

# PROPOSED RULEMAKING

## DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 443]

### Roadside Rest Areas

The Department of Transportation (Department), under section 8 of the act of June 7, 1961 (P. L. 257, No. 151) (36 P. S. § 478.18), proposes to amend Chapter 443 (relating to roadside rest areas) to read as set forth in Annex A.

#### *Purpose of this Chapter*

The purpose of this chapter is to set forth regulations to ensure the comfort, convenience, cleanliness, health and safety of members of the traveling public who utilize roadside rest areas and facilities.

#### *Purpose of the Proposed Rulemaking*

The purpose of this proposed rulemaking is to provide greater detail in the description of conditions and activities not permitted at roadside rest areas and facilities.

#### *Summary of Significant Amendments*

Sections 443.1 and 443.2 (relating to purpose and policy; and prohibited activities or actions) are amended to include more specific definitions of activities or actions that are prohibited at roadside rest areas and Welcome Centers.

#### *Persons and Entities Affected*

This proposed rulemaking affects members of the general motoring public who stop at roadside rest areas and Welcome Centers.

#### *Fiscal Impact*

Implementation of this proposed rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 13, 2006, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Sunset Provisions*

The Department will make this proposed rulemaking effective upon final-form publication following appropriate evaluation of comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for these

regulations. The regulations are needed to administer provisions required under 75 Pa.C.S. (relating to the Vehicle Code). The Department, however, will continue to closely monitor the regulations for their effectiveness.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Jack Christensen, Chief, Facilities Management Division, Bureau of Office Services, 400 North Street, 5th Floor, Harrisburg, PA 17120 within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

#### *Contact Person*

The contact person for technical questions about the proposed rulemaking is Robert Kleimenhagen, Jr., Central Region Facilities Administrator, Facilities Management Division, Bureau of Office Services, 400 North Street, 5th Floor, Harrisburg, PA 17120, (717) 787-7002.

ALLEN D. BIEHLER, P. E.,

*Secretary*

**Fiscal Note:** 18-408. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 67. TRANSPORTATION

#### PART I. DEPARTMENT OF TRANSPORTATION

#### Subpart B. NONVEHICLE CODE PROVISIONS

#### ARTICLE III. HIGHWAYS

#### CHAPTER 443. ROADSIDE REST AREAS

#### § 443.1. Purpose and policy.

(a) This chapter is promulgated for the purpose of providing comfortable, [ **convenience** ] **convenient**, clean, attractive and safe places for the general motoring public and to set forth rules to insure the maximum comfort, convenience, cleanliness, health and safety of those members of the general public using the facilities.

(b) **This chapter applies to all rest areas administered by the Department, including those containing information centers for the traveling public, that is Welcome Centers.**

(c) **This chapter is intended to limit activities and actions in roadside rest areas to those that are consistent with the purpose of the facilities.**

#### § 443.2. Prohibited activities or actions.

The following specified activities or actions [ **shall be** ] **are** prohibited in roadside rest areas:

(1) Driving or parking of a vehicle in areas other than those provided. **Drivers shall obey all posted traffic signs and markings.**

(2) Parking or standing of a vehicle for more than 2 hours in a single 24-hour period or in excess of the posted time limit. **Vehicles unattended for more than 24 hours will be considered abandoned and subject to removal and storage at the sole cost and expense of the owner.**

(3) Defacing or damaging buildings or other facilities [ . ], **skateboarding, rollerblading, skating, biking or sledding, riding of all-terrain vehicles or smoking in areas designated as "No Smoking."**

(4) Igniting or maintaining fires for heating or cooking equipment, except in areas or facilities designed for the purpose, **camping overnight or setting up a tent, sleeping anywhere but in a legally parked vehicle, or remaining anywhere but in a legally parked vehicle for more than 2 hours.**

(5) Depositing or disposing of refuse or waste, except picnic waste and contents of vehicle litter bags, which shall be deposited only in areas or containers provided **[ therefore ] for that purpose.** Disposing of camping, **sewage** or household refuse in **[ this area ] these areas** is prohibited.

(6) Consumption of alcoholic beverages, **or the use, possession or delivery of controlled substances.**

(7) Discharging or shooting of firearms or bows and arrows, **[ and ] hunting or fishing, or parking of vehicles for the purpose of hunting or fishing outside of the rest area.**

(8) Maintenance or repairing of vehicles **or attachments to vehicles**—oil changes, filter replacements, draining of coolants, washing vehicles[, ] **or attachments to vehicles**, motor disassembly or assembly and the like—except in emergencies.

