



TO: The Honorable the Members of the Board of Regents

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

SUBJECT: Proposed Amendment of Section 80-1.1 of the Regulations of the Commissioner of Education Relating to the Definition of a Year of Experience for Permanent or Professional Certification

DATE: March 3, 2022

AUTHORIZATION(S): *Donna B. Bellotti*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment of section 80-1.1 of the Regulations of the Commissioner of Education relating to the definition of a year of experience for Permanent or Professional certification?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at its March 2022 meeting. The proposed amendment is included as Attachment A.

Procedural History

The proposed amendment was presented to the Higher Education Committee for discussion at its November 2021 meeting. A Notice of Proposed Rule Making was published in the State Register on December 1, 2021, for a 60-day public comment period. Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received several supportive comments on the proposed amendment. An Assessment of Public Comment is included

(Attachment B). No changes to the proposed rule are recommend at this time. A Notice of Adoption will be published in the State Register on March 30, 2022.

Background Information

Candidates in the classroom teaching, educational leadership, and pupil personnel service must complete at least two years of acceptable experience for the Permanent certificate and at least three years of experience for the Professional certificate. Section 80-1.1(b)(47) of the Commissioner's regulations currently defines a year of experience for Permanent or Professional certification as:

- a minimum of 180 days of full-time, continuous school experience in the subject or area of certification completed within a 12-month period;
- a minimum of 180 days of full-time continuous school experience in the subject or area of certification completed in periods of no less than 90 days each within a 12-month period;
- a minimum of 360 days of part-time continuous school experience consisting of an average of 2.5 days per week in the subject or area of certification and completed in periods of no less than 90 days each within a 12-year period; or
- a minimum of 360 days of part-time school experience, which shall include at least 45 days of part-time continuous school experience within a 12-year period in the subject area of the certificate sought, consisting of at least one class period each day with a consistent group of students during such time period.

This definition requires candidates to have school experience in the subject area of the Permanent or Professional certificate sought. The experience must also be continuous for a minimum number of days within a 12-month period. In addition, the definition only permits four ways to calculate a year of experience and does not allow for many other types of experiences that educators may complete.

To allow for additional types of experiences, the Department is proposing to revise the definition to provide a single definition of a year of experience for Permanent or Professional certification, which would be defined as:

- a minimum of 180 days in a 12-month period of full-time satisfactory experience, or its equivalent, in an educational setting acceptable to the Department.

The proposed definition provides more flexibility in calculating a year of experience, permitting a variety of part-time experiences that could be equivalent to 180 or more days of full-time experience in a 12-month period. The definition would no longer require periods of continuous experience or experience in the subject area of the certificate sought. For example, substitute teaching experience that is not continuous and/or not in the subject area of the certificate sought could nevertheless be considered towards a year of experience.

The proposed definition would also allow for experience in educational settings acceptable to the Department other than schools, such as specified early childhood settings. In addition, the proposed definition is less convoluted and similar to the streamlined definition of a “year of occupational or work experience” listed in section 80-1.1(b)(48) of the Commissioner’s regulations as “a minimum of 10 months in a calendar year of full-time satisfactory employment in an appropriate occupational field.”

By allowing additional types of experiences in the definition of a year of experience, more candidates would have their experiences considered for their Permanent and Professional certificate applications and the number of qualified candidates who receive these certificates would increase during this time of educator shortages. Candidates would continue to need to meet the experience requirement for the Permanent or Professional certificate sought, which may include experience in schools and/or specific areas.

Related Regents Items

November 2021: [Proposed Amendment to Section 80-1.1 of the Regulations of the Commissioner of Education Relating to the Definition of a Year of Experience for Permanent or Professional Certification](https://www.regents.nysed.gov/common/regents/files/1121hed1.pdf)
(<https://www.regents.nysed.gov/common/regents/files/1121hed1.pdf>)

Recommendation

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

VOTED: That section 80-1.1(b)(47) of the Regulations of the Commissioner of Education be amended, as submitted, effective March 30, 2022.

Timetable for Implementation

If adopted at the March meeting, the proposed amendment will become effective on March 30, 2022.

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 14, 101, 207, 208, 305, 308, 3001, 3004 and 3009 of the Education Law.

1. Paragraph (47) of subdivision (b) of section 80-1.1 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(47) *Year of experience for permanent or professional certification* means [the following:

(i) a minimum of 180 days of full-time, continuous school experience in the subject or area of certification completed within a 12-month period;

(ii) a minimum of 180 days of full-time continuous school experience in the subject or area of certification completed in periods of no less than 90 days each within a 12-month period;

(iii) a minimum of 360 days of part-time continuous school experience consisting of an average of 2.5 days per week in the subject or area of certification and completed in periods of no less than 90 days each within a 12-year period; or

(iv) a minimum of 360 days of part-time school experience, which shall include at least 45 days of part-time continuous school experience within a 12-year period in the subject area of the certificate sought, consisting of at least one class period each day with a consistent group of students during such time period.]a minimum of 180 days in a 12-month period of full-time satisfactory experience, or its equivalent, in an educational setting acceptable to the Department.

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on December 1, 2021, the State Education Department received the following comment on the proposed amendment:

1. COMMENT: Several commenters fully support the proposal relating to the definition of a year of experience for Permanent or Professional certification. To highlight their support, one commenter noted that broadening the options would more fully encompass the experience that may be outside of the previously identified scope, giving teachers credit for their teaching time and thereby more effectively capturing their paid experience and moving their careers forward. Another commenter indicated that the current regulation has caused unnecessary confusion for districts trying to verify teaching experience for their staff and for BOCES Regional Certification Officers trying to determine what experience can be accepted and expressed that the proposed amendment will be helpful in expanding the types of experience that can be accepted and ultimately allow more teachers to earn their Professional certification. A third commenter stated that the suggested amendment will be helpful in eliminating the backlog in reviewing applications for certification and will support increasing the pool of teachers available to reduce the shortage in New York State. This commenter added that it will be the implementation of the regulation that will be as important as the amendment itself and believes that the Department would benefit from hearing the suggestions and needs of the districts in this regard.

DEPARTMENT RESPONSE: The comment is supportive of the proposed rule; therefore, no changes are necessary.