



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

**FROM:** James N. Baldwin *James N. Baldwin*

**SUBJECT:** Proposed Amendment of Section 30-1.8 of the Rules of the Board of Regents and Sections 52.21, 80-3.2, 80-3.3, and 80-3.7 of the Regulations of the Commissioner of Education Relating to Establishing the Indigenous Culture and Language Studies (All Grades) Certificate

**DATE:** June 1, 2023

**AUTHORIZATION(S):** *James N. Baldwin*

### SUMMARY

#### **Issue for Decision (Consent)**

Should the Board of Regents adopt the proposed amendment of section 30-1.8 of the Rules of the Board of Regents and sections 52.21, 80-3.2, 80-3.3, and 80-3.7 of the Regulations of the Commissioner of Education relating to establishing the Indigenous Culture and Language Studies certificate?

#### **Reason(s) for Consideration**

Review of policy.

#### **Proposed Handling**

This issue will come before the Full Board for action at its June 2023 meeting. A copy of the proposed amendment is attached (Attachment A).

#### **Procedural History**

The proposed amendment was presented to the Higher Education Committee for discussion at its February 2023 meeting. A Notice of Proposed Rule Making was published in the State Register on March 1, 2023, for a 60-day public comment period. Following publication in the State Register, the Department received more than 175 comments on the proposed amendment. An Assessment of Public Comment is included (Attachment B). No changes to the proposed amendment are recommended at this time. A Notice of

Adoption will be published in the State Register on June 28, 2023. Supporting materials are available upon request from the Secretary to the Board of Regents.

### **Background Information**

Supporting formal instruction in students' home cultures and languages is consistent with the Department's efforts to advance culturally responsive-sustaining education and with the Board of Regent's initiative to advance diversity, equity, and inclusion in schools across New York State. Increasing the capacity and number of teachers who can teach Indigenous cultures and languages would support and bolster the awareness, knowledge, and appreciation of Indigenous cultures and languages both within and outside of the Nations.

Individuals who want to teach an Indigenous language in New York State public schools can obtain a permit. Permits are available in areas for which no certificate exists upon approval of the Commissioner (8 NYCRR 80-5.6(e)). To obtain the permit, individuals need to complete the fingerprinting clearance and workshops required for all certificates and receive a statement from a school district attesting that the individual is qualified for the position for which the permit is sought.

Although a permit authorizes an individual to teach in public schools, it is not equivalent to a teaching certificate. Teachers who hold a certificate demonstrated their content, pedagogical knowledge, and skills through the certification process and may be eligible for tenure in a school district. Teachers who hold a permit do not have a tenure area and would not be eligible for tenure. Additionally, the Professional teaching certificate is continuously valid, while individuals who hold a permit would need to apply to renew their permit every five years after their first two-year permit.

To promote the teaching of Indigenous cultures and languages, the Department proposes regulatory amendments to establish a new Indigenous Culture and Language Studies (All Grades) certificate. This certificate would enable qualified teachers to provide formal instruction in Indigenous cultures and languages and thus support the preservation of these cultures and languages in Nations across New York State.

Individuals who are knowledgeable about an Indigenous language would continue to be able to obtain a permit to teach the language pursuant to section 80-5.6(e) of the Commissioner's regulations if they do not wish to pursue the proposed certificate. Having both the permit and proposed new certificate as options allows permit holders to continue practicing in the classroom while also attracting new teachers into this area.

### **Proposed Amendments**

#### **Registered Indigenous Culture and Language Studies (All Grades) Programs:**

The Department proposes to amend section 52.21 of the Commissioner's regulations to create registration requirements for programs leading to the Initial and/or Professional Indigenous Culture and Language Studies (All Grades) certificates. All

registered teacher preparation programs leading to initial certification include a content core and a pedagogical core.

The content core requirement for registered programs leading to the proposed Indigenous Culture and Language Studies (All Grades) certificate would be at least 18 semester hours that provide a knowledge base for assisting students in understanding Indigenous cultures and/or languages.

The pedagogical core requirements for the proposed Indigenous Culture and Language Studies (All Grades) programs are the same as the pedagogical core requirements for other special subject (all grades) programs with two exceptions. First, the proposed programs would include at least six semester hours of study in language acquisition and literacy development, consistent with social studies and world language programs. Second, the mentoring teachers or school-based teacher educators who work with candidates as part of the student teaching, practicum, or residency experience during the proposed program may: (1) hold a permit in an Indigenous language in lieu of being certified in the subject area of certification sought or in a closely related area; and (2) such permit holder may have at least one year of full-time teaching experience, or the equivalent, in lieu of having the minimum number of years of full-time teaching experience required for other programs. This will allow teachers who hold a permit in an Indigenous language to be mentoring teachers or school-based teacher educators.

