

**CHAPTER 49. CERTIFICATION OF PROFESSIONAL PERSONNEL**

Subchap.	Sec.
<b>A. GENERAL PROVISIONS</b> .....	<b>49.1</b>
<b>B. CERTIFICATION OF GRADUATES FROM COMMONWEALTH INSTITUTIONS</b> .....	<b>49.71</b>
<b>C. VOCATIONAL EDUCATION CERTIFICATION</b> .....	<b>49.131</b>
<b>D. OUT-OF-STATE APPLICANTS</b> .....	<b>49.171</b>
<b>E. COMMISSIONS AND CERTIFICATES FOR INTERMEDIATE UNITS</b> .....	<b>49.181</b>
<b>F. LETTERS OF EQUIVALENCY FOR PAY PURPOSES</b> .....	<b>49.191</b>

**Authority**

The provisions of this Chapter 49 amended under Article II and sections 1109, 1141, 2603-B and 2604-B the Public School Code of 1949 (24 P. S. §§ 12-1201—12-1268, 11-1109, 11-1141, 26-2603-B and 26-2604-B), unless otherwise noted.

**Source**

The provisions of this Chapter 49 adopted October 6, 1972, effective October 7, 1972, 2 Pa.B. 1891, unless otherwise noted.

**Cross References**

This chapter cited in 22 Pa. Code Chapter 4, Appendix C (relating to academic standards for civics and government and economics and geography and history); 22 Pa. Code § 6.51 (relating to certification); 22 Pa. Code § 36.4 (relating to curricula); 22 Pa. Code § 40.45 (relating to exception); 22 Pa. Code § 42.2 (relating to exception); 22 Pa. Code § 51.1 (relating to definitions); 22 Pa. Code § 51.34 (relating to certification for teachers); 22 Pa. Code § 51.52 (relating to curriculum requirements); 22 Pa. Code § 339.4 (relating to program approval); 22 Pa. Code § 339.41 (relating to certification); and 22 Pa. Code § 403.4 (relating to highly qualified teachers).

**Subchapter A. GENERAL PROVISIONS**

**THE PROGRAM**

- Sec.
- 49.1. Definitions.
- 49.2. Inactivity and invalidity.
- 49.11. General.
- 49.12. Eligibility.
- 49.13. Policies.
- 49.14. Approval of institutions.
- 49.15. Approval of experimental programs.
- 49.16. Approval of induction plans.
- 49.17. Continuing professional education.
- 49.18. Assessment.

**PROFESSIONAL STANDARDS COMMITTEE**

- 49.21. [Reserved].
- 49.22. [Reserved].
- 49.23. [Reserved].
- 49.24. [Reserved].

**EMERGENCY PERMITS**

- 49.31. Criteria for eligibility.
- 49.32. Exceptional case permits.
- 49.33. Expiration.
- 49.34. Locally-issued Day-to-Day Substitute Permits.

**ADMINISTRATIVE COMMISSION**

- 49.41. Description.
- 49.42. Letter of eligibility.

**CHANGES IN CERTIFICATION**

- 49.51. Review of certification.
- 49.52. Development of types/categories of certificates and development of their respective standards.

**MISCELLANEOUS PROVISIONS**

- 49.61. Teaching experience for out-of-State applicants.
- 49.62. Resource specialist permits.
- 49.62a. Program specialist certificate.
- 49.62b. Program endorsement certificate.
- 49.63. Applicants educated in foreign countries.
- 49.64. [Reserved].
- 49.64a. Authority to annul and reinstate certificates and discipline professional educators.
- 49.64b. [Reserved].
- 49.64c. [Reserved].
- 49.64d. [Reserved].
- 49.64e. Mandatory reports from schools.
- 49.64f. Publication of suspensions and revocations.
- 49.65. Out-of-State and Nationally-certified applicants.
- 49.66. Appeal procedure.
- 49.67. [Reserved].
- 49.68. Evaluation of prescribed requirements and standards.
- 49.69. Deletion of areas from certificates.

## THE PROGRAM

### § 49.1. Definitions.

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

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

*Approved teacher certification program*—A sequence of courses and experiences offered by a preparing institution which is reviewed and approved by the Department.

*Articulation agreement*—A formal agreement between two higher educational institutions, stating specific policies relating to transfer and recognition of academic achievement to facilitate the successful transfer of students without duplication of course work.

*Assessment of basic skills*—A measurement of a candidate's ability to communicate orally and in writing and to demonstrate proficiency in fundamental computational skills.

*Assessment of general knowledge*—A measurement of a candidate's knowledge in the fields of literature, mathematics, the sciences and social studies.

*Assessment of professional knowledge and practice*—A measurement of a candidate's knowledge of educational theory, principles of human growth and development, educational psychology and other subjects directly related to educational practice and their application/demonstration in school settings.

*Assessment of subject matter*—A measurement of a candidate's knowledge of an academic field or discipline to be taught in the public schools of this Commonwealth.

*Candidate*—A person seeking certification in any of the areas outlined in this chapter.

*Certificate*—A document prepared and issued by the Department indicating that the holder has completed an approved professional preparation program and is qualified to perform specific professional duties.

*Chief school administrator*—The superintendent, intermediate unit executive director, or equivalent private school administrator.

*Collegiate studies*—Studies pursued at institutions which are entitled to apply to themselves the designation of college or university as defined by 24 Pa.C.S. Chapter 65 (relating to private colleges, universities and seminaries).

*Commissioned officer*—District superintendents and assistant district superintendents under section 1078 of the act (24 P. S. § 10-1078) regarding commissions and objections to election.

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

*Continuing professional education*—The formal acquisition of collegiate or in-service credits designed to improve and expand the expertise of professional personnel.

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

*Day-to-day substitute permit*—A permit issued for no longer than 20 consecutive days to fill a position due to the absence of professional certified personnel.

*Degree-granting institution*—A public college or technical institute which provides a 2 year, postsecondary college-parallel, terminal-general, terminal-technical, out-of-school youth or adult education program or a combination of these and which is established and operated under the act.

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

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

*Emergency permit*—A permit issued to fill a vacancy resulting from resignation, termination, retirement, death or the creation of a new position.

*Exceptional case permit*—A permit issued to fill a vacancy due to exceptional conditions.

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

*Induction*—A process by which a variety of professional support services are provided to newly employed teachers and educational specialists under the guidance of professional personnel to facilitate entry into the education profession.

*Induction plan*—A description of the induction process developed and submitted by the school entity to the Department for approval which describes how a teacher or educational specialist will be introduced to the teaching profession under this chapter.

*Intern certificate*—A professional certificate that entitles the holder to fill a full-time professional teaching position.

*Invalid certificate*—A certificate which no longer enables its holder to perform specific professional duties.

*Long-term substitute permit*—A permit issued for an indeterminate period to fill a position due to the absence of professional certified personnel.

*Occupational competency credential*—A document issued by the Occupational Competency Testing Examiners which signifies that the holder possesses knowledge and skill in a technical field at a journeyman level. When the document is presented to a preparing institution or to the Department, it may be registered by the Department on the holder's vocational intern, vocational instructional or instructional certificate, and it enables the holder to teach that occupational specialty.

*PSPC—Professional Standards and Practices Commission*—A body composed of educators from the fields of basic and higher education, members of the general public and an ex officio member of the Board established by the Professional Educator Discipline Act.

*Permit*—A document prepared and issued by the Department indicating that the holder is allowed to serve in lieu of a certified professional for a specified period of time.

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

*Preparing institution*—A college or university that offers a program approved by the Department to prepare professional personnel for employment in the public schools.

*Professional certified personnel*—Professional employees, excluding school secretaries, as defined in section 1101 of the act (24 P. S. § 11-1101).

*Professional duties*—A duty the performance of which is restricted to professional personnel by the scope of their certificate.

*Professional Educator Discipline Act*—24 P. S. §§ 2070.1a—2070.18a.

*Satisfactory achievement*—An acceptable level of performance as determined by the Secretary in consultation with the Board on the Department-prescribed assessments required in this chapter.

*School entity*—Public schools, school districts, intermediate units, area vocational-technical schools, charter schools, cyber schools and independent schools.

*Term of validity*—A period of time as specified in §§ 49.33, 49.34, 49.82, 49.92, 49.102, 49.142 and 49.152 in which the holder of a certificate is entitled to perform the professional duties for which the certificate was issued.

#### Authority

The provisions of this § 49.1 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 62, 118.1 (Repealed), 352 and 367—370 (Repealed)); amended under section 2603-B of the Public School Code of 1949 (24 P.S. §26-2603-B).

#### Source

The provisions of this § 49.1 adopted January 25, 1985, effective June 1, 1987, 15 Pa.B. 245; readopted May 29, 1992, effective May 30, 1992, 22 Pa. B. 2824; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655; amended September 21, 2007, effective September 22, 2007, 37 Pa.B. 5150. Immediately preceding text appears at serial pages (320349) to (320351).

#### Cross References

This section cited in 55 Pa. Code § 3041.52 (relating to prekindergarten program).

### § 49.2. Inactivity and invalidity.

(a) *Inactivity*. A certificate or commission shall be inactive if the holder fails to meet § 49.17 (relating to continuing professional education).

(b) *Invalidity*. A certificate shall be invalid if the holder fails to meet, or if circumstances arise as specified in § 49.33, § 49.34(b), § 49.82, § 49.92, § 49.102, § 49.142 or § 49.152.

**Authority**

The provisions of this § 49.2 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 62, 118.1 (Repealed), 352 and 367—370 (Repealed)).

**Source**

The provisions of this § 49.2 adopted January 25, 1985, effective June 1, 1987, 15 Pa.B. 245; readopted May 29, 1992, effective May 30, 1992, 22 Pa. B. 2824; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (312173).

**§ 49.11. General.**

(a) Certificates and letters of eligibility in force in this Commonwealth on September 25, 1999, shall continue in force, subject to all the terms and conditions under which they were issued and the act until they expire by virtue of their own limitations. For certificates or a letter of eligibility to remain active, every 5 years a professional educator shall satisfactorily complete the following:

- (1) Six credits of collegiate study.
- (2) Six credits of continuing professional education courses.
- (3) One hundred eighty hours of continuing professional education courses, activities or learning experiences or any combination of collegiate studies, continuing professional education courses or other programs equivalent to 180 hours.

(b) State certificates and permits will be issued as provided in this chapter, and teachers and other professional personnel may not perform professional duties or services in the schools of this Commonwealth in any area for which they have not been properly certified or permitted.

