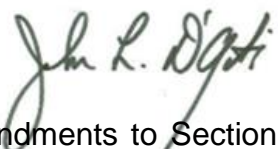




TO: The Honorable the Members of the Board of Regents

FROM: John L. D'Agati 

SUBJECT: Proposed Amendments to Section 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education Relating to Endorsement of Out-of-State Certificates for Service as a Teacher, School District Leader, School District Business Leader and School Building Leader in New York State

DATE: July 5, 2016

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendments to section 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education relating to endorsement requirements for out-of-state certificates for service as a teacher, school district leader, school district business leader and school building leader in New York State?

Reason(s) for Consideration

Review of Policy.

Procedural History

A Notice of Proposed Rule Making was published in the State Register on May 4, 2016. A copy of the proposed amendment is included as Attachment A. Supporting materials are available upon request from the Secretary to the Board of Regents.

Proposed Handling

The proposed amendment will be presented to the Full Board for permanent adoption at the July 2016 meeting of the Board of Regents. An assessment of public comment is included as Attachment B.

Background

Current Endorsement Requirements:

Section 80-5.8 of the Commissioner's Regulations currently requires candidates seeking endorsement of a certificate or an equivalent authorization to practice from another state or territory of the U.S. or the District of Columbia for service as a teacher in the classroom teaching service in New York to:

- (1) hold a valid teaching certificate or equivalent authorization to practice from another state or territory of the U.S. or District of Columbia;
- (2) meet the general certificate requirements in Subpart 80-1, including requirements relating to citizenship, study in child abuse identification and reporting, school violence prevention and intervention, training in harassment, bullying and discrimination prevention and intervention, and a criminal history check;
- (3) have at least three years of satisfactory experience in a public school in another state or territory of the U.S. or District of Columbia in a position that would have required an initial or professional certificate (which must have been completed within five years immediately preceding application for endorsement of the out-of-state certificate) or the equivalent of this experience as determined by the Commissioner;
- (4) hold a baccalaureate or higher degree from a regionally accredited institution or a higher education institution that the commissioner deems the substantial equivalent (with a minimum cumulative GPA of 2.5); and
- (5) meet the examination requirements for the title and type of certificate sought in New York. Currently, a teacher would need to pass the ALST, EAS and the CST to obtain a conditional initial certificate, which is valid for one year, during which time the teacher must pass the edTPA to obtain his/her initial or professional certification, depending on his/her educational level.

Similarly, section 80-5.20 of the Commissioner's Regulations currently requires candidates seeking endorsement of a certificate or an equivalent authorization to practice from another state or territory of the U.S. or the District of Columbia for service as a school district leader or school district business leader in New York State to:

- (1) hold a valid certificate or equivalent authorization to practice from another state or territory of the U.S. or District of Columbia that is equivalent to the professional certificate as a school district or school district business leader;

- (2) meet the general certificate requirements in Subpart 80-1, including requirements relating to citizenship, study in child abuse identification and reporting, school violence prevention and intervention, training in harassment, bullying and discrimination prevention and intervention, and a criminal history check;
- (3) hold a master's degree or higher from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the Department; and
- (4) have had at least three years of satisfactory experience in a public school (grades N-12) in another state or territory of the U.S. or the District of Columbia in a position that would have required the professional certificate in the appropriate title (which must have been completed within ten years immediately preceding the application for endorsement of the out-of-state certificate). For school district leaders *only*, the candidate must achieve a satisfactory level of performance on the school district leader exam.

Currently, there is no endorsement pathway for school building leaders in Section 80-5.20 of the Commissioner's Regulations.

Proposed Amendment:

The proposed amendment would make three significant changes to the current endorsement provisions:

- Candidates certified as a school district leader or school district business leader seeking to qualify for certification in New York would be required to have three or more years of experience teaching in the subject area of their valid certificate or acting as a school building leader or school district or school district business leader within the 5 years immediately preceding their application for endorsement; instead of the current requirements which require the three years of experience to be in the last 10 years.
- In addition, endorsement candidates would be required to provide satisfactory documentation that he/she received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in his or her three most recent years of experience in a public school.
- These certified out-of-state teachers and leaders who have demonstrated effective experience in the certificate title sought would no longer need to take and pass the State certification examinations.

