

RULES AND REGULATIONS

Title 22—EDUCATION

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 403]

Compliance with the No Child Left Behind Act of 2001; Bridge Certification

The Department of Education (Department), acting under the authority in section 2603-B(d)(10)(i) of the Public School Code of 1949 (code) (24 P. S. § 26-2603-B(d)(10)(i)) and in accordance with section 6(d) of the Regulatory Review Act (71 P. S. § 745.6(d)) and section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), amends Chapter 403 (relating to compliance with the No Child Left Behind Act of 2001) to read as set forth in Annex A.

Purpose of Chapter 403

Section 2603-B(d)(10) of the code empowers the Department, with the approval of the State Board of Education (State Board), to adopt standards to comply with the provisions of the No Child Left Behind Act of 2001 (NCLB) (Pub. L. No. 107-110, 115 Stat. 1425) to maintain the eligibility of the Commonwealth to receive Federal funding for education programs. On May 19, 2005, acting under section 2603-B(d)(10) of the code, the State Board adopted a resolution in support of extending the application deadline for the NCLB Bridge Certificate beyond June 30, 2005.

Purpose of this Rulemaking

The purpose of this rulemaking is to extend the deadline for certain teachers to become highly qualified, as required by the NCLB, through the Bridge Certification process, an alternative evaluation system for certain teachers.

Significant Provisions of this Rulemaking

The rulemaking adds § 403.4(d)(7) (relating to highly qualified teachers) to extend the deadline to July 30, 2006, for certain teachers to participate in the Department's Bridge certification program. Certain teachers holding a special education certificate and middle level teachers assigned to multiple subject areas may apply to participate in the Bridge certification program if they are in need of becoming highly qualified. If middle level teachers are teaching Math or English, or both, they must use the Bridge I program, rather than the Department's Bridge II highly qualified designation program, to obtain certification in the subject area.

Persons and Entities Affected

This rulemaking affects certain teachers that are seeking to become highly qualified, as required by the NCLB.

Fiscal Impact

This rulemaking will have no fiscal impact.

Regulatory Review

A copy of the rulemaking was submitted to the Office of Attorney General and approved on June 27, 2005. Under section 5.1 of the Regulatory Review Act (71 P. S. § 745.5a), on June 30, 2005, the Department submitted a copy of this rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees for review. In

addition to the rulemaking, the Committees were provided with a copy of the certification of the Governor that the rulemaking is required to meet an emergency threatening the Department's Federal education funding, as well as a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Sunset Date

The Department is not establishing a sunset date for this rulemaking, since the regulation includes an expiration date.

Contact Person

The contact person for technical questions regarding this rulemaking is Majorie Blaze, Bureau of Teacher Certification and Preparation, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-9252.

Order

The Department orders that:

(a) The regulations of the Department, 22 Pa. Code Chapter 403, are amended by amending § 403.4 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for 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 shall take effect upon publication in the *Pennsylvania Bulletin*.

FRANCIS V. BARNES, Ph.D.,
Secretary

Fiscal Note: 6-294. No fiscal impact; (8) recommends adoption.

GOVERNOR'S OFFICE

Certification of Need for Emergency Regulation

Whereas, teachers are required to become highly qualified by the end of the 2005-06 school year or the Department of Education's federal education dollars will be placed in jeopardy; and

Whereas, the Department of Education implemented regulations in June of 2004 providing that certain experienced teachers that needed to become highly qualified could participate in the Bridge Certification program, a more flexible certification program involving consideration of a teacher's experience; and

Whereas, Federal guidance related to the Department's Bridge Certification program has evolved since June of 2004 thereby clarifying the eligibility of multi-subject teachers to participate in the program; and

Whereas, Federal law related to the education of special education students was amended in December 2004 thereby allowing new special education teachers to participate in the Bridge Certification program; and

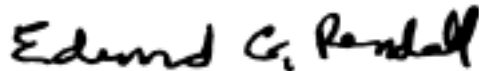
Whereas, regulation currently provides that teachers seeking to apply for the Bridge Certification program must do so by the end of June 2005; and

Whereas, many teachers are required to obtain coursework to be eligible for the Bridge Certification program; and

Whereas, without immediate amendment of the regulations, teachers of multiple subjects and new special education teachers will not be eligible to participate in the Bridge Certification program until after July 1, 2005;

Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, do hereby certify that the regulatory amendments to 22 Pa. Code, Chapter 403, attached hereto as Annex A are required to meet the emergency conditions enumerated in the recitals above. I hereby authorize the Secretary of Education to publish these amendments in the *Pennsylvania Bulletin* as a Final Rulemaking consistent with the provisions of Section 6 of the Regulatory Review Act, as amended, 71 P. S. § 745.6(d).