(c) This chapter establishes the specific requirements for the certification and permitting of persons serving in the public school entities of this Commonwealth as professional employees, temporary professional employees, substitutes, and commissioned school administrators of the Commonwealth.

**Authority**

The provisions of this § 49.11 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369) (Repealed).

**Source**

The provisions of this § 49.11 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (312173) to (312174).

**§ 49.12. Eligibility.**

In accordance with sections 1109, 1202 and 1209 of the act (24 P. S. §§ 11-1109, 12-1202 and 12-1209), every professional employee certified or permitted to serve in the schools of this Commonwealth shall:

- (1) Be of good moral character.

(2) Provide a physician's certificate stating that the applicant, with or without reasonable accommodation, is able to perform successfully the essential functions and duties of an educator. A qualified applicant who has tuberculosis or another communicable disease or a mental disability, will not be deemed to pose a direct threat to the health or safety of others unless a threat to health or safety cannot be eliminated by a reasonable accommodation.

(3) Be at least 18 years of age.

(4) Except in the case of the Resource Specialist Permit, Vocational Instructional Intern Certificate, and Vocational Instructional Certificate, have earned minimally a baccalaureate degree as a general education requirement.

#### Authority

The provisions of this § 49.12 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369) (Repealed).

#### Source

The provisions of this § 49.12 amended through September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (312174).

#### Cross References

This section cited in 22 Pa. Code § 49.65 (relating to out-of-state and Nationally-certified applicants); 22 Pa. Code § 49.90 (relating to criteria for eligibility); 22 Pa. Code § 49.91 (relating to criteria for eligibility); and 22 Pa. Code § 49.151 (relating to eligibility and criteria).

### § 49.13. Policies.

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

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

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

(2) Designation of professional titles for personnel.

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

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

(i) The evaluation by the Department will provide assurance that, on or before January 1, 2011, teacher education programs will require at least 9 credits or 270 hours, or an equivalent combination thereof, regarding accommodations and adaptations for students with disabilities in an inclusive setting. Within the content of these 9 credits or 270 hours, instruction in literacy skills development and cognitive skill development for students with disabilities must be included, as determined by the institution. At least 3 credits or 90 additional hours, or an equivalent combination thereof, must address the instructional needs of English language learners. For purposes of this requirement, 1 credit equals 30 hours of coursework. Applicable hours are limited to a combination of seat hours of classroom instruction, field observation experiences, major research assignments, and development and implementation of lesson plans with accommodations and adaptations for diverse learners in an inclusive setting.

- (ii) Program approval reviews shall be conducted by professional educators from basic and higher education.
- (5) Registration of certified and permitted persons.
- (6) Maintenance of records of all certificates and permits.
- (7) Assurance that each professional person is properly certified or permitted for the specific position in which the professional person is employed.
- (8) Review and investigation of alleged violations of this chapter.
- (9) Prescription of procedures approved by the Board for the appraisal and evaluation of education and experience of applicants for any type of professional certification issued by the Department when the applicant has been denied certification and is prepared by institutions outside this Commonwealth or has appealed in accordance with guidelines approved by the Board in § 49.66 (relating to appeal procedure), a decision pertaining to eligibility for certification rendered by a Commonwealth institution having an approved program. The appellant initially shall have appealed to the institution.
- (10) The issuance of administrative agency interpretative policies and directives relating to professional certification and staffing in the schools of this Commonwealth as may be necessary to carry out the intent of this chapter.
- (11) Identification and approval of assessment tools, instruments and procedures to measure basic skills and general knowledge; professional knowledge and practice; and subject matter knowledge.
- (12) Assurance that individual scores or measurements achieved on assessments instituted under § 49.18 (relating to assessment) are not released without the permission of the candidate or pursuant to subpoena or court order. The Department will inform the candidate by means of the candidate's last known address when it has received a subpoena or court order.
- (c) Except for applicants whose certification status is subject to subsection (b)(9) and § 49.171 (relating to general requirements), the Department will require that an applicant for a certificate shall have completed an approved teacher preparation program and shall be recommended by the preparing institution.
- (d) The Department will have the right to review approved programs at any time. Major evaluations shall be conducted at 7-year intervals, by professional educators appointed by the Department in accordance with subsection (b)(4), to review process and content.
- (e) The Department will accept the request of an institution to withdraw from an approved program. The Department will have the right to withdraw the approval of a program from an institution. New students may not be accepted in a program which has lost its approved status after the date of the action.

#### Authority

The provisions of this § 49.13 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369) (Repealed); amended under section 2603-B of the Public School Code of 1949 (24 P.S. § 26-2603-B).

#### Source

The provisions of this § 49.13 amended through September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655; amended September 21, 2007, effective September 22, 2007, 37 Pa.B. 5150. Immediately preceding text appears at serial pages (324955) to (324956) and (320355).

**Notes of Decisions***Redesignation of Position*

Professional employees hired to a position designated as such under provisions of 22 Pa. Code § 49.13 (relating to policies) may not be removed from such position by the mere redesignation of the position as nonprofessional by the school district. *Charleroi Area School v. Secretary of Education*, 334 A.2d 785 (Pa. Cmwlth. 1975). (See also dissenting opinion at 334 A.2d 785 (Pa. Cmwlth. 1975).)

**§ 49.14. Approval of institutions.**

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

- (1) Be approved as a baccalaureate or graduate degree granting institution by the Department.
- (2) Be evaluated and approved as a teacher-preparing institution to offer specific programs leading to certification in accordance with procedures established by the Department.
- (3) Report to the Department, for approval, all planned changes in previously approved programs. This report shall be made 90 days prior to the implementation of the planned changes.
- (4) Follow Department prescribed standards developed from the following principles:
  - (i) Institutions develop clear goals and purposes for each program, including attention to professional ethics and responsibilities.
  - (ii) Institutions are able to demonstrate how instructional and clinical activities provide educator candidates with the capacity to enable the achievement of all students, including diverse learners in an inclusive setting.
  - (iii) Institutions are able to demonstrate that educator candidates have participated in instructional activities that enable the candidates to provide instruction to students to meet the provisions of Chapter 4 (relating to academic standards and assessment).
  - (iv) Institutions are able to demonstrate that educator candidates successfully participate in sequential clinical experiences fully integrated within the instructional program.
  - (v) Institutions have clearly expressed standards for admission to, retention in and graduation from approved programs and actively encourage the participation of students from historically underrepresented groups.
  - (vi) Institutions provide ongoing assessment of educator candidates' knowledge, skills, dispositions and performance with which to identify needs for further study, certification assessment assistance or clinical experience or dismissal from the program.
  - (vii) Institutions can demonstrate how information from systematic evaluations of their programs, including students and educator evaluators,

and achievement levels of candidates for certification in the Department-designed assessment program are used for continual program improvement.

(viii) Institutions, in partnership with local education agencies, provide a school-based experience integrating the teacher candidates' knowledge, skills and dispositions in professional practice. This experience shall be fully supported by institutional faculty, including frequent observation, consultation with supervising teachers and opportunities for formative and summative evaluation.

(ix) Institutions provide ongoing support for novice educators in partnership with local education agencies during their induction period, including observation, consultation and assessment.

(x) Institutions provide evidence that an acceptable percentage of candidates applying for certification as determined by the Secretary and Board achieve at a satisfactory level on all assessments appropriate to initial certification in each program for which they are approved.

(5) Institutions may enter into articulation agreements with community colleges that permit students to earn credits toward meeting the requirements of this chapter.

#### Authority

The provisions of this §49.14 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

#### Source

The provisions of this § 49.14 amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655; amended September 21, 2007, effective September 22, 2007, 37 Pa.B. 5150. Immediately preceding text appears at serial pages (320355) to (320356).

#### Cross References

This section cited in 22 Pa. Code § 49.15 (relating to approval of experimental programs).

### § 49.15. Approval of experimental programs.

The Department may enter into a written agreement with a preparing institution wishing to conduct an experimental program. The institution shall meet the requirements described in § 49.14 (relating to approval of institutions). Certification shall be given to graduates of an experimental program upon recommendation by the institution if the institution has met all of the following requirements:

(1) Submitted a detailed explanation of the experimental program to the Department for approval.

(2) Planned a thorough procedure conforming to accepted canons of educational research for evaluating results of the experimental program. These results shall be reported to the Department in accordance with a schedule approved at the time of the agreement.

(3) Agreed to terminate the experimental program upon request by the Department when it is judged by a program approval team to be inadequate for preparation of professional personnel.

**Authority**

The provisions of this § 49.15 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369) (Repealed).

**Source**

The provisions of this § 49.15 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665. Immediately preceding text appears at serial page (24549).

**§ 49.16. Approval of induction plans.**

(a) Each school entity shall submit to the Department for approval a plan for the induction experience for first-year teachers (including teachers in prekindergarten programs, when offered), long-term substitutes who are hired for a position for 45 days or more, and educational specialists. The induction plan shall be submitted as part of the school entity's strategic plan every 6 years as required by Chapter 4 (relating to academic standards and assessments). The induction plan shall be prepared by teacher or educational specialist representatives, or both, chosen by teachers and educational specialists and administrative representatives chosen by the administrative personnel of the school entity. Newly employed professional personnel with prior school teaching experience may be required by the school entity to participate in an induction program.

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

(c) The induction plan shall reflect a mentor relationship between the first-year teacher, long-term substitute or educational specialist, teacher educator and the induction team.

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

**Authority**

The provisions of this § 49.16 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 62, 118.1 (Repealed), 352 and 367—370 (Repealed)); amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 49.16 adopted January 25, 1985, effective June 1, 1987, 15 Pa.B. 245; readopted May 29, 1992, effective May 30, 1992, 22 Pa. B. 2824; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655; amended September 21, 2007, effective September 22, 2007, 37 Pa.B. 5150. Immediately preceding text appears at serial page (320357).

**Cross References**

This section cited in 22 Pa. Code § 4.13 (relating to strategic plans).

**§ 49.17. Continuing professional education.**

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

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

- (i) Graduate level coursework.
- (ii) Obtaining a professionally related master's degree.
- (iii) Department-approved in-service courses.
- (iv) Curriculum development work.
- (v) Attendance at professional conferences.

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

- (i) Professionally related graduate level coursework.
- (ii) Professionally related master's degree.
- (iii) Curriculum development work.
- (iv) Professional conferences.

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

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

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

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

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

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

(b) A commissioned officer who obtains a Letter of Eligibility for Superintendent shall present to the Secretary evidence of satisfactory completion of 6 credit hours of continuing professional education courses every 5 years. This

subsection will be satisfied by taking collegiate studies or Department-approved in-service courses or a combination thereof.

