

# PROPOSED RULEMAKING

## DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 354]

### Institutional Preparation of Professional Educators

The Department of Education (Department) proposes to add Chapter 354 (relating to preparation of professional educators) under authority, delegated to the Department, by the State Board of Education (State Board) in § 49.13(a) (relating to policies). The Board's authority to promulgate Chapter 49 (relating to certification of professional personnel) is found in Article XII and sections 1109, 1141, 1201—1214, 2603-B and 2604-B of the Public School Code of 1949 (code) (24 P. S. §§ 11-1109, 11-1141, 12-1201—12-1214, 26-2603-B and 26-2604-B).

#### *Purpose*

The proposed Chapter 354 sets forth the basic rules for the preparation of professional educators in this Commonwealth. The proposed regulations are necessary to strengthen the preparation of professional educators who will serve in the public schools of this Commonwealth. It is in the interest of this Commonwealth's public schools that institutions preparing professional educators maintain the highest standards of academic excellence. Accordingly, to be authorized to conduct educator preparation programs in this Commonwealth, institutions and any of their off-campus centers shall meet the requirements in this proposed rulemaking.

Section 354.12 (relating to approval procedures) reaffirms the Department's authority to evaluate and deny or approve professional educator programs at institutions of higher education. This section also establishes a 5-year time interval for complete professional educator program reviews.

Section 354.13 (relating to standards) defines those categories of operation of professional educator preparation programs and establishes the standards for both initial and advanced professional educator preparation programs.

Section 354.23 (relating to unit reporting) requires certain reports to be submitted to the Department, applicants, current students and the State Board. Section 354.24 (relating to general studies) defines the minimum general studies requirements for candidates for professional educator certification.

Section 354.25 (relating to academic competence) outlines the requirements placed on professional educator candidates regarding academic competence in the discipline that candidates plan to teach or educational areas in which the candidate intends to serve. The section also defines the minimum grade point average (GPA) which candidates shall maintain and requires that general studies and studies in the academic disciplines shall be the same as for a Bachelor of Arts or Bachelor of Science degree with a major in these disciplines. Section 354.26 (relating to preparation program curriculum) requires the professional educator program to be designed to be efficient, avoid duplication or repetition of coursework and to enable candidates to integrate general and academic studies with professional and pedagogical knowledge.

Section 354.27 (relating to collaborative programs) defines the collaborative association that institutions with

approved professional educator programs shall establish. Subsection (c) requires teacher preparing institutions to provide ongoing support to novice educators in cooperation with public school entities during their induction period and subsection (d) requires cooperative efforts between teacher preparation programs and public school entities in the development and implementation of appropriate alternative certification programs. Section 354.31 (relating to admission) defines the criteria for admission to professional educator programs and establishes the required GPA for admission.

Section 354.32 (relating to monitoring and assessment) creates a systematic monitoring requirement based on performance assessment to measure competencies in several skills. Section 354.33 (relating to professional competency) requires development of a procedure to confirm a candidate's competence to begin the candidate's professional role prior to recommendation for professional educator certification.

Section 354.41 (relating to faculty quality) requires that faculty be teacher scholars and that the preparing institution establish a comprehensive plan to confirm activities to enhance and assess the intellectual vitality of the faculty.

#### *Affected Parties*

Persons who intend to pursue initial professional educator certification and teacher education personnel at the 89 colleges and universities which prepare teachers in this Commonwealth will be required to comply. Additionally, a college or university which has an approved teacher education program or seeks to offer an approved program will be required to comply.

#### *Cost and Paperwork Estimates*

Cost to the individual preparing for or holding educator license/certification:

Costs for the completion of academic requirements: ranging from \$40,000 to \$100,000 for a Baccalaureate Degree currently exist (unless under scholarship or financial aid).

Costs borne by institutions of higher education which offer teacher certification programs are inherent in the restructuring of programs to be in compliance with new standards.

There are no costs or savings, or both, to any local governmental authority.

The costs to State government would be related to the following: The development of new standards handbooks; training and evaluation manuals and guides; training sessions and workshops for evaluators, chairpersons and proposal writers from institutions preparing self-studies for accreditation. These expenditures will be from Department general operating funds, with an approximate cost of \$30,000 to \$50,000, spread over 3 years. Costs to maintain the program approval process would be comparable to already existing costs which have been approximately \$300,000 per year.

#### *Effective Date*

The proposed regulations will take effect upon publication as final rulemaking in the *Pennsylvania Bulletin*. An implementation schedule will be established to allow time for preparing institutions to adjust their programs to come into compliance.

*Sunset Date*

The effectiveness of Chapter 49 is reviewed by the State Board every 10 years. The proposed regulations will be reviewed concurrently with the decennial review of Chapter 49. Thus, no sunset date is necessary.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 23, 1999, the Department submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of these materials is available to the public upon request.

