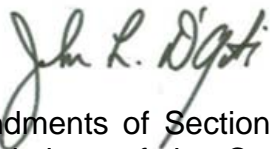

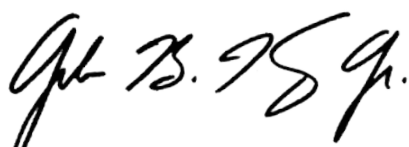


To: The Honorable the Members of the Board of Regents

From: John L. D'Agati 

Subject: Proposed Amendments of Sections 80-1.2, 80-1.6 and 80-2.1 of the Regulations of the Commissioner of Education Relating to the Effective Dates of Certificates and the Issuance of Permanent Classroom Teaching Certificates and School Administrator/Supervisor Certificates to Holders of Expired Provisional Certificates

Date: November 8, 2013

Authorization(s):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend Sections 80-1.2, 80-1.6 and 80-2.1 of the Commissioner's Regulations relating to effective dates and dates of issuance of certificates issued under Part 80 of the Commissioner's Regulations and the issuance of permanent classroom teaching certificates and school administrator/supervisor certificates to holders of expired provisional certificates?

Reason(s) for Consideration

Review of Policy.

Procedural History

A Notice of Proposed Rule Making was published in the State Register on September 11, 2013. Supporting materials are available upon request to the Secretary of the Board of Regents.

Proposed Handling

The proposed amendment is submitted to the Full Board for permanent adoption at the November Regents meeting. A copy of the proposed amendment is attached. A

Notice of Proposed Rule Making was published in the State Register on September 11, 2013. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background

Effective dates

Section 80-1.2(b)(2) of the Commissioner's Regulations currently provides that any certificates granted under Part 80 of the Commissioner's Regulations shall be effective from the first day of either February or September, whichever date occurs first after the certificate is issued. The issuance date is the date that the candidate officially meets all of the requirements for his/her certification.

However, this language has caused confusion in the field because the Office of Teaching Initiatives has a longstanding policy that a certificate holder may begin employment in a public school under that certificate title on the actual date of issuance of the certificate.

In 2006, the Office of Teaching implemented the TEACH online system. All New York State public schools use this system for verification of certification for their staff. This system has made it easier for districts to determine if a candidate has been issued a valid certificate. However, the effective date in this system is still set for September 1 or February 1, depending on when the certificate was issued. Because the system reflects a February or September effective date, some districts will not appoint staff until September 1 or February 1, even though the individual holds a valid certificate.

Example

Someone who satisfied the requirements for a teaching certificate on September 3, 2012 would be granted a certificate with an effective date of February 1, 2013. Technically, however, once an individual has met all the requirements and the certificate is issued, he/she is qualified to work in a New York State public school. In the example above, technically the individual is qualified to teach in a New York State public school on September 3, 2012 even though the effective date on the face of the certificate would be February 1, 2013. Some school districts, however, will not allow this person to be appointed until February because our regulation and the TEACH system are not clear that the candidate can be employed on the date the certificate is issued. The proposed amendment would clarify that certificate holders are eligible for appointment on the date their certificate is issued. However, to assist school districts in tracking employed certificate holders with expired certificates, the proposed amendment retains the February and September dates for purposes of expiration dates and for calculating extensions to the time validity of certificates (i.e., reissuances, renewals, etc.).

Issuance of Permanent Classroom Teaching and School Administrator/Supervisor Certificates to holders of Expired Provisional Classroom Teaching and School Administrator/Supervisor certificates

In 2000, the Board of Regents promulgated new regulations for the issuance of Initial and Professional classroom teaching certificates effective February 2, 2004. The changes in regulation allowed for the continued issuance of the permanent classroom teaching and school administrator/supervisor (SAS) certificates to holders of expired classroom teaching and school administrator/supervisor certificates as long as the person met the certificate requirements for a permanent and/or SAS certificate during the life of their provisional certificate. We are proposing to end the issuance of the permanent certificate based on an expired provisional certificate for the classroom teaching and school administrator/supervisor certificates as of October 1, 2014.

