



TO: Higher Education Committee

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

SUBJECT: Proposed Amendments to Sections 80-3.3, 80-3.7 and 80-5.6 of the Regulations of the Commissioner of Education Relating to Individual Evaluation and the Experience Requirements for a Level III Teaching Assistant Certificate

DATE: January 7, 2013

AUTHORIZATION(S):

*Richard A. Iacono* *John B. J. Jr.*

### SUMMARY

#### Issue for Decision

Should the Board of Regents adopt the proposed amendment to sections 80-3.3, 80-3.7 and 80-5.6 of the Regulations of the Commissioner of Education relating to individual evaluation and the requirements for Level III teaching assistant certificates?

#### Reason(s) for Consideration

Review of Policy.

#### Proposed Handling

The proposed amendment is submitted to the Higher Education Committee for adoption at its January 2013 meeting.

#### Procedural History

A Notice of Proposed Rule Making was published in the State Register on November 7, 2012. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

## **Background**

### **Experience for Level III teaching assistant certificate**

The purpose of the proposed amendment is to amend the experience requirements for a Level III teaching assistant certificate to allow a candidate who has one year of teaching experience in the classroom teaching service to satisfy the experience requirement for the Level III teaching assistant certificate.

The general duties of the teaching assistant position are assisting teachers by performing duties such as working with individual pupils or groups of pupils on special instructional projects; providing the teacher with information about pupils that will assist the teacher in the development of appropriate learning experiences; assisting pupils in the use of available instructional resources, and assisting in the development of instructional materials; utilizing their own special skills and abilities by assisting in instructional programs in such areas as: foreign languages, arts, crafts, music and similar subjects; and assisting in related instructional work as required. Duties are assigned to the teaching assistant by the teacher of record based on the abilities and the experience demonstrated by the teaching assistant.

There are three levels of teaching assistant certificates - Level I, Level II and Level III. The three levels were developed as a career ladder for people that did not have college coursework. Level I requires the candidate to have a high school diploma or its equivalent and no prior experience. Level II requires a high school diploma or its equivalent, nine semester hours of college coursework and one year of experience under a Level I certificate or a temporary teaching assistant certificate. A Level III certificate requires a high school diploma, or its equivalent, 18 semester hours of college coursework and one year of experience under the Level I, Level II or temporary teaching assistant certificate. All certificates require fingerprinting and workshops and a satisfactory level of performance on the teaching assistant examination. Each teaching assistant certificate level, up to a Level III certificate, has a limited time period during which the teaching assistant must take the required additional college credits and move to the next level.

Some school districts require a certified teacher to hold a certificate as a teaching assistant in order to work as a teaching assistant. The current regulation requires one year of teaching assistant experience and 18 semester hours of college credit in order to be granted the Level III certificate. A certified teacher would meet the education requirement based on the college credit requirements for certification. However, in order to allow teachers to also be employed as teaching assistants in districts that require teachers to also hold a certificate as a teaching assistant, we are proposing to allow teachers to be eligible for a Level III teaching assistant certificate by accepting one year of teaching experience in the classroom teaching service to satisfy the experience requirement for the Level III certificate.

## **Individual Evaluation Pathway to Teacher Certification**

In 2003, the Board of Regents revised the certification requirements for teachers by creating a pathway for individual evaluation for candidates who have not completed registered teacher education programs. Under the individual evaluation pathway, candidates are required to submit evidence of coursework and field experience to the State Education Department for evaluation and issuance of the certificate.

The provision regarding individual evaluation included a sunset date of February 1, 2007 for certificates in childhood education and February 1, 2009 for all other certificates in the classroom teaching service.

In 2008, the Regents extended the expiration date of the individual evaluation pathway for all classroom titles except childhood education from February 1, 2009 to February 1, 2012. The purpose in establishing these sunset dates was to allow the Department time to assess the continued need for the individual evaluation pathway, based on how many candidates use this pathway to become certified, particularly in subject areas where there are teacher shortages.

