



**TO:** Higher Education Committee  
P-12 Education Committee

**FROM:** James N. Baldwin *James N. Baldwin*

**SUBJECT:** Proposed Amendment of Section 30-1.8 of the Rules of the Board of Regents and Sections 52.21, 80-1.2, 80-3.2, and 80-3.7 of the Regulations of the Commissioner of Education Relating to Establishing the Literacy (All Grades) Certificate

**DATE:** February 3, 2022

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## SUMMARY

### Issue for Discussion

Should the Board of Regents adopt the proposed amendment of section 30-1.8 of the Rules of the Board of Regents and sections 52.21, 80-1.2, 80-3.2, and 80-3.7 of the Regulations of the Commissioner of Education relating to establishing the Literacy (All Grades) certificate?

### Reason(s) for Consideration

Review of policy.

### Proposed Handling

The proposed amendment will come before a joint meeting of the P-12 Education and Higher Education Committees for discussion at its February 2022 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 March 2, 2022 for a 60-day public comment period. Supporting materials are available upon request from the Secretary to the Board of Regents.

## **Background Information**

The Department collects data on statewide teacher shortage areas and reports the shortage areas annually to the [U.S. Department of Education](#). Literacy is one of the persistent statewide shortage areas. The two teacher certificates in literacy are Literacy (Birth-Grade 6) and Literacy (Grades 5-12).

To address the shortage of certified literacy teachers, the Department is proposing regulatory amendments to establish the Literacy (All Grades) certificate. This certificate would allow literacy teachers to teach the full range of grade levels and give school districts more flexibility in placing teachers in the grade levels with the highest staffing needs.

## **Proposed Amendments**

### Registered Literacy Programs:

The Department proposes to amend section 52.21 of the Commissioner's regulations to create registration requirements for programs leading to the Initial and/or Professional Literacy (All Grades) certificates. The Department would no longer register programs leading to the current Literacy (Birth-Grade 6) or Literacy (Grades 5-12) certificates on or after September 1, 2022 and would begin registering programs leading to the proposed Literacy (All Grades) certificate on the effective date of the proposed amendment.

For institutions that currently have registered literacy programs, the programs would no longer be registered with the Department on or after September 1, 2026. The deadline of September 1, 2026 provides a sufficient transition period for institutions to register programs leading to the new proposed Literacy (All Grades) certificate and allows candidates to complete their current literacy programs.

The pedagogical core coursework requirements for registered programs leading to the proposed Literacy (All Grades) certificate are the same as the pedagogical core coursework requirements for the current Literacy (Birth-Grade 6) or Literacy (Grades 5-12), other than the developmental level of the pedagogical core. Registered programs leading to the Literacy (All Grades) certificate would include college-supervised practica that span the grade levels, with at least 50 clock hours in teaching literacy to students at the early childhood or childhood level and at least 50 clock hours in teaching literacy to students at the adolescent level.

### Certification:

The proposed amendment to section 80-1.2 of the Commissioner's regulations provides that the Department will not issue certificates in the Literacy (Birth-Grade 6) and Literacy (Grades 5-12) certificate titles, other than the Professional certificate and reissuance of an Initial certificate, with an effective date that begins after September 1, 2027.

In addition, the Department may extend the effective date of such certificates, as applicable, after September 1, 2027, pursuant to the time extension requirements for certificates in section 80-1.6 of the Commissioner's regulations. The *Professional* certificate and reissuance of an *Initial* certificate in these certificate titles will continue to be issued, holding harmless candidates who have a valid or expired Initial Literacy (Birth-Grade 6) and/or Literacy (Grades 5-12) certificate.

The proposed amendment to section 80-3.2 of the Commissioner's regulations adds a Literacy (All Grades) certificate to the list of certificate titles in the classroom teaching service, allowing candidates to be issued such certificate on the effective date of the proposed rule.

