



TO: Higher Education Committee
FROM: John L. D'Agati *John L. D'Agati*
SUBJECT: Reciprocity Requirements for Classroom Teachers
DATE: January 6, 2014

AUTHORIZATION(S):

Richard A. Trachtenberg

John B. King

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 January 2014 meeting.

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on February 19, 2014. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background

In December 2012, the Board of Regents reviewed and discussed a proposed draft regulation regarding reciprocity requirements for out-of-state classroom teachers. The revisions to the regulation did not move forward at that time. This amendment attempts to address the changes in certification requirements and concerns the Board had with advancing the previous item.

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. Created through the National Association of State Directors of Teacher Education and Certification (NASDTEC), this compact permits a State to 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. In 2010, NASDTEC asked each state to undertake a review of all of the 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 complete this comprehensive review and/or to continue to review changes made to such requirements over the period of the agreement. Instead, OTI created a standardized reciprocity process for the review of candidates coming from other states.

Currently, there are three options for reciprocity in New York State which are posted on the Department's website and are largely based on the guidelines of the prior interstate compact. The current options are:

Option 1

In order for an out-of-state candidate to be eligible to teach in New York State, he/she must:

- hold a valid certificate or authorization to practice in a state the Commissioner deems equivalent to the title and type of teacher in the classroom teaching service;
- have completed a traditional teacher education program from a regionally accredited institution of higher education or a higher education institution that the Commissioner deems substantially equivalent, provided that the program leads to an Initial Certificate, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located;
- hold a bachelor's degree; and
- have achieved a 2.5 cumulative grade point average or its equivalent.

Out-of-state candidates meeting these criteria are eligible for a Conditional Initial Certificate. This certificate allows the candidate to teach in New York State for two years. Candidates must pass all New York State Teacher Certification Examinations during the two year period of validity of a Conditional Initial Certificate. If the candidate has already taken and passed all the required exams for the certificate sought, he/she is eligible for an Initial Certificate.

Option 2

In order for out-of-state candidates to be eligible to teach in New York State, he/she must:

- hold a valid certificate or authorization to practice in a state the Commissioner deems equivalent to the title and type of teacher in the classroom teaching service;
- have at least three years of satisfactory experience in a position(s) that would have required the equivalent of an Initial or Professional Certificate in the title sought in that jurisdiction; and
- hold a bachelor's degree.

Out-of-state candidates meeting these criteria are eligible for a Conditional Initial Certificate. Candidates must pass all New York State Teacher Certification Examinations during the two year period of validity of a Conditional Initial Certificate. If the candidate has already taken and passed all the required exams for the certificate sought, he/she is eligible for an Initial Certificate.

Option 3

If an out-of-state candidate does not hold a valid certificate or authorization to practice in a State the Commissioner deems equivalent to the title and type of teacher in the classroom teaching service, he/she must:

- have completed a traditional teacher education program from a regionally accredited institution of higher education or an equivalent approved higher education institution that leads to certification in the jurisdiction where the higher education institution is located;
- hold a bachelor's degree;
- have achieved a 2.5 cumulative grade point average or its equivalent; and
- have received a satisfactory passing score on all of the required exams for the certificate type and title sought

Out-of-state candidates meeting these criteria are eligible for an Initial Certificate. Candidates seeking reciprocity under this option are not eligible for a Conditional Initial Certificate.

All Other Out-of-State Candidates

All other out-of-state candidates seeking certification in the classroom teaching service are reviewed under the Individual Evaluation Pathway pursuant to the requirements in Section 80-3.7 of the Commissioner's Regulations.

Proposed New Regulations:

The proposed new regulations take into account the new certification requirements, changes to the administration of the exams, and make the requirements clear and transparent for the field and candidates seeking to be certified in New York State.

With the implementation of the new teacher certification requirements taking effect May 1, 2014, it is important to re-evaluate our current practice and consider the potential ramifications of the new certification examinations and how these examinations will be administered.

