



TO: The Higher Education Committee

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

SUBJECT: Proposed Amendments to Part 80 of the Regulations of the Commissioner of Education Relating to the Reciprocity Requirements for Classroom Teachers

DATE: December 3, 2012

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

**SUMMARY**

Issue for Discussion

Should the Board of Regents adopt the proposed amendments to Part 80 of the Regulations of the Commissioner of Education relating to reciprocity requirements for classroom teachers?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Higher Education Committee for discussion at its December 2012 meeting.

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on January 2, 2013. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

## **Background**

### **Interstate Agreement**

Pursuant to section 3030 of the Education Law, New York State was a party to the Interstate Agreement on the Qualifications of Educational Personnel until 2010. This compact was created through the National Association of State Directors of Teacher Education and Certification (NASDTEC). Through this agreement, a State could enter into an agreement with another state for the acceptance of educational personnel where the other state's programs of education, certification standards or other qualifications were sufficiently comparable to the primary state. New York State was a party to this agreement until 2010, when the agreement expired. In 2010, NASDTEC asked each state to undergo a review of the requirements of other states' teacher education programs and licensure requirements to determine if they were comparable to their state before entering into a new agreement. At that time it was determined that the Office of Teaching Initiatives ("OTI") did not have the resources to review every other state's requirements and/or to continue to review changes made to such requirements over the period of the agreement. Instead, OTI decided to create a standardized reciprocity process for the review of candidates coming from another state.

Currently, the OTI has developed a reciprocity process based in large part on the requirements of the prior interstate compact. As part of this process the OTI looks at the applicant's educational background, his/her experience as a teacher and the type of certificate he/she holds from the other state.

Under the current reciprocity standards, if an applicant for a classroom teaching certificate holds a certificate equivalent to our initial/provisional, and three years of experience under that certificate in the jurisdiction of issuance and has graduated from a traditional education program, he/she can be approved for reciprocity. At this point, he/she will receive a conditional initial certificate, which allows the teacher to teach in NYS for two years during which time the candidate is required to pass the certification examinations.

However, over the past 10 years, teacher preparation programs have changed. For example, teachers often graduate from what are commonly known as alternative education programs. Under our current practice, graduates of these alternative education programs would not qualify for reciprocity. Instead we would require the person to go through the individual evaluation pathway, which is both time consuming for our staff and frustrating for the applicant.

In addition, over the past several years, New York has approved its own alternative pathway programs which allow students to teach under a Transitional B or C certificate while they complete their educational program requirements.

There are also individuals who have completed an education program from another state who do not have their teaching certificate, or they have a certificate but they did not graduate from an education program. These individuals currently apply through our individual evaluation pathway.

In order to address the various scenarios that exist in a more efficient and transparent manner, we recommend amending the Commissioner's Regulations, as set forth below, to establish clear and transparent requirements for the reciprocity of teachers seeking certification in this State. We would like to allow teachers that completed similar teacher education programs in other jurisdictions to be able to get certified in New York without additional educational training

### **Proposed Reciprocity Requirements**

1. If a teacher comes from another State and holds a valid certificate or authorization to practice that the Commissioner deems equivalent to the title and type of a teacher in the classroom teaching service and has completed a teacher education program from an out-of-state regionally accredited institution of higher education or a higher education institution that the Commissioner deems substantially equivalent, and he/she has received a satisfactory score on all required New York State teacher certification examinations, workshops and fingerprinting, the applicant will be issued an initial certificate.

2. If a teacher comes from another State and holds a valid certificate or authorization to practice that the Commissioner deems equivalent to the title and type of a teacher in the classroom teaching service, as appropriate for that certificate title, by another state or territory of the United States or the District of Columbia; completes the required workshops, fingerprinting and receives a satisfactory passing score on New York State teacher certification examinations, the candidate will be issued an initial certificate if he/she meets the following requirements:

holds a baccalaureate degree or higher from a regionally accredited institution of higher education or an equivalently approved higher education institution, but has not completed a teacher education program; and the candidate has at least two years of satisfactory teaching experience in a public or non-public school (grades N-12) in another state or territory of the United States or the District of Columbia, within ten 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

3. If a teacher comes from another state and holds a valid certificate or authorization to practice that the Commissioner deems equivalent to the title and type of a teacher in the classroom teaching service, as appropriate for that certificate title, by another state or territory of the United States or the District of Columbia and meets all the requirements of # 1 or 2 above, except the examination requirements, the candidate shall be issued a conditional initial certificate, which will allow the candidate to teach in New York State for two years in order to complete the required certification examinations. The initial certificate will then be issued upon receipt of a satisfactory score on all required New York State teacher certification examinations.

