




TO: The Honorable the Members of the Board of Regents

FROM: John L. D'Agati 

SUBJECT: Adoption of Proposed Amendments to Sections 80-1.1 and 80-5.6 of the Regulations of the Commissioner of Education Relating to Time Extensions for Level II Teaching Assistant Certificates, the Definition of School Year for Purposes of Experience for Certification as a Teaching Assistant and a Technical Amendment Relating to Fees for the Internship Certificate.

DATE: March 9, 2015

AUTHORIZATION(S):



SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend sections 80-1.1 and 80-5.6 of the Regulations of the Commissioner of Education Relating to Time Extensions for Level II Teaching Assistant Certificates and the Definition of School Year for Purposes of Experience for Certification as a Teaching Assistant and a Technical Amendment Relating to Fees for Internship Certificates?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed rule will be presented to the Higher Education Committee for permanent adoption at the March 2015 meeting of the Board of Regents. A copy of the proposed rule is attached. Supporting materials for the proposed rule are available upon request from the Secretary of the Board of Regents.

Procedural History

A Notice of Proposed Rule Making was published in the State Register on December 31, 2014 for a 45-day public comment period.

Background Information

Teaching Assistant Level II Time Extension

In June 2000, the Board of Regents established the requirements for Teaching Assistant Level I, Level II, and Level III certificates. Teaching assistants advance through three levels of certificates (Level I through Level III). Level I and II certificates are time-limited. In April 2006, the regulations were revised to make the Level I certificate valid for three years and it could be renewed on one occasion only for three years. The Level II certificate is valid for three years and may only be extended by the Commissioner for a candidate called to active duty in the Armed Services for the period of active service and an additional 12 months from the end of such service. To gain the Level III permanent certificate, a candidate must meet the citizenship requirements of section 3001 of the Education law which requires U.S. citizenship or lawful permanent resident status issued by the U.S. Citizenship and Immigration Services (USCIS).

Some teaching assistants have reached the end of the validity of their Teaching Assistant Level II certificate and have not gained the required citizenship status for a Level III certificate. The time period to obtain citizenship status from the USCIS can take numerous years. Therefore, the proposed amendment provides candidates seeking a Level III certificate with a one-year time extension, which may be renewed one year at a time to the holders of Teaching Assistant Level II certificate while they are pursuing citizenship. In order to gain the time extension, the certificate holder must supply sufficient proof that he/she is pursuing citizenship or lawful permanent residence from the USCIS. The Department has a similar regulation in place for teachers, school leaders and pupil personnel pursuing their Professional/Permanent certificate.

Definition of School Year for Purposes of Experience for Certification as a Teaching Assistant

Teaching Assistants must have one school year of satisfactory employment to gain a Level II or Level III Teaching Assistant certificate. The Department recommends that school year be defined for this purpose as 180 days of full-time employment, or its equivalent as defined by the Commissioner.

Fee for Internship certificate

In December 2009, section 80-5.9(a) of the Commissioner's Regulations was amended to include a \$50 fee for an internship certificate. The proposed amendment contains a technical amendment to remove the reference to "without fee" in the definition of internship certificate in section 80-1.1 of the Commissioner's Regulations to be consistent with section 80-5.9(a) of the Commissioner's Regulations.

Recommendation

VOTED: That paragraph (24) of subdivision (b) of section 80-1.1 of the Regulations of the Commissioner be amended and that subdivisions (a) through (d) of section 80-5.6 of the Regulations of the Commissioner shall be renumbered as subdivisions (b) through (e) of section 80-5.6 of the Regulations of the Commissioner of Education and a new subdivision (a) be added to section 80-5.6 of the Regulations of the Commissioner, as submitted, effective April 1, 2015.

Timetable for Implementation

It is anticipated that the proposed amendment will be adopted at the March 2015 Regents meeting. If adopted at the March 2015 meeting, the proposed rule will take effect on April 1, 2015.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Paragraph (24) of subdivision (b) of section 80-1.1 of the Regulations of the Commissioner shall be amended, effective April 1, 2015, to read as follows:

(24) *Internship certificate* means the certificate issued a student in a registered or approved graduate program of teacher education which includes an internship experience(s) and who has completed at least one-half of the semester hour requirement for the program and may, at the request of the institution, be issued an internship certificate [without fee].

2. Subdivisions (a) through (d) of section 80-5.6 of the Regulations of the Commissioner shall be renumbered as subdivisions (b) through (e) of section 80-5.6 of the Regulations of the Commissioner of Education and a new subdivision (a) shall be added to section 80-5.6 of the Regulations of the Commissioner, effective April 1, 2015, to read as follows:

(a) For purposes of this section, *school year* shall mean a minimum of 180 days of full-time school experience or the substantial equivalent, as defined by the Commissioner.

3. Subclause (2) of clause (b) of subparagraph (ii) of paragraph (2) of subdivision (b) of section 80-5.6 of the Regulations of the Commissioner shall be amended, effective April 1, 2015, to read as follows:

(2) Time validity. The certificate shall be valid for three years from its effective date and shall not be renewable, except that the validity period of the level II teaching assistant certificate may be extended by the commissioner for a candidate called to active duty in the Armed Forces for the period of active service and an additional 12 months from the end of such service. The commissioner may also extend the time

validity of an expired level II teaching assistant certificate in increments of one year for a candidate who has applied for citizenship or permanent residency, and whose application for citizenship or permanent residency has not been acted upon by the U.S. Citizenship and Immigration Services (USCIS) until the USCIS acts upon such application. Such candidates must provide documentation satisfactory to the department that they meet these requirements, and that they have completed all other requirements for a Level III certificate.