(c) Professional personnel who fail to comply with the continuing professional education plan under subsection (a) or fail to complete the requirements of sections 1205.1 and 1205.2 of the act will have their certificates or commissions rendered inactive by the Department until the requirement is met. Professional personnel whose certificate or commission is rendered inactive shall have a right to appeal the action to the Secretary.

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

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

#### Authority

The provisions of this § 49.17 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 62, 118.1 (Repealed), 352 and 367—370 (Repealed)); amended under sections 1205.1 and 2603-B of the Public School Code of 1949 (24 P. S. §§ 12-1205.1 and 26-2603-B).

#### Source

The provisions of this § 49.17 adopted January 25, 1985, effective June 1, 1987, 15 Pa.B. 245; amended December 25, 1987, effective December 26, 1987, 17 Pa.B. 5324; readopted May 29, 1992, effective May 30, 1992, 22 Pa. B. 2824; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655; amended September 21, 2007, effective September 22, 2007, 37 Pa.B. 5150. Immediately preceding text appears at serial pages (320357) to (320359).

#### Cross References

This section cited in 22 Pa. Code § 4.13 (relating to strategic plans); 22 Pa. Code § 49.2 (relating to inactivity and invalidity); 22 Pa. Code § 49.103 (relating to Educational Specialist II); and 22 Pa. Code § 49.131 (relating to basic requirements for baccalaureate and nonbaccalaureate programs).

### § 49.18. Assessment.

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

(1) The assessment program will be based in the standards developed for each certificate.

(2) The assessment program will measure the candidate's abilities across the domains of basic skills knowledge, professional knowledge and practice, and subject matter knowledge employing a variety of measures at a minimum of three points:

(i) During the candidate's preparation program.

(ii) Upon application for initial certification.

(iii) Upon application for Level II, supervisory or administrative certification.

(3) The assessment program will be developed in consultation with teachers, administrators, teacher educators and educational specialists with relevant certification.

- (4) The assessment program will employ, when appropriate, available assessment tools, instruments and procedures.
- (b) The Secretary, in consultation with the Board, will establish a satisfactory achievement level for the assessments in subsection (a).
- (c) The assessments in basic skills and general knowledge; professional knowledge and practice; and subject matter knowledge will be given, and satisfactory achievement levels shall be reached, prior to the issuance of a certificate.
- (d) A periodic review of the assessment program will be made by the Board every 3 years.
- (e) The Department may issue additional subject areas to holders of Instructional (see §§ 49.82 and 49.83 relating to Instructional I; and Instructional II) or Intern (see § 49.91 (relating to criteria for eligibility)) certification who pass the appropriate subject matter testing components in areas other than Health and Physical Education, Cooperative Education and all Special Education areas. The Department may identify other certification areas to be excluded from eligibility based on criteria established by the Secretary and approved by the Board.

#### Authority

The provisions of this § 49.18 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 62, 118.1 (Repealed), 352 and 367—370 (Repealed)); amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

#### Source

The provisions of this § 49.18 adopted January 25, 1985, effective June 1, 1987, 15 Pa.B. 245; readopted May 29, 1992, effective May 30, 1992, 22 Pa. B. 2824; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655; amended September 21, 2007, effective September 22, 2007, 37 Pa.B. 5150. Immediately preceding text appears at serial pages (320359) to (320361).

#### Notes of Decisions

##### *Application*

The testing requirements implemented pursuant to this regulation are applicable to a teacher who filed the appropriate paperwork with a preparing institution 2 days prior to the effectiveness of these regulations because the Department of Education did not receive the approval from the preparing institution until several weeks after the effectiveness of the regulation. The date the preparing institution received the application cannot be deemed the date the Department received it. *Logsdon v. Department of Education*, 671 A.2d 302 (Pa. Cmwlth. 1996).

##### *Knowledge*

A provisionally certified teacher was charged with the knowledge of the statutes and regulations regarding professional certification, and the teacher cannot rely on the failure of an academic advisor to inform the teacher of the Department of Education's applicable testing requirements for permanent certification as a means to avoid compliance with them. *Logsdon v. Department of Education*, 671 A.2d 302 (Pa. Cmwlth. 1996).

**Cross References**

This section cited in 22 Pa. Code § 49.13 (relating to policies); 22 Pa. Code § 49.42 (relating to letter of eligibility); 22 Pa. Code § 49.65 (relating to out-of-State and Nationally-certified applicants); 22 Pa. Code § 49.68 (relating to evaluation of prescribed requirements and standards); 22 Pa. Code § 49.82 (relating to Instructional I); 22 Pa. Code § 49.83 (relating to Instructional II); 22 Pa. Code § 49.86 (relating to accelerated program for Early Childhood and Elementary/Middle level certificate-holder); 22 Pa. Code § 49.102 (relating to Educational Specialist I); 22 Pa. Code § 49.111 (relating to Supervisory Certificate); 22 Pa. Code § 49.121 (relating to Administrative Certificate); 22 Pa. Code § 49.131 (relating to basic requirements for baccalaureate and nonbaccalaureate programs); 22 Pa. Code § 49.142 (relating to Vocational Instructional I); 22 Pa. Code § 49.143 (relating to Vocational Instructional II); 22 Pa. Code § 49.151 (relating to eligibility and criteria); and 22 Pa. Code § 49.163 (relating to Vocational Administrative Director).

**PROFESSIONAL STANDARDS COMMITTEE****Source**

The provisions of these §§ 49.21—49.24 reserved September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665. Immediately preceding text appears at serial pages (7382) and (24550).

§ 49.21. [Reserved].

§ 49.22. [Reserved].

§ 49.23. [Reserved].

§ 49.24. [Reserved].

**EMERGENCY, LONG-TERM AND  
DAY-TO-DAY SUBSTITUTE PERMITS****§ 49.31. Criteria for eligibility.**

The Department may issue an emergency, Long-Term or Day-to-Day Substitute Permit for service in the public schools, at the request of the employing public school entity, to an applicant who is a graduate of a 4-year college or university to fill a vacant position or to serve as a long-term or day-to-day substitute teacher, when a fully qualified and properly certificated applicant is not available. The permit is issued on the basis of terms and conditions agreed upon between the requesting public school entity and the Department. Each July, the Department will report to the Board the number and nature of emergency, Long-Term and Day-to-Day Substitute Permits issued during that year. A long-term substitute permit may be issued only after the position has been posted a minimum of 10 days on the school entity's website and no qualified candidate has been identified.

**Authority**

The provisions of this § 49.31 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369) (Repealed).

**Source**

The provisions of this § 49.31 amended through September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260808).

**Cross References**

This section cited in 22 Pa. Code § 49.34 (relating to issued Day-to-Day Substitute Permits).

**§ 49.32. Exceptional Case Permits.**

The Department may approve the issuance of an Exceptional Case Permit to a person at the request of a public school entity upon receiving evidence of exceptional conditions requiring Department resolution of the staffing problem.

**Authority**

The provisions of this § 49.32 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369) (Repealed).

**Source**

The provisions of this § 49.32 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. preceding text appears at serial pages (260808) to (260809).

**Cross References**

This section cited in 22 Pa. Code § 49.34 (relating to locally issued Day-to-Day Substitute Permits) and 22 Pa. Code § 49.153 (relating to vocational Day-to-Day Substitute Permit).

**§ 49.33. Expiration.**

Emergency, Long-Term and Day-to-Day Substitute Permits expire with the termination of any summer school conducted which follows the date of issuance. Persons holding an Emergency, Long-Term or Day-to-Day Substitute Permit shall be used in staffing summer school positions only when regular employees holding the appropriate provisional or permanent certificate are not available.

**Authority**

The provisions of this § 49.33 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369) (Repealed).

**Source**

The provisions of this § 49.33 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260809).

**Cross References**

This section cited in 22 Pa. Code § 49.1 (relating to definitions); and 22 Pa. Code § 49.2 (relating to inactivity and invalidity).

**§ 49.34. Locally-issued Day-to-Day Substitute Permits.**

(a) The chief school administrator of a public school entity is authorized to issue a Day-to-Day Substitute Permit for service as a substitute when the following conditions are met:

- (1) The person for whom the permit is sought holds a valid Pennsylvania certificate or its equivalent from another state.
- (2) An appropriately certified individual is not available to fill the substitute position.
- (3) The person for whom the permit is sought consents to an assignment outside the area of the person's certification.

(b) This permit shall be valid for 20 cumulative school days of service as a day-to-day substitute in each certificate area. If renewal is necessary, the chief school administrator may request, within 30 days of the person's last day of service, issuance of a permit by the Department under §§ 49.31 and 49.32 (relating to criteria for eligibility; and exceptional case permits).

(c) This permit will not qualify the holder to serve in a vacant position which must be filled by a temporary professional employee or professional employee or to serve as a substitute for a regularly appointed professional employee or temporary professional employee on an approved leave of absence. Issuance by the Department is used to qualify persons for this service.

(d) A permit may not be issued or used during a work stoppage.

(e) Emergency permits are available for a total of 3 consecutive years.

**Authority**

The provisions of this § 49.34 issued under The Administrative Code of 1929 (71 P.S. §§ 62, 118.1, 352, and 367—370).

**Source**

The provisions of this § 49.34 adopted December 24, 1981, effective December 26, 1981, 11 Pa.B. 4437; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (260809) to (260810).

**Cross References**

This section cited in 22 Pa. Code § 49.1 (relating to definitions); and 22 Pa. Code § 49.2 (relating to inactivity and invalidity).

**ADMINISTRATIVE COMMISSION****§ 49.41. Description.**

(a) Administrative commissions will be issued by the Department, in the form of a certificate of appointment.

(b) A commission will be issued for a specific term in accordance with Article X of the Public School Code of 1949 (24 P. S. §§ 10-1001—10-1089).

**Authority**

The provisions of this § 49.41 issued under The Administrative Code of 1929, Article XIII, §§ 1317 and 1319 (71 P. S. §§ 367 and 369).

**Source**

The provisions of this § 49.41 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial page (227852).

**§ 49.42. Letter of eligibility.**

A letter of eligibility of an administrative commission will be issued in lieu of a certificate by the Department to a candidate who has completed an approved program of preparation in administration and who has been recommended by the preparing institution. Candidates for letters of eligibility shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment). Letters of eligibility will be issued to candidates who present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment) and who meet the following standards:

- (1) The administrator demonstrates educational leadership which provides purpose and direction for the achievement of all students.
- (2) The administrator effectively organizes and manages the total educational program of a local education agency with particular attention to the statutory and regulatory environment of education.
- (3) The administrator understands and effectively manages financial and human resources to foster student achievement.
- (4) The administrator effectively communicates with students, faculty, staff, parents and members of the community.
- (5) The administrator, in collaboration with faculty, staff, students and parents, fosters a climate conducive to the achievement of all students.
- (6) The administrator thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship, and actively seeks opportunities to grow professionally.

