



TO: The Honorable Members of the Board of Regents

FROM: Elizabeth R. Berlin

SUBJECT: Proposed Amendments to Sections 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education Relating to the Eligibility Requirements for the Endorsement Pathway for Certification as an Educator in the Classroom Teaching Service or in the Educational Leadership Service

DATE: September 26, 2019

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SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendments to §80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education relating to the eligibility requirements for the endorsement pathway for certification as an educator in the classroom teaching service or in the educational leadership service?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption at the October 2019 Board of Regents meeting (Attachment A is a copy of the proposed amendment).

Procedural History

A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on June 19, 2019. A Notice of Emergency Adoption was published in the State Register on September 18, 2019. Following a 60-day public comment period required under the State Administrative Procedure Act, the Department received no

comments on the proposed amendment. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

Candidates who have experience teaching or working as an administrator in another state while holding a valid out-of-state certificate may be eligible for certification through the endorsement pathway. In this pathway, the Department may endorse a candidates' out-of-state certificate to practice in New York State if he or she meets the following requirements:

- Holds a valid certificate from another state or territory of the United States or the District of Columbia that is equivalent to the title and type of certificate sought.
- Has 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 and while under a certificate issued by such other state authorizing such service.
- Completes the experience within five years immediately preceding the application for certification or have equivalent experience as determined by the Commissioner.
- Receives evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in each of his or her three most recent years of experience in a public school in another state or territory of the United States or the District of Columbia in the certificate title sought.

The Department consistently encounters out-of-state candidates who demonstrate their efficacy as an educator in another state, but are not eligible for the endorsement pathway because they do not meet all of the requirements. For example, a candidate may have worked for six years as an elementary teacher and then four years as a principal in a public school in another state under valid certificates and received effective ratings during his/her ten years of experience. However, the candidate would not be eligible for the Childhood Education certificate through the endorsement pathway because the candidate would not have three years of teaching experience within the past five years.

Proposed Amendment

The Department has proposed three revisions to the eligibility requirements for the endorsement pathway to certification. First, the reference to certificates and experience "in another state or territory of the United States" would be replaced with certificates and experiences "in other state(s) or territory(ies) of the United States." The new phrase would remove any ambiguity that candidates are able to hold certificates and have experience in multiple states. Permitting experience from multiple states would allow candidates who worked in more than one state during their three years of experience to be eligible for the endorsement pathway, including military spouses.

Second, the time period in which candidates may complete their three years of experience would be extended from five years to seven years. The additional two years could capture additional candidates who are current with best practices but completed their three years of experience a little further back in time due to a variety of reasons (e.g., raising a family, holding different teaching and/or administrative positions).

Finally, the evaluation ratings of effective or highly effective could occur in any three years of experience and not necessarily the three most recent years of experience. Removing the restriction that the ratings must be in the three most recent years enables candidates who may have difficulty obtaining ratings from their most recent employer to be eligible for the endorsement pathway. For example, some states do not give their educators ratings every year after they pass their probationary period.

The proposed revisions provide candidates with more flexibility to be eligible for the endorsement pathway by taking more extenuating circumstances into account while maintaining high standards for candidates. In addition, these candidates may be applying for teacher certification in shortage areas, which could increase the number of teachers who could address teaching needs in New York State.

Related Regents Items

[June 2014:](http://www.regents.nysed.gov/common/regents/files/614hed2.pdf) (<http://www.regents.nysed.gov/common/regents/files/614hed2.pdf>)

[July 2016](http://www.regents.nysed.gov/common/regents/files/716brca4.pdf) (<http://www.regents.nysed.gov/common/regents/files/716brca4.pdf>)

[June 2019](http://www.regents.nysed.gov/common/regents/files/619hea1.pdf) <http://www.regents.nysed.gov/common/regents/files/619hea1.pdf>

[July 2019](http://www.regents.nysed.gov/common/regents/files/719brca5.pdf) <http://www.regents.nysed.gov/common/regents/files/719brca5.pdf>

Recommendation

Department staff recommends that the Board of Regents take the following actions:

VOTED: That §80-5.8 and §80-5.20 of the Regulations of the Commissioner of Education be adopted effective October 23, 2019.

Timetable for Implementation

If adopted at the October 2019 Regents meeting, the proposed amendment will become effective on October 23, 2019.