### **Indigenous Culture and Language Studies (All Grades) Certificate & Tenure Area:**

#### Certificate Title & Tenure:

The Department proposes to amend section 80-3.2 of the Commissioner's regulations to add the Indigenous Culture and Language Studies (All Grades) certificate to the list of certificate titles in the classroom teaching service, allowing candidates to be issued such certificate on the effective date of the proposed amendment. The proposed amendment also adds the corresponding "Indigenous Culture and Language Studies" tenure area to section 30-1.8 of the Rules of the Board of Regents.

#### Individual Evaluation Pathway:

Additionally, the Department proposes to amend section 80-3.7 of the Commissioner's regulations to allow candidates to apply for an Indigenous Culture and Language Studies (All Grades) certificate through the individual evaluation pathway. For the content core requirement in this pathway, candidates could either: (1) complete 18 semester hours of coursework in Indigenous cultures and/or languages; or (2) complete 12 semester hours of coursework in Indigenous cultures and/or languages and demonstrate acceptable proficiency in an Indigenous language as determined by a designated official in the Nations who is approved by the Department. The second option enables members of the Nations who speak an Indigenous language to have their knowledge of the language, which could not otherwise be assessed, count towards certification. Nations would use their own methods to determine acceptable proficiency in the language.

The pedagogical core for the proposed Indigenous Culture and Language Studies (All Grades) certificate through the individual evaluation pathway includes the general pedagogical core requirements for all certificates through this pathway and an additional three semester hours in teaching literacy skills, which is consistent with the pedagogical core requirements for the social studies and world language certificates through this pathway.

### Certification Tests:

Section 80-3.3 of the Commissioner's regulations requires candidates who seek Initial teaching certification (other than career and technical education certification) to pass the Educating All Students test and the content specialty test(s) in the area of the certificate, when available, with a few exceptions. The proposal expands the list of exceptions such that candidates seeking an Initial Indigenous Culture and Language Studies (All Grades) certificate would not be required to pass a content specialty test. As described above, a designated official in the Nations who is approved by the Department would determine a candidate's proficiency in an Indigenous language through the individual evaluation pathway.

The Department also proposes technical amendments to this section to remove outdated provisions and consolidate the provisions that except certain candidates from passing a content specialty test.

### Related Regents Items

February 2023: [Proposed Amendment of Section 30-1.8 of the Rules of the Board of Regents and Sections 52.21, 80-3.2, 80-3.3, and 80-3.7 of the Regulations of the Commissioner of Education Relating to Establishing the Indigenous Culture and Language Studies \(All Grades\) Certificate](https://www.regents.nysed.gov/sites/regents/files/223hep12d1.pdf)  
(<https://www.regents.nysed.gov/sites/regents/files/223hep12d1.pdf>)

### Recommendation

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

VOTED: That section 30-1.8 of the Rules of the Board of Regents and sections 52.21, 80-3.2, 80-3.3, and 80-3.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective June 28, 2023.

### Timetable for Implementation

If adopted at the June meeting, the proposed amendment will become effective on June 28, 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. Paragraphs (15) and (16) of subdivision (a) of section 30-1.8 of the Rules of the Board of Regents are amended and a new paragraph (17) is added to read as follows:

(15) English as a second language; [and]

(16) Computer science[.]; and

(17) Indigenous Culture and Language Studies.

2. Item (iv) of subclause (1) of clause (b) of subparagraph (ii) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(iv) language acquisition and literacy development by native English speakers and students who are English language learners—and skill in developing the listening, speaking, reading, and writing skills of all students, including at least six semester hours of such study for teachers of early childhood education, childhood education, middle childhood education, and adolescence education; teachers of students with disabilities, students who are deaf or hard-of-hearing, students who are blind or visually impaired, and students with speech and language disabilities; teachers of English to speakers of other languages; teachers of indigenous culture and language studies; and library media specialists. This six semester hour requirement may be waived upon a showing of good cause satisfactory to the commissioner, including but not limited to a showing

that the program provides adequate instruction in language acquisition and literacy development through other means;

3. Subparagraph (v) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(v) ...

(a) ...

(1) ...

(2) For certificates in indigenous culture and language studies (all grades), in addition to meeting the general requirements for the content core prescribed in clause (2)(ii)(a) of this subdivision, the content core shall be at least a total of 18 semester hours that provides a knowledge base for assisting students in understanding indigenous cultures and/or languages.

(b) ...

(1) ...

(2) ...

(3) ...

(4) Notwithstanding any provision of this section, for registered programs leading to the indigenous culture and language studies (all grades) certificate, the mentoring teachers or school-based teacher educators who work with candidates during the student teaching, practicum, or residency experience may:

(i) hold a permit in an indigenous language in lieu of being certified in the subject area of certification sought or in a closely related area as described in subclause (2)(ii)(b)(2) of this subdivision; and

(ii) such permit holder may have at least one year of full-time teaching experience, or the equivalent, in lieu of having the minimum number of years of full-time teaching experience as described in subclause (2)(ii)(b)(2) of this subdivision.