**Source**

The provisions of this § 49.42 amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (260810) to (260811).

**CHANGES IN CERTIFICATION****§ 49.51. Review of certification.**

(a) The Department will report annually to the Board on the status of certification in this Commonwealth.

(b) The Board will conduct a major review of certification regulations at 10-year intervals.

**Source**

The provisions of this § 49.51 amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial page (227852).

**§ 49.52. Development of types/categories of certificates and development of their respective standards.**

(a) The Secretary, the Board, and the Professional Standards and Practices Commission will receive requests to initiate a new type/category of certificate. Whenever any of these parties receives such a request it will inform the other two parties.

(b) An investigation into a cogent request for a new type/category of certificate will be conducted by the Department. The Professional Standards and Practices Commission on its own initiative may conduct an investigation.

(c) The Department and the Professional Standards and Practices Commission will review the findings of the investigation regarding the need for a type/category of certificate and present their recommendations to the Board.

(d) If the Board does not disapprove or take any other action on the new type/category of certificate within 120 days of receiving an affirmative recommendation, the type/category of certificate will stand approved.

(e) If the proposed type/category is approved by the Board, the Secretary will appoint a committee of professionals to develop standards for preparing professionals in the type/category of certificate. This committee shall include at least two members of the Professional Standards and Practices Commission. Proposed standards shall not stipulate academic degrees, experience, or prerequisite certificates not established by this chapter. After the receipt of the proposed standards, the Secretary and the Professional Standards and Practices Commission will review the proposed standards and make recommendations to the Board. If the Board does not disapprove the new standards within 120 days of receiving an affirmative recommendation, the standards will stand approved.

**Authority**

The provisions of this § 49.52 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

**Source**

The provisions of this § 49.52 amended through September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (260811) to (260812).

**§ 49.53. Elimination or change of types/categories of certificates.**

(a) The Secretary, the Board and the PSPC will receive requests to eliminate/change a type/category of certificate. When any of these parties receives such a request, it will inform the other two parties.

(b) The Department will conduct an investigation into a written request to eliminate/change a type/category of certificate. The PSPC on its own initiative may conduct an investigation.

(c) The Department and the PSPC will review the findings of the investigation regarding the need to eliminate/change a type/category of certificate and present their individual recommendations to the Board.

(d) If the Board does not disapprove or take any other action on the elimination or change of the type/category of certificate within 150 days of submission to the Board of a formal recommendation from either the Department or PSPC, the type/category of certificate will be considered eliminated/changed.

(e) In the case of the elimination of a type/category of certificate, once the elimination is approved by the Board, the Secretary will notify all institutions of higher education offering the programs that effective as of the date of notification no further students are to be accepted into the program. Students currently enrolled in the certification phase of the program will be given an opportunity to complete the program and degree or be provided an opportunity to switch to a different course of study.

**Source**

The provisions of this § 49.53 adopted July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655.

**MISCELLANEOUS PROVISIONS****§ 49.61. Teaching experience for out-of-State applicants.**

The Department may accept satisfactory teaching experience, in lieu of the student teaching requirement, from out-of-state applicants for certification provided that the teaching experience is full time under contract in an approved public or nonpublic school at the elementary or secondary level on a certificate comparable to the Pennsylvania Level I certificate in the area of certification sought.

**Authority**

The provisions of this § 49.61 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

**Source**

The provisions of this § 49.61 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260812).

**§ 49.62. Resource Specialist Permits.**

The Department may issue Resource Specialist Permits at the request of an employing public school entity. The permit may be issued in lieu of a certificate to a competent specialist in any area of knowledge to enable the schools of this Commonwealth to use the services of noncertified personnel for supplemental instruction in a course of study directed by a certified teacher. The service must be part-time and may not exceed 400 clock-hours during a school year. When services are provided by professional practitioners in the fine arts or performing arts (for example—music, dance, pottery, painting, sculpture, and the like) in schools designated by its governing board as a creative and performing arts specialty school, the Resource Specialists may be employed for up to 800 hours per year. These Resource Specialists may not supplant certified fine or performing arts teachers. Individuals employed under these provisions are not considered professional staff.

**Authority**

The provisions of this § 49.62 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369) (Repealed).

**Source**

The provisions of this § 49.62 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (260812) to (260813).

**Notes of Decisions**

School districts are not required to change previously established educational programs, job descriptions or job qualifications in order to allow a more senior employee to apply for a program specialist certificate. Seniority should not be given preference over a pre-established professional position or educational program. *Dilley v. Slippery Rock Area School District*, 625 A.2d 153 (Pa. Cmwlth. 1993).

**§ 49.62a. Program Specialist Certificate.**

- (a) The Department may issue a Program Specialist Certificate upon verification that the applicant meets the requirements established for that certificate.
- (b) Program Specialist Certificates may be issued for a selected area of service when a certificate does not exist for that area. The certificates may be issued only to a person who holds a valid Pennsylvania certificate or its equivalent from another state. Annually, the Department will report to the Board the number and nature of these certificates issued during the year.
- (c) Program Specialist Certificates are valid only for the position described in the approved position description and will be annotated on the teaching certificate of the individual. They will be valid throughout this Commonwealth.

**Authority**

The provisions of this § 49.62a issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

**Source**

The provisions of this § 49.62a amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260813).

**§ 49.62b. Program Endorsement Certificate.**

Following approval by the Department, baccalaureate or graduate degree granting institutions, alone or in cooperation with other institutions, community colleges or school entities, may offer short programs (12 credits maximum) that lead to the Program Endorsement Certificate. The Program Endorsement Certificate documents knowledge in new and emerging areas where formal certification does not exist. The Program Endorsement Certificate is intended to improve a teacher's skills in dealing with complex classroom settings, including teaching gifted students or diverse learners in areas such as assistive technology curriculum modification, autism spectrum disorders, assessment, gifted education, classroom management, classroom technology and disruptive youth. These endorsements would be added to existing Level I or Level II Certificates but are not required to perform service in these areas.

**Authority**

The provisions of this § 49.62b amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 49.62b adopted July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655; amended September 21, 2007, effective September 22, 2007, 37 Pa.B. 5150. Immediately preceding text appears at serial page (320368).

**§ 49.63. Applicants educated in foreign countries.**

(a) The Department will issue certificates to applicants who have been educated in a foreign country who meet the established Commonwealth standards for the certificates sought. Applicants shall be required to provide official transcripts of studies completed abroad, and an evaluation of those transcripts by a Department-approved foreign credential evaluation group.

(b) The Department may substitute competency examinations for transcript review in a case involving the loss of credentialing documents in a foreign country providing the applicant submits acceptable evidence that the applicant did, in fact, complete a teacher education program.

(c) The Department and its recommending institutions will insure that applicants educated in foreign countries or who are foreign nationals or resident aliens are proficient in speaking, reading and writing in the English language.

**Authority**

The provisions of this § 49.63 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369) (Repealed).

**Source**

The provisions of this § 49.63 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (260813) to (260814).

**§ 49.64. [Reserved].****Notes of Decisions**

The Secretary's decision to impose experience conditions on the order of reinstatement for teaching and administrative positions was not capricious or an abuse of discretion and in accord with this section. *Homer v. Department of Education*, 458 A.2d 1059 (Pa. Cmwlth. 1983).

**§ 49.64a. Authority to annul and reinstate certificates and discipline professional educators.**

(a) A professional certificate or letter of eligibility obtained by fraud or mistake shall be considered void "ab initio" and shall be annulled by the Secretary. An annulment will not be effected without prior notice and hearing in accordance with reasonable procedures as the Secretary will prescribe, after review of and comment on the procedures by the Board.

(b) In accordance with the authority vested with the PSPC by the Professional Educator Discipline Act, the Commission may discipline professional educators.

(c) In accordance with the authority vested with the PSPC by section 16 of the Teacher Certification Law (24 P. S. § 2070.16), the Commission may reinstate a professional educator's certificate.

**Source**

The provisions of this § 49.64a adopted August 3, 1973, 3 Pa.B. 1471; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260814).

**§ 49.64b. [Reserved].****Source**

The provisions of this § 49.64b adopted August 3, 1973, 3 Pa.B. 1471; reserved September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial page (227857).

**§ 49.64c. [Reserved].****Source**

The provisions of this § 49.64c adopted August 3, 1973, 3 Pa.B. 1471; reserved September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial page (227857).

**§ 49.64d. [Reserved].****Source**

The provisions of this § 49.64d adopted August 3, 1973, 3 Pa.B. 1471; reserved September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial page (227858).

**§ 49.64e. Mandatory reports from schools.**

The chief school administrator or the administrator's designee shall report to the Department dismissals, resignations to avoid dismissal for cause and criminal charges and convictions of educators on forms provided by the Department as follows:

- (1) Within 30 days of employment termination, the name of any person who has been terminated and the cause for the employment termination.
- (2) Within 30 days of learning that an educator has been charged or convicted of a crime involving moral turpitude or a crime set forth in section 111(e)(1) of the act (24 P. S. § 1-111(e)(1)), the name of the educator and information related to the conduct leading to the criminal matter.
- (3) Within 60 days of receiving information constituting reasonable cause to believe that an educator caused physical injury to a student or child due to negligence, malice, or sexual abuse or exploitation, the name of the educator, and available relevant information.

**Source**

The provisions of this § 49.64e adopted August 3, 1973, 3 Pa.B. 1471; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (304361).

**§ 49.64f. Publication of suspensions and revocations.**

The Secretary, or his designee, shall notify all chief state school officers of the states and territories of the United States and all chief school administrators and teacher preparing institutions of this Commonwealth of the names and social security numbers of persons whose teaching certificates or commissions are suspended or revoked, the period of suspension or revocation including effective date and the reason for such action.

**Source**

The provisions of this § 49.64f adopted August 3, 1973, 3 Pa.B. 1471.