4. All other out-of-state candidates seeking certification in the classroom teaching service will continue to be reviewed under the individual evaluation pathway pursuant to the requirements in section 80-3.7 of the Commissioner's Regulations.

In the future, the Department plans to consider approaches for ensuring that out-of-state candidates are prepared to teach to the Common Core Learning Standards.

Recommendation

Not applicable.

Timetable for Implementation

It is anticipated that the proposed amendment will come before the full Board for adoption as a permanent rule at the March 2013 Regents meeting. If adopted at the March Regents meeting, the proposed amendment will become effective on March 27, 2013.

## AMENDMENT OT THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Paragraph (39) of subdivision (b) of section 80-1.1 of the Regulations of the Commissioner of Education shall be amended, effective March 27, 2013, to read as follows:

Teacher means the holder of a valid teacher's certificate issued by the Commissioner of Education [or a valid regional credential].

2. Section 80-1.4 of the Regulations of the Commissioner of Education shall be amended, effective March 27, 2013, to read as follows:

Section 80-1.4 Required study in child abuse identification and reporting, and school violence prevention and intervention.

All candidates for a certificate or license valid for administrative or supervisory service, classroom teaching service or school service shall have completed at least two clock hours of coursework or training regarding the identification and reporting of suspected child abuse or maltreatment in accordance with the requirements of sections 3003(4) and 3004 of the Education Law. In addition, all candidates for a certificate or license valid for administrative or supervisory service, classroom teaching service or school service, who apply for a certificate or license on or after February 2, 2001, shall have completed 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 registered program leading to certification pursuant to section 52.21 of this Title or other approved provider pursuant to Subpart 57-2 of this Title. [An individual making application for a provisional or an initial certificate pursuant to section 3030 of

the Education Law and/or section 80-2.2(e) of this Part shall satisfy the requirements of this section upon application for the permanent or professional certificate.]

3. Paragraph (2) of subdivision (a) of section 80-2.9 of the Regulations of the Commissioner of Education is repealed and paragraphs (3) through (6) are renumbered as paragraphs (2) through (5) of subdivision (a) of section 80-2.9 of the Regulations of the Commissioner of Education, effective March 27, 2013.

4. Paragraph (3) of subdivision (d) of section 80-3.2 of the Regulations of the Commissioner of Education is amended, effective March 27, 2013, to read as follows:

(3) The certificate, license or credential forms for supplemental school personnel, teaching in nonregistered evening schools[, regional credential,] and internship certificate shall be those prescribed in Subpart 80-5 of this Part.

5. Paragraph (3) of subdivision (e) of section 80-3.2 of the Regulations of the Commissioner of Education is amended, effective March 27, 2013, to read as follows:

(3) The certificate, license or credential titles for supplemental school personnel, teachers of adult, community and continuing education, [regional credential,] and internship certificate shall be those prescribed in Subpart 80-5 of this Part.

6. Paragraph (1) of subdivision (b) of section 80-3.3 of the Regulations of the Commissioner of Education is repealed and a new paragraph (1) is added to subdivision (b) of section 80-3.3 of the Regulations of the Commissioner of Education, effective March 27, 2013, to read as follows:

(1) Education. The candidate shall meet the education requirement by holding a baccalaureate degree from a regionally accredited institution of higher education or a higher education institution that the commissioner deems substantially equivalent or from an institution authorized by the Regents to confer degrees and whose programs are registered by the department, and shall satisfactorily complete a program registered

pursuant to section 52.21 of this Title, which leads to the certificate sought, or its equivalent.

7. Subparagraph (i) of paragraph (2) of subdivision (c) of section 80-3.3 of the Regulations of the Commissioner of Education is repealed and a new subparagraph (i) of paragraph (2) of subdivision (c) of section 80-3.3 of the Regulations of the Commissioner of Education is added, effective March 27, 2013, to read as follows:

(i) Education. The candidate shall meet the education requirement by satisfactorily completing an associate degree program registered pursuant to section 52.21(b)(3)(xiii) of this Title as leading to an initial certificate under option A, or its equivalent.