In June 2011, the Regents extended the expiration date of the individual evaluation pathway for all classroom titles except childhood education from February 1, 2012 to September 1, 2013. The purpose in establishing the extension to September 2013 was to coincide with the implementation of the new exams.

In January 2012, the Regents approved a change in the date of the new teacher certification examinations to May 1, 2014.

With the scheduled sunset of the individual evaluation pathway for new teachers (including career changers) in 2013; and the new reforms effective in May 2014 and to be consistent with past practice; staff recommends that the individual evaluation pathway be extended until May 1, 2014.

Following a 45-day public comment period pursuant to the State Administrative Procedure Act, the Department received no comments on the proposed amendment.

### Recommendation

VOTED: That item (iii) of subclause (1) of clause (c) of subparagraph (ii) of paragraph (2) of subdivision (b) of section 80-5.6 , section 80-3.7 and subparagraph (iii) of paragraph (3) of subdivision (a) of section 80-3.3 of the Regulations of the Commissioner of Education be amended, effective January 30, 2013.

### Timetable for Implementation

If adopted at the January Regents meeting, the proposed amendment will become effective on January 30, 2013.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF  
EDUCATION

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

1. Item (iii) of subclause (1) of clause (c) of subparagraph (ii) of paragraph (2) of subdivision (b) of section 80-5.6 of the Regulations of the Commissioner of Education is amended, effective January 30, 2013, to read as follows:

(iii) Experience. The candidate shall submit adequate evidence substantiating satisfactory employment as a teacher in the classroom teaching service as defined in section 80-1.1 of this Part, a teaching assistant for one school year under a level I teaching assistant certificate or a level II teaching assistant certificate or under a temporary license authorizing employment as a teaching assistant.

2. Section 80-3.7 of the Regulations of the Commissioner of Education is amended, effective January 30, 2013, to read as follows:

Section 80-3.7 Satisfaction of education requirements for certification in the classroom teaching service through individual evaluation.

This section prescribes requirements for meeting the education requirements for classroom teaching certificates through individual evaluation. Except as otherwise provided in this section, this option for meeting education requirements shall only be available for candidates who apply for a certificate in childhood education by February 1, 2007 and for candidates who apply for any other certificate in the classroom teaching service [by September 1, 2013] on or before April 30, 2014, and who upon application qualify for such certificate. Candidates with a graduate degree in science, technology, engineering or mathematics who apply for an initial teaching certificate under subclause (a)(3)(ii)(c)(3) of this section may continue to meet the education requirements for classroom teaching certificates through individual evaluation after [September 1, 2013]

May 1, 2014. The candidate must have achieved a 2.5 cumulative grade point average or its equivalent in the program or programs leading to any degree used to meet the requirements for a certificate under this section. In addition, a candidate must have achieved at least a C or its equivalent in any undergraduate level course and at least a B- or its equivalent in any graduate level course in order for the semester hours associated with that course to be credited toward meeting the content core or pedagogical core semester hour requirements for a certificate under this section. All other requirements for the certificate, including but not limited to, examination and/or experience requirements, as prescribed in this Part, must also be met.

(a) . . .

(b) . . .

(c) . . .

3. Subparagraph (iii) of paragraph (3) of subdivision (a) of section 80-3.3 of the Regulations of the Commissioner of Education is amended, effective January 30, 2013, as follows:

(iii) The option to complete the education requirements for the certificates specified in subparagraphs (i) and (ii) of this paragraph through equivalent study, as determined by individual evaluation in accordance with the requirements of section 80-3.7 of this Subpart will continue to be available for individuals who hold an initial, professional, provisional or permanent certificate in the classroom teaching service. For candidates who do not already hold an initial, professional, provisional or permanent certificate in the classroom teaching service, this option will only be available to candidates who apply for a certificate in childhood education by February 1, 2007 or for any other certificate in the classroom teaching service [by February 1, 2009] on or before April 30, 2014, and who upon application qualify for such certificate.