

# RULES AND REGULATIONS

## Title 4—ADMINISTRATION

### DEPARTMENT OF STATE

#### [4 PA. CODE CHS. 174, 176 AND 177]

#### Campaign Finance Forms

The Department of State (Department), Bureau of Commissions, Elections and Legislation amends §§ 174.1, 176.2, 176.8, 177.1, 177.2 and 177.9 to read as set forth in the Annex A.

The notice of proposed rulemaking was published at 30 Pa.B. 1255 (March 4, 2000) and was subject to a 30-day public comment period. The Department received no public comments and no comments from the House and Senate State Government Committees. The Independent Regulatory Review Commission (IRRC) made comments on May 4, 2000.

These amendments revise the references to four of the six existing forms in § 177.9 (relating to official forms) and add references to two additional forms, which have been in use since 1980 but never incorporated by reference in regulations. The Department has modernized the campaign finance forms, which will ease documentation for filers. Additionally, the regulations incorporate a provision announcing that reports may be filed on diskette.

Although the existing forms are included in the current regulations, this rulemaking deletes the forms from the regulations to comply with § 2.10(a) of the *Pennsylvania Code & Bulletin Style Manual*, which recommends that the forms be referenced in regulations rather than adopted in regulations. The information required to be reported continues to be set forth in Chapters 174, 176 and 177.

While candidates and political committees are provided with the revised forms for reporting during the 2000 elections, the Department will allow candidates and political committees to continue to file the prior version of the forms during the 2000 election year.

IRRC asked the Department to clarify in the final-form regulations who has to file and what must be filed under each of the forms listed in § 177.9(a). For those forms for which this filing information is already contained in other regulations, IRRC suggested that appropriate cross references be made between § 177.9 and those relevant sections. IRRC also requested that appropriate cross references be made in those relevant sections to § 177.9. These revisions were made as more specifically set forth in Part II of this Preamble.

Finally, IRRC asked the Department to correct typographical errors in other relevant sections that refer to the forms contained in § 177.9. An example of an error occurs in § 177.1(f) on Independent Expenditures Reports, which had incorrectly referred to filing Campaign Financial Reports on DSBE Form 502. As noted in the Annex A, the reference to independent expenditure reports was changed to filing Independent Expenditure Reports on DSEB Form 505.

As a result of the comments received to the proposed amendments from IRRC and upon further review by the Department, Chapters 174, 176 and 177 were also revised to make editorial changes and make these regulations internally consistent as the Department added cross references to the other chapters.

#### I. Statutory Authority

The Secretary of the Commonwealth (Secretary) has the authority to promulgate regulations on reporting forms under section 201(a) of the act of June 3, 1937 (P. L. 1333, No. 320) (25 P. S. § 2621(a)).

#### II. Description of Revisions

##### § 174.1 (relating to business entity).

At the request of IRRC, the Department added a cross reference to Form DSEB 504 in § 177.9 because this form is used to report contributions by nonbid contract recipients as required in § 174.1.

##### § 176.2 (relating to forms and filing).

At the request of IRRC, the Department added a cross reference to Form DSEB 500 in § 177.9 and changed the previous incorrect reference from Form DSBE 501.

##### § 176.8 (relating to authorization of political committee).

At the request of IRRC, the Department added a cross-reference to Form DSEB 501 in § 177.9 and made an additional editorial correction to the county board of elections.

##### § 177.1 (relating to general).

*Subsections (a) and (b).* At the request of IRRC, the Department added a cross reference to Form DSEB 502 in Section 177.9 and made other editorial changes to make the references to the forms consistent with those in § 177.9.

*Subsection (c).* At the request of IRRC, the Department added a cross reference to Form DSEB 503 in § 177.9.

*Subsection (f).* At the request of IRRC, the Department added a cross reference to Form DSEB 505 in § 177.9 and corrected the previous reference to DSBE Form 502.

In subsections (a), (b), (b)(4), (e) and (f), the Department made editorial changes to the title of Form DSEB 502, changing it from Campaign Financial Reports to Campaign Finance Reports to obtain consistency with § 177.9.

In subsection (b)(7), the Department followed the suggestion of the IRRC to correct a reference to the Independent Expenditure Reports on Form DSEB 505 and to cross reference that form to § 177.9.

##### § 177.9 (Official Forms)

The following four forms which were promulgated in 1980, at 10 Pa.B. 962 (March 8, 1980), are revised and renamed as follows and in Annex A:

- (1) Form DSEB-500 (Political Committee Registration Statement).
- (2) Form DSEB-501 (Authorization For a Political Committee To Receive Funds on Behalf of a Candidate).
- (3) Form DSEB-502 (Campaign Finance Report).
- (4) Form DSEB-503 (Campaign Finance Statement).

The title of Form DSEB-501 was changed because the appointment of a treasurer is not done on that form because it already appears on Form DSEB-500. The titles of Forms DSEB-502 and DSEB-503 were changed from

Campaign Expense to Campaign Finance because the Report includes not only campaign expenses but also receipts, contributions, in-kind contributions and unpaid debts. The Statement includes both receipts and disbursements.

The Department also revised the reference to two additional forms that have been in use since the regulations were last promulgated in 1980:

- (1) Form DSEB-504 (Contributions By Non-bid Contract Recipients).
- (2) Form DSEB-505 (Independent Expenditure Report).

Finally, a reference is added to § 177.9 to indicate that reports will be accepted on diskette as long as it meets the technical specifications of the Department.

*Chapter 177. Forms of Reports by Candidates, Political Committees and Other Persons*

Copies of all of these forms and the technical specifications for diskette filing are available from the Bureau of Commissions, Elections and Legislation, Department of State, 302 North Office Building, Harrisburg, PA 17120 or from the Department's website at [www.dos.state.pa.us](http://www.dos.state.pa.us). The Secretary deletes from the regulations copies of the forms. Executive Order 1996-1 directs that agencies eliminate unnecessary regulatory provisions. The forms themselves are nonregulatory documents and do not impose any additional duties or liabilities on the general public or on the political committees that file reports. Furthermore, the Legislative Reference Bureau recommends that forms not be adopted in the *Code* and *Bulletin* but be referred to in regulations. See § 2.10 of the *Pennsylvania Code & Bulletin Style Manual*.

III. *Fiscal Impact*

These amendments will have no measurable fiscal impact on the Commonwealth, its political subdivisions or the private sector because the Commonwealth charges no fees for filing these reports. The Commonwealth will continue to charge a nominal fee for photocopies of the reports. However, reports will be made available on the Department's web page. Therefore, individuals with access to the Internet would no longer need to pay to obtain copies of the campaign finance reports.

IV. *Paperwork Requirements*

Although the Department is revising its campaign finance reporting forms, these amendments will not create new paperwork for other agencies of the Commonwealth. As in the past, county boards of elections will be required to reproduce and distribute the forms prescribed by the Department to local candidates and political committees.

V. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 22, 2000, the Department submitted a copy of the proposed rulemaking to IRRC and the Majority and Minority Chairpersons of the House and Senate State Government Committees.