Additionally, the Department proposes to amend section 80-3.7 of the Commissioner's regulations to allow candidates to apply for a Literacy (All Grades) certificate through the individual evaluation pathway on the effective date of the proposed rule. Candidates will continue to be able to apply for the Literacy (Birth-Grade 6) and/or Literacy (Grades 5-12) certificates through the individual evaluation pathway prior to September 1, 2023, and will be eligible for such certificates, provided that they meet all requirement(s) for the certificate prior to September 1, 2026. This timeline provides candidates with at least one year to apply and qualify for the current literacy certificates through the individual evaluation pathway.

The coursework requirements for the proposed Literacy (All Grades) certificate are the same as the coursework requirements for the current Literacy (Birth-Grade 6) and Literacy (Grades 5-12) certificates in the individual evaluation pathway to certification. The proposed Literacy (All Grades) certificate will require a college-supervised practica of at least 50 clock hours in teaching literacy to students at the birth to grade 6 level and at least 50 clock hours in teaching literacy to students at the grades 7 to 12 level. One year of paid, satisfactory, full-time experience as a literacy teacher at the elementary and/or secondary level may be accepted in lieu of the practicum in literacy when such experience is verified by the employing school district administrator.

Additional Amendments:

The Department also proposes to amend section 30-1.8 of the Rules of the Board of Regents to rename the "remedial reading" tenure area to the "literacy and reading" tenure area. The proposed tenure area would include the same areas as the current tenure area, but more explicitly and appropriately highlights literacy as a subject area. Any prior service in the "remedial reading" tenure area would be included toward service in the renamed "literacy and reading" tenure area.

In addition, the proposed amendment includes technical revisions to internal citations to align the proposed amendment with another proposed amendment that was discussed at the December 2021 Board of Regents meeting. Specifically, in Commissioner's regulations §52.21(b) the reference to clause (2)(ii)(c) would be

re-lettered to read (2)(ii)(b) and in Commissioner's regulations §80-3.7(a) subparagraphs (2)(iv) and (2)(v) would be renumbered to read (2)(iii) and (2)(iv), respectively.

### **Related Regents Items**

December 2021: [Proposed Amendment to Sections 52.21 and 80-3.7 of the Regulations of the Commissioner of Education Relating to the General Education Core in the Liberal Arts and Sciences Requirement for Registered Teacher Preparation Programs and the Individual Evaluation Pathway to Teacher Certification](https://www.regents.nysed.gov/common/regents/files/1221hed2.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/1221hed2.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 June 2022 meeting. If adopted at the June meeting, the proposed amendment will become effective on June 29, 2022.

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS AND REGULATIONS  
OF THE COMMISSIONER OF EDUCATION

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

1. Paragraph (13) of subdivision (a) of section 30-1.8 of the Rules of the Board of Regents is amended to read as follows:

(13) [remedial reading] literacy and reading;

2. Subparagraph (xi) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(xi) Programs leading to initial and professional certificates for teaching literacy (birth through grade 6) or for teaching literacy (grades 5 through 12) for programs registered prior to September 1, 2022, or for teaching literacy (all grades).

(a) Notwithstanding the requirements of subparagraph (2)(ii) of this subdivision, the program shall lead to a master's or higher degree.

(b) Pedagogical core.

(1) Literacy (birth-grade 6) and literacy (grades 5 through 12) for programs registered prior to September 1, 2022. In addition to meeting the general requirements for the pedagogical core prescribed in clause [(2)(ii)(c)](2)(ii)(b) of this subdivision, the pedagogical core shall be focused on early childhood or childhood education, or on middle childhood or adolescence education, as appropriate to the certificate, and shall include, but need not be limited to: for the literacy certificate (birth through grade 6), at least 50 clock hours of college-supervised practica in teaching literacy to students at

both the early childhood and childhood levels; and for the literacy certificate (grades 5 through 12), at least 50 clock hours of college-supervised practica in teaching literacy to students at both the middle childhood and adolescent levels. The time requirements for field experience, student teaching and practica of subclause (2)(ii)(b)(2) of this subdivision shall not be applicable.

(2) Literacy (all grades). In addition to meeting the general requirements for the pedagogical core prescribed in clause (2)(ii)(b) of this subdivision, the pedagogical core shall include at least 50 clock hours of college-supervised practica in teaching literacy to students at the early childhood or childhood level and at least 50 clock hours of college-supervised practica in teaching literacy to students at the adolescent level. The time requirements for field experience, student teaching and practica of subclause (2)(ii)(c)(2) of this subdivision shall not be applicable.