If the Committees have objections to any portion of the proposed regulations, they will notify the Department within 20 days of the close of the public comment period. If IRRC has objections to any portion of the proposed regulations, it will notify the Department within 10 days of the close of the Committees' comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Department, the Governor and the General Assembly before publication of the regulations.

*Public Comments, Hearings and Contact Person*

*Public Comments:* Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to Samuel G. Marcus, Higher Education Associate, Bureau of Teacher Preparation and Certification, 333 Market Street, Harrisburg, PA 17126-0333, within 30 days following publication in the *Pennsylvania Bulletin*.

*Hearings:* The Department has scheduled a series of three public hearings to receive testimony from interested parties regarding their views and recommendations on these proposed regulations.

The hearings will be held in the Harrisburg, Allentown and Indiana areas from 9 a.m. until 5 p.m. as follows:

July 14, 1999	Department of Education Heritage Room A 333 Market Street Harrisburg, PA 17126-0333
July 20, 1999	Carbon-Lehigh Intermediate Unit 21 Meeting Room 4750 Orchard Road Schnecksville, PA 18078-2597
July 27, 1999	Arin Intermediate Unit 28 Meeting Room 2895 Route 422 West Indiana, PA 15701-8300

Oral testimonies will be limited to 10 minutes. Twenty-five copies of written text of oral testimony are requested. Organizations are required to submit one combined testimony through a single witness and statement. Persons interested in appearing and presenting testimony on July 14, 20 or 27 should telephone the Division of Teacher Education at (717) 787-3470 by 4 p.m. July 8, 1999. Appearances will be scheduled on a first-come, first-served basis.

Persons unable to appear to present testimony are invited to submit written testimony which will be af-

forded the same consideration by the Department as oral testimony. Written testimony, along with 25 copies should be submitted to the Division of Teacher Education, 333 Market Street, Harrisburg, PA 17126-0333. Written testimony will not be accepted after 4 p.m. August 2, 1999.

Persons with a disability needing special accommodations to attend the hearings may contact Samuel Marcus at the previous address and telephone number at least 24 hours in advance so that arrangements can be made.

Alternative formats of this proposed rulemaking are available upon request. Persons needing additional information regarding this proposal may contact Samuel Marcus at (717) 787-3470. Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Samuel Marcus at (717) 787-3470 or TDD (717) 772-2864. Alternative formats of the proposed regulations (for example, braille, large print, cassette tape) can be made available to members of the public upon request to Samuel Marcus at the telephone and TDD numbers listed previously.

EUGENE W. HICKOK,  
*Secretary*

**Fiscal Note:** 6-264. (1) General Fund; (2) Implementing Year 1999-00 is \$10,000; (3) 1st Succeeding Year 2000-01 is \$10,000; 2nd Succeeding Year 2001-02 is \$10,000; 3rd Succeeding Year 2002-03 is \$0; 4th Succeeding Year 2003-04 is \$0; 5th Succeeding Year 2004-05 is \$0; (4) Fiscal Year 1998-99 \$200,000; Fiscal Year 1997-98 \$257,000; Fiscal Year 1996-97 \$362,000; (7) Department of Education—General Government Operations; (8) recommends adoption.

**Annex A****TITLE 22. EDUCATION****PART XVI. STANDARDS****CHAPTER 354. PREPARATION OF PROFESSIONAL EDUCATORS****GENERAL PROVISIONS**

Sec.	
354.1.	Definitions.
354.2	Purpose.

**GENERAL**

354.11.	Minimum requirements for approval.
354.12.	Approval procedures.
354.13.	Standards.

**CATEGORY I—PROGRAM DESIGN**

354.21.	Mission.
354.22.	Field experience.
354.23.	Unit reporting.
354.24.	General studies.
354.25.	Academic competence.
354.26	Preparation program curriculum.
354.27.	Collaborative programs.

**CATEGORY II—CANDIDATES**

354.31.	Admission.
354.32.	Monitoring and assessment.
354.33.	Professional competency.

**CATEGORY III—FACULTY**

354.41.	Faculty quality.
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**GENERAL PROVISIONS****§ 354.1. Definitions.**

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

*Act*—The Public School Code of 1949 (24 P.S. §§ 1-101—27-2702).

*Advanced preparation program*—A program at the post-baccalaureate level for those who already have completed an initial preparation program. Candidates in advanced preparation programs normally are seeking additional areas of certification or supervisor, administrative or educational specialist certification.

*Candidate*—An individual seeking admission to or who is enrolled in a program for the initial or advanced preparation of professional educators.

*Department*—The Department of Education of the Commonwealth.

*Educational institutions*—Public and private school organizations that provide instructional services including: public schools, intermediate units, vocational-technical schools, colleges and universities, as well as private sectarian and nonsectarian schools, colleges and universities.

*Educational specialty*—Areas of educational expertise other than instruction including: education specialists, supervisory and administrative personnel.

