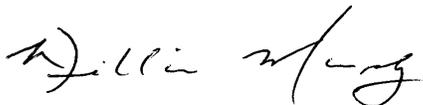


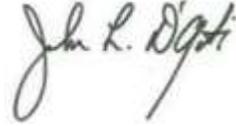


TO: The Honorable the Members of the Board of Regents

FROM: William P. Murphy 

SUBJECT: Proposed Addition of Section 80-5.28 to the Regulations of the Commissioner of Education Creating a Transitional J Certificate for Spouses of Individuals on Full-Time Active Duty with the Armed Forces Whose Permanent Duty Station is in New York State

DATE: October 8, 2020

AUTHORIZATION(S):   

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed addition of Section 80-5.28 to the Regulations of the Commissioner of Education creating a Transitional J certificate for spouses of individuals on full-time active duty with the Armed Forces whose permanent duty station is in New York State?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at its October 2020 meeting. A copy of the proposed amendment is attached.

Procedural History

The proposed amendment was initially presented to the Full Board for discussion at its July 2020 meeting. A Notice of Proposed Rule Making was published in the State Register on July 29, 2020. Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received no comments on the proposed amendment. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

There are many full-time active duty personnel with the Armed Forces whose permanent duty station is in New York State. Attracting, supporting, and retaining full-time active military personnel who serve our country is important to local communities, as well as to the State. To achieve this goal, spousal employment should be taken into consideration.

Spouses of full-time active military personnel face special challenges in starting or maintaining a teaching career due to frequent relocations. For example, each state has different teaching certificate requirements, fees, and processing times. In response to these challenges, some states have provided flexibility with certification requirements for spouses of full-time active military personnel.

Proposed Amendment

The Department is proposing to create a Transitional J certificate to provide certain spouses of full-time active military personnel, who relocate to New York State, with the time needed to complete the requirements for certification, including the examination requirement(s). The requirements for the Transitional J certificate would include:

- Being the spouse of an individual on full-time active duty with the Armed Forces whose permanent duty station is in New York State.
- Holding a baccalaureate or higher degree from a regionally accredited higher education institution, or a higher education institution that the commissioner deems substantially equivalent, and achieving a 2.5 cumulative grade point average, or its equivalent, in the program leading to the degree.
- Either:
 - holding a valid certificate or equivalent authorization to practice from another state or territory of the United States or the District of Columbia that is equivalent to an Initial or Professional certificate in the certificate title sought; or
 - completing a New York State registered teacher education program that leads to an Initial or Professional certificate in the certificate title sought or a teacher education program at a regionally accredited institution of higher education, or a higher education institution that the commissioner deems substantially equivalent, from another state or territory of the United States or the District of Columbia that leads to the equivalent of an Initial or Professional certificate in the certificate title sought in the jurisdiction where the higher education institution is located.
- Submitting an employment and support commitment from a school district or BOCES as a teacher with the school district or BOCES in the area of the certificate sought, which shall include a plan from the school district or BOCES for mentoring, appropriate instructional support as determined by school or BOCES leadership, and at least 20 hours of professional learning targeted toward appropriate pedagogical skills during each year of employment.
- Completing training in child abuse identification and reporting; school violence prevention and intervention; harassment, bullying and discrimination prevention and intervention; and the needs of students with autism, where applicable.
- Completing a fingerprint clearance.

By requiring either an acceptable valid out-of-state certificate or the completion of an acceptable teacher preparation program, spouses of full-time active military personnel would gain flexibility with certification requirements while demonstrating that they have the knowledge and skills to enter the classroom.

The Transitional J certificate would be valid for one year from its effective date to give spouses of full-time active military personnel time to pass the edTPA, Educating All Students (EAS) test, and Content Specialty Tests(s) required for Initial certification. If they pass the EAS test and Content Specialty Tests(s) prior to the expiration date of the Transitional J certificate, the certificate may be renewed once for an additional two years. The renewal gives candidates time to continue working on completing the edTPA.