Currently a person who was issued a provisional teaching certificate and completed the requirements for the permanent certificate during the life of the provisional, even though the provisional certificate has expired, can still apply and be issued a permanent certificate.

Example:

A teacher was issued a provisional special education certificate effective September 1, 1992. The provisional certificate was valid for five years so the teacher would have had to meet the requirements for the permanent by August 31, 1997. This teacher never applied for the permanent certificate until April 2013. This person may not have pursued teaching as a career and now wants to get back into teaching or may have been teaching somewhere other than a New York public school.

Currently, if this candidate met the requirements for a permanent certificate prior to the expiration of the provisional certificate (Master's degree and 2 years teaching experience), even though the provisional certificate has expired, the candidate could still apply and be issued a permanent certificate. The proposed amendment ends the issuance of the permanent certificate based on an expired provisional certificate for classroom teaching and school administrator/supervisor certificates as of October 1, 2014.

If the Board ends the issuance of these certificates, this person would not be eligible for the permanent certificate but would have to meet the requirements for the initial or professional certificate, which were added in 2004. The requirements for an initial or professional certificate are more rigorous than the requirements for the provisional/permanent certificates. The Initial classroom teaching certificate requires all teachers to show competency in the following areas: Artistic Expression, Communication, Information Retrieval, Humanities, Language other than English (including American Sign Language), Written Analysis and Expression, Concepts in Historical and Social Sciences, Scientific Processes, Mathematical Processes and the pedagogical requirement went from 12 semester hours to 18 semester hours. A minimum of a 2.5 grade average is required for the bachelor's degree. The experience requirement was increased from two years to three years and there is also a mentoring requirement.

However, the Department believes that, with the implementation of the Regents Reform Agenda (APPR and Common Core), these teachers and building level administrators should be required to have the skills and abilities required of the new teachers and building level administrators under the current regulations.

Following the 45-day public comment period required under the State Administrative Procedure Act, the Department received no comments on the proposed amendment.

Recommendation

VOTED: That subdivision (b) of section 80-1.2; section 80-1.6 and subparagraphs (i) and (ii) of paragraph (2) of subdivision (a) of section 80-2.1 of the Regulations of the Commissioner of Education be amended, as submitted, effective December 4, 2013.

Timetable for Implementation

If adopted at the November Regents meeting, the proposed amendment will become effective on December 4, 2013.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 305, 3001, 3006, 3009.

1. Subdivision (b) of section 80-1.2 of the Regulations of the Commissioner of Education is amended, effective December 4, 2013, to read as follows:

(b) Certificates, dates of issuance.

(1) . . .

(2) [Certificates] For purposes of reissuances, renewals and other extensions of time validity provided in this Part, expiration dates for certificates issued pursuant to the provisions of this Part shall [date from] be calculated from either the first day of [either] February or September in the year of issuance, whichever date occurs first after the certificate is issued. However, all certificate holders shall be authorized to be employed in the public schools of this State in the area of his or her certificate title, on the date such certificate is issued.

(3) . . .

(4) [The] Except as otherwise provided in paragraph (6) of this subdivision, the commissioner shall issue initial and professional teachers' certificates valid for the classroom teaching service beginning with an effective date of September 1, 2004, except that the commissioner may continue to issue provisional and permanent teachers' certificates valid for classroom teaching service as specifically prescribed in this Part.

[(5) The commissioner shall not issue temporary licenses for employment as teaching assistants with an effective date that begins after February 1, 2004.

6] (5) The commissioner shall issue level I teaching assistant certificates, level II teaching assistant certificates, and level III teaching assistant certificates, and pre-

professional teaching assistant certificates beginning with an effective date of September 1, 2004.

(6) The commissioner shall not issue permanent certificates in the classroom teaching service or in the school administrator and supervisor title to candidates with an expired provisional certificate in the classroom teaching service or school administrator and supervisor title to candidates applying for a permanent certificate on or after October 1, 2014.

2. Section 80-1.6 of the Regulations of the Commissioner of Education is amended, effective December 4, 2013, to read as follows:

Section 80-1.6 Extensions of time validity of certificates.

