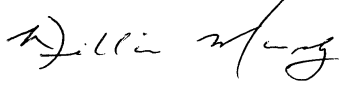





TO: Higher Education Committee

FROM: William P. Murphy 

SUBJECT: Proposed Amendment of Sections 80-3.10, 80-5.8, 80-5.20, and 80-5.23 of the Regulations of the Commissioner of Education Relating to Educator Certification for Candidates from Another State or Territory of the United States or the District of Columbia

DATE: December 29, 2022

AUTHORIZATION(S): 

SUMMARY

Issue for Discussion

Should the Board of Regents adopt the proposed amendment of sections 80-3.10, 80-5.8, 80-5.20, and 80-5.23 of the Regulations of the Commissioner of Education relating to educator certification for candidates from another state or territory of the United States or the District of Columbia?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment is submitted to the Higher Education Committee for discussion at its January 2023 meeting. A copy of the proposed amendment is attached (Attachment A).

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on January 25, 2023 for a 60-day public comment period. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

Two of the pathways to certification are designed for candidates who hold a certificate from, and/or completed an educator preparation program in, another state or territory of the United States (U.S.) or the District of Columbia.

The first pathway is the “Endorsement of a Certificate (“endorsement”) pathway. For teacher or educational leadership certification through this pathway, candidates must meet the following requirements in addition to education and general requirements for certificates prescribed in Subpart 80-1 of the Commissioner’s regulations (8 NYCRR 80-5.8(a) and 80-5.20(a)-(c)):

- **Certificate.** Hold a valid certificate from other U.S. state(s) or territory/territories or the District of Columbia that is equivalent to the title and type of the certificate sought.
- **Experience.** Complete at least three years of satisfactory experience within seven years immediately preceding the certificate application (1) in a public school in other U.S. state(s) or territory/territories or the District of Columbia; (2) in a position that would have required the equivalent of an Initial or Professional teacher certificate in the certificate title sought/title and type of the educational leadership certificate sought; and (3) under the authority of a certificate issued by such other state authorizing such service. The Commissioner may also determine that other experience is equivalent to the above requirements.
- **Ratings.** Receive evaluation ratings of effective or highly effective in at least three years of experience in a public school in other U.S. state(s) or territory/territories or the District of Columbia in the certificate title sought, or the substantial equivalent of such ratings.

The endorsement pathway for Initial and Professional School Counselor certification is similar, with a few exceptions. Some differences include that: (1) the non-New York State certificate must be from another U.S. state or territory, which is unclear as to whether candidates can hold certificates from multiple states; (2) candidates can complete at least three years of satisfactory experience within five years (instead of seven years) immediately preceding the certificate application; and (3) evaluation ratings are not required (8 NYCRR 80-5.23(a)).

The second pathway is the “Completion of a Comparable Educator Program in Another U.S. State” (“comparable program”) pathway. For this pathway, candidates must complete a substantially equivalent teacher preparation program at an institution of higher education¹ that leads to certification in the title and type of certificate sought in

¹ The institution of higher education must be “accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education or a higher education institution that the Commissioner deems substantially equivalent from another state or territory of the United States or the District of Columbia” (8 NYCRR 80-5.8(b)(1)).

the jurisdiction where the institution is located (8 NYCRR 80-5.8(b)(1)). Teacher candidates must also meet the general requirements for certificates prescribed in Subpart 80-1 of the Commissioner's regulations and the degree and examination requirements set forth in section 80-5.8 of the Commissioner's regulations to obtain certification through this pathway.

Candidates who apply for educational leadership certificates through this pathway must complete an educational leadership program² at an institution of higher education that leads to the certificate title and type sought, or a similar certificate title and type, in the jurisdiction where the institution is located (8 NYCRR 80-3.10). Educational leadership candidates must also meet the experience and examination requirements prescribed in section 80-3.10 of the Commissioner's regulations to obtain certification through this pathway.

Proposed Amendment

The Department proposes to streamline both the endorsement and comparable program pathways, providing additional flexibility and increasing the pool of candidates during this time of teacher shortages.