In compliance with section 5(c) of the Regulatory Review Act, the Department also provided the new and former versions of the campaign finance forms. In preparing the final-form regulations, the Department considered the comments it had received from IRRC.

These final-form regulations were deemed approved by the House and Senate Committees on August 29, 2000. IRRC met on September 7, 2000, and approved the

amendments in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

IV. *Contact Person*

Interested persons may contact Mary S. Heinlen, Director of Campaign Finance, Bureau of Commissions, Elections and Legislation, Department of State, 302 North Office Building, Harrisburg, PA 17120 concerning these regulations.

*Order*

(a) The regulations of the Department, 4 Pa. Code Chapters 174, 176 and 177, are amended by amending §§ 174.1, 176.2, 176.8, 177.1, 177.2 and 177.9 to read as set forth in Annex A.

*(Editor's Note:* The Department did not propose to amend §§ 174.1, 176.2, 176.8, 177.1 and 177.2 at 30 Pa.B. 1255.)

(b) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as require by law.

(c) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

KIM PIZZINGRILLI,  
*Secretary of the Commonwealth*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 4981 (September 23, 2000).)

**Fiscal Note:** 16-22. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART VIII. BUREAU OF LEGISLATION,  
COMMISSIONS AND ELECTIONS**

**CHAPTER 174. REPORTS OF POLITICAL  
CONTRIBUTIONS**

**§ 174.1. Business entity.**

(a) A rational and appropriate distinction may be made between enterprises operated for profit and those for nonprofit. The word "business" connotes being operated for profit. The purpose of Act 201 is to require disclosure of political contributions which could have been made with the object of obtaining financially remunerative nonbid contracts from government bodies. Nonprofit organizations would not normally benefit from these contracts, and are hereby deemed to fall outside the scope of the legislative intent.

(b) Only those business entities doing business in this Commonwealth are required to report on the current version of Form DSEB 504, as described in § 177.9 (relating to official forms). Parent companies of subsidiaries doing business in this Commonwealth but which do not do business here themselves shall also be excluded, even when a director of the parent corporation also serves on the board of directors of the subsidiary. In that case, that director's knowledge is relevant only as it pertains to contributions of other directors of the subsidiary.

(c) With the exemption of the business official authorized under the Business Corporation Law or analogous laws to sign the report on behalf of the business entity, there is no duty of any other business official to inquire as to the making of any political contributions by other business officials or employees.

**CHAPTER 176. REGISTRATION AND ORGANIZATION OF POLITICAL COMMITTEES**

**§ 176.2. Forms and filing.**

(a) The Registration Statement shall be filed on the current version of Form DSEB 500, as described in § 177.9 (relating to official forms), which may be obtained from the Secretary or any county board of elections.

(b) The Registration Statement, to be signed by the treasurer, shall include the following:

(1) The names, addresses and phone numbers of the political committee.

(2) The name, address and phone number of the committee's treasurer.

(3) The name, address and phone number of the committee's chairperson.

(4) The names, addresses and relationships of other affiliated or connected organizations.

(5) The candidates, if any, and their names and addresses.

(6) The ballot question, if any, which the committee intends to support or oppose.

(7) The banks, safety deposit boxes or other repositories and their addresses used by the committee.

(8) The proposed period of operation of the committee.

**§ 176.8. Authorization of political committees.**

(a) Any political committee receiving contributions on behalf of a candidate shall be authorized in writing by the candidate on the current version of Form DSEB-501, as described in § 177.9 (relating to official forms). The written authorization shall be filed with the Secretary or the respective county board of elections, as appropriate.

(b) A candidate is not required to authorize any State, county, city, borough, township, ward or other regularly constituted party committee of any political body to receive contributions on behalf of the candidate in a general, municipal or special election.

**CHAPTER 177. REPORTS BY CANDIDATES, POLITICAL COMMITTEES AND OTHER PERSONS**

**§ 177.1. General.**

(a) Every political committee and candidate shall file cumulative annual Campaign Finance Reports on the current version of Form DSEB 502, as described in § 177.9 (relating to official forms).

(b) Each treasurer of a political committee and each candidate which receives contributions or makes expenditures or incurs liabilities exceeding the sum of \$250 shall file Campaign Finance Reports on the current version of Form DSEB 502, as described in § 177.9, with the Secretary or the respective county board of elections, or both.

(c) A treasurer of a political committee or a candidate which receives contributions or makes expenditures or incurs liabilities in an amount not exceeding the sum of \$250 shall file a sworn statement to that effect on the current version of Form DSEB 503, as described in § 177.9, with the Secretary or the respective county board of elections, or both.

(1) Treasurers of political committees and candidates, including those who have authorized political committees, are required to file reports or statements.

(2) A treasurer of a political committee and a candidate who receives no contributions or makes no expenditures or incurs no liabilities shall file a sworn statement to that effect with the Secretary or the respective county board of elections, or both. These statements shall be filed at the reporting times prescribed in section 1626 of the Pennsylvania Election Code (25 P. S. § 3246) and § 177.3 (relating to filing dates).

(d) For purposes of this section, expenditures shall consist of the following:

(1) Printing and traveling expenses and personal expenses incident thereto, stationery, advertising, postage, expressage, freight, telegraph, telephone and public messenger service.

(2) The rental of radio facilities and amplified systems.

(3) Political meetings, demonstrations and conventions and the pay and transportation of speakers.

(4) The rent, maintenance and furnishing of offices.

(5) The payment of clerks, typewriters, stenographers, janitors and messengers actually employed.

(6) Transportation of electors to and from the polls.

(7) The employment of watchers at primaries and elections to the number and in the amount permitted by the Pennsylvania Election Code (25 P. S. §§ 2600—3573).

(8) Expenses, legal counsel, incurred in good faith in connection with any primary or elections.

(9) Contributions to other political committees.

(e) The Nomination Filing Petition Fees are expenditures for the purposes of this section.

(f) Every person, other than a political committee or candidate who makes independent expenditures expressly advocating the election or defeat of a clearly identified candidate or question appearing on the ballot, other than by contribution to a political committee or candidate, in an amount exceeding the sum of \$100 during a calendar year shall file Independent Expenditure Reports on the current version of Form DSEB 505, as described in § 177.9, with the Secretary or the respective county board of elections, or both.

(g) A person may not use the contents of a filed statement or report for a commercial purpose.

**§ 177.2. Form and content of reports.**

(a) The Campaign Finance Reports shall be filed on the current version of Form DSEB 502, which may be obtained from the Secretary or any county board of elections.

(b) The Campaign Finance Report, to be signed and sworn to by the individual submitting the report, shall include the following:

(1) The full name, mailing address, occupation and name of employer, if any, or the principal place of business, if self-employed, of each person who has made one or more contributions to or for the committee or candidate within the reporting period in an aggregate amount or value in excess of \$250, together with the amount and date of the contributions. The accuracy of the information furnished to the candidate or committee shall be the responsibility of the contributor.