4. Subparagraphs (xxii) through (l) of paragraph (1) of subdivision (e) of section 80-3.2 of the Regulations of the Commissioner of Education are relettered subparagraphs (xxiii) through (li) and a new subparagraph (xxii) is added to read as follows:

(xxii) Indigenous Culture and Language Studies

5. Subparagraph (i) of paragraph (2) of subdivision (b) of section 80-3.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(i)

[(a)] Except as otherwise provided in this section, [for candidates applying for certification on or after May 1, 2014 or candidates who applied for certification on or before April 30, 2014 but did not meet all the requirements for an initial certificate on or before April 30, 2014, such] candidates shall submit evidence of having achieved a satisfactory level of performance on the New York State Teacher Certification Examination educating all students test and the content specialty test(s) in the area of the certificate, when available, [except] provided that a candidate seeking an initial certificate in the [title of Speech and Language Disabilities (all grades)] titles of indigenous culture and language studies (all grades) and speech and language disabilities (all grades), or a candidate seeking an initial certificate through individual evaluation under section 80-3.7(a)(3)(xiii) of this subpart, shall not be required to achieve a satisfactory level of performance on the content specialty test.

[(b) Examination requirement for candidates with a graduate degree in science, technology, engineering, or mathematics and two years of post-secondary teaching experience in the area of the certificate sought.

(1) Any candidate seeking an initial certificate in earth science, biology, chemistry, physics, mathematics, or in a closely related field as determined by the department in (grades 7-12) and who is applying for an initial certificate through individual evaluation under section 80-3.7(a)(3)(ii)(c) of this Subpart on or after May 1, 2014, or candidates who applied for certification on or before April 30, 2014, but did not meet all the requirements for an initial certificate through individual evaluation on or before April 30, 2014, shall only be required to achieve a satisfactory level of performance on the educating all students test.]

6. Paragraph (2) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(2) ...

(i) ...

(ii) ...

(iii) Content core. The candidate shall complete 30 semester hours of coursework in the subject area of the certificate title, which may include no more than six of the 30 semester hours in a cognate, meaning a related field as determined by the department; provided, however that a candidate seeking an initial certificate in computer science shall only be required to complete 12 semester hours of coursework in the subject area of the certificate title; provided further, however, that a candidate seeking an initial certificate in indigenous culture and language studies shall only be required to complete



the number of semester hours of coursework in the subject area of the certificate title as prescribed in subparagraph (xiv) of paragraph (3) of this subdivision; provided further, however, that a candidate who holds a classroom teaching certificate in a science certificate title, and is seeking a certificate in a different science certificate title(s), shall only be required to complete 18 semester hours of coursework in the subject area(s) of the additional science certificate title(s).

(iv) Pedagogical core. The candidate shall complete pedagogical coursework as prescribed in clause (a) of this subparagraph and teaching experience as prescribed in clause (b) of this subparagraph, provided that candidates identified in this subparagraph shall not be required to demonstrate completion of the pedagogical core requirements. A candidate who holds one or more provisional certificates, permanent certificates, initial certificates, or professional certificates in a title in the classroom teaching service, other than a title in a specific career and technical subject (grades 7-12), shall not be required to demonstrate completion of the pedagogical core requirements for an additional initial certificate in the classroom teaching service sought, except for such candidates who are seeking an additional initial certificate in one or more of the following titles: early childhood education, childhood education, generalist in middle childhood education (grades 5-9), specialist in middle childhood education (grades 5-9), English to speakers of other languages (all grades), indigenous culture and language studies (all grades), literacy (birth-grade 6), literacy (grades 5-12), literacy (all grades), students with disabilities (birth-grade 2), students with disabilities (grades 1-6), students with disabilities (grades 5-9), students with disabilities (grades 7-12), students with

disabilities (all grades), deaf and hard of hearing (all grades), blind or visually impaired (all grades), and speech and language disabilities (all grades).

7. Paragraph (3) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended by adding a new subparagraph (xiv) to read as follows:

(xiv) Indigenous culture and language studies.

(a) Content core. The content core prescribed in subparagraph (2)(iii) of this subdivision shall consist of:

(i) 18 semester hours of coursework in the subject area of the certificate title; or

(ii) 12 semester hours of coursework in the subject area of the certificate title and acceptable proficiency in an indigenous language as determined by a designated official in the Nations who is approved by the department.

(b) Pedagogical core. Within the pedagogical core prescribed in subparagraph (2)(iv) of this subdivision, the candidate shall complete three additional semester hours in teaching literacy skills.

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on March 1, 2023, the State Education Department (Department) received the following comments on the proposed amendment:

1. COMMENT: More than 90 commenters support the proposed rule to create an Indigenous Culture and Language Studies (All Grades) certificate because they believe that it: will facilitate a sustainable Indigenous teacher pipeline; recognizes the importance of Indigenous culture and language teaching; preserve Indigenous culture and language; improves cross-cultural understanding of Indigenous culture and language instruction; facilitates student attainment in ascertaining the New York State Seal of Biliteracy; furthers the goals of increasing diversity, equity, and inclusion; and creates an environment that supports Native American students' identity.

