



**TO:** Higher Education Committee

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

**SUBJECT:** Proposed Amendments of Sections 86.1, 86.2, 86.3, and 86.4 of the Regulations of the Commissioner of Education Relating to the Albert Shanker National Board for Professional Teaching Standards Certification Grant Program

**DATE:** February 29, 2024

**AUTHORIZATION(S):** *Dom N. P. Bellotti*

### **SUMMARY**

#### **Issue for Decision**

Should the Board of Regents adopt the proposed amendments of sections 86.1, 86.2, 86.3, and 86.4 of the Regulations of the Commissioner of Education relating to the requirements for the Albert Shanker National Board for Professional Teaching Standards Certification Grant Program?

#### **Reason for Consideration**

Review of Policy.

#### **Proposed Handling**

The proposed amendment is submitted to the Higher Education Committee for discussion and recommendation to the Full Board for adoption as an emergency rule at its March 2024 meeting. A copy of the proposed rule (Attachment A) and a statement of facts and circumstances justifying emergency action (Attachment B) are attached.

#### **Procedural History**

A Notice of Proposed Rule Making will be published in the State Register on March 27, 2024, for a 60-day public comment period, and a notice Emergency Adoption will be published in the State Register on May 29, 2024. Supporting materials are available upon request to the Secretary of the Board of Regents.

## **Background Information**

The Albert Shanker Grant was established by Education Law §3004-a in 1999 to defray the costs of [National Board for Professional Teaching Standards](#) (NBPTS) certification to eligible New York State (NYS) public school teachers. National Board Certification is a voluntary, respected process designed to develop, retain, and recognize accomplished teachers and to generate ongoing improvement in schools nationwide. In order to earn National Board Certification, a teacher must obtain a passing score on an assessment of each of [four components](#) consisting of Content Knowledge, Differentiation in Instruction, Teaching Practice and Learning Environment, and Effective and Reflective Practitioner within a three-year period. During that three-year period, candidates may re-take any component of the examination that they do not pass up to two times. Once the teacher earns National Board Certification, that Certification is valid for 5 years, after which time they must engage in a separate Maintenance of Certification process to renew their National Board Certification.

A teacher in NYS holding a valid National Board Certificate is deemed to have satisfied the Continuing Teacher and Leader Education (CTLE) requirement to complete 100 hours to maintain a Professional teaching certificate during the five-year registration period within which National Board Certification was attained.<sup>1</sup> The current cost to obtain National Board Certification is \$1,900, and the cost to renew the Certification is \$570.

The Albert Shanker Grant is a grant program administered by the New York State Education Department that allows eligible teachers to receive up to \$2,500 to cover the costs associated with the NBPTS process. Of this \$2,500, up to \$500 may be allocated to an eligible teacher's school district to cover the cost of supportive services, which may include the cost of hiring a substitute teacher for up to three days or the duration of such eligible teacher's approved leave, whichever is less. Currently, there are 2,334 National Board-Certified Teachers (NBCTs) in New York State.

## **Proposed Amendment**

Currently, the Albert Shanker Grant only provides grant funds to a teacher to defray the initial cost of obtaining National Board Certification. NBCTs who choose to renew their certification must do so at their own expense. The proposed amendments would provide an opportunity to support NBCT candidates seeking to renew their National Board Certification at the five-year expiration date interval through National Board's Maintenance of Certification process.

Additionally, the proposed amendments would allow first-time candidates who completed the entirety of the initial NBPTS candidacy effort but did not successfully complete one or more components as required for funding, to receive funding for the retake of unsuccessful component(s) towards certification one time after initial completion.

The proposed amendment also makes several technical revisions to update the language of Part 86 of the Commissioner's regulations.

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<sup>1</sup> The CTLE certificate holder must continue to meet the applicable required CTLE requirements in language acquisition.

### **Related Regents Items**

Not applicable.

### **Recommendation**

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

VOTED: That sections 86.1, 86.2, 86.3, and 86.4 of the Regulations of the Commissioner of Education be amended, as submitted, effective May 14, 2024, as an emergency rule upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to have the proposed rule in effect to align with the Albert Shanker grant application cycle for the 2024-2025 academic year.

### **Timetable for Implementation**

If adopted as an emergency rule at the March 2024 Regents meeting, the emergency rule will become effective May 14, 2024. It is anticipated that the proposed amendment will be presented for permanent adoption at the July Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the July meeting, the proposed amendment will become effective on July 31, 2024.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207 and 3004-a of the Education Law.

1. Subdivision (a) of section 86.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Eligible teacher shall mean a teacher who:

(1) is currently teaching in a public school in New York State;

(2) holds tenure;

(3) is a graduate of an accredited college or university;

(4) holds a valid New York State teaching certificate or a valid teaching license issued pursuant to law or regulation by the superintendent of schools of the city school district of Buffalo or by the chancellor of the city school district of the City of New York;

and

(5) [was accepted as a certificate candidate by the National Board for Professional Teaching Standards on or after April 1, 1999, or] has made application to the national board for acceptance as a certificate candidate[ on or after September 1, 1999; and

(6) has not previously received funding pursuant to Education Law, section 3004-a, the Albert Shanker National Board for Professional Teaching Standards Certification Grant Program].

