



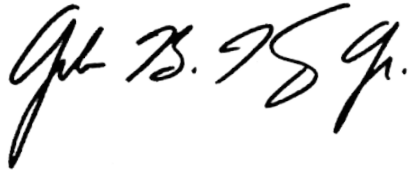


TO: Higher Education Committee

FROM: John L. D'Agati 

SUBJECT: Proposed Amendments to the Regulations of the Commissioner of Education Relating to Renewals of Provisional Certificates and Reissuances of Initial Certificates

DATE: January 7, 2013

AUTHORIZATION(S):  

SUMMARY

Issue for Decision

Should the Board of Regents adopt the proposed amendment to sections 80-1.7 and 80-1.8 of the Regulations of the Commissioner of Education relating to renewals of provisional certificates and reissuances of initial certificates?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Higher Education Committee for adoption at its January 2013 meeting.

Procedural History

A Notice of Proposed Rule Making was published in the State Register on November 7, 2012. A copy of the proposed amendment is attached (Attachment 1). Supporting materials are available upon request from the Secretary to the Board of Regents.

Background

Reissuance of the Initial Certificate

Currently, an initial certificate is valid for five years. During those five years, the teacher is required to complete his/her master's degree and three years of teaching experience in order to qualify for the professional certificate. If the teacher is unable to complete the required three years of classroom teaching experience during the five year validity period of the initial certificate and his/her initial certificate has expired, he/she may apply for a reissuance of his/her initial certificate, which is valid for an additional five years. Any candidate whose certificate has been expired for two or more years from the date of his/her reissuance application shall be required to re-take the Content Specialty Test in the certificate area and complete 75 clock hours of acceptable professional development within one year of his/her application for reissuance.

The proposed amendment would allow all candidates applying for a reissuance of an initial certificate on or after September 1, 2013 to apply for a reissuance if they re-take the Content Specialty Test and complete 75 clock hours of acceptable professional development.

Renewal of the School Administrator and Supervisor Certificate

This regulatory change would allow the Department to renew the provisional School Administrator and Supervisor (SAS) certificate for those certificate holders that have not been able to complete the two years of school leadership experience required for the permanent SAS certificate. We currently allow for the reissuance of the initial certificate for the School Building Leader (SBL) and in limited circumstances (i.e., where the certificate holder has been employed in a school district or BOCES to devote a substantial portion of his/her time to instructional support services during three of the past five school years). The proposed amendment allows all candidates with a provisional SAS that have not completed their experience to apply for a renewal of their certificate if they receive a passing score on the School Building Leader examination(s) prior to the issuance of the SAS renewal.

Following a 45-day public comment period pursuant to the State Administrative Procedure Act, the Department received two comments. An Assessment of Public Comment is attached (Attachment 2).

Recommendation

VOTED: That subdivision (c) of section 80-1.7 of the Regulations of the Commissioner of Education is repealed and a new subdivision (c) is added, effective September 1, 2013 and that section 80-1.8 of the Regulations of the Commissioner of Education is amended, effective January 30, 2013.

Timetable for Implementation

If adopted at the January Regents meeting, the proposed amendment will become effective on January 30, 2013.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 215, 305, 3001 and 3003 of the Education Law.

1. Subdivision (c) of section 80-1.7 of the Regulations of the Commissioner of Education is repealed and a new subdivision (c) is added, effective September 1, 2013, to read as follows:

(c) The commissioner shall not accept an application for the renewal of a provisional school administrator and supervisor certificate submitted to the commissioner after September 1, 2013 unless the certificate holder has achieved a satisfactory score on the school building leader assessment(s) that is required at the time the renewed provisional certificate is issued.

2. Section 80-1.8 of the Regulations of the Commissioner of Education is amended, effective January 30, 2013, to read as follows:

§80-1.8 Reissuance of an initial certificate.

(a) The holder of an initial certificate whose certificate has expired and who has not successfully completed three school years of teaching experience, or its equivalent, as is required for a professional certificate, shall be [issued] reissued an initial certificate on one occasion only, for a period of five years from the date of reissuance [, provided that the candidate has met the requirements in subdivision (b) of this section].

(1) For candidates applying for a reissuance on or before September 1, 2013, any candidate whose certificate has been expired for two or more years at the time of application for the reissuance shall meet the requirements in subparagraphs (i) and (ii) of this paragraph. For candidates applying for a reissuance on or after September 1,

2013, all candidates applying for a reissuance shall meet the requirements in the following paragraphs:

(i) The candidate shall have successfully completed 75 clock hours of acceptable professional development within the year prior to the submission of his/her application to the department for the reissued initial certificate. The definition of acceptable professional development and the measurement of professional development study shall be that prescribed in section 80-3.6 of this Part.

(ii) The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination content specialty test(s) in the area required for the certificate sought or, where applicable, the New York State assessment for school building leadership required for a certificate as a school building leader, which shall be taken within one year of the candidate's applying to the department for the reissuance of the initial certificate.

(b) Notwithstanding the above, an initial certificate as a school building leader may be reissued a second time if the certificate holder has met all of the requirements for the professional certificate except the experience requirement and has been employed in a school district or BOCES to provide instructional support services as defined in section 80-5.21 of this Part during three of the past five school years.

[(b) Any candidate whose certificate has been expired for two or more years at the time of application for the reissuance shall meet the requirements in both of the following paragraphs:

(1) The candidate shall successfully complete 75 clock hours of acceptable professional development within one year of applying to the department for the reissued initial certificate. The definition of acceptable professional development and the

measurement of professional development study shall be that prescribed in section 80-3.6 of this Part.

(2) The candidate shall submit evidence of having achieved a satisfactory level of performance on the new York State Teacher Certification Examination content specialty test(s) in the area required for the certificate sought or the New York State assessment for school building leadership required for a certificate as a school building leader, which shall be taken within one year of the candidate's applying to the department for the reissuance of the initial certificate.]

ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Revised Rule Making in the State Register on November 7, 2012, the State Education Department (SED) received the following comments on the revised proposed amendment.

COMMENT: We recommend that the State Education Department clarify the proposed regulatory language in Part 80-1.8(a)(1)(i) to clearly state that an initial certificate will not be reissued until 75 hours of professional development are completed by the applicant. The proposed language currently states “within one year of applying.” This allows for the possibility that an applicant will misinterpret this to mean the certificate would be reissued prior to completion of hours.

RESPONSE: The Department has made a non-material change to the regulation to clarify the proposed amendment to clearly state a reissuance of an initial certificate will not be issued until the candidate has completed 75 hours of professional development and that the 75 hour requirement must be met within one year of applying to the department for the reissuance of his/her certificate.

COMMENT: In addition, we recommend that the State Education Department clarify the meaning of the phrase “acceptable professional development” for individuals applying for the reissuance of the initial certificate in Part 80-3.6 of the regulations. Part 80-3.6 currently addresses professional development for holders of professional teaching certificates, Level III Teaching Assistant certificates, and holders of professional educational leadership certificates. This should be modified to include those seeking reissuance of the initial certificate.

RESPONSE: Section 80-1.8 of the proposed amendment clearly states that the definition of acceptable professional development and the measurement of professional

development study shall be that prescribed in section 80-3.6 of this Part. Therefore, the Department believes that no change is warranted.