In the past, many qualified professionals from out-of-state could not start work as a teacher in New York simply because they could not access the required certification exams in a timely manner. To address this situation, efforts were made, as described in our current policies, to determine when a candidate coming from another state had the necessary and equivalent training and preparation to be permitted, on a temporary basis, to teach in New York until they had an opportunity to take and pass all teacher certification examinations required for employment in this profession.

One of the important changes in the administration of the new certification examinations affecting out-of-state candidates is computer-based testing. With testing centers located throughout the country, out-of-state candidates will no longer have to wait significant periods of time or need to travel to New York to take the computer-based exams. Certification examinations are now offered with greater frequency, many on a daily or weekly basis.

However, as part of the new teacher certification requirements, all candidates will also need to take and pass the edTPA. This performance-based assessment requires all candidates to video tape themselves providing instruction in an actual classroom. This requirement has the potential to be a significant barrier for many qualified out-of-state candidates.

As a result of the aforementioned changes to New York's certification requirements, it is recommended that the eligibility criteria for a Conditional Initial Certificate be revised. To be eligible for a Conditional Initial Certificate after May 1, 2014, a candidate will be required to pass the Academic Literacy Skills Test (ALST), the Educating All Students Test (EAS) and any required Content Specialty Test(s) (CST). The Department recommends the following three new options:

Option 1

If a candidate comes from another state and:

- holds a valid certificate or authorization to practice in a state the Commissioner deems equivalent to the title and type of teacher in the classroom teaching service;
- 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;
- holds a bachelor's degree,
- has achieved a 2.5 cumulative grade point average or its equivalent for the bachelor's degree; and
- has received a satisfactory passing score on the ALST, EAS and any required CST(s)

he/she will be eligible for a Conditional Initial Certificate. This certificate will allow the individual to teach in New York State for one year. Candidates must pass the edTPA during this one year period.

Option 2

If a candidate comes from another state and:

- holds a valid certificate or authorization to practice in a State the Commissioner deems equivalent to the title and type of teacher in the classroom teaching service;
- has at least three years of experience under that certificate in the certificate title in that state;
- holds a bachelor's degree;
- has achieved a 2.5 cumulative grade point average or its equivalent for the bachelor's degree; and
- has received a satisfactory passing score on the ALST, EAS and any required CST(s)

he/she will be eligible for a Conditional Initial Certificate. This certificate will allow the teacher to teach in New York State for one year. Candidates must pass the edTPA during this one year period.

Option 3

In order for out-of-state candidates, who do not hold a valid certificate or authorization to practice in a state the Commissioner deems equivalent to the title and type of teacher in the classroom teaching service to be eligible to teach in New York State, he/she must:

- have 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;

- hold a bachelor's degree;
- have achieved a 2.5 cumulative grade point average or its equivalent for the bachelor's degree; and have received a satisfactory passing score on the ALST, EAS, CST(s), and edTPA.

Out-of-state candidates meeting these criteria will be eligible for an Initial Certificate.

Proposed Amendments to Commissioner's Regulations

The Department recommends that the existing practice for out-of-state candidates be discontinued after May 1, 2014 and that new regulations be adopted that clarify, under the new teacher certification requirements, how an out-of-state candidate qualifies for a Conditional Initial Certificate. The proposed regulations change existing practice to require candidates to pass the ALST, EAS and CST(s) prior to receiving a Conditional Initial Certificate. The proposed amendment also decreases the time validity of a Conditional Initial Certificate from two years to one year. In addition, the proposed amendment establishes a sunset date of May 1, 2017 for the issuance of a Conditional Initial Certificate.

Recommendation

Not applicable.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its April meeting. If adopted at the April meeting, the proposed amendment will become effective as an emergency rule on May 1, 2014 and will be permanently adopted on May 14, 2014.

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 (39) of subdivision (b) of section 80-1.1 of the Regulations of the Commissioner of Education shall be amended, effective May 14, 2014, to read as follows:

(39) 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 May 14, 2014, 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 May 14, 2014.