**§ 49.65. Out-of-State and Nationally-certified applicants.**

(a) The Department will issue the appropriate Commonwealth certificate to applicants who have:

- (1) Graduated from a State approved out-of-State college or university whose teacher education requirements are comparable to those of this Commonwealth.
  - (2) Completed the preparing institution's teacher education program.
  - (3) Received the recommendation of the preparing institution for the subject or area to be taught.
  - (4) Presented evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment) and the requirements of Chapter 354 (relating to teacher preparation).
- (b) The Department may enter into a reciprocal certification agreement with the appropriate authority of another state to recognize comparable certificates. A temporary teaching permit may be issued to educators prepared outside of this Commonwealth in accordance with the current reciprocity agreement with other states. It will be valid for 1 year to allow the teacher to meet the Commonwealth's requirements as out lined in the reciprocity agreement.
- (c) Candidates certified by the National Board for Professional Teaching Standards will be granted the highest level certificate applicable.
- (d) Candidates successfully completing other National teacher training programs that require a candidate to demonstrate mastery of the subject area to be taught and professional knowledge needed for classroom effectiveness as approved by the Board, will be certified to teach in this Commonwealth, provided the approved program includes 1 year of intensive supervision in an internship program approved by the Secretary and the teacher has satisfied the basic certification requirements of the act (see 24 P. S. §§ 12-1202 and 12-1209), such as having good moral character, being at least 18 years old and having a bachelor's degree.
- (e) 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 have taught on the out-of-State certificate for 3 of the past 7 years and have achieved the qualifying score on the appropriate content area test required by the Commonwealth and meet the requirements of § 49.12 (relating to eligibility). The out-of-State certificate must be comparable to the grade level and scope of the Pennsylvania certificate being requested, and the test must have been taken within 5 years of the date of application for the Pennsylvania certificate. In those cases, no other tests will be required.

#### Source

The provisions of this § 49.65 amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655; corrected January 12, 2007, effective September 2, 2006, 37 Pa.B. 209. Immediately preceding text appears at serial pages (320370) to (320371).

**Cross References**

This section cited in 4 Pa. Code § 403.4 (relating to highly qualified teachers).

**§ 49.66. Appeal procedure.**

Applicants who have been denied certification may appeal for reconsideration of their case to the Department.

**Cross References**

This section cited in 22 Pa. Code § 49.13 (relating to policies).

**§ 49.67. [Reserved].****Source**

The provisions of this § 49.67 amended September 26, 1980, effective September 13, 1980, 10 Pa.B. 3782; reserved September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial pages (256379) to (256380).

**Notes of Decisions***Equivalency Certificates*

When the regulations governing Master's Degree Equivalency Certificates did not set requirements which were as rigorous as those for academically conferred degrees, the holder of a Master's Degree Equivalency Certificate was not being paid "on the same basis as" the holder of a master's degree. *In re Lewisburg Area Education Association*, 371 A.2d 568 (Pa. Cmwlth. 1977).

**§ 49.68. Evaluation of prescribed requirements and standards.**

Institutions of higher education within this Commonwealth with approved teacher education programs are authorized to evaluate, equate, and accredit educational experience and background of candidates for meeting the specific requirements for certification. A candidate may not be recommended for certification until providing evidence of satisfactory achievement in the assessments under § 49.18 (relating to assessment).

**Authority**

The provisions of this § 49.68 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 62, 118.1, 352 and 367—370).

**Source**

The provisions of this § 49.68 amended through January 25, 1985, effective June 1, 1987, 15 Pa.B. 245; readopted May 29, 1992, effective May 30, 1992, 22 Pa. B. 2824; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial page (256380).

**§ 49.69. Deletion of areas from certificates.**

(a) Annually, between October 1 and December 31, a holder of a Commonwealth certificate may request and the Department will grant the removal of any area for which the certificate is endorsed if any of the following conditions are met:

(1) The applicant has not taught in the area for which deletion is sought within the previous 5 years.

(2) The applicant is not a regularly employed full-time teacher.

(b) In all other cases, an applicant requesting the removal of any area for which the certificate is endorsed shall secure the approval of the employing school authority. If the approval is granted, the Department will delete the area from the certificate. If the approval is denied by the employing school authority, the applicant shall have the right to appeal to the Department. In any such appeal, the burden is on the applicant to show lack of current subject matter competency.

(c) A moratorium for requesting certification deletions shall exist from January 1 through September 30 of each year to allow schools the opportunity to plan for the assignment of their certified staffs in ensuing school year.

(d) All action by the Department to delete areas of certification shall be effective on the 30th day of June following receipt of the application to delete.

(e) Any area of certification deleted from a certificate under the provisions of this section shall be restored only after the person becomes eligible by subsequently meeting all laws, regulations, standards, policies, and procedures as are in effect at the time of application for recertification in the area previously deleted.

**Authority**

The provisions of this § 49.69 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

**Source**

The provisions of this § 49.69 adopted September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (260817) to (260818).



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

**GENERAL PROVISIONS**

- Sec.  
49.71. Basic requirements.  
49.72. Categories of certificates and letters of eligibility.  
49.73. [Reserved].

**INSTRUCTIONAL CERTIFICATES**

- 49.81. General.  
49.82. Instructional I.  
49.83. Instructional II.  
49.84. Collegiate credit acceptable for conversion of the Instructional I Certificate.  
49.85. Limitations.  
49.86. Accelerated program for Early Childhood and Elementary/Middle level certificateholders.

**TEMPORARY TEACHING PERMITS**

- 49.90. Criteria for eligibility.

**INTERN CERTIFICATES**

- 49.91. Criteria for eligibility.  
49.92. Term of validity.

**EDUCATIONAL SPECIALIST CERTIFICATES**

- 49.101. General.  
49.102. Educational Specialist I.  
49.103. Educational Specialist II.  
49.104. College credit acceptable for renewal or conversion of Educational Specialist I Certificate.  
49.105. Limitations.

**SUPERVISORY CERTIFICATES**

- 49.111. Supervisory Certificate.  
49.112. [Reserved].

**ADMINISTRATIVE CERTIFICATES**

- 49.121. Administrative Certificate.  
49.122. [Reserved].

**GENERAL PROVISIONS****§ 49.71. Basic requirements.**

Applicants for a certificate shall have completed, in addition to all legal requirements, a program of teacher education approved by the Department and shall have the recommendation of the preparing institution.

**§ 49.72. Categories of certificates and letters of eligibility.**

(a) The following basic categories of certificates and letters of eligibility will be issued by the Department:

- (1) Temporary Permit.
- (2) Emergency and Substitute Permits.
- (3) Intern Certificates.
- (4) Instructional Certificates.
- (5) Educational Specialist Certificates.
- (6) Supervisory Certificate.
- (7) Administrative Certificate.
- (8) Program Specialist Certificate.
- (9) Letters of Eligibility.
- (10) Vocational Education Certificates.
- (11) Exceptional Case Permits.
- (12) Resource Specialist Permits.

(b) The Secretary annually will disseminate an approved list of official titles of all certificates and letters of eligibility which the Department has issued during the past fiscal year or proposes to issue in the ensuing year.

**Authority**

The provisions of this § 49.72 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369) (Repealed).

**Source**

The provisions of this § 49.72 amended through September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260819).

**§ 49.73. [Reserved].****INSTRUCTIONAL CERTIFICATES****§ 49.81. General.**

(a) The Department will issue instructional certificates to persons whose primary responsibility is teaching. Candidates for instructional certificates shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment).

(b) Instructional certificates will be issued to candidates who meet the following standards:

(1) 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.

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

(3) 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.

(4) 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.

(5) 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.

(6) 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.

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

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

(9) 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.

(10) 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.

**Source**

The provisions of this § 49.81 amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial page (227863).

**§ 49.82. Instructional I.**

(a) The Instructional I Certificate is valid for 6 years of teaching in public schools in this Commonwealth in the area for which it applies. It may be converted to an Instructional II Certificate as provided by § 49.83 (relating to Instructional II).

(b) The Instructional I Certificate will be issued to applicants who:

- (1) Possess a baccalaureate degree.
- (2) Present evidence of successful completion of a Department-approved teacher preparation program.
- (3) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).
- (4) Receive recommendation for certification from a college or university.

**Authority**

The provisions of this § 49.82 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 62, 118.1 (Repealed), 352 and 367—370 (Repealed)).

**Source**

The provisions of this § 49.82 amended through January 25, 1985, effective June 1, 1987, 15 Pa.B. 245; readopted May 29, 1992, effective May 30, 1992, 22 Pa. B. 2824; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260821).

**Notes of Decisions**

The three-year period of validity of Instructional I Certificate is three years of active teaching rather than three calendar years from the date of its issue. *Pointek v. Elk Lake School District*, 360 A.2d 804 (Pa. Cmwlth. 1976).

**Cross References**

This section cited in 22 Pa. Code § 49.1 (relating to definitions); 22 Pa. Code § 49.2 (relating to inactivity and invalidity); and 22 Pa. Code § 49.18 (relating to assessment).

**§ 49.83. Instructional II.**

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

- (1) A Department-approved induction program.
- (2) Three years of satisfactory teaching on an Instructional I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed.

(3) Twenty-four credit hours of collegiate study or its equivalent in credits from the Department, a Pennsylvania intermediate unit or any combination thereof. The Department will publish a “Certification and Staffing Policy Guideline” that establishes up to the equivalent of six specific course credit hour requirements for each new Instructional I Certificate issued by the Department after September 22, 2007.

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

#### Authority

The provisions of this § 49.83 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 62, 118.1 (Repealed), 352 and 367—370 (Repealed)); amended under section 2603-B of the Public School Code of 1949 (24 P.S. § 26-2603-B).

#### Source

The provisions of this § 49.83 amended through January 25, 1985, effective June 1, 1987, 15 Pa.B. 245; readopted May 29, 1992, effective May 30, 1992, 22 Pa. B. 2824; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655; amended September 21, 2007, effective September 22, 2007, 37 Pa.B. 5150. Immediately preceding text appears at serial pages (320376) and (323763).

#### Cross References

This section cited in 22 Pa. Code § 49.18 (relating to assessment); and 22 Pa. Code § 49.82 (relating to Instructional I).

### § 49.84. Collegiate credit acceptable for conversion of the Instructional I Certificate.

(a) College credit acceptable for conversion to the Instructional II Certificate shall be earned at a State-approved baccalaureate or graduate degree granting institution.

(b) Credits earned in programs designed to prepare for professional fields such as law, medicine or theology, when relevant to the area of certification, will be considered acceptable for purposes of renewing or converting the Instructional I Certificate.

(c) Credits shall be earned subsequent to the conferring of the baccalaureate degree.

#### Source

The provisions of this § 49.84 amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260822).

