




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

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

**FROM:** John L. D'Agati 

**SUBJECT:** Proposed Amendment of Sections 80-1.8 and 80-5.18 of the Commissioner's Regulations Related to the Requirements for the Reissuance of an Expired Initial Certificate and Requirements for a Supplementary Certificate

**DATE:** March 23, 2017 

**AUTHORIZATION(S):** 

## SUMMARY

### Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendments to Sections 80-1.8 and 80-5.18 of the Commissioner's Regulations related to the requirements for reissuance of an expired initial certificate and requirements for a supplementary certificate?

### Reason(s) for Consideration

Review of Policy.

### Proposed Handling

The proposed amendments are presented to the full Board for permanent adoption at the April 2017 Board of Regents meeting (Attachment A is a copy of the proposed amendment).

### Procedural History

A Notice of Proposed Rule Making was published in the State Register on January 25, 2017. Supporting materials are available upon request from the Secretary to the Board of Regents. Following the 45-day public comment period required under the State

Administrative Procedure Act, the Department received one comment on the proposed amendment. An Assessment of Public Comment is included as Attachment B.

## **Background Information**

### **Requirements for Reissuance of an Expired Classroom Certificate**

Currently, an expired initial certificate may be reissued for a period of five years if the candidate has not been able to complete the three full years of experience required for the professional certificate. To apply for a reissuance, the candidate must:

- (1) Have completed 75 hours of acceptable professional development as prescribed in Section 80-3.6 within the year prior to applying to the Department for the reissuance; and
- (2) Re-take and achieve a satisfactory score on the Content Specialty Test (CST) required for the certificate sought, within one year of applying for the reissuance.

While the candidate may take the CST after applying for the reissuance (within one year), the certificate will not be reissued until a satisfactory score is received.

### **Proposed Amendment**

According to feedback from the field, candidates apply for the reissuance *before* they complete the required 75 hours of professional development, resulting in a denial of their application. In order to provide increased flexibility to candidates who may otherwise qualify for a reissuance, the Department proposes an amendment to Section 80-1.8 of the Commissioner's Regulations to allow candidates to complete the required professional development within one year prior to the Department's receipt of a completed application or within one year after the Department's receipt of such completed application for the reissuance of the initial certificate. This allows candidates to apply for a reissuance and then complete the required professional development and the CST within one year of the date of their application. Also, in order to address the changes made in Chapter 56 of the Laws of 2015, which now require certain teachers and leaders to complete 100 hours of continuing teacher and leader education (CTLE) in lieu of 175 hours of professional development, the proposed amendment also allows candidates to complete either 75 hours of professional development or 50 hours of CTLE; and/or a combination thereof prorated in a manner determined by the Department.

### **Requirements for a Supplementary Certificate**

Currently, Section 80-5.18 of the Commissioner's Regulations allows teachers who are currently certified in a classroom teaching title to teach in a different certificate title for which there is a demonstrated shortage of teachers for a period of three years while they are engaged in study at an institution to fulfill the requirements necessary for the initial or professional certificate in the new title. The supplementary certificate provides districts with flexibility to fill a vacancy with a certified teacher who is not yet certified in

the new certificate area, but who is pursuing his/her initial or professional certificate in the new area. The supplementary certificate is also limited to the employing district.

At this time, in order to provide increased flexibility to districts and candidates seeking a certificate in a new certificate title, the Department proposes to allow the supplementary certificate to be valid for five years rather than three years. With this change, teachers with a supplementary certificate will have more time to be able to complete the requirements for their initial or professional certificate in the new certificate area.

### **Related Regents Items**

<http://www.regents.nysed.gov/common/regents/files/117hed1.pdf>

### **Recommendation**

Department staff recommends that the Board of Regents take the following action:

VOTED: That Sections 80-1.8 and 80-5.18 of the Rules of the Board of Regents be amended, effective April 19, 2017.

### **Timetable for Implementation**

If adopted at the April 2017 meeting, the proposed amendment will become effective on April 19, 2017.

## **Attachment A**

### AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. Subdivision (a) of section 80-1.8 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) The holder of an initial certificate whose certificate has expired and who has not successfully completed three school years of teaching experience, or its equivalent, as is required for a professional certificate, shall be reissued an initial certificate on one occasion only, for a period of five years from the date of reissuance.

(1) [For candidates applying for a reissuance on or before September 1, 2013, any candidate whose certificate has been expired for two or more years at the time of application for the reissuance shall meet the requirements in subparagraphs (i) and (ii) of this paragraph. For candidates] Candidates applying for a reissuance [on or after September 1, 2013, all candidates applying for a reissuance] shall meet the requirements in the following paragraphs:

(i) The candidate shall have successfully completed 75 clock hours of acceptable professional development (PD) and/or 50 clock hours of acceptable continuing teacher and leader education (CTLE), and/or a combination thereof prorated in a manner determined by the Department. Such PD and/or CTLE shall be completed within [the one year prior to the [submission of his/her] Department's receipt of a completed application [to the department for the reissued certificate.] or within one year after the

Department's receipt of such completed application for the reissuance of the initial certificate. The definition of acceptable [professional development] PD and the measurement of [professional development] PD study shall be that [prescribed] defined in section 80-3.6 of this Part and the definition of acceptable CTLE and the measurement of CTLE shall be that prescribed in Subpart 80-6 of this Part.

(ii) The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination content specialty test(s) in the area required for the certificate sought or, where applicable, the New York State assessment for school building leadership required for a certificate as a school building leader, which shall be taken within one year [of the candidate's applying to the department for the reissuance of the initial certificate] prior to the Department's receipt of a completed application or within one year after the Department's receipt of such completed application for the reissuance of the initial certificate.

2. Subdivisions (b) and (c) of section 80-5.18 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(b) Limitations. The supplementary certificate shall be valid for [three] five years from its effective date and shall not be renewable. The supplementary certificate shall be limited to employment with an employing entity.

(c) Requirements. To be eligible for a supplementary certificate, a candidate shall meet the requirements in each of the following paragraphs:

(1) Application. The candidate shall apply for the supplementary certificate [, and upon application qualify for the certificate,] in a certificate title in the classroom [teacher] teaching service for which there is a demonstrated shortage of certified teachers as determined by the department.

(2) . . .

(3) . . .

(4) . . .

(5) . . .

(6) . . .

## **Attachment B**

### ASSESSMENT OF PUBLIC COMMENT

Since publication of Proposed Rule Making in the State Register on January 25, 2017, the State Education Department (SED) received one comment:

1. COMMENT:

One commenter recommended that candidates with an expired initial certificate should be allowed to fulfill the requirements for a reissuance of their certificate by taking professional development courses rather than retaking the required exam.

DEPARTMENT RESPONSE:

Completion of seventy-five hours of professional development and/or 50 clock hours of acceptable continuing teacher and leader education (CTLE), and/or a combination thereof prorated in a manner determined by the Department is one of the requirements for the reissuance of an initial certificate along with evidence that the candidate has retaken the content specialty test (CST) required for the initial certificate sought and received a satisfactory passing score on such examination. The proposed amendment provides more flexibility in when the candidate may complete these requirements and requires candidates to provide evidence of a satisfactory passing score on the CST and the professional development within one year of their application date. The Department believes that re-taking the content specialty test is necessary to ensure that the candidate has the requisite content knowledge for the certificate sought.