



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

TO: The Honorable Members of the Board of Regents

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

SUBJECT: Proposed Amendment of Sections 52.21, 80-1.2, 80-3.7, and 80-5.6 and Subpart 80-6 of the Regulations of the Commissioner of Education Relating to Teaching Assistant Certification

DATE: July 3, 2025

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

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment of sections 52.21, 80-1.2, 80-3.7, and 80-5.6 and Subpart 80-6 of the Regulations of the Commissioner of Education relating to Teaching Assistant certification?

Reason for Consideration

Review of policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the July 2025 Regents meeting. A copy of the proposed amendment (Attachment A) is attached.

Procedural History

The proposed amendment was presented to the Higher Education Committee for discussion at the March 2025 Regents meeting. A Notice of Proposed Rule Making was published in the State Register on March 26, 2025, for a 60-day public comment period. Following publication in the State Register, the Department received comments on the

proposed amendment. An Assessment of Public Comment (Attachment B) is attached. The Department has made non-substantial revisions to the proposed rule as outlined below. If adopted at the July 2025 meeting, a Notice of Adoption will be published in the State Register on July 30, 2025. If adopted at the July 2025 meeting, the proposed amendment will become effective as a permanent rule on October 1, 2025. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

Teaching assistants support teachers and can provide instructional services to students under the general supervision of a certified teacher. There are four types of Teaching Assistant (TA) certificates: Level I, Level II, Level III, and Pre-Professional. The requirements and validity periods for these certificates are outlined in section 80-5.6 of the Commissioner's regulations and described below:

- **Level I.** Candidates must hold a high school diploma or its equivalent and pass a certification examination of teaching assistant skills. The certificate is valid for three years from its effective date¹ and can be renewed once for three years.²
- **Level II.** Candidates must hold a high school diploma or its equivalent, pass a certification examination of teaching assistant skills, and complete at least nine semester hours of collegiate study acceptable toward meeting the requirements for an associate or baccalaureate degree. They must also have experience as a teaching assistant for one school year under a Level I or Emergency COVID-19 TA certificate or under the former temporary license authorizing employment as a teaching assistant. The certificate is valid for three years from its effective date.³
- **Level III.** Candidates must hold a high school diploma or its equivalent, pass a certification examination of teaching assistant skills, and complete at least 18 semester hours of collegiate study acceptable toward meeting the requirements for an associate or baccalaureate degree. They must also have experience as a teacher or as a teaching assistant for one school year under a Level I, Level II, or Emergency COVID-19 TA certificate or under the former temporary license authorizing employment as a teaching assistant. The certificate is continuously valid. Level III TA certificate holders are subject to registration and continuing teacher and leader education (CTLE) requirements.

¹ The validity period of the Level I TA certificate may be extended for a candidate called to active duty in the Armed Forces for the period of active service and an additional 12 months from the end of such service.

² Current regulations permit more than one renewal under limited circumstances.

³ The validity period of the Level II TA certificate may be extended for reasons related to active duty in the Armed Forces or applications for citizenship or permanent residency.

- **Pre-Professional.** Candidates must hold a high school diploma or its equivalent, pass a certification examination of teaching assistant skills, complete at least 18 semester hours of collegiate study acceptable toward meeting the requirements for an associate or baccalaureate degree, and be matriculated in a registered teacher preparation program, or its equivalent, or in a program with an articulation agreement with such a program. They must also have experience as a teaching assistant for one school year under a Level I, Level II, Level III, or Emergency COVID-19 TA certificate or under the former temporary license or continuing certificate authorizing employment as a teaching assistant. The certificate is valid for five years from its effective date⁴ and can be renewed.⁵

Teaching assistants who hold the Level I, II, or III TA certificate can perform duties such as:

- working with individual pupils or groups of pupils on special instructional projects;
- providing the teacher with information about pupils that will assist the teacher in the development of appropriate learning experiences;
- assisting pupils in the use of available instructional resources, and assisting in the development of instructional materials;
- utilizing their own special skills and abilities by assisting in instructional programs in such areas as: world languages other than English, arts, crafts, music, and similar subjects; and
- assisting in related instructional work as required.

In addition to the above duties, Pre-professional TA certificate holders may, at the discretion of the employing district and while under the general supervision of a teacher, perform duties such as:

- working with small groups of children so the teacher can work with a large group or individual children;
- helping a teacher to construct a lesson plan;
- presenting segments of lesson plans, as directed by the teacher;
- communicating with parents of students at a school site or as otherwise directed by a teacher; and
- helping a teacher to train other teaching assistants.

The current TA certificate structure is complex and can pose challenges for teaching assistants who want to continue in that role or become a classroom teacher.

⁴ The validity period of the Pre-professional TA certificate and any renewal of such certificate may be extended for the time of active service and an additional 12 months from the end of such service.

⁵ To be renewed, the candidate must be matriculated in a registered teacher preparation program, or its equivalent, or in a program with an articulation agreement with such a program and have completed 30 semester hours of coursework in such a program during the five-year period in which the certificate is held.

There is not currently a clear pathway for TAs who wish to become teachers because the TA certification requirements are not aligned with teaching certification requirements. For example, although the current TA certification progression requires TAs to complete additional college-level coursework, it does not require any pedagogical coursework, which is necessary to obtain Initial teacher certification.

The four levels of TA certification can also be confusing for candidates. While the requirements for each level of certification vary, there is no difference in a TA's scope of practice, except for the Pre-professional TA certificate, which has a limited use that does not apply to the vast majority of teaching assistants. Additionally, because this structure requires teaching assistants to advance through the certification levels within specific timeframes, it creates a scenario where teaching assistants who hold an expired Level I or Level II TA certificate but did not complete the experience needed for the Level III TA certificate while their TA certificate was valid cannot obtain a TA certificate in the future.