(2) The full name and mailing address of each person who has made one or more contributions to or for the committee or candidate within the reporting period in an aggregate amount or value in excess of \$50, together with

the amount and date of the contributions. The accuracy of the information furnished by the contributor shall be the responsibility of the contributor.

(3) The total sum of individual contributions made to or for the committee or candidate during the reporting period and not reported under paragraphs (1) and (2).

(4) Every expenditure, the date made, the full name and address of the person to whom made, and the purpose for which the expenditure was made. Each Campaign Finance Report of a political committee shall itemize only those expenditures made to influence the election or defeat of a candidate for nomination or election in this Commonwealth or a question appearing on the ballot in this Commonwealth and all other expenditures made outside this Commonwealth, not relevant to elections within this Commonwealth, shall be aggregated and reported as one lump sum.

(5) Unpaid debts and liabilities, with the nature and amount of each, the date incurred and the full name and address of the person owed.

(6) The account shall include an unexpended balance of contributions or other receipts appearing from the last account filed.

(7) In addition, the Independent Expenditure Reports on the current version of Form DSEB 505, as described in § 177.9 (relating to official forms), filed by persons making independent expenditures shall contain the name of the candidates or questions supported or opposed.

(c) Receipted bills are required as follows:

(1) Each candidate or committee treasurer shall retain a receipted bill from the person to whom the expenditure is made by or on behalf of the political committee or candidate in excess of \$25.

(2) The receipted bill shall contain the following:

(i) The identification of the person to whom the expenditure is made.

(ii) The amount of the expenditures.

(iii) The particulars of the expenditures.

(iv) The date the expenditures were made.

(3) When a receipted bill is not available, the treasurer may retain the following:

(i) The cancelled check showing payment of the bill.

(ii) The bill, invoice or other contemporaneous memorandum of the transaction supplied to the committee by the payee containing the same information as referred to in paragraph (2).

(iii) Both.

(d) A person may inspect or copy the vouchers, or copies of vouchers, for expenditures itemized in a Campaign Finance Report by filing a written request, with the appropriate supervisor, after the filing date for the report. The supervisor shall notify the candidate or committee treasurer of the request and the candidate or committee treasurer shall either forward the vouchers, or copy of the vouchers, to the supervisor or make the vouchers, or copy of the vouchers, available to the requesting person.

(e) Each Campaign Finance Report shall contain a summary, on a separate page, of the information required by subsection (b).

(f) Each Campaign Finance Report of a political committee created solely for the purpose of influencing an election on behalf of a single candidate shall be accompa-

nied by an affidavit of the candidate. The affidavit shall affirm that, to the best of the candidate's knowledge, the political committee has not violated the act of October 4, 1978 (P. L. 893, No. 1978-171).

**§ 177.9. Official Forms.**

(a) The following official forms have been promulgated under the provisions in this chapter:

(1) Form DSEB-500 (Political Committee Registration Statement) as required by §§ 176.1—176.3 (relating to registration of political committees; forms and filing; and change or correction in information).

(2) Form DSEB-501 (Authorization For a Political Committee To Receive Funds On Behalf of a Candidate) as required by § 176.8 (relating to authorization of political committees).

(3) Form DSEB-502 (Campaign Finance Report) as required by §§ 177.1(a) and (b) and 177.2 (relating to general; and form and content of reports).

(4) Form DSEB-503 (Campaign Finance Statement) as required by § 177.1(c).

(5) Form DSEB-504 (Contributions By Non-bid Contract Recipients) as required by § 174.1 (relating to business entity).

(6) Form DSEB-505 (Independent Expenditure Report) as required by §§ 177.1(f) and 177.2(b)(7).

(b) The Department also accepts campaign finance reports on diskette in lieu of a paper report as long as it meets the technical specifications of the Department and is accompanied by a cover page and signed affidavit. This information can be obtained by accessing the Department's website at [www.dos.state.pa.us](http://www.dos.state.pa.us) or contacting the Bureau at (717) 787-5280.

[Pa.B. Doc. No. 00-1718. Filed for public inspection October 6, 2000, 9:00 a.m.]

## Title 22—EDUCATION

### DEPARTMENT OF EDUCATION

#### [22 PA. CODE CH. 354]

#### Institutional Preparation of Professional Educators

The Department of Education (Department) adopts 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 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). Under section 2606-B of the code (24 P. S. § 26-2606-B), the State Board on May 11, 2000, approved the regulations in final-form.

Notice of proposed rulemaking was published at 29 Pa.B. 3363 (July 3, 1999) with an invitation to submit written comments within 30 days.

#### *Purpose and Requirements*

Chapter 354 sets forth the basic rules for institutions (colleges and universities) that prepare professional educators in this Commonwealth. The final-form regulations are necessary to strengthen the preparation of profes-

sional 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 professional educator preparation programs in this Commonwealth, institutions and their off-campus centers must meet the requirements in these final-form regulations.

#### *Comments and Responses*

The Department, during the formal public comment period, received comments from 47 individuals and organizations. The Department conducted 3 days of hearings during which 15 individuals, representing various teacher preparation constituencies and private citizens, presented testimony. Written comments from 32 individuals were added to this testimony and forwarded to the House and Senate Education Committees and the Independent Regulatory Review Commission (IRRC). Each of these organizations submitted comments to the Department for review. These comments were also shared with the State Board.

Support for implementation of the proposed regulations came primarily from the higher education academic community; those not in support were primarily from the teacher education community and college career and guidance personnel. Supporters of the proposed regulations rested their arguments in three areas: 1) the requirement for a major in the content area; 2) the requirement of a 3.0 GPA; and 3) general support for the entire concept of more rigorous entry and exit requirements. Many of the supporters offered suggestions for improvement and clarification of a number of key elements.

In general, opposition came from the teacher preparation community, which disagreed with several key elements. Opposition also came from the college career and guidance personnel who oppose the 3.0 GPA requirement. Comments from both of these groups offered alternative criteria for entry into and exit from professional educator programs, as well as ways to improve other key elements.

Members of the House and Senate Education Committees offered several suggestions to improve the clarity, continuity, and alignment of the document with Chapter 49. IRRC presented many suggestions to improve the clarity and reasonableness of the document. IRRC also recommended clarification regarding statutory authority of the Department to promulgate the regulations. The Department's authority is derived from delegated authority of the State Board, which derives its power principally from sections 2603-B(a) and 2604-B(c) of the code.

Since there are similarities between Chapter 354 and Chapter 49, additional concern was raised by the House and Senate Education Committees, public commentators and IRRC, regarding the need to make cross references between the two chapters. There was concern that including the standards for professional educator certification categories that appear in Chapter 49 might be more appropriate for inclusion in the proposed regulations. Chapter 354, however, is a regulatory document for the design and structure of professional educator preparation programs that will provide the pedagogical studies and experiences necessary to enable an individual to meet the certification requirements of Chapter 49. For example, the 3.0 GPA entry requirement of the new chapter is a program requirement and not a certification requirement. Furthermore, in instances when there are similarities,

cross reference citations to Chapter 49 are included in Chapter 354. The program specific guidelines also supplement the pedagogical design of preparation programs.