*Field experiences*—Programs that provide prospective professional educator candidates with opportunities, prior to student teaching, internship or clinical experiences to observe and participate in activities including: observing, tutoring, miniteaching, lesson planning and evaluating student performance, which may take place in a laboratory setting, in public schools or community organizations.

*General standards*—The overall standards that shall be met for an institution to be approved to conduct professional educator programs in this Commonwealth.

*General studies*—Coursework in the arts, communications, history, literature, mathematics, philosophy, sciences and the social sciences.

*Initial preparation program*—A program at the baccalaureate or postbaccalaureate level that prepares candidates for their first certification as a professional educator.

*Pennsylvania Academic Standards*—Standards for Commonwealth public schools, in Chapter 4 (relating to academic standards and assessment) as established by the State Board of Education, the achievement of which demonstrates the attainment of high levels of public school student competency.

*Preparing institution*—A college or university that has been approved by the Department to conduct professional educator preparation programs.

*Professional educator*—Teachers, educational specialists, supervisors and professional administrators employed in public schools in this Commonwealth.

*Professional educator courses*—Courses of study of theoretical and practical knowledge in:

(i) Humanistic and behavioral foundations of education, structure, function and purpose of educational institutions in our society.

(ii) Methods and materials of instruction appropriate to the elementary or secondary level, or both.

(iii) Directed practice of teaching in educational positions under institutional supervision at the level for which a certificate is granted.

*Specific professional educator program standards*—Department-defined competencies and course content for specific professional educator certification programs.

*Unit*—The department or other administrative unit within a preparing institution that is responsible for initial or advanced preparation of professional educators or the preparation of vocational instructional certificated personnel.

#### § 354.2. Purpose.

(a) Candidates for admission to a professional educator program and for a career in public schools in this Commonwealth shall have a proven record of high academic achievement, and their professional educator curriculum shall prepare them to master both the content and the teaching methodology of their discipline.

(b) In the interest of the students in public schools in this Commonwealth, institutions of higher education that prepare professional educators shall maintain the highest standards of academic excellence to receive and maintain Department approval to conduct programs leading to Commonwealth public school certification.

#### GENERAL

#### § 354.11. Minimum requirements for approval.

To be authorized to conduct preparation programs in this Commonwealth, institutions and their off-campus centers shall meet the following requirements:

(1) Be approved as a baccalaureate or graduate degree-granting, or both, institution by the Department.

(2) Be evaluated and approved by the Department to offer specific programs leading to professional educator certification in accordance with the general standards contained in this chapter and the specific professional educator program standards established by the Department.

#### § 354.12. Approval procedures.

(a) The Department may deny or withdraw approval from preparing institutions for failure to meet the requirements outlined in § 354.11 (relating to minimum requirements for approval) as defined in section 1109 of the act (24 P. S. § 11-1109).

(b) Prior to approval as a preparing institution, the Department will conduct an evaluation to ensure the requirements in this chapter are met. The Department may review approved preparation programs at any time. Regular evaluations of approved programs will be conducted at 5-year intervals.

(c) Evaluation teams will be appointed by the Department and consist of professional educators from basic education and appropriate personnel from institutions of higher education. Evaluation teams shall make recommendations to the Department regarding the approval or disapproval of programs.

(d) Preparing institutions shall apply to the Department for approval of new programs and all changes to previously approved programs. The application shall be made 90 days prior to the implementation of the planned changes. New programs and proposed changes to existing programs shall be consistent with relevant general standards contained in this chapter and specific professional educator program standards.

#### § 354.13. Standards.

The following standards shall be used to evaluate institutions seeking initial approval or maintaining approval to prepare professional educators for Commonwealth public school certification:

(1) Category I—Program Design.

- (2) Category II—Candidates.
- (3) Category III—Faculty.

#### CATEGORY I—PROGRAM DESIGN

##### § 354.21. Mission.

The unit shall have a clearly articulated mission and purpose that is based on the needs of professional educator candidates, public school students and educational institutions. The evidence required to satisfy that this standard is met includes:

- (1) The mission statement is cooperatively developed by faculty, candidates, and other members of the professional community and documented under this section.
- (2) The professional educator program demonstrates coherence between the unit's mission, the Pennsylvania Academic Standards, courses, field experiences, instruction, evaluation, required candidate competencies and is in compliance with this chapter.

##### § 354.22. Field experience.

- (a) The unit shall develop sequential and developmental field experiences that may begin as early as the initial semester of college enrollment.
- (b) The sequential and developmental field experiences shall be an integrated part of the professional education curriculum, and shall be consistent with the overall program design.

