

RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 49]

Certification of Professional Personnel

The State Board of Education (Board) amends Chapter 49 (relating to certification of professional personnel) to read as set forth in Annex A. Notice of proposed rule-making was published at 36 Pa.B. 7141 (November 25, 2006).

Statutory Authority

The Board acts under the authority of section 2603-B of the Public School Code of 1949 (code) (24 P. S. § 26-2603-B) and other sections of the code.

Background

Significant numbers of children are not experiencing academic success in schools in this Commonwealth. Nearly 1/3 of students do not meet State proficiency standards in reading and math. Student achievement declines as students move from the elementary to middle level grades. Fewer than 1/2 the students from low-income families, students with disabilities, African-American students, Latino students and English language learners meet State proficiency standards.

As classrooms are becoming increasingly diverse and the level of academic achievement expected of every student at each level of schooling is far greater than ever, the Commonwealth continues to prepare new teachers and structure teaching certificates much the same as we have for the past 50 years. The long-standing K—6 and 7—12 certificates remain in place despite decades of educational research and experience that documents that students instructed by early childhood and middle level teachers provide improved academic success when compared with traditionally certified elementary and secondary teachers.

Meanwhile, schools Statewide, especially those with many students from low-income families, are instituting reforms targeted to improve student achievement in the early elementary grades by using State Accountability Block Grant funding to establish prekindergarten programs, full-day kindergartens, reduced class size and targeted reading programs. Reforms that would greatly benefit from the specialized knowledge and skills provided by teachers with early childhood certificates.

Providing adequate preparation in literacy instruction in prekindergarten through the primary grades is a proven strategy to reduce the need for remediation in the intermediate grades. Because of the limited knowledge in literacy instruction of regular elementary teachers, over the past decade the Commonwealth has invested millions in State and Federal funds, including the \$100 million Read to Succeed Program, to ensure that children can read at grade level by grade 3. Preparing teachers with solid preparation in literacy skills will help to reduce the need for targeted initiatives like these in the future.

Each year 95 college and university teacher preparation programs in this Commonwealth grant degrees to over 12,000 new teachers, 6,000 of whom are awarded elementary certificates. On average, school districts hire fewer than 3,000 elementary teachers each year. Meanwhile,

school districts continue to face chronic shortages of secondary math and science, world language and secondary special education teachers. There is an obvious mismatch between the needs of schools in this Commonwealth and the types of teachers colleges and universities are preparing to lead its classrooms.

Nationwide more than 1/3 of new teachers leave the profession within 3 years and 1/2 within 5 years. It is believed that new teachers in this Commonwealth have a similar experience. Research reveals that their dissatisfaction is largely due to many not having knowledge and skills that are essential for them to be successful during their first years in the classroom.

State and National studies and reports call for dramatic changes to the way teachers are prepared for the profession. Among these are *Investing In Great Teachers For All Students*, The Final Report of the Governor's Commission on Training America's Teachers (July 2006); *Teachers of Tomorrow: Recommendations for the Preparation of Highly Effective Elementary Teachers*, Special Task Force on Elementary Education, State System of Higher Education (April 2005); *Educating School Teachers*, Arthur Levine, The Education Schools Project (September 2006); *What Makes A Teacher Effective?*, National Council for Accreditation of Teacher Education (2006); and *Tough Choices, Tough Times*, Report of the New Commission on the Skills of the American Workforce (2007).

Nothing is more important in helping students achieve at high levels than the quality of their teachers. Research shows that teacher quality is more important than having rigorous academic standards and curriculum, aligned assessments, advanced technology or high quality facilities. Teachers must have solid content knowledge of the subjects they teach, a thorough knowledge of instructional strategies and skills necessary to successfully help their students learn, the ability to teach and manage in classrooms filled with increasingly diverse learners, and the commitment and caring necessary to help children learn, grow and succeed.