*Definitions.* IRRC pointed out the inconsistent use of the terms "candidate" and "applicant." Careful attention was paid to the consistent usage of these terms throughout the document. For the sake of clarity, the term "applicant" was added to the list of definitions in § 354.1. Additionally, two other terms were deleted in accordance with IRRC and House Education Committee recommendations. They were "educational institutions" and "unit." Both terms were deleted from § 354.1 and replaced by the terms "school entity" and "preparing institution," respectfully, since both of these terms are already defined in the code.

Both the House Education Committee and IRRC were also concerned with the term "Department-defined competencies." These competencies were not defined in the regulations. This term was replaced with the term "program specific guidelines," which was also added to the definitions in § 354.1. The term "general standards" was removed from § 354.1 and included as a specific reference in § 354.11(2) (relating to minimum requirements for approval).

*Purpose.* In § 354.2 (relating to the purpose), IRRC recommended removing language that contained general concepts and undefined standards such as, "proven record of high academic achievement" and "shall maintain the highest standards of academic excellence." IRRC recommended including language stating that Chapter 354 establishes the standards and procedures for Department-approved institutional programs that prepare professional educators.

*Program Approval.* Based on recommendations from the House Education Committee and IRRC, citations were added, for purposes of clarity, in §§ 354.11 and 354.12 (relating to minimal requirements for approval; and program approval) to cross reference the chapter and sections of the Department's regulations that outline the program approval process.

*Standards.* Public comment from the teacher education community suggested the addition of a fourth standard to § 354.13 (relating to standards). The fourth standard was "professional performances." This standard was tied to standards in various sections of Chapter 49. The Department, in the process of revising the proposed Chapter 354, included citations to reference the Chapter 49 standards. Coupled with the fact that the program specific guidelines developed by the Department contain performance indicators to be used in conjunction with this chapter, the fourth standard (professional performances) was not added. However, at the recommendation of the Senate Education Committee, the principles enumerated in various sections of Chapter 49 were inserted in § 354.33 (relating to professional competency).

*Field Experiences.* For purposes of clarity, IRRC recommended deletion of § 354.22 (relating to field experience) because the topic was covered in the later sections, § 354.26(d)(1)–(3) of the proposed regulations. The Department deleted § 354.22 and amended § 354.26 by renumbering it as § 354.25 (relating to preparation program curriculum) and adding additional language for the evaluation of a candidate's field experiences and for purposes of clarity and continuity.

*Preparing Institution Reporting.* IRRC and several public commentators addressed the annual and biennial

report requirements and recommended that the Department revisit this section for purposes of clarity and specificity. The Department amended this section based on these comments. The language in this section requiring an annual report is now aligned with Federal reporting requirements as found in the Higher Education Amendments of 1998, known as HEA Title II and as defined in 20 U.S.C.A. § 1027(f)(1)(A) and (B). The biennial report was modified to reflect consistency in the required data to be collected and will serve as an indicator of effective programs in the program review process.

*Academic Preparation (General Studies).* There was general support for this section from both the House and Senate Education Committees, teacher education constituencies and the general public. However, IRRC and the House Education Committee recommended that undefined terms such as “studies in” and “experiences in” be removed or clearly defined in § 354.1. The Department amended the language for clarity by removing references to “studies in” and “experiences.” Additionally, the title of this section was changed to “Academic Preparation” to better reflect its intent.

*Academic Performance (Competence).* Public comment was received on the academic competence requirements stipulated in § 354.24 (relating to academic performance) renumbered from § 354.25. This section 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. This section was amended by deleting § 354.24(a)(1). The amended section now defines the overall minimum GPA which candidates shall maintain. A new paragraph (4) was added to § 354.24 to reflect the requirements found in § 49.91 (relating to intern certificates). Additional language was added for clarification in terms of defining initial preparation programs and clearly referencing certificate areas and categories.

*Preparation Program Curriculum.* Section 354.25 (relating to preparation program curriculum) requires the professional educator program 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 354.25(a)(4) requires that the professional educator program be designed to be completed within 4 years. Most of the opposition to this section was based on the fact that many college students change their majors at least twice during their college career and therefore completing a teacher education program in 4 academic years is difficult. Additional comments noted that in the design of a program less emphasis would need to be placed on pedagogy and that this was not a practical approach because there are many new challenges, involving such areas such as special education students, use of new instructional technologies, and new cognitive science and learning theories, that need to be part of the professional education curriculum.

The Senate Education Committee recommended that § 354.25 be broadened to include more emphasis on pedagogical studies. Although the language of this section is general with regard to pedagogical studies, the program specific guidelines supplement the language of this section and provide specific pedagogical studies that are unique to each certificate area. The language in § 354.25(c)(2) links preparation program curriculum to the program specific guidelines and Chapter 4 (relating to

academic standards and assessments). The Department addressed Senate Education Committee recommendations by adding citations referencing §§ 354.32 and 354.33 (relating to monitoring and assessment; and professional competencies). In essence, the language in § 354.33 drives much of the preparation program curriculum. The Senate Education Committee’s concern about inconsistent standards is addressed by references to the program specific guidelines, Chapters 4 and 49.

Several new paragraphs were added to § 354.25(a). Paragraph (5) was added to emphasize the requirement for efficient program design at the advanced degree initial preparation program level. A new paragraph (6) was added to ensure compliance with Chapter 49 requirements for intern programs and certificate validity. A more complete reference to technology was accomplished by the addition of § 354.25(b)(1) and (2). This subsection now requires that program design include emerging technologies.

Based on public comment, primarily from the teacher education community, § 354.26(d)(1) (as numbered in the proposed rulemaking but renumbered as § 354.25 in final-form) was deleted and replaced by § 354.25(d) and (e). The language in these two sections defines field experiences and establishes standards for the evaluation of a candidate’s field experiences. A new subsection § 354.25(f) was added to provide clear standards for the student teaching experience.

*Collaborative Programs.* Aside from changes made for purposes of clarity and consistency, and renumbering from § 354.27, § 354.26 (relating to collaborative programs) was only slightly amended. At the recommendation of the State Board, language was added to § 354.26(b) and (d) to include nonpublic schools among the school entities with which a preparing institution may develop collaborative programs.

*Admissions.* There were recommendations from the teacher education community, the public and the Senate Education Committee to remove the 3.0 GPA admissions requirement from § 354.31(4). Two rationales for this recommendation surfaced. The first rationale is based on the difficulty that some beginning college freshmen encounter in adjusting to college life. Essentially, many commentators expressed concern that one “bad” semester would make it extremely difficult to attain a 3.0 GPA by the end of 48 credit hours and subsequently result in a declining number of capable students entering the teaching profession. Most of the public commentators espousing this position also noted that no other profession has such a stringent entry requirement at the undergraduate level.

