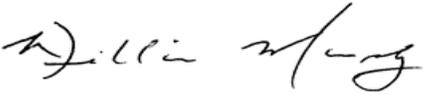




TO: Higher Education Committee

FROM: William P. Murphy 

SUBJECT: Proposed Amendments to Section 3.14 of the Rules of the Board of Regents Relating to the Composition of the Professional Standards and Practices Board for Teaching

DATE: January 30, 2020

AUTHORIZATION(S):  

SUMMARY

Issue for Discussion

Should the Board of Regents adopt the proposed amendments to Section 3.14 of the Rules of the Board of Regents relating to the composition of the Professional Standards and Practices Board for Teaching (PSPB)?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment is submitted to the Higher Education Committee for recommendation for discussion at its February 2020 Board of Regents meeting (Attachments A is a copy of the proposed amendment.)

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on February 26, 2020. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

The New York State PSPB serves in a consultative and advisory capacity to the Regents and the Commissioner on matters pertaining to teacher education, certification, and practice. According to Section 3.14 of the Rules of the Board of Regents, the PSPB is comprised of 28 members where:

- 21 members are certified teachers, school building leaders, or district administrators serving schools in New York State or faculty engaged in preparing teachers, presidents, or chief academic officers of New York State institutions of higher education that prepare teachers;
- six members are public representatives; and
- one member is a teacher candidate in a registered teacher preparation program.

Of the 21 members practicing in New York State, at least 11 are certified teachers and at least seven are representatives of higher education institutions that prepare teachers, including at least one president or chief academic officer. In addition, at least 14 of the 21 members (half of the 28-member Board) must have had full-time experience as certified teachers in elementary, middle, or secondary schools.

The PSPB Bylaws outline the composition of the Board as well as the composition of the subcommittees (Attachment B is a copy of the current Bylaws). For example, the Professional Practices subcommittee votes on moral character cases pursuant to Part 83 of the Commissioner's Regulations and is comprised of seven teachers, two administrators, two public representatives, and one member of an institution of higher education that prepares teachers. However, the Rules of the Board of Regents does not specify that there is a minimum number of administrators on the PSPB. A minimum of two administrators are needed at PSPB meetings where voting on moral character cases is taking place.

Related Regents Items

February 2018: [New York State Professional Standards and Practices Board for Teaching Annual Report](https://www.regents.nysed.gov/common/regents/files/218brca3.pdf)
(<https://www.regents.nysed.gov/common/regents/files/218brca3.pdf>)

Proposed Amendment

The Department is proposing that the PSPB have at least four members who are practicing, certified school building or district administrators in schools or districts. By requiring at least four administrators on the Board, the Professional Practices subcommittee is likely to have the two administrators needed at any given meeting to hear moral character cases.

To accommodate four administrators on the PSPB, the required number of members practicing in New York State on the Board would need to increase from 21 to 23. This group of 23 members would continue to reflect the current requirement of at least 11 certified teachers and at least seven representatives of higher education institutions that prepare teachers but would now also include at least four administrators.

Increasing the number of members practicing in New York State from 21 to 23 would require increasing the total number of Board members from 28 to 30. The Department is additionally proposing to require at least 15, instead of 14, of the 23 members (half of a 30-member Board) to have had full-time experience as certified teachers in elementary, middle, or secondary schools.

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 June 2020 meeting. If adopted at the June 2020 meeting, the proposed amendment will become effective on June 24, 2020.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 305, 3001, 3003, 3004 and 3009 of the Education Law

1. Subdivision (a) of Section 3.14 of the Rules of the Board of Regents shall be amended to read as follows:

(a) The Board of Regents, upon nomination of the Commissioner of Education, shall appoint a State professional standards and practices board for teaching to consist of [28] 30 members. The board shall serve in a consultative and advisory capacity to the Regents and the commissioner on matters pertaining to teacher education, certification and practice and shall carry on such specific duties as are assigned by the Board of Regents and the commissioner. The State professional standards and practices board for teaching shall be the successor board to the teacher education, certification and practice board.

2. Paragraph (1) of subdivision (h) of Section 3.14 of the Rules of the Board of Regents shall be amended to read as follows:

(h)(1) Twenty-~~one~~three members of the board shall be educators practicing in the State, meaning: certified teachers, school building or district administrators serving in schools in New York State; or faculty engaged in preparing teachers (including liberal arts and sciences faculty) in higher education institutions in New York State that prepare teachers; or presidents or chief academic officers of higher education institutions in New York State that prepare teachers. Of these [21] 23 educators practicing in the State, at least 11 shall be practicing, certified teachers in elementary, middle or secondary schools; at least four shall be practicing, certified school building or district

administrators in schools or districts; and at least seven shall be representatives of higher education institutions that prepare teachers, including at least one president or chief academic officer; provided that at least [14] 15 of the [21] 23 educators shall have had full-time experience as certified teachers in elementary, middle or secondary schools.