Some of these commenters opine that the proposal provides an opportunity to preserve Indigenous languages, cultures, and heritage in New York State and would be a great step in making Indigenous languages accessible. For example, one commenter notes the dire need to support the Seneca language in Western New York and asserts that we have a duty to preserve this Indigenous language. A commenter who identifies as an Indigenous teacher explained that many Indigenous people lost their native language due to colonization, they have been trying to bring their languages back, and it is time to acknowledge the importance of Indigenous languages for future generations. Other commenters expressed that Indigenous peoples and their culture

are a vital part of New York State history and that Indigenous education is critical to the prosperity of the State.

Another commenter asserts that there is a desperate need for teachers with necessary credentials to serve the Native American population. A commenter from an institution of higher education supports the effort to increase the capacity of teachers who can teach Indigenous cultures and languages and the preservation of the identity and culture of Native Americans and all Indigenous cultures in New York State. This commenter asserts that the certificate is an important step in achieving this objective. Another commenter from this institution describes that the proposal will allow them to prepare certified teachers of the Seneca language and culture, which will help preserve this endangered language and maintain the identity of the Seneca community.

A commenter from a school district board of education shares that they embrace opportunities to expose all students to the rich Indigenous cultural heritage that exists in their local community and throughout the State. Another commenter who is a superintendent indicates that their district serves many Indigenous students and offers Seneca language, Iroquois Studies, and other courses.

DEPARTMENT RESPONSE: These comments are supportive of the proposed rule; therefore, no changes are necessary.

2. COMMENT: Multiple additional commenters support the proposed rule. The supportive comments can generally be sorted into the following categories:

- **Promotes Diversity, Equity, and Inclusion.** Commenters state that:
  - The proposed certificate is an important tool for increasing diversity, equity, and inclusion in our schools; will help create an environment that

supports Native American students and validates their identities; and affirms New York State's respect for all languages and all people, which are key concepts in the Department's Culturally Responsive-Sustaining Education Framework. Creating this new certificate demonstrates support and respect for the Nation's peoples and will lead to greater awareness, knowledge, and cross-cultural understanding of Indigenous cultures and languages.

- This proposal ensures that future generations can learn about and appreciate the unique cultural heritage of Indigenous communities. It will encourage Indigenous young people to embrace their heritage and languages while promoting tolerance, acceptance, and respect. Children who learn their Indigenous language can maintain critical ties to their culture, affirm their identity, and preserve important connections with older generations, which will move New York State a step closer to supporting inclusion of all its citizens. A commenter supports enhancing pride, well-being, and motivation among Indigenous students.
- A commenter who is familiar with the Onondaga Nation School shares how powerful and important cultural and language experiences are for the community. Another commenter who is an administrator in a school district that has approximately a 15-20% Indigenous population sees the importance of having their language in the school building and believes offering their language is a great way to develop a culture of inclusion for the entire community because it encourages other staff to bring the culture

of the Indigenous population into their classrooms and some students who are not Indigenous are electing to take the language. A third commenter sees a great need for speakers of Indigenous languages in their school communities.

- By creating a certificate for teachers to gain expertise in Indigenous culture and language instruction, our schools are better equipped to meet the needs of all students regardless of their cultural background.
- The proposal begins to address the marginalization that currently exists for New York State's Indigenous peoples and their languages. A commenter looks forward to more socially just school systems for Indigenous students, families, and educators. Another commenter stated that the proposed certificate will allow Indigenous students to become bilingual in their native language, which is a meaningful step towards decolonizing education.
- **Preserves Indigenous Cultures and Languages.** Commenters state that:
  - The proposed certificate will help honor, support, and preserve Indigenous languages, cultures, and heritages in New York State and play a critical role in promoting and supporting the Indigenous heritage of our State and nation.
  - The preservation of Indigenous cultures and languages is important for Indigenous people as well as the rest of the state. Indigenous peoples deserve to learn their history and have their cultures and languages

revived. The preservation of culture and language equals resilience and encourages learning.

- **Supports the Teaching and Learning of Indigenous Cultures and Languages.** Commenters state that:
  - The proposed certificate will support and expand the teaching of the culture, history, and language of Indigenous Nations, including instruction to non-Native students, which has been critical to the history of the United States and New York State in particular.
  - A commenter who has worked with Native high school and college students shares that many of their students were never taught by a Native teacher during their PK-12 education and believes the proposed certificate would be a good step toward changing this dynamic.
  - The proposal legitimizes the study of Indigenous cultures and languages and will provide Indigenous students the opportunity to be eligible for the New York State Seal of Biliteracy.
  - The proposal allows students to better understand and compare languages, which will activate their higher-level thinking skills.
  - Indigenous language learners would gain the benefits of learning a second language and Indigenous students would have the opportunity to learn and practice their native language instead of colonial languages, such as French or Spanish, that are widely taught in New York State schools. A commenter believes Indigenous students should have the right to learn their language and culture, including at a higher level, and that this

opportunity should be open to all students. Another commenter asserts that New York State should be a place where Native students experience choice in the educational content of language classes and Native languages are valued as expressions of Native survivance.

