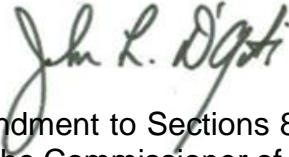






TO: The Honorable the Members of the Board of Regents

FROM: John L. D'Agati 

SUBJECT: Proposed Amendment to Sections 80-3.15 and 80-4.3 of the Regulations of the Commissioner of Education Relating to the Extension of the Application Deadline for the Statement of Continued Eligibility (SOCE) for Certain Teachers of Students with Disabilities and to the Extension of the Deadline for Completing Teaching Experience While Under a HOUSSE Rubric for the SOCE and Limited Extension for Certain Teachers of Students with Disabilities

DATE: July 2, 2019

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendment to Sections 80-3.15 and 80-4.3 of the Regulations of the Commissioner of Education relating to the extension of the application deadline for the statement of continued eligibility (SOCE) for certain teachers of students with disabilities and to the extension of the deadline for completing teaching experience while under a HOUSSE rubric for the SOCE and limited extension for certain teachers of students with disabilities?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for a second emergency adoption at the July 2019 Board of Regents meeting (Attachments A and B are a copy of

the proposed amendment and the Statement of Facts and Circumstances Justifying the Emergency Adoption, respectively).

Procedural History

A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on June 19, 2019. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

At its July 2018 meeting, the Board of Regents created an SOCE and limited extension in the core subject areas for teachers of students with disabilities who hold a Students with Disabilities Generalist certificate in grades 7-12 and teach one or more core subject areas in special classes. The core subject areas include biology, chemistry, earth science, English Language Arts, mathematics, physics, and social studies. The SOCE and limited extension created pathways for teachers who hold a Students with Disabilities Generalist certificate in grades 7-12 to teach a subject area in special classes. The deadline to apply for the SOCE is currently July 1, 2019, giving teachers almost one year to apply for the credential. There is not a deadline to apply for the limited extension.

As part of the application for the SOCE, the candidate must submit evidence of at least three years of satisfactory full-time teaching experience prior to July 1, 2019. Applicants for the limited extension have the option of submitting two years of satisfactory full-time teaching experience prior to July 1, 2019. During the teaching experience for both credentials, the teacher must have met the qualifications to be considered highly qualified for a core academic subject area by passing the high objective uniform state standard of evaluation (HOUSSE) rubric used under the former No Child Left Behind Act (NCLB) to demonstrate subject matter competency in grades 7-12 for each subject area in which a SOCE or limited extension is sought. The candidate must submit the completed HOUSSE rubric from the district(s) for each year of experience for each subject area that the teacher seeks an SOCE or limited extension.

At its February 2019 meeting, the Board of Regents added the Students with Disabilities (Grades 7-12) content specialist certificate, Students with Disabilities (Grades 5-9) Generalist certificate, Students with Disabilities (Grades 5-9) content specialist certificate, and Special Education (K-Grade 12) certificate to the list of certificate titles eligible for the SOCE and limited extension for teachers of students with disabilities who teach a special class in grades 7-12. Teachers who hold these certificates have approximately four months to apply for the SOCE and limited extension.

Proposed Amendment

The Department is proposing to extend the SOCE application deadline from July 1, 2019 to June 30, 2020. By extending the application deadline, teachers who hold the Students with Disabilities (Grades 7-12) content specialist certificate, Students with Disabilities (Grades 5-9) Generalist certificate, Students with Disabilities (Grades 5-9) content specialist certificate, and Special Education (K-Grade 12) certificate would have almost one year to apply for the SOCE instead of only approximately four months.

The extension of the application deadline would give these teachers the time needed to collect and submit evidence of at least three years of satisfactory full-time teaching experience under a HOUSSE rubric for each subject area in which the SOCE is sought. The regulations also require that candidates must submit a completed HOUSSE rubric from each district for each year of experience for each subject area that the candidate seeks an SOCE, but teachers only need to submit one HOUSSE rubric for each subject area in a district to demonstrate their competency in that subject for their experience in such district.

For the SOCE and limited extension, candidates must currently complete their satisfactory full-time teaching experience while under a HOUSSE rubric prior to July 1, 2019. The Department is also proposing to extend the time period upon which the experience must be completed from July 1, 2019 to June 30, 2020.