Endorsement Pathway:

The Department proposes to revise the certificate requirement in the endorsement pathway for teacher, educational leader, and Initial and Professional School Counselor certification such that certificates from another U.S. state or territory or the District of Columbia may be "comparable" instead of "equivalent" to the New York State certificate title and type sought. Educator certificate titles and types vary greatly across states and change over time. This revision would give the Department more flexibility in determining which certificates from another state could be considered comparable to a New York State certificate and increase the pool of candidates for certification.

The proposed amendment also removes the time period during which candidates must complete their three years of experience for the endorsement pathway. For example, under current regulations, a candidate who worked for six years as an elementary teacher and then five years as a principal in a public school in another state would not be eligible for the Childhood Education certificate through the endorsement pathway because the three years of teaching experience did not occur within the past seven years. This is but one of several circumstances, such as raising a family, by which a candidate's experience may not qualify.³ By removing the recentness requirement, candidates who hold a valid certificate from another state but completed their three years of experience more than

² The educational leadership program must be accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited institution outside of New York State.

³ The Department notes that, as stated above, teachers and educational leader candidates must also have effective or highly effective ratings to meet the experience requirements for the endorsement pathway.

seven (or five for school counselor candidates) years prior to their application would be eligible for certification.

The proposal includes one technical revision for the endorsement pathway. For Initial and Professional School Counselor certificates through this pathway, the reference to certificates and experience “in another state or territory of the United States” in the eligibility requirements will be replaced with “in other state(s) or territory/territories of the United States.” This proposed amendment would make the eligibility requirements consistent with the eligibility requirements for teacher and educational leadership certificates through the endorsement pathway.

Comparable Program Pathway:

Additionally, the Department proposes to revise the comparable program pathway for teacher and educational leadership certification such that the descriptions of the certificates to which the educator preparation program from another state leads are consistent for both types of certificates.

The proposal also includes two technical revisions related to this pathway. First, the education requirements for candidates who apply for and meet the requirements for an educational leadership certificate on or before September 1, 2019 will be removed from section 80-3.10 because they are defunct; all those who would have qualified are eligible to apply for certification under the current requirements.

Second, at its January 2022 meeting, the Board of Regents replaced references to regionally accredited higher education institutions with “an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education” throughout the Commissioner’s regulations. As such, the references to a regionally accredited higher education institution in section 80-3.10 will be replaced with this new phrase, consistent with the earlier regulatory amendments.

Related Regents Items

January 2022: [Proposed Amendment to Sections 3.29 and 13.10 of the Rules of the Board of Regents and Sections 52.1, 52.21, 70.9, 90.7, 126.1, 246.3, and 247.16 and Part 80 of the Regulations of the Commissioner of Education Relating to Removing References to Regional Accreditation](https://www.regents.nysed.gov/common/regents/files/122brca3_0.pdf)

(https://www.regents.nysed.gov/common/regents/files/122brca3_0.pdf)

October 2019: [Proposed Amendment 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](https://www.regents.nysed.gov/common/regents/files/1019brca4.pdf)

(<https://www.regents.nysed.gov/common/regents/files/1019brca4.pdf>)

January 2018: [Proposed Amendment to §80-3.10 of the Regulations of the Commissioner of Education Related to Requirements for Certificates in the Educational Leadership Service](https://www.regents.nysed.gov/common/regents/files/118brca2.pdf)

(<https://www.regents.nysed.gov/common/regents/files/118brca2.pdf>)

July 2016: [Proposed Amendments to Section 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education Relating to Endorsement of Out-of-State Certificates for Service as a Teacher, School District Leader, School District Business Leader and School Building Leader in New York State](https://www.regents.nysed.gov/common/regents/files/716brca4.pdf)

(<https://www.regents.nysed.gov/common/regents/files/716brca4.pdf>)

June 2014: [Proposed Amendments to Section 80-5.8 and 80-5.20 of the Regulations of the Commissioner of Education Relating to Endorsement of Out-of-State Certificates for Service as a Teacher, School District Leader, School District Business Leader and School Building Leader in New York State](https://www.regents.nysed.gov/common/regents/files/614hed2.pdf)

(<https://www.regents.nysed.gov/common/regents/files/614hed2.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 May 2023 meeting. If adopted at the May meeting, the proposed amendment will become effective on May 31, 2023.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 208, 305, 308, 3001, 3004 and 3009 of the Education Law.

1. Clause (a) of subparagraph (ii) of paragraph (1) of subdivision (a) of section 80-3.10 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Education.