Proposed Amendments

The Department proposes to establish Initial and Professional TA certificates to replace Level I, II, and III TA certificates. The revision streamlines TA certification, makes the progression similar to other educator certificates, and creates an intentional pathway for teaching assistants to become teachers. The proposed regulatory amendment also creates requirements for institutions of higher education to register programs that lead to Professional TA certification.

Initial TA Certificate

The proposed Initial TA certificate requires candidates to hold a high school diploma or its equivalent and pass a certification examination of teaching assistant skills. However, candidates who hold or held a teaching certificate and passed a content knowledge certification examination will not be required to take and pass the certification examination of teaching assistant skills to obtain the Initial TA certificate.

The Initial TA certificate would be valid for five years from its effective date and continually renewable for a period of five years from the effective date of renewal, thereby lengthening the validity period for the first TA certificate and ensuring that teaching assistants would always be able to obtain TA certification if their Initial TA certificate expires.

For the proposed certificate to be renewed,⁶ a candidate must also complete 100 clock hours of acceptable CTLE from an approved CTLE sponsor since the issuance or most recent renewal of the Initial TA certificate. Candidates may also complete college coursework in any area, which would count towards the CTLE clock hours. Candidates

⁶ For individuals called to active duty in the Armed Forces, the validity period for an Initial TA certificate may also be extended for the time of active service and an additional 12 months from the end of such service.

must maintain a record of completed CTLE for at least three years from the end of the validity period of the Initial TA certificate or most recent renewal of such certificate in which the CTLE was completed. Additionally, the records must be available for review by the Department upon request.

Professional TA Certificate

Teaching assistants can progress from the Initial TA to the Professional TA certificate or continually renew their Initial TA certificate. The proposed Professional TA certificate is continuously valid.

Candidates can meet the education requirement for the proposed Professional TA certificate by: (1) holding a bachelor's degree⁷ in any area, (2) completing a registered program leading to Professional TA certification, or (3) attaining a high school diploma or its equivalent and successfully completing at least 18 semester hours of college coursework,⁸ provided that at least nine of the 18 semester hours must be pedagogical coursework⁹ in one or more of the following subjects:

- human development and learning;
- teaching students with disabilities and special health-care needs;
- teaching literacy skills;
- curriculum, instruction, and assessment, including instructional technology; and
- foundations of education (historical, philosophical, sociological, and/or legal).

The above subjects are consistent with the pedagogical core requirement for the individual evaluation pathway to Initial teacher certification, creating a pathway for Professional TA certificate holders to become a teacher. For the 18-semester hour option, the remaining semester hours must be additional pedagogical coursework in one or more of the above subjects and/or coursework in English language arts, mathematics, science, and/or social studies.

⁷ The bachelor's degree must be from an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education, an institution of higher education that the Commissioner deems substantially equivalent, or an institution authorized by the Regents to confer degrees and whose programs are registered by the Department.

⁸ All coursework must be completed at an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education, an institution of higher education that the Commissioner deems substantially equivalent, or an institution authorized by the Regents to confer degrees and whose programs are registered by the Department. Additionally, the candidate must earn at least a C or its equivalent in any undergraduate level course and at least a B- or its equivalent in any graduate level course.

⁹ Pedagogical coursework must be completed at an institution of higher education that has at least one teacher preparation program that leads to certification in the jurisdiction where the institution is located or an institution of higher education that has an articulation agreement with such a program.

For the proposed Professional TA certificate, candidates must also complete three school years, or its equivalent, of teaching assistant experience under an Initial TA, Level I TA, Level II TA, Level III TA, Pre-professional TA, or Emergency COVID-19 TA certificate or a continuing certificate authorizing employment as a teaching assistant, or one school year, or its equivalent, as a teacher in the classroom teaching service. The examination requirements for the proposed Initial TA and Professional TA certificates are the same.

Because the education and experience requirements for the Professional TA certificate ensure that teaching assistants are prepared for the classroom, holders of such certificate would have the same expanded scope of practice as Pre-Professional TA certificate holders. This will enable Professional TA certificate holders to provide more support for teachers and have a greater impact on students. The proposed Professional TA certificate also creates an alignment between teaching assistant certification and teaching certification.

The Department proposes to amend Subpart 80-6 of the Commissioner's regulations to make Professional TA certificate holders subject to registration and CTLE requirements due to the certificate being continuously valid. This is similar to the rules applicable to Level III TA certificate holders.

Pre-professional TA Certificate

The Pre-professional TA certificate is optional; it constitutes another pathway for candidates to pursue the Initial teaching certificate or proposed Professional TA certificate. The Pre-professional TA certificate currently requires at least 18 semester hours of college coursework. The Department proposes to make the education requirement for this certificate more flexible by giving candidates the choice of either: (1) matriculating in a registered teacher preparation program, or its equivalent, or in a program with an articulation agreement with such a program, (2) matriculating in a registered program leading to the Professional TA certificate, or (3) meeting the education requirement for the Professional TA certificate.

Additionally, the proposed amendment clarifies that the Pre-professional TA certificate will expire before the end of the validity period (five years from the effective date) if the candidate exits a program leading to teacher or TA certification.

Student Teaching

The Department proposes to amend section 80-3.7 of the Commissioner's regulations to allow candidates who hold or held a Pre-professional TA or Professional TA certificate to satisfy the teaching experience requirement for the individual evaluation pathway to Initial teacher certification by completing one school year, or its equivalent, of experience under such certificate and while completing duties outlined in the expanded scope of practice under the supervision of a certified teacher. This revision promotes the pathway for teaching assistants to become teachers by permitting a year

of experience in lieu of student teaching. It also removes a time and financial barrier for those who are not enrolled in a teacher preparation program.

The teacher preparation program registration requirements outlined in section 52.21 of the Commissioner's regulations include a provision for alternate models that include student teaching and clinical experiences. In the case of alternate models when a candidate holds a Pre-professional TA certificate and is employed by a school district or BOCES, the institution of higher education and school district or BOCES must provide such candidate with the same and/or similar student teaching or clinical experience as required in the regulations during their employment. The proposed amendment extends this provision to Professional TA certificate holders in addition to Pre-professional TA certificate holders.

