



**TO:** Higher Education Committee

**FROM:** William P. Murphy *William P. Murphy*

**SUBJECT:** Proposed Amendment to Section 80-1.6 of the Regulations of the Commissioner of Education to Allow a Time Extension for the Initial Reissuance and Provisional Renewal

**DATE:** January 2, 2020

**AUTHORIZATION(S):** *[Signature]* *Sharon L. Tabor*

**SUMMARY**

**Issue for Discussion**

Should the Board of Regents adopt the proposed amendment to Section 80-1.6 of the Regulations of the Commissioner of Education to allow a time extension for the Initial Reissuance and Provisional Renewal?

**Reason(s) for Consideration**

Review of Policy.

**Proposed Handling**

The proposed amendment is submitted to the Higher Education Committee for discussion at its January 2020 Board of Regents meeting (Attachment A is a copy of the proposed amendment).

**Procedural History**

A Notice of Proposed Rule Making will be published in the State Register on January 29, 2020. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

## **Background Information**

Educators who do not complete the requirements for the Professional or Permanent certificate during the five-year validity period of their Initial or Provisional certificate, respectively, have the option to apply for an Initial Reissuance, Provisional Renewal, or Time Extension. They may receive only one five-year Initial Reissuance or Provisional Renewal.

To earn the Initial Reissuance, teachers and school building leaders must:

- have less than three years of experience;
- pass the Content Specialty Test in the subject area of the certificate sought or School Building Leader assessment, as appropriate, within one year before or after the Initial Reissuance application date; and
- have completed 50 hours of acceptable Continuing Teacher and Leader Education (CTLE) and/or professional learning within one year before or after the application date.

The Provisional Renewal is available to pupil personnel service professionals (e.g., school counselors) who have completed all requirements for the Permanent certificate with the exception of the experience requirement and/or academic requirements, depending on the certificate title.

Educators can also receive a one-time Time Extension, which adds three years to the expiration date of Initial and Provisional certificates and to the expiration date of certain Transitional certificates.

In some cases, educators are only eligible for the Time Extension because they cannot meet the requirements for the Initial Reissuance/Provisional Renewal (e.g., Initial certificate holders who have more than three years of experience). In other cases, educators can meet the requirements for the Time Extension and Initial Reissuance/Provisional Renewal simultaneously and must choose the one for which they will apply first.

Educators who are eligible for both the Time Extension and Initial Reissuance/Provisional Renewal can add the maximum amount of time to the validity period of their certificate by first applying for the Time Extension. By applying for the Time Extension first, they can, if needed, apply for the Initial Reissuance/Provisional Renewal at a later date as follows: (1) Initial/Provisional certificate (five years), (2) Time Extension (three years), and then (3) Initial Reissuance/Provisional Renewal (five years).

However, if these educators apply first for the Initial Reissuance/Provisional Renewal, the Time Extension cannot add time to the expiration date of the Initial Reissuance/Provisional Renewal. The Time Extension can only add time to the expiration date of the Initial/Provisional certificate pursuant to Section 80-1.6 of the Commissioner's Regulations. Therefore, if educators earn the Initial/Provisional certificate (5 years) and then the Initial Reissuance/Provisional Renewal (5 years), the Time Extension is not an option for extending the validity period of their certificate.

## **Proposed Amendment**

The Department is proposing to allow educators who hold an Initial certificate, Initial Reissuance, Provisional certificate, or Provisional Renewal to receive one Time Extension after the issuance of their first Initial or Provisional certificate. The Time Extension would add three years to the expiration date of either the Initial certificate, Initial Reissuance, Provisional certificate, or Provisional Renewal. Educators would not be able to earn a Time Extension on both the Initial certificate and Initial Reissuance or the Provisional certificate and Provisional Renewal per certificate title.

This revision would enable educators who hold the Initial Reissuance/Provisional Renewal, but have not received a Time Extension, to earn a Time Extension that would add three years to the expiration date of the Initial Reissuance/Provisional Renewal. Educators who are eligible for both the Time Extension and Initial Reissuance/Provisional Renewal simultaneously would be able to apply for either one first, without foregoing the option of the other one, while completing the requirements for the Professional/Permanent certificate, respectively. These educators would have more flexibility because the order of the extensions would no longer matter.

Educators who hold a Transitional certificate that is not identified as “nonrenewable” in Part 80 of the Commissioner’s Regulations will continue to have the option of one three-year Time Extension per certificate title.

## **Related Regents Items**

N/A

## **Recommendation**

N/A

## **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 May 2020 meeting. If adopted at the May 2020 meeting, the proposed amendment will become effective on May 20, 2020.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 305, 3001, 3003, 3004 and 3009 of the Education Law.

Clause (b) of section 80-1.6 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(b) For holders of a provisional certificate or provisional renewal in the pupil personnel service, or for holders of an initial certificate, initial reissuance or transitional certificate in the classroom teaching service or school leadership applying for their first time extension on or after March 1, 2017, the time validity of the expired certificate may be extended once per applicable transitional certificate and once after the issuance of the first provisional or initial certificate, per certificate title (educators would not be able to earn a time extension on both the initial certificate and initial reissuance or the provisional certificate and provisional renewal, per certificate title), for a period not to exceed three years from the expiration date of such certificate, except as provided in subdivision (c) of this section, upon application by the holder of the certificate: