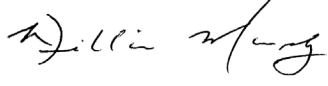



**TO:** The Honorable Members of the Board of Regents

**FROM:** William P. Murphy 

**SUBJECT:** Proposed Amendment of Section 30-1.2 of the Rules of the Board of Regents Relating to the Computer Science Tenure Area

**DATE:** December 28, 2023

**AUTHORIZATION(S):** 

**SUMMARY**

**Issue for Decision (Consent)**

Should the Board of Regents adopt the proposed amendment of section 30-1.2 of the Rules of the Board of Regents relating to the computer science tenure area?

**Reason for Consideration**

Review of policy.

**Proposed Handling**

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the January 2024 Regents meeting. A copy of the proposed amendment (Attachment A) is attached.

**Procedural History**

The proposed amendment was presented to the Higher Committee for discussion at the September 2023 meeting of the Board of Regents. A Notice of Proposed Rule Making was published in the State Register on September 27, 2023, for a 60-day public comment period.

Following publication in the State Register, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed. A Notice of Adoption will be published in the State Register on January 24, 2024. Supporting materials are available upon request to the Secretary of the Board of Regents.

## **Background Information**

At its March 2018 meeting, the Board of Regents established the Computer Science (All Grades) certificate, statement of continued eligibility (SOCE), and tenure area.

At its June 2021 meeting, the Board of Regents extended the dates listed in the computer science tenure regulations from September 1, 2022, to September 1, 2023. This one-year extension was consistent with the amendments to section 80-3.14 of the Commissioner's regulations providing a one-year extension for the Computer Science SOCE application deadline, signaling that teachers of computer science courses do not need to hold the Computer Science certificate or SOCE until September 1, 2023.

The Board of Regents extended the Computer Science SOCE application deadline again by one year to September 1, 2024, at its October 2022 meeting. The computer science tenure area dates were not similarly extended for another year at that time.

## **Proposed Amendments**

The Department is proposing to extend the dates listed in the computer science tenure area regulations by one year from September 1, 2023, to September 1, 2024, aligning the date with the Computer Science SOCE application deadline and the date by which teachers of computer science courses need to hold the Computer Science certificate or SOCE.

## **Related Regents Items**

September 2023: [Proposed Amendment of Section 30-1.2 of the Rules of the Board of Regents Relating to the Computer Science Tenure Area](https://www.regents.nysed.gov/meetings/2023/2023-09/higher-education)  
(<https://www.regents.nysed.gov/meetings/2023/2023-09/higher-education>)

October 2022: [Proposed Amendment of Section 80-3.14 of the Regulations of the Commissioner of Education Relating to the Implementation Timeline for the Computer Science Statement of Continued Eligibility](https://www.regents.nysed.gov/sites/regents/files/1022brca3.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/1022brca3.pdf>)

October 2022: [Proposed Amendment of Sections 100.1, 100.4, and 80-4.3 of the Regulations of the Commissioner of Education Relating to Computer Science Being Considered a Career and Technical Education Subject](https://www.regents.nysed.gov/sites/regents/files/1022brca4.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/1022brca4.pdf>)

June 2021: [Proposed Amendment to Sections 52.21, 80-3.14, and 80-3.7 of the Regulations of the Commissioner of Education and Section 30-1.2 of the Rules of the Board of Regents Relating to Providing Flexibility Relating to Student Teaching, Individual Evaluation Pathway to Certification, Accreditation, and the Computer Science Tenure Area and Statement of Continued Eligibility in Response to the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/621brca8.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/621brca8.pdf>)

March 2018: [Proposed Amendments to Part 30 of the Regents Rules and §52.21 and Part 80 of the Regulations of the Commissioner of Education Relating to a New Certification Area and Tenure Area for Computer Science](https://www.regents.nysed.gov/common/regents/files/318hea2.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/318hea2.pdf>)

## **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That section 30-1.2 of the Rules of the Board of Regents be amended, as submitted, effective January 24, 2024.

## **Timetable for Implementation**

If adopted at the January 2024 meeting, the proposed amendment will become effective on January 24, 2024.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Subdivision (d) of section 30-1.2 of the Rules of the Board of Regents shall be amended as follows:

(d) The provisions of this Subpart shall apply to a professional educator employed by a school district or board of cooperative educational services to devote a substantial portion of his or her time to the provision of instruction in computer science, on or after August 1, 1975, as follows: (1) A professional educator employed by a school district or board of cooperative educational services on September 1, [2023] 2024 who was previously appointed by the board to tenure or a probationary period in a tenure area identified in this Subpart shall either: (i) continue to receive credit toward tenure and/or accrue tenure and seniority rights in his or her previous tenure area from the initial date of his or her assignment and continue to receive tenure and/or seniority rights in his or her previous tenure area while assigned to devote a substantial portion of his or her time to the provision of instruction in computer science: or (ii) if the professional educator provides knowing consent to the school district or board of cooperative educational services to change his or her tenure area pursuant to section 30-1.9 of this Subpart by September 1, [2023] 2024. he or she may receive credit toward tenure and/or accrue tenure and seniority rights in the special subject tenure area of computer science, established in section 30-1.8 of this Subpart, from the date of his or her initial assignment to a position where he or she devoted a substantial

portion of his or her time to the provision of instruction in computer science and he or she shall continue to receive tenure and seniority rights in that tenure area while assigned to a position where he or she devotes a substantial portion of his or her time to the provision of computer science instruction appropriate for such tenure area. (2) Any school district or board of cooperative educational services that appoints or assigns a professional educator on or after September 1, [2023] 2024 to devote a substantial portion of his or her time to the provision of computer science instruction shall make probationary appointments and appointments on tenure in accordance with section 30-1.8(e) of this Subpart. (3) Any board of cooperative educational services that appoints a professional educator on or after September 1, [2023] 2024 to devote a substantial portion of his or her time to computer science instruction as a result of a board of cooperative educational services taking over a program formerly operated by a school district or a county vocational education and extension board pursuant to section 3014-a of the Education Law, shall credit the professional educator with tenure and seniority rights in the special subject tenure area for computer science instruction established in section 30-1.8(e) of this Subpart from the initial date of his or her assignment to the performance of computer science instruction in the school district or county vocational education and extension board and shall continue to credit the professional educator with tenure and/or seniority rights in such tenure area while he or she is assigned to devote a substantial portion of his or her time to the performance of computer science instruction in such tenure area at the board of cooperative educational services. 11 (4) Any board of education that appoints a professional educator on or after September 1, [2023] 2024 to devote a substantial portion of his or her time to computer science instruction as a result of

a school district taking over a program formerly operated by a board of cooperative educational services pursuant to section 3014-b of the Education Law, where the professional educator is serving in a computer science instruction tenure area pursuant to section 30-1.9(b) of this Subpart, shall credit the professional educator with tenure and seniority rights in a tenure area for which he or she holds the proper certification as described in section 30-1.9(b) of this Subpart, from the initial date of his or her assignment to the performance of computer science instruction in the board of cooperative educational services and shall continue to credit such professional educator with tenure and/or seniority rights in such tenure area while he or she is assigned to devote a substantial portion of his or her time to the performance of computer science instruction provided that he or she holds the proper certification for such tenure area.