TA Program Registration Requirements

To provide teaching assistants with the knowledge and skills to successfully work with students, the Department proposes to amend section 52.21 of the Commissioner's regulations to create requirements for institutions of higher education to register programs that lead to Professional TA certification. Institutions of higher education encompass community colleges as well as institutions leading to undergraduate and graduate degrees.

The proposed registration requirements include that programs must require candidates to hold a high school diploma or its equivalent for admission and must submit an institutional recommendation for the Pre-professional TA certificate upon a candidate's enrollment in the program. Programs must notify the Department if the candidate exits the program before the expiration date of such certificate.

The proposed registration requirements for teaching assistant programs include the same 18-semester hour option as the proposed Professional TA certificate. Candidates must successfully meet all program requirements for program completion and an institutional recommendation for the Professional TA certificate.

Level I, II, and III TA Certificates

The Department will temporarily maintain the Level I, II, and III TA certificate requirements as part of the transition to the new Initial TA and Professional TA certification structure. Candidates need to hold, or have held, a Level I or Level II TA certificate to obtain Level III TA certification.¹⁰ The proposed deadlines to apply and qualify for these three TA certificates are:

- **Level I.** Candidates must apply for Level I TA certificates on or before August 31, 2025, and qualify for such certificates on or before December 31, 2025; provided, however, that the Commissioner may renew such certificates, as applicable, on or before February 1, 2029, pursuant to the requirements of

¹⁰ A candidate may also obtain Level III TA certification with an Emergency COVID-19 TA certificate or a continuing certificate authorizing employment as a teaching assistant.

section 80-5.6. Level I TA certificates will not be issued with an effective date that begins after February 1, 2026.

- **Level II.** Candidates must apply for Level II TA certificates on or before August 31, 2028, and qualify for such certificates on or before December 31, 2028. Level II TA certificates will not be issued with an effective date that begins after February 1, 2029.
- **Level III.** Candidates must apply for Level III TA certificates on or before August 31, 2031, and qualify for such certificates on or before December 31, 2031. Level III TA certificates will not be issued with an effective date that begins after February 1, 2032.

Non-Substantial Revisions to the Proposed Amendment

Following publication of the proposed rule in the State Register, the Department proposes to make non-substantial revisions to the proposed amendment related to section 100.2(dd)(1) of the Commissioner's regulations. This regulation states that school district and BOCES professional learning plans must ensure that Level III TA certificate holders are provided the opportunity to participate in the professional learning program offered by a district or BOCES. This plan requirement enables Level III TAs to complete CTLE and maintain their registration with the Department, as required in Education Law section 3006-a.

Since Professional TA certificate holders are also statutorily required to complete CTLE, the Department proposes that professional learning plans ensure that Professional TAs are provided the opportunity to participate in the professional learning program offered by a school district or BOCES. The plan must also describe how the school district or BOCES will provide Professional TAs with opportunities to complete 100 hours of CTLE, as required every five years, with a minimum of 15 percent of the required CTLE clock hours in language acquisition addressing the needs of English language learners.

Level I and II TAs are not statutorily required to complete CTLE. However, in response to the public comments, the Department proposes to include in section 100.2(dd)(1) that districts and BOCES are strongly encouraged to include the opportunity for Initial TA certificate holders to participate in the professional learning program in their plans.

Additionally, the Department proposes a technical amendment to clarify in section 100.2(dd)(1) that leaders include holders of the new Administrator certificate that became effective January 29, 2025.

Related Regents Items

[March 2025: Proposed Amendment of Sections 52.21, 80-1.2, 80-3.7, and 80-5.6 and Subpart 80-6 of the Regulations of the Commissioner of Education Relating to Teaching Assistant Certification](https://www.regents.nysed.gov/sites/regents/files/325hed1.pdf)

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Recommendation

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

VOTED: That sections 52.21, 80-1.2, 80-3.7, and 80-5.6 and Subpart 80-6 of the Regulations of the Commissioner of Education be amended, as submitted, effective October 1, 2025.

Timetable for Implementation

If adopted at the July 2025 meeting, the proposed amendment will become effective as a permanent rule on October 1, 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. Item (vii) of subclause (2) of clause (b) of paragraph (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:

(vii) In the case of alternate models that include college-supervised student teaching, residencies, or clinical experiences conducted when a candidate is employed by a school district or BOCES under a pre-professional teaching assistant or professional teaching assistant certificate pursuant to Part 80 of this Title, the institution and employing school district or BOCES will provide candidate(s) holding such certificate with the same and/or similar student teaching or clinical experience as required under this section while employed at the school district or BOCES. No approval from the commissioner is required for such alternate models nor shall they be time limited.

2. Subdivision (e) of section 52.21 of the Regulations of the Commissioner of Education is added to read as follows:

(e) Programs leading to certification as a teaching assistant. To be registered as a program leading to the professional certificate as a teaching assistant, the program shall meet the requirements of this subdivision.

(1) Admissions requirement. Programs shall require candidates to hold a high school diploma or its equivalent.

(2) Programs shall submit an institutional recommendation for the pre-professional certificate as a teaching assistant upon a candidate's enrollment in the program. Programs shall notify the Department if the candidate exits the program before the expiration date of such certificate.

(3) Programs leading to the professional certificate as a teaching assistant shall require at least 18 semester hours of study, provided that:

(i) at least nine of the 18 semester hours shall be pedagogical coursework in one or more of the following subjects:

(a) human development and learning, including but not limited to the impact of culture, heritage, socioeconomic level and factors in the home, school and community that may affect a student's readiness to learn;

(b) teaching students with disabilities and special health-care needs to develop the skills necessary to provide specially designed instruction to students with disabilities to participate and progress in the general education curriculum;

(c) teaching literacy skills;

(d) curriculum, instruction, and assessment, including instructional technology;
and

(e) foundations of education (historical, philosophical, sociological and/or legal);
and

(ii) the remaining semester hours shall be additional pedagogical coursework in one or more of the subjects outlined in subitem (i) of this clause and/or coursework in English language arts, mathematics, science, and/or social studies.

