



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, 80-1.2, 80-3.2, and 80-3.7 of the Regulations of the Commissioner of Education Relating to Establishing the Literacy (All Grades) Certificate

DATE: September 1, 2022

AUTHORIZATION(S): *Tom M. G. Bellotti*

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, 80-1.2, 80-3.2, and 80-3.7 of the Regulations of the Commissioner of Education relating to establishing the Literacy (All Grades) certificate?

Reason for Consideration

Review of policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at its September 2022 meeting. A copy of the proposed amendment is attached (Attachment A).

Procedural History

The proposed amendment was presented at a joint meeting of the Higher Education and P-12 Education Committees for discussion at its February 2022 meeting. A Notice of Proposed Rule Making was published in the State Register on March 2, 2022, for a 60-day public comment period. In response to public comment, the proposed amendment was revised and presented at a joint meeting of the Higher Education and P-12 Education Committees for discussion at its June 2022 meeting.

A Notice of Revised Rule Making was published in the State Register on June 29, 2022, for a 45-day public comment period.

Following the 45-day public comment period required under the State Administrative Procedure Act, the Department received two 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 September 28, 2022. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

The Department collects data on statewide teacher shortage areas and reports the shortage areas annually to the [U.S. Department of Education](#). Literacy is one of the persistent statewide shortage areas. The two teacher certificates in literacy are Literacy (Birth-Grade 6) and Literacy (Grades 5-12).

To address the shortage of certified literacy teachers, the Department is proposing regulatory amendments to establish the Literacy (All Grades) certificate. This certificate will permit literacy teachers to teach pre-Kindergarten through grade 12 and will give school districts the flexibility to place literacy teachers in the grade levels with the highest staffing needs.

Original Proposed Amendments

Registered Literacy 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 Literacy (All Grades) certificates. The Department would no longer register programs leading to the current Literacy (Birth-Grade 6) or Literacy (Grades 5-12) certificates on or after September 1, 2022, and would begin registering programs leading to the proposed Literacy (All Grades) certificate on the effective date of the proposed amendment.

For institutions that currently have registered literacy programs, the programs would no longer be registered with the Department on or after September 1, 2026. The deadline of September 1, 2026, provides a sufficient transition period for institutions to register programs leading to the new proposed Literacy (All Grades) certificate and allows candidates to complete their current literacy programs.

The pedagogical core coursework requirements for registered programs leading to the proposed Literacy (All Grades) certificate are the same as the pedagogical core coursework requirements for the current Literacy (Birth-Grade 6) or Literacy (Grades 5-12) programs but would cover the broader student developmental levels of the certificate (pre-Kindergarten to grade 12). Registered programs leading to the Literacy (All Grades) certificate would include college-supervised practica that span the grade levels, with at least 50 clock hours in teaching literacy to students at the early childhood

or childhood level and at least 50 clock hours in teaching literacy to students at the adolescent level.

Certification:

The Department proposes to amend section 80-3.2 of the Commissioner's regulations to add the Literacy (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 to section 80-1.2 of the Commissioner's regulations provides that the Department will not issue certificates in the Literacy (Birth-Grade 6) and Literacy (Grades 5-12) certificate titles, other than the Professional certificate and reissuance of an Initial certificate, with an effective date that begins after September 1, 2027.

In addition, the Department may extend the effective date of such certificates, as applicable, after September 1, 2027, pursuant to the time extension requirements for certificates in section 80-1.6 of the Commissioner's regulations. The Professional certificate and reissuance of an Initial certificate in these certificate titles will continue to be issued, holding harmless candidates who have a valid or expired Initial Literacy (Birth-Grade 6) and/or Literacy (Grades 5-12) certificate.

Additionally, the Department proposes to amend section 80-3.7 of the Commissioner's regulations to allow candidates to apply for a Literacy (All Grades) certificate through the individual evaluation pathway on the effective date of the proposed rule. Candidates will continue to be able to apply for the Literacy (Birth-Grade 6) and/or Literacy (Grades 5-12) certificates through the individual evaluation pathway prior to September 1, 2023, and will be eligible for such certificates, if they meet all requirement(s) for the certificate prior to September 1, 2026. This timeline provides candidates with at least one year to apply and qualify for the current literacy certificates through the individual evaluation pathway.

