



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

**FROM:** Elizabeth R. Berlin *Elizabeth R Berlin*

**SUBJECT:** Proposed Amendments to Section 80-6.1 of the Regulations of the Commissioner of Education Relating to Continuing Teacher and Leader Education for Educators in Nonpublic Schools

**DATE:** August 29, 2019

**AUTHORIZATION(S):** *Sharon L. Takoe* *Margellen Elin*

### SUMMARY

#### **Issue for Decision (Consent Agenda)**

Should the Board of Regents adopt the proposed amendments to §80-6.1 of the Commissioner's regulations relating to continuing teacher and leader education (CTLE) for educators in nonpublic schools?

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

Review of Policy.

#### **Proposed Handling**

The proposed amendment will be presented to the Full Board for adoption as a permanent rule at the September 2019 meeting of the Board of Regents. A copy of the proposed rule is attached. Supporting materials are available upon request from the Secretary to the Board of Regents.

#### **Procedural History**

A Notice of Proposed Rule Making was published in the State Register on May 22, 2019. Following the 60-day public comment period required under the State Administrative Procedure Act, no comments were received on the proposed amendment.

## **Background Information**

Education Law §3006-a requires educators who hold at least one of the following certificates to register with the Department every five years: Permanent or Professional classroom teacher, Permanent or Professional educational leadership, or Teaching Assistant Level III. These certificate holders, with the exception of Permanent certificate holders, must complete 100 clock hours of CTLE during the five-year registration period.

Chapter 311 of the Laws of 2017 amended Education Law §3006-a to add nonpublic schools to the provisions relating to CTLE. At their January 2018 meeting, the Board of Regents amended the definition of an applicable school for the purposes of CTLE in section 80-6.1 of the Commissioner's Regulations to include nonpublic schools. An applicable school currently means a school district, BOCES, or nonpublic school in New York State.

## **Proposed Amendment**

The Department is proposing to make technical amendments to two definitions listed in §80-6.1 to align them with the amended Education Law §3006-a. The definition of a "CTLE certificate holder" would include educators who work in a nonpublic school in addition to a school district or BOCES in New York State. Also, the definition of "practicing" would no longer be limited to employment in a position requiring certification because educators in nonpublic schools are not required to be certified.

## **Related Regents Items**

January 2018: Proposed Amendment to Section 80-6.1 of the Regulations of the Commissioner of Education Relating to Continuing Teacher and Leader Education (CTLE) to Implement chapter 311 of the Laws of 2017  
(<http://www.regents.nysed.gov/common/regents/files/118brca4.pdf>)

May 2019: Proposed Amendment to Section 80-6.1 of the Regulations of the Commissioner of Education Relating to Continuing Teacher and Leader Education (CTLE) for Educators in Nonpublic Schools  
(<http://www.regents.nysed.gov/common/regents/files/519hed2.pdf>)

## **Recommendation**

VOTED: That §80-6.1 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 25, 2019.

## **Timetable for Implementation**

If adopted at the September 2019 Regents meeting, the permanent rule will take effect on September 25, 2019.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 205, 207, 305, 3001, 3004, 3006, 3006-a and 3009 of the Education Law.

Subdivisions (c) and (d) of section 80-6.1 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(c) *Continuing teacher and leader education certificate holder (CTLE certificate holder)* means all holders of a professional certificate in the classroom teaching service or educational leadership service (*i.e.*, school building leader, school district leader, school district business leader) and holders of a level III teaching assistant certificate employed in a school district or board of cooperative educational services or nonpublic school in New York State.

(d) *Practicing* means employed 90 days or more during a school year by a single applicable school in New York [in a position requiring certification] pursuant to this Part. For the purposes of this definition, a day of employment shall include a day actually worked in whole or in part, or a day not actually worked but a day paid. In addition, the City School District of the City of New York and any of its components, including but not limited to community school districts, high school divisions, special education divisions, the chancellor's district shall be considered together a single applicable school in New York.