- A commenter who was formerly a teacher shared that Indigenous students took French or Spanish instead of Seneca as their world language because New York State colleges did not always recognize Seneca proficiency for college credit and asserted that this proposal will allow all students across the State to embrace their culture and language development without penalty at the college level.
- **Creates a Teacher Pipeline.** Commenters state that:
  - The proposed certificate would create an entry point for, and increase the pool of, Indigenous teachers; recognize and show respect to those educators; and create and support a sustainable Indigenous teacher pipeline that is much needed in the State. It also recognizes the importance of Indigenous cultures and languages.
  - The proposed certificate fills a current gap in the certification areas. Adding this certificate will provide equity by recognizing and respecting those who are already teaching Indigenous culture and languages, but who were not able to be certified due to the lack of a certification area. Native American teachers and others should be able to be certified in Native languages.



- The implementation of this proposed certificate will prepare highly qualified teachers to provide education in Indigenous cultures and languages and bring the possibility of a greater number of Indigenous people in New York State attending institutions of higher education, becoming teachers, and making an impact in their home communities and therefore raising the profile of Indigenous studies and professionalizing the teaching of Indigenous cultures and languages.
- **Other Comments.**
  - A commenter asks for more training for educators to remove biases and increase cultural competence in teaching about Indigenous cultures, especially in school districts where people have had limited experience and exposure to other cultures.
  - A commenter hopes that there is funding to help individuals who speak Indigenous languages and qualify for the proposed certificate to obtain this certificate at no cost.
  - Multiple commenters express an interest in obtaining the certificate, being part of a pilot program, or learning an Indigenous language.

DEPARTMENT RESPONSE: These comments are supportive of the proposed rule; therefore, no changes are necessary. For individuals who are interested in obtaining the Indigenous Culture and Language Studies (All Grades) certificate, they can view the requirements for the certificate on the [Search Certification Requirements webpage](#) on the date that the proposal is effective and apply through the [TEACH online system](#).

In response to the comment that the proposal will allow students to embrace their culture and language development without penalty at the college level, institutions of higher education have the discretion to recognize proficiency in an Indigenous language for college credit.

3. COMMENT: A commenter submitted an official statement of support for the Indigenous Studies Program from a Village.

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

4. COMMENT: A comment from the Council of Chiefs from one of the Indigenous Nations in New York State explains that the intent of the proposed rule creates a path through a foreign knowledge system that acknowledges Native student identity, and which will help students to work towards a successful and productive future. The commenter expresses that the proposal represents a commendable effort to uphold the significance of Indigenous culture and language in life skills building, contributes to academic success, and represents a cross-cultural experience for all students. They assert that creating a path where Indigenous teachings are taught by Indigenous teachers within an academic structure—an environment that has historically denied indigeneity—has the potential to build relationships among students, parents, teachers, administrators, and community members.

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

5. COMMENT: A comment from one of the Indigenous Nations in New York State supports the proposed certificate. The commenter indicates that the Nation has

worked hard to provide language opportunities for their people and opines that the successes of their young people are dependent on language and culture teachers. However, the commenter believes that the Nation needs additional support to ensure student achievement. They believe that the proposed certificate will be the kind of support their teachers, children, and community need; enhance the quality of language teachers; support the goals of allowing teachers to be certified in Indigenous Culture and Languages Studies for all grades; create an environment that treats Indigenous languages and cultures as important; and recognizes the goals of increasing diversity, equity, and inclusion.

For the certification pathway where an individual demonstrates acceptable proficiency in an Indigenous language, as determined by a designated official by the Nations who is approved by the Department, the commenter stated that the Nation would like to see more details about the approval process by the State for the designated officials.

The commenter asserts that much of the amendment focuses on “language,” which may not adequately address “culture.” They explain that both are intrinsically connected, but often the word “language” is used alone with “culture” being referenced as an afterthought. They note that only language is referenced when specifics are discussed, such as in the paragraph that states that this certificate “includes at least 6 hours of study in language acquisition and literacy development ...” but does not mention “culture.” The commenter asks if this pertains only to “language” or both “language” and “culture.” They provide another example of the omission of “culture” in the requirement of 12 semester hours of coursework in the subject area of the certificate

title and acceptable proficiency in an Indigenous language as determined by a designated official in the Nations who is approved by the Department. They ask if there will be a similar pathway for the culture certification aspect and if it is expected that a candidate will be able to “demonstrate acceptable proficiency” in culture matters as well.

They also assert that not all candidates are proficient in both language and culture and are therefore unsure if the title of the certificate title “Indigenous Culture and Language Studies (All Grades) Certificate” is correct.

DEPARTMENT RESPONSE: The Department concurs that instruction in any language needs to be closely linked with culture. For the certification pathway where an individual demonstrates acceptable proficiency in an Indigenous language, the Department will work closely with federally and state-recognized Nations on the approval process of the designated official in the Nations who will determine language proficiency.

