



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

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

SUBJECT: Proposed Amendment to Section 80-3.5 of the Commissioner's Regulations to Establish a New Pathway Option for the Transitional A Certificate in a Career and Technical Education Subject for Candidates who Hold a Full License to Teach in Licensed Private Career Schools and Have at Least Two Years of Teaching Experience Under Such License

DATE: July 5, 2016

AUTHORIZATION(s):

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SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend section 80-3.5 of the Commissioner's Regulations to establish a new pathway option for the Transitional A certificate in a career and technical education subject for candidates who hold a full license to teach in licensed private career schools and have at least two years of teaching experience under such license?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment will be presented to the Full Board for a second emergency adoption at the July 2016 Board of Regents meeting. A copy of the proposed amendment is included as Attachment A and a Statement of Facts and Circumstances Justifying the Emergency Action is included as Attachment B.

Procedural History

The amendment was adopted as an emergency measure at the May 2016 Board of Regents meeting. A Notice of Proposed Rule Making and Emergency Action was published in the State Register on June 1, 2016. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

Over the past several years, the Board of Regents has discussed the expansion of CTE programs in school districts and BOCES generally and of integrated credit allowance which will in turn create a greater demand for teachers certified in career and technical titles. At its November 2013 meeting, the Board of Regents was presented with recommendations that would support existing and anticipated demand for teachers certified in CTE titles.

Currently, a Transitional A certificate in a specific career and technical subject is issued to permit the employment of an individual in a specific career and technical education title who does not meet the requirements for an initial certificate, but who possesses the requisite occupational experience. This certificate is valid for three years, and the candidate would complete the additional requirements for an initial certificate during the three years.

The three options available for a Transitional A certificate at this time are:

- **Option A.** Candidates who possess an associate's degree (or its equivalent) in the career and technical field in which the certificate is sought, and who have at least two years of documented and satisfactory work experience in the career and technical education subject for which a certificate is sought;
- **Option B.** Candidates who possess a high school diploma or its equivalent (but who do not possess an associate's degree or its equivalent in the certificate area), and who have at least four years of documented and satisfactory work experience in the career and technical education subject for which a certificate is sought; and
- **Option C.** Candidates who possess an associate's degree (or its equivalent) in the career and technical field in which the certificate is sought, and who have at least two years of documented and satisfactory teaching experience at the postsecondary level (excluding experience as a teaching assistant) in the career and technical education subject for which a certificate is sought.

All three Transitional A pathways described above also require:

- (1) Coursework training in identification of and reporting of child abuse or maltreatment, school violence prevention and intervention, and harassment, bullying and discrimination prevention and intervention;

(2) Evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination Content Specialty Test in the area of the certificate; and

(3) An employment and support commitment—the candidate must submit evidence of having a commitment for three years of employment as a teacher in a public or nonpublic school or BOCES, which includes a mentored experience for the first year consisting of daily supervision by an experienced teacher during the first 20 days. However, the mentoring is not required if the candidate has two years of satisfactory employment as a teacher of students in grades 7-12 in a public or nonpublic school or BOCES.

Expand the Pathways to Career and Technical Education Certification

In November 2013, the Department presented several recommendations to expand the pathways to career and technical education certification. One recommendation presented to the Board of Regents at its November meeting was to expand the availability of the existing Transitional A certificate, which is currently available only for the trade subjects, to the technical titles. The technical titles are: Mechanical Technology 7-12, Electrical-Electronic Technology 7-12 and Computer Technology 7-12, as well as Family and Consumer Science CTE subjects (Food and Nutrition, Textile and Design, Human Services and Family Studies).

Another recommendation presented to the Board of Regents was to add an additional pathway for college professors with two years of satisfactory postsecondary teaching experience in the CTE certificate area to be substituted for two years of work experience in the CTE certificate area sought. This change will provide an additional pathway for college professors teaching in a CTE related field at the college level to receive a Transitional A certificate, an Initial Certificate, and a Professional Certificate provided they meet all other requirements.

An additional recommendation was to work with staff in the Bureau of Proprietary School Supervision (BPSS) to review teacher licensure requirements for proprietary schools in order to look at opportunities for teachers at these schools with these experiences to become CTE teachers in public schools.

The first and second recommendations listed above were adopted by the Board of Regents at the March 2014 Regents meeting.