(a) Subject to the limitation provided in subdivision (e) of this section and excluding expired certificates in the classroom teaching service or expired provisional certificate in the title of school administrator and supervisor, the time validity of an expired provisional, initial or transitional certificate may be extended for a period not to exceed two years from the expiration date of such certificate, except as provided in subdivisions (b), (c) and (d) of this section, upon application by the holder of a teaching certificate:

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) . . .

(b) The time validity of expired certificates prescribed in this section, including an expired provisional certificate in the classroom teaching service or an expired provisional certificate in the title of school administrator and supervisor, held by

individuals on active duty with the Armed Forces may be extended by the commissioner, upon application by the holder of such certificate, for the time of such active service and an additional 12 months from the end of such service.

(c) The commissioner may extend the time validity of an expired provisional, excluding an expired provisional certificate in the classroom teaching service or an expired provisional certificate in the title of school administrator and supervisor, initial or transitional certificate beyond the two-year extension provided for in subdivision (a) of this section, for a period not to exceed one additional year, if in the six-months preceding the end of the two-year extension, the candidate is faced with extreme hardship or other circumstances beyond the control of the individual and is unable to complete the requirements for the [permanent or] professional certificate in a timely manner.

(d) The commissioner may extend the time validity of an expired provisional, including an expired provisional certificate in the classroom teaching service or an expired provisional certificate in the title of school administrator and supervisor, or initial certificate beyond the extensions provided for in subdivisions (a) and (c) of this section, in increments of one additional year for a candidate who has applied for citizenship or permanent residency, and whose application for citizenship or permanent residency has not been acted upon by the U.S. Citizenship and Immigration Services (USCIS) until the USCIS acts upon such application. Such candidates must provide documentation satisfactory to the department that they meet these requirements, and that they have completed all academic, testing and experience requirements for permanent or professional certification.

(e) . . .

3. Subparagraphs (i) and (ii) of paragraph (2) of subdivision (a) of section 80-2.1 of the Regulations of the Commissioner of Education is amended, effective December 4, 2013, to read as follows:

(i) Candidates with an expired provisional certificate in the classroom teaching service who apply for permanent teachers' certificates in the classroom teaching service prior to October 1, 2014 shall be subject to the requirements of this Subpart, provided that they have been issued a provisional teacher's certificate in the title for which the permanent certificate is sought and have met all requirements for the permanent certificate on or before February 1, 2004 or while under a provisional certificate that was in effect after that date. All other candidates who apply for permanent teachers' certificates in the classroom teaching service shall be subject to the requirements of this Subpart, provided that they have been issued a provisional teacher's certificate in the title for which the permanent certificate is sought, the provisional certificate is not expired, and the candidate has met all requirements for the permanent certificate on or before February 1, 2004 or while under a provisional certificate that was in effect after that date. Candidates with an expired provisional certificate in the classroom teaching service who apply for permanent teachers' certificates in the classroom teaching service on or after October 1, 2014 or who do not meet these conditions shall be subject to the requirements of Subpart 80-3 of this Part, unless otherwise specifically prescribed in this Part.

(ii) Candidates with an expired provisional certificate in the title school administrator and supervisor who apply for permanent certificates in the title school administrator and supervisor prior to October 1, 2014 shall be subject to the requirements of this Subpart, provided that they have been issued a provisional certificate in this title and either have met all requirements for the permanent certificate on or before September 1, 2007 or while under a provisional certificate that was in effect after that date. All other candidates who apply for permanent

certificates in the title school administrator and supervisor shall be subject to the requirements of this Subpart, provided that they have been issued a provisional certificate in this title, the provisional certificate is not expired, and either the candidate has met all requirements for the permanent certificate on or before September 1, 2007 or while under a provisional certificate that was in effect after that date. Candidates with expired provisional certificates who apply for permanent certificates in the title school administrator and supervisor on or after October 1, 2014 or who do not meet these conditions shall be subject to the requirements of Subpart 80-3 of this Part, unless otherwise specifically prescribed in this Part.