

**INDEPENDENT REGULATORY REVIEW COMMISSION
PUBLIC MEETING MINUTES**

10:00 A.M.

Thursday, March 10, 2022
14th Floor Conference Room
333 Market Street

I. CALL OF THE MEETING

The March 10, 2022 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Bedwick at 10:02 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg, PA.

Commissioners Present: George D. Bedwick, Chairman
 John J. Soroko, Esq.
 Dennis A. Watson, Esq.
Telephone: John F. Mizner, Esq., Vice Chairman
 Murray Ufberg, Esq.

II. APPROVAL OF THE JANUARY 20, 2022 PUBLIC MEETING MINUTES

Chairman Bedwick asked for a motion for approval of the January 20, 2022 public meeting minutes, as submitted. Commissioner Watson made the motion and Chairman Bedwick seconded, and the motion passed 5-0.

III. EXECUTIVE SESSION ANNOUNCEMENTS

The Commission briefly went into executive session. Upon the Commission's return, Chairman Bedwick announced staff member Stephen Hoffman was promoted to Comptroller. Public advertisements for Mr. Hoffman's current position of Research Technician and changes to the advertisement postings were both unanimously approved.

IV. NEW BUSINESS

A. DEEMED APPROVED

1. No. 3282 Department of Human Services #14-550: Definitions and Redetermination

B. ACTION ITEMS

1. No. 3250 State Board of Examiners of Nursing Home Administrators #16A-6219: Continuing Education

Michelle Elliott, Regulatory Analyst, stated that the regulation clarifies biennial renewal procedures, and addresses continued competence for individuals whose licenses have expired or were inactive for five or more years. She stated public comments were not received and the standing committees deemed the regulation approved.

Sasha Sacavage, Board Counsel, State Board of Examiners of Nursing Home Administrators (Board), explained the Board approved the regulation and the regulation amends numerous sections of 49 Pa. Code, relating to professional and vocational standards. She encouraged the Commission to approve the regulation. Cynthia Montgomery, Deputy Chief Counsel, Department of State, was also present.

Chairman Bedwick made a motion for approval. Commissioner Watson seconded, and the motion passed 5 -0.

2. No. 3283 State Board of Education #6-346: Certification of Professional Personnel

Laura Campbell, Regulatory Analyst, explained the regulation aligns existing provisions with statutory changes to the Public School Code of 1949 and establishes new training requirements related to culturally responsive and sustaining education, structured literacy, and professional ethics. She noted commentators supported the regulation. She added the standing committees deemed the regulation approved.

Commissioner Soroko requested elaboration on the regulation's "umbrella concept of culturally responsive" teaching techniques. Ms. Campbell responded the concept "includes mental wellness, trauma-informed instruction, technological and virtual engagement, and cultural awareness."

Sandra Dungee Glenn, Member, Council of Higher Education, State Board of Education, detailed that the amendments were prepared in "close partnership" with the Department of Education (PDE) and affected stakeholders and incorporate changes made from public comments. She declared the "essential elements" of the proposed amendments are to train educators to better meet the needs of an increasingly diverse student population and learn how to operate ever-changing technology. She added the regulation also addresses literacy requirements and virtual learning settings. Ms. Dungee Glenn asserted, "Protecting students from educator misconduct is of the utmost importance." She remarked the proposed amendments will promote the recently adopted Code of Professional Practice and Conduct for Educators. She stated a positive impact will result from support of new teachers entering a workforce that has seen a decline of 67 percent over the past several years.

Ms. Dungee Glenn stated the top eight districts in need of additional teachers have the highest minority student populations in the Commonwealth, accounting for 13 percent of the students of color population. She underscored the need for additional teachers to educate the increasingly diverse student population. Ms. Dungee Glenn focused on comments on the regulation submitted by the International Dyslexia Association and the Literacy Alliance of Pennsylvania. She pointed out a typographical error that resulted in the use of "systemic" instead

of "systematic" and noted this mistake will be corrected for publication in the *Pennsylvania Bulletin*.

Commissioner Soroko requested elaboration on the usage of "culturally relevant," "cultural awareness" and "culturally relevant classrooms." Dr. Tanya Garcia, Deputy Secretary, Office of Postsecondary and Higher Education, PDE, explained the terms' codification has a "wide body" of input. She related her education as a child using World War II and the Holocaust as examples of "valuing and honoring people's lived experiences" and reiterated Pennsylvania has a growing minority population with their own experiences. Ms. Dungee Glenn added that "in simplest terms," teachers should understand the backgrounds and experiences of students. Commissioner Soroko inquired about what is changed in educational curriculum to address these concepts. Ms. Dungee Glenn explained the curriculum for educators will promote the understanding and incorporation of diverse students' cultural experiences.

Commissioner Ufberg commented he was involved in establishing Holocaust education in curriculum across the state. He asserted Holocaust education has a factual basis for lived experiences. He wondered if a standard exists for the regulation's goal rather than what can be considered as opinions. Karen Molchanow, Executive Director, State Board of Education, explained that a specific definition of "cultural awareness" was added in the final-form regulation. She noted these concepts are separate from curriculum standards. Commissioner Ufberg questioned what will be taught to students regarding the concepts of cultural awareness and who will determine how this will be communicated. Ms. Dungee Glenn reiterated the cultural awareness requirements are separate from education curriculum and do not "guide" teachers for what will be communicated to students. She opined the regulation is to prepare educators to have "some understanding of the individual...who is sitting in front of them."