The Department purposefully listed “culture” first in the title of the proposed Indigenous Culture and Language Studies (All Grades) certificate title to emphasize the importance of culture and recognizes that culture and language are inextricably intertwined. However, some of the wording in the proposed amendment focuses on language for specific reasons. For example, the following wording identified by the commenter describes a pedagogical core requirement for most teacher preparation programs and not only programs leading to the proposed certificate: “includes at least 6 hours of study in language acquisition and literacy development ...” This description of the literacy coursework requirement for most teacher preparation programs is therefore focused on language and not culture.

For the content core requirement, the proposed certificate includes an option for candidates to complete 12 semester hours of coursework in Indigenous cultures and/or languages and demonstrate acceptable proficiency in an Indigenous language as determined by a designated official in the Nations who is approved by the Department. Nations would use their own methods to determine acceptable proficiency in the language. There are currently no plans to create a similar pathway for candidates to demonstrate their cultural proficiency separate and apart from language proficiency at this time due to the broad nature of “culture”, which could encompass a wide range of topics and would have less consistency across Nations regarding the amount of knowledge needed to be deemed proficient. However, the Department will continue to work with the Nations to assess this need and will continue to explore ways to ensure that all languages, including those of Indigenous Nations, are taught within a cultural context. This approach is embodied within the Department’s Culturally Responsive-Sustaining Education Framework and the Blueprint for English Language Learner/Multilingual Learner Success.

Teachers who hold the proposed certificate would be able to teach courses related to Indigenous cultures and Indigenous languages. They would not necessarily need to be proficient in both Indigenous cultures and Indigenous languages to obtain the certificate. The “Indigenous Culture and Language Studies (All Grades)” certificate title enables teachers to have expertise in one or both areas and provides school districts with the flexibility to assign teachers to courses based on their expertise. No changes to the proposed rule are necessary.

6. COMMENT: A comment from a non-profit organization supports the proposed certificate and states that this new language initiative will have serious implications for schools with significant Indigenous student populations, language teacher preparation, and curriculum resource development. The commenter states that Native languages are among the most endangered in the world, some of the most complex languages, and a national treasure. They explain that teaching Native languages can be a critical factor in creating successful educational experiences and promoting cultural sensitivity for all students. They add that such experiences will assist people in seeing their heritage validated and a vehicle to overcome the thoughts that if one pursues an Indigenous education they must forego a modern education, and if one pursues a modern education they risk being educated out of their Indigenous culture and identity. They describe that the act of one generation teaching another creates a sacred thread of interconnectedness and belonging that is critical to the development of confidence and self-esteem, which is especially necessary for Native youth.

The commenter encourages New York State to join other states that have placed their certification outside of, or peripheral to, formal higher education. They provide an example that certification in Washington State is conducted by Native Nation's governments and subsequently endorsed by the State. They note that a benefit of a separate system for teacher certification is that it opens the possibility for more decision-making to be performed by members of their local language community, in accordance with their priorities for language education. On the other hand, they also indicate that these teachers may not receive equal respect or pay within the mainstream system and the burden of resourcing teacher training often falls on their communities.

The commenter also encourages the Department to make funding for this certification available through federal funding, noting that for every dollar the U.S. government spent on eradicating Native languages in previous centuries, it currently spends less than 7 cents on revitalizing them.

DEPARTMENT RESPONSE: Currently, individuals who would like to teach an Indigenous language in New York State public schools can obtain a permit by completing a minimum number of requirements. Although a permit authorizes an individual to teach in public schools, it is not equivalent to a teaching certificate. The proposed certificate requirements are consistent with the requirements for other teaching certificates, with additional flexibility to incentivize more candidates to pursue this certificate (e.g., the number of semester hours required for the content core). Certificate holders may be eligible for tenure in a school district.

The Department will consider the request to use federal funding, consistent with the guidelines, to make the proposed certificate accessible. Several existing state programs support the costs of tuition for obtaining teacher certification. Candidates interested in the position should explore these programs to determine if they are eligible. The comment is supportive of the proposed rule; therefore, no changes are necessary.

7. COMMENT: A commenter supports the proposal but expresses uncertainty as to whether many students will choose to take an Indigenous language course as a world language. They suggest that this would be better located under the umbrella of history/social studies. They wonder how many Indigenous people still speak their

language and know many who do not. They believe that the demand would be in certain areas and unsure that there would be a demand to learn an Indigenous language.

DEPARTMENT RESPONSE: There are eight federal and state-recognized sovereign Indigenous Nations in New York State, with rich cultures, histories, heritages, and languages. By offering courses in Indigenous cultures and languages, school districts will address—and hopefully create a demand for—these types of courses. Additionally, these courses first need to be offered to determine if there is a demand for them. School districts that wish to offer courses in Indigenous cultures and languages would need appropriately certified teachers who are knowledgeable in this area. The proposed certificate could help school districts meet this need and may attract new teachers to this area, creating a new pool of teachers. No changes to the proposed rule are necessary.

8. COMMENT: A commenter would like the word “studies” deleted from the title of the proposed certificate. They explain that teacher certification is not a “Teacher Studies” certification and believe that we are learning to speak the language rather than study the language.