Given under my hand and the Seal of the Governor, at the City of Harrisburg, on this twenty-eighth day of June in the year of our Lord two thousand and five, and of the Commonwealth of Pennsylvania the two hundred and twenty-ninth.



Governor

Annex A

**TITLE 22. EDUCATION
PART XVI. STANDARDS**

CHAPTER 403. COMPLIANCE WITH THE NO CHILD LEFT BEHIND ACT OF 2001

§ 403.4. Highly qualified teachers.

(a) *Requirements of NCLB.* With the exception of teachers teaching in a public charter school who are exempt from certification under section 1724-A of the Public School Code of 1949 (Public School Code) (24 P. S. § 17-1724-A):

(1) Section 1119(a) of Title I (20 U.S.C.A. § 6319(a) (relating to teacher qualifications and measurable objectives)), added by the NCLB, requires LEAs receiving assistance under the NCLB to ensure that, beginning with the 2002-2003 school year, all newly hired teachers supported with Title I funds are highly qualified.

(2) Section 1119(a) of Title I, added by NCLB, requires each state to ensure that all teachers teaching in core academic subjects within the state are highly qualified by the end of the 2005-2006 school year.

(b) *Current certification system.*

(1) The Department may continue to utilize the intern certification program described in Chapters 49 and 354 (relating to certification of professional personnel; and preparation of professional educators), which culminates in the issuance of an Instructional I Certificate (see §§ 49.91, 49.92 and 354.24(5) and (6) (relating to criteria for eligibility; term of validity; and academic performance)) to provide flexible and accelerated pedagogical training to teachers who have demonstrated competency in a subject area, provided that the first year of teaching includes intensive supervision by an approved institution.

(2) In accordance with Chapter 49, the student teaching semester is structured to include assessment of the pedagogical skills of teacher candidates.

(c) *Additional certification avenues.* Provided that at the time of application for Pennsylvania instructional certification, the applicant satisfies the basic certification requirements of the Public School Code (see 24 P. S. §§ 11-1109, 12-1202 and 12-1209 (relating to qualifications; State certificates; and disqualifications)), and all other requirements in Chapters 49 and 354 which are not contrary to paragraphs (1)—(3):

(1) Teachers holding an Instructional certificate issued under the Public School Code (24 P. S. §§ 1-101—14-1411) may add an instructional area to the certificate by passing an appropriate content area test in the area to be certified without meeting further academic and testing requirements.

(2) Candidates holding a valid and current instructional certificate issued by one of the states party to the Interstate Certification Agreement with Pennsylvania may be eligible for certification if they meet the requirements outlined in § 49.65 (relating to out-of-State and Nationally-certified applicants).

(3) Teachers successfully completing a National teacher-training program approved by the State Board that requires a candidate to demonstrate mastery of the subject area to be taught and professional knowledge needed for classroom effectiveness may be certified to teach in this Commonwealth without meeting further academic and testing requirements.

(i) To the extent that the approved National teacher-training program involves a classroom teaching component requiring certification, the Department may issue an intern certificate to the teacher for use during the program.

(ii) The American Board for Certification for Teacher Excellence and Teach for America were approved by the State Board by means of resolution on November 14, 2002. See 32 Pa.B. 6030 (December 7, 2002).

(iii) National teacher-training programs identified for State Board consideration after December 28, 2002, may be approved by State Board resolution without the need to amend this chapter.

(d) *NCLB Bridge Certificates.*

(1) Teachers holding a level I or II certificate issued prior to July 1, 2004, and who are employed in one of the following listed circumstances may be awarded an NCLB Bridge Certificate if qualified therefore under paragraph (4):

(i) Teaching in grades seven, eight or nine in a middle/junior high school.