Additionally, the Senate Education Committee and commentators from the teacher education community voiced strong concern over the exclusion of professional educator course work in the computation of the entry GPA. Commentators felt that a regulation was an insult to the integrity of schools of teacher education. Furthermore, many of these commentators supported a 3.0 GPA requirement as an “exit” criteria rather than an entry requirement on the premise that it was their responsibility, as educators, to bring individuals up to that standard. Legislative comments regarding this issue were centered on the fact that this concept devalues the importance of pedagogy and that “academic competence” should be redefined to include pedagogical studies.

In contrast to the opposition to the 3.0 GPA requirement, most of these commentators supported the bachelor

of science or bachelor of arts requirement on the basis that academic competency in the content area is very important. Additionally, several of these commentators expressed concern about grade inflation in schools of education.

Therefore, the final form of § 354.31 (relating to admission) was amended, based on public comment and Senate Education Committee recommendations, by deleting the 3.0 GPA requirement to be exclusive of professional educator courses and modifying the language to read as an "overall" 3.0 GPA. Section 354.31(5) was added to permit the use of less than an overall 3.0 GPA academic record with a strong applicant performance on either the Scholastic Achievement Test (SAT) or the American College Testing Service test (ACT) as alternative entry vehicles.

A new paragraph (8) was added to § 354.31 to provide a mechanism for recognizing strong professional educator preparation programs. Essentially, this paragraph allows the preparing institution to determine the GPA entry requirement (with Department approval) if the institutional pass rate on the professional knowledge and content assessments is 90% or higher. Section 354.31(7) was amended to require preparing institutions to determine the criteria for the admission of applicants under the 10% rule. The 10% rule permits an institution to accept up to 10% of the applicants for admission who do not meet the 3.0 GPA requirement.

*Monitoring and Assessment.* Section 354.32 (relating to monitoring and assessment) creates a systematic monitoring requirement based on performance assessment to measure competencies in several skills. This section was amended for purposes of clarity and consistency as recommended by IRRC. In § 354.32(a)(1), several skill dimensions were deleted. Specifically, § 354.32(a)(1)(xi)—(xiv) were deleted because of the difficulty of measuring these attributes. Two new skill dimensions were added to the list. They are professional standards and practice (subparagraph (xi)) and mastery of instructional technology (subparagraph (xii)).

*Professional Competency.* Section § 354.33 (relating to professional competency) requires development of a procedure to confirm a candidate's competence prior to recommendation for professional educator certification. Several changes for clarity and consistency were made throughout this section. The most significant amendment was made to § 354.33(1), which was modified to include the language of the learning principles for each certificate category from Chapter 49. This language replaced the citations from Chapter 49 related to the learning principles associated with each certificate category. Section 354.33(4) (as proposed) was deleted and replaced by § 354.33(5). The new paragraph defines the exit GPA as an overall GPA as opposed to considering separate 3.0 GPAs in the academic content area as well as professional educator courses.

A new paragraph (6) was added to § 354.33 for purposes of defining alternative exit options tied to a 2.8 GPA and performance on the content area assessment of one standard error of measure above the qualifying score. A new paragraph (8) was added to § 354.33 for purposes of adjusting program exit requirements to reflect professional educator supply and demand. Based on data provided by the Department, the Secretary (with State Board approval) may adjust the exit requirements for those certificate areas or categories, or both, where a shortage of professional educators exists.

*Faculty.* 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. Two new subsections were added to the section. Subsection (d) requires that the preparing institution provide evidence of faculty competence in the use of technology. Subsection (e) requires that the preparing institution provide evidence of collaboration among academic, general and education faculty in the planning and design of all facets of the professional educator curriculum.

#### *Editing and Correcting*

Various drafting errors and changes recommended for clarity and consistency suggested by public commentators, members of the House and Senate Education Committees, IRRC and by the State Board were made in the final-form regulations.

#### *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 with the final form of this chapter. Additionally, a college or university which has an approved teacher education program or seeks to offer an approved program will be required to comply with the final form of this chapter.

#### *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 offering professional educator preparation programs are inherent in the restructuring of programs to be in compliance with the new standards.

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

The costs to State government will 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 will be comparable to already existing costs which have been approximately \$300,000 per year.

#### *Effective Date*

The final-form 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 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 the notice of proposed rulemaking published at 29 Pa.B. 3363 to IRRC and to the Chairpersons of the House and Senate Committees on Education. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received as well as other documentation. In addition to submitting the final-form 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.

In preparing these final-form regulations, the Department has considered the comments received from IRRC, the Committees and the public.

These final-form regulations were disapproved by the House Education Committee on June 14, 2000, disapproved by the Senate Education Committee on June 13, 2000, and approved by IRRC on July 13, 2000 in accordance with section 5(c) of the Regulatory Review Act.

*Contact Person*

The official responsible for information on these final-form regulations is George L. Shevlin, Deputy Secretary for Postsecondary and Higher Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-5041 or TDD (717) 772-2864.

*Findings*

The Department finds that:

(1) Public notice of the intention to adopt these final-form regulations 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 in 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 regulations are necessary and appropriate for the administration of the code.

(4) The regulations have been approved by the State Board of Education under section 2606-B of the code.

*Order*

The Department, acting under authorizing statute, orders that:

(a) The regulations of the Department, 22 Pa. Code, are amended by adding §§ 354.1, 354.2, 354.11—354.13, 354.21—354.26, 354.31—354.33 and 354.41 to read as set forth in Annex A.

(b) The Secretary will submit this order 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 Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

EUGENE W. HICKOK,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 3873 (July 29, 2000)).*

**Fiscal Note:** Fiscal Note 6-264 remains valid for the final adoption of the subject regulations.

**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. Program approval.
- 354.13. Standards.

**CATEGORY—PROGRAM DESIGN**

- 354.21. Mission.
- 354.22. Preparing institution reporting.
- 354.23. Academic preparation.
- 354.24. Academic performance.
- 354.25. Preparation program curriculum.
- 354.26. Collaborative programs.

**CATEGORY II—APPLICANTS AND CANDIDATES**

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

**CATEGORY III—FACULTY**

- 354.41. Faculty quality.

**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).

*Academic discipline*—A defined field of formal study at an institution of higher learning.

*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 pursue additional areas of certification or supervisory, administrative, educational specialist certification or letter of eligibility.

*Applicant*—An individual seeking admission to a program for the initial or advanced preparation of professional educators.

*Board*—The State Board of Education of the Commonwealth.

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

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

*Field experiences*—Off-campus activities that provide candidates with opportunities for practical application of theoretical constructs and concepts developed in coursework, under the supervision and direction of college faculty, prior to student teaching, internship or clinical experiences. The activities include: observing, tutoring, miniteaching, lesson planning and evaluating student performance, and may take place in public or nonpublic schools or community organizations.



*General studies*—Coursework in the arts, language and literature, history, mathematics, philosophy, the 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.

*Preparing institution*—A college or university that offers a program approved by the Department to prepare professional personnel for employment in the public schools in accordance with Chapter 49 (relating to certification of professional personnel).

*Professional educator*—An individual who holds Pennsylvania certification issued in accordance with Chapter 49.

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

(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 performing in educational positions under institutional supervision in the category for which a certificate is granted.