The coursework requirements for the proposed Literacy (All Grades) certificate are the same as the coursework requirements for the current Literacy (Birth-Grade 6) and Literacy (Grades 5-12) certificates in the individual evaluation pathway to certification. The proposed Literacy (All Grades) certificate will require a college-supervised practica of at least 50 clock hours in teaching literacy to students at the birth to grade 6 level and at least 50 clock hours in teaching literacy to students at the grades 7 to 12 level. One year of paid, satisfactory, full-time experience as a literacy teacher at the elementary and/or secondary level may be accepted in lieu of the practicum in literacy when such experience is verified by the employing school district administrator.

Tenure Area:

The Department also proposes to amend section 30-1.8 of the Rules of the Board of Regents to rename the "remedial reading" tenure area to the "literacy and reading" tenure area. The proposed tenure area would include the same areas as the current tenure area, but more explicitly and appropriately highlights literacy as a subject

area. Any prior service in the “remedial reading” tenure area would be included toward service in the renamed “literacy and reading” tenure area.

Proposed Revisions to the Regulation Following the First Public Comment Period

In response to public comment, the Department revised the proposed amendment and presented the revised proposal at the June 2022 Board of Regents meeting. An Assessment of Public Comment for this first comment period is included (Attachment C). Specifically, the Department revised the required college-supervised practica in registered programs leading to the proposed Literacy (All Grades) certificate to be at least 50 clock hours in teaching literacy to students across the grade range of the student developmental levels of the certificate, including pre-kindergarten through grade 4 and grades 5 through 12. This revised practicum requirement is consistent with current Literacy (Birth-Grade 6) and Literacy (Grades 5-12) programs that include a 50-clock hour practicum and requires experience with teaching literacy to students in two different developmental levels. Additionally, the revised proposal clarifies that the pedagogical core must address the grade range of the student developmental levels of the certificate (8 NYCRR 52.21(b)(3)(xi)(b)).

As such, the Department also revised the proposed amendment so that candidates who apply for certification through the individual evaluation pathway will be required to complete a college-supervised practica of at least 50 clock hours in teaching literacy to students across the grade range of the student developmental levels of the certificate, including pre-kindergarten through grade 4 and grades 5 through 12 (8 NYCRR 80-3.7(a)(3)(iv)(b)(2)).

Additionally, the Department revised the date after which it would no longer register programs leading to the current Literacy (Birth-Grade 6) or Literacy (Grades 5-12) certificates to be on or after October 1, 2022, aligning the date with the effective date of the proposed amendment (8 NYCRR 52.21(b)(3)(xi)).

Related Regents Items

June 2022: [Proposed Amendment of Section 30-1.8 of the Rules of the Board of Regents and Sections 52.21, 80-1.2, 80-3.2, and 80-3.7 of the Regulations of the Commissioner of Education Relating to Establishing the Literacy \(All Grades\) Certificate](https://www.regents.nysed.gov/common/regents/files/622hep12d1.pdf) (https://www.regents.nysed.gov/common/regents/files/622hep12d1.pdf)

February 2022: [Proposed Amendment of Section 30-1.8 of the Rules of the Board of Regents and Sections 52.21, 80-1.2, 80-3.2, and 80-3.7 of the Regulations of the Commissioner of Education Relating to Establishing the Literacy \(All Grades\) Certificate](https://www.regents.nysed.gov/common/regents/files/222p12hed1.pdf) (https://www.regents.nysed.gov/common/regents/files/222p12hed1.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, 80-1.2, 80-3.2, and 80-3.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 28, 2022.

Timetable for Implementation

If adopted at the September meeting, the proposed amendment will become effective on September 28, 2022.

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS AND REGULATIONS
OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 14, 101, 207, 208, 305, 308, 3001, 3004, and 3009 of the Education Law.