Lastly, a new subdivision would be added to Section 80-5.20 of the Commissioner's regulations to add an endorsement pathway for school building leaders seeking to obtain an initial certificate in this State. The proposed amendment would require candidates seeking endorsement of a certificate or an equivalent authorization to practice from another state or territory of the U.S. or the District of Columbia for service as a school building leader in New York State to:

- (1) hold a valid certificate or equivalent authorization to practice from another state or territory of the U.S. or District of Columbia that is equivalent to the initial certificate as a school building leader;
- (2) meet the general certificate requirements in Subpart 80-1, including requirements relating to citizenship, study in child abuse identification and reporting, school violence prevention and intervention, training in harassment, bullying and discrimination prevention and intervention, and a criminal history check;
- (3) hold a master's degree or higher from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the Department;
- (4) have had at least three years of satisfactory experience in a public school (grades N-12) in another state or territory of the U.S. or the District of Columbia in a position that would have required the professional certificate in the appropriate title (which must have been completed within five years immediately preceding the application for endorsement of the out-of-state certificate); and
- (5) provide satisfactory documentation that the candidate received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in his or her three most recent years of experience in a public school.

Recommendation

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

VOTED: That sections 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 27, 2016.

Timetable for Implementation

If adopted at the July 2016 meeting, the proposed amendment will become effective as a permanent rule on July 27, 2016.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 210, 305, 3001, 3004, and 3009.

1. Subdivision (a) of section 80-5.8 of the Regulations of the Commissioner of Education, is amended, effective July 27, 2016, to read as follows:

§80-5.8. Endorsement of certificates for services as a teacher in the classroom teaching service and recognition of substantially equivalent out-of-state teacher education programs for service as a teacher in the classroom teaching service in New York State.

(a) Endorsement of certificates for service as a teacher in the classroom teaching service.

(1) The commissioner may endorse the certificate or an equivalent authorization to practice from another state or territory of the United States or the District of Columbia for service as a teacher in the classroom teaching service, provided that the candidate meets the following requirements:

(i) The candidate shall hold a valid certificate or equivalent authorization to practice from another state or territory of the United States or the District of Columbia that is equivalent to the title and type of the certificate sought.

(ii) The candidate shall meet the general requirements for certificates prescribed in Subpart 80-1 of this Part, including but not limited to the requirements of section 80-1.3 relating to citizenship, section 80-1.4 relating to study in child abuse identification and reporting, and school violence prevention and intervention; section 80-1.13 relating to coursework or training in harassment, bullying and discrimination prevention and intervention [and school violence prevention and intervention]; and section 80-1.1 relating to a criminal history check.

(iii) The candidate shall hold a baccalaureate or higher degree from a regionally accredited institution or a higher education institution that the commissioner deems substantially equivalent. Candidates shall have achieved a 2.5 cumulative grade point average, or its equivalent, in the program leading to the degree.

(iv) The candidate shall either:

(a) (1) have completed a teacher education program from a regionally accredited institution of higher education or a higher education institution that the Commissioner deems substantially equivalent, provided that such program leads to an initial certificate, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located; and

(2) meet the examination requirements for the title and type of certificate sought in this State; except if a candidate meets all the examination requirements except the teacher performance assessment, if required for the certificate type and title sought, the candidate shall be issued a one-year nonrenewable conditional initial certificate, provided that the candidate meets the requirements of section 80-5.17 of this Subpart; or

(b) (1) have at least three years of satisfactory experience in a public school (grades birth-12) in another state or territory of the United States or the District of Columbia in a position that would have required the equivalent of an initial or professional certificate in the certificate title sought as a teacher in the classroom teaching service for employment in New York State and while under a certificate issued by such other state authorizing such service, such experience must have been completed within five years immediately preceding the application for endorsement of the out-of-state certificate; or the candidate shall have equivalent experience as determined by the Commissioner; and

(2) submit satisfactory evidence that the candidate received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in each of his or her three most recent years of experience in a public school in another state or territory of the United States or the District of Columbia in the certificate title sought as a teacher in the classroom teaching service for employment in New York State.

