



TO: The Honorable Members of the Board of Regents

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

SUBJECT: Proposed Amendment of Sections 80-3.7 and 80-5.22 of the Regulations of the Commissioner of Education Relating to the Degree and Experience Requirements for College Professors for the Transitional G Certificate and Through the Individual Evaluation Pathway to Certification

DATE: December 29, 2022

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

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment of sections 80-3.7 and 80-5.22 of the Regulations of the Commissioner of Education relating to the degree and experience requirements for college professors for the Transitional G certificate and through the individual evaluation pathway to certification?

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 January 2023 meeting. A copy of the proposed amendment is attached (Attachment A).

Procedural History

The proposed amendment was presented to the Higher Education Committee for discussion at its September 2022 meeting. A Notice of Proposed Rule Making was published in the State Register on September 28, 2022, for a 60-day public comment period. Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received four comments on the proposed amendment. An Assessment of Public Comment is included (Attachment B).

No changes to the proposed amendment are recommended at this time. A Notice of Adoption will be published in the State Register on January 25, 2023. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

The Transitional G certificate is one option for current and former college professors to obtain certification and teach in New York State public schools. The requirements for this two-year certificate include (8 NYCRR 80-5.22(a)(2)):

- **Education**
Holding a graduate degree in the area of the certificate title sought, from an institution of higher education.¹
- **Experience**
Having at least two years of satisfactory teaching experience at the postsecondary level in the certificate area to be taught or in a closely related subject area acceptable to the Department, provided that such experience must have been completed within 10 years immediately preceding the application for the certificate.
- **Employment**
Having a commitment from a school district for at least two years of employment as a teacher in the area of the certificate sought.

College professors can also become eligible for the five-year Initial certificate through the individual evaluation pathway to certification by either: (1) gaining two years of satisfactory teaching experience while holding the Transitional G certificate; or (2) completing at least six credits of undergraduate pedagogical coursework or four credits of graduate coursework in specified areas, such as the methods of teaching (8 NYCRR 80-3.7(a)(3)(xiii)). They are also subject to the experience requirement described above. However, regarding the education requirement, college professors' graduate degree can be either in the area of a certificate title sought or in a closely related subject area acceptable to the Department, from an acceptable institution of higher education.

Proposed Amendments

College professors can be excellent candidates to fill open teaching positions in a variety of subject areas during this time of teacher shortages. Therefore, the Department proposes to expand the P-12 teaching pool through the following three flexibilities:

¹ The institution of higher education must be "accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education, a higher education institution that the commissioner deems substantially equivalent, or from an institution authorized by the Board of Regents to confer degrees" (8 NYCRR 80-5.22(a)(2)(i)).

- Removing the requirement that college professors' relevant experience be completed within 10 years immediately preceding the certificate application date in order to obtain a Transitional G certificate or Initial certificate.
- Allowing college professors to meet the education requirement if they have a baccalaureate degree in the area of a certificate title (or in a closely related subject area acceptable to the Department), so long as they possess a graduate degree in another area.
- Allowing, for the Transitional G certificate education requirement, consideration of a graduate degree in a closely related subject area acceptable to the Department. This is consistent with the education requirement for college professors through the individual evaluation pathway to certification.

The proposal also includes a technical revision, repealing a provision in section 80-3.7 of the Commissioner's regulations that applied to college professors who met certain education and experience requirements and applied for a certificate in grades 7-12 on or after February 2, 2011, and prior to February 2, 2019, in earth science, biology, chemistry, physics, mathematics or a closely related field. The provision is defunct; all those who would have qualified are eligible to apply for certification under the current requirements.

Related Regents Items

September 2022: [Proposed Amendment of Sections 80-3.7 and 80-5.22 of the Regulations of the Commissioner of Education Relating to the Degree and Experience Requirements for College Professors for the Transitional G Certificate and Through the Individual Evaluation Pathway to Certification](https://www.regents.nysed.gov/common/regents/files/922hed1.pdf)
(<https://www.regents.nysed.gov/common/regents/files/922hed1.pdf>)

January 2019: [Proposed Amendments to Section 80-3.7 of the Regulations of the Commissioner of Education Relating to the Initial Certificate Requirements for Individuals Who Have a Graduate Degree and Two Years of Postsecondary Teaching Experience in the Area of the Certificate Sought or a Closely Related Area](https://www.regents.nysed.gov/common/regents/files/119brca7.pdf)
(<https://www.regents.nysed.gov/common/regents/files/119brca7.pdf>)

March 2018: [Proposed Amendments to §52.21 and 80-5.22 of the Regulations of the Commissioner of Education Relating to the Transitional G and Pre-Professional Certificates](https://www.regents.nysed.gov/common/regents/files/318hea1.pdf)
(<https://www.regents.nysed.gov/common/regents/files/318hea1.pdf>)

Recommendation

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

VOTED: That sections 80-3.7 and 80-5.22 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 25, 2023.