1. Paragraph (13) of subdivision (a) of section 30-1.8 of the Rules of the Board of Regents is amended to read as follows:

(13) [remedial reading] literacy and reading;

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

(xi) Programs leading to initial and professional certificates for teaching literacy (birth through grade 6) or for teaching literacy (grades 5 through 12) for programs registered prior to October 1, 2022, or for teaching literacy (all grades).

(a) Notwithstanding the requirements of subparagraph (2)(ii) of this subdivision, the program shall lead to a master's or higher degree.

(b) Pedagogical core.

(1) Literacy (birth-grade 6) and literacy (grades 5 through 12) for programs registered prior to October 1, 2022. In addition to meeting the general requirements for the pedagogical core prescribed in clause (2)(ii)(b) of this subdivision, the pedagogical core shall be focused on early childhood or childhood education, or on middle childhood or adolescence education, as appropriate to the certificate, and shall include, but need not be limited to: for the literacy certificate (birth through grade 6), at least 50 clock hours of college-supervised practica in teaching literacy to students at both the early childhood and childhood levels; and for the literacy certificate (grades 5 through 12), at

least 50 clock hours of college-supervised practica in teaching literacy to students at both the middle childhood and adolescent levels. The time requirements for field experience, student teaching, and practica of subclause (2)(ii)(c)(2) of this subdivision shall not be applicable.

(2) Literacy (all grades). In addition to meeting the general requirements for the pedagogical core prescribed in clause (2)(ii)(b) of this subdivision, the pedagogical core shall address the grade range of the student developmental levels of the certificate and shall include at least 50 clock hours of college-supervised practica in teaching literacy to students across the grade range, including pre-kindergarten through grade 4 and grades 5 through 12. The time requirements for field experience, student teaching, and practica of subclause (2)(ii)(c)(2) of this subdivision shall not be applicable.

[(1)](3) Programs shall include, but need not be limited to, graduate study that prepares candidates with:

(i) ...

(ii) ...

(iii) proficiency in organizing and enhancing literacy programs, including but not limited to: communicating information about literacy to various groups; developing literacy curricula; and communicating assessment results to parents, caregivers, and school personnel[; and

(2) for the literacy certificate (birth through grade 6), at least 50 clock hours of college-supervised practica in teaching literacy to students at both the early childhood and childhood levels; and for the literacy certificate (grades 5 through 12), at least 50 clock hours of college-supervised practica in teaching literacy to students at both the middle childhood and adolescent levels. The time requirements for field experience,

student teaching, and practica of subclause (2)(ii)(b)(2) of this subdivision shall not be applicable].

(c) Programs shall require the candidate to have completed the requirements for an initial classroom teaching certificate in another certificate title, as a pre-requisite for admission.

(d) The general requirements for programs leading to a professional certificate prescribed in subparagraph (2)(iii) of this subdivision shall not be applicable.

(e) The Department shall not register programs leading to initial and professional certificates for teaching literacy (birth through grade 6) or for teaching literacy (grades 5 through 12) on or after October 1, 2022, and any such registered programs shall no longer be registered with the department on or after September 1, 2026.

3. Subdivision (b) of section 80-1.2 of the Regulations of the Commissioner of Education is amended by adding a new paragraph (10) to read as follows:

(10) The commissioner shall not issue certificates in the literacy (birth-grade 6) and literacy (grades 5-12) certificate titles, other than the Professional certificate and reissuance of an Initial certificate, with an effective date that begins after September 1, 2027. The commissioner may extend the effective date of such certificates, as applicable, after September 1, 2027, pursuant to the requirements of section 80-1.6 of this Subpart.

4. Subparagraph (xxxvii) through subparagraph (xlvi) of paragraph (1) of subdivision (e) of section 80-3.2 of the Regulations of the Commissioner of Education are relettered subparagraphs (xxxviii) through subparagraph (xlv) and a new subparagraph (xxxvii) is added to read as follows:

(xxxvii) Literacy (all grades)

5. 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:

(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), literacy (birth-grade 6)[and], 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), deaf and hard of hearing (all grades), blind or visually impaired (all grades), and speech and language disabilities (all grades).