[(iv) Degree. The candidate shall hold a baccalaureate or higher degree from a regionally accredited institution or a higher education institution that the commissioner deems substantially equivalent. Candidates shall have achieved a 2.5 cumulative grade point average, or its equivalent, in the program leading to the degree.

(v) Examination. The candidate shall meet the examination requirements for the title and type of certificate sought in this State.]

(2) Such candidate who meets the endorsement requirements in paragraph (1) of this subdivision shall be issued an initial certificate as a teacher in the classroom teaching service pursuant to the requirements of this Part.

[(3) If a candidate meets all of the requirements for endorsement set forth in paragraph (1) of this subdivision, except the teacher performance assessment, if required for the certificate type and title sought, the candidate shall be issued a one-year nonrenewable conditional initial certificate, provided that the candidate meets the requirements of section 80-5.17 of this Subpart.]

(b). . .

2. Section 80-5.20 of the Regulations of the Commissioner of Education is amended, effective July 27, 2016, to read as follows:

80-5.20 Endorsement of certificates for service as a school district leader, school district business leader, and school building leader.

(a) School district leader.

(1) The commissioner may endorse the certificate of another state or territory of the United States or the District of Columbia for service as a school district leader, provided that the candidate meets the following requirements:

(i) The candidate shall hold a valid certificate of another state or territory of the United States or the District of Columbia that is equivalent to the professional certificate as a school district leader.

(ii) The candidate shall meet the general requirements for certificates prescribed in Subpart 80-1 of this Part, including but not limited to the requirements of section 80-1.3 relating to citizenship, section 80-1.4 relating to study in child abuse identification and reporting and school violence prevention and intervention, section 80-1.13 relating to study in harassment, bullying and discrimination prevention [and school violence prevention and intervention]; and section 80-1.11 relating to a criminal history record check.

(iii) The candidate shall hold a master's or higher degree from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the department, or have equivalent educational preparation as determined by the commissioner.

(iv) (a) The candidate shall have had at least three years of satisfactory experience in a public school (grades N-12) in another state or territory of the United States or the District of Columbia in a position that would have required the professional certificate as a school district leader for employment in New York State and while under a certificate issued by such other state authorizing such service, which experience must have been completed within [ten] five years immediately preceding the application for endorsement of the out-of-state certificate; or the candidate shall have equivalent experience as determined by the commissioner; and

(b) shall submit satisfactory evidence that the candidate received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in each of his or her three most recent years of experience in a public school in another state or territory of the United States or the District of Columbia in the certificate title sought as a school district leader for employment in New York State.

[(v) Examination requirement.

(a) Any candidate applying for a professional certificate as a school district leader through endorsement of a certificate of another state or territory pursuant to the provisions of this section on or after October 2, 2013 shall achieve a satisfactory level of performance on the school district leader examination.

(b) Any candidate applying for a professional certificate as a school district leader through endorsement of a certificate of another state or territory pursuant to the provisions of this section on or after May 1, 2014 or who applies for certificate on or before April 30, 2014 but does not meet all the requirements for a professional certificate on April 30, 2014 shall submit evidence of achieving a satisfactory level of performance on the educating all students test.]

(2) Such candidate who meets the endorsement requirements in paragraph (1) of this subdivision shall be issued a professional certificate as a school district leader. [The professional certificate as a school district leader shall be continuously valid, provided that the professional development requirement prescribed in section 80-3.6 of this Part is met by the professional certificate holder. The professional certificate holder shall be required to meet such professional development requirement to maintain the continued validity of the professional certificate.]

(b) School district business leader.

(1) The commissioner may endorse the certificate of another state or territory of the United States or the District of Columbia for service as a school district business leader, provided that the candidate meets the following requirements:

(i) The candidate shall hold a valid certificate of another state or territory of the United States or the District of Columbia that is equivalent to the professional certificate as a school district business leader.

(ii) The candidate shall meet the general requirements for certificates prescribed in Subpart 80-1 of this Part, including but not limited to the requirements of section 80-1.3 relating to citizenship, section 80-1.4 relating to study in child abuse identification and reporting and school violence prevention and intervention, section 80-1.13 relating to study in harassment, bullying and discrimination prevention [and school violence prevention and intervention]; and section 80-1.11 relating to a criminal history record check.