These factors prompted the Department of Education (Department) to develop a proposal to restructure teaching certificates that it presented to the Board in September 2006. With the Department's original proposal as the starting point, the Board undertook one of its most extensive public outreach and consultation efforts in recent memory. This effort resulted in a dramatically different final regulation from that originally proposed by the Department.

Summary of the Final-Form Rulemaking

The final-form rulemaking makes four major changes to the current grade and age level limitations on teaching certificates. The final-form rulemaking "grandfathers" teachers awarded certificates before January 1, 2013. Teachers certified before January 1, 2013, may continue to be given classroom assignments as provided under the current grade and age level limitations. For example, elementary teachers may continue to teach grades kindergarten through six for the valid term of their certificate. The final-form rulemaking also focuses existing continuing professional education requirements to improve the knowledge and skills of all educators to work with diverse learners. Major amendments include the following:

1. *Requiring all teacher preparation programs to provide instruction to teacher education students in providing instruction to students with disabilities and English language learners in inclusive classroom settings.*

Beginning in January 2011, teacher education programs will be required to provide 9 credits or 270 hours, or an equivalent combination thereof, on accommodations and adaptations for students with disabilities in an inclusive setting. In addition, preparation programs must also provide 3 credits or 90 hours of instruction in providing instruction to English language learners. Preparation programs are provided significant flexibility to meet this requirement. They may infuse all or a portion of these requirements into existing courses or add additional courses as appropriate.

Currently, most regular education teacher education students receive one 3 credit course or none in working with diverse learners. In classrooms in this Commonwealth, 3 of every 20 students have a disability or are an English language learner. Ninety-six percent of students with a disability have some portion of their education provided in an inclusive classroom setting by a regular education teacher. Over 40% of students enrolled in vocational education programs have a disability.

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) (Pub. L. No. 108-446) and the settlement approved in *Gaskin v. Pennsylvania Department of Education* will result in increased numbers and portion of the school day that students with disabilities spend in regular classroom settings with appropriate supports.

2. *Splitting the elementary certificate (K–6) into an early childhood (PK–4) and elementary/middle certificate (4–8).*

A 1-year overlap at grade 4 is added to provide additional flexibility to school administrators to assign teachers where needed without sacrificing the benefits for greater specialization and depth of preparation of new teachers.

Educational research documents that teachers trained to work with young children who know how to provide effective, developmentally appropriate classroom environments have students who demonstrate improved educational outcomes. In kindergarten classrooms assessed in one study, children had higher social competence, on-task behavior and literacy and mathematics competence. Many studies have shown that rigidly paced, curriculum-driven and scripted instruction that is not developmentally appropriate can undermine young children's motivation to learn.

The elementary/middle certificate, which covers a 5-year age-span, is designed to better prepare teachers to work with the challenging developmental needs of preadolescents and adolescents, while also providing more focused and rigorous academic content in grades 4 through 6 and in one core academic subject area in grades 7 and 8. Currently, middle schools are generally staffed with a combination of elementary certified teachers, whose preparation generally did not address either adolescent development or the academic content provided at the middle school level, and secondary teachers, whose preparation generally focused on teaching academic content at the high school level. The highly qualified teacher requirements in the No Child Left Behind Act of 2001 (NCLB) (Pub. L. No. 107-110, 115 Stat. 1425) no longer permit elementary certified teachers to teach core academic subjects in grade 7 or above without obtaining a

secondary certificate. The elementary/middle school certificate provides additional employment opportunities for the holders of these certificates over the traditional elementary certificates since it permits elementary/middle certificate holders to teach in both elementary and middle school buildings.

A Department survey of the certification structures used in other states revealed that 26 states have early childhood certificates that end in grade 3, three states end with grade 2 and four states end with grade 4. Thirty-one states offer either an elementary or middle level certificate with a scope similar to the elementary/middle certificate. Since there are no National standards for the grade level configurations of teaching certificates, many states generally provide a level of flexibility with respect to grade levels on certificates.