##### § 354.23. Unit reporting.

- (a) The unit shall submit biennially to the Department, a systematic evaluation, which includes information obtained through the following sources:
  - (1) Candidate assessment.
  - (2) Collection of data from candidates.
  - (3) Data from recent graduates.
  - (4) Other members of the professional community.
- (b) The unit shall demonstrate that the result of the systemic evaluation, as specified in subsection (a), fosters candidate achievement through the modification and improvement of the unit's overall program design.
- (c) The unit shall annually compile and make available to applicants, current students, the Department and the State Board of Education information concerning the placement of its graduates. This information shall include the following placement rates:
  - (1) Graduates in teaching, educational specialists and educational administration positions in this Commonwealth.
  - (2) Other states outside this Commonwealth.
  - (3) Other professions, to be categorized by type of employment.

##### § 354.24. General studies.

- (a) The unit shall have a planned and thorough procedure to confirm that candidates have met the requirements for academic achievement, college level general studies courses, experiences in the liberal arts and sciences, and have developed theoretical and practical knowledge prior to formal acceptance into a professional education program.
- (b) General studies shall include the following:
  - (1) At least 6 semester hour credits (or the equivalent) in college level mathematics.

- (2) At least 6 semester hour credits (or the equivalent) in college level English composition and literature.

##### § 354.25. Academic competence.

(a) The unit shall have a planned thorough procedure to confirm that professional educator candidates maintain academic competence in the academic disciplines that the candidates plan to teach or in the academic disciplines related to the educational specialities in which they plan to serve. This standard shall be met by using the following criteria:

- (1) Candidates complete a sequence of courses or experiences, or both, to develop an understanding of the structure, skills, core concepts, ideas, values, facts, methods of inquiry, and uses of technology related to each academic discipline the candidates plan to teach or in the academic disciplines related to the educational specialities in which they plan to serve.
- (2) Pennsylvania Academic Standards and specific professional educator program standards are used in developing programs in each academic area.
- (3) Candidates whose preparation program culminates in a bachelor's degree or higher shall maintain a minimum grade point average in each academic discipline the candidate plans to teach or in the academic disciplines related to the educational specialities in which the candidate plans to serve, as follows:

(i) Academic Year: (first year after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) 2.6 GPA.

(ii) Academic Year: (second year after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) 2.8 GPA.

(iii) Academic Year: (third year after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) 3.0 GPA.

(iv) Future Academic Years: 3.0 GPA.

(b) For preparation programs culminating in a bachelor's degree or higher, general studies courses under § 354.24 (relating to general studies) shall be the same as for a Bachelor of Arts or Bachelor of Science degree.

(c) For preparation programs culminating in a bachelor's degree or higher, academic content area courses for the preparation of professional educators shall include all required core courses and required elective courses in the Bachelor of Arts or Bachelor of Science major academic area the candidate intends to teach. Free electives in the Bachelor of Arts and Bachelor of Science major and credits in the cognate areas shall be optional.

(d) For preparation programs culminating in a bachelor's degree or higher, candidates for certification in more than one area shall meet the requirements in subsection (c) in the major area and for each additional area that the candidate plans to serve.

##### § 354.26. Preparation program curriculum.

(a) The preparation program shall be designed to ensure that professional educator candidates acquire and learn to apply the professional and pedagogical knowledge and skills needed to ensure that all students learn. The evidence required to demonstrate that this standard is met includes the following:

- (1) The preparation program design shall be consistent with the unit's mission, reflect knowledge derived from research and sound professional practice and be of high quality.

(2) The unit shall ensure that the preparation program curriculum does not include unnecessary duplication or repetition of course work and at all times strives to create efficient professional preparation.

(3) Candidates shall complete a well-planned and efficient sequence of courses or experiences, or both, in professional studies and pedagogical studies.

(4) The unit shall cooperate with the liberal arts and other academic disciplines of the college or university to create thorough and efficient preparation programs that allow the individual pursuing an initial area of certification requiring a degree to complete the degree within 4 years from the time of initial enrollment at the college or university.

(b) The preparation program developed by the unit shall be designed to enable candidates to integrate general and academic studies, with professional and pedagogical knowledge to teach, guide and assist public school students in achieving the Pennsylvania Academic Standards.

(c) The preparation program developed by the unit shall be designed to ensure that candidates become competent teachers or professional educators. Demonstration of this standard includes the following:

(1) Programs for the continuing preparation of teachers or other professional school personnel build upon and extend prior knowledge and experiences of students including core studies of learning and practices that support learning.

(2) Pennsylvania Academic Standards and specific professional educator program standards are used in developing programs in each academic area.

(3) Programs are designed to ensure students develop the ability to research information, use research methods, and acquire knowledge about issues and trends in public education to improve practice in schools and classrooms.

(d) The unit shall develop field experiences that are consistent with the unit's mission, as specified in § 354.21 (relating to mission). The evidence required to demonstrate that this standard is met includes the following:

(1) The unit shall develop field experiences, student teaching, internships and clinical experiences which provide candidates with an opportunity to do the following:

(i) Apply principles and theories from the program design to actual practice in classrooms and schools.