**New York State
Professional Standards and Practices Board for Teaching**

BYLAWS

*Article 1
Purpose*

There is need for a professional board composed of educators and public representatives to consider critical issues in teaching and teacher education and to make recommendations to the Board of Regents and the Commissioner of Education. In accordance with this recognized need, a state professional standards and practices board for teaching is established.

Issues to be considered will include, but not be limited to, certification requirements for teachers, leaders, and other school professionals; cases related to incomplete professional development transcripts; granting of waivers and substitutions for certification requirements in special circumstances; moral character cases; accreditation of teacher education programs; criteria and training for conducting annual teacher performance reviews; beginning teacher mentoring programs; a code of ethics for teachers; teacher recruitment and retention in high needs areas and other such matters as are referred to it by the Board of Regents and the Commissioner.

*Article II
Membership*

SECTION 1. The Board of Regents shall appoint members to serve on the State Professional Standards and Practices Board for Teaching, hereafter referred to as the "Board." The Board of Regents will consider the recommendation of the Commissioner of Education in making the aforementioned appointments.

SECTION 2. The Board shall be composed of thirty-one (31) members as follows:

- At least twenty-four (24) educators practicing in New York State; of this number,
 - at least sixteen (16) shall have had past full-time experience as certified teachers in elementary, middle, or secondary schools;

- at least thirteen (13)) shall be practicing, certified teachers in early childhood, elementary, middle, or secondary schools; and
 - at least three (3) shall be practicing or past full-time, certified P-12 administrators; and
 - at least eight (8) shall be representatives of 2-4 year postsecondary institutions that prepare teachers, including at least one administrator.
- Six (6) public representatives, including parents, school board members, and community and/or business representatives; and
 - One (1) student, matriculated in a teacher education program at a college or university registered in New York State.

SECTION 3. The responsibility of the appointed members shall be to serve the stated purpose of the Board as set forth in Article I.

SECTION 4. Members, except for the student member, shall be appointed to serve a regular term of four years each. The student member shall be appointed to serve a regular term of two years, contingent upon student status.

Members shall serve no more than two terms in succession, except that a member may serve a succeeding third term if at least one of the preceding two terms was less than two years in duration. Members may again serve two terms in succession after a gap in service of at least two years.

SECTION 5. It shall be the duty of the Board to prescribe and implement attendance policies for the membership. Timely accomplishment of the Board's work shall underlie such policies.

Article III Governance

SECTION 1. The Board of Regents shall appoint co-chairs for terms of two years, one co-chair shall represent higher education and one shall represent P-12. The term shall commence on July 1 and end on June 30 unless otherwise provided for in these bylaws.

SECTION 2. The co-chairs shall:

- preside at meetings of the Board;
- be responsible for the preparation of each meeting agenda in consultation with the Deputy Commissioner of Higher Education or his/her designee and the Secretary to the Professional Standards and Practices Board;
- appoint the co-chairs and members of the Higher Education and Professional Practices subcommittees, pending approval of the full Board, and appoint members to other standing or ad hoc subcommittees as the Board may establish;

- serve as ex-officio, non-voting members on standing subcommittees for Higher Education and for Professional Practices, as well as such other standing or ad hoc subcommittees the Board may establish;
- recognize individuals and representatives of constituent groups who wish to address the Board or from whom the Board seeks to solicit information; and
- establish, with the concurrence of the Board, a time for hearing reports, positions and/or statements from individuals and/or constituencies external to the Board who have requested an opportunity to do so in advance and in writing.

SECTION 3. The Board shall report to the Board of Regents Committee on Higher and Professional Education on a periodic basis or as required by the Committee on Higher and Professional Education, and shall report to the Board of Regents each year. The co-chairs of the Board are responsible for reporting to the Board of Regents.

Article IV
Subcommittees

SECTION 1. The Board shall establish standing subcommittees on higher education and professional practices, as prescribed by the Board of Regents, and such other ad hoc and standing committees as it may deem necessary to effect the work of the Board.

SECTION 2. Higher Education subcommittee

- a. Subcommittee members shall be recommended by the Board co-chairs. A subcommittee chair or co-chairs shall be appointed by the Board co-chairs from among the subcommittee members and approved by the full Board.
- b. Subcommittee membership shall be composed of a majority of representatives of higher education institutions in New York State that prepare teachers, and shall number at least twelve (12) voting members. Of these, at least seven (7) members shall be representatives of postsecondary institutions; two (2) members shall be practicing teachers (one of the two teachers shall be a teacher of early childhood and/or elementary school and one teacher shall be a teacher of middle and/or secondary school); one (1) member shall be an administrator in an elementary, middle, and/or secondary school; one (1) member shall be a public representative; and one (1) member shall be a teacher education student representative. The teacher education student representative shall be a voting member of the subcommittee.
- c. Duties of the higher education subcommittee shall include, but not be limited to: issues of recommendations for teacher, leader, and pupil personnel services preparatory program standards; accrediting bodies and procedures; program registration; and certification requirements and relevant regulations.
- d. All subcommittee decisions shall be approved by the full Board.
- e. The subcommittee shall provide the Board with a report of its actions.

