



**TO:** Higher Education Committee

**FROM:** William P. Murphy *William Murphy*

**SUBJECT:** Proposed Amendment to Section 80-1.1 of the Regulations of the Commissioner of Education Relating to the Definition of a Year of Experience for Permanent or Professional Certification

**DATE:** November 4, 2021

**AUTHORIZATION(S):** *Don McGreevey* *Betsy M...*

### SUMMARY

#### **Issue for Discussion**

Should the Board of Regents adopt the proposed amendment to section 80-1.1 of the Regulations of the Commissioner of Education relating to the definition of a year of experience for Permanent or Professional certification?

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

Review of policy.

#### **Proposed Handling**

The proposed amendment is submitted to the Higher Education Committee for discussion at its November 2021 meeting. A copy of the proposed amendment is attached (Attachment A).

#### **Procedural History**

A Notice of Proposed Rule Making will be published in the State Register on December 1, 2021 for a 60-day public comment period. Supporting materials are available upon request from the Secretary to the Board of Regents.

## **Background Information**

Candidates in the classroom teaching, educational leadership, and pupil personnel service must complete at least two years of acceptable experience for the Permanent certificate and at least three years of experience for the Professional certificate. Section 80-1.1(b)(47) of the Commissioner's regulations currently defines a year of experience for Permanent or Professional certification as:

- a minimum of 180 days of full-time, continuous school experience in the subject or area of certification completed within a 12-month period;
- a minimum of 180 days of full-time continuous school experience in the subject or area of certification completed in periods of no less than 90 days each within a 12-month period;
- a minimum of 360 days of part-time continuous school experience consisting of an average of 2.5 days per week in the subject or area of certification and completed in periods of no less than 90 days each within a 12-year period; or
- a minimum of 360 days of part-time school experience, which shall include at least 45 days of part-time continuous school experience within a 12-year period in the subject area of the certificate sought, consisting of at least of one class period each day with a consistent group of students during such time period.

This definition requires candidates to have school experience in the subject area of the Permanent or Professional certificate sought. The experience must also be continuous for a minimum number of days within a 12-month period. In addition, the definition only permits four ways to calculate a year of experience and does not allow for many other types of experiences that educators may complete.

To allow for additional types of experiences, the Department is proposing to revise the definition to provide a single definition of a year of experience for Permanent or Professional certification, which would be defined as:

- a minimum of 180 days in a 12-month period of full-time satisfactory experience, or its equivalent, in an educational setting acceptable to the Department.

The proposed definition provides more flexibility in calculating a year of experience, permitting a variety of part-time experiences that could be equivalent to 180 or more days of full-time experience in a 12-month period. The definition would no longer require periods of continuous experience or experience in the subject area of the certificate sought. For example, substitute teaching experience that is not continuous and/or not in the subject area of the certificate sought could nevertheless be considered towards a year of experience.

The proposed definition would also allow for experience in educational settings acceptable to the Department other than schools, such as specified early childhood

settings. In addition, the proposed definition is less convoluted and similar to the streamlined definition of a “year of occupational or work experience” listed in section 80-1.1(b)(48) of the Commissioner’s regulations as “a minimum of 10 months in a calendar year of full-time satisfactory employment in an appropriate occupational field.”

By allowing additional types of experiences in the definition of a year of experience, more candidates would have their experiences considered for their Permanent and Professional certificate applications and the number of qualified candidates who receive these certificates would increase during this time of educator shortages. Candidates would continue to need to meet the experience requirement for the Permanent or Professional certificate sought, which may include experience in schools and/or specific areas.

**Related Regents Items**

Not applicable.

**Recommendation**

Not applicable.

**Timetable for Implementation**

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 March 2022 meeting. If adopted at the March meeting, the proposed amendment will become effective on March 30, 2022.

**Attachment A**

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 14, 101, 207, 208, 305, 308, 3001, 3004 and 3009 of the Education Law.

1. Paragraph (47) of subdivision (b) of section 80-1.1 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(47) *Year of experience for permanent or professional certification* means [the following:

(i) a minimum of 180 days of full-time, continuous school experience in the subject or area of certification completed within a 12-month period;

(ii) a minimum of 180 days of full-time continuous school experience in the subject or area of certification completed in periods of no less than 90 days each within a 12-month period;

(iii) a minimum of 360 days of part-time continuous school experience consisting of an average of 2.5 days per week in the subject or area of certification and completed in periods of no less than 90 days each within a 12-year period; or

(iv) a minimum of 360 days of part-time school experience, which shall include at least 45 days of part-time continuous school experience within a 12-year period in the subject area of the certificate sought, consisting of at least of one class period each day with a consistent group of students during such time period.]a minimum of 180 days in a 12-month period of full-time satisfactory experience, or its equivalent, in an educational setting acceptable to the Department.