(4) For program completion and institutional recommendation for the professional certificate as a teaching assistant, candidates shall have successfully met all program requirements established by the institution of higher education and requirements for program registration.

3. Subdivision (b) of section 80-1.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) ...

(1) ...

(2) ...

(3) ...

(4) ...

(5) [The commissioner shall issue level I teaching assistant certificates, level II teaching assistant certificates, and level III teaching assistant certificates, and pre-professional teaching assistant certificates beginning with an effective date of September 1, 2004.

(6)] The commissioner shall not issue permanent certificates in the classroom teaching service or in the school administrator and supervisor title to candidates with an expired provisional certificate in the classroom teaching service or school administrator and supervisor title to candidates applying for a permanent certificate on or after October 1, 2014.

[(7)] (6) ...

[(8)] (7) ...

[(9)] (8) ...

[(10)] (9) ...

[(11)] (10) ...

[(12)] (11) ...

[(13)] (12) ...

(13) The commissioner shall not issue level I teaching assistant certificates with an effective date that begins after February 1, 2026, and candidates shall apply for such certificates on or before August 31, 2025, and qualify for such certificates on or before December 31, 2025; provided, however, that the commissioner may renew such certificates, as applicable, on or before February 1, 2029, pursuant to the requirements of section 80-5.6 of this Part. The commissioner shall not issue level II teaching assistant certificates with an effective date that begins after February 1, 2029, and candidates shall apply for such certificates on or before August 31, 2028, and qualify for such certificates on or before December 31, 2028. The commissioner shall not issue level III teaching assistant certificates with an effective date that begins after February 1, 2032, and candidates shall apply for such certificates on or before August 31, 2031, and qualify for such certificates on or before December 31, 2031.

4. Clause (b) of subparagraph (iv) of paragraph (2) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) Teaching experience.

(1) Candidates who apply for a certificate prior to September 1, 2028 shall satisfactorily complete 40 school days, or its equivalent, in a college-supervised student

teaching experience, as defined in section 52.21(b)(2) of this Title, or as an employed teacher, or as otherwise prescribed in subclause (3) of this subdivision.

(2) Candidates who apply for a certificate on or after September 1, 2028 shall satisfactorily complete 70 school days, or its equivalent, in a college-supervised student teaching experience, as defined in section 52.21(b)(2) of this Title, or as an employed teacher, or as otherwise prescribed in subclause (3) of this subdivision.

(3) Candidates who hold or held a pre-professional teaching assistant or professional teaching assistant certificate shall satisfactorily complete one school year, or its equivalent, of experience under such certificate and while completing duties outlined in section 80-5.6(c)(1)(ii)(b) of this Part under the supervision of a certified teacher.

[(3)] (4) For a candidate applying for a first certificate, the experience prescribed in subclauses (1) or (2) of this subdivision must be in a school at one or more of the grade levels within the range of grades covered by the certificate and must be in the subject area of the certificate title sought by the candidate. For other candidates, such experience must be in a school offering instruction in any grade, pre-kindergarten through grade 12. For experience as an employed teacher or as a teaching assistant who holds or held a pre-professional teaching assistant or professional teaching assistant certificate, the candidate shall submit a statement verifying the period of employment from the employing school district administrator in the case of a public school and the appropriate school administrator in the case of a nonpublic school.

5. Subdivision (c) of section 80-5.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) Teaching assistant.

(1) Description and duties.

(i) Description. A teaching assistant is appointed by a board of education to provide, under the general supervision of a [licensed or]certified teacher, direct instructional service to students.

(ii) ...

(a) ...

(1) ...

(2) ...

(3) ...

(4) ...

(5) ...

(b) Teaching assistants who hold the pre-professional teaching assistant or professional teaching assistant certificate shall have the same scope of practice as other teaching assistants, in accordance with the duties prescribed in clause (a) of this subparagraph. Within that scope of practice, teaching assistants holding a pre-professional teaching assistant or professional teaching assistant certificate may, at the discretion of the employing district, and while under the general supervision of a teacher, perform such duties as:

(1) ...

(2) ...

(3) ...

(4) ...

(5) ...

(2) ...

(i) ...

(a) ...

(1) ...

(2) ...

(3) ...

(b) ...

(1) ...

(2) ...

(3) ...

(ii) The requirements of this subparagraph shall apply to candidates who apply [on or after February 2, 2004] for a [credential] certificate to work as a teaching assistant. The candidate shall apply to the department for the certificate.

(a) Initial teaching assistant certificate.

(1) Preparation. The candidate shall meet the requirements in each of the following items:

(i) Education. The candidate shall have attained a high school diploma or its equivalent.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on a certification examination of teaching assistant skills; provided that candidates who hold or held a teaching certificate and achieved a satisfactory level of performance on a content knowledge certification examination are

not required to achieve a satisfactory level of performance on a certification examination of teaching assistant skills.

(2) Time validity. The certificate shall be valid for five years from its effective date.

(i) The certificate shall be continually renewable for a period of five years from the effective date of renewal for an unlimited number of occasions. For the certificate to be renewed, the candidate shall complete 100 clock hours of acceptable continuing teacher and leader education (CTLE) from an approved CTLE sponsor pursuant to section 80-6.9 of this Part since the issuance or most recent renewal of the initial teaching assistant certificate; provided that, for credit-bearing university or college courses, such courses may be in any area and count towards CTLE clock hours, each semester-hour of credit shall equal 15 clock hours of CTLE credit, and each quarter-hour of credit shall equal 10 clock hours of CTLE for purposes of this section.