DEPARTMENT RESPONSE: Teachers who hold the proposed Indigenous Cultures and Language Studies (All Grades) certificate would be able to teach courses related to Indigenous cultures in addition to Indigenous languages. For example, comment 1 includes an example of a school district offering courses in Seneca language and Iroquois Studies. The term “studies” captures the variety of areas and courses that may be taught by the certificate holder. No changes to the proposed rule are necessary.



9. COMMENT: A commenter supports the spirit of the proposal but expresses concern that creating a stand-alone certificate sends the message that this work is the province of a specialized few and that other teachers do not need these skills. They believe that every teacher should receive formal instruction in students' home cultures and languages to work with an ever-diversifying student population.

DEPARTMENT RESPONSE: The creation of the proposed Indigenous Cultures and Language Studies (All Grades) certificate does not preclude other certificate holders from understanding students' home cultures and languages. The suggestion that all teachers should receive instruction in students' home cultures and languages is beyond the scope of the proposed rule; therefore, no changes are necessary.

10. COMMENT: A commenter does not agree with the need to create the proposed certificate because they believe that students need to be stronger in math, science, and literacy; already receive instruction on Indigenous cultures within the elementary social studies program; currently read many books on diversity and culture; and are already becoming socially responsive. They wonder why the certificate is needed and state that teaching Indigenous languages is not practical because they feel it will not be used by students. They assert that a greater focus and funding should be placed on math and the sciences since the United States falls behind other world countries in these areas.

DEPARTMENT RESPONSE: The creation of the proposed Indigenous Cultures and Language Studies (All Grades) certificate does not preclude students from completing courses in other subject areas, such as math, science, and literacy. Teachers who hold the proposed create would be able to teach courses related to

Indigenous cultures and Indigenous languages, which students could take to meet their social studies or world languages graduation requirements, respectively.

The Department proposed the certificate to promote the teaching of Indigenous cultures and languages. Many public comments provide a variety of reasons for creating the certificate, including that it promotes diversity, equity, and inclusion (see comment 2). No changes to the proposed rule are necessary.

11. COMMENT: A commenter supports the proposed certificate but does not support having a certification pathway that does not require a Content Specialty Test. They state that equity does not mean lowering standards and accountability.

DEPARTMENT RESPONSE: For the content core requirement for the proposed certificate, candidates could either: (1) complete 18 semester hours of coursework in Indigenous cultures and/or languages; or (2) complete 12 semester hours of coursework in Indigenous cultures and/or languages and demonstrate acceptable proficiency in an Indigenous language as determined by a designated official in the Nations who is approved by the Department. The second option enables members of the Nations who speak an Indigenous language to have their knowledge of the language, which could not otherwise be assessed, count towards certification. A Content Specialty Test created by a test vendor would not be appropriate for assessing candidates' understanding of Indigenous cultures and/or languages, which are inextricably intertwined. No changes to the proposed rule are necessary.

12. COMMENT: A commenter does not support the proposal and believes that the processes, institutions, and educational systems that attempted to eradicate Indigenous languages should not be allowed to harness them for their own purposes.

They provide an example that the Haudenosaunee languages are considered to be critically endangered; as such, there are not enough fluent speakers or teachers/educators to oversee a certification process. The commenter predicts that this will reduce the certification process to being supervised by non-native speakers of these complex and endangered languages. The commenter further opines that having unqualified people be the caretakers of languages is not appropriate.

Additionally, they raise a question about how many Indigenous teachers are certified in New York State. They generally assert that those who should not be involved with Indigenous languages should not be attempting to supervise their instruction and that Indigenous languages should remain in the care of those who are speaking them. They assert that there are issues with discrimination in New York State (NYS) schools and there is no guarantee that a certification process will not foster the same thought processes and subsequent discrimination by those who might be involved in it.

They state that these issues have been addressed at the federal level and should remain in the care of the Department of Education and the Department of the Interior through grant programs and supervised independent verification. They also believe that most or all of the state educators who are pursuing this certification do not speak an Indigenous language and should therefore not be making decisions regarding a language that they do not speak.

Finally, they assert that this certification process is yet another example of the long history of cultural appropriation and that qualified Indigenous speakers and teachers would be marginalized in favor of the State's own teaching requirements, which they believe often hinder instruction. They claim that NYS demographics do not

favor the inclusion of people of color and that teachers of color comprise 20 percent of the teaching population. They question how many of that 20 percent are Native American.

DEPARTMENT RESPONSE: The Nations and Indigenous teachers would have opportunities to be involved in the certification process for the proposed Indigenous Culture and Language Studies (All Grades) certificate. For the content core requirement for the proposed certificate, candidates could either: (1) complete 18 semester hours of coursework in Indigenous cultures and/or languages; or (2) complete 12 semester hours of coursework in Indigenous cultures and/or languages and demonstrate acceptable proficiency in an Indigenous language as determined by a designated official in the Nations who is approved by the Department. The second pathway enables speakers of Indigenous languages to have their knowledge of the language count towards certification. The Nations would be involved in this pathway to certification and use their own methods to determine acceptable proficiency in the language.

