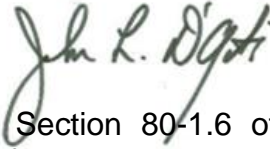






**TO:** The Honorable the Members of the Board of Regents

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

**SUBJECT:** Amendment of Section 80-1.6 of the Regulations of the Commissioner of Education to Automatically Extend the Time Validity of Certain Expired Provisional, Initial or Transitional Certificates for Three Years if a Candidate Meets Certain Criteria and is Unable to Complete the Requirements for the Initial, Permanent or Professional Certificate in a Timely Manner

**DATE:** March 2, 2017 

**AUTHORIZATION(s):** 

**SUMMARY**

**Issue for Decision (Consent Agenda)**

Should the Board of Regents amend Section 80-1.6 of the Commissioner's Regulations to automatically extend the time validity of certain expired provisional, initial or transitional certificates for three years if a candidate meets certain criteria and is unable to complete the requirements for the initial, permanent or professional certificate in a timely manner?

**Proposed Handling**

The proposed amendment is being presented to the full Board for adoption as a permanent rule at the March 2017 Regents meeting (Attachment A is a copy of the proposed amendment).

**Procedural History**

A Notice of Proposed Rule Making was published in the State Register on November 30, 2016. Following the 45-day public comment period required under the State Administrative Procedure Act, no comment was received related to this amendment. Supporting materials are available upon request from the Secretary to the Board of Regents.

## **Background Information**

Currently, Section 80-1.6 of the Commissioner's Regulations allows holders of certain provisional, initial, or transitional certificates, who meet one of the following criteria, to get a two-year extension to provide time for candidates to meet the requirements for an initial, professional, or permanent certificate:

- is on leave from his/her teaching duties because of childbearing, childrearing, serious illness, or extended illness;
- is serving with the Peace Corps or other volunteer organization;
- service as a teacher has been discontinued as a result of abolition of teaching positions in the school district in which employed;
- who, because of extreme hardship or other circumstances beyond the control of the individual, was unable to complete the requirements for the permanent or professional certificate in a timely manner, excluding normal family commitments or inconvenience;
- has been unable to secure employment as a teacher or who has been pursuing a career other than teaching.

The Commissioner may then extend the time validity of an expired provisional certificate (excluding an expired provisional certificate in the classroom teaching service or an expired provisional certificate in the title of school administrator and supervisor) or an expired initial or transitional certificate beyond the two-year extension provided for one additional year, if in the six months preceding the end of the two-year extension, the candidate is faced with extreme hardship or other circumstances beyond the control of the individual and is unable to complete the requirements for the professional certificate in a timely manner.

Based on feedback from the field, the proposed amendment instead allows candidates to apply for just one three-year extension if they meet one of the criteria listed above instead of submitting two separate requests for an extension of their expired certificates.

The proposed amendment also eliminates the option to receive a time extension in increments of one additional year for candidates who apply for citizenship or permanent residency, and whose application for citizenship or permanent residency has not been acted upon by the U.S. Citizenship and Immigration Services (USCIS) because permanent residency is no longer required for a professional certificate in light of the regulatory changes made at the May 2016 Regents meeting.

The proposed amendment further removes the requirement that a candidate take and pass a content specialty examination prior to the issuance of a time extension because this requirement only applied to permanent teaching certificates, which are no longer issued by the Department.

**Related Regents Item(s)**

<http://www.regents.nysed.gov/common/regents/files/1116hed3.pdf>

**Recommendation**

VOTED: That section 80-1.6 of the Regulations of the Commissioner of Education is amended, effective March 29, 2017.

**Timetable for Implementation**

If adopted at the March 2017 meeting, the proposed amendment will become effective on March 29, 2017.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law 207, 207, 215, 3001, 3003 and 3009 of the Education Law.

