



TO: Higher Education Committee
P-12 Committee

FROM: James N. Baldwin 

SUBJECT: Proposed Amendment of Section 30-1.8 of the Rules of the Board of Regents and Sections 52.21, 80-3.2, 80-3.3, and 80-3.7 of the Regulations of the Commissioner of Education Relating to Establishing the Indigenous Culture and Language Studies (All Grades) Certificate

DATE: February 2, 2023

AUTHORIZATION(S): 

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, 80-3.2, 80-3.3, and 80-3.7 of the Regulations of the Commissioner of Education relating to establishing the Indigenous Culture and Language Studies certificate?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment will come before a joint meeting of the Higher Education and P-12 Education Committees for discussion at its February 2023 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 1, 2023, for a 60-day public comment period. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Supporting formal instruction in students' home cultures and languages is consistent with the Department's efforts to advance culturally responsive-sustaining education and with the Board of Regent's initiative to advance diversity, equity, and inclusion in schools across New York State. Increasing the capacity and number of teachers who can teach indigenous cultures and languages would support and bolster the awareness, knowledge, and appreciation of indigenous cultures and languages both within and outside of the Nations.

Currently, individuals who would like to teach an indigenous language in New York State public schools can obtain a permit. Permits are available in areas for which no certificate exists upon approval of the Commissioner (8 NYCRR 80-5.6(e)). To obtain the permit, individuals need to complete the fingerprinting clearance and workshops that are required for all certificates as well as receive a statement from a school district attesting that the individual is qualified for the position for which the permit is sought.

Although a permit authorizes an individual to teach in public schools, it is not equivalent to a teaching certificate. Teachers who hold a certificate demonstrated their content and pedagogical knowledge and skills through the certification process and may be eligible for tenure in a school district. Teachers who hold a permit do not have a tenure area and would not be eligible for tenure. Additionally, the Professional teaching certificate is continuously valid, while individuals who hold a permit would need to apply to renew their permit every five years after their first two-year permit.

To promote the teaching of indigenous cultures and languages, the Department proposes regulatory amendments to establish a new Indigenous Culture and Language Studies (All Grades) certificate. This certificate would enable qualified teachers to provide formal instruction in indigenous cultures and languages and thus support the preservation of these cultures and languages in Nations across New York State.

Individuals who are knowledgeable about an indigenous language would continue to be able to obtain a permit to teach the language pursuant to section 80-5.6(e) of the Commissioner's regulations if they do not wish to pursue the proposed certificate. Having both the permit and proposed new certificate as options allows permit holders to continue practicing in the classroom while also attracting new teachers into this area.

Proposed Amendments

Registered Indigenous Culture and Language Studies (All Grades) 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 Indigenous Culture and Language Studies (All Grades) certificates. All registered teacher preparation programs leading to initial certification include a content core and a pedagogical core.

The content core requirement for registered programs leading to the proposed Indigenous Culture and Language Studies (All Grades) certificate would be at least 18 semester hours that provide a knowledge base for assisting students in understanding indigenous cultures and/or languages.

The pedagogical core requirements for the proposed Indigenous Culture and Language Studies (All Grades) programs are the same as the pedagogical core requirements for other special subject (all grades) programs with two exceptions. First, the proposed programs would include at least six semester hours of study in language acquisition and literacy development, consistent with social studies and world language programs. Second, the mentoring teachers or school-based teacher educators who work with candidates as part of the student teaching, practicum, or residency experience during the proposed program may: (1) hold a permit in an indigenous language in lieu of being certified in the subject area of certification sought or in a closely related area; and (2) such permit holder may have at least one year of full-time teaching experience, or the equivalent, in lieu of having the minimum number of years of full-time teaching experience required for other programs. This will allow teachers who hold a permit in an indigenous language to be mentoring teachers or school-based teacher educators.

Indigenous Culture and Language Studies (All Grades) Certificate & Tenure Area:

Certificate Title & Tenure:

The Department proposes to amend section 80-3.2 of the Commissioner's regulations to add the Indigenous Culture and Language Studies (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 amendment. The proposed amendment also adds the corresponding "Indigenous Culture and Language Studies" tenure area to section 30-1.8 of the Rules of the Board of Regents.

Individual Evaluation Pathway:

Additionally, the Department proposes to amend section 80-3.7 of the Commissioner's regulations to allow candidates to apply for an Indigenous Culture and Language Studies (All Grades) certificate through the individual evaluation pathway. For the content core requirement in this pathway, candidates could either: (1) complete 18 semester hours of coursework in indigenous cultures and/or languages; or (2) complete 12 semester hours of coursework in indigenous cultures and/or languages and demonstrate acceptable proficiency in an indigenous language as determined by a designated official in the Nations who is approved by the Department. The second option enables members of the Nations who speak an indigenous language to have their knowledge of the language, which could not otherwise be assessed, count towards certification. Nations would use their own methods to determine acceptable proficiency in the language.

The pedagogical core for the proposed Indigenous Culture and Language Studies (All Grades) certificate through the individual evaluation pathway includes the general pedagogical core requirements for all certificates through this pathway and an additional three semester hours in teaching literacy skills, which is consistent with the pedagogical core requirements for the social studies and world language certificates through this pathway.

Certification Tests:

Section 80-3.3 of the Commissioner's regulations requires candidates who seek Initial teaching certification (other than career and technical education certification) to pass the Educating All Students test and the content specialty test(s) in the area of the certificate, when available, with a few exceptions. The proposal expands the list of exceptions such that candidates seeking an Initial Indigenous Culture and Language Studies (All Grades) certificate would not be required to pass a content specialty test. As described above, a designated official in the Nations who is approved by the Department would determine a candidate's proficiency in an indigenous language through the individual evaluation pathway.