[(1)

(i) For candidates who apply for and meet the requirements for a certificate under this subdivision on or before September 1, 2019, the candidate shall hold a master's or higher degree from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the department and have successfully completed a program leading to the initial certificate as a school building leader in the educational leadership service registered pursuant to section 52.21(c)(2) of this Title, or its equivalent as determined by the department, or an educational leadership program leading to a regular certificate in an equivalent title to a school building leader, accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited institution outside of New York State.

(ii) For candidates who apply for a certificate under this subdivision on or after September 1, 2019 or candidates who apply for a certificate on or before September 1, 2019 but do not meet all the requirements for a certificate on before September 1, 2019,

the] The candidate shall hold a master's or higher degree from [a regionally accredited higher education] an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education or an equivalently approved higher education institution as determined by the department and have successfully completed a program leading to the initial certificate as a school building leader in the educational leadership service registered pursuant to section 52.21 (c)(2) of this Title, or its equivalent as determined by the department, or an educational leadership program [leading to a regular certificate in an equivalent title to a school building leader, accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited] at an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education outside of New York State, provided that such program leads to an initial certificate as a school building leader, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located.

2. Clause (a) of subparagraph (i) of paragraph (2) of subdivision (b) of section 80-3.10 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) ...

(1) The candidate shall hold a master's or higher degree from [a regionally accredited higher education] an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States

Department of Education or an equivalently approved higher education institution as determined by the department; and

(2) ...

(i) ...

(ii)

[(ii)(A) for candidates who apply for and meet the requirements for a certificate under this subdivision on or before September 1, 2019, have successfully completed an educational leadership program outside of New York State that is equivalent to a program leading to a professional certificate as a school district leader in the educational leadership service registered pursuant to section 52.21(c)(3) of this Title or an educational leadership program leading to a regular certificate in an equivalent title to school district leader, accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited institution outside of New York State, including a requirement to pass an assessment equivalent to the New York State assessment for school district leadership, or alternatively the candidate shall satisfy this component of the educational leadership program by passing the New York State assessment for school district leadership. The requirement of achieving a satisfactory level of performance on an assessment equivalent to the New York State assessment for school district leadership or alternatively passing such New York State assessment shall be waived if the candidate completes the program prior to the availability of such New York State assessment. The department shall determine the date on which such assessment is available. The candidate shall have successfully

completed at least 60 semester hours of graduate study, which may include graduate study completed outside of the educational leadership program.

(B) for candidates who apply for a certificate under this subdivision on or after September 1, 2019 or candidates who apply for a certificate on or before September 1, 2019 but do not meet all the requirements for a certificate on before September 1, 2019,] have successfully completed an educational leadership program outside of New York State that is equivalent to a program leading to a professional certificate as a school district leader in the educational leadership service registered pursuant to section 52.21(c)(3) of this Title or an educational leadership program [leading to a regular certificate in an equivalent title to school district leader, accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited] at an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education outside of New York State, provided that such program leads to a professional certificate as a school district leader, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located, including a requirement to pass an assessment equivalent to the New York State assessment for school district leadership, or alternatively the candidate shall satisfy this component of the educational leadership program by passing the New York State assessment for school district leadership. The requirement of achieving a satisfactory level of performance on an assessment equivalent to the New York State assessment for school district leadership or alternatively passing such New York State assessment shall be waived if the candidate completes the program prior to the availability of such

New York State assessment. The department shall determine the date on which such assessment is available. The candidate shall have successfully completed at least 60 semester hours of graduate study, which may include graduate study completed outside of the educational leadership program.

3. Paragraph (2) of subdivision (c) of section 80-3.10 of the Regulations of the Commissioner of Education is amended to read as follows:

(2) ...

(i) The candidate shall hold a master's or higher degree from [a regionally accredited higher education] an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education or an equivalently approved higher education institution as determined by the department; and

(ii) ...

(a) ...

