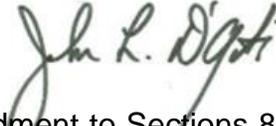




**TO:** The Honorable the Members of the Board of Regents

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

**SUBJECT:** Proposed Amendment to Sections 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education Relating to the Eligibility Requirements for the Endorsement Pathway for Certification as an Educator in the Classroom Teaching Service or in the Educational Leadership Service

**DATE:** July 2, 2019

**AUTHORIZATION(S):**  

## SUMMARY

### Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendment to Sections 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education relating to the eligibility requirements for the endorsement pathway for certification as an educator in the classroom teaching service or in the educational leadership service?

### Reason(s) for Consideration

Review of Policy.

### Proposed Handling

The proposed amendment is submitted to the Full Board for a second emergency adoption at the July 2019 Board of Regents meeting (Attachments A and B are a copy of the proposed amendment and the Statement of Facts and Circumstances Justifying the Emergency Adoption, respectively).

## **Procedural History**

A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on June 19, 2019. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

## **Background Information**

Candidates who have experience teaching or working as an administrator in another state while holding a valid out-of-state certificate may be eligible for certification through the endorsement pathway. In this pathway, the Department may endorse a candidate's out-of-state certificate to practice in New York State if he or she meets the following requirements:

- Holds a valid certificate 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.
- Has 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 and while under a certificate issued by such other state authorizing such service.
- Completes the experience within five years immediately preceding the application for certification or have equivalent experience as determined by the Commissioner.
- Receives 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.

The Department consistently encounters out-of-state candidates who demonstrate their efficacy as an educator in another state, but are not eligible for the endorsement pathway because they do not meet all of the requirements. For example, a candidate may have worked for six years as an elementary teacher and then four years as a principal in a public school in another state under valid certificates and received effective ratings during their ten years of experience. However, the candidate would not be eligible for the Childhood Education certificate through the endorsement pathway because the candidate would not have three years of teaching experience within the past five years.

## **Proposed Amendment**

The Department is proposing three revisions to the eligibility requirements for the endorsement pathway to certification. First, the reference to certificates and experience "in another state or territory of the United States" would be replaced with certificates and experiences "in other state(s) or territory(ies) of the United States." The new phrase would remove any ambiguity that candidates are able to hold certificates and have experience

in multiple states. Permitting experience from multiple states would allow candidates who worked in more than one state during their three years of experience to be eligible for the endorsement pathway, including military spouses.

Second, the time period in which candidates may complete their three years of experience would be extended from five years to seven years. The additional two years could capture additional candidates who are current with best practices, but completed their three years of experience a little further back in time due to a variety of reasons (e.g., raising a family, holding different teaching and/or administrative positions).

Finally, the evaluation ratings of effective or highly effective could occur in any three years of experience and not necessarily the three most recent years of experience. Removing the restriction that the ratings must be in the three most recent years enables candidates who may not be able to obtain ratings from their most recent employer to be eligible for the endorsement pathway. For example, some states do not give their educators ratings every year after they pass their probationary period.

The proposed revisions provide candidates with more flexibility to be eligible for the endorsement pathway by taking more extenuating circumstances into account while maintaining high standards for candidates. In addition, these candidates may be applying for teacher certification in shortage areas, which could increase the number of teachers who could address teaching needs in New York State.

### **Related Regents Items**

[June 2014](http://www.regents.nysed.gov/common/regents/files/614hed2.pdf) <http://www.regents.nysed.gov/common/regents/files/614hed2.pdf>

[July 2016](http://www.regents.nysed.gov/common/regents/files/716brca4.pdf) <http://www.regents.nysed.gov/common/regents/files/716brca4.pdf>

[June 2019](http://www.regents.nysed.gov/common/regents/files/619hea1.pdf) <http://www.regents.nysed.gov/common/regents/files/619hea1.pdf>

### **Recommendation**

VOTED: That Sections 80-5.8 and 5.20 of the Regulations of the Commissioner of Education be adopted as an emergency action, effective September 2, 2019, to allow candidates to take advantage of the proposed eligibility requirements for the endorsement pathway during the summer when many candidates will apply for certification in anticipation of the 2019-2020 academic year and to ensure that the emergency action taken at the June 2019 meeting of the Board of Regents remains continuously in effect until it can be adopted as a permanent rule at the October 2019 Board of Regents meeting.