(9) Release of pets **or unloading of livestock.** Animals on leashes shall be permitted only in areas designated as pet area, **except for Seeing-Eye or Service Dogs which are permitted anywhere.**

\* \* \* \* \*

(12) Sale of a product or conduct of other commercial activity, except **[ in emergencies ] when the Department authorizes, by written agreement, vending and communication facilities in areas within limited access right of way, or vending, communication facilities, and other commercial activities serving the needs of the traveling public in areas outside limited access right of way.**

\* \* \* \* \*

(14) Use of the area or facilities when closed for the season **or for any other reason.**

\* \* \* \* \*

(16) Use of the area or facilities for special events, **except for free “Coffee Break” events and similar nonprofit activities for the traveling public when approved by the Department and on the terms and conditions the Department deems appropriate.**

(17) Other activities that interfere with the proper functioning of the rest area for the purposes set forth in § 443.1 (relating to purpose and policy), including:

(i) **Soliciting, harassing, intimidating or coercing travelers.**

(ii) **Impeding the movement of persons or interrupting traffic flow.**

(iii) **Picketing, demonstrating or performing oration or similar expressive activities.**

(iv) **Distributing written materials without the written agreement of the Department.**

**§ 443.3. Additional prohibited activities or actions on noninterstate highways.**

In addition to the activities prohibited in § 443.2 (relating to prohibited activities or actions), parking of

commercial vehicles or the parking of a vehicle between dusk and dawn is prohibited in roadside rest areas along noninterstate highways, **unless otherwise posted by the Department.**

[Pa.B. Doc. No. 06-2311. Filed for public inspection November 22, 2006, 9:00 a.m.]

## STATE BOARD OF EDUCATION

[22 PA. CODE CH. 49]

### Certification of Professional Personnel

The State Board of Education (Board) proposes to amend Chapter 49 (relating to certification of professional personnel) to read as set forth in Annex A. The Board is acting under the authority of Article XII and section 2603-B of the Public School Code of 1949 (code) (24 P. S. §§ 12-1201—12-1215 and 26-2603-B) and the act of May 29, 1931 (P. L. 210, No. 126) (24 P. S. §§ 1224—1231).

#### Purpose

Chapter 49 sets forth requirements for certification of professional personnel in public schools. The proposed rulemaking changes the scope of grade level certification requirements for new teachers of prekindergarten through grade three; grades four through eight; and for all grade levels for special education teachers to ensure that preparation is aligned with the academic content and developmental needs of students they will be teaching. The proposed rulemaking also focuses existing requirements for induction programs and continuing professional education to provide both new and current teachers with the knowledge and skills necessary to effectively provide instruction to diverse learners in inclusive classroom settings.

#### Background

At the September 21 and 22, 2005, meetings of the Board and its councils and committees, the Department of Education (Department), after considerable research and consultation with over 600 stakeholders, presented its recommendations to restructure teacher preparation and certification requirements. Most significant of these recommendations was a requirement that all new teachers hold dual certification in both their academic area and in special education. The Department also called for splitting the current elementary certificate into an early childhood certificate that would cover prekindergarten through grade three and an elementary certificate that would cover grades four through six.

Using the Department’s proposal as a starting point, the Board’s Chapter 49 Committee conducted three regional public roundtable meetings in Pittsburgh, Harrisburg and Allentown to provide interested individuals and organizations an opportunity to discuss the proposal with members of the Board. Interested individuals and organizations were also encouraged to provide written comments to the Board.

Based on discussions at the roundtables, written comments received and individual discussions among members of the Board and interested individuals, the Board developed its own new proposal. An invitational roundtable meeting was held in Harrisburg where individuals who attended one of the previous roundtable

meetings were invited to discuss the new proposal. Based on these discussions, additional revisions were made to the Board's draft proposal. These were discussed at the November 2005 and January 2006 Board meetings. In March 2006, the chairperson of the Chapter 49 Committee and staff met with representatives of teacher education programs from about 20 independent colleges and universities to discuss the latest proposal.