In addition, the Department discussed the proposed rulemaking with the chief teacher certification officers in other states where teachers trained in this Commonwealth have traditionally pursued employment. Nearly all indicated they would continue to accept teachers with the new grade level configurations with little or no additional testing or coursework. This is in contrast to the Commonwealth's own policy regarding out-of-State teachers that requires veteran teachers certified in other states to take PRAXIS tests and sometimes take additional coursework.

3. *Requiring dual certification for special education teachers.*

Dual certification is required to provide highly qualified status to special education teachers who teach one of the core academic subjects as required by IDEA and the NCLB. Students pursuing certification in special education will need to choose either PK–8 or 7–12 certification in special education. This certification will permit special education teachers to provide supports and assist other teachers in regular classroom settings. Students pursuing a PK–8 special education certificate shall obtain a second certificate in early childhood, elementary/middle or as a reading specialist. Students pursuing a 7–12 special education certificate shall obtain a second certificate in a secondary level subject or as a reading specialist. This requirement will ensure that special education teachers certified after January 2013 will comply with Federal requirements upon receiving their teaching certificates. Since the new Federal requirements were established, special education teachers in this Commonwealth have needed to use cumbersome and burdensome procedures called the NCLB Bridge Certificate and HOUSS to earn highly qualified status as defined by the Federal government. Entry into the NCLB Bridge Certificate ended in 2006 and the HOUSS process is ending June 30, 2007.

4. *Continuing professional education.*

Existing continuing professional education requirements are focused to provide a continuum of professional education to the 140,000 classroom teachers, student services staff and administrators to improve their skills to assist diverse learners in inclusive classroom settings. The long-standing requirements for induction programs for new teachers, up to 6 credits of the 24 credits required for teachers to earn a Level II instructional certificate, school entity professional education activities and continuing professional education under the act of November 23, 1999 (P. L. 529, No. 48) each are to include activities regarding teaching diverse learners in inclusive settings. This will address the challenge that other than teachers with special education certification, few have the knowl-

edge and skills to address the needs students with disabilities already sitting in their classrooms. By targeting existing professional education activities, there will not be any additional cost associated with this requirement.

Summary of Public Comments and Responses to Proposed Rulemaking

The proposed rulemaking was published at 36 Pa.B. 7141 and was available on the Department's website at www.pde.state.pa.us. The Board accepted formal written comments during a 30-day public comment period that began upon publication of the proposed rulemaking. The Senate Education Committee held a hearing on February 3, 2007, and the House Education Committee held a hearing on March 28, 2007. The Board also discussed the proposed rulemaking with numerous individuals, education groups and individual members of the General Assembly.

The Board received written comments directly from 155 individuals and organizations. Rather than provide a lengthy listing of the organizations and comments and responses in the preamble, the Board prepared a separate document that outlines the comments and the Board's response. This document was sent to each commentator and is posted on the Board's page on the Department website.

In summary, the comments focus primarily on 13 issues. They include the following.

Commentators expressed concerns about the time frame for implementation. Many commentators associated with teacher preparation institutions expressed concerns about the requirements in § 49.13(b) (relating to policies) that require teacher education programs to meet the new requirements on or before January 1, 2010, and the effective date of the new certification requirements outlined in § 49.85 (relating to limitations) effective January 1, 2012.

Most commentators expressed support or opposition to the split of the K–6 elementary certificate into two new certificates, the PK–3 early childhood and 4–8 elementary/middle certificates. Those who expressed concerns say the new grade level configurations will limit the flexibility of administrators to assign teachers where needed, reduce the ability of teachers to be employed by schools in other states and require teacher preparation programs to restructure by rewriting programs of study and course content.

Commentators expressed concerns about splitting the special education certificate into two distinct grade and age level certificates. Special education certificates would be established for grades PK–8 and 7–12. This certificate will permit teachers to provide special education services to students with disabilities in either grade PK–8 or 7–12. A commentator expressed concern that the Council for Exceptional Children Standards does not group special needs children into grade levels. A commentator also noted that special needs students are not always functioning at the grade level in which they are currently placed.