Candidates shall maintain a record of completed CTLE pursuant to section 80-6.7 of this Part, and such records shall be retained for at least three years from the end of the validity period of the initial teaching assistant certificate or most recent renewal of such certificate in which the CTLE was completed and shall be available for review by the department upon request.

(ii) For individuals called to active duty in the Armed Forces, the validity period for an initial teaching assistant certificate may be extended by the commissioner for the time of active service and an additional 12 months from the end of such service.

(b) Professional teaching assistant certificate.

(1) Preparation. The candidate shall meet the requirements in each of the following items:

(i) Education. The candidate shall meet the requirements in one of the following subitems:

(a) hold a baccalaureate from an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education, an institution of higher education that the commissioner deems substantially equivalent, or an institution authorized by the Regents to confer degrees and whose programs are registered by the department;

(b) have successfully completed a program registered as leading to the professional teaching assistant certificate pursuant to section 52.21(e) of this Title; or

(c) have attained a high school diploma or its equivalent and successfully completed at least 18 semester hours of collegiate study, provided that:

(1) at least nine of the 18 semester hours shall be pedagogical coursework in one or more of the following subjects:

(i) human development and learning, including but not limited to the impact of culture, heritage, socioeconomic level and factors in the home, school and community that may affect a student's readiness to learn;

(ii) teaching students with disabilities and special health-care needs to develop the skills necessary to provide specially designed instruction to students with disabilities to participate and progress in the general education curriculum;

(iii) teaching literacy skills;

(iv) curriculum, instruction, and assessment, including instructional technology;
and

(v) foundations of education (historical, philosophical, sociological and/or legal);

(2) the remaining semester hours shall be additional pedagogical coursework in one or more of the subjects outlined in subitem (c) of this clause and/or coursework in English language arts, mathematics, science, and/or social studies;

(3) all coursework shall be completed at an institution of higher education that is accredited by an institutional accrediting agency recognized for this purpose by the United States Department of Education, an institution of higher education that the commissioner deems substantially equivalent, or an institution authorized by the Regents to confer degrees and whose programs are registered by the department;

(4) pedagogical coursework shall be completed at an institution of higher education that has at least one teacher preparation program that leads to certification in the jurisdiction where the institution is located or an institution of higher education that has an articulation agreement with such a program; and

(5) the candidate shall have achieved at least a C or its equivalent in any undergraduate level course and at least a B- or its equivalent in any graduate level course in order for the semester hours associated with that course to be credited toward meeting the semester hour requirements for a certificate under this section.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on a certification examination of teaching assistant skills; provided that candidates who hold or held a teaching certificate and achieved a satisfactory level of performance on a content knowledge certification examination are

not required to achieve a satisfactory level of performance on a certification examination of teaching assistant skills.

(iii) Experience. The candidate shall successfully complete three school years, or its equivalent, of teaching assistant experience under an initial teaching assistant, level I teaching assistant, level II teaching assistant, level III teaching assistant, pre-professional teaching assistant, or emergency COVID-19 teaching assistant certificate or a continuing certificate authorizing employment as a teaching assistant, or one school year, or its equivalent, as a teacher in the classroom teaching service as defined in section 80-1.1 of this Part.

(2) Validity of certificate. The professional teaching assistant certificate shall be continuously valid.

[(a)] (c) Level I teaching assistant certificate for candidates who apply on or before August 31, 2025, and qualify for such certificates on or before December 31, 2025. Such certificate shall not be issued with an effective date that begins after February 1, 2026; provided, however, that the commissioner may renew such certificates, as applicable, on or before February 1, 2029.

(1) ...

(i) ...

(ii) ...

(2) ...

[(b)] (d) Level II teaching assistant certificate for candidates who apply on or before August 31, 2028, and qualify for such certificates on or before December 31,

2028. Such certificate shall not be issued with an effective date that begins after February 1, 2029.

(1) ...

(i) ...

(ii) ...

(iii) ...

(2) ...

[(c)] (e) Level III teaching assistant certificate for candidates who apply on or before August 31, 2031, and qualify for such certificates on or before December 31, 2031. Such certificate shall not be issued with an effective date that begins after February 1, 2032.

(1) ...

(i) ...

(ii) ...

(iii) ...

(iv) Certification. The candidate shall hold or have held a level I teaching assistant, level II teaching assistant, or emergency COVID-19 teaching assistant certificate or a continuing certificate authorizing employment as a teaching assistant.

(2) ...

[(d)] (f) Pre-professional teaching assistant certificate.

(1) Preparation. The candidate shall meet the requirements in each of the following items:

(i) Education. The candidate shall have attained a high school diploma or its equivalent[, successfully completed a total of at least 18 semester hours of collegiate study acceptable toward meeting the requirements for an associate or baccalaureate degree,] and shall meet the requirements in one of the following subclauses:

(a) be matriculated in a program registered as leading to teacher certification pursuant to section 52.21 of this Title, or its equivalent, or in a program with an articulation agreement with such a program[.];

(b) be matriculated in a program registered as leading to the professional teaching assistant certificate pursuant to section 52.21(e) of this Title; or

(c) meet the education requirement for the professional teaching assistant certificate.

(ii) Examination. The candidate shall submit evidence of having achieved a satisfactory level of performance on the New York State assessment of teaching assistant skills.

(iii) Experience. The candidate shall submit adequate evidence substantiating satisfactory employment as a teaching assistant for one school year under [a] an initial teaching assistant, level I teaching assistant [certificate], [a] level II teaching assistant [certificate], [a] level III teaching assistant [certificate], or [an] emergency COVID-19 teaching assistant certificate, or under a [temporary license or] continuing certificate authorizing employment as a teaching assistant.