Related Regents Items

[July 2018](http://www.regents.nysed.gov/common/regents/files/718brca4.pdf): <http://www.regents.nysed.gov/common/regents/files/718brca4.pdf>

[January 2019](http://www.regents.nysed.gov/common/regents/files/219brca4.pdf): <http://www.regents.nysed.gov/common/regents/files/219brca4.pdf>

[June 2019](http://www.regents.nysed.gov/common/regents/files/619hea2.pdf) <http://www.regents.nysed.gov/common/regents/files/619hea2.pdf>

Recommendation

VOTED: That the proposed amendment to Sections 80-3.15 and 80-4.3 of the Regulations of the Commissioner of Education be adopted as an emergency action, effective September 2, 2019, to ensure that the SOCE application deadline of June 30, 2020 becomes effective immediately, so that teachers who hold the Students with Disabilities (Grades 7-12) content specialist certificate, Students with Disabilities (Grades 5-9) Generalist certificate, Students with Disabilities (Grades 5-9) content specialist certificate, and Special Education (K-Grade 12) certificate have the time needed to collect and submit the documents required for the SOCE application and to provide teachers with notice that the time period upon which the experience must be completed has been extended from July 1, 2019 to June 30, 2020 and to ensure that the emergency rule adopted at the June 2019 Regents meeting remains in effect until it can be adopted as a permanent rule.

Timetable for Implementation

If adopted at the July 2019 Regents meeting, the proposed amendment will be effective as an emergency rule on September 2, 2019. Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its October 2019 meeting. If adopted at the October 2019 meeting, the proposed amendment will become effective on October 23, 2019.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 210, 215, 305, 3001, 3003, 3004 and 3009 of the Education Law.

1. Subdivision (d) and subparagraph (1) of section 80-3.15 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(d) Applications for the statement of continued eligibility shall be submitted to the department, on a form prescribed by the commissioner, on or before [July 1, 2019] June 30, 2020 and candidates must meet the requirements in the following paragraph to be issued a statement of continued eligibility for each subject area in which a statement of continued eligibility is sought prior to [July 1, 2019] June 30, 2020:

(1) As part of the application, the candidate shall submit satisfactory evidence of at least three years of satisfactory full-time teaching experience prior to [July 1, 2019] June 30, 2020, during which time the candidate met the qualifications to be considered highly qualified for a core academic subject for purposes of the No Child Left Behind Act (NCLB) under the former 34 C.F.R. 200.56 through passing the high objective uniform State standard of evaluation rubric (HOUSSE) to demonstrate subject matter competency in grades 7- 12 in the subject area in which the statement of continued eligibility sought. The candidate shall submit, as part of the application, the completed HOUSSE rubric from the district(s) for each year of experience for each subject area that the candidate seeks a statement of continued eligibility.

2. Subparagraph (i) of paragraph (3) of subdivision (t) of section 80-4.3 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(i) the candidate shall submit evidence of having at least two years of satisfactory full-time teaching experience in a public school, State-supported or State-operated

school, or private schools established under 853 of the Laws of 1976 prior to [July 1, 2019] June 30, 2020 during which time the candidate met the qualifications to be considered highly qualified for a core academic subject for purposes of the No Child Left Behind Act under the former 34 C.F.R. 200.56 through passing the high, objective, uniform State standard of evaluation rubric (HOUSSE) to demonstrate subject matter competency in grades 7-12 in the subject area for which the limited extension was sought. The candidate shall submit, as part of the application, the completed HOUSSE rubric from the district(s) for each year of experience for each subject area that the candidate seeks a limited extension;

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING THE EMERGENCY
ACTION

The Department is proposing to extend the application deadline for the statement of continued eligibility (SOCE) for certain teachers of students with disabilities from July 1, 2019 to June 30, 2020. By extending the application deadline, the teachers who hold the Students with Disabilities (Grades 7-12) content specialist certificate, Students with Disabilities (Grades 5-9) Generalist certificate, Students with Disabilities (Grades 5-9) content specialist certificate, and Special Education (K-Grade 12) certificate would have more than one year to apply for the SOCE instead of only approximately four months. The extension would give these teachers the time needed to collect and submit the documents required for the SOCE application. The proposed amendment also extends the time period upon which the experience must be completed from July 1, 2019 to June 30, 2020.

Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (non-emergency) adoption, after publication in the State Register and expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) Sections 202(1) and (5), is the October 2019 Regents meeting. Furthermore, pursuant to SAPA Section 203(1), the earliest effective date of the proposed amendment, if adopted at the October Regents meeting, is October 23, 2019, the date a Notice of Adoption would be published in the State Register. However, because the current SOCE application deadline is July 1, 2019, emergency action is necessary now for the preservation of the general welfare in order to ensure that certain teachers who teach students with disabilities have the time needed to collect and submit the documents required for the SOCE application and to provide teachers with notice that the time period upon which the experience must be completed

has been extended from July 1, 2019 to June 30, 2020 and to ensure that the emergency rule adopted at the June 2019 Regents meeting remains in effect until it can be adopted as a permanent rule.

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