SECTION 3. Professional Practices subcommittee

- a. Subcommittee members shall be recommended by the Board co-chairs. A subcommittee chair or co-chairs shall be appointed by the Board co-chairs from among the subcommittee members and approved by the full Board.
- b. Membership shall be composed of a majority of practicing teachers in elementary, middle or secondary schools and shall number at least twelve (12) members. Of these, at least seven (7) members shall be teachers, two (2) members shall be administrators, one (1) member shall be a representative of an institution that prepares teachers; and two (2) members shall be public representatives. For purposes of voting on moral character cases referred to the subcommittee in accordance with the Regulations of the Commissioner (8NYCRR Part 83), the Board co-chairs may appoint members from the Board at large to act as substitutes for absent members of the subcommittee, providing that the substitute members appointed represent the same categories as the absent members, i.e., teacher, administrator, representative of an institution that prepares teachers, or public representative.
- c. Duties of the Professional Practices subcommittee shall include, but not be limited to recommendations to the Commissioner regarding the disposition of teaching certificates for individuals with incomplete professional development issues; recommendations regarding models for professional development, mentoring, and career ladders; performance review; and other emerging needs impacting educational policy and practices.
- d. The subcommittee will regularly address matters relative to good moral character in teachers. The Professional Practices subcommittee shall meet with appropriate Department staff to review and act upon cases referred to it by the Deputy Commissioner of Higher Education or his/her designee in accordance with the Regulations of the Commissioner (8NYCRR Part 83).
The subcommittee's recommendations on cases shall be reported to the Deputy Commissioner of Higher Education or his/her designee. When the subcommittee concludes by a majority vote that a substantial question of moral character exists, then notification shall be sent to the teacher or applicant by the Commissioner of Education in accordance with 8NYCRR Part 83.3.
- e. All subcommittee decisions shall be approved by the full Board, with the exception of recommendations in individual professional development cases and moral character cases as described in (c) and (d) of this Section.
- f. The subcommittee shall provide the Board with a report of its actions.

SECTION 4. The Board may form ad hoc subcommittees, with members to be appointed by the Board co-chairs. Ad hoc subcommittees shall be given due dates for completion of tasks and shall disband on that date.

*Article V
Meetings*

SECTION 1. The Board normally shall meet annually six times for one or two consecutive days, two times by videoconference, and for any additional meetings as called by the Board co-chairs.

SECTION 2. The Board shall approve decisions regarding recommendations to the Board of Regents by a majority vote of its membership. The co-chairs have full voting power on all decisions required by the Board. A record of dissenting votes and comments will be placed in the Board minutes.

SECTION 3. Meetings shall include the following elements: call to order; items of information; action items; discussion items; items for inclusion in future meeting agendas; and adjournment.

SECTION 4. Sixteen (16) members of the Board, including at least one teacher, one P-12 administrator, one representative of an institution that prepares teachers, and one public member shall constitute a quorum. The members at a Board meeting can approve actions by a majority vote, provided that a quorum is present.

*Article VI
Duties of Staff*

SECTION 1. The Secretary shall:

- Keep minutes of all full Board meetings;
- Transmit copies of minutes to all Board members at least seven days in advance of the next Board meeting;
- Transmit copies of approved minutes to the Deputy Commissioner of Higher Education or his/her designee;
- Circulate agenda materials to Board members sufficiently in advance of each meeting; and
- Have copies of Board agenda materials available at the time of Board meetings.

*Article VII
Expectations of Members*

- Board members are expected to attend at least two-thirds of the meeting days scheduled each year. Members can be excused with prior notification for extenuating circumstances. Three absences in any year from scheduled meetings may be grounds for removal of the member from the Board.

- Board members are expected to prepare thoroughly for each meeting by reading and reacting to supporting documents, case information, etc., as provided.
- Board members are expected to work in a collaborative fashion with each other, the Board of Regents, various constituency groups and representative organizations, and SED staff. Board members are expected to express views and opinions or concerns openly and constructively.
- Board members are expected to promote the goal of achievement of New York State's Learning Standards by all students in our schools and the teaching quality initiatives adopted by the Board of Regents.

*Article VIII
Amendments*

Any member of the Board may submit a proposed amendment to these bylaws. A written, full and complete text of the proposed amendment shall be provided to the membership at least thirty (30) days prior to the meeting at which the amendment is to be considered. Approval of the amendment shall be by two-thirds vote (21) of the membership and become effective upon approval by the Board of Regents.

*Article IX
Approval of Bylaws*

These by-laws shall take effect upon a two-thirds vote (21) of the total membership, and upon approval by the Board of Regents.

Approved originally in: December 1998
 Amended on: July 17, 2003
 Amended on: January 24, 2013
 Amended by PSPB on: July 12, 2017
 Amended by PSPB on January 18, 2018
 Approved by the Board of Regents on: February 12, 2018