(b)

[(1) for candidates who apply for and meet the requirements for a certificate under this subdivision on or before September 1, 2019, have successfully completed an educational leadership program outside of New York State that is equivalent with a program leading to a professional certificate as a school district business leader in the educational leadership service registered pursuant to section 52.21(c)(5) of this Title or an educational leadership program leading to a regular certificate in an equivalent title to school district business leader, accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited institution outside of

New York State, including a requirement to pass an assessment equivalent to the New York State assessment for school district business leadership, or alternatively the candidate shall satisfy this component of the educational leadership program by passing the New York State assessment for school district business leadership. The requirement of achieving a satisfactory level of performance on an assessment equivalent to the New York State assessment for school district business leadership or alternatively passing such New York State assessment shall be waived if the candidate completes the program prior to the availability of such New York State assessment. The department shall determine the date on which such assessment is available. The candidate shall have successfully completed at least 60 semester hours of graduate study, which may include graduate study completed outside of the educational leadership program.

(2) for candidates who apply for a certificate under this subdivision on or after September 1, 2019 or candidates who apply for a certificate on or before September 1, 2019 but do not meet all the requirements for a certificate on or before September 1, 2019,] have successfully completed an educational leadership program outside of New York State that is equivalent with a program leading to a professional certificate as a school district business leader in the educational leadership service registered pursuant to section 52.21(c)(5) of this Title or an educational leadership program [leading to a regular certificate in an equivalent title to school district business leader, accredited by an accrediting body recognized by the United States Department of Education at a regionally accredited] at an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States

Department of Education outside of New York State, provided that such program leads to a professional certificate as a school district business leader, or a similar certificate title and type, in the jurisdiction in which the higher education institution is located, including a requirement to pass an assessment equivalent to the New York State assessment for school district business leadership, or alternatively the candidate shall satisfy this component of the educational leadership program by passing the New York State assessment for school district business leadership. The requirement of achieving a satisfactory level of performance on an assessment equivalent to the New York State assessment for school district business leadership or alternatively passing such New York State assessment shall be waived if the candidate completes the program prior to the availability of such New York State assessment. The department shall determine the date on which such assessment is available. The candidate shall have successfully completed at least 60 semester hours of graduate study, which may include graduate study completed outside of the educational leadership program.

4. Paragraph (1) of subdivision (a) of section 80-5.8 of the Regulations of the Commissioner of Education is amended to read as follows:

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

(i) The candidate shall hold a valid certificate or equivalent authorization to practice from other state(s) or [territory(ies)] territory/territories of the United States or

the District of Columbia that is [equivalent] comparable to the title and type of the certificate sought.

(ii) ...

(iii) ...

(iv) ...

(a) have at least three years of satisfactory experience in a public school (grades birth-12) in other state(s) or [territory(ies)] territory/territories 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 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) submit satisfactory evidence that the candidate received evaluation ratings of effective or highly effective, or the substantial equivalent of such ratings, in at least three years of experience in a public school in other state(s) or [territory(ies)] territory/territories 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.

5. Paragraph (1) of subdivision (b) of section 80-5.8 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) The commissioner may recognize and issue an initial certificate to an out-of-state candidate who completes a teacher education program at an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education or a higher education institution that the commissioner deems substantially equivalent from another state or territory of the United States or the District of Columbia that leads to certification in the title and type of certificate sought, or similar certificate title and type, in the jurisdiction where the higher education institution is located if the candidate also meets the following requirements:

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

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

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

(ii) ...

(iii) ...

(iv)

(a) The candidate shall have had at least three years of satisfactory experience in a public school (grades N-12) in other state(s) or [territory(ies)] territory/territories 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 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 at least three years of experience in a public school in other state(s) or [territory(ies)] territory/territories 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 is amended to read as follows:

(1) The commissioner may endorse the certificate of other state(s) or [territory(ies)] territory/territories 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:

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

(ii) ...

(iii) ...

(iv)

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

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

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

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

(ii) ...

(iii) ...

(iv)

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

9. Subdivision (a) of section 80-5.23 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) School counselor.

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

(1) The candidate shall hold a valid certificate of [another state or territory] other state(s) or territory/territories of the United States or the District of Columbia that is [equivalent] comparable to the initial or professional certificate as a school counselor.

(2) ...

(3) ...

(4) The candidate shall either:

(i) ...

(ii) have at least three years of satisfactory experience in a public school (grades K-12) in [another state or territory] other state(s) or territory/territories of the United States or the District of Columbia in a position that would have required the equivalent of initial or professional certification as a school counselor 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 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.

(5) ...