*Professional educator program specific guidelines*—Department-defined competencies and course content for specific professional educator certification programs under § 49.14 (relating to approval of institutions).

*Standard error of measurement*—The standard deviation of errors of measurement that is associated with the test scores for a specified group of test takers.

#### § 354.2. Purpose.

(a) Preparing institutions shall have professional educator preparation programs to ensure that candidates for professional educator certification master both the content and methodology of their discipline and meet the standards for academic performance as defined in § 354.24 (relating to academic performance) and professional educator curriculum as defined in § 354.25 (relating to preparation program curriculum) and that candidates are supported in their achievement of the learning principles under § 354.33 (relating to professional competency).

(b) In the interest of the students in public schools in this Commonwealth, preparing institutions 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, a preparing institution and any of its off-campus centers engaged in the preparation of professional educators shall meet the following requirements:

(1) Be approved as a baccalaureate or graduate degree granting institution by the Department under § 31.52 (relating to accreditation).

(2) Be evaluated and approved by the Department to offer specific programs leading to professional educator certification under § 49.14 (relating to approval of institutions), in accordance with the general standards contained in this chapter and the professional educator program specific guidelines established by the Department.

tutions), in accordance with the general standards contained in this chapter and the professional educator program specific guidelines established by the Department.

#### § 354.12. Program approval.

(a) Prior to approving 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 under § 49.13 (relating to policies).

(b) The Department will approve new programs and proposed changes to existing programs consistent with § 49.14 (relating to approval of institutions), general standards contained in this chapter, and professional educator program specific guidelines.

(c) Evaluation teams will be appointed by the Department under § 49.13 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) The Department will deny or approve programs based upon the professional educator program specific guidelines.

(e) The Department may deny or withdraw approval from preparing institutions for failure to meet the requirements in § 354.11 (relating to minimum requirements for approval).

#### § 354.13. Standards.

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

- (1) Category I—Program Design.
- (2) Category II—Applicants and Candidates.
- (3) Category III—Faculty.

### CATEGORY I—PROGRAM DESIGN

#### § 354.21. Mission.

The professional educator program shall have a clearly articulated mission statement that is based on the needs of professional educator candidates, public school entities and students. 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 mission statement, academic standards as found in Chapter 4 (relating to academic standards and assessment), professional educator courses, field experiences, instruction, evaluation, required candidate competencies, learning principles defined in § 354.33 (relating to professional competency), skill dimensions defined in § 354.32 (relating to monitoring and assessment), and is in compliance with this chapter.

#### § 354.22. Preparing institution reporting.

(a) The preparing institution shall submit annually to the Department a systematic evaluation which includes information obtained through the following sources:

(1) Candidate assessment as defined in section 207(f)(1)(A) of the Higher Education Act of 1965 (20 U.S.C.A. § 1027(f)(1)(A)).

(2) Collection of data from candidates as defined in 20 U.S.C.A. § 1027(f)(1)(B).

(b) The preparing institution shall demonstrate that the result of the systematic evaluation of the professional educator program, as specified in subsection (a), is utilized to enhance candidate achievement through the modification and improvement of the preparing institution's overall professional educator program.

(c) The preparing institution shall biennially compile and make available to applicants, candidates, the Department and the Board information concerning its recent graduates. This information shall be collected no sooner than 6 months following the candidate's graduation and shall include the following:

(1) Number of recent graduates employed in instructional, educational specialist, supervisory and administration positions in this Commonwealth.

(2) Number of recent graduates employed in instructional, educational specialist, supervisory and administration positions in locations outside this Commonwealth.

(3) Number of recent graduates employed in education-related positions in this Commonwealth.

(4) Number of recent graduates employed in education-related positions in locations outside this Commonwealth.

(5) Number of recent graduates employed in non-education related positions in this Commonwealth.

(6) Number of recent graduates employed in noneducation related positions in locations outside this Commonwealth.

**§ 354.23. Academic preparation.**

(a) The preparing institution shall have a procedure to document that applicants for admission to initial and advanced preparation programs which culminate in a bachelor's degree or higher have met the requirements for academic preparation and academic performance prior to admission into a professional education program.

(b) Academic preparation 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.

**§ 354.24. Academic performance.**

The preparing institution shall have a procedure to confirm that professional educator candidates maintain academic performance in each academic discipline that the candidates plan to teach or in the academic discipline related to the certificate category in which they plan to serve and in the professional educator courses related to the certificate category the candidates intend to earn. This standard shall be met by the following criteria:

(1) Candidates whose initial preparation program culminates in a bachelor's degree or higher shall maintain an overall minimum grade point average (GPA) of 3.0 in each certificate area the candidates plan to teach or in the certificate category in which the candidates plans to serve, to be phased in as follows:

(i) Academic Year: 2001-2002—2.6 GPA

(ii) Academic Year: 2002-2003—2.8 GPA

(iii) Academic Year: 2003-2004—3.0 GPA

(2) For initial preparation programs culminating in a bachelor's degree or higher, academic preparation courses under § 354.23 (relating to academic preparation) shall be the same as for a bachelor of arts or bachelor of science degree.

(3) For initial 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 candidates intend to teach or in the noninstructional certificate category the candidates plan to serve. Free electives in the bachelor of arts and bachelor of science major and credits in the cognate areas shall be optional.

(4) For initial preparation programs culminating in a bachelor's degree or higher, candidates for certification in more than one certificate area or certificate category shall meet the requirements in paragraph (3) in the major area and for each additional area that candidates plan to serve.

(5) For initial preparation programs conducted under § 49.91 (relating to intern certificates) candidates for certification shall meet the requirements of this section and § 354.23 (relating to academic preparation).

**§ 354.25. Preparation program curriculum.**

(a) The preparation program shall be designed to ensure that candidates acquire and learn to apply the professional and pedagogical knowledge, defined in § 354.33 (relating to professional competency), and skill dimensions identified in § 354.32 (relating to monitoring and assessment). The evidence required to demonstrate that this standard is met includes the following:

(1) The preparation program design shall be consistent with the preparing institution's mission, and reflect knowledge derived from research and sound professional practice.

(2) The preparing institution shall ensure that the preparation program curriculum does not include unnecessary duplication of coursework and strives to create efficient professional educator preparation.

(3) The preparing institution shall ensure that candidates complete a well planned sequence of professional educator courses and field experiences to develop an understanding of the structure, skills, core concepts, facts, methods of inquiry and application of technology related to each academic discipline the candidates plan to teach or in the academic disciplines related to the noninstructional certificate categories in which they plan to serve.

(4) For initial programs culminating in a bachelor's degree, the professional educator program shall cooperate with the liberal arts and other academic disciplines of the college or university to create preparation programs that allow candidates to complete the degree and the initial preparation program within 4 years from the time of initial enrollment at the college or university.

(5) For initial programs culminating in an advanced degree, the professional educator program shall cooperate with the liberal arts and other academic disciplines of the college or university to create preparation programs that allow candidates to complete the advanced degree and the initial preparation program within 5 years from the time of initial enrollment at the college or university.