(2) Validity of certificate and renewal of certificate. The certificate shall be valid for five years from its effective date, at which time it must be renewed to be valid; provided, however, the certificate shall have an earlier expiration date if the candidate

exits a program leading to teacher or teaching assistant certification, as determined by the institution of higher education. In order to be renewed, the holder of the certificate shall demonstrate matriculation in a program registered as leading to teacher certification pursuant to section 52.21 of this Title, or its equivalent, or in a program with an articulation agreement with such a program, and completion during the five-year period in which the certificate is held of 30 semester hours of coursework in such a program. For individuals called to active duty in the Armed Forces, the validity period for a pre-professional teaching assistant certificate and any renewal of such certificate may be extended by the commissioner for the time of active service and an additional 12 months from the end of such service.

6. Subpart 80-6 of the Regulations of the Commissioner of Education is amended to read as follows:

Subpart 80-6. Registration Requirements for Holders of a Permanent or Professional Certificate in the Classroom Teaching Service and Educational Leadership Service and Holders of a Professional Teaching Assistant or Level III Teaching Assistant [Level III] Certificate and the Establishment of Continuing Teacher and Leader Education (CTLE) Requirements for Holders of Professional Certificates in the Classroom Teaching and Educational Leadership Service and Professional Teaching Assistant or Level III Teaching Assistant [Level III] Certificate Holders for the 2016-2017 School Year and Thereafter

7. Section 80-6.1 of the Regulations of the Commissioner of Education is amended to read as follows:

As used in this Subpart:

(a) ...

(b) *Certificate holder* means all holders of a permanent or professional certificate in the classroom teaching service or educational leadership service [(i.e., school building leader, school district leader, school district business leader)] and holders of a professional teaching assistant or level III teaching assistant certificate.

(c) *Continuing teacher and leader education certificate holder (CTLE certificate holder)* means all holders of a professional certificate in the classroom teaching service or educational leadership service [(i.e., school building leader, school district leader, school district business leader)] and holders of a professional teaching assistant or level III teaching assistant certificate employed in a school district or board of cooperative educational services or nonpublic school in New York State.

(d) ...

(e) ...

8. Section 80-6.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) ...

(b) ...

(c) Any individual who was issued a permanent or professional certificate in the classroom teaching service or educational leadership service [(i.e., school building leader, school district leader, school district business leader)] or a professional teaching assistant or level III teaching assistant certificate prior to July 1, 2016, shall apply for initial registration during the 2016-2017 school year during his/her month of birth,

beginning on July 1, 2016 and shall renew his/her registration, on a form prescribed by the department, in the last year of each subsequent five-year period thereafter.

(d) Any individual who is issued a permanent or professional certificate in the classroom teaching service or educational leadership service [(i.e., school building leader, school district leader, school district business leader)] or a professional teaching assistant or level III teaching assistant certificate on or after July 1, 2016, shall be automatically registered, and the certificate holder shall re-register during the 5th succeeding birthday month thereafter and during each birthday month in the last year of each subsequent five-year period.

(e) ...

(f) ...

(g) ...

(h) ...

(i) ...

9. Subdivision (a) of section 80-6.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Requirements for CTLE certificate holders (holders of professional certificates in the classroom teaching service, educational leadership service and professional teaching assistant or level III teaching assistant certificate holders).

(1) ...

(i) ...

(ii) ...

(iii) for a CTLE certificate holder who holds a professional teaching assistant or level III teaching assistant certificate, a minimum of 15 percent of the required CTLE clock hours shall be dedicated to language acquisition addressing the needs of English language learners and integrating language and content instruction for such English language learners.

(2) ...

(i) ...

(ii) ...

(3) ...

10. Subparagraph (i) of paragraph (1) of subdivision (dd) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) By September 1st of each school year, each school district and board of cooperative educational services (BOCES) shall adopt or, in the case of multi-year plans, readopt a professional learning plan that meets the content requirements prescribed in paragraph (2) of this subdivision. The purpose of the plan shall be to improve the quality of teaching and learning by ensuring that when teachers and leaders (holders of administrator, school building leader, school district leader, and school district business leader certificates) participate in professional learning, they have opportunities for professional growth, remain current with their profession and meet the learning needs of their students. The plan shall also ensure that holders of professional teaching assistant and level III teaching assistant certificates and that substitute teachers who work on a long-term basis, as defined in section 80-5.4 of this Title, are provided the opportunity to participate in the professional learning program of

the district or BOCES. Districts and boards of cooperative education services are strongly encouraged to include the opportunity for holders of initial teaching assistant certificates to participate in the professional learning program of such district or BOCES in their plans.

11. Clause (a) of subparagraph (ii) of paragraph (2) of subdivision (dd) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) how the school district or BOCES provides all teachers and leaders it employs substantial professional learning opportunities tailored to the needs of educators that are directly related to student learning outcomes as identified in the school district or BOCES report card and other sources as determined by the school district or BOCES. The plan shall also describe how professional learning related to educator practice and curriculum development are culturally responsive and reflect the needs of the community that the school district or BOCES serves. Additionally, each school district or BOCES shall also describe in its plan how it will provide teachers and leaders it employs holding a professional certificate and/or teaching assistants who hold a professional teaching assistant or level III teaching assistant certificate with opportunities to complete 100 hours of continuing teacher and leader education (CTLE), as required every five years under Part 80 of this Title;

(b) ...

(c) ...

(d) ...

(e) ...

12. Clause (c) of subparagraph (v) of paragraph (2) of subdivision (dd) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) a holder of a professional teaching assistant or level III teaching assistant certificate, a minimum of 15 percent of the required professional learning clock hours in language acquisition addressing the needs of English language learners and integrating language and content instruction for such English language learners;

ASSESSMENT OF PUBLIC COMMENT

Following publication of the Notice of Emergency Adoption and Proposed Rule Making in the State Register on March 26, 2025, the Department received the following comments on the proposed amendment:

1. COMMENT: A commenter supports the proposed rule and appreciates the conversations between the Department, higher education, and P-12 schools in developing the proposal. They describe several strengths of the proposed rule, including that the proposal enhances the professional trajectory for many who chose to be a teaching assistant (TA) throughout their career, the change in TA certificate titles mirrors the teaching certificate titles, the need for professional development/continuing teacher and leader education (CTLE) to maintain Initial TA certification, the suggested pedagogical coursework will better prepare TAs to work with students, and the process will help TAs continue into a teacher certification program, if they choose to do so.