Commentators also expressed concerns about the requirement that new special education teachers hold a second certificate in early childhood, elementary/middle or in a secondary content area. They believe this requirement will discourage students from pursuing special education certification and worsen the existing shortage of special education teachers. Some commentators also

expressed concerns that dual certification requirements could not be completed in the traditional 4-year time frame.

Commentators expressed numerous concerns about the requirement that teacher education programs provide at least 9 credits or 270 hours of instruction regarding accommodations and adaptations for students with disabilities in inclusive settings and at least 3 credits or 90 hours must address the instructional needs of diverse learners. Their primary concern is over how to fit these extra credits or hours of instruction into their existing program requirements. Some commentators expressed concerns that adding extra courses would extend teacher preparation programs beyond the traditional 4-year degree. Others suggest the requirement will displace other essential elements of teacher preparation, most likely courses in the academic subjects they plan to teach. Some expressed concern that the new requirements could interfere with National accreditations or take time away from core studies. Some commentators do not believe there will be enough special education faculty available to meet the requirements.

A few commentators expressed concerns about the requirement that induction programs include activities that focus teaching diverse learners in inclusive settings.

A few commentators expressed concerns about the requirement that the Department publish a "Certification and Staffing Policy Guideline" that establishes up to the equivalent of six specific course credit requirements as part of the 24 credit hours required to obtain an Instructional II certificate.

A commentator expressed concerns about the requirement in § 49.17 (relating to continuing professional education) that professional education plans outline how the school entity will ensure that all professional employees participate in continuing professional education focused on teaching diverse learners in inclusive settings.

Regarding the requirement in § 49.143 (relating to Vocational Instructional II) that establishes that 6 credits or 180 hours of instruction regarding accommodations and adaptations for students with disabilities and 3 credits or 90 hours in teaching English language learners as part of the 60 credit hours required for Vocational Instructional I certificate holders to obtain their Vocational Instructional II certificate, commentators asked if the courses are readily available to meet these new subject requirements.

Commentators expressed concern that an overlap in grade levels is provided between the elementary/middle and secondary certificates but not between the early childhood and elementary/middle certificates.

Commentators expressed concerns that the dual certification requirement for special education teachers is not achievable in 120 credits or the traditional 4-year college experience.

A few commentators expressed concerns that exceptions to the certification requirements are limited to Statewide exceptions, but exceptions are not authorized on a regional or local level. Concerns were also expressed as to whether exceptions can be renewed, the criteria for granting exceptions, and the like. Concerns were also expressed about what criteria will the Secretary use in granting exceptions.

The Independent Regulatory Review Commission (IRRC) expressed concerns about several provisions in the rulemaking that direct the Secretary to establish stan-

dards, guidelines and criteria but which do not provide opportunities for the public to be involved or comment on the standards, guidelines and criteria, as would be the case for policies established through regulations. Proposed § 49.86(a) (relating to accelerated program for Early Childhood and Elementary/Middle level certificateholders) stated that "The Department will establish standards for an accelerated program. . . ." However, this subsection does not provide the details on how those standards will be developed. IRRC inquired as to what process the Department will use to "establish standards" and if the public will have input.

In response to comments received during the public comment period and subsequent discussions with stakeholders, the Board made the following changes to the proposed rulemaking.

The definition of "prekindergarten" in § 49.1 (relating to definitions) was amended to include programs operated by early intervention agencies to ensure that staffing in those programs continues to adhere to the certification requirements in Chapter 49.

The implementation date has been delayed by 1 year for college and university teacher preparation programs to include 9 credits or 270 hours of instruction regarding accommodations and adaptations for students with disabilities and 3 credits or 90 hours of instruction in meeting the instructional needs of English language learners as outlined in § 49.13.