(ii) Teaching in a Department-approved Alternative Education Program.

(iii) Teaching direct core academic content on the secondary level and possess either an English as a Second Language or Special Education certificate.

(2) NCLB Bridge Certificates will not be issued to applicants after July 1, 2005. The Secretary of Education may extend this deadline on an individual, case-by-case basis, when exceptional situations warrant.

(3) The NCLB Bridge Certificate is valid for 3 years or until an earlier time at which the individual is awarded an Instructional I Certificate under paragraph (5). The NCLB Bridge Certificate cannot be renewed.

(4) Qualification for issuance of an NCLB Bridge Certificate shall be based on an evaluation system developed by the Department. The evaluation system shall be used to determine whether the applicant is highly qualified in the academic discipline or disciplines in which the applicant is teaching using the following criteria:

(i) Satisfactory teaching experience in delivering instruction in the academic content area at the appropriate level.

(ii) Professional education activities credited under section 2603-B(d) of the Public School Code of 1949 (24 P. S. § 2603-B(d)) (Act 2003-48) in the direct academic content area in which the applicant teaches. This may include college credit, postsecondary degrees and approved continuing professional education hours.

(iii) College credits earned in the academic subject area in which the applicant teaches.

(iv) Academic scholarship in the academic content area in which the applicant teaches, including the following:

(A) Recognition as school district or State teacher-of-the-year.

(B) Recipient of a State or National teaching award.

(C) Authorship of an article in a peer review journal.

(D) Authorship of a published textbook.

(E) Teaching a credit-based course at an approved postsecondary institution.

(v) Tutoring students in the academic content area in which the NCLB Bridge certificateholder seeks full certification in a satisfactory manner on a sustained basis in a structured, Department-approved tutoring program.

(5) An individual who holds an NCLB Bridge Certificate, awarded through the procedure outlined in paragraph (1), may be awarded an Instructional I Certificate based on evaluation of the applicant's experience, professional education and related professional criteria while engaged in teaching under the NCLB Bridge Certificate. The evaluation shall include the following:

(i) Satisfactory teaching experience in delivering instruction in the content area or areas at the appropriate level since receipt of their NCLB Bridge Certificate.

(ii) Professional education activities credited under sections 1205.1 and 1205.2 of the Public School Code of 1929 (24 P. S. §§ 12-1205.1 and 12-1205.2) in the direct content

area or areas since receipt of their NCLB Bridge Certificate. This may include college credit, postsecondary degrees and approved continuing professional education hours directly in the content area or areas in which the applicant seeks certification.

(iii) College credits achieved in the academic subject area being taught or assessed.

(iv) Academic scholarship in the academic content area that one teaches including:

(A) School district or State teacher-of-the-year.

(B) Recipient of a State or National teaching award.

(C) Authorship of a published textbook in the content area.

(D) Authorship of an article within the academic field the individual instructs published in a peer review journal.

(E) Teaching the content area in a credit-based postsecondary institution.

(F) National board certification during the period in which the individual held the NCLB Bridge Certificate.

(6) The Department will develop and submit for the approval of the State Board the applicant evaluation and NCLB Bridge Certificateholder evaluation systems described in paragraphs (3) and (4) prior to November 1, 2004.

(7) Notwithstanding the timelines in paragraphs (1) and (2), teachers holding a level I or II certificate issued prior to July 1, 2005, and who are employed in one of the following circumstances may apply for an NCLB Bridge Certificate no later than July 30, 2006, if qualified therefore under paragraph (4):

(i) A teacher who is certified in and teaching special education.

(ii) A teacher who is only certified in elementary education and is teaching two or more subjects in grades seven, eight or nine in a middle/junior high school, provided that the following conditions are also met:

(A) The teacher is required to become highly qualified for the position held.

(B) If teaching Math or English, or both, the teacher uses the Bridge I process to become highly qualified in those areas.

[Pa.B. Doc. No. 05-1262. Filed for public inspection July 1, 2005, 9:00 a.m.]