(6) For initial programs conducted under § 49.91 (relating to intern certificates), the preparing institution

shall cooperate with the liberal arts and other academic disciplines of the college or university to create preparation programs that allow candidates to complete the intern program under § 49.92 (relating to validity).

(b) The preparation program shall be designed to enable candidates to integrate general and academic coursework, with professional and pedagogical coursework to teach, guide and assist public school students in achieving the academic standards under Chapter 4 (relating to academic standards and assessments). Candidates shall complete a sequence of courses and experiences in:

(1) Professional studies in which they acquire and learn to apply knowledge about the impact of technology in teaching and learning.

(2) Pedagogical studies that help develop understanding and use of technology in education, including the use of computers, the internet, distance learning technologies, and other emerging technologies in instruction, assessment and professional productivity.

(c) The preparation program shall be designed to ensure that candidates become competent professional educators. The evidence that this standard is met includes the following:

(1) Programs for the continuing preparation of professional educators build upon and extend prior knowledge and experiences of candidates including core studies of learning and practices that support learning.

(2) Professional educator program specific guidelines, the learning principles defined in § 354.33 (relating to professional competency), and Chapter 4 (relating to academic standards and assessment) are used in developing programs in each certificate area.

(3) Programs are designed to ensure candidates research information, use research methods, and acquire knowledge about issues and trends in public education.

(d) The professional educator program shall have sequential field experiences that may begin as early as the initial semester of college enrollment, prior to student teaching, internships, and clinical experiences, which provide candidates with opportunity to:

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

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

(e) Field experiences shall:

(1) Include frequent observation and consultation with cooperating teachers and school administrators fluent in the institution's education philosophy.

(2) Be fully supported by the preparing institution's faculty.

(3) Be an integrated part of the professional education curriculum and shall be consistent with the overall program design.

(4) Encourage reflection by candidates.

(5) Include evaluation and feedback from higher education faculty, public or nonpublic school faculty, and peers.

(f) The preparation program shall be designed to provide a minimum 12 week full-time student teaching experience under the supervision of:

(1) Program faculty with knowledge and experience in the area of certification.

(2) Cooperating teachers trained by the preparation program faculty and who have the following:

(i) The appropriate professional educator certification.

(ii) At least 3 years of satisfactory certificated teaching experience.

(iii) At least 1 year of certificated teaching experience in the school entity where the student teacher is placed.

#### § 354.26. Collaborative programs.

(a) The preparing institution 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 that this standard is met includes the following:

(1) Professional educator faculty and faculty from liberal arts and other academic disciplines regularly collaborate in program planning and evaluation of all facets of the curriculum.

(2) The preparing institution develops agreements with public and nonpublic schools and cooperating professional educators to ensure:

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

(ii) Candidates are supported in their achievement of the learning principles as defined in § 354.33 (relating to professional competence).

(iii) Cooperating professional educators involved in student teaching, internships, and clinical experiences are trained by the preparing institution to assist, guide, and evaluate the performance of student teachers and individuals who are serving in a clinical experience or internship.

(b) The preparing institution shall develop collaborative relationships, programs, and projects with public and nonpublic schools, to develop and refine knowledge bases, to consult, and to conduct research to improve the quality of education.

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

(d) The preparing institution shall cooperate with public and nonpublic schools in the development and implementation of alternative certification programs.

### CATEGORY II—APPLICANTS AND CANDIDATES

#### § 354.31. Admission.

The preparing institution shall recruit and admit applicants who demonstrate potential for professional success in public schools. The evidence that this standard is met includes:

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

(2) An applicant who intends to enter a preparation program that culminates in a bachelor's degree may not be formally admitted to an initial professional educator preparation program before completion of 48 semester credit hours or the full-time equivalent of college level study.

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

(i) An assessment of academic preparation under § 354.23 (relating to academic preparation).

(ii) An assessment of academic performance under paragraph (4).

(iii) Faculty recommendations.

(4) The preparing institution shall ensure that applicants admitted to an initial preparation program culminating in a bachelor's degree or higher shall complete prior college or university coursework, with a minimum grade point average (GPA) as follows:

(i) Academic Year: 2001-2002—2.6 GPA

(ii) Academic Year: 2002-2003—2.8 GPA

(iii) Academic Year: 2003-2004—3.0 GPA

(5) As an alternative to the 3.0 GPA admissions standard under paragraph (4), a preparing institution may admit applicants if they have achieved a 2.8 GPA and qualifying scores on the Praxis I, preprofessional skills tests as determined by the Secretary and approved by the Board, or either of the following:

(i) A 2.8 GPA and a combined score of 1050 on the Scholastic Aptitude Test (SAT), with no score lower than 500 on either the verbal or mathematics subtests.

(ii) A 2.8 GPA and a score of no less than 23 on the English subtest and 20 on the Mathematics subtest of the American College Testing Program Assessment (ACT).

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

(i) An assessment of academic performance—including the Miller Analogy Test (MAT) or the Graduate Record Exam (GRE).

(ii) An overall minimum GPA of 3.0.

(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 preparing institution may accept up to 10% of the applicants for admission to the professional educator program who do not meet overall minimum GPA requirements in paragraph (4) or alternative admission criteria under paragraph (5). The criteria for admission of applicants specified in this paragraph shall be developed and documented by the preparing institution and must include the requirements in § 49.12 (relating to eligibility).

(8) When the institutional pass rate on the professional knowledge and content assessments, as defined in § 49.18 (relating to assessment) is 90% or higher for a given testing year, the requirements of paragraph (4) shall be reduced to a GPA entry requirement determined by the preparing institution and approved by the Department for the subsequent academic year.

(9) The preparing institution shall develop admission procedures for postbaccalaureate initial and advanced professional educator preparation programs to document the following:

(i) Applicants have attained depth and breadth in both general and academic studies under §§ 354.23—354.25 (relating to academic preparation; academic performance; and preparation program curriculum).

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

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

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

**§ 354.32. Monitoring and assessment.**

(a) The preparing institution shall have a program that systematically monitors and assesses the progress of candidates and confirms that they receive academic and professional counseling and advice from the time of admission through completion of their professional education program. The evidence that this standard is met includes 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) Professional standards and practice.

(xii) Mastery of instructional technology.

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

(i) Grade point average.

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

(iii) Candidates' use of various instructional strategies and technologies.

(iv) Faculty recommendations.

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

(vi) Recommendations from cooperating professional educators involved in student teaching, internships and clinical experiences.

(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, internships and clinical experiences.

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

- (1) Completing their professional education programs.
- (2) Satisfying certification requirements under Chapter 49 (relating to certification of professional personnel).
- (3) Exploring job opportunities.

**§ 354.33. Professional competency.**

The preparing institution shall have 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 that this standard is met includes:

(1) The preparing institution shall have a published set of criteria and competencies for exit from each professional education program, which are based on Chapter 4 (relating to academic standards and assessment) and professional educator program specific guidelines, and the following learning principles for each certificate category:

(i) *Instructional.*

(A) The teacher understands the central concepts, tools of inquiry, and structures of the discipline the teacher teaches and can create learning experiences that make these aspects of subject matter meaningful for all students.