The requirement that school entities ensure that professional employees participate in professional development focused on teaching diverse learners in inclusive settings has been revised to a require that school entities offer opportunities for professional employees to participate in the training.

The effective date has been revised for teachers pursuing an Instructional II certificate to complete up to six specific course credit requirements established by the Department to those certificates issues after the effective date of the final-form rulemaking as described in § 49.83 (relating to Instructional II).

Language was added to § 49.85 to make clear that certificates issued prior to January 1, 2013, remain valid for the term of the certificate for the grade spans and age levels in place prior to the effective date of the new certification requirements.

In § 49.85 and other sections of the final-form rulemaking, the effective date for the new certification structure has been revised to provide 1 additional year for colleges and universities, schools and the Department to revise and update their policies and practices that will be necessary to implement the new requirements.

In § 49.85, the requirements for special education certificates have been rewritten to improve clarity. In addition, a provision has been added to permit special education certification candidates to obtain a reading specialist certificate to meet the dual certification requirement.

In § 49.85(f), language has been added for the Secretary to provide written certification that a Statewide shortage exists and provides that the Board must disapprove the exception within 90 days of receipt of the certification or the exception will stand approved.

In § 49.86, language has been added to require the Department to establish standards to be consistent with the criteria in subsection (d).

Effective Date

The final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

In accordance with its policy and practice regarding regulations, the Board will review the effectiveness of these regulations 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 June 2, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 7141, to IRRC and the Chairpersons of the House and Senate Committees on Education for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on August 15, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 16, 2007, and approved the final-form rulemaking.

Contact Person

The official responsible for information on this final-form rulemaking is Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787, TDD (717) 787-7367.

Affected Parties

The final-form rulemaking will affect the students and professional employees of public schools in this Commonwealth.

Fiscal Impact and Paperwork Requirements

It is estimated that costs for implementation and compliance with the final-form 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 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.

Over 60% of new teachers certified by the Department each year attended 1 of the 14 universities of the State System of Higher Education or 4 State-related universities (Pennsylvania State University, Temple University, Lincoln University and the University of Pittsburgh). These State-funded and State-related institutions receive more than \$1.1 billion in direct institutional support from the Commonwealth each year and have total annual expenditures that exceed \$4.27 billion.

The Board believes the long term benefits to the quality of its teachers and resulting improvement in student academic achievement far exceed the financial, administrative and program costs to teacher preparation institutions and schools, which costs are relatively insignificant

in the context of overall expenditures and gross oversupply of teachers continuing to be produced by the teacher preparation institutions.

Effective Date

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

Findings

The Board finds that:

(1) Public notice of the intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The final-form rulemaking is necessary and appropriate for the administration of the code.

Order

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 49, are amended by amending §§ 49.14, 49.16, 49.18, 49.62b, 49.131 and 49.143 to read as set forth at 36 Pa.B. 7141, by amending §§ 49.1, 49.13, 49.17, 49.83, 49.85 and 49.142 and by adding § 49.86 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Executive Director will submit this order, 36 Pa.B. 7141 and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Executive Director of the Board shall certify this order, 36 Pa.B. 7141 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order is effective upon publication in the *Pennsylvania Bulletin*.

JIM BUCKHEIT,
Executive Director

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 4847 (September 1, 2007).)

Fiscal Note: Fiscal Note 6-303 remains valid for the final adoption of the subject regulations.

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 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.

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 an early intervention agency as defined in § 14.101 (relating to definitions), school district or under contract from a school district that is open to children who are 3 years of age and who have completed the program prior to the school district's entry age for kindergarten.

* * * * *

§ 49.13. Policies.

(a) The Board, through the Secretary, will provide standards for the guidance of the preparing institutions in educating professional personnel for the schools of this Commonwealth, all of which are to include accommodations and adaptations for diverse learners.

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

(1) Provision of advisory services to college and school personnel in matters pertaining to teacher education and certification.

(2) Designation of professional titles for personnel.