(ii) Create meaningful learning experiences for all students.

(iii) Study and practice in a variety of communities, with students of different ages, and with culturally diverse and exceptional populations.

(2) Field experiences shall:

(i) Be fully supported by unit faculty.

(ii) Include frequent observation and consultation with supervising teachers and public school administrators trained in the institution's education philosophy.

(iii) Encourage reflection by candidates.

(iv) Include evaluation and feedback from higher education faculty, public school faculty and peers.

(3) Field experiences, which shall begin by the first semester of enrollment in an initial or advanced preparation program, shall be sufficiently extensive and intensive

for candidates to demonstrate competence in the professional roles for which they are preparing.

(4) A minimum of 12 weeks of full-time student teaching, or its equivalent, is required.

#### § 354.27. Collaborative programs.

(a) The unit shall collaborate with higher education faculty, public school personnel, and other members of the professional education community to design, deliver, and facilitate effective programs for the preparation of professional educators and to improve the quality of education in schools. The evidence required to demonstrate that this standard is met includes:

(1) Faculty who teach general and academic studies, professional and pedagogical studies shall regularly collaborate in program planning and evaluation of all facets of the curriculum.

(2) The unit shall develop agreements with public schools and cooperating professionals to ensure:

(i) Student teaching, internships and other field experiences are collaboratively designed and implemented.

(ii) Candidates are supported in their achievement of the desired learning goals.

(iii) Cooperating teachers are trained by the unit to assist, guide and evaluate the performance of student teachers and individuals who are serving in a clinical experience or internship.

(b) The unit shall develop collaborative relationships, programs, and projects with prekindergarten to grade 12 public schools, their faculties, and other appropriate public school personnel to develop and refine knowledge bases, to conduct research and to improve the quality of education.

(c) The unit shall provide ongoing support to novice educators in partnership with public schools during their induction period, including observation, consultation and assistance.

(d) The unit shall cooperate with local school entities in the development and implementation of appropriate alternative certification programs.

### CATEGORY II—CANDIDATES

#### § 354.31. Admission.

There shall be documentation that the unit recruits, admits and retains candidates who demonstrate potential for professional success in public schools. The evidence required to demonstrate that this standard is met includes:

(1) A comprehensive system to assess the qualifications of candidates seeking admission.

(2) A candidate whose preparation program culminates in a bachelor's degree or higher may not be formally admitted to initial professional educator preparation programs before completion of three semesters of full-time (48 credits) or full-time equivalent college level study.

(3) The criteria for admission to teacher preparation programs are based on multiple sources of data which include:

(i) An assessment of academic proficiency.

(ii) College entrance examinations.

(iii) Faculty recommendations.

(iv) Biographical information.

(4) A candidate admitted to initial teacher preparation programs and whose preparation program culminates in a bachelor's degree or higher shall complete prior college or university coursework, exclusive of professional education courses, with a minimum grade point average (GPA) as follows:

(i) Academic Year: (first year after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) 2.6 GPA.

(ii) Academic Year: (second year after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) 2.8 GPA.

(iii) Academic Year: (third year after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) 3.0 GPA.

(iv) Future Academic Years: 3.0 GPA.

(v) As an alternative to the 3.0 GPA admissions standard, candidates may be admitted if they have achieved a 2.8 GPA and qualifying scores on the Praxis I, Pre-Professional Skills Test of 178 in Mathematics, 178 in Reading and 174 in Writing.

(5) The preparation program may accept up to 10% of candidates for admission to the program who do not meet the minimum GPA, including the phase-in years defined in paragraph (4), if exceptional circumstances justify admission.

(6) The criteria for admission to advanced programs shall include at least the following:

(i) An assessment of academic proficiency—for example, the Miller Analogy Test (MAT), Graduate Record Exam (GRE).

(ii) A minimum of 3.0 GPA.

(iii) Faculty and professional recommendations.

(iv) Record of competence and effectiveness in professional work.

(v) Graduation from a regionally accredited college or university.

(7) The advanced preparation program may accept up to 10% of candidates for admission to the program who do not meet the minimum criteria in paragraph (6), if exceptional circumstances justify admission.

(8) The unit shall develop admission procedures for postbaccalaureate initial and advanced professional educator preparation programs to confirm that the following indicators are met:

(i) That candidates have attained appropriate depth and breadth in both general and academic studies under §§ 354.24—354.26 (relating to general studies; academic competence; and preparation program curriculum).

(ii) Incentives and affirmative procedures attract candidates with high academic and other qualifications.

(iii) Admission decisions are monitored by the unit to ensure that the admissions criteria are applied.

(iv) The unit seeks to recruit, admit and retain a diverse student body.