The Transitional J certificate would only be valid in a school district or BOCES for which a commitment of employment and support has been made. The commitment would be at least one year for the first certificate and two years for the renewal. The support would include a plan for mentoring, appropriate instructional support as determined by school or BOCES leadership, and at least 20 hours of professional learning targeted toward appropriate pedagogical skills during each year of employment. The professional learning would enhance the knowledge and skills of spouses of full-time active military personnel and enable them to stay current with best practices.

Related Regents Items

July 2020: [Proposed Addition of Section 80-5.28 to the Regulations of the Commissioner of Education Creating a Transitional J Certificate for Spouses of Individuals on Full-Time Active Duty with the Armed Forces Whose Permanent Duty Station is in New York State](https://www.regents.nysed.gov/common/regents/files/720brd2.pdf)
(<https://www.regents.nysed.gov/common/regents/files/720brd2.pdf>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That section 80-5.28 of the Regulations of the Commissioner of Education be added, as submitted, effective November 4, 2020.

Timetable for Implementation

If adopted at the October 2020 meeting, the proposed amendment will become effective on November 4, 2020.

Attachment

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 210, 305, 3001, 3004, and 3009.

1. The Regulations of the Commissioner of Education is amended by adding a new section 80-5.28 to read as follows:

Section 80-5.28 Transitional J classroom teaching certificate for spouses of individuals on full-time active duty with the Armed Forces whose permanent duty station is in New York State.

(a) Purpose. The purpose of the Transitional J certificate is to authorize a candidate who is a spouse of an individual on full-time active duty with the Armed Forces whose permanent duty station is in New York State to teach for a limited period of time while completing the requirements for certification, including the examination requirement(s).

(b) Limitations. The Transitional J certificate in a specific certificate title shall be valid for one year from its effective date and a candidate cannot receive a time extension pursuant to section 80-1.6 of this Part. The Transitional J certificate may be renewed once for an additional two years, provided that the candidate has submitted evidence of having achieved a satisfactory level of performance on the educating all students test and the content specialty test(s) required for the certificate title, prior to the expiration date of the first issuance of the Transitional J certificate. The Transitional J certificate shall authorize a candidate to teach only in a school district or BOCES for which a commitment of support and employment has been made.

(c) Requirements. To be eligible for the Transitional J certificate, the candidate shall:

(1) be the spouse of an individual on full-time active duty with the Armed Forces whose permanent duty station is in New York State;

(2) hold a baccalaureate or higher degree from a regionally accredited institution or a higher education institution that the commissioner deems substantially equivalent, and achieve a 2.5 cumulative grade point average, or its equivalent, in the program leading to the degree;

(3) meet the requirements of section 80-1.3 of this Part relating to citizenship; section 80-1.4 of this Part relating to study in child abuse identification and reporting, and school violence prevention and intervention; section 80-1.12 of this Part relating to study in the needs of students with autism, where applicable; section 80-1.13 of this Part relating to coursework or training in harassment, bullying and discrimination prevention and intervention; and section 80-1.11 of this Part relating to a criminal history check;

(4) either:

(i) hold a valid certificate or equivalent authorization to practice from another state or territory of the United States or the District of Columbia that is equivalent to an initial or professional certificate in the certificate title sought; or

(ii) have completed a teacher education program registered pursuant to section 52.21 of this Title that leads to an initial or professional certificate in the certificate title sought or a teacher education program at a regionally accredited institution of higher education or a higher education institution that the commissioner deems substantially

equivalent from another state or territory of the United States or the District of Columbia that leads to the equivalent of an initial or professional certificate in the certificate title sought in the jurisdiction where the higher education institution is located; and

(5) submit satisfactory evidence of having a commitment from a school district or BOCES of at least one year of employment for the first Transitional J certificate, and at least two years of employment for the renewal, as a teacher with the school district or BOCES in the area of the certificate sought, which shall include a plan from the school district or BOCES for mentoring, appropriate instructional support as determined by school or BOCES leadership, and at least 20 hours of professional learning targeted toward appropriate pedagogical skills during each year of employment.