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 (1) of subdivision (a) of section 80-5.8 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(1) The commissioner may endorse the certificate or an equivalent authorization to practice from [another] other state(s) or territory(ies) 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:

2. Subparagraph (i) of paragraph (1) of subdivision (a) of section 80-5.8 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(i) The candidate shall hold a valid certificate or equivalent authorization to practice from [another] other state(s) or territory(ies) of the United States or the District of Columbia that is equivalent to the title and type of the certificate sought.

3. Subclauses (1) and (2) of clause (b) of subparagraph (iv) of paragraph (1) of subdivision (a) of section 80-5.8 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(1) have at least three years of satisfactory experience in a public school (grades birth-12) in [another] other state(s) or territory(ies) 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 [five] seven 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; and

(2) submit satisfactory evidence that the candidate received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in [each of his or her] at least three [most recent] years of experience in public school in [another] other state(s) or territory(ies) of the United States or the District of Columbia in the certificate title sought as a teacher in the classroom teaching service for employment in New York State.

4. Paragraph (1) of subdivision (a) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(1) The commissioner may endorse the certificate of [another] other state(s) or territory(ies) of the United States or the District of Columbia for service as a school district leader, provided that the candidate meets the following requirements:

5. Subparagraph (i) of paragraph (1) of subdivision (a) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(i) The candidate shall hold a valid certificate of [another] other state(s) or territory(ies) of the United States or the District of Columbia that is equivalent to the professional certificate as a school district leader.

6. Clauses (a) and (b) of subparagraph (iv) of paragraph (1) of subdivision (a) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) The candidate shall have had at least three years of satisfactory experience in a public school (grades N-12) in [another] other state(s) or territory(ies) of the United

States or the District of Columbia in a position that would have required the professional certificate as a school district leader for employment in New York State and while under a certificate issued by such other state authorizing such service, which experience must have been completed within [five] seven 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; and

(b) shall submit satisfactory evidence that the candidate received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in [each of his or her] at least three [most recent] years of experience in [another] other state(s) or territory(ies) of the United States or the District of Columbia in the certificate title sought as a school district leader for employment in New York State.

7. Paragraph (1) of subdivision (b) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(1) The commissioner may endorse the certificate of [another] other state(s) or territory(ies) of the United States or the District of Columbia for service as a school district business leader, provided that the candidate meets the following requirements:

8. Subparagraph (i) of paragraph (1) of subdivision (b) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(i) The candidate shall hold a valid certificate of [another] other state(s) or territory(ies) of the United States or the District of Columbia that is equivalent to the professional certificate as a school district business leader.

9. Clauses (a) and (b) of subparagraph (iv) of paragraph (1) of subdivision (b) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) The candidate shall have had at least three years of satisfactory experience in a public school (grades N-12) in [another] other state(s) or territory(ies) of the United States or the District of Columbia in a position that would have required the professional certificate as a school district business leader for employment in New York State and while under a certificate issued by such other state authorizing such service, which experience must have been completed within [five] seven 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; and

(b) shall submit satisfactory evidence that the candidate received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in [each of his or her] at least three [most recent] years of experience in a public school in [another] other state(s) or territory(ies) of the United States or the District of Columbia in the certificate title sought as a school district business leader for employment in New York State.

10. Paragraph (1) of subdivision (c) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(1) The commissioner may endorse the certificate of [another] other state(s) or territory(ies) of the United States or the District of Columbia for service as a school building leader, provided that the candidate meets the following requirements:

11. Subparagraph (i) of paragraph (1) of subdivision (c) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(i) The candidate shall hold a valid certificate of [another] other state(s) or territory(ies) of the United States or the District of Columbia that is equivalent to the initial certificate as a school building leader.

12. Clauses (a) and (b) of subparagraph (iv) of paragraph (1) of subdivision (c) of section 80-5.20 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) The candidate shall have had at least three years of satisfactory experience in a public school (grades N-12) in [another] other state(s) or territory(ies) of the United States or the District of Columbia in a position that would have required the initial certificate as a school building leader for employment in New York State and while under a certificate issued by such other state authorizing such service, which experience must have been completed within [five] seven 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; and

(b) shall submit satisfactory evidence that the candidate received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in [each of his or her] at least three [most recent] years of experience in a public school in [another] other state(s) or territory(ies) of the United States or the District of Columbia in the certificate title sought as a school building leader for employment in New York State.