



**TO:** The Honorable the Members of the Board of Regents

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

**SUBJECT:** Proposed Amendment to Section 80-5.17 of the Regulations of the Commissioner of Education to Permanently Extend the Option for Certain Out-of-State Candidates to be Eligible for a Conditional Initial Certificate

**DATE:** August 31, 2017

**AUTHORIZATION(S):**  

## SUMMARY

### Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendment to Section 80-5.17 of the Regulations of the Commissioner of Education to permanently extend the option for certain out-of-state candidates to be eligible for a conditional initial certificate?

### Reason(s) for Consideration

Review of Policy.

### Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as an emergency measure at its September 2017 meeting. A copy of the proposed amendment is included as Attachment A.

### Procedural History

A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on July 12, 2017. Supporting materials are available upon request from the Secretary to the Board of Regents. Following the 45-day public comment period required under the State Administrative Procedure Act, the Department received no comments on the proposed amendment.

## **Background Information**

A conditional initial certificate in the classroom teaching service has been available for out-of-state candidates who meet all the requirements for an initial certificate in the classroom teaching service except for successful completion of the edTPA. Such certificate is valid for one year, during which time the candidate must complete the edTPA requirement. Upon successful completion of this requirement, the candidate will receive his/her initial certificate in the classroom teaching service.

The Department created the conditional initial certificate for those individuals who hold a teaching certificate in another state but do not meet the three-year experience requirement to qualify for endorsement of the certificate. The provision was adopted on a temporary basis, which has expired, but the Department has found that it is essential for those individuals who want to come to New York but do not have access to a classroom, and therefore have difficulty completing the edTPA.

## **Proposed Amendment**

Since the adoption of the edTPA in other states is still continuing to grow, the Department proposes to permanently extend the option for out-of-state candidates to be eligible for the conditional initial certificate so that these candidates, who have met all other requirements for an initial certificate other than completion of the edTPA, can obtain a certificate and be employed in New York State schools. They can then take the edTPA and obtain an initial certificate upon successfully passing this performance assessment.

## **Related Regents Items**

June 2017: <https://www.regents.nysed.gov/common/regents/files/617hea3.pdf>

July 2017: <http://www.regents.nysed.gov/common/regents/files/717brca8.pdf>

## **Recommendation**

VOTED: That Section 80-5.17 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 27, 2017.

## **Timetable for Implementation**

If adopted by the Board of Regents as a permanent rule at the September 2017 meeting, the proposed amendment will become effective on September 27, 2017.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 305, 3004 and 3009.

Subdivision (a) of section 80-5.17 of the Regulations of the Commissioner of education, shall be amended, to read as follows:

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

For out-of-state candidates applying for initial certification (in a certificate title in the classroom teaching service for which this Part requires completion of a teacher performance assessment) [on or before May 1, 2017], 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 section 80-5.8(a) 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.