Throughout this period, the chairperson of the Chapter 49 Committee and other members of the Board engaged in numerous discussions with individuals and organizational representatives. Additional refinements to the proposal were made and shared at the March 2006 Board meeting. Interested individuals and representatives of numerous organizations presented formal testimony at the hearings held in Downingtown, Harrisburg and Monroeville. Based on this testimony, additional refinements were made to the proposal. The Board announced its intention to adopt the regulations at its June 28-29, 2006 meetings.

#### *Requirements of the Proposed Rulemaking*

The proposed rulemaking amends the following sections.

Section 49.1 (relating to definitions) is amended by adding definitions for "community provider," "core academic subject" and "inclusive setting." The definitions of "diverse learner," "educational specialist" and "prekindergarten" are amended.

Section 49.13(b) (relating to policies) is amended to require that on or before January 1, 2010, teacher education programs include at least 9 credits or 270 hours of instruction on accommodations and adaptations for students with disabilities in an inclusive setting and at least 3 credits or 90 hours of instruction to address the instructional needs of English language learners. The content of the 9 credits or 270 hours of instruction would have to include instruction in literacy skills development and cognitive skill development for students with disabilities.

Section 49.14 (relating to approval of institutions) is amended to add language requiring institutions to demonstrate how instructional and clinical activities prepare candidates for teaching certificates to enable the achievement of all students, including diverse learners in an inclusive setting.

Section 49.16 (relating to approval of induction plans) is amended to add a requirement that induction programs include teachers in prekindergarten programs. The proposed rulemaking also directs the Department to establish guidelines for induction plans. This language puts long-standing practice into regulation. In addition, the Board proposes to add language that requires induction activities to address teaching diverse learners in inclusive settings.

Section 49.17 (relating to continuing professional development) is amended to add language directing the Secretary to establish guidelines for submission of the professional education plan. This proposed language puts long-standing practice into regulation. Proposed language also requires the plan to describe how all professional employees will participate in continuing education focused on teaching diverse learners in inclusive settings. In addition, proposed language directs school districts that operate prekindergarten programs through community providers to offer professional education opportunities to teachers in the prekindergarten program.

Section 49.18 (relating to assessment) is amended to add a requirement that candidates for a certificate in special education be assessed in the area of general knowledge.

Section 49.62b (relating to Program Endorsement Certificate) is amended to amend, for purposes of clarity and illustration, language regarding the Program Endorsement Certificate.

Section 49.83 (relating to Instructional II) is amended to use the term "credits." Also, language is added directing the Department to issue a Certification and Staffing Policy Guideline that establishes up to 6 credit requirements of the 24 required for each certificate.

Section 49.85(a) (relating to limitations) is amended to require that instructional certificates issued before January 1, 2012, adhere to the certificate structure outlined in paragraphs (1)–(6).

Section 49.85(b) is amended to require that instructional certificates issued on or after January 1, 2012, follow the new grade level limitations outlined as follows: Early Childhood—prekindergarten through grade three; Elementary/Middle—grades 4 through 8; Secondary—grades 7 through 12; Specialized Areas—prekindergarten through 12; Special Education/Primary—prekindergarten through 3; Special Education/Elementary/Middle—grades 4 through eight; Special Education Secondary—grades 7 through 12; and Special Education—hearing impaired, visually impaired and speech/language impaired—grades prekindergarten through 12.

Section 49.85(d) is added to grant the Secretary authority to grant exceptions between the Early Childhood and Early Childhood/Special Education and Elementary/Middle and Elementary/Middle/Special Education certificates for individual teachers on a case-by-case basis when requested by a school entity, based on guidelines established by the Secretary.

Section 49.85(e) is added to require that community provided prekindergarten services be provided by teachers certified in early childhood within 5 years for programs in place prior to the effective of adoption of this proposed rulemaking and 5 years from the start of services for newly contracted prekindergarten programs.

Section 49.85(f) is added to authorize the Secretary to grant Statewide exceptions to specific provisions in this section that address Statewide shortages of certified personnel when necessary to facilitate the transition to the revised provisions scheduled to be effective on January 1, 2012.

Section 49.86 (relating to accelerated program for Early Childhood and Elementary/Middle level certificateholders) would be added to direct the Department to establish standards for the establishment of accelerated programs of study to permit an Early Childhood certificateholder to earn an Elementary/Middle certificate and an Elementary/Middle certificateholder to earn a Early Childhood certificate through an approved Commonwealth institution.

Section 49.131 (relating to basic requirements for baccalaureate and nonbaccalaureate programs) is amended to add special education to content that must be included in teacher preparation programs for candidates for Vocational Education certificates.