[(1)](3) Programs shall include, but need not be limited to, graduate study that prepares candidates with:

(i) ...

(ii) ...

(iii) proficiency in organizing and enhancing literacy programs, including but not limited to: communicating information about literacy to various groups; developing literacy curricula; and communicating assessment results to parents, caregivers, and school personnel; and

(2) for the literacy certificate (birth through grade 6), at least 50 clock hours of college-supervised practica in teaching literacy to students at both the early childhood and childhood levels; and for the literacy certificate (grades 5 through 12), at least 50

clock hours of college-supervised practica in teaching literacy to students at both the middle childhood and adolescent levels. The time requirements for field experience, student teaching and practica of subclause (2)(ii)(c)(2) of this subdivision shall not be applicable].

(c) Programs shall require the candidate to have completed the requirements for an initial classroom teaching certificate in another certificate title, as a pre-requisite for admission.

(d) The general requirements for programs leading to a professional certificate prescribed in subparagraph (2)(iii) of this subdivision shall not be applicable.

(e) The Department shall not register programs leading to initial and professional certificates for teaching literacy (birth through grade 6) or for teaching literacy (grades 5 through 12) on or after September 1, 2022, and any such registered programs shall no longer be registered with the department on or after September 1, 2026.

3. Subdivision (b) of section 80-1.2 of the Regulations of the Commissioner of Education is amended by adding a new paragraph (10) to read as follows:

(10) The commissioner shall not issue certificates in the literacy (birth-grade 6) and literacy (grades 5-12) certificate titles, other than the Professional certificate and reissuance of an Initial certificate, with an effective date that begins after September 1, 2027. The commissioner may extend the effective date of such certificates, as applicable, after September 1, 2027 pursuant to the requirements of section 80-1.6 of this Subpart.

4. Subparagraph (xxxvii) through subparagraph (xlvi) of paragraph (1) of subdivision (e) of section 80-3.2 of the Regulations of the Commissioner of Education

are relettered subparagraphs (xxxviii) through subparagraph (xliv) and a new subparagraph (xxxvii) is added to read as follows:

(xxxvii) Literacy (all grades)

5. Subparagraph (v) of paragraph (2) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education shall be amended to read as follows:

[(v)](iv) Pedagogical core. The candidate shall complete pedagogical coursework as prescribed in clause (a) of this subparagraph and teaching experience as prescribed in clause (b) of this subparagraph, provided that candidates identified in this subparagraph shall not be required to demonstrate completion of the pedagogical core requirements. A candidate who holds one or more provisional certificates, permanent certificates, initial certificates, or professional certificates in a title in the classroom teaching service, other than a title in a specific career and technical subject (grades 7-12), shall not be required to demonstrate completion of the pedagogical core requirements for an additional initial certificate in the classroom teaching service sought, except for such candidates who are seeking an additional initial certificate in one or more of the following titles: early childhood education, childhood education, generalist in middle childhood education (grades 5-9), specialist in middle childhood education (grades 5-9), English to speakers of other languages (all grades), literacy (birth-grade 6)[ and], literacy (grades 5-12), literacy (all grades), students with disabilities (birth-grade 2), students with disabilities (grades 1-6), students with disabilities (grades 5-9), students with disabilities (grades 7-12), deaf and hard of hearing (all grades), blind or visually impaired (all grades), and speech and language disabilities (all grades).

6. Subparagraph (iv) of paragraph (3) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(iv) Literacy (birth-grade 6) and literacy (grades 5-12) for candidates who apply for their certificate prior to September 1, 2023 and meet all requirements for the certificate prior to September 1, 2026, and literacy (all grades).

(a) Content core. The content core prescribed in subparagraph [(2)(iv)](2)(iii) of this subdivision shall consist of at least 30 semester hours of coursework that meets the content core requirements for an initial certificate in any certificate title in the classroom teaching service, except titles in specific career and technical subjects.