#### § 354.32. Monitoring and assessment.

(a) The unit shall develop a program that systematizes and monitors and assesses the progress of candidates and confirms that they receive appropriate academic and professional counseling and advice from the time of admission through completion of their professional education program.

The evidence required to demonstrate that this standard is met includes at least the following:

(1) The progress of candidates at different stages of the program shall be monitored through performance-based assessments which shall stipulate the level of competence required to ensure success in the following skill dimensions:

(i) Content mastery.

(ii) Planning.

(iii) Classroom management.

(iv) Organization.

(v) Monitoring student progress.

(vi) Leadership.

(vii) Sensitivity to students' needs.

(viii) Problem analysis.

(ix) Strategic and tactical decision making.

(x) Oral and written communication and presentation.

(xi) Innovativeness.

(xii) Personal interactions.

(xiii) Tolerance for stress.

(xiv) Professional standards and practice.

(2) Assessment of candidates' progress shall be based on multiple data sources that include at least the following:

(i) Grade point average.

(ii) Observations of field experience, student teaching, internship and clinical experience performance.

(iii) The use of various instructional strategies and technologies.

(iv) Faculty recommendations.

(v) Demonstrated competence in academic and professional work (for example, portfolios, performance assessments, research and concept papers).

(vi) Recommendations from appropriate professionals such as cooperating teachers and supervisors in pre-K through 12.

(b) Assessment data, as defined in subsection (a)(2), shall be used to advise candidates in future career planning.

(c) Criteria consistent with the purpose and mission of the professional educator program shall be used to determine eligibility for student teaching and other professional internships.

(d) The unit shall, through publications and faculty advisement, provide candidates with clear information about institutional policies and requirements needed for:

(1) Completing their professional education programs.

(2) Satisfying State certification requirements under Chapter 49 (relating to certification of professional personnel).

(3) Obtaining social and psychological counseling services.

(4) Exploring job opportunities.

#### § 354.33. Professional competency.

The unit shall develop a procedure to confirm that a candidate's competency to begin the candidate's professional role in schools is assessed prior to completion of

the program and recommendation for professional educator certification. The evidence required to demonstrate that this standard is met includes:

- (1) The unit shall establish and publish a set of criteria and competencies for exit from each professional education program, which are based on the Pennsylvania Academic Standards and specific professional educator program standards.
- (2) The unit shall establish a procedure to confirm that a candidate's mastery of a program's stated exit criteria and competencies is assessed through the use of multiple sources of data such as: a culminating experience, portfolios, interviews and observed performances in public schools, standardized tests, and course grades.
- (3) The assessment shall include input from professionals serving in prekindergarten through grade 12.
- (4) Candidates in programs culminating in a bachelor's degree or higher shall complete the program with a minimum GPA of 3.0 in professional education studies and in the academic discipline the candidates plan to teach or in the academic discipline related to the educational specialty in which they plan to serve.
- (5) An acceptable percentage of candidates, as determined by the Secretary of the Department and the State Board of Education, shall achieve at a satisfactory level on Commonwealth standardized performance assessments required for certification under Chapter 49 (relating to certification of professional personnel).

**CATEGORY III—FACULTY**

**§ 354.41. Faculty quality.**

- (a) The unit shall establish a procedure to confirm that the professional education faculty are education scholars who are qualified for their assignments and actively engaged in the professional education community.
- (b) The unit shall provide documentation to confirm that the unit seeks to recruit, hire and retain a diverse faculty.
- (c) The unit shall establish a comprehensive plan to confirm that there are systematic and comprehensive activities to enhance and assess the competence and intellectual vitality of the faculty.

[Pa.B. Doc. No. 99-1049. Filed for public inspection July 2, 1999, 9:00 a.m.]

**FISH AND BOAT COMMISSION**

**[58 PA. CODE CH. 69]  
Lake Erie Fishing Permit**

The Fish and Boat Commission (Commission) proposes to amend Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendment relates to fishing.

**A. Effective Date**

The proposed amendment, if approved on final rulemaking, will go into effect upon publication of an order adopting the amendment in the *Pennsylvania Bulletin*.

**B. Contact Person**

For further information on the proposed change, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

**C. Statutory Authority**

The proposed amendment is published under the statutory authority of section 2907.2(d) of the code (relating to Lake Erie fishing permits).

**D. Purpose and Background**

The proposed amendment is designed to update, modify and improve Commission regulations relating to fishing. The specific purpose of the amendment is described in more detail under the summary of proposal.

**E. Summary of Proposal**

The Commission has reached its financial goal of recompensing the holders of gill net licenses for boundary lakes as provided in section 2903(h) of the code (relating to boats and net licenses for boundary lakes, gill nets). As a result, anglers are no longer required to purchase a Lake Erie fishing permit effective January 1, 1999. Therefore, there is no need for the existing regulation relating to the Lake Erie fishing permit, and the regulation should be removed.

**F. Paperwork**

The proposed amendment will not increase paperwork and will create no new paperwork requirements.