The proposed amendment addresses the recommendation which establishes an additional pathway option for teachers issued a full private career school teacher license by BPSS who have taught under that license for two years in a New York State licensed private career school to be eligible for a Transitional A Certificate in the CTE subjects.

Currently, pursuant to section 126.6 of the Commissioner's Regulations, there are three license levels (permit, provisional and full license) for teachers licensed by BPSS. To apply for a permit, provisional or full license, candidates must complete an

application and provide BPSS with all necessary documentation required for the level and license area(s) in which the candidate wishes to be licensed in. Currently, the requirements for a full Private Career School Teacher License by BPSS are (for most CTE subject areas):

- (1) To qualify for a full license, candidates must have completed a total of 90-clock hours in Professional Education, including methods of teaching or a total of 9 semester credits of college course work in Professional Education.

Full licenses are valid for 4 years and are renewable.

The proposed amendment provides additional opportunities for individuals with specific technical and career experience to obtain a Transitional A teaching certificate in their area of expertise, thus allowing them to teach CTE subjects at the secondary school level. This will help to increase the supply of qualified, certified teachers in the career and technical education field to satisfy the increasing demand for those teachers.

During the three years that a candidate has a Transitional A certificate, he/she may apply for and complete all requirements for an Initial Certificate. These requirements include completion of college coursework, receiving a passing score on the NYSTCE exams, and completion of a 40 day student teaching placement in the certificate area sought.

Recommendation

VOTED: That a new paragraph (4) is added to subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education, effective August 15, 2016, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to increase the supply of qualified, certified teachers in the career and technical education field to satisfy the increasing demand for those teachers in the 2016-2017 school year and to ensure that the emergency adoption taken at the May 2016 meeting remains continuously in effect until it can be adopted as a permanent rule.

Timetable for Implementation

If adopted as a second emergency measure at the July 2016 Regents meeting, the proposed amendment will become effective as an emergency rule on August 15, 2016. It is anticipated that the proposed amendment will come before the Full Board for adoption as a permanent rule at the September 2016 Regents meeting. If adopted at the September Regents meeting, the proposed amendment will become effective as a permanent rule on September 28, 2016.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. A new paragraph (4) is added to subdivision (b) of section 80-3.5 of the Regulations of the Commissioner of Education shall be amended by adding new paragraph (4), effective August 15, 2016, to read as follows:

(4) Option D: The requirements of this paragraph are applicable to candidates who will seek an initial certificate and who possess a full license as a teacher issued by the Department pursuant to section 126.6(f) of this Title in the career and technical field in which a certificate is sought. The candidate shall meet the requirements in each of the following subparagraphs:

(i) Education. The candidate shall complete at least two clock hours of coursework or training regarding the identification and reporting suspected child abuse or maltreatment, in accordance with 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) Examination. The candidate shall submit 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.

(iii) Experience. The candidate shall have at least two years of satisfactory teaching experience under a full license issued by the Department pursuant to section 126.6(f) of this Title, in a New York State licensed private career school in the certificate area or in a closely related subject area acceptable to the department.

(iv) Employment and support commitment. The candidate shall submit evidence of having a commitment for three years of employment as a teacher in grades 7 through 12 in a career or technical field in a public or nonpublic school or BOCES, which shall include a mentored experience for the first year that will consist of daily supervision by an experienced teacher during the first 20 days of teaching, except that such mentoring shall not be required if the candidate has two years of satisfactory employment as a teacher of students in grades 7 through 12 in a public or nonpublic school or BOCES.

Attachment B

**STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE
EMERGENCY ACTION**

The proposed amendment to section 80-3.5 is necessary to provide an additional pathway option for a Transitional A Certificate in the CTE subjects for candidates who are issued a full license to teach by the Bureau of Proprietary School Supervision and who have two years of teaching experience under such license.

A Notice of Proposed Rule Making was published in the State Register on June 1, 2016. Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for regular (non-emergency) adoption, after expiration of the required 45-day public comment period provided for in the State Administrative Procedure Act (SAPA), would be the July Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be September 28, 2016, the date a Notice of Adoption would be published in the State Register.

Emergency action is therefore necessary to allow those who are issued a full license by the Bureau of Proprietary School Supervision (BPSS) and who have two years of teaching in the license area in a New York State licensed private career school to take advantage of the additional pathway before the start of the 2016-17 school year and to ensure that the emergency action taken by the Board of Regents at its May 2016 meeting remains continuously in effect until it can be adopted as a permanent rule.