The Department also proposes technical amendments to this section to remove outdated provisions and consolidate the provisions that except certain candidates from passing a content specialty test.

Related Regents Items

Not applicable.

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 2023 meeting. If adopted at the June meeting, the proposed amendment will become effective on June 28, 2023.

Attachment A

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. Paragraphs (15) and (16) of subdivision (a) of section 30-1.8 of the Rules of the Board of Regents are amended and a new paragraph (17) is added to read as follows:

(15) English as a second language; [and]

(16) Computer science[.]; and

(17) Indigenous Culture and Language Studies.

2. Item (iv) of subclause (1) of clause (b) of subparagraph (ii) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(iv) language acquisition and literacy development by native English speakers and students who are English language learners—and skill in developing the listening, speaking, reading, and writing skills of all students, including at least six semester hours of such study for teachers of early childhood education, childhood education, middle childhood education, and adolescence education; teachers of students with disabilities, students who are deaf or hard-of-hearing, students who are blind or visually impaired, and students with speech and language disabilities; teachers of English to speakers of other languages; teachers of indigenous culture and language studies; and library media specialists. This six semester hour requirement may be waived upon a showing of good cause satisfactory to the commissioner, including but not limited to a showing

that the program provides adequate instruction in language acquisition and literacy development through other means;

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

(v) ...

(a) ...

(1) ...

(2) For certificates in indigenous culture and language studies (all grades), in addition to meeting the general requirements for the content core prescribed in clause (2)(ii)(a) of this subdivision, the content core shall be at least a total of 18 semester hours that provides a knowledge base for assisting students in understanding indigenous cultures and/or languages.

(b) ...

(1) ...

(2) ...

(3) ...

(4) Notwithstanding any provision of this section, for registered programs leading to the indigenous culture and language studies (all grades) certificate, the mentoring teachers or school-based teacher educators who work with candidates during the student teaching, practicum, or residency experience may:

(i) hold a permit in an indigenous language in lieu of being certified in the subject area of certification sought or in a closely related area as described in subclause (2)(ii)(b)(2) of this subdivision; and

(ii) such permit holder may have at least one year of full-time teaching experience, or the equivalent, in lieu of having the minimum number of years of full-time teaching experience as described in subclause (2)(ii)(b)(2) of this subdivision.

4. Subparagraphs (xxii) through (l) of paragraph (1) of subdivision (e) of section 80-3.2 of the Regulations of the Commissioner of Education are relettered subparagraphs (xxiii) through (li) and a new subparagraph (xxii) is added to read as follows:

(xxii) Indigenous Culture and Language Studies

5. Subparagraph (i) of paragraph (2) of subdivision (b) of section 80-3.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(i)

[(a)] Except as otherwise provided in this section, [for candidates applying for certification on or after May 1, 2014 or candidates who applied for certification on or before April 30, 2014 but did not meet all the requirements for an initial certificate on or before April 30, 2014, such] candidates shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination educating all students test and the content specialty test(s) in the area of the certificate, when available, [except] provided that a candidate seeking an initial certificate in the [title of Speech and Language Disabilities (all grades)] titles of indigenous culture and language studies (all grades) and speech and language disabilities (all grades), or a candidate seeking an initial certificate through individual evaluation under section 80-3.7(a)(3)(xiii) of this subpart, shall not be required to achieve a satisfactory level of performance on the content specialty test.

[(b) Examination requirement for candidates with a graduate degree in science, technology, engineering, or mathematics and two years of post-secondary teaching experience in the area of the certificate sought.

(1) Any candidate seeking an initial certificate in earth science, biology, chemistry, physics, mathematics, or in a closely related field as determined by the department in (grades 7-12) and who is applying for an initial certificate through individual evaluation under section 80-3.7(a)(3)(ii)(c) of this Subpart on or after May 1, 2014, or candidates who applied for certification on or before April 30, 2014, but did not meet all the requirements for an initial certificate through individual evaluation on or before April 30, 2014, shall only be required to achieve a satisfactory level of performance on the educating all students test.]

6. Paragraph (2) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(2) ...

(i) ...

(ii) ...

(iii) Content core. The candidate shall complete 30 semester hours of coursework in the subject area of the certificate title, which may include no more than six of the 30 semester hours in a cognate, meaning a related field as determined by the department; provided, however that a candidate seeking an initial certificate in computer science shall only be required to complete 12 semester hours of coursework in the subject area of the certificate title; provided further, however, that a candidate seeking an initial certificate in indigenous culture and language studies shall only be required to complete

the number of semester hours of coursework in the subject area of the certificate title as prescribed in subparagraph (xiv) of paragraph (3) of this subdivision; provided further, however, that a candidate who holds a classroom teaching certificate in a science certificate title, and is seeking a certificate in a different science certificate title(s), shall only be required to complete 18 semester hours of coursework in the subject area(s) of the additional science certificate title(s).

(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), indigenous culture and language studies (all grades), literacy (birth-grade 6), 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), students with

disabilities (all grades), deaf and hard of hearing (all grades), blind or visually impaired (all grades), and speech and language disabilities (all grades).

7. Paragraph (3) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended by adding a new subparagraph (xiv) to read as follows:

(xiv) Indigenous culture and language studies.

(a) Content core. The content core prescribed in subparagraph (2)(iii) of this subdivision shall consist of:

(i) 18 semester hours of coursework in the subject area of the certificate title; or

(ii) 12 semester hours of coursework in the subject area of the certificate title and acceptable proficiency in an indigenous language as determined by a designated official in the Nations who is approved by the department.

(b) Pedagogical core. Within the pedagogical core prescribed in subparagraph (2)(iv) of this subdivision, the candidate shall complete three additional semester hours in teaching literacy skills.