Timetable for Implementation

If adopted at the January 2023 meeting, the proposed amendment will become effective on January 25, 2023.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Clause (c) of subparagraph (ii) of paragraph (3) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is REPEALED.

2. Subparagraph (xiii) of paragraph (3) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(xiii) For candidates with a baccalaureate degree and/or a graduate degree and two years of post-secondary teaching experience in the certificate area to be taught or in a closely related subject area acceptable to the department [, who apply for a certificate on or after February 2, 2019], the candidate shall not be required to meet the general requirements in subparagraph (2)(iii) or (2)(iv) of this subdivision. However[.] , the candidate shall meet the following requirements:

(a) Degree completion. The candidate shall possess a graduate degree in the area of a certificate title sought or in a closely related subject area acceptable to the department, or a baccalaureate degree in the area of a certificate title or in a closely related subject area acceptable to the department and a graduate degree in another area, from an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education, a higher education institution that the commissioner deems substantially equivalent, or from an institution authorized by the Board of Regents to confer degrees and whose programs are registered by the department. The candidate shall have

completed a [graduate] major in the subject of the certificate sought, or in a related field approved by the department for this purpose.

(b) Post-secondary teaching experience. The candidate must show evidence of at least two years of satisfactory teaching experience at the post-secondary level in the certificate area to be taught or in a closely related subject area acceptable to the department [: provided, however, that such experience must have been completed within 10 years immediately preceding the application for an initial certificate unless the candidate holds/held a Transitional G certificate].

(c) ...

(1) ...

(2) ...

3. Section 80-5.22 of the Regulations of the Commissioner of Education is amended to read as follows:

80-5.22 Transitional G certificate for career changers and others holding a [graduate or higher degree] baccalaureate and/or graduate degree in [any area for which there is] the area of a certificate title and with at least two years of acceptable post-secondary teaching experience [in any area for which there is a certificate title or in a closely related subject area acceptable to the department].

4. Paragraph (2) of subdivision (a) of section 80-5.22 of the Regulations of the Commissioner of Education is amended to read as follows:

(2) Limitations. The transitional G certificate shall authorize a candidate to teach only in a school district for which a commitment for employment has been made. The candidate shall meet the requirements in each of the following paragraphs:

(i) Education. A candidate shall hold a graduate degree in the area of a certificate title or in a closely related subject area acceptable to the department, or a baccalaureate degree in the area of a certificate title or in a closely related subject area acceptable to the department and a graduate degree in another area or in a closely related subject area acceptable to the department, from an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education, a higher education institution that the commissioner deems substantially equivalent, or from an institution authorized by the Board of Regents to confer degrees. A candidate shall complete study in the means for identifying and reporting suspected child abuse and maltreatment, which shall include at least two clock hours of coursework or training in the identification and reporting of suspected child abuse or maltreatment in accordance with the requirements of section 3004 of the Education Law. In addition, the candidate shall complete at least two clock hours of coursework or training in school violence prevention and intervention, as required by section 3004 of the Education Law, which is provided by a provider approved or deemed approved by the department pursuant to Subpart 57-2 of this Title. A candidate who applies for the certificate on or after December 31, 2013, shall also complete at least six clock hours, of which at least three hours must be conducted through face-to-face instruction, of coursework or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 of the Education Law.

(ii) Post-secondary teaching experience. The candidate shall submit evidence of at least two years of satisfactory teaching experience at the post-secondary level in the

certificate area to be taught or in a closely related subject area acceptable to the department [; provided, however, that such experience must have been completed within 10 years immediately preceding the application for a transitional G certificate].

(iii) ...

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on September 28, 2022, the State Education Department (Department) received the following comment on the proposed amendment:

1. COMMENT: The commenter is supportive of the proposed rule and indicates that they, and many other college professors who are potentially interested in teaching in public schools, may not have taken the college coursework currently required for Initial teacher certification.

DEPARTMENT RESPONSE: The comment is supportive of the proposed rule; therefore, no changes are necessary.

2. COMMENT: The commenter is supportive of the proposed rule and states that there are many college faculty whose work would make them valued candidates to work in K-12 settings. They express that removing unnecessary barriers to certification, where there is clear evidence of competency, would support schools. The commenter also requests confirmation that the proposed rule is relevant to “English as a New Language.”

DEPARTMENT RESPONSE: The Transitional G certificate is available in the same areas as Initial certificates, including English to Speakers of Other Languages (ESOL). The comment is supportive of the proposed rule; therefore, no changes are necessary.

3. COMMENT: The commenter is supportive of the proposed rule and believes that it would be advantageous to codify who is eligible for the Transitional G certificate.

The commenter notes that current policy for the Transitional G certificate requires “professorial” level teaching experience at the full, assistant, associate, and/or adjunct level. However, as more college-level teaching is done at the non-tenure adjunct “instructor” level, and since no tenure-track professor is likely to leave their college position to teach in a public school, the commenter believes that almost any position verified by a college as anything other than a teaching assistant or graduate assistant should constitute acceptable post-secondary experience. The commenter also suggests that any changes to the Transitional G certificate should include identical changes in section 80-3.7(b)(4) of the Commissioner’s regulations, which describe Option C for career and technical education certification.