Vice Chairman Mizner voiced his concern with overregulating classrooms and suggested teachers will have intuitive understandings of the "individuality of each student." He continued that the educational process addresses student needs regardless of an educator's understanding of cultural backgrounds. He repeated his concern for regulating "common sense." Ms. Dungee Glenn commented that significant parts of the student population are experiencing trauma due to their demographics, and this trauma is entering the classroom. She illustrated the regulation is not solely focused on race and ethnicity. She detailed the differences in classrooms today compared to when she was in school in the 1960s. She asserted the regulation is the "best attempt" to rethink the competencies teachers require to address students' trauma. Ms. Molchanow added the General Assembly placed trauma-informed instruction within the Public School Code, and the regulation reflects that addition.

Vice Chairman Mizner agreed with Ms. Dungee Glenn's assessment that classrooms have changed and students would be better served by school employees of the same background. He pondered how the regulation would change the current situation and if the situation even requires a regulation to be changed. In addressing the issue, Ms. Dungee Glenn cited a report of a pilot program that created a consortium of school officials who struggled to provide the right instruction to educators. She added it is important for any kind of teacher to be competent and comfortable with students of all cultural backgrounds in their classroom. She stated proper instruction of educators in all educator-certifying institutions is critical. Ms. Molchanow noted a

comment on the regulation submitted by the Pennsylvania Association of Colleges and Teacher Educators (PAC-TE). She reiterated Ms. Dungee Glenn's statements that some programs will include the culturally relevant classroom standards while others will not. PAC-TE, she said, welcomed the inclusion of the standards. Vice Chairman Mizner expressed appreciation for the panel's "thoughtful" presentation.

Commissioner Ufberg opined there is "no question" awareness of educator inadequacy is important. He asked if the regulation recommends specific methodologies and programs to educators. Ms. Molchanow answered there will be standards for educator preparation programs that will be monitored and assessed by PDE. Commissioner Ufberg reiterated his question about whether there will be identified standards for communicating with students. The panel replied in the affirmative. Ms. Dungee Glenn added educators will reach a level of competency of cultural awareness under the regulation.

Commissioner Watson thanked the panel for the concise documentation they submitted to the Commission. He asked if his understanding is correct that the regulation covers students in higher education institutions studying to become teachers, new teachers and their school districts, and teachers with certain instructional certifications. The panel replied this assessment is correct.

Commissioner Watson wondered why teachers with certain instructional certifications were included in the regulation. Ms. Molchanow explained the three requirements for these teachers include structured literacy, which is a compromise instead of requiring universal literacy requirements. She added certified reading specialists, certified special education educators, and educators who work with students who have English as a second language are also included in the regulation. She continued that having universal literacy requirements for educators would be challenging for some educators, such as those teaching secondary level science or math. Commissioner Watson asked if the instructional literacy requirements are intended just for dyslexic students. Ms. Molchanow asserted it has "benefits for all students."

Commissioner Watson questioned how mental wellness is considered culturally relevant information. Ms. Dungee Glenn responded it relates to giving educators competencies to recognize the challenges their students face beyond academics. She continued educators should be able to recognize signs of mental health issues in their classroom so assistance can be provided. Commissioner Watson stated he understood this answer and how trauma is also considered culturally relevant. He pondered what is entailed in technological and virtual engagement. Ms. Molchanow replied this was a request based on the availability and daily utilization of technology in classrooms. She stated the COVID-19 pandemic and the efforts to provide continuing education throughout the pandemic and potentially in the future were considered for the regulation.

Commissioner Watson inquired why social workers are addressed in the regulations. Dr. Garcia answered school social workers are a recent certification, and they address the behavioral and mental health needs of students alongside their educational curriculum. Dr. Kerry Helm, Director, Bureau of School Leadership and Teacher Quality, PDE, explained there were requests in the past to certify social workers to work with school students. He disclosed teachers do not

always have the tools to address student needs that are beyond academics and require more involved counseling. He continued, teachers should be instructed on how to identify behavioral or mental health issues in their students and direct them to the social workers.

Commissioner Watson related a meeting he attended in which a regional police representative was proud they added a social worker to their office. He contended the regulation would not solve the "staggering" educator workforce shortages. He questioned how PDE is encouraging students to study education and enter teaching careers. Dr. Garcia stated her role is to update the master plan and that she has focused on achieving a postsecondary attainment goal of 80 percent for students studying education. She detailed the postsecondary attainment rates favor Asian Americans entering college and outlined the challenges and barriers that prevent individuals from reaching secondary level education instruction. She noted PDE has data showing a reversal in students entering college to become educators as the pandemic has slowed. She asserted PDE is aware of the shortage and is working to close equity gaps that exist for Pennsylvanian students.

Chairman Bedwick cited Plato's sentiment that "you can't legislate morality" and opined the increased diversity in the country has proved to be a challenge to address. He continued the regulation is "clearly" not about instruction provided to students. He related his Army tour in the First Gulf War where he learned how to better understand Saudi Arabians and their cultural norms. Ms. Dungee Glenn asserted that is an "excellent example" and illustrates the importance of the regulation's goals.

Commissioner Watson made a motion for approval. Commissioner Ufberg seconded, and the motion passed 5-0.

V. OTHER BUSINESS

Approval of Vouchers

Commissioner Watson made a motion to approve vouchers and expenses for the period December 10, 2021 through January 26, 2022. Chairman Bedwick seconded, and the motion passed 5-0.

VI. DATE AND PLACE OF SUBSEQUENT MEETING

Chairman Bedwick announced the next public meeting is scheduled for Monday, March 21, 2021, at 10:00 a.m. in the 14th Floor Conference Room, 333 Market Street, Harrisburg.

VII. ADJOURNMENT

Chairman Bedwick adjourned the meeting at 11:30 a.m.