Section 49.142 (relating to Vocational Instructional I) is amended to require, for Vocational I certificates issued on or after January 1, 2012, that at least 3 credits or 90

hours of the required 18 credits address accommodations and adaptations for diverse learners in an inclusive setting.

Section 49.143 (relating to Vocational Instructional II) is amended to add requirements that, of the 60 credits required for a holder of an Vocational I certificate to obtain the Vocational II certificate, at least 6 credits or 180 hours must address accommodations and adaptations for students with disabilities in an inclusive setting and at least 3 credits or 90 hours in teaching English language learners must be completed.

Miscellaneous

For purposes of teacher education programs and related requirements in §§ 49.13(b)(4)(i), 49.142(a)(3) and 49.143(2), 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.

Affected Parties

The proposed rulemaking will affect professional educators, public schools, teacher education programs and professional employees of the public schools of this Commonwealth (including intermediate units, area vocational-technical schools, public charter and alternative schools).

Cost and Paperwork Estimates

It is estimated that costs for implementation and compliance with the proposed rulemaking would total \$3.23 million. These costs would be incurred by the 95 colleges and universities that offer Department-approved teacher education programs. The bulk of these costs represent staffing costs to programs currently without instructional resources with content expertise in providing instruction to diverse learners. The remaining costs would be for review and revision of degree course requirements and for the rewriting of certain course curricula.

Effective Date

The proposed rulemaking will become effective upon final-form publication in the Pennsylvania Bulletin.

Sunset Date

In accordance with its policy and practice respecting all regulations that it promulgates, the Board plans to review the effectiveness of Chapter 49 after 4 years. Therefore, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 8, 2006, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comments and Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, jrbuckheit@state.pa.us within 30 days following publication in the Pennsylvania Bulletin. Persons with disabilities who need an alternative means of providing public comment may make arrangements by calling Jim Buckheit, (717) 787-3787 or TDD (717) 787-7367.

JIM BUCKHEIT, Executive Director

Fiscal Note: 6-303. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart C. HIGHER EDUCATION

CHAPTER 49. CERTIFICATION OF PROFESSIONAL PERSONNEL

Subchapter A. GENERAL PROVISIONS

THE PROGRAM

§ 49.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

Community provider—A not-for-profit or for-profit organization that operates prekindergarten programs.

\* \* \* \* \*

Core academic subject—Includes reading, language arts, mathematics, science, foreign languages, social studies and the arts.

\* \* \* \* \*

Diverse [ learners ] learner—[ Those students ] A student who because of limited English language proficiency or disabilities may have academic needs that require varied instructional strategies to help [ them ] the student learn.

Educational specialist—Professional certified personnel whose primary responsibility is to render professional service other than classroom teaching, such as dental hygienist, home and school visitor, instructional technology specialist, social restoration specialist, nutrition service specialist, elementary counselor, secondary counselor, school nurse and school psychologist.

\* \* \* \* \*

Inclusive setting—The placement of a diverse learner in a regular classroom setting.

\* \* \* \* \*

Prekindergarten—A program operated by a school district or under contract from a school district that is open to children who are 3 [ or 4 ] years of age and who have completed the program prior to the school district's entry age for kindergarten. [ A school district may make individual exceptions based upon local policy that would permit enrollment of children under 3 years of age or over 5 years of age. ]

§ 49.13. Policies.

\* \* \* \* \*

(b) The Department will have the following responsibilities with respect to certification and permitting of professional personnel in the schools of this Commonwealth:

\* \* \* \* \*

(4) Evaluation and approval of teacher education programs leading to the certification and permitting of professional personnel. [Program approval reviews shall be conducted by professional educators from basic and higher education.]

(i) 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.

(ii) Program approval reviews shall be conducted by professional educators from basic and higher education.

\* \* \* \* \*

§ 49.14. Approval of institutions.

To be authorized to conduct programs that lead to certificates for professional positions, institutions and any of their off-campus centers engaged in the preparation of teachers shall meet the following requirements:

\* \* \* \* \*

(4) Follow Department prescribed standards developed from the following principles:

\* \* \* \* \*

(ii) Institutions are able to demonstrate how instructional and clinical activities provide educator candidates with the capacity to enable the achievement of all students, including diverse learners in an inclusive setting.

\* \* \* \* \*

§ 49.16. Approval of induction plans.

