



To: The Honorable the Members of the Board of Regents

From: John L. D'Agati *John L. D'Agati*

Subject: Proposed Amendments to Section 80-1.1(b)(47) of the Regulations of the Commissioner of Education Relating to the Definition of Part-Time Experience for Permanent or Professional Certification

Date: January 6, 2014

Authorization(s): *Richard A. Trentacosta* *John B. King Jr.*

### SUMMARY

#### Issue for Decision (Consent Agenda)

Should the Board of Regents amend Section 80-1.1(b)(47) of the Commissioner's Regulations Relating to the Definition of Part-Time Experience for Permanent or Professional Certification?

#### Reason(s) for Consideration

Review of Policy.

#### Proposed Handling

The proposed amendment is submitted to the Full Board for permanent adoption at its January Regents meeting. A copy of the proposed amendment is attached. A Notice of Proposed Rule Making was published in the State Register on November 6, 2013. Supporting materials are available upon request to the Secretary of the Board of Regents.

## Background

### Definition of a year of experience for permanent or professional certification

Section 80-1.1(b)(47) of the Commissioner's Regulations currently defines a year of experience for permanent or professional certification as:

- (i) a minimum of 180 days of full-time continuous school experience in the subject or area of certification completed within a 12-month period; or
- (ii) a minimum of 180 days of full-time continuous school experience in the subject or area of certification completed in periods of no less than 90 days each within a 12-month period; or
- (iii) a minimum of 360 days of part-time continuous school experience consisting of an average of 2.5 days per week in the subject or area of certification and completed in periods of no less than 90 days each within a 12-year period.

Due to budget constraints and reductions in force, the number of teaching positions in many school districts has declined. As a result, it has become increasingly difficult for newly certified teachers to meet the experience requirements for permanent or professional certification.

Teachers are submitting substitute experience to meet the experience requirements for permanent or professional certification. However, many times the part-time substitute experience does not average 2.5 days per week in the subject or the area of certification. This is preventing some teachers from meeting the experience requirement for professional certification. We are proposing to add an option for teachers to obtain their required experience for the permanent certificate.

### An example

A teacher holds a Math 7-12 certificate. This teacher cannot find full-time employment in the local school district. The teacher decides to become a substitute teacher, hoping to find a full-time position. This teacher cannot find any position that is 2.5 days per week in the years that he/she is substituting. The substitute teaching is a day here and there in multiple schools. The teacher does have the equivalent of 3 years of experience within the 12-year period, however has not been able to have periods of at least 90 days or 2.5 days per week.

### Proposed Amendment

In consultation with the Professional Standards and Practices Board, the Department recommends that the definition of part-time experience be expanded to include the following experience:

A minimum of 360 days of part-time school experience, which shall include at least 45 days of part-time continuous school experience in the

subject area of the certificate sought, consisting of at least one class period each day with a consistent group of students during such time period.

The experience must include the breadth of activities that a full-time teacher assigned to the class would have following the teaching standards appropriate to the part-time position. This change would allow candidates serving as substitute teachers who are applying for a permanent or professional certificate to have an alternative option to meet the part-time continuous service, while at the same time requiring candidates to have the skills and abilities required of new teachers.

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

### Recommendation

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

VOTED: That paragraph (47) of subdivision (b) of section 80-1.1 of the Regulations of the Commissioner of Education be amended, effective January 29, 2014, as submitted.

### Timetable for Implementation

If adopted at the January meeting, the proposed amendment will become effective on January 29, 2014.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Paragraph (47) of subdivision (b) of section 80-1.1 of the Regulations of the Commissioner of Education is amended, effective January 29, 2014, to read as follows:

(47) Year of experience for permanent or professional certification means the following:

(i) . . .

(ii) a minimum of 180 days of full-time, continuous school experience in the subject or area of certification completed in periods of no less than 90 days each within a 12-month period; [or]

(iii) a minimum of 360 days of part-time continuous school experience consisting of an average of 2.5 days per work in the subject or area of certification and completed in periods of no less than 90 days each within a 12-year period; or

(iv) a minimum of 360 days of part-time school experience, which shall include at least 45 days of part-time continuous school experience within a 12-year period in the subject area of the certificate sought, consisting of at least of one class period each day with a consistent group of students during such time period.