with special education needs. At least 21 credits of special education coursework is needed to provide the breadth and depth needed to be a qualified special education professional.

Furthermore, Pennsylvania should adopt a meaningful standard for PRAXIS testing. The national median score for the SPLED PRAXIS is 174. Many states require a passing score in the "low average" range (Connecticut requires 158, Minnesota 158, Kansas 160). Pennsylvania currently accepts a score of 136 (approximately the 2<sup>nd</sup> percentile) - the only other state that accepts a score of 136 is Mississippi.

Finally, PDE review should include examination of teacher candidate projects demonstrating performance in key areas (e.g., writing a legally acceptable IEP, creating a positive behavior support

plan) to insure that teacher candidates are prepared to help students with disabilities succeed in inclusive settings.

#### 4) 49.1 Definition (“Diverse learner”)

**Current Text:** *Diverse learner-A student who, because of limited English language proficiency or disabilities may have academic needs that require varied instructional strategies to help the student learn.*

**Concern:** Students with Special Needs and English Language Learners (ELL) or Limited English Proficient (LEP) are two different populations with distinctly different background experiences and instructional needs. Furthermore, other groups often considered diverse learners (e.g. gifted, cultural minorities who are not LEP etc.) might be considered by some to fall into this definition. This language is unnecessarily confusing, and seems to be used interchangeably (and inappropriately) with “students with disabilities” (see, for example, 49.13, 49.62b, 49.142).

**Alternative:** Omit the *Diverse Learner* definition all together or at a minimum, include two definitions: one for *Diverse Learner* (defined as those who are culturally or linguistically diverse as well as those who are English Language Learners) and one for *students with special education needs* or *students with disabilities*.

**Discussion:** We believe the proposed definition of *Diverse Learner* is problematic and may leave the Commonwealth open to litigation. Perhaps more importantly such definitions may create situations in which pupils, parents, and school personnel erroneously believe that some limited training in one area enables one to be an effective teacher in the other or that schools should have a one size fits all model of instruction.

The proposed definition of *Diverse Learner* presents a potential legal and practical issue because students with disabilities are covered under IDEIA and Chapter 14. Thus, there exists a body of statutory, regulatory and case law specifically applicable to students with disabilities. This law is not applicable to Limited English Proficient (LEP) students or English Language Learners (ELL). In addition, the instructional needs of students with disabilities, which may require interventions in a wide variety of areas, differ from the needs for LEP/ELL students. Including the two in a single definition while simultaneously omitting others who are often identified as “diverse” (e.g., gifted, cultural minority etc.) would give the erroneous impression that these two groups share some set of needs not shared with other students.

The differences have implication for teacher preparation. There are different bodies of law, and different instructional design and delivery concerns. To suggest that one who is knowledgeable in methods to teach one group can thus teach the other suggests a lack of understanding of the critical differences and sets many students and families up for failure and disappointment.

#### 5) 49.1 Definition (“Cognitive Skill Development”)

**Current Text:** *Cognitive Skill Development.*

**Concern:** The term “*cognitive skill development*” is not defined and open to misinterpretation. A search of the published research reveals only 9 articles in the past 14 years dealing with “cognitive skill

development” for children with disabilities.

**Alternative:** A preferred approach is to articulate the need for instruction in the skills (e.g., academic, social, vocational) that individuals will need to be full participants in the community.

### **Summary**

**The current review of Chapter 49 Certification Requirements offers a unique opportunity to make positive changes in the preparation of Pennsylvania’s teachers, and in the quality of services received by students with disabilities. Now is the time to make the needed changes so that children with disabilities will have the support they need to take on active and meaningful roles in society.**

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