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

2. COMMENT: A commenter asked several questions about the proposed rule.

DEPARTMENT RESPONSE: The questions and responses are provided below. No changes to the proposed rule are necessary.

(a) For the Initial TA certificate, does this mean that candidates who do not hold or did not hold a teaching certificate cannot satisfy the exam requirement by passing a content specialty test?

Correct. Individuals who do or did not hold a teaching certificate cannot satisfy the Initial TA or Professional TA certification examination requirement by passing a content knowledge certification examination. They must pass the certification examination of teaching assistant skills.

(b) Will there be a specific deadline to apply for the Level I Renewal TA certificate in the TEACH online system?

There is not a specified application deadline for renewing the Level I TA certificate. However, since the Level I TA certificate cannot be renewed after February 1, 2029, the Department recommends submitting an application to renew such certificate no later than January 1, 2029. This timeline will give the Department at least one month to review the application.

(c) Will the Pre-professional TA certificate still require one year of experience as a teaching assistant?

Yes. The current Pre-professional TA certificate requirement of one school year of experience as a teaching assistant did not change.

(d) The proposal states, "...allow candidates who hold or held a Pre-professional TA or Professional TA certificate to satisfy the teaching experience requirement for the individual evaluation pathway to Initial teacher certification by completing one school year, or its equivalent, of experience under such certificate and while completing duties outlined in the expanded scope of practice under the supervision of a certified teacher." Does the experience need to be in the subject area/grade level of the certificate sought?

No. For one school year of TA experience to count towards student teaching, the experience must be completed while holding or having held the Pre-professional TA or Professional TA experience and completing duties outlined in the expanded scope of practice and does not need to be in a particular subject area or grade level.

3. COMMENT: A commenter does not support the proposed rule for several reasons. First, the commenter contends that the current Level I, II, and III certification structure supports a wage scale that reflects experience, training, and responsibility and is concerned that eliminating this tiered structure risks flattening wages and removing incentives for TAs to pursue additional training or certifications. The commenter opines that, without clear assurances that school districts will maintain or increase pay rates commensurate with experience and certification, the proposed changes may lead to demoralization and turnover among TAs.

Second, the commenter notes that the regulations currently require school districts and BOCES to provide Level III TAs with opportunities to obtain CTLE hours during the school day at no cost, a provision that was not included in the proposed rule for TAs with Initial TA certification. The commenter requests that the proposed rule include a requirement that school districts provide CTLE opportunities during work hours and cover associated costs so that they do not need to seek and finance professional development independently.

Third, the commenter requests that Level III TAs who have already completed at least 18 college credits not be required to complete the requirement of 9 college credits in specific subject areas for Professional TA certification, which in their view would avoid requiring Level III TAs to re-enroll in and pay for a higher education program.

Fourth, the commenter expresses concern that the expanded scope of practice for the Professional TA certificate may: (1) lead to informal or explicit pressure on TAs who hold the Initial TA certificate to pursue the Professional TA certificate, regardless of their preparedness or interest; or (2) inadvertently encourage school districts to use TAs in roles that closely resemble those of certified teachers, without offering commensurate compensation or benefits.

The commenter requests that the Department revise the proposed rule in response to the comments and delay implementation until at least Summer 2026 to allow for a transition period.

DEPARTMENT RESPONSE: The proposed replaces the three-tier Level I, II, and III TA certification structure with a two-tier Initial and Professional TA certification structure. The proposed structure maintains tiers, mitigating the risk of flattening wages and removing incentives to pursue advanced certification. As with the current three-tier structure, pay rates are at the discretion of their employers and subject to collective bargaining to the extent required under Article 14 of the Civil Service Law.

Section 100.2(dd)(1) of the Commissioner's regulations states that school district and BOCES professional learning plans must ensure that Level III TA certificate holders are provided the opportunity to participate in the professional learning offered by a district or BOCES. This plan requirement enables Level III TAs to complete CTLE and maintain their registration with the Department, as required in Education Law section 3006-a. However, the regulation does not require districts and BOCES to include Level I and II TAs in these plans because they are not statutorily required to complete CTLE.

However, since Professional TA certificate holders are required to complete CTLE by statute, the Department is proposing a non-substantial revision to require that professional learning plans developed by school district and BOCES ensure that Professional TAs are provided the opportunity to participate in such professional learning programs. For consistency, Initial TA certificate holders—who are similar to Level I TA certificate holders—would not be required to be part of the plan.

Level I TA certificate holders currently need to complete college coursework to maintain their TA certification by obtaining Level II and/or Level III TA certification. By contrast, Initial TA certificate holders are not required to complete college coursework to maintain TA certification. Instead, they can complete CTLE to renew their Initial certificate, which is less expensive than college coursework, if they choose not to pursue Professional TA certification. The proposed rule significantly reduces the financial barrier for Initial TA certificate holders to continue to work as TAs. However, in response to the public comment, the Department is also proposing a non-substantial revision that districts and BOCES are strongly encouraged to include the opportunity for Initial TA certificate holders to participate in the professional learning program in their plans.

Individuals who hold a Level III TA certificate do not need to pursue an Initial TA or Professional TA certificate because they already hold a TA certificate that does not expire. As such, they would not need to complete additional coursework for the Professional TA certificate, if they did not meet the 18-semester hour coursework requirement. If they wish to hold a Professional TA certificate to obtain the expanded scope of practice, they would need to meet the 18-semester hour coursework

requirement, including at least 9 semester hours of pedagogical coursework in specific subject areas. This pedagogical coursework helps ensure that teaching assistants are prepared to be successful with the expanded scope of practice.

