



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:** Elizabeth R. Berlin *Elizabeth R Berlin*

**SUBJECT:** Proposed Amendment to Section 80-5.17 of the Regulations of the Commissioner of Education Relating to the Conditional Initial Certificate Requirements

**DATE:** August 29, 2019

**AUTHORIZATION(S):** *Sharon L. Takoe* *Mary Ellen Elin*

#### **SUMMARY**

##### **Issue for Decision (Consent Agenda)**

Should the Board of Regents adopt the proposed amendment to §80-5.17 of the Regulations of the Commissioner of Education relating to conditional initial certificate requirements?

##### **Reason(s) for Consideration**

Review of Policy.

##### **Proposed Handling**

The proposed amendment will be presented to the Full Board for adoption as a permanent rule at the September 2019 meeting of the Board of Regents. A copy of the proposed rule is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

##### **Procedural History**

A Notice of Proposed Rule Making was published in the State Register on May 22, 2019. Following the 60-day public comment period required under the State Administrative Procedure Act, no comments were received on the proposed amendment.

## **Background Information**

A Conditional Initial certificate in the classroom teaching service is available for candidates who complete a teacher preparation program in another state equivalent to a New York State teacher preparation program and hold a valid out-of-state certificate equivalent to the certificate sought, but do not have three years of acceptable out-of-state teaching experience. Candidates can receive the Conditional Initial certificate if they meet all of the requirements for an Initial certificate in the classroom teaching service except for receipt of a satisfactory passing score on the edTPA. This nonrenewable certificate is valid for one year, giving candidates one year to fulfill the examination requirement while being certified. Upon successful completion of the edTPA, candidates receive their Initial certificate.

A Conditional Initial certificate for prospective school building leaders is also available for candidates who hold a valid out-of-state certificate equivalent to a New York State Initial School Building Leader certificate, but do not meet the three-year endorsement requirement. Candidates can receive the Conditional Initial certificate if they meet all of the requirements for an Initial School Building Leader certificate except for receipt of a satisfactory passing score on the Educating All Students test and/or the New York State assessment for school building leadership. This two-year, nonrenewable certificate allows candidates to meet the examination requirements while being certified. Candidates receive their Initial certificate after passing both exams.

Section 80-5.17(c) of the Commissioner's Regulations describes when candidates must submit evidence of meeting their examination requirement(s) and is set forth below:

(c) To meet the requirements for a full initial certificate in the certificate title of the conditional initial certificate, the candidate shall be required to submit to the commissioner, at least 60 days prior to the expiration of the conditional initial certificate, satisfactory evidence of meeting the examination requirement for the initial certificate title sought, as prescribed in this Part. If the candidate meets such examination requirement and all other requirements for the initial certificate title sought, the commissioner shall issue the initial certificate.

## **Proposed Amendment**

Section 80-5.17(c) of the Commissioner's Regulations could be interpreted to mean that candidates must submit evidence of satisfactory completion of the examination requirement(s) at least 60 days prior to expiration of the Conditional Initial certificate, and that they can only be eligible for an Initial certificate during the validity period of the Conditional Initial certificate or they cannot earn the Initial certificate. The proposed amendment repeals Section 80-5.17(c) to confirm that candidates may be eligible for an Initial certificate during the entire validity period of the Conditional Initial certificate and even after their Conditional Initial certificate expires.

## **Related Regents Items**

[May 2019:Proposed Amendment to Section 80-5.17 of the Regulations of the Commissioner of Education Relating to the Conditional Initial Certificate Requirements](https://www.regents.nysed.gov/common/regents/files/519hed4.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/519hed4.pdf>)

## **Recommendation**

VOTED: That Section 80-5.17 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 25, 2019.

## **Timetable for Implementation**

If adopted at the September 2019 Regents meeting, the permanent rule will take effect on September 25, 2019.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

Subdivision (c) of section 80-5.17 of the Regulations of the Commissioner of Education is repealed.