6. Subparagraph (iv) of paragraph (3) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education is amended to read as follows:

(iv) Literacy (birth-grade 6) and literacy (grades 5-12) for candidates who apply for their certificate prior to September 1, 2023, and meet all requirements for the certificate prior to September 1, 2026, and literacy (all grades).

(a) Content core. The content core prescribed in subparagraph (2)(iii) of this subdivision shall consist of at least 30 semester hours of coursework that meets the content core requirements for an initial certificate in any certificate title in the classroom teaching service, except titles in a specific career and technical subjects.

(b) Pedagogical core. In lieu of meeting the pedagogical core requirements in subparagraph (2)(iv) of this subdivision, the candidate shall complete the pedagogical coursework prescribed in subclause (1) of this clause and the teaching experience prescribed in subclause (2) of this clause.

(1) ...

(2) Teaching experience.

(i) Literacy (birth-grade 6) and literacy (grades 5-12) certificates. Candidates [who apply for a certificate prior to September 1, 2027] shall satisfactorily complete 40 school days in a college-supervised student teaching experience or as an employed teacher. In addition, the candidate shall satisfactorily complete a college-supervised practicum, as defined in section 52.21(b)(2) of this Title, of 50 clock hours in teaching literacy to students, at developmental levels appropriate to the certificate sought. For candidates who apply for both certificate titles, literacy (birth-grade 6) and literacy (grades 5-12), the 50-clock hour practicum shall include 25 clock hours of teaching students (birth- grade 6) and 25 clock hours of teaching students (grades 5-12). One year of paid, satisfactory, full-time experience as a literacy teacher on the elementary and/or secondary level may be accepted in lieu of the college-supervised practicum in literacy when such experience is verified by the employing school district administrator. To satisfy this requirement, any experience as a literary teacher in a New York State public school must be in accordance with the commissioner's regulations.

[(ii) For candidates applying for a certificate on or after September 1, 2027, the candidate shall satisfactorily complete 14 weeks of full-time college-supervised student teaching, as defined in section 52.21(b)(2) of this Title, or 70 full-time school days or 140 at least half-time school days as a paid, employed teacher; provided that such paid employment experience must include at least one continuous period of no fewer than 35 days. In addition, the candidate shall satisfactorily complete a practicum, as defined in section 52.21(b)(2) of this Title, of at least 50 clock hours in teaching literacy to students, at developmental levels appropriate to the certificate sought. For candidates who apply for both certificate titles, literacy (birth-grade 6) and literacy (grades 5-12), the 50-clock hour practicum shall include 25 clock hours of teaching students' birth-grade 6 and 25 clock hours of teaching students grades 5-12. One year of paid, satisfactory, full-time experience as a literacy teacher at the elementary and/or secondary level may be accepted in lieu of the practicum in literacy when such experience is verified by the employing school district administrator. To satisfy this requirement, any experience as a literacy teacher in a New York State public school must be in accordance with the commissioner's regulations.]

(ii) Literacy (all grades) certificate.

(a) Candidates who apply for a certificate prior to September 1, 2027, shall satisfactorily complete 40 school days in a college-supervised student teaching experience or as an employed teacher. In addition, the candidate shall satisfactorily complete college-supervised practica, as defined in section 52.21(b)(2) of this Title, of at least 50 clock hours in teaching literacy to students across the grade range of the student developmental levels of the certificate, including pre-kindergarten through grade 4 and grades 5 through 12. One year of paid, satisfactory, full-time experience as a

literacy teacher at the elementary and/or secondary level may be accepted in lieu of the college-supervised practicum in literacy when such experience is verified by the employing school district administrator. To satisfy this requirement, any experience as a literacy teacher in a New York State public school must be in accordance with the commissioner's regulations.

(b) For candidates applying for the certificate on or after September 1, 2027, the candidate shall satisfactorily complete 14 weeks of full-time college-supervised student teaching, as defined in section 52.21(b)(2) of this Title, or 70 full-time school days or 140 at least half-time school days as a paid, employed teacher; provided that such paid employment experience must include at least one continuous period of no fewer than 35 days. In addition, the candidate shall satisfactorily complete college-supervised practica, as defined in section 52.21(b)(2) of this Title, of at least 50 clock hours in teaching literacy to students across the grade range of the student developmental levels of the certificate, including pre-kindergarten through grade 4 and grades 5 through 12. One year of paid, satisfactory, full-time experience as a literacy teacher at the elementary and/or secondary level may be accepted in lieu of the practicum in literacy when such experience is verified by the employing school district administrator. To satisfy this requirement, any experience as a literacy teacher in a New York State public school must be in accordance with the commissioner's regulations.

