



**TO:** Higher Education Committee

**FROM:** William P. Murphy *William Murphy*

**SUBJECT:** Proposed Amendment to Section 80-1.8 of the Regulations of the Commissioner of Education Relating to the Requirements for the Reissuance of an Initial Certificate

**DATE:** December 2, 2021

**AUTHORIZATION(S):** *Don McGreevey* *Betsy Clark*

**SUMMARY**

**Issue for Discussion**

Should the Board of Regents adopt the proposed amendment to section 80-1.8 of the Regulations of the Commissioner of Education relating to the requirements for the reissuance of an Initial certificate?

**Reason(s) for Consideration**

Review of policy.

**Proposed Handling**

The proposed amendment is submitted to the Higher Education Committee for discussion at its December 2021 meeting. A copy of the proposed amendment is attached (Attachment A).

**Procedural History**

A Notice of Proposed Rule Making will be published in the State Register on December 29, 2021 for a 60-day public comment period. Supporting materials are available upon request from the Secretary to the Board of Regents.

**Background Information**

An Initial certificate is issued as an entry-level certificate for classroom teachers and school building leaders and is valid for five years. Holders of Initial certificates are expected to progress to a Professional certificate within the five-year Initial certification

period by completing all of the requirements for Professional certification. One of these requirements is the completion of three years of experience (or its equivalent) within this five-year time frame. Some candidates, however, are unable to complete this requirement.

To provide candidates who have not been able to complete at least three years of acceptable experience (or its equivalent) for the Professional certificate the opportunity to complete the requirements for Professional certification, section 80-1.8(a) of the Commissioner's Regulations currently provides that such candidates may have their Initial certificate reissued for a period of five years if they meet the following two requirements for the reissuance of an Initial certificate:

- Pass the content specialty test(s) in the area(s) required for the certificate sought within one year before or after the application date for the Initial Reissuance.
- Complete 50 clock hours of acceptable continuing teacher and leader education (CTLE), professional learning, and/or a combination of both within one year before or after the application date for the Initial Reissuance.

The requirement of 50 clock hours of CTLE and/or professional learning has proved to be an impediment to obtaining the reissuance of the Initial certificate in two respects. First, completion of CTLE for candidates who hold a valid or expired Initial certificate is not required by section 3006-a of the Education Law. Second, candidates with an expired Initial certificate do not have access to the same CTLE and professional learning opportunities as educators who hold Professional certificates and are currently employed by school districts or Boards of Cooperative Educational Services (BOCES). Districts and BOCES provide opportunities for educators to complete professional learning, including CTLE, as part of their professional learning plans. Thus, candidates with an expired Initial certificate may need to seek other ways to complete CTLE or professional learning for the reissuance of their Initial certificate.

The Department is therefore proposing to remove the requirement that these candidates complete 50 clock hours of CTLE and/or professional learning to obtain a reissuance of their Initial certificate. These candidates would still be required to demonstrate current content knowledge by passing the content specialty test(s) in the area(s) required for the certificate sought within one year of applying for reissuance.

In addition, the Department is proposing to add the school counselor assessment to the list of acceptable assessments that candidates must pass and take within one year before or after the application for the Initial reissuance. This assessment needs to be added because it will be required for Initial and Professional School Counselor certificates that will begin to be issued on February 2, 2023, and candidates who receive these certificates would take this assessment for the reissuance of their Initial certificate.

## **Related Regents Items**

December 2019: [Proposed Amendments to Sections 52.21, 57-2, 75.8, 80-1, 80-2, 80-3, 80-5, 80-6, 90.18, 100.2, 100.13, 100.15, 100.17, 100.19, 151-1, 154-2, and 200.2 of the Regulations of the Commissioner of Education and 30-1, 30-2, and 30-3 of the Rules of the Board of Regents Relating to Professional Development Plans and Other Related Requirements for School Districts and BOCES](https://www.regents.nysed.gov/common/regents/files/1219brca3.pdf)

(<https://www.regents.nysed.gov/common/regents/files/1219brca3.pdf>)

July 2019: [Proposed Amendments to Sections 52.21, 80-2.1, 80-3.1, 80-3.11, 80-3.12 and 80-5.23 and the Titles of Subparts 80- 2 and 80-3 of the Commissioner's Regulations Relating to School Counseling Program Registration, School Counselor Certification Requirements, and a One-Year Time Extension for Institutions of Higher Education to Meet the New Program Registration Requirements](http://www.regents.nysed.gov/common/regents/files/719brca1.pdf)

(<http://www.regents.nysed.gov/common/regents/files/719brca1.pdf>)

May 2017: [Proposed Amendment of Sections 52.21, 100.2\(j\) and Part 80 of the Commissioner's Regulations Relating to School Counseling, Certification Requirements for School Counselors and Program Registration Requirements for School Counseling Preparation Programs](https://www.regents.nysed.gov/common/regents/files/517brca14.pdf)

(<https://www.regents.nysed.gov/common/regents/files/517brca14.pdf>)

April 2017: [Proposed Amendment of Sections 80-1.8 and 80-5.18 of the Commissioner's Regulations Related to the Requirements for the Reissuance of an Expired Initial Certificate and Requirements for a Supplementary Certificate](https://www.regents.nysed.gov/common/regents/files/417brca1_0.pdf)

([https://www.regents.nysed.gov/common/regents/files/417brca1\\_0.pdf](https://www.regents.nysed.gov/common/regents/files/417brca1_0.pdf))

January 2013: [Proposed Amendments to the Regulations of the Commissioner of Education Relating to Renewals of Provisional Certificates and Reissuances of Initial Certificates](https://www.regents.nysed.gov/common/regents/files/113hea2%5B1%5D.pdf)

(<https://www.regents.nysed.gov/common/regents/files/113hea2%5B1%5D.pdf>)

## **Recommendation**

Not applicable.

## **Timetable for Implementation**

Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its April 2022 meeting. If adopted at the April meeting, the proposed amendment will become effective on April 27, 2022.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 14, 101, 207, 208, 305, 308, 3001, 3004 and 3009 of the Education Law.

1. Subdivision (a) of section 80-1.8 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) The holder of an initial certificate whose certificate has expired and who has not successfully completed three school years of [teaching] experience, or its equivalent, as is required for a professional certificate, shall be reissued an initial certificate on one occasion only, for a period of five years from the date of reissuance.

(1) Candidates applying for a reissuance shall [meet the requirements in the following paragraphs:

(i) The candidate shall have successfully completed 50 clock hours of acceptable continuing teacher and leader education (CTLE), professional learning (PL), and/or a combination thereof. Such PL and/or CTLE shall be completed within one year prior to the department's receipt of a completed application or within one year after the department's receipt of such completed application for the reissuance of the initial certificate. The definition of acceptable PL and the measurement of PL study shall be that defined in section 100.2(dd) of this Title and the definition of acceptable CTLE and the measurement of CTLE shall be that prescribed in Subpart 80-6 of this Part.

(ii) The candidate shall] submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination content specialty test(s) in the area required for the certificate sought[ or, where applicable], the

New York State assessment [for school building leadership ]required for a certificate as a school building leader, or the New York State assessment required for a certificate as a school counselor, which shall be taken within one year prior to the department's receipt of a completed application or within one year after the department's receipt of such completed application for the reissuance of the initial certificate.