(b) Pedagogical core. In lieu of meeting the pedagogical core requirements in subparagraph [(2)(v)](2)(iv) of this subdivision, the candidate shall complete pedagogical coursework prescribed in subclause (1) of this clause and the teaching experience prescribed in subclause (2) of this clause.

(1) ...

(2) Teaching experience.

(i) Literacy (birth-grade 6) and literacy (grades 5-12) certificates. Candidates [who apply for a certificate prior to September 1, 2027] shall satisfactorily complete 40 school days in a college-supervised student teaching experience or as an employed teacher. In addition, the candidate shall satisfactorily complete a college-supervised practicum, as defined in section 52.21(b)(2) of this Title, of 50 clock hours in teaching literacy to students, at developmental levels appropriate to the certificate sought. For candidates who apply for both certificate titles, literacy (birth-grade 6) and literacy (grades 5-12), the 50-clock hour practicum shall include 25 clock hours of teaching

students (birth- grade 6) and 25 clock hours of teaching students (grades 5-12). One year of paid, satisfactory, full-time experience as a literacy teacher on the elementary and/or secondary level may be accepted in lieu of the college-supervised practicum in literacy when such experience is verified by the employing school district administrator. To satisfy this requirement, any experience as a literary teacher in a New York State public school must be in accordance with the commissioner's regulations.

[(ii) For candidates applying for certificate on or after September 1, 2027, the candidate shall satisfactorily complete 14 weeks of full time college-supervised student teaching, as defined in section 52.21(b)(2) of this Title, or 70 full-time school days or 140 at least half-time school days as a paid, employed teacher; provided that such paid employment experience must include at least one continuous period of no fewer than 35 days. In addition, the candidate shall satisfactorily complete a practicum, as defined in section 52.21(b)(2) of this Title, of at least 50 clock hours in teaching literacy to students, at developmental levels appropriate to the certificate sought. For candidates who apply for both certificate titles, literacy (birth-grade 6) and literacy (grades 5-12), the 50-clock hour practicum shall include 25 clock hours of teaching students birth-grade 6 and 25 clock hours of teaching students grades 5-12. One year of paid, satisfactory, full-time experience as a literacy teacher at the elementary and/or secondary level may be accepted in lieu of the practicum in literacy when such experience is verified by the employing school district administrator. To satisfy this requirement, any experience as a literacy teacher in a New York State public school must be in accordance with the commissioner's regulations.]

(ii) Literacy (all grades) certificate.

(a) Candidates who apply for a certificate prior to September 1, 2027, shall satisfactorily complete 40 school days in a college-supervised student teaching experience or as an employed teacher. In addition, the candidate shall satisfactorily complete college-supervised practica, as defined in section 52.21(b)(2) of this Title, of at least 50 clock hours in teaching literacy to students at the birth to grade 6 level and at least 50 clock hours in teaching literacy to students at the grades 7 to 12 level. One year of paid, satisfactory, full-time experience as a literacy teacher at the elementary and/or secondary level may be accepted in lieu of the college-supervised practicum in literacy when such experience is verified by the employing school district administrator. To satisfy this requirement, any experience as a literary teacher in a New York State public school must be in accordance with the commissioner's regulations.

(b) For candidates applying for certificate on or after September 1, 2027, the candidate shall satisfactorily complete 14 weeks of full-time college-supervised student teaching, as defined in section 52.21(b)(2) of this Title, or 70 full-time school days or 140 at least half-time school days as a paid, employed teacher; provided that such paid employment experience must include at least one continuous period of no fewer than 35 days. In addition, the candidate shall satisfactorily complete college-supervised practica, as defined in section 52.21(b)(2) of this Title, of at least 50 clock hours in teaching literacy to students at the birth to grade 6 level and at least 50 clock hours in teaching literacy to students at the grades 7 to 12 level. One year of paid, satisfactory, full-time experience as a literacy teacher at the elementary and/or secondary level may be accepted in lieu of the practicum in literacy when such experience is verified by the employing school district administrator. To satisfy this requirement, any experience as a

literacy teacher in a New York State public school must be in accordance with the commissioner's regulations.