### § 49.85. Limitations.

(a) Instructional certificates issued before January 1, 2013, remain valid for the term of the certificate for the grade spans and age levels outlined in items

paragraphs (1)—(6). For instructional certificates issued before January 1, 2013, the grade level limitations shall be the following:

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

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

- (1) Early Childhood (prekindergarten, kindergarten, grades one through four or ages 3 through 9).
- (2) Elementary/Middle (grades four through eight or ages 9 through 14). Elementary/Middle Certificates permit instruction in any subject in grades four, five and six and in a core academic subject or subjects in grades seven and eight.
- (3) Secondary (grades seven through twelve or ages 11 through 21).
- (4) Specialized Areas (prekindergarten through grade twelve or up through age 21).

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

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

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

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

(7) Special Education Hearing Impaired, Visually Impaired and Speech/Language Impaired Certificates (prekindergarten, kindergarten, grades one through twelve or ages 3 through 21).

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

(d) The Secretary may grant exceptions to the grade and age level limitations between Early Childhood (subsection (b)(1)), Elementary/Middle (subsection (b)(2)), Special Education-PK—8 (subsection (b)(5)) and Special Education-7—12 (subsection (b)(6)) for individual teachers on a case-by-case basis. The school entity shall submit a written request to the Secretary that provides justification for the exception. The Secretary will set a time limit for each individual

exception granted. The Secretary will issue guidelines that outline the circumstances under which exceptions will be granted.

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

(1) For contracts in place prior to September 22, 2007, September 24, 2012.

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

(f) The Secretary may grant exceptions in response to shortages of certified personnel that apply Statewide to specific provisions of this section when it is necessary to facilitate transition to the revised provisions scheduled to become effective on January 1, 2013. Exceptions may be granted under the following conditions:

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

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

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

#### Authority

The provisions of this § 49.85 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

#### Source

The provisions of this § 49.85 amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655; amended September 21, 2007, effective September 22, 2007, 37 Pa.B. 5150. Immediately preceding text appears at serial pages (323763) to (323764).

#### Notes of Decisions

##### *Preschool*

A teacher who teaches preschool, special education classes administered by the Intermediate Unit and the Department of Education is covered by the certification provisions of this section and is entitled to use her previous 2 years in the preschool program for the purpose of obtaining the status of professional employe based merely upon having taught in a preschool environment. *Haibach v. Northwest Tri-County Intermediate Unit No. 5*, 471 A.2d 914 (Pa. Cmwlth. 1984).

#### Cross References

This section is cited in 22 Pa. Code § 4.20 (relating to prekindergarten education).

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

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

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

49-32.1

(329973) No. 397 Dec. 07

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

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

**Authority**

The provisions of this § 49.86 amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 49.86 adopted September 21, 2007, effective September 22, 2007, 37 Pa.B. 5150.

### TEMPORARY TEACHING PERMITS

**§ 49.90. Criteria for eligibility.**

(a) The Department may make a one-time issuance of a Temporary Teaching Permit for service in a specific area of instruction for use in elementary, middle or secondary schools to applicants who, in addition to meeting the requirements of § 49.12 (relating to eligibility), present evidence of one of the following:

(1) For candidates prepared outside of this Commonwealth, met all requirements for an Instructional I certificate, with the exception of the Math/English course requirements under Chapter 354 (relating to preparation of professional educators).

(2) For candidates holding a credential issued by a Board-approved National alternative certification program, completed any ancillary requirements agreed upon by the Department and the credentialing authority.

(b) The Temporary Teaching Permit will be valid for 1 calendar year from the date of issuance.

(c) The Department will issue an Instructional I certificate when the prescribed courses or ancillary requirements are satisfied.

**Source**

The provisions § 49.90 adopted July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655.

### INTERN CERTIFICATES

**§ 49.91. Criteria for eligibility.**

(a) The Department may make a one-time issuance of an Intern Certificate for service in a specific area of instruction for use in elementary, middle and secondary schools to applicants who, in addition to meeting the requirements of § 49.12 (relating to eligibility), present evidence of satisfactory achievement on Department-prescribed assessments of basic skills and subject matter tests; are

enrolled in and have completed appropriate professional education courses in an approved intern program, which may include an induction; and are recommended for certificates by the institution holding approval. Candidates for Elementary, K-12 Instructional and Early Childhood Certificates shall also be assessed in the area of general knowledge.

(b) The applicant will be issued an Instructional I Certificate upon completion of the approved intern program and satisfactory achievement on the assessment of professional knowledge and practice.

(c) Intern certificate programs must provide flexible and accelerated pedagogical training to teachers who have demonstrated competency in a subject area, provided that the first year of teaching includes a minimum of one classroom observation each month by an approved college/university in this Commonwealth.

(d) An Intern Certificate is valid for 3 calendar years. This professional certificate may be issued only to an applicant who is a graduate of an accredited 4-year college or university. During the first year, the applicant shall complete all tests, enroll in an authorized program and complete a minimum of nine credits per year. The certificate requires continuing enrollment in a State-approved teacher intern program. This certificate cannot be renewed.

#### **Authority**

The provisions of this § 49.91 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 62, 118.1, 352 and 367—370).

#### **Source**

The provisions of this § 49.91 amended through January 25, 1985, effective June 1, 1987, 15 Pa.B. 245; readopted May 29, 1992, effective May 30, 1992, 22 Pa. B. 2824; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; corrected October 8, 1999, effective October 9, 1999, 29 Pa.B. 5289; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (295073).

#### **Cross References**

This section cited in 22 Pa. Code § 49.18 (relating to assessment) and 22 Pa. Code § 403.4 (relating to highly qualified teachers).

### **§ 49.92. Term of validity.**

The Intern Certificate will be issued for the period of time necessary for the candidate to complete the approved intern program, but this time period will not exceed 3 years.

#### **Source**

The provisions of this § 49.92 amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (295073).

#### **Cross References**

This section cited in 22 Pa. Code § 49.1 (relating to definitions); 22 Pa. Code § 49.2 (relating to inactivity and invalidity) and 22 Pa. Code § 403.4 (relating to highly qualified teachers).

**EDUCATIONAL SPECIALIST CERTIFICATES****§ 49.101. General.**

The Department will issue Educational Specialist Certificates to persons whose primary responsibility is to render professional service other than classroom teaching. The service shall be directly related to the personal welfare of the learner and may include service for the needs of other professional personnel working with learners. Candidates for Educational Specialist Certificates shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment). Educational specialist certificates will be issued to candidates who meet the following standards:

(1) 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.

(2) 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.

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

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

(5) 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.

(6) 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.

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

(8) 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.

(9) 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.

(10) 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.

**Source**

The provisions of this § 49.101 amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (295074) and (260825).

**§ 49.102. Educational Specialist I.**

(a) The Educational Specialist I Certificate is valid for 6 years of service in public schools in this Commonwealth in each area for which it is endorsed. It may be converted to an Educational Specialist II Certificate in any endorsement area as provided in § 49.103 (relating to Educational Specialist II).

(b) The Educational Specialist I Certificate will be issued to applicants who:

- (1) Present evidence of successful completion of a Department-approved educational specialist preparation program or its equivalent.
- (2) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).
- (3) Receive recommendation for certification from a college or university if completing a Department-approved educational specialist preparation program.

**Authority**

The provisions of this § 49.102 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

**Source**

The provisions of this § 49.102 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260825).

**Cross References**

This section cited in 22 Pa. Code § 49.1 (relating to definitions); and 22 Pa. Code § 49.2 (relating to inactivity and invalidity).

**§ 49.103. Educational Specialist II.**

The Educational Specialist II Certificate will be issued to an applicant subject to the requirements of § 49.17(c) (relating to professional development) who has completed:

- (1) A Department-approved induction program.
- (2) Three years of satisfactory service on an Educational Specialist I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed.
- (3) Twenty-four credit hours of collegiate study or its equivalent in credits approved by the Department, credits from an intermediate unit, or any combination thereof.

**Authority**

The provisions of this § 49.103 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

**Source**

The provisions of this § 49.103 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (260825) to (260826).

**Cross References**

This section cited in 22 Pa. Code § 49.102 (relating to Educational Specialist I).

**§ 49.104. College credit acceptable for conversion of Educational Specialist I Certificate.**

(a) College credit acceptable for conversions to the Educational Specialist II shall be earned at a State-approved baccalaureate or graduate degree granting institution.

(b) Credits earned in programs designed to prepare for professional fields such as law, medicine or theology, when relevant to the area of certification, will not be considered acceptable for purposes of converting the Educational Specialist I Certificate.

(c) Credits shall be earned subsequent to the conferring of the baccalaureate degree.

**Source**

The provisions of this § 49.104 amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260826).

**§ 49.105. Limitations.**

The grade level limitations of educational specialist certificates shall be specified in the standards stated for the respective preparation programs of certification.

**Source**

The provisions of this § 49.105 amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial page (256383).

**SUPERVISORY CERTIFICATES****§ 49.111. Supervisory Certificate.**

(a) The Department will issue Supervisory Certificates for positions in the schools of this Commonwealth to persons who:

- (1) Have completed 5 years of satisfactory professional experience in the area in which the supervisory certificate is sought.

- (2) Have completed an approved graduate program preparing the applicant for the responsibilities of supervising in the program area and of directing the activities of certified professional employees.
- (3) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).
- (4) Are able to help students achieve under Chapter 4 (relating to academic standards and assessment).
- (5) Meet the following standards:
  - (i) 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.
  - (ii) The supervisor understands how all children learn and develop and configures resources to support the intellectual, social and personal growth of all students.
  - (iii) The supervisor knows and understands effective instructional strategies and encourages and facilitates employment of them by teachers.
  - (iv) 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.
  - (v) The supervisor is an effective communicator with various school communities.
  - (vi) The supervisor organizes resources and manages programs effectively.
  - (vii) The supervisor understands and uses formative and summative assessment strategies to gauge effectiveness of people and programs on student learning.
  - (viii) 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.
  - (ix) The supervisor possesses knowledge and skills in observation of instruction and conducting conferences with professional staff that are intended to improve their performance and enhance the quality of learning experiences for all students.
  - (x) 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.
  - (xi) 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.
- (b) A Supervisory Certificate for either Curriculum and Instruction or Pupil Personnel Services will be issued to persons who:

- (1) Have 5 years of satisfactory professional certified service in the school program area for which the comprehensive certificate is sought.
- (2) Have completed an approved graduate program preparing the applicant for the broad area, districtwide supervisory functions specified by the endorsement area of the certificate.
- (3) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a).

#### Authority

The provisions of this § 49.111 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

#### Source

The provisions of this § 49.111 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (260826) to (260828).

