



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

TO: Higher Education Committee

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

SUBJECT: Proposed Amendment of Section 30-1.8 of the Rules of the Board of Regents Relating to the Special Subject Tenure Areas

DATE: May 29, 2025

AUTHORIZATION(S): *Don N. B.* *Betty M.*

SUMMARY

Issue for Discussion

Should the Board of Regents adopt the proposed amendment of section 30-1.8 of the Rules of the Board of Regents relating to the special subject tenure areas?

Reason for Consideration

Review of policy.

Proposed Handling

The proposed amendment is presented to the Higher Education Committee for discussion at the June 2025 Regents meeting. A copy of the proposed rule (Attachment A) is attached.

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on June 25, 2025, for a 60-day public comment period. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

Pursuant to Education Law §§ 3012 and 3014, newly appointed classroom teachers in public school districts and boards of cooperative educational services (BOCES) serve a probationary period of four years.¹ Subpart 30-1 of the Rules of the Board of Regents establishes the rules for such probationary appointments consistent with the Education Law. Upon their initial appointment to a probationary period, classroom teachers are assigned to one or more tenure areas in which the educator will devote a substantial portion of their time.² Educators must hold the appropriate certification for any tenure area to which they are appointed. Subpart 30-1 of the Rules of the Board of Regents is further subdivided into sections that establish tenure areas related to elementary grades (common branch), middle grades (common branch), academic subject areas³ for grades 7 through 12, and special subject areas.

The Rules of the Board of Regents governing special subject areas (§30-1.8) have been amended several times since they were established more than five decades ago. However, in several areas, these regulations do not conform to the existing certification structure outlined in Part 80 of the Commissioner's regulations and do not reflect current terminology in the field.

Proposed Amendment

The Department proposes to amend section 30-1.8 of the Rules of the Board of Regents as follows:

- New tenure areas will be established in agriculture (general), dance, theater, and visual arts;
- Certain existing tenure areas (business education, home economics, industrial arts, physical education, and school media specialist (library)) will be renamed to match their current certificate titles;
- Special education tenure areas will be renamed to match current special education certificate titles and remove outdated language regarding students with disabilities;
- References to vocational education will be updated to reflect career and technical education (CTE);
- Certain existing CTE tenure areas will be renamed to match current certificate titles; and

¹ The Education Law further provides for a reduced probationary period for newly appointed classroom teachers where such teachers have previously rendered satisfactory service in certain limited situations.

² Section 30-1.1 of the Rules of the Board of Regents defines "substantial portion of [their] time" as 40 percent or more of the total time spent by a professional educator in the performance of [their] duties, exclusive of time spent in preparation, monitoring or in co-curricular activities."

³ The Rules of the Board of Regents define academic subject areas as English, social studies, mathematics, science, and world languages.

- Certain tenure areas (art, driver education, speech-remedial, school media specialist, and school media specialist (educational communications)) will be phased out after September 30, 2025.

Related Regents Items

Not applicable.

Recommendation

Not applicable.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented for permanent adoption at the October 2025 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 October 2025 meeting, the proposed amendment will become effective on October 22, 2025.

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. Section 30-1.8 of the Rules of the Board of Regents is amended to read as follows:

(a) A professional educator who is employed to devote a substantial portion of his time to instruction in one or more of the following subjects shall be deemed to serve in a special subject tenure area or areas encompassing such subject:

- (1) art through September 30, 2025;
- (2) business [education] and marketing--general;
- (3) driver education through September 30, 2025;
- (4) [education of children with handicapping conditions--education of blind and visually handicapped children] blind and visually impaired;
- (5) [education of children with handicapping conditions--education of deaf children] deaf and hard of hearing;
- (6) [education of children with handicapping conditions--education of speech and hearing handicapped children] speech and language disabilities;
- (7) [education of children with handicapping conditions--general special education tenure area (education of emotionally disturbed children; mentally retarded children; physically handicapped children; multiply handicapped children; and children with specifically defined learning disabilities)] students with disabilities--general;
- (8) health;

- (9) [home economics] family and consumer sciences--general;
- (10) [industrial arts] technology education--general;
- (11) music;
- (12) physical education [and recreation];
- (13) literacy and reading;
- (14) speech—remedial through September 30, 2025;
- (15) English as a second language;
- (16) [Computer] computer science; [and]
- (17) Indigenous [Culture and Language Studies.] culture and language studies;
- (18) agriculture—general;
- (19) dance;
- (20) theater; and
- (21) visual arts.

(b) A professional educator employed by a board of education or board of cooperative educational services to devote a substantial portion of his time to the provision of ancillary or supportive educational services in the following positions shall be deemed to serve in a special subject tenure area encompassing the duties of such position:

- (1) school attendance teacher;
- (2) school counseling and guidance;
- (3) school dental hygienist;
- (4) school media specialist through September 30, 2025;
- (5) school library media specialist [(library)];

(6) school media specialist (educational communications) through September 30, 2025;

- (7) school nurse teacher;
- (8) school psychologist; and
- (9) school social worker.

(c) A professional educator employed by a board of education or board of cooperative educational services to devote a substantial portion of his time to instruction in one of the following [vocational] career and technical education subjects shall be deemed to serve in a special subject tenure area co-extensive with the certificate possessed by the individual at the time of the probationary appointment:

- (1) agriculture--occupational;
- (2) health occupations;
- (3) [home economics] family and consumer sciences--occupational;
- (4) [occupational business education and distributive occupation subjects]

business--occupational;

- (5) technical subjects; and
 - (6) trade subjects.
- (d) ...
- (e) ...
- (1) ...
- (2) ...
- (3) ...
- (4) ...

(5) ...

(6) ...

(7) ...

(8) ...