



TO: Higher Education Committee

FROM: Elizabeth R. Berlin

SUBJECT: Proposed Amendments to Sections 80-3.15 and 80-4.3 of the Regulations of the Commissioner of Education Relating to the Addition of Subject Areas to the Limited Extension and Statement of Continued Eligibility (SOCE) for Certain Teachers of Students with Disabilities and Technical Amendments to the Limited Extension, SOCE, and Subject Area Extensions in Grades 7-12 for Certain Teachers of Students with Disabilities

DATE: September 26, 2019

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SUMMARY

Issue for Discussion

Should the Board of Regents adopt proposed amendments to §80-3.15 and §80-4.3 of the Regulations of the Commissioner of Education relating to the addition of subject areas to the limited extension and statement of continued eligibility (SOCE) for certain teachers of students with disabilities and technical amendments to the limited extension, SOCE, and subject area extensions in grades 7-12 for certain teachers of students with disabilities?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Higher Education Committee for discussion at its October 2019 Board of Regents meeting. (Attachment A is a copy of the proposed amendments.)

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on October 23, 2019. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

At its July 2018 meeting, the Board of Regents created limited extensions and a statement of continued eligibility (SOCE) in the core subject areas for teachers who hold a Students with Disabilities (Grades 7-12) Generalist certificate and teach one or more subject areas in special classes in grades 7-12. The core subject areas include: biology, chemistry, earth science, English Language Arts, mathematics, physics, and social studies.

Teachers of students with disabilities who teach a special class in grades 7-12 and earn an SOCE are deemed certified in the subject area. The limited extension is available for teachers who are not eligible for the SOCE and is valid for five years while they pursue the requirements for the subject area certificate or subject area extension in grades 7-12. The limited extension is renewable one time for an additional five years under certain conditions. The limited extension and SOCE are only valid in a special class as defined in §200.1(uu) of the Regulations of the Commissioner of Education.

The Board of Regents added the following certificate titles eligible for the limited extension and SOCE at their February 2019 meeting: Students with Disabilities (Grades 5-9) Generalist and Content Specialist, Students with Disabilities (Grades 7-12) Content Specialist, and the Permanent Special Education Generalist. Expanding the list of eligible certificate titles enable more qualified teachers of students with disabilities who teach a special class in grades 7-12 to seek the limited extension and SOCE.

When the limited extension and SOCE regulations were amended to include the new certificate titles, the titles were not added to all subdivisions of the regulations. The new certificate titles also need to be added to the list of eligible certificates for the subject area extension in grades 7-12 so that teachers who hold a certificate in one of the titles and a limited extension in a subject area could be eligible for the subject area extension in grades 7-12.

Finally, school districts and BOCES have shared with the Department that teachers of students with disabilities who teach a special class have been teaching general science and languages other than English as well as the core subject areas. They have expressed a need to add general science and languages other than English as subject areas for the limited extension and SOCE.

Proposed Amendment

The Department is proposing to add general science and languages other than English in either grades 5-9 or grades 7-12 to the list of subject areas for the limited extension and SOCE in response to school district and BOCES needs. For teachers who earn the limited extension in general science and progress towards the General Science Extension, they would need to hold a valid Initial or Professional Biology, Chemistry, Earth Science, or Physics certificate to fulfill the requirements for the General Science Extension.

In addition, the following certificate titles would be added to the limited extension, SOCE, and subject area extension in grades 7-12 in appropriate places in the regulations: Students with Disabilities (Grades 5-9) Generalist and Content Specialist, Students with Disabilities (Grades 7-12) Content Specialist, and the Permanent Special Education Generalist. The additions make the list of eligible certificate titles for the three credentials consistent throughout the regulations and enable teachers who hold a certificate in one of the titles and a limited extension in a subject area to be eligible for the subject area extension in grades 7-12.

Related Regents Items

[July 2018](http://www.regents.nysed.gov/common/regents/files/718brca4.pdf) <http://www.regents.nysed.gov/common/regents/files/718brca4.pdf>

[February 2019](http://www.regents.nysed.gov/common/regents/files/219brca4.pdf) <http://www.regents.nysed.gov/common/regents/files/219brca4.pdf>

[June 2019](http://www.regents.nysed.gov/common/regents/files/619hea2.pdf) <http://www.regents.nysed.gov/common/regents/files/619hea2.pdf>

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 January 2020 meeting. If adopted at the January 2020 meeting, the proposed amendment will become effective on January 29, 2020.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 210, 215, 305, 3001, 3004 and 3009.