#### Notes of Decisions

##### *Professional Employee*

Person who had been certificated as a teacher but not as a supervisor and who wished to contest her “demotion” from a supervisory position to a teaching assignment was not a “professional employee” for purposes of requiring a hearing under section 1151 of the Public School Code of 1949 (24 P. S. § 11-1151). *School District of Philadelphia v. Brockington*, 511 A.2d 944 (Pa. Cmwlth. 1986); appeal denied 523 A.2d 1132 (Pa. 1987).

#### Cross References

This section cited in 22 Pa. Code § 49.161 (relating to Supervisor of Vocational Education).

### § 49.112. [Reserved].

#### Notes of Decisions

Person who had been certificated as a teacher but not as a supervisor and who wished to contest her “demotion” from a supervisory position to a teaching assignment was not a “professional employee” for purposes of requiring a hearing under section 1151 of the Public School Code of 1949 (24 P. S. § 11-1152). *School District of Philadelphia v. Brockington*, 511 A.2d 944 (Pa. Cmwlth. 1986); appeal denied 523 A.2d 1132 (Pa. 1987).

#### Source

The provisions of this § 49.112 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; reserved September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial page (256384).

## ADMINISTRATIVE CERTIFICATES

### § 49.121. Administrative Certificate.

- (a) The Department will issue Administrative Certificates to persons who have had a minimum of 5 years of satisfactory professional certified school expe-

rience and have completed an approved program of graduate study preparing the applicant to direct, operate, supervise and administer the organizational and general educational activities of a school. Applicants shall be recommended by the preparing institution in which the graduate program was completed. Candidates for administrative certificates shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment).

(b) Certificates may be issued for any administrative area for which program approval has been granted by the Department.

(c) The Department will issue Administrative Certificates to persons who present evidence of satisfactory achievement on assessments prescribed by the Department under § 49.18(a) (relating to assessment).

(d) The Department will issue Administrative Certificates to persons who meet the following standards:

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

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

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

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

(5) 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.

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

(7) 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.

#### Source

The provisions of this § 49.121 amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (260828) and (309025).

#### Notes of Decisions

##### *Experience Requirements Mandatory*

Applicant was not entitled to administrative certificate as secondary principal pursuant to experience requirements established by the Department of Education which is authorized to issue administrative agency interpretative policies and directives. *Davenport v. Department of Education*, 850 A.2d 802, 803 (Pa. Cmwlth. 2004)

#### Cross References

This section cited in 22 Pa. Code § 49.163 (relating to Vocational Administrative Director).

**§ 49.122. [Reserved].****Source**

The provisions of this § 49.122 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; reserved September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial page (227869).

**Subchapter C. VOCATIONAL EDUCATION CERTIFICATION****GENERAL PROVISIONS**

- Sec.  
49.131. Basic requirements for baccalaureate and nonbaccalaureate programs.  
49.132. Types of certificates.  
49.133. Levels of certification.

**VOCATIONAL INSTRUCTIONAL CERTIFICATES**

- 49.141. General.  
49.142. Vocational Instructional I.  
49.143. Vocational Instructional II.

**VOCATIONAL INTERN CERTIFICATES**

- 49.151. Eligibility and criteria.  
49.152. Term of validity.  
49.153. Vocational Day-to-Day Substitute Permit.

**SUPERVISOR OF VOCATIONAL EDUCATION CERTIFICATE**

- 49.161. Supervisor of Vocational Education.  
49.162. [Reserved].

**VOCATIONAL ADMINISTRATIVE DIRECTOR CERTIFICATE**

- 49.163. Vocational Administrative Director.  
49.164. [Reserved].

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

(a) Applicants for a certificate shall have completed, in addition to all legal requirements, a program of teacher education approved by the Department and shall have received the recommendation of the preparing institutions.

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

(c) Applicants shall present evidence of satisfactory achievement on assessments required in § 49.18 (relating to assessment).

(d) Professional personnel shall present evidence of compliance with § 49.17 (relating to continuing professional development).

**Authority**

The provisions of this § 49.131 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 62, 118.1 (Repealed), 352 and 367—370 (Repealed)); amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 49.131 amended January 25, 1985, effective June 1, 1987, 15 Pa.B. 245; readopted May 29, 1992, effective May 30, 1992, 22 Pa. B. 2824; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended September 21, 2007, effective September 22, 2007, 37 Pa.B. 5150. Immediately preceding text appears at serial page (320387).

**Notes of Decisions***General Comments*

This regulation is simply a reflection of an administrative policy aimed at reducing incomplete and/or fraudulent applications for teacher certification and cannot be used as a basis for inferring an agency relationship. The Department of Education has not delegated any of its certification responsibilities to the preparing institutions which are responsible for the education of teachers; the Department has only implemented a policy aimed at reducing the number of incomplete applications. *Logsdon v. Department of Education*, 671 A.2d 302 (Pa. Cmwlth. 1996).

**§ 49.132. Types of certificates.**

Five basic types of certificates will be issued, as follows:

- (1) Vocational Instructional Intern.
- (2) Vocational Instructional.
- (3) Supervisor of Vocational Education.
- (4) Vocational Administrative Director.
- (5) Vocational Substitute Permits.

**Authority**

The provisions of this § 49.132 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369) (Repealed).

**Source**

The provisions of this § 49.132 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260831).

**§ 49.133. Levels of certification.**

Vocational Instructional Certificates shall be issued for the following levels of qualifications:

- (1) Level I (Provisional).
- (2) Level II (Permanent).

**Authority**

The provisions of this § 49.133 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369) (Repealed).

**Source**

The provisions of this § 49.133 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial page (227871).

**VOCATIONAL INSTRUCTIONAL CERTIFICATES****§ 49.141. General.**

(a) The Department will issue Vocational Instructional Certificates to persons whose primary responsibility is teaching occupational skills in State approved vocational education programs in the public schools of this Commonwealth. The certificates will be valid for teaching in any vocational or technical area for which the holder has registered his occupational competency credential with the Department in the manner prescribed by the Department.

(b) The holder of a Vocational Teaching Certificate may also teach the technical skills and knowledge of the holder's occupation in courses of comparable content provided in secondary school programs which have not been accorded State approval as vocational education programs under conditions in the policies and standards of the Department. Candidates for Vocational Teaching Certificates shall be able to help students achieve under Chapter 4 (relating to academic standards and assessment).

**Authority**

The provisions of this § 49.141 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369) (Repealed).

**Source**

The provisions of this § 49.141 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260832).

**§ 49.142. Vocational Instructional I.**

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

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

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

(3) Completed 18 credit hours in an approved program of vocational teacher education. For Vocational I Certificates issued on or after January 1, 2013, the 18 credit hours must include at least 3 credits or 90 hours, or equivalent combination thereof, regarding accommodations and adaptations for diverse learners in an inclusive setting. For purposes of this requirement, 1 credit equals 30 hours of coursework. Applicable hours are limited to a combination of seat hours of classroom instruction, field observation experiences, major research assignments, and development and implementation of lesson plans with accommodations and adaptations for diverse learners in an inclusive setting.

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

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

**Authority**

The provisions of this § 49.142 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 62, 118.1 (Repealed), 352 and 367—370 (Repealed)); amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

**Source**

The provisions of this § 49.142 amended through January 25, 1985, effective June 1, 1987, 15 Pa.B. 245; readopted May 29, 1992, effective May 30, 1992, 22 Pa. B. 2824; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended September 21, 2007, effective September 22, 2007, 37 Pa.B. 5150. Immediately preceding text appears at serial page (320389).

**Cross References**

This section cited in 22 Pa. Code § 49.1 (relating to definitions); and 22 Pa. Code § 49.2 (relating to inactivity and invalidity).

**§ 49.143. Vocational Instructional II.**

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

(1) Completed 3 years of satisfactory teaching on a Vocational Instructional I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed.

(2) Completed 60 credit hours, including at least 6 credits or 180 hours, or an equivalent combination thereof, regarding accommodations and adaptations for students with disabilities in an inclusive setting and at least 3 credits or 90 hours, or an equivalent combination thereof, in teaching English language learners, in an approved program in the appropriate field of vocational education. For purposes of this requirement, 1 credit equals 30 hours of coursework. Applicable hours are limited to a combination of seat hours of classroom instruction, field observation experiences, major research assignments, and development and implementation of lesson plans with accommodations and adaptations for diverse learners in an inclusive setting.

(3) Presented evidence of satisfactory achievement in assessments of general knowledge and of professional knowledge and practice under § 49.18 (relating to assessment).

(4) Completed a Department-approved induction program.

#### Authority

The provisions of this § 49.143 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 62, 118.1 (Repealed), 352 and 367—370 (Repealed)); amended under section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

#### Source

The provisions of this § 49.143 amended through January 25, 1985, effective June 1, 1987, 15 Pa.B. 245; readopted May 29, 1992, effective May 30, 1992, 22 Pa. B. 2824; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended September 21, 2007, effective September 22, 2007, 37 Pa.B. 5150. Immediately preceding text appears at serial pages (320389) to (320390).

#### Notes of Decisions

##### *Testing Requirements*

A provisionally certified teacher was charged with the knowledge of the statutes and regulations regarding professional certification, and the teacher cannot rely on the failure of an academic advisor to inform the teacher of the Department of Education's applicable testing requirements for permanent certification as a means to avoid compliance with them. *Logsdon v. Department of Education*, 671 A.2d 302 (Pa. Cmwlth. 1996).

The testing requirements implemented pursuant to this regulation are applicable to a teacher who filed the appropriate paperwork with a preparing institution 2 days prior to the effectiveness of these regulations because the Department of Education did not receive the approval from the preparing institution until several weeks after the effectiveness of the regulation. The date the preparing institution received the application cannot be deemed the date the Department received it. *Logsdon v. Department of Education*, 671 A.2d 302 (Pa. Cmwlth. 1996).

### VOCATIONAL INTERN CERTIFICATES

#### § 49.151. Eligibility and criteria.

(a) The Department will issue Vocational Intern Certificates for teaching in State approved programs of vocational education in the public schools of this Commonwealth to applicants who have:

(1) Met all eligibility requirements stipulated in § 49.12 (relating to eligibility) except for the baccalaureate degree requirement in § 49.12(4).

(2) Provided evidence of satisfactory achievement in assessments of subject matter under § 49.18 (relating to assessment) or satisfactory occupational competency by one of the following:

(i) Successfully completing the occupational competency examination of the Department.

(ii) Securing recognition of occupational competency upon the basis of credentials review and adequate work experience beyond the learning period as established by the Department in those competency areas where occupational competency examinations do not exist.

(iii) Receiving State licensure or occupational accreditation by a Board of Examiners recognized by the Commonwealth.

(iv) Receiving certification from another state whose certification criteria are similar to those of this Commonwealth.