(iii) The candidate shall hold a master's or higher degree from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the department, or have equivalent educational preparation as determined by the commissioner.

(iv) (a) The candidate shall have had at least three years of satisfactory experience in a public school (grades N-12) in another state or territory of the United States or the District of Columbia in a position that would have required the professional certificate as a school district business leader for employment in New York State and while under a certificate issued by such other state authorizing such service, which experience must have been completed within [ten] five years immediately preceding the application for endorsement of the out-of-state certificate; or the candidate shall have equivalent experience as determined by the commissioner; and

(b) shall submit satisfactory evidence that the candidate received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in each of his or her three most recent years of experience in a public school in another state or territory of the United States or the District of Columbia in the certificate title sought as a school district business leader for employment in New York State.

(2) Such candidate who meets the endorsement requirements in paragraph (1) of this subdivision shall be issued a professional certificate as a school district business leader. [The professional certificate as a school district business leader shall be continuously valid, provided that the professional development requirement prescribed in section 80-3.6 of this Part is met by the professional certificate holder. The professional certificate holder shall be required to meet such professional development requirement to maintain the continued validity of the professional certificate.]

(c) School Building Leader

(1) The commissioner may endorse the certificate of another state or territory of the United States or the District of Columbia for service as a school building leader, provided that the candidate meets the following requirements:

(i) The candidate shall hold a valid certificate of another state or territory of the United States or the District of Columbia that is equivalent to the initial certificate as a school building leader.

(ii) The candidate shall meet the general requirements for certificates prescribed in Subpart 80-1 of this Part, including but not limited to the requirements of section 80-1.3 relating to citizenship, section 80-1.4 relating to study in child abuse identification and reporting and school violence prevention and intervention, section 80-1.13 relating to study in harassment, bullying and discrimination prevention; and section 80-1.11 relating to a criminal history record check.

(iii) The candidate shall hold a master's or higher degree from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the department, or have equivalent educational preparation as determined by the commissioner.

(iv) (a) The candidate shall have had at least three years of satisfactory experience in a public school (grades N-12) in another state or territory of the United States or the District of Columbia in a position that would have required the initial certificate as a school building leader for employment in New York State and while under a certificate issued by such other state authorizing such service, which experience must have been completed within five years immediately preceding the application for endorsement of the out-of-state certificate; or the candidate shall have equivalent experience as determined by the commissioner; and

(b) shall submit satisfactory evidence that the candidate received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in each of his or her three most recent years of experience in a public school in another state or territory of the United States or the District of Columbia in the certificate title sought as a school building leader for employment in New York State.

(2) Such candidate who meets the endorsement requirements in paragraph (1) of this subdivision shall be issued an initial certificate as a school building leader.

8 NYCRR Subpart 80-5.8, 5.20

ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Proposed Rule Making in the State Register on April 19, 2016, the State Education Department (SED) received the following comments:

1. COMMENT:

One commenter expressed strong support for the proposed amendment to the available endorsement pathways. The commenter identified themselves as a “Big 5 school district” that hires between 100-150 new teachers per year and serves a population of multi-racial students. This change is supported because it is essential to meet the needs of such populations, especially in an urban setting.

DEPARTMENT RESPONSE:

Since the comment is supportive of the proposed amendment, no response is necessary.

2. COMMENT:

One commenter disagreed with the creation of pathways which would allow out-of-state leaders to circumvent the New York State certification exams.

DEPARTMENT RESPONSE:

The Department recognizes that the amendments to 80-5.8 and 80-5.20 of the Regulations create a pathway for teachers and leaders certified out-of-state to become certified without taking the New York State certification exams. However, the amendments also include additional requirements in lieu of the certification examinations: three years of experience within the last five years, and ratings of effective or highly effective on the three most recent years of evaluations. These

requirements are meant to ensure that certified individuals coming in from out-of-state seeking teacher or leader certification in New York have sufficient expertise in order to demonstrate that they are comparable to an in-state teacher or leader who has taken and passed the 'New York certification exams.