(B) The teacher understands how all children learn and develop, and can provide learning opportunities that support their intellectual, social, career and personal development.

(C) The teacher understands how students differ in their ability and approaches to learning and creates opportunities that foster achievement of diverse learners in the inclusive classroom.

(D) The teacher understands and uses a variety of instructional strategies, including interdisciplinary learning experiences, to encourage students' development of critical thinking, problem solving and performance skills.

(E) The teacher uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning and self-motivation.

(F) The teacher uses knowledge of effective verbal, nonverbal and media communication techniques supported by appropriate technology to foster active inquiry, collaboration and supportive interaction in the classroom.

(G) The teacher plans instruction based upon knowledge of subject matter, students, the community and curriculum goals.

(H) The teacher understands and uses formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social and physical development of the learner.

(I) The teacher thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and actively seeks out opportunities to grow professionally.

(J) The teacher contributes to school effectiveness by collaborating with other professionals and parents, by using community resources, and by working as an advocate to improve opportunities for student learning.

(ii) *Educational specialist.*

(A) The educational specialist understands the central concepts, structures and delivery styles of the professional area in which the educational specialist practices and can foster learning experiences for all students.

(B) The educational specialist understands how all children learn and develop, and can contribute to the provision of learning opportunities that support their intellectual, social, career and personal development.

(C) The educational specialist understands how students differ in their ability and approaches to learning and creates opportunities that are adapted to diverse learners.

(D) The educational specialist understands and uses a variety of professional strategies to encourage students' development of critical thinking, problem solving and performance skills.

(E) The educational specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning and self-motivation.

(F) The educational specialist uses knowledge of effective verbal, nonverbal, and media communication techniques supported by appropriate technology to foster active inquiry, collaboration, and supportive interaction in and out of the classroom.

(G) The educational specialist plans professional services based upon knowledge of professional field, students, the community and curriculum goals.

(H) The educational specialist understands and uses formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social and physical development of the learner.

(I) The educational specialist thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and actively seeks out opportunities to grow professionally.

(J) The educational specialist contributes to school effectiveness by collaborating with other educators and parents, by using community resources, and by working as an advocate for change to improve opportunities for student learning.

(iii) *Supervisory.*

(A) The supervisor understands the central concepts of organizational leadership, tools of research and inquiry, and principles of teaching and learning that make supervision effective and efficient.

(B) The supervisor understands how all children learn and develop and configures resources to support the intellectual, social and personal growth of students.

(C) The supervisor knows and understands effective instructional strategies and encourages and facilitates employment of them by teachers.

(D) The supervisor uses an understanding of individual and group motivation to create a professional development environment that engages teachers to develop and apply effective instructional techniques for all students.

(E) The supervisor is an effective communicator with various school communities.

(F) The supervisor organizes resources and manages programs effectively.

(G) The supervisor understands and uses formative and summative assessment strategies to gauge effectiveness of people and programs on student learning.

(H) The supervisor understands the process of curriculum development, implementation and evaluation and uses this understanding to develop high quality curricula for student learning in collaboration with teachers, administrators, parents and community members.

(I) The supervisor possesses knowledge and skills in observation of instruction and conducting conferences with professional staff which are intended to improve their performance and enhance the quality of learning experiences for students.

(J) The supervisor thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and actively seeks out opportunities to grow professionally.

(K) The supervisor contributes to school effectiveness by collaborating with other professionals and parents, by using community resources, and by working as an advocate to improve opportunities for student learning.

(iv) *Administrative.*

(A) The administrator demonstrates instructional leadership which provides purpose and direction for the achievement of all students.

(B) The administrator demonstrates the organizational skills to implement plans of action efficiently and effectively for student achievement.

(C) The administrator, in collaboration with students, faculty, staff and parents, creates a school climate that fosters student achievement.

(D) The administrator gathers information from and communicates effectively to students, faculty, parents, staff and the community to facilitate student achievement.

(E) The administrator understands the importance of a clear, detailed vision and an explicitly stated philosophy in shaping a coherent curriculum and in fostering an effective school.

(F) The administrator makes systematic use of data to assess the needs and accomplishments of students, faculty and staff.

(G) The administrator thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship, and actively seeks out opportunities to grow professionally.

(2) The preparing institution shall have a procedure to confirm that a candidates' mastery of a program's stated exit criteria and competencies is assessed through the use of multiple sources of data including: a culminating experience, portfolios, interviews and observed performances in public schools, standardized tests and course grades.

(3) Candidate assessment shall include input from prekindergarten through grade 12 professional educators engaged in collaborative efforts with the preparing institution in student teaching experiences, internship experiences, field experiences and clinical experiences.

(4) Candidates shall have demonstrated a mastery of integrating technology into the curriculum as established by the preparing institution, in addition to specific technology standards that are included in the program specific guidelines developed by the Department.

(5) The preparing institution shall ensure that candidates in initial programs culminating in a bachelor's degree or higher complete the program with an overall minimum GPA of 3.0.

(6) As an alternative to the overall minimum GPA of 3.0, the preparing institution may recommend candidates for certification if they have achieved one of the following:

(i) An overall minimum GPA of 2.8 and have earned a score on the appropriate subject area assessment required under § 49.18 (relating to assessment) that is at least one standard error of measure above the established qualifying score for that assessment.

(ii) An overall minimum GPA of 2.8 and have an earned score on the appropriate professional knowledge assessment required under § 49.18 (relating to assessment) of at least one standard error of measure above the established qualifying score for that assessment.

(7) A percentage of candidates, as determined by the Secretary and the Board, shall obtain a satisfactory achievement level on Pennsylvania assessments required for certification under § 49.18 (relating to assessment).

(8) The Secretary will annually report to the Board the status of the supply and demand for professional educators for specific instructional or educational specialists areas for purposes of modifying GPA exit requirements defined in paragraph (5). The Secretary, with Board approval, will waive the GPA exit requirements when it can be demonstrated by the Department that applying these requirements will result in an insufficient supply of the number of certified professional educators to meet the demand for certified professional educators in a specific instructional or educational specialist area.

**CATEGORY III—FACULTY**

**§ 354.41. Faculty quality.**

(a) The preparing institution 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 preparing institution shall provide documentation to confirm efforts to recruit, hire and retain a diverse faculty.

(c) The preparing institution shall have a plan to confirm that there are systematic and comprehensive activities to enhance and assess the competence and intellectual vitality of the faculty.

(d) The preparing institution shall provide evidence that the faculty are knowledgeable, are practicing, and have training in and access to current practices related to the use of computers and technology, including education related electronic information, the Internet, video resources, computer hardware, software, distance learning technologies and related educational technologies and resources, and are able to integrate these practices into their teaching and scholarship.

(e) The preparing institution shall provide evidence that faculty who teach general and academic studies regularly collaborate in program planning and all facets of the professional educator curriculum.

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