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Revised Rule Making in the State Register on June 29, 2022, the State Education Department (Department) received the following comment on the proposed amendment:

1. COMMENT: A commenter does not believe that the 50-clock hour practicum is sufficient, expressing uncertainty as to whether it can provide practitioners with the guided practice and necessary constructive feedback in assessment and instructional practices that will allow them to develop a level of skill and judgment for screening, assessment, and intervention purposes across the grade span from birth through grade 12. The commenter suggests that, if the proposal is adopted with the 50-clock hour practicum, one of the requirements for the Literacy (All Grades) certificate should be mentoring from an experienced literacy professional, who would provide a written evaluation on the effects of the guidance on the practitioner's performance. Additionally, the commenter feels that aspiring literacy practitioners should be required to demonstrate an ability to conduct informal student assessment, self-assessment, and self-reflection. The commenter also suggests that programs be authorized to offer both levels of literacy certification, offering prospective literacy practitioners the opportunity to choose the level of certification they wish to pursue. This, the commenter argues, will attract more teachers to literacy training and help ensure that those individuals have targeted training for the students with whom they wish to work.

DEPARTMENT RESPONSE: The original proposal included a 100-clock hour practicum requirement for Literacy (All Grades) programs. Multiple commenters objected to this amount of clock hours for numerous reasons. In response, the

Department decreased the number of practicum clock hours from 100 to 50 to reduce the impact of the proposal on programs. The Department will not adjust the 50-clock hour practicum requirement in this revised proposal as it believes it to be sufficient to prepare candidates.

The commenter further suggests that candidates and their school-based teacher educators be required to produce artifacts related to their self-reflection and guidance, respectively. These artifacts are not specific to the subject area of literacy and are related to clinical experiences and professional growth generally. Since this proposal is focused on literacy programs and certification, the suggestion will not be incorporated into this revised proposal.

The Department is proposing the Literacy (All Grades) certificate to address the shortage of certified literacy teachers, giving school districts the flexibility to place literacy teachers in the grade levels with the highest staffing needs. Continuing to offer the current Literacy (Birth-Grade 6) and Literacy (Grades 5-12) programs and certificates, while simultaneously offering the new Literacy (All Grades) programs and certificate, would adversely impact the ability of the new literacy programs and certificate to address the literacy teacher shortage. Therefore, the current literacy programs and certificates will no longer be offered according to the timeline described in the revised proposal. No changes to the proposed rule are necessary.

2. COMMENT: A commenter states that, although the revisions to the proposal are marginally helpful, they do not address most of the issues that they will face at their institution of higher education and in their university system if the revised proposal is approved. The commenter reports that this regulatory proposal has been translated into a rumor that the Literacy (Grades 5-12) program and certificate are being eliminated,

which is impacting fall enrollment in a Literacy (Grades 5-12) program. The commenter also believes that the revised proposal will exacerbate the literacy teacher shortage, opining that making it more difficult and less appealing to teachers to obtain literacy certification is not the answer. The commenter recommends that the Literacy (All Grade) certificate be added while retaining the current Literacy (Birth-Grade 6) and Literacy (Grades 5-12) programs and certificates because they feel that having more options for teachers is a reasonable solution and one way to help combat a teacher shortage in literacy in New York State.

DEPARTMENT RESPONSE: The Department understands that it will take time for candidates, institutions of higher education and districts to transition from the current literacy programs and certificates to the new Literacy (All Grades) program and certificate. The Department will provide support during this transition period, during which candidates may learn about and experience some of the benefits of the Literacy (All Grades) certificate, such as increased employment opportunities and an opportunity to identify the grade levels that are the best fit for them.

Please also see Department Response #1 regarding continuation of the current literacy programs and certificates. No changes to the proposed amendment are necessary.