8. Subclause (2) of clause (a) of subparagraph (ii) of paragraph (1) of subdivision (a) of section 80-3.10 of the Regulations of the Commissioner of Education is repealed and subclause (3) is renumbered as subclause (2) of clause (a) of subparagraph (ii) of paragraph (1) of subdivision (a) of section 80-3.10 of the Regulations of the Commissioner of Education, effective March 27, 2013.

9. Section 80-5.8 of the Regulations of the Commissioner of Education is repealed and a new section 80-5.8 is added, effective March 27, 2013, to read as follows:

Section 80-5.8 Endorsement of certificates for service as a teacher in the classroom teaching service.

(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; and section 80-1.1 relating to a criminal history check.

(iii) The candidate shall have either:

(a) completed a teacher education program from a regionally accredited institution of higher education or an equivalently approved higher education institution;  
or

(b) (i) hold a baccalaureate degree or higher from a regionally accredited institution of higher education or an equivalently approved higher education institution, but have not completed a teacher education program; and

(ii) have at least two 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 equivalent of an initial or professional certificate 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, which experience must have been completed within 10 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.

(iv) Examination. The candidate shall meet the examination requirements for the title and type of certificate sought.



(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 endorsement requirements in paragraph (1) of this subdivision, except the examination requirements required for an initial certificate, the candidate shall be issued a two-year nonrenewable conditional initial certificate pursuant to section 80-5.17 of this Subpart.

10. Section 80-5.11 of the Regulations of the Commissioner of Education is amended, effective March 27, 2013, to read as follows:

Section 80-5.11. Certificate of qualification.

The commissioner shall not issue certificates of qualification with issuance dates on or after September 2, 1998. Holders of certificates of qualification with issuance dates prior to September 2, 1998 may retain the certificate as evidence that the holder is eligible for a provisional certificate. At the commencement of regular employment in any public school in the State, during the period of validity of the certificate of qualification, the holder shall deliver such certificate to the chief school officer of the district offering employment, who shall forward such certificate to the commissioner for the issuance of a provisional certificate. The certificate of qualification is evidence that the holder is eligible for employment as a substitute teacher. Permanent certification will be issued upon completion of the requirements for permanent certification in effect at the time of issuance of the certificate of qualification [or regional certificate].

11. Section 80-5.17 of the Regulations of the Commissioner of Education is amended, effective March 27, 2013, to read as follows:

Section 80-5.17 Conditional initial certificate.

(a) Conditional initial certificate in the classroom teaching service. For initial certification in a certificate title in the classroom teaching service for which this Part requires completion of an examination requirement, the commissioner may issue to a candidate who has not met such examination requirement a two-year nonrenewable conditional initial certificate, notwithstanding that the examination requirement has not been met, and deem that all other requirements for the initial teacher's certificate in the certificate title in the classroom teaching service have been met, provided that the candidate holds a valid regular teacher's certificate or an authorization to practice that the commissioner deems equivalent in the same or an equivalent title by [a state which has contracted with the State of New York pursuant to section 3030 of the Education Law, the interstate agreement on the qualifications of educational personnel, or] another state or [country] or territory of the United States pursuant to section 80-5.8 of this Subpart [provided that the commissioner determines that the teacher's certificate issued by the other state or country evidences knowledge, skills and abilities comparable to those required for certification in New York State].

(b) Conditional initial certificate in the title school building leader. The commissioner may issue a two-year nonrenewable conditional initial certificate in the title school building leader to a candidate who applies for the certificate after September 1, 2006 and meets the following requirements:

(1) . . .

(2) the candidate holds a valid regular certificate or an authorization to practice that the commissioner deems equivalent in an equivalent title to the title school building leader issued by [a state which has contracted with the State of New York pursuant to section 3030 of the Education Law, the interstate agreement on qualifications of educational personnel, or] another state or country provided that the commissioner

determines that the certificate issued by the other state or country evidences knowledge, skills and abilities comparable to those required for certification in New York State.

(c) . . .