(a) Each school entity shall submit to the Department for approval a plan for the induction experience for first-year teachers (including teachers in prekindergarten programs, when offered), long-term substitutes who are hired for a position for 45 days or more, and educational specialists. The induction plan shall be submitted as part of the school entity's strategic plan every 6 years as required by Chapter 4 (relating to academic

standards and assessments). The induction plan shall be prepared by teacher or educational specialist representatives, or both, chosen by teachers and educational specialists and administrative representatives chosen by the administrative personnel of the school entity. Newly employed professional personnel with prior school teaching experience may be required by the school entity to participate in an induction program.

(b) The Department will establish guidelines and will review for approval induction plans submitted by school entities.

\* \* \* \* \*

(d) Criteria for approval of the induction plans will be established by the Secretary in consultation with the Board and must include [an element of accommodations and adaptations for] induction activities that focus on teaching diverse learners in inclusive settings.

§ 49.17. Continuing professional education.

(a) A school entity shall submit to the Secretary for approval a 3-year professional education plan as part of its strategic plan in accordance with the professional education guidelines established by the Secretary and section 1205.1 of the act (24 P. S. § 12-1205.1).

\* \* \* \* \*

(7) The continuing professional education plan must include a description of how the school entity will ensure that all professional employees participate in continuing education focused on teaching diverse learners in inclusive settings.

(8) A school district that contracts with a community provider to operate a prekindergarten program shall address in the school district's professional education plan how the school district will offer professional education opportunities to teachers in the community provider's prekindergarten program.

\* \* \* \* \*

§ 49.18. Assessment.

(a) The Secretary will institute an assessment program for candidates for certification designed to assess their basic skills; professional knowledge and practice; and subject matter knowledge. Candidates for elementary, K-12 instructional, special education and early childhood certificates shall also be assessed in the area of general knowledge. The following principles will guide the Secretary in the development of an assessment program:

\* \* \* \* \*

MISCELLANEOUS PROVISIONS

§ 49.62b. Program Endorsement Certificate.

Following approval by the Department, baccalaureate or graduate degree granting institutions, alone or in cooperation with other institutions, community colleges or school entities, may offer short programs (12 credits maximum) that lead to the Program Endorsement Certificate. The Program Endorsement Certificate documents knowledge in new and emerging areas where formal certification does not exist [but would]. The Program Endorsement Certificate is intended to improve [the] a teacher's skills in dealing with complex classroom settings[. Areas include, but are not limited to], including teaching gifted students or di-

verse learners in areas such as assistive technology curriculum modification, autism spectrum disorders, assessment, gifted education, classroom management, classroom technology and disruptive youth. These endorsements would be added to existing Level I or Level II Certificates but are not required to perform service in these areas.

**Subchapter B. CERTIFICATION OF GRADUATES FROM COMMONWEALTH INSTITUTIONS  
INSTRUCTIONAL CERTIFICATES**

**§ 49.83. Instructional II.**

The Instructional II Certificate will be issued to an applicant who has completed:

\* \* \* \* \*

(3) 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.**

\* \* \* \* \*

**§ 49.85. Limitations.**

(a) [ The ] For instructional certificates issued before January 1, 2012, the grade level limitations [ of instructional certificates ] shall be the following:

(1) Early childhood (prekindergarten, kindergarten, grades one through three or ages 3 [ to ] through 8).

\* \* \* \* \*

(b) [ The decision about staffing based on age or grade level rests with the school entity. ] For instructional certificates issued on or after January 1, 2012, the grade level limitations shall be the following:

(1) Early Childhood (prekindergarten, kindergarten, grades one through three or ages 3 through 8).

(2) Elementary/Middle (grades four through eight or ages 9 through 14). Elementary/Middle certificates permit instruction in any subject in grades four, five and six and in a core academic subject or subjects in grades seven and eight.

(3) Secondary (grades seven through twelve or ages 11 through 21).

(4) Specialized Areas (prekindergarten through grade twelve or up through age 21).

(5) Special Education/Primary (prekindergarten, kindergarten, grades one through eight or ages 3 through 14) with early childhood (prekindergarten, kindergarten, grades one through three or ages 3 through 8), as specified in paragraph (1).

(6) Special Education/Middle (prekindergarten, kindergarten, grades one through eight or ages 3 through 14) with Elementary/Middle (grades four through eight or ages 9 through 14), as specified in paragraph (2).