New York State registered teacher preparation programs leading to the proposed certificate would have flexibility regarding the mentoring teachers who work with candidates (e.g., supervise) during the student teaching, practicum, or residency experience. They may: (1) hold a permit in an Indigenous language in lieu of being certified in the subject area of certification sought or in a closely related area; and (2) have at least one year of full-time teaching experience, or the equivalent, in lieu of having the minimum number of years of full-time teaching experience required for other programs. This allows teachers who currently hold a permit in, and are knowledgeable about, an Indigenous language to be mentoring teachers.

Although all candidates who seek the proposed certificate may not be supervised initially by a permit holder or a teacher who holds the proposed certificate while they complete the student teaching or teaching experience requirement for certification, a goal of the proposed certificate is to attract new teachers to this area and create a pool of teachers with the certificate who have the expertise to work with students and prospective teachers.

Candidates would not necessarily need to be proficient in both Indigenous cultures and Indigenous languages to obtain the proposed certificate. For example, candidates may focus on Indigenous cultures and could have a student teaching experience where they work with a mentoring teacher who is knowledgeable about Indigenous cultures rather than Indigenous languages (i.e., not a speaker of Indigenous languages).

State education agencies, rather than the federal government, oversee the certification of teachers. The Department proposed the certificate to promote the teaching of Indigenous cultures and languages and consulted with the Nations about the proposal, some of whom wrote letters of support (see comments 4 and 5). The proposed certificate requirements are consistent with the requirements for other teaching certificates, with some additional flexibility to incentivize more candidates to pursue this certificate (e.g., the number of semester hours required for the content core).

Less than 1 percent of the New York State public school, charter school, and BOCES teachers during the 2021-2022 school year were American Indian teachers.

The Department is working to diversify the teacher talent pipeline, including by developing this proposal.

Many public comments provide a variety of reasons for supporting the proposal, including that it promotes diversity, equity, and inclusion (see comment 2). No changes to the proposed rule are necessary.

13. COMMENT: More than 30 commenters who are high school students describe why the Department should include Indigenous culture and language studies in New York State schools. Some of the commenters share what they learned about several Indigenous cultures, such as the Aztec and Mayan cultures, and how Europeans treated and colonized Indigenous peoples. Some commenters believe that students should know the history of their country and about the people who were here first, including how successful and advanced Indigenous peoples were and their importance in history.

Some commenters assert that students should know about their own culture and background, the importance of learning about other cultures, and the truth about Native Americans. Some commenters explained that learning about Indigenous people gives students a better understanding of themselves, others, and the world; enables students to have multiple points of view and perspectives; shows them how the presence of other cultures affects our lives; and allows for the respect and recognition of world cultures.

DEPARTMENT RESPONSE: The Department concurs that Indigenous cultures and languages should be studied in New York State schools. The New York State K-12 Social Studies Framework includes key ideas related to Indigenous Nations and peoples beginning in the fourth grade, multiple times during the middle-level grades,

and again in the eleventh grade. The Department proposed the Indigenous Culture and Language Studies (All Grades) certificate to promote the teaching of Indigenous cultures and languages, as outlined in the Framework. No changes to the proposed rule are necessary.

14. COMMENT: A commenter asked if the Department is looking at teaching international Indigenous languages or only ones in New York State.

DEPARTMENT RESPONSE: Teachers who hold the proposed Indigenous Culture and Language Studies (All Grades) certificate would be able to teach an Indigenous language course in a New York State public school, in addition to other related courses. School districts make decisions regarding their course offerings. No changes to the proposed rule are necessary.

15. COMMENT: A commenter expresses that an institution of higher education at which they are employed would be interested in partnering with the Department to offer courses leading to the proposed certificate. They describe that the institution currently offers the required pedagogical core courses for the certificate and would be interested in developing courses to fulfill the 18-credit content core requirement in Indigenous cultures and language studies.

DEPARTMENT RESPONSE: The proposal includes the proposed registration requirements for teacher preparation programs that lead to the Indigenous Culture and Language Studies (All Grades) certificate. If the proposal is adopted, institutions of higher education that would like to develop an Indigenous Culture and Language Studies education program would complete and submit a new program registration application to the Department. Institutions that have questions about developing a

program and completing the application, or about coursework that is required for this certificate, can send them to the Office of College and University Evaluation at [ocueinfo@nysed.gov](mailto:ocueinfo@nysed.gov). No changes to the proposed rule are necessary.

16. COMMENT: A commenter from an institution of higher education requests that the Department reach out to them to discuss their progress in this area and ways to contribute to this effort.

DEPARTMENT RESPONSE: Institutions of higher education that would like to discuss the development of a teacher preparation programs that lead to the Indigenous Culture and Language Studies (All Grades) certificate or coursework that is required for this certificate could send an email to the Office of College and University Evaluation at [ocueinfo@nysed.gov](mailto:ocueinfo@nysed.gov). No changes to the proposed rule are necessary.