Section 80-1.6 of the Regulations of the Commissioner of Education is amended, effective March 29, 2017, to read as follows:

(a) [Subject] (1) For candidates who applied for their first time extension under this section prior to March 1, 2017, subject to the limitation provided in subdivision (e) of this section and excluding expired certificates in the classroom teaching service or expired provisional certificate in the title of school administrator and supervisor, the time validity of an expired provisional, initial or transitional certificate may be extended for a period not to exceed two years from the expiration date of such certificate, except as provided in [subdivisions (b), (c) and (d)] subdivision (c) of this section, upon application by the holder of a teaching certificate:

[(1)] (i) who is on leave from his/her teaching duties because of childbearing, childrearing, serious illness, or extended illness;

[(2)] (ii) who is serving with the Peace Corps or other volunteer organization;

[(3)] (iii) whose service as a teacher has been discontinued as a result of abolition of teaching positions in the school district in which employed;

[(4)] (iv) who, because of extreme hardship or other circumstances beyond the control of the individual, was unable to complete the requirements for the permanent or professional certificate in a timely manner, excluding normal family commitments or inconvenience;

[(5)] (v) for a candidate who has been unable to secure employment as a teacher or who has been pursuing a career other than teaching.

(2) For candidates who were issued a two-year time extension under this subdivision prior to March 1, 2017 and the two-year time extension expired on or after August 31, 2016, the commissioner shall automatically extend the time validity of the expired certificate beyond the two-year extension provided for in subdivision (a) of this section, for a period not to exceed one year from the expiration date of the two-year extension.

(b) For holders of a provisional certificate in the pupil personnel service, holders of an initial or transitional certificate in the classroom teaching service or school leadership applying for their first time extension on or after March 1, 2017, the time validity of the expired certificate may be extended for a period not to exceed three years from the expiration date of such certificate, except as provided in subdivision (c) of this section, upon application by the holder of the certificate:

(i) who is on leave from his/her teaching duties because of childbearing, childrearing, serious illness, or extended illness;

(ii) who is serving with the Peace Corps or other volunteer organization;

(iii) whose service as a teacher has been discontinued as a result of abolition of teaching positions in the school district in which employed;

(iv) who, because of extreme hardship or other circumstances beyond the control of the individual, was unable to complete the requirements for the permanent or professional certificate in a timely manner, excluding normal family commitments or inconvenience;

(v) for a candidate who has been unable to secure employment as a teacher or who has been pursuing a career other than teaching.

[(b)](c) The time validity of expired certificates prescribed in this section, including an expired provisional certificate in the classroom teaching service or an

expired provisional certificate in the title of school administrator and supervisor, held by individuals on active duty with the Armed Forces may be extended by the commissioner, upon application by the holder of such certificate, for the time of such active service and an additional 12 months from the end of such service.

[(c) Except as otherwise provided in this subdivision, the commissioner may extend the time validity of an expired provisional, excluding an expired provisional certificate in the classroom teaching service or an expired provisional certificate in the title of school administrator and supervisor, initial or transitional certificate beyond the two-year extension provided for in subdivision (a) of this section, for a period not to exceed one additional year, if in the six months preceding the end of the two-year extension, the candidate is faced with extreme hardship or other circumstances beyond the control of the individual and is unable to complete the requirements for the professional certificate in a timely manner. The commissioner may further extend the time validity of an expired initial or transitional certificate for an additional period of not to exceed one additional year; and may extend the validity of a conditional initial certificate for a period of up to one year if a candidate took one of the revised content specialty examinations administered on or after September 2014, and is required for his/her certificate title and he/she did not receive his/her score on such examination from the department on such examination within a timeframe prescribed by the commissioner and he/she has met all the other certification requirements for the next certificate (*i.e.*, the initial or professional certificate, as applicable).

(d) The commissioner may extend the time validity of an expired provisional, including an expired provisional certificate in the classroom teaching service or an expired provisional certificate in the title of school administrator and supervisor, or initial certificate beyond the extensions provided for in subdivisions (a) and (c) of this section,

in increments of one additional year for a candidate who has applied for citizenship or permanent residency, and whose application for citizenship or permanent residency has not been acted upon by the U.S. Citizenship and Immigration Services (USCIS) until the USCIS acts upon such application. Such candidates must provide documentation satisfactory to the department that they meet these requirements, and that they have completed all academic, testing and experience requirements for permanent or professional certification.

(e) The commissioner will only extend the time validity of an expired provisional certificate under this section if the holder of such provisional certificate submits evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination content specialty test(s) in the area of the certificate, when a content specialty test(s) is required.]