



TO: The Honorable the Members of the Board of Regents

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

SUBJECT: Proposed Amendments to Sections 80-3.3 and 80-3.7 of the Regulations of the Commissioner of Education Relating to Individual Evaluation

DATE: May 12, 2014

AUTHORIZATION(S): *Richard A. Trantano* *John B. G. G.*

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendments to sections 80-3.3 and 80-3.7 of the Commissioner's Regulations relating to individual evaluation?

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 May 2014 meeting.

Procedural History

A Notice of Proposed Rule Making was published in the State Register on March 12, 2014. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background

Individual Evaluation Pathway to Teacher Certification

In 2003, the Board of Regents revised the certification requirements for teachers by creating a pathway for individual evaluation for candidates who have not completed registered teacher education programs. Under the individual evaluation pathway, candidates are required to submit evidence of coursework and field experience to the State Education Department for evaluation and issuance of the certificate. This pathway was originally established as a means to address teacher shortage areas, recognizing that there are individuals who have acquired the necessary content knowledge and skills needed to become a teacher in New York State.

The provision regarding individual evaluation included a sunset date of February 1, 2007 for certificates in childhood education and February 1, 2009 for all other certificates in the classroom teaching service.

In 2008, the Regents extended the expiration date of the individual evaluation pathway for all classroom titles except childhood education from February 1, 2009 to February 1, 2012. The individual evaluation pathway for childhood education certification was discontinued at that time because there was no shortage of childhood education teachers. The purpose in establishing these sunset dates was to allow the Department time to assess the continued need for the individual evaluation pathway, based on how many candidates use this pathway to become certified, particularly in subject areas where there are teacher shortages.

In June 2011, the Regents extended the expiration date of the individual evaluation pathway for all classroom titles except childhood education from February 1, 2012 to September 1, 2013. The purpose in establishing the extension to September 2013 was to coincide with the implementation of the new certification exams.

In January 2012, the Regents extended the implementation date of the new teacher certification examinations to May 1, 2014.

Thereafter, in January 2013, the Regents extended the expiration date of the individual evaluation pathway for all classroom titles except childhood education from September 1, 2013 to May 1, 2014 to align with the new implementation date for the certification examinations.

Proposed Amendments

A review of the data we have regarding individual evaluation indicates that there is no longer evidence demonstrating a persistent teacher shortage in early childhood, generalist in middle childhood education, English Language Arts or Literacy. However, candidates continue to apply for these certificates through the individual evaluation pathway.

Based on available data from September 2010 through January 2014, below is a list of the percentages of initial certificates that were issued through individual evaluation in these certificate areas:

- 6% Early Childhood
- 7% Generalist in Middle Childhood Education
- 7% English Language Arts
- .2% Literacy

Based on available certification supply and demand data, the Department recommends ending the individual evaluation pathway for the above certificate titles. However, the Department recommends continuing the individual evaluation pathway for all other certificate titles. This individual evaluation pathway is essential for those seeking to obtain a CTE certificate. For the period September 2010 through January 2014, the Department conducted an individual evaluation for 680, or 80% of the CTE applications. In fact, this is the major pathway upon which new CTE teachers become certified.

Recommendation

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

VOTED: That subparagraph (iii) of paragraph (3) of subdivision (a) of section 80-3.3 and section 80-3.7 of the Regulations of the Commissioner of Education are amended as submitted, effective June 4, 2014.

Timetable for Implementation

If adopted at the May meeting, the proposed amendment will become effective on June 4, 2014.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 210, 305, 3001, 3004, 3006 and 3009.

1. Subparagraph (iii) of paragraph (3) of subdivision (a) of section 80-3.3 of the Regulations of the Commissioner of Education is amended, effective June 4, 2014, as follows:

(iii) The option to complete the education requirements for the certificates specified in subparagraphs (i) and (ii) of this paragraph through equivalent study, as determined by individual evaluation in accordance with the requirements of section 80-3.7 of this Subpart will continue to be available for individuals who hold an initial, professional, provisional or permanent certificate in the classroom teaching service. For candidates who do not already hold an initial, professional, provisional or permanent certificate in the classroom teaching service, this option will only be available to candidates who apply for a certificate in childhood education by February 1, 2007 or for candidates who apply for a certificate in early childhood education (birth-grade 2), generalist in middle childhood education (grades 5-9), English language arts (grades 5-9), English language arts (grades 7-12), literacy (birth-grade 6) and literacy grades (5-12) on or before April 30, 2014 and who upon application qualify for such certificate; or for candidates who apply for any other certificate in the classroom teaching service [and who upon application qualify for such certificate].

2. Section 80-3.7 of the Regulations of the Commissioner of Education is amended, effective June 4, 2014, to read as follows:

Section 80-3.7 Satisfaction of education requirements for certification in the classroom teaching service through individual evaluation.

This section prescribes requirements for meeting the education requirements for classroom teaching certificates through individual evaluation. Except as otherwise provided in this section, this option for meeting education requirements shall only be

available for candidates who apply for a certificate in childhood education by February 1, 2007 and for candidates who apply for a certificate in early childhood education (birth-grade 2), generalist in middle childhood education (grades 5-9), English language arts (grades 5-9), English language arts (grades 7-12), literacy (birth-grade 6) and literacy grades (5-12) on or before April 30, 2014 provided that upon application candidates qualify for such certificate. Candidates who apply for any other certificate in the classroom teaching service [on or before April 30, 2014] may continue to meet the education requirements for classroom teaching certificates through individual evaluation [and who upon application candidates qualify for such certificate]. Candidates with a graduate degree in science, technology, engineering or mathematics who apply for an initial teaching certificate under subclause (a)(3)(ii)(c)(3) of this section may continue to meet the education requirements for classroom teaching certificates through individual evaluation after May 1, 2014. The candidate must have achieved a 2.5 cumulative grade point average or its equivalent in the program or programs leading to any degree used to meet the requirements for a certificate under this section. In addition, a candidate must have achieved at least a C or its equivalent in any undergraduate level course and at least a B- or its equivalent in any graduate level course in order for the semester hours associated with that course to be credited toward meeting the content core or pedagogical core semester hour requirements for a certificate under this section. All other requirements for the certificate, including but not limited to, examination and/or experience requirements, as prescribed in this Part, must also be met.

(a) . . .

(b) . . .

(c) . . .