(3) Prescription of procedures for issuance of certificates and permits.

(4) Evaluation and approval of teacher education programs leading to the certification and permitting of professional personnel.

(i) The evaluation by the Department will provide assurance that, on or before January 1, 2011, 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.

(5) Registration of certified and permitted persons.

(6) Maintenance of records of all certificates and permits.

(7) Assurance that each professional person is properly certified or permitted for the specific position in which the professional person is employed.

(8) Review and investigation of alleged violations of this chapter.

(9) Prescription of procedures approved by the Board for the appraisal and evaluation of education and experience of applicants for any type of professional certification issued by the Department when the applicant has been denied certification and is prepared by institutions outside this Commonwealth or has appealed in accordance with guidelines approved by the Board in § 49.66 (relating to appeal procedure), a decision pertaining to eligibility for certification rendered by a Commonwealth institution having an approved program. The appellant initially shall have appealed to the institution.

(10) The issuance of administrative agency interpretative policies and directives relating to professional certification and staffing in the schools of this Commonwealth as may be necessary to carry out the intent of this chapter.

(11) Identification and approval of assessment tools, instruments and procedures to measure basic skills and general knowledge; professional knowledge and practice; and subject matter knowledge.

(12) Assurance that individual scores or measurements achieved on assessments instituted under § 49.18 (relating to assessment) are not released without the permission of the candidate or pursuant to subpoena or court order. The Department will inform the candidate by means of the candidate's last known address when it has received a subpoena or court order.

(c) Except for applicants whose certification status is subject to subsection (b)(9) and § 49.171 (relating to general requirements), the Department will require that an applicant for a certificate shall have completed an approved teacher preparation program and shall be recommended by the preparing institution.

(d) The Department will have the right to review approved programs at any time. Major evaluations shall be conducted at 7-year intervals, by professional educators appointed by the Department in accordance with subsection (b)(4), to review process and content.

(e) The Department will accept the request of an institution to withdraw from an approved program. The Department will have the right to withdraw the approval of a program from an institution. New students may not be accepted in a program which has lost its approved status after the date of the action.

§ 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).

(1) A school entity shall develop a continuing professional education plan, which includes options for professional development including, but not limited to, activities such as the following:

(i) Graduate level coursework.

(ii) Obtaining a professionally related master's degree.

(iii) Department-approved in-service courses.

(iv) Curriculum development work.

(v) Attendance at professional conferences.

(2) The continuing professional education plan must define terms used including, but not limited to, the following:

(i) Professionally related graduate level coursework.

(ii) Professionally related master's degree.

(iii) Curriculum development work.

(iv) Professional conferences.

(3) The continuing professional education plan shall be developed as specified in section 1205.1 of the act. The plan must describe the persons who developed the plan and how the persons were selected.

(4) The continuing professional education plan submitted to the Secretary shall be approved by both the professional education committee and the board of the school entity.

(5) The Secretary will promulgate guidelines which include a process for amending approved continuing professional education plans in accordance with the requirements for initial preparation of the plans. The guidelines will also outline allowable activities for credit earned under sections 1205.1 and 1205.2 of the act (24 P. S. §§ 12-1205.1 and 1205.2) after July 1, 2006.

(6) The continuing professional education plan must include a section which describes how the professional education needs of the school entity, including those of diverse learners, and its professional employees are to be met through implementation of the plan. The plan must describe how professional development activities will improve language and literacy acquisition for all students and contribute to closing achievement gaps among students.

(7) The continuing professional education plan must include a description of how the school entity will offer all professional employees opportunities to 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.

(b) A commissioned officer who obtains a Letter of Eligibility for Superintendent shall present to the Secretary evidence of satisfactory completion of 6 credit hours of continuing professional education courses every 5 years. This subsection will be satisfied by taking collegiate studies or Department-approved in-service courses or a combination thereof.