2. Section 86.2 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 86.2. Application

Eligible teachers seeking a grant pursuant to Education Law, section 3004-a and this Part shall submit an application in a form provided by the commissioner. Such application shall include [the following:

(a)] documentation that the applicant is an eligible teacher, which may include a written statement signed by an officer of the sponsoring school district verifying that the applicant is employed as a tenured teacher by such sponsoring district[; and

(b) documentation that the applicant has properly submitted a completed application for national board certification to the National Board for Professional Teaching Standards between April 1, 1999 and June 30, 2000, inclusive, and that such applicant meets the national board's eligibility criteria].

3. Section 86.3 of the Regulations of the Commissioner of Education is amended to read as follows:

Applications for grant awards received by the department from eligible teachers shall be evaluated and processed by the department in the following manner:

[(a) An eligible teacher who, between April 1, 1999 and November 30, 1999, inclusive, submits a properly completed application to the department and a properly completed application for national board certification to the National Board for Professional Teaching Standards, shall be awarded a grant pursuant to Education Law, section 3004-a and this Part, to the extent that funds are available, in the order in which his or her application is received by the department. If an eligible teacher's application to the national board is made prior to such teacher's application to the department, as indicated by postmark or other proof of delivery, the department shall consider such earlier date as the date of receipt by the department for evaluation and approval purposes.

(b) An eligible teacher who, between December 1, 1999 and June 30, 2000, inclusive, submits a properly completed application to the department and a properly completed application for national board certification to the National Board for Professional Teaching Standards, shall be a candidate to receive a grant award pursuant to Education Law, section 3004-a and this Part. If the number of candidates does not exceed the availability of funds, all such candidates shall be awarded a grant pursuant to Education Law, section 3004-a and this Part. If the number of candidates exceeds the availability of funds, the department shall conduct a lottery of all such candidates on July 1, 2000. All candidates selected by such lottery shall be awarded a grant pursuant to Education Law, section 3004-a and this Part to the extent that funds are available.]

[(c)] (a) An eligible teacher who [, on or after July 1, 2000,] submits a properly completed application to the department during the application period and a properly completed application for national board certification to the National Board for Professional Teaching Standards, may be eligible to receive a grant award pursuant to Education Law, section 3004-a and this Part, to the extent that funds are available, in the order in which the application is received by the department. [subject to the following procedures:

(1) An eligible teacher who, between July 1st and November 30th, inclusive, submits a properly completed application to the department and a properly completed application for national board certification to the National Board for Professional Teaching Standards, shall be awarded a grant pursuant to Education Law, section 3004-a and this Part, to the extent that funds are available, in the order in which his or her application is received by the department.

(2) An eligible teacher who, between December 1st and June 30th of the next succeeding year, inclusive, submits a properly completed application to the department and a properly completed application for national board certification to the National Board for Professional Teaching Standards, shall be a candidate to receive a grant award pursuant to Education Law, section 3004-a and this Part. The department shall conduct a lottery of all such candidates on July 1st of the next succeeding year. All candidates selected by such lottery shall be awarded a grant pursuant to Education Law, section 3004-a and this Part to the extent that funds are available.]

(b) An eligible teacher may apply to receive grant award funds to cover costs associated with the following types of applications:

(1) an initial application to the National Board for Professional Teaching Standards for national board certification;

(2) a one-time retake of the application process to obtain national board certification; or

(3) to pursue a Maintenance of Certification.

(c) In the event there is insufficient funding to cover all eligible applicants, the order of priority for administering funds will be as follows:

(1) first time applicants;

(2) applicants who retake one or more components for the first time;

(3) applicants who pursue Maintenance of Certification.

4. Subdivision (b) of section 86.4 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) From such \$2,500 grant, each eligible teacher's sponsoring school district [shall] may be eligible to receive a direct reimbursement from the department in an amount up to \$500 to cover the cost of supportive services, which may include the cost

of hiring a substitute teacher for up to three days or the duration of such eligible teacher's approved leave, whichever is less. To qualify for such reimbursement, a sponsoring school district must submit an affirmation of support and a statement of expenditures, in a form prescribed by the commissioner.



STATEMENT OF FACTS AND CIRCUMSTANCES WHICH  
NECESSITATE EMERGENCY ACTION

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Additionally, the proposed amendments would allow first-time candidates who completed the entirety of the initial NBPTS candidacy effort but did not successfully

complete one or more components as required for funding, to receive funding for the retake of unsuccessful component(s) towards certification one time after initial completion.

The proposed amendment also makes several technical revisions to update the language of Part 86 of the Commissioner's regulations.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the July 2024 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the July meeting, would be July 16, 2024, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the March 2024 meeting, effective May 14, 2024, for the preservation of the general welfare in order to have the proposed rule in effect to align with the Albert Shanker grant application cycle for the 2024-2025 academic year.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the July 2024 Regents meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for state agency rule making.