1. Section 80-3.15 of the Regulations of the Commissioner of Education shall be amended to read as follows:

§ 80-3.15 Statement of continued eligibility for teachers of students with disabilities ho teach a special class in grades 7-12.

(a) Upon application, a person who meets the requirements of this section and is employed in a public school or other school for which teacher certification is required to teach a special class, as defined in section 200.1(uu) of this Title, may be issued a statement of continued eligibility pursuant to which such person may teach one or more of the following subject areas in a special class without a teaching certificate in these areas as is required under this Part: biology, chemistry, earth science, English Language Arts, general science, language other than English (specified) in either (grades 5-9) or (grades 7-12), mathematics, physics, and social studies; provided that such person holds a valid initial or professional certificate in the classroom teaching service in students with disabilities (grades 7-12) generalist, students with disabilities (grades 7-12) content specialist, students with disabilities (grades 5-9) generalist, students with disabilities (grades 5-9) content specialist; or the special education [(grades K-12)] generalist permanent certificate and meets the requirements of this section for each subject area for which the person is seeking a statement of continued eligibility.

(b) ..

(c) The statement of continued eligibility shall be valid for service in any district and shall be continuously valid provided that the person holds a valid initial or professional certificate in students with disabilities [generalist (grades 7-12)] (grades 7-12) generalist, students with disabilities (grades 7-12) content specialist, students with disabilities (grades 5-9) generalist, students with disabilities (grades 5-9) content specialist, or the special education generalist permanent certificate and is teaching in a special class, as defined in section 200.1(uu) of this Title.

2. Subdivision (n) of section 80-4.3 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(n) Requirements for the extension to teach certain subjects in grades 7-12.

(1) Purpose. The purpose of an extension issued under this section is to authorize a teacher who [is certified] holds a valid initial or professional certificate in the classroom teaching service in students with disabilities (grades 5-9[-generalist) or (grades 7-12-generalist]) generalist, students with disabilities (grades 5-9) content specialist, students with disabilities (grades 7-12) generalist, students with disabilities (grades 7-12) content specialist, or the special education generalist permanent certificate to authorize the teacher to be employed as the teacher of record for students with disabilities in certain subjects.

(2) Subjects for which extension may be obtained. A teacher who [is certified] holds a valid initial or professional certificate in the classroom teaching service in students with disabilities [(grades 5-9 generalist) or (grades 7-12-generalist)] generalist, students with disabilities (grades 5-9) content specialist, students with disabilities (grades 7-12) generalist, students with disabilities (grades 7-12) content specialist, or the special education generalist permanent certificate may seek an extension under this

subdivision in one of the following subjects: mathematics; English language arts; biology; chemistry; earth science; physics; social studies; language other than English (specified) in either (grades 5-9) or (grades 7 through 12).

(3) Requirements for the extension. The candidate shall meet the requirements in each of the following paragraphs:

(i) the candidate shall hold a valid initial or professional certificate in [students with disabilities (grades 7-12 generalist) or] students with disabilities (grades 5-9 [generalist) or a valid provisional or permanent certificate for teaching students with disabilities in (grades pre-K through 12)] generalist, students with disabilities (grades 5-9) content specialist, students with disabilities (grades 7-12) generalist, students with disabilities (grades 7-12) content specialist, or the special education generalist permanent certificate;

3. Subdivision (t) of section 80-4.3 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(t) Requirements for the issuance of a limited extension to teach a specific subject in a special class in grades 7-12.

(1) Purpose. The purpose of limited extensions issued under this subdivision is to authorize a teacher who holds a valid initial or professional certificate in the classroom teaching service in students with disabilities (grades 7-12) generalist, students with disabilities (grades 7-12) content specialist, students with disabilities (grades 5-9) generalist, students with disabilities (grades 5-9) content specialist, or the special education [(grades K-12)] generalist permanent certificate to teach one of the following subject areas in a special class as defined in section 200.1(uu) of this Title: biology, chemistry, earth science, English Language Arts, general science, language other than

English (specified) in either (grades 5-9) or (grades 7-12), mathematics, physics, and social studies.

(2) ...

(3) Requirements for a limited extension. A limited extension may be issued to a candidate in a specific subject area provided that the candidate holds a valid initial or professional certificate in the classroom teaching service in students with disabilities [generalist (grades 7-12)] (grades 7-12) generalist, students with disabilities (grades 7-12) content specialist, students with disabilities (grades 5-9) generalist, students with disabilities (grades 5-9) content specialist, or the special education generalist

permanent certificate and meets the requirements in one of the following subparagraphs:

(i) ...

(ii) ...

(iii) . .

(iv) ...

(v) ...