DEPARTMENT RESPONSE: First, with respect to Option C for career and technical education certification, candidates must hold an associate’s degree or its equivalent in the career and technical field in which a certificate is sought and have at least two years of satisfactory teaching experience, excluding experience as a teaching assistant, at the post-secondary level in the certificate area to be taught or in a closely related subject area acceptable to the Department (8 NYCRR 80-3.7(b)(4)).

The proposed regulatory amendments to the Transitional G certificate education and experience requirements do not apply to the Option C education and experience requirements for career and technical education certificates. Specifically, Option C does not require post-secondary teaching experience to be completed within 10 years immediately preceding the certificate application date. Additionally, it is appropriate that an associate’s degree or its equivalent for Option C would be in the career and technical field in which a certificate is sought, not in a closely related subject area acceptable to

the Department as proposed for the Transitional G certificate because career and technical education certificates pertain to narrowly defined fields. Finally, adding a bachelor's degree to the Option C education requirement would not be appropriate; other options for career and technical education certification require a bachelor's degree or higher.

With respect to the remainder of the comment, the Department will revise the policy related to the post-secondary teaching experience requirement for the Transitional G certificate, individual evaluation pathway for the Initial certificate, and Option C for career and technical education certificates such that it no longer refers specifically to college professors. The updated policy will indicate that candidates must teach for two years as a paid employee at an institution of higher education and be the official instructor of record for the courses. Experience as a teaching assistant or graduate assistant, however, was and remains unacceptable.

The Department addressed the commenters' suggestions and concerns; therefore, no changes are necessary.

4. The commenter indicates that the proposal to remove the 10-year window for acceptable post-secondary teaching experience and reduce the subject matter requirement to allow for a bachelor's degree is problematic because the Department did not provide data to support the proposed changes, such as evidence that a pool of potential college professors exists, the number of Transitional G certificates issued since its creation, the number of Transitional G certificate holders who are still teaching, and the number of Transitional G certificate applicants whose applications were disapproved due to the 10-year limitation on experience immediately preceding the

certificate application date. The commenter noted that it is not possible to gauge the potential effectiveness of these proposals without data.

The commenter also states that the proposed rule would create an inequitable process for applicants with post-secondary teaching experience compared with applicants with P-12 school teaching experience. The commenter outlines that Transitional G certificate applicants from colleges would be required to have teaching experience of at least one course per semester for two years, from any time in their careers, in a subject area that can be considered acceptable if they have a bachelor's degree in the area and any master's degree, whereas Initial certificate applicants who are teachers from other states are required to demonstrate three years of effective, full-time teaching in the subject area within the past seven years or complete a comparable teacher education program. The commenter feels that the Transitional G certificate requirements are based on assumptions and subjective valuations of teaching experience.

The commenter recommends that the Department provide the Board of Regents and public with the data described above prior to the Board voting on the proposal. They also recommend that if the Board approves these changes, there be a sunset provision added because the changes are intended to address the current teacher shortage and not to be in place forever. Lastly, they recommend that the Department review the requirements for applicants in lieu of these changes and address the resulting inequity of the requirements for the two groups discussed above.

DEPARTMENT RESPONSE: The Transitional G certificate was established on February 15, 2011. With respect to the commenter's questions concerning data, 103

Transitional G certificates have been issued to 101 individuals as of November 29, 2022, which was the day after the end of the public comment period. Fifty-one individuals hold a valid Transitional G certificate and 36 of them are teaching (71%), while 50 individuals hold an expired Transitional G certificate and 34 of them are teaching (68%), illustrating that those who held a Transitional G certificate are staying in the field.

The Transitional G certificate requirement of completing post-secondary teaching experience within 10 years of the application date became effective on March 28, 2018. Forty-one individuals who submitted one or more applications on or after this date had one or two applications disapproved. Of those applications, only one was disapproved due to the individual not completing their post-secondary teaching experience within 10 years immediately preceding the certificate application date (among other reasons). This finding demonstrates that the applicants consistently submitted applications according to the certificate requirements, but does not provide information on whether the applicant pool would have been larger if the 10-year limitation on experience was not a requirement. The remainder of the applications either did meet the post-secondary teaching experience requirement, did not include documentation from an institution of higher education (IHE) verifying teaching experience, or included IHE documentation that was not clear or showed teaching experience that was not acceptable for reasons other than the 10-year limitation on experience.

The Department believes that college professors can be excellent candidates to fill open teaching positions in a variety of subject areas at any time, including during this

time of teacher shortages. Therefore, a sunset provision will not be added to the proposed rule.

The Department will review the requirements for the Initial certificate pathways for teachers from other states and determine if any modifications to the requirements are needed given this proposal. No changes to the proposed rule are necessary.