**G. Fiscal Impact**

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment will impose no new costs on the private sector or the general public.

**H. Public Comments**

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this proposal in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-98. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES**

§ 69.18. [ Lake Erie fishing permit ] (Reserved).

[ (a) *Form.* The Lake Erie fishing permit required by section 2907.2 of the code (relating to Lake Erie fishing permits) shall be issued in the form of a stamp or a sticker.

(b) *Possession and display.* Lake Erie fishing permits shall be permanently affixed to the fishing license at the designated location and displayed with the fishing license. It is unlawful for a person required by section 2907.2 of the code to procure a Lake Erie fishing permit to fish in the Pennsylvania waters of Lake Erie, Presque Isle Bay or their tributaries unless the person has the Lake Erie fishing permit in possession while fishing and displays it in the manner described in this section. ]

[Pa.B. Doc. No. 99-1050. Filed for public inspection July 2, 1999, 9:00 a.m.]

### [58 PA. CODE CHS. 111 AND 115]

#### Special Regulations Counties and Boats Carrying Passengers for Hire

The Fish and Boat Commission (Commission) proposes to amend Chapters 111 and 115 (relating to special regulations counties; and boats carrying passengers for hire). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to boating.

##### A. *Effective Date*

The proposed amendments, if approved on final rulemaking, will go into effect on January 1, 2000, or upon publication of an order in the *Pennsylvania Bulletin*, whichever occurs later.

##### B. *Contact Person*

For further information on the proposed changes, contact John F. Simmons, Director, Bureau of Boating and Education, (717) 657-4538, or Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

##### C. *Statutory Authority*

The proposed amendments are published under the statutory authority of sections 5122(a)(6) and 5124 of the code (relating to registration, licenses, permits, plates and statistics; and particular areas of water).

##### D. *Purpose and Background*

The proposed amendments are designed to update, modify and improve Commission regulations pertaining to boating. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. Prior to consideration by the Commission, the Commission's Boating Advisory Board reviewed each proposal and made recommendations to the Commission.

##### E. *Summary of Proposal*

(1) *Section 111.9 (relating to Bucks County).* In 1995, the Commission approved the adoption of slow, minimum height swell speed zones under certain bridge spans over the Delaware River in Bucks County. This proposed change will make the Commonwealth's regulations consistent with Statewide regulations concerning the operation

of boats under bridge spans in New Jersey. The Commission now believes that it is appropriate to amend its regulations to include additional bridge spans between this Commonwealth and New Jersey.

(2) *Section 111.36 (relating to Lancaster County).* In June 1997, the Lancaster Bird Club petitioned the Commission for further regulation of boating on the Susquehanna River in the area between the Washington Boro Islands (Conejohola Flats) and the Lancaster County shoreline. The primary purpose of this request was to protect the shorebird and other migratory bird populations that frequent this area, as well as to provide a safe haven for unpowered boat users. The area affected is approximately 1/2 mile long and 300 yards wide. It is shallow over much of its length and contains numerous snags and other underwater obstructions. The area is also used routinely by personal watercraft operators. The Commission has approved the publication of a notice of proposed rulemaking containing the changes set forth in Annex A.

(3) *Section 111.46 (relating to Montgomery County).* The National Park Service (NPS) has initiated a Nationwide review of personal watercraft operations on waters within its jurisdiction. On those areas where personal watercraft use is nonexistent or minimal, the Director ordered an immediate prohibition. The Schuylkill River flows through the Valley Forge National Park for a distance of about 1 mile. The Betzwood Access, operated by the Park, currently provides access to this pool for boating and fishing. Because of the shallowness of the water and narrowness of the water course, boating use has been minimal in recent years, although an estimated 24 personal watercraft use the access to launch. According to the Park Superintendent, the operation of personal watercraft is inconsistent with the management goals of the Park, and in August 1998, he prohibited the launching of personal watercrafts from the access and the operation of personal watercrafts within the Park's boundaries.

Subsequent to this action, the Park Superintendent wrote to the Commission requesting consideration of concurrent regulations as well as the establishment of a Slow No Wake zone through the Park. Commission staff met with staff of the Valley Forge National Park and agreed that a Slow No Wake zone was an appropriate management tool for this area.

The Commission has approved the publication of a notice of proposed rulemaking to seek public comment on the establishment of a slow, minimum height swell speed zone on the Schuylkill River from the Route 422 Bridge to Pawling's Road Bridge. This proposed amendment will allow the Commission to help the Park Service reach its management goal without a specific ban on personal watercraft. It will also create an environment for nonpowered craft that is in keeping with the historical significance of the Valley Forge National Park.