ASSESSMENT OF PUBLIC COMMENT

Since publication of the Notice of Proposed Rule Making in the State Register on March 2, 2022, the State Education Department (Department) received the following comment on the proposed amendment. These comments were previously published as part of the June 2022 Regents item.

1. COMMENT: Multiple commenters support the proposed regulatory amendment, including district leaders, district human resource officials, professional education organizations, and current/former teachers. The reasons for their support include that the proposed amendment: is needed so that school districts are able to place effective literacy teachers where students can most benefit from them, unimpeded by restricted grade bands; will provide school districts with much-needed assistance in securing and allocating staff to meet the unique needs of their schools and the students that they serve; will ensure that literacy teachers understand the development of reading skills across all grade levels, and removes the current certification structure that impedes teachers from moving to the grade levels where they can be most effective and draw their greatest professional satisfaction. Other supportive comments outside the scope of the proposed rule include the following:

- Current literacy certificate holders should have the ability to easily convert to the proposed certificate. Their current experience should be considered in place of additional student teaching hours at the new grade level.
- Some current certifications probably need to adjust/update to align with this.
- Anything we can do to help grow the number of eligible teachers in New York State would be helpful.

- Please open the special education certification to all grade levels.

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

2. COMMENT: A commenter expressed concerns about the number of hours required for literacy certification, believes that the number of hours should be greater than 50 since reading is so important to a child's educational success, and suggests doubling it to 100 hours. The commenter asked if teachers who currently hold the Literacy (Birth-Grade 6) or Literacy (Grades 7-12) certificate will be required to take any additional courses to obtain the Literacy All Grades certificate. The commenter also stated that teachers who already hold a literacy certificate should not be charged another fee to obtain the Literacy (All Grades) certificate.

DEPARTMENT RESPONSE: For the current literacy certificates, candidates must complete a 50-clock-hour practicum at the appropriate grade levels of the certificate sought. The proposed amendment does not change the practicum requirement for current literacy certificates.

If the proposal is adopted at the Board of Regents meeting, teachers who currently hold the Literacy (Birth-Grade 6) or Literacy (Grades 7-12) certificate and wish to obtain a Literacy (All Grades) certificate, would need to apply, and pay the application fee for the Literacy (All Grades) certificate. This reflects the time that Department staff would devote to reviewing the documentation submitted for the application.

Teachers who hold a current literacy certificate would be able to apply for the Literacy (All Grades) certificate through a variety of pathways that have different requirements. Applicants may or may not need to complete literacy coursework for the Literacy (All Grades) certificate, depending on the pathway through which they are

seeking the new certificate. The remainder of these comments are beyond the scope of the proposed rule; therefore, no changes are necessary.

3. COMMENT: Multiple commenters do not support the proposed regulatory amendment, including teacher preparation program faculty and literacy program directors in institutions of higher education and professional reading organizations. The reasons that they do not support the proposal may be sorted into the following categories:

- **Teacher Preparation Quality.** Commenters state that:
 - The proposed amendment will lead to dilution of the content in current literacy teacher preparation programs and result in literacy specialists who are less prepared to meet the needs of children. There are significant differences in the knowledge needed to teach in early childhood and elementary settings compared to secondary settings. Although some core content overlaps across the two grade bands, the separate certificates allow for expertise in each grade band. The proposed certificate would not encourage such specialized literacy learning or instruction. One commenter noted that many of the courses in their program are offered at the grade level bands, including birth to age four, to provide students with depth based on evidence-based research, as opposed to a superficial look at literacy methods and approaches. Another commenter believes that a 30 to 32-semester-hour literacy graduate program for Birth-Grade 12 would greatly diminish the integrity and pedagogical quality of the program.

- The increase in the coursework and practicum experience necessary to obtain a broader certificate across the grades will likely lead to a more generalized study of literacy rather than a deeper focus within specialized developmental levels of learners. This may lead to a decrease in the likelihood an educator could provide instruction based on specialized literacy pedagogical knowledge. One commenter views this shift as potentially increasing the number of students in need of direct literacy interventions across all grade