Individuals who currently hold the Pre-professional TA certificate have an expanded scope of practice. In the proposed rule, Professional TA certificate holders would also have an expanded scope of practice. School districts and BOCES are expected to follow the requirements in the regulations—and the Department has no reason to assume that districts or BOCES will not follow it.

The effective date of the proposed rule is October 1, 2025, enabling the new TA certification structure to be implemented after the busy beginning of the school year. The proposed rule includes a transition period by establishing deadlines in the future for when candidates can apply and qualify for the Level I, Level II, and Level III TA certificates, which the Department has determined is sufficient time for candidates to pursue these certificates if they so desire.

No changes to the proposed rule are necessary other than the changes described above.

4. COMMENT: The commenter expressed several concerns with the proposed rule. First, the commenter notes that the Professional Learning Plan (PLP) regulations require districts and BOCES to provide teachers and Level III TAs with opportunities to obtain CTLE hours during the school day, at no cost, unless otherwise collectively bargained. They posit that Initial TA certificate holders will need to complete 100 CTLE hours every five years to renew their certification under the proposed rule and

recommend that districts and BOCES be required to provide CTLE to Initial TA certificate holders in the PLP regulations to avoid undue time and expense.

Second, the commenter contends that Level III TA certification currently requires 18 college credits with no stipulation on the course topics, while the proposed Professional TA certificate requires 18 credits with specified course topics. They do not believe that additional costs should be imposed on Level III TAs who wish to pursue Professional TA certification and indicates that the regulations should be modified to ensure that any Level III TA certificate holder who has the required years of experience be “grandfathered” in as a Professional TA certificate holder.

Third, the commenter urges the Department to waive any fees for existing TA certificate holders as they transition to the new Initial TA and Professional TA certificate structure.

Fourth, the commenter suggests that the proposed rule should make clear that CTLE hours that have been completed under the current certification structure will be eligible for use under the new certification structure (e.g., if a Level III TA completed 75 CTLE clock hours and then transitioned to either an Initial TA or Professional TA certificate, the 75 hours would count towards the 100 hours required for the new certificate).

Fifth, the commenter notes that the Pre-professional TA and Professional TA certificates have the same expanded scope of practice, and Pre-Professional TAs are matriculating in teacher education programs while Professional TAs are not required to be enrolled in a program. They believe that the proposed new structure allows teaching assistants to stop at the Professional TA certification level and not pursue teacher

certification, and that the expanded scope of practice for Pre-professional TAs is based upon the requirement that they continue their studies to become certified teachers. They therefore feel that the two certificate types are not equal and should not have the same scope of practice; as such, they recommend that the Professional TA certificate not have an expanded scope of practice. The commenter notes that TA duties have previously been collectively bargained and the proposed rule would interfere with such agreements.

The commenter supports the addition of an option for candidates to meet the student teaching requirement for teaching certification if they serve for at least one school year as a Pre-professional TA or Professional TA because it will substantially increase the numbers of TAs who move on to become certified teachers.

DEPARTMENT RESPONSE: For the first two concerns, please see the Department's response to Comment #3. The response describes a non-substantial revision that is responsive to such concerns.

Level I, Level II, and Level III TA certificate holders are not required to pursue the Initial TA and Professional TA certificates under the proposed rule, unless they do not meet the deadlines to apply and qualify for the next level certificate (i.e., Level II and Level III TA certificates). If they choose to pursue an Initial or Professional TA certificate to maintain their TA certification, they would need to pay for the Initial or Professional TA certificate application fee, similar to the application fees applicable to Level II and Level III TA certificates. If a Level III certificate holder wishes to pursue an Initial TA or Professional TA certificate, they would also need to pay for the application fee to cover the services rendered by the Department to process the application.

Education Law section 3006-a and section 80-6.3(a)(1) of the Commissioner's regulations state that CTLE must be completed during the applicable certificate holder's registration period, which begins with the issuance of such certificate. Therefore, CTLE completed prior to the issuance of a Professional TA certificate cannot be recognized for the purposes of the certificate registration requirement. For the Initial TA certificate, the intention of the CTLE requirement for renewal is to ensure that a candidate is continually engaged in professional learning related to current best practices. As such, recognizing CTLE from prior to the issuance of the Initial TA certificate would not be consistent with this goal.

The commenter believes that Professional TA certificate holders should not have an expanded scope of practice. Under the proposed rule, Professional TA certificate holders will have completed at least three years of TA experience or one year of experience as a classroom teacher, and 18 semester hours coursework requirement, including at least 9 semester hours of pedagogical coursework in specific subject areas. This pedagogical coursework helps ensure that teaching assistants are prepared to implement the expanded scope of practice. By contrast, Pre-professional TA certificate holders will have completed at least one year of TA experience and have the choice of: (1) matriculating in a registered teacher preparation program, or its equivalent, or in a program with an articulation agreement with such a program, (2) matriculating in a registered program leading to the Professional TA certificate, or (3) meeting the education requirement for the Professional TA certificate.

Professional TA certificate holders are therefore more likely to have greater experience and pedagogical coursework than a Pre-professional TA certificate holder

who elections options 1 or 2, better preparing them to operate under an expanded scope of practice. For example, a Pre-professional TA certificate holder who is matriculating in a teacher preparation program (#1 above) may not complete 9 semester hours of pedagogical coursework until they have completed several semesters in their program. The Professional TA certificate creates an alignment between teaching assistant certification and teaching certification, incentivizing candidates to pursue teacher certification. Additionally, Pre-professional TA certificate holders may decide not to complete their teacher preparation program.

The proposed rule does not interfere with existing collectively bargained agreements regarding TA duties. The duties of Level II, II, and III TAs and Pre-professional TAs have not changed, and the duties for Initial TAs and Professional TAs map onto the established scopes of practice for TAs. Collectively bargained agreements may need to be updated, however, to include Initial TA and Professional TA certificate holders.

No changes to the proposed rule are necessary other than the change described above.