(4) *Sections 111.52 and 111.64 (relating to Pike County; and Wayne County).* The NPS has broad authority to establish regulations on lands and waters within its jurisdiction. 36 CFR 1.1 (relating to purpose) states that units of the NPS may use their regulatory authority to fulfill the statutory purposes of units of the National Park System to conserve scenery, natural and historic objects, and wildlife and to provide for the enjoyment of those resources in a manner that will leave them unimpaired for the enjoyment of future generations. Using this authority and that in the specific enabling legislation that created the Upper Delaware National Recreational and Scenic River, the Superintendent promulgated several regulations in 1991 restricting the operation of boats on



the Delaware River. Because enforcement is a joint effort between the Commission and the NPS, the Commission believes that the regulations should be consistent. The Commission therefore proposes to amend these sections.

(5) Sections 115.9 and 115.10 (relating to licenses for operators; and renewal of operator's license). Section 115.9(f) provides that operator certificates issued under this section expire on December 31 of the year for which they are issued, and § 115.10(a) requires operators to renew their licenses by April 1. Over the past years, it has become apparent that owners of passenger for hire vessels have difficulty getting renewal applications with two photos required by § 115.9(e) for all their prospective employees and still meet the April 1 deadline. This is mostly due to the owner hiring students and other part-time employees that are employed beginning mid-June or later. Commission staff also have experienced difficulty in processing an average of 100 certificates (each year) back to the employer in a reasonable time. Again, this is due to late submissions, placing photos on both the certificates and applications, obtaining appropriate signatures and available staff time. The Commission believes that the proposed 5-year certificate will reduce processing time and the employer will have less difficulty staffing his operations prior to the start of the season. Currently, operators renew licenses annually with no more than their signature. No additional requirements are required by the Commission for renewal. The Commission believes that the annual renewal is an unnecessary paperwork burden on this small business and that a 5-year certificate would meet the Commission's needs. Accordingly, the Commission proposes to amend these sections to provide for a 5-year certificate.

F. Paperwork

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the Pennsylvania Bulletin. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-97. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart C. BOATING
CHAPTER 111. SPECIAL REGULATIONS
COUNTIES

§ 111.9. Bucks County.

\* \* \* \* \*

(e) Delaware River.

\* \* \* \* \*

(2) Boats are limited to slow minimum height swell speed while passing through the following bridge spans:

\* \* \* \* \*

- (iv) Lumberville Foot Bridge.
(v) Upper Black Eddy—Milford Bridge.
(vi) Riegelsville Bridge.
(vii) Frenchtown "Free" Bridge.

\* \* \* \* \*

§ 111.36. Lancaster County.

\* \* \* \* \*

(c) Susquehanna River: Boats are limited to slow, minimum height swell speed:

(1) From the Lancaster County shoreline to the northern point of Shad Island south to the southern point of Green Island and back to the Lancaster County shoreline from January 1 to October 1.

(2) In all areas between and within 200 feet of the islands comprising the Conejohola Flats.

§ 111.46. Montgomery County.

Schuylkill River: Boats are limited to slow, minimum height swell speed between:

(1) Barbadoes Island and the Norristown shore from the Barbadoes Island Bridge downriver to the Norristown Dam.

(2) The Route 422 Bridge and the Pawling's Road Bridge.

§ 111.52. Pike County.

\* \* \* \* \*

(j) Delaware River: The operation of personal watercraft is prohibited in the following areas within the Upper Delaware Scenic and Recreational River:

(1) From the southern terminus of the Park (mile 258.4) to the lower end of Pond Eddy Pool (mile 265).

(2) From the upper end of Pond Eddy Pool (mile 266.5) to the lower end of the Lackawaxen Pool (mile 277.7).

(3) From the upper end of Lackawaxen Pool (mile 278.7) to the lower end of Narrowsburg Pool (mile 289.5).

§ 111.64. Wayne County.

\* \* \* \* \*

(j) Delaware River: The operation of personal watercraft is prohibited in the following areas within the Upper Delaware Scenic and Recreational River:

(1) From the upper end of Narrowsburg Pool (mile 290.5) to the lower end of Long Eddy Pool (mile 315).

(2) From the upper end of Long Eddy Pool (mile 317) to the upper terminus of the Park (mile 330.7).

**CHAPTER 115. BOATS CARRYING PASSENGERS FOR HIRE**

**§ 115.9. Licenses for operators.**

\* \* \* \* \*

(f) *Expiration.* Operator certificates issued under this section will expire on December 31 [of the year for which they are issued] 5 years from the date of issuance.

**§ 115.10. Renewal of operator's license.**

(a) [ By April 1, the operator shall apply for renewal on the form provided by the Commission. The application shall be accompanied by payment of the fee specified by law. ] Operators may apply for a renewal of their licence 60 days prior to its expiration. Applications shall be made on the form provided by the Commission and accompanied by the appropriate fees.

\* \* \* \* \*

[Pa.B. Doc. No. 99-1051. Filed for public inspection July 2, 1999, 9:00 a.m.]

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