(c) Professional personnel who fail to comply with the continuing professional education plan under subsection (a) or fail to complete the requirements of sections 1205.1 and 1205.2 of the act will have their certificates or

commissions rendered inactive by the Department until the requirement is met. Professional personnel whose certificate or commission is rendered inactive shall have a right to appeal the action to the Secretary.

(d) School districts that employ professional personnel or commissioned officers with inactive certificates or commissions are subject to penalties provided for under section 2518 of the act (24 P. S. § 25-2518).

(e) Certified personnel are responsible for monitoring their own progress toward completing the requirements prescribed by sections 1205.1 and 1205.2 of the act and for notifying the Department of any changes to their home mailing address.

**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:

- (1) A Department-approved induction program.
- (2) Three years of satisfactory teaching on an Instructional I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed.
- (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 hour requirements for each new Instructional I Certificate issued by the Department after September 22, 2007.

(4) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).

§ 49.85. Limitations.

(a) Instructional certificates issued before January 1, 2013, remain valid for the term of the certificate for the grade spans and age levels outlined in items paragraphs (1)–(6). For instructional certificates issued before January 1, 2013, the grade level limitations shall be the following:

- (1) Early childhood (prekindergarten, kindergarten, grades one through three or ages 3 through 8).
- (2) Elementary (kindergarten, grades one through six or ages 4 through 11).
- (3) Middle level (grades six through nine or ages 11 through 15).
- (4) Secondary (grades seven through twelve or ages 11 through 21).
- (5) Specialized areas (prekindergarten through grade 12 or up to age 21).
- (6) Special education (prekindergarten through grade 12 or up to age 21).

(b) For instructional certificates issued on or after January 1, 2013, the grade level limitations shall be the following:

- (1) Early Childhood (prekindergarten, kindergarten, grades one through four or ages 3 through 9).

(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-PK–8 (prekindergarten through grade eight (ages 3 through 14)). Applicants for this certificate shall also obtain certification in one of the following certificates:

- (i) Early Childhood—in accordance with paragraph (1).
- (ii) Elementary/Middle—in accordance with paragraph (2).
- (iii) Reading Specialist—in accordance with paragraph (4).

(6) Special Education-7–12 (grades seven through twelve (ages 11 through 21)). Applicants for this certificate shall also obtain certification in one of the following certificates:

- (i) Secondary—in accordance with paragraph (3).
- (ii) Reading Specialist—in accordance with paragraph (4).

(7) Special Education Hearing Impaired, Visually Impaired and Speech/Language Impaired Certificates (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-PK–8 (subsection (b)(5)) and Special Education-7–12 (subsection (b)(6)) 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:

- (1) For contracts in place prior to September 22, 2007, September 24, 2012.
- (2) 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, 2013. Exceptions may be granted under the following conditions:

- (1) The Secretary will provide a written certification to the Board that includes relevant information and justification of the need for the exception. If the Board does not disapprove the exception within 90 days of receipt of the certification, the exception will stand approved.

(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 consistent with the criteria outlined in subsection (d) for an accelerated program for Early Childhood and Elementary/Middle level certificateholders to be effective January 1, 2013.

(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

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:

(1) A minimum of 2 years wage-earning experience in addition to the learning period required to establish competency in the occupation to be taught.

(2) Successfully completed the occupational competency examination or evaluation of credentials for occupations where examinations do not exist or present evidence of satisfactory achievement on an assessment of subject matter under § 49.18 (relating to assessment).

(3) Completed 18 credit hours in an approved program of vocational teacher education. For Vocational I Certificates issued on or after January 1, 2013, 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.

(4) Presented evidence of satisfactory achievement on the assessment of basic skills under § 49.18.

(b) The Vocational Instructional I Certificate shall be valid for 6 years during which time the applicant shall complete the approved preparation program leading to the Vocational Instructional II Certificate.

[Pa.B. Doc. No. 07-1753. Filed for public inspection September 21, 2007, 9:00 a.m.]