(7) Special Education/Secondary in a core academic subject (grades seven through twelve or ages 11 through 21).

(8) Special Education Hearing Impaired, Visually Impaired and Speech/Language Impaired Certifi-

cates (prekindergarten, kindergarten, grades one through twelve or ages 3 through 21).

(c) The decision about staffing based on age or grade level rests with the school entity.

(d) The Secretary may grant exceptions to the grade and age level limitations between Early Childhood (subsection (b)(1)), Elementary/Middle (subsection (b)(2)), Special Education/Primary (subsection (b)(5)) and Special Education/Middle (subsection (b)(5)) for individual teachers on a case-by-case basis. The school entity shall submit a written request to the Secretary that provides justification for the exception. The Secretary will set a time limit for each individual exception granted. The Secretary will issue guidelines that outline the circumstances under which exceptions will be granted.

(e) When a school district contracts with a community provider for the provision of prekindergarten services, prekindergarten teachers providing the services shall possess a certificate in early childhood as provided in subsection (a)(1) or subsection (b)(1) within the following time frame:

(i) For contracts in place prior to \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), \_\_\_\_\_ (*Editor's Note: The blank refers to a date 5 years after the effective date of adoption of this proposed rulemaking.*).

(ii) For new contracts, 5 years from the start of services.

(f) The Secretary may grant exceptions in response to shortages of certified personnel that apply Statewide to specific provisions of this section when it is necessary to facilitate transition to the revised provisions scheduled to become effective on January 1, 2012. Exceptions may be granted under the following conditions:

(1) The Secretary will provide written notification to the Board that includes relevant information and justification of the need for the exception.

(2) The exception will be valid for a limited term not to exceed 3 years.

(3) The Secretary will report annually to the Board on the nature and status of exceptions made under this section.

**§ 49.86. Accelerated program for Early Childhood and Elementary/Middle level certificateholders.**

(a) The Department will establish standards for an accelerated program for Early Childhood and Elementary/Middle level certificateholders to be effective January 1, 2012.

(b) Early Childhood Instructional I or Instructional II certificateholders may add the Elementary/Middle Level I Certificate through the successful completion of a Department approved accelerated program of study offered by an approved Commonwealth institution.

(c) Elementary/Middle Level Instructional I or Instructional II certificateholders may add the Early Childhood Instructional I Certificate through the successful completion of a Department approved accelerated program of study offered by an approved Commonwealth institution.

(d) Accelerated programs must include appropriate level academic content aligned with State academic standards, child development and instructional practice appropriate for the developmental level covered by the certificate. Applicants shall demonstrate subject matter knowledge by passing the appropriate assessment under § 49.18 (relating to assessment).

**Subchapter C. VOCATIONAL EDUCATION  
CERTIFICATION**

**GENERAL PROVISIONS**

**§ 49.131. Basic requirements for baccalaureate and nonbaccalaureate programs.**

\* \* \* \* \*

(b) Preparation in general education, **special education**, professional education and specialized studies shall be in accordance with standards established by the Department.

\* \* \* \* \*

**VOCATIONAL INSTRUCTIONAL CERTIFICATES**

**§ 49.142. Vocational Instructional I.**

(a) A single certificate will be issued and titled, "Vocational Instructional Certificate." Individuals qualifying for this certificate shall be authorized to teach in the areas for which they also hold an occupational competency credential. The occupational competency credential will be issued by the Department or an institution of higher education approved by the Secretary. The applicant shall have:

\* \* \* \* \*

(3) Completed 18 credit hours in an approved program of vocational teacher education. **For Vocational I certificates issued on or after January 1, 2012, the 18 credit hours must include at least 3 credits or 90**

hours, or equivalent combination thereof, regarding accommodations and adaptations for diverse learners in an inclusive setting. 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.

\* \* \* \* \*

**§ 49.143. Vocational Instructional II.**

The Vocational Instructional II Certificate shall be a permanent certificate issued to an applicant who has:

\* \* \* \* \*

(2) Completed 60 credit hours, **including at least 6 credits or 180 hours, or an equivalent combination thereof, regarding accommodations and adaptations for students with disabilities in an inclusive setting and at least 3 credits or 90 hours, or an equivalent combination thereof, in teaching English language learners, in an approved program in the appropriate field of vocational education. 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.**

\* \* \* \* \*

[Pa.B. Doc. No. 06-2312. Filed for public inspection November 22, 2006, 9:00 a.m.]