### **Timetable for Implementation**

If adopted at the July 2019 Regents meeting, the proposed amendment will be effective as a second emergency rule on September 2, 2019. 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 October 2019 meeting. If adopted at the October 2019 meeting, the proposed amendment will become effective on October 23, 2019.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 305, 3001, 3004, 3006, 3007 and 3009 of the Education Law.

1. Paragraph (1) of subdivision (a) of section 80-5.8 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(1) The commissioner may endorse the certificate or an equivalent authorization to practice from [another] other state(s) or territory(ies) 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:

2. Subparagraph (i) of paragraph (1) of subdivision (a) of section 80-5.8 of the Regulations of the Commissioner of Education shall be amended to read as follows:

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

3. Subclauses (1) and (2) of clause (b) of subparagraph (iv) of paragraph (1) of subdivision (a) of section 80-5.8 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(1) have at least three years of satisfactory experience in a public school (grades birth-12) in [another] other state(s) or territory(ies) 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] seven 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] at least three [most recent] years of experience in public school in [another] other state(s) or territory(ies) 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.

4. Paragraph (1) of subdivision (a) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

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

5. Subparagraph (i) of paragraph (1) of subdivision (a) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

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

6. Clauses (a) and (b) of subparagraph (iv) of paragraph (1) of subdivision (a) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) The candidate shall have had at least three years of satisfactory experience in a public school (grades N-12) in [another] other state(s) or territory(ies) 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 [five] seven 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] at least three [most recent] years of experience in [another] other state(s) or territory(ies) 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.

7. Paragraph (1) of subdivision (b) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(1) The commissioner may endorse the certificate of [another] other state(s) or territory(ies) 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:

8. Subparagraph (i) of paragraph (1) of subdivision (b) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

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

9. Clauses (a) and (b) of subparagraph (iv) of paragraph (1) of subdivision (b) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) The candidate shall have had at least three years of satisfactory experience in a public school (grades N-12) in [another] other state(s) or territory(ies) 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 [five] seven 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] at least three [most recent] years of experience in a public school in [another] other state(s) or territory(ies) 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.

10. Paragraph (1) of subdivision (c) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

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

11. Subparagraph (i) of paragraph (1) of subdivision (c) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

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

12. Clauses (a) and (b) of subparagraph (iv) of paragraph (1) of subdivision (c) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) The candidate shall have had at least three years of satisfactory experience in a public school (grades N-12) in [another] other state(s) or territory(ies) 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] seven 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] at least three [most recent] years of experience in a public school in [another] other state(s) or territory(ies) 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.

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING THE EMERGENCY  
ACTION

The Department is proposing revisions to the endorsement pathway to certification to provide candidates with more flexibility in the pathway by taking more extenuating circumstances into account while maintaining high standards for them. In addition, these candidates may be applying for teacher certification in shortage areas, which could increase the number of teachers who could address teaching needs in New York State.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (non-emergency) adoption, after publication in the State Register and expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) Sections 202(1) and (5), is the October 2019 Regents meeting. Furthermore, pursuant to SAPA Section 203(1), the earliest effective date of the proposed amendment, if adopted at the October Regents meeting, is October 23, 2019, the date a Notice of Adoption would be published in the State Register. However, because many candidates will apply for certification during the summer in anticipation of the 2019-2020 academic year, emergency action is necessary now for the preservation of the general welfare in order to ensure that they can take advantage of the proposed eligibility requirements and to ensure that the emergency action taken at the June 2019 meeting of the Board of Regents remains continuously in effect until it can be adopted as a permanent rule at the October 2019 Board of Regents meeting.