4. Paragraph (3) of subdivision (d) of section 80-3.2 of the Regulations of the Commissioner of Education is amended, effective May 14, 2014, 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 May 14, 2014, 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 May 1, 2014, 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 (1) 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 (1) of subdivision (c) of section 80-3.3 of the Regulations of the Commissioner of Education is added, effective May 14, 2014, 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. 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 May 14, 2014, to read as follows:

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

9. 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 May 14, 2014.

10. Section 80-5.8 of the Regulations of the Commissioner of Education is repealed and a new section 80-5.8 is added, effective May 14, 2014, to read as follows:

Section 80-5.8 Endorsement of certificates for service as a teacher in the classroom teaching service and recognition of substantially equivalent out-of-state teacher education programs for service as a teacher in the classroom teaching service in New York State.

(a) Endorsement of certificates for service as 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; section 80-1.13 relating to coursework or training in harassment, bullying and discrimination prevention and intervention; and section 80-1.1 relating to a criminal history check.

(iii) The candidate shall either:

(a) have completed a teacher education program from a regionally accredited institution of higher education or a higher education institution that the Commissioner deems substantially equivalent, provided that such program leads to an initial certificate, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located; or

(b) have 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 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 5 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) Degree. The candidate shall hold a baccalaureate or higher degree from a regionally accredited institution or a higher education institution that the commissioner deems substantially equivalent. Candidates shall have achieved a 2.5 cumulative grade point average, or its equivalent, in the program leading to the degree.

(v) Examination. The candidate shall meet the examination requirements for the title and type of certificate sought in this State.

(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 requirements for endorsement set forth in paragraph (1) of this subdivision, except the teacher performance assessment, if required for the certificate type and title sought, the candidate shall be issued a one-year nonrenewable conditional initial certificate, provided that the candidate meets the requirements of section 80-5.17 of this Subpart.

(b) Recognition of substantially equivalent teacher education programs for service as a teacher in the classroom teaching service.

(1) The Commissioner may recognize and issue an initial certificate to an out-of-state candidate who completes a teacher education program at a regionally accredited institution of higher education or a higher education institution that the commissioner deems substantially equivalent from another state or territory of the United States or the District of Columbia that leads to certification in the title and type of certificate sought in the jurisdiction where the higher education institution is located if the candidate also meets the following requirements:

(i) General Requirements. 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; section 80-1.13 relating to coursework or training in harassment, bullying and discrimination prevention and intervention; and section 80-1.1 relating to a criminal history check.

(ii) Degree. The candidate holds a baccalaureate or higher degree from a regionally accredited institution or a higher education institution that the commissioner deems substantially equivalent. Candidates shall have achieved a 2.5 cumulative grade point average, or its equivalent, in the program leading to the degree.

(iii) Examination. The candidate shall receive a satisfactory passing score on all examinations required for the title and type of certificate sought in this State.

(2) A candidate who meets the requirements for recognition of an out-of-state teacher education program 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.

11. Section 80-5.11 of the Regulations of the Commissioner of Education is amended, effective May 14, 2014, 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].

12. Section 80-5.17 of the Regulations of the Commissioner of Education is repealed a new section 80-5.17 of the Regulations of the Commissioner of Education shall be amended, effective May 14, 2014, to read as follows:

Section 80-5.17 Conditional initial certificate.

(a) Conditional initial certificate in the classroom teaching service.

(1) For out-of-state candidates applying for initial certification on or after May 1, 2014 and prior to May 1, 2017 in a certificate title in the classroom teaching service for which this Part requires completion of a teacher performance assessment, the commissioner may issue to a candidate who has received a satisfactory passing score on all other required examination requirements, as required for the title and type of certificate sought in this State, a one-year nonrenewable conditional initial certificate,

notwithstanding that the candidate has not received a satisfactory passing score on the teacher performance assessment, and deem that all other requirements for the initial certificate in the certificate title sought 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 another state or territory of the United States and otherwise meets the requirements for endorsement as set forth in subdivision (a) of section 80-5.8 of this Title, except the teacher performance assessment, if required, and the candidate has not already taken and received an unsatisfactory score on the teacher performance assessment.

(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) . . .