(3) Been accepted for enrollment in a State approved vocational teacher preparation program at a Commonwealth college or university.

(4) Been recommended for the certificate by the institution at which they are enrolled or accepted.

(b) The applicant shall be issued a Vocational Instructional I Certificate upon presenting evidence of 2 years wage-earning experience, completion of an approved intern program, and satisfactory achievement on the assessment of basic skills.

#### Authority

The provisions of this § 49.151 issued under sections 202, 408.1, 1302 and 1317—1320 of The Administrative Code of 1929 (71 P. S. §§ 62, 118.1, 352 and 367—370).

#### Source

The provisions of this § 49.151 amended through January 25, 1985, effective June 1, 1987, 15 Pa.B. 245; readopted May 29, 1992, effective May 30, 1992, 22 Pa. B. 2824; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial pages (227873) to (227874).

### § 49.152. Term of validity.

The Vocational Instructional Intern Certificate shall be issued for the period of time needed by the applicant to complete 18 semester hours within the approved vocational teacher preparation program, but in no case shall the validity period exceed 3 years from the date of issuance.

#### Authority

The provisions of this § 49.152 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

#### Source

The provisions of this § 49.152 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665. Immediately preceding text appears at serial page (38585).

**Cross References**

This section cited in 22 Pa. Code § 49.1 (relating to definitions); and 22 Pa. Code § 49.2 (relating to inactivity and invalidity).

**§ 49.153. Vocational Day-to-Day Substitute Permit.**

(a) The chief school administrator or vocational school administrative director having jurisdiction over any approved Vocational Education program is authorized to issue a special Day-to-Day Substitute Permit to an occupational practitioner when no properly certified teachers are available. The teacher shall function under the supervision of a properly certified supervisor or administrator. Assignments as described in this section shall be made only in case of an emergency and may not exceed 20-consecutive school days. This permit will be valid for 20 days of substitute service and may be renewed for an additional 20 school days upon the approval of the Secretary.

(b) This permit does not qualify the holder to serve as a regularly employed teacher to fill a vacant position or as a long-term substitute. These positions shall be filled by a person holding a valid Vocational Instructional or a State issued Long-term or Day-to-Day Substitute Permit. Reference should be made to § 49.32 (relating to Exceptional Case Permits).

**Authority**

The provisions of this § 49.153 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

**Source**

The provisions of this § 49.153 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (260835) to (260836).

**SUPERVISOR OF VOCATIONAL EDUCATION CERTIFICATE****§ 49.161. Supervisor of Vocational Education.**

(a) The Department will issue a Supervisor of Vocational Education Certificate to a person who has a minimum of 3 years satisfactory certified vocational teaching experience and whose primary assignment will be one or more of the following:

(1) Instructional supervision in the fields of vocational education—vocational agriculture, vocational business, distributive education, health occupations, vocational home economics, and vocational industrial, or trade and industrial—in area vocational technical schools and corresponding vocational courses in the public secondary schools of this Commonwealth.

(2) Directing the activities of professional staff teaching in the program areas specified in paragraph (1).

(b) The Department will issue a Supervisor of Vocational Education Certificate to a person who shall meet the requirements of § 49.111(a)(3)—(5) (relating to Supervisory Certificate).

**Authority**

The provisions of this § 49.161 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

**Source**

The provisions of this § 49.161 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260836).

**§ 49.162. [Reserved].**

**Source**

The provisions of this § 49.162 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; reserved September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial pages (227875) to (227876).

**VOCATIONAL ADMINISTRATIVE DIRECTOR  
CERTIFICATE**

**§ 49.163. Vocational Administrative Director.**

The Department will issue the Vocational Administrative Director Certificate to persons who:

- (1) Have a minimum of 5 years successful teaching in vocational education.
- (2) Have completed an approved program of graduate study following standards listed in § 49.121(d) (relating to Administrative Certificate) preparing them to direct, operate, supervise, and administer the organizational and educational activities of a vocational technical school or department; applicants shall be recommended by the preparing institution in which the graduate program was completed.
- (3) Present evidence of satisfactory achievement on assessments prescribed by the Department under § 49.18(a) (relating to assessment).

**Authority**

The provisions of this § 49.163 issued under act of The Administrative Code of 1929, Article XIII, §§ 1317 and 1319 (71 P. S. §§ 367 and 369).

**Source**

The provisions of this § 49.163 adopted September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial page (227876).

**§ 49.164. [Reserved].****Source**

The provisions of this § 49.164 adopted September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; reserved September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial pages (227876) to (227877).

**Subchapter D. OUT-OF-STATE APPLICANTS**

Sec.

49.171. General requirements.

49.172. Letter of eligibility.

**§ 49.171. General requirements.**

(a) Applicants recommended by out-of-State institutions shall submit to the Department official transcripts for all professional preparation and related studies and satisfactory evidence of educational and work experience. These records will be evaluated by the Department using the established standards applicable to the comparable approved programs at Commonwealth institutions.

(b) The Department will issue the appropriate certificates to persons whose preparation and experience equate to the established standards. If an evaluation by the Department reveals minor deficiencies, the Department will prescribe the additional educational requirements.

(c) The Department may issue the comparable Pennsylvania Certificate to an applicant who, lacking institutional recommendation:

(1) Has been legally certified by another state at a level comparable to the Pennsylvania certificate sought.

(2) Provides evidence of preparation and experience equating to the established standards for the area of certification sought.

**Authority**

The provisions of this § 49.171 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

**Source**

The provisions of this § 49.171 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (260837) to (260838).

**Cross References**

This section cited in 22 Pa. Code § 49.13 (relating to policies).

**§ 49.172. Letter of eligibility.**

(a) The Department will issue the appropriate letter of eligibility for consideration for appointment as a district superintendent or an assistant district superintendent to an applicant who:

(1) Has completed a Pennsylvania approved graduate level program of educational administrative study for the preparation of chief school administrators or been prepared through an out-of-State graduate level program equivalent to those approved in this Commonwealth.

(2) Has received the recommendation of the preparing institution for certification as a chief school, district level, administrator.

(3) Has provided evidence of 6 years of certified service in the basic K-12 schools and, for the superintendent's letter, including at least 3 years of satisfactory certified service in supervisory or administrative positions.

(b) Department evaluation will comply with the following:

(1) The adequacy of preparation will be determined by the Department.

(2) The qualifying educational service to meet experience requirements out-of-State will be determined for all applicants by the Department.

(3) Institutional endorsement of the candidate may be waived by the Department for exceptional reasons such as, but not limited to, nonrecency of graduation, multi-institutional preparation, and institution no longer offering a preparation program for the superintendent.

(c) A commission shall be issued to a person holding a letter of eligibility upon election as a district superintendent or assistant district superintendent by the respective local board of school directors.

**Authority**

The provisions of this § 49.172 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

**Source**

The provisions of this § 49.172 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (260838) to (260839).

**Subchapter E. COMMISSIONS AND CERTIFICATES FOR  
INTERMEDIATE UNITS**

- Sec.  
49.181. [Reserved].  
49.182. Letter of eligibility.  
49.183. [Reserved].  
49.184. [Reserved].

**§ 49.181. [Reserved].****Source**

The provisions of this § 49.181 reserved September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665. Immediately preceding text appears at serial page (7404).

**§ 49.182. Letter of eligibility.**

(a) A letter of eligibility to serve as an intermediate unit executive director or assistant executive director will be issued in lieu of a certificate by the Department to a candidate who has:

- (1) An earned doctorate or a master's degree plus 40 hours of graduate study successfully completed at a State approved college or university.
- (2) Six years of experience in education work at the elementary, secondary, county office, intermediate unit, the Department, or State approved college or university level. In 3 of these 6 years, the applicant shall have served successfully in a management or supervisory capacity.

(b) The appropriateness of this experience and the candidate's academic preparation will be determined by the Department.

(c) A commission will be issued to a person holding an appropriate letter of eligibility upon the candidate's election as the executive director or assistant executive director of an intermediate unit by its respective board of directors.

**Authority**

The provisions of this § 49.182 issued under sections 1317 and 1319 of The Administrative Code of 1929 (71 P. S. §§ 367 and 369).

**Source**

The provisions of this § 49.182 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; amended September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954; amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial pages (260839) to (260840).

§ 49.183. [Reserved].

**Source**

The provisions of this § 49.183 amended September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; reserved September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial pages (227879) to (227880).

§ 49.184. [Reserved].

**Source**

The provisions of this § 49.184 amended through September 12, 1980, effective September 13, 1980, 10 Pa.B. 3665; reserved September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954. Immediately preceding text appears at serial page (227880).

**Subchapter F. LETTERS OF EQUIVALENCY FOR  
PAY PURPOSES**

Sec.  
49.191. Letters of Equivalency.

**Authority**

The provisions of this Subchapter F issued under Article XII and sections 1109, 1141, 2603-B and 2604-B of the Public School Code of 1949 (24 P.S. §§ 12-1201—12-1268, 11-1109, 11-1141, 26-2603-B and 26-2604-B), unless otherwise noted.

**Source**

The provisions of this Subchapter F adopted September 24, 1999, effective September 25, 1999, 29 Pa.B. 4954, unless otherwise noted.

§ 49.191. Letters of Equivalency.

A Letter of Equivalency will be issued for salary purposes only, subject to the following terms and conditions:

(1) The Letter of Equivalency for Baccalaureate Degree is issued to holders of Vocational Instructional I, Vocational Instructional II or their equivalents upon the accumulation of 90 college credits. A minimum of 18 credit hours of the final 30 shall be earned at a State-approved baccalaureate degree granting institution. The remaining 12 may be satisfied, in full or in part, through in-service programs approved by the Secretary for meeting baccalaureate equivalency requirements.

(2) The Letter of Equivalency for Master's Degree is issued to persons holding a valid Instructional I, Instructional II, Educational Specialist I, Educational Specialist II certificate, Vocational Instructional I, Vocational Instructional II certificate, or their equivalents, upon the accumulation of 36 hours of graduate level credit. A minimum of 18 academic graduate credits shall be earned in the content area of the applicant's primary teaching assignment at a

college or university approved to offer graduate work. A maximum of 18 of the credit requirement may be satisfied through in-service programs approved by the Secretary for meeting master's equivalency requirements.

(3) A grade of "C" or better is required in college and university courses in which grades are given and a letter of satisfactory completion is required for all in-service courses used toward the attainment of the certificate.

**Source**

The provisions of this § 49.191 amended July 14, 2006, effective July 15, 2006, 36 Pa.B. 3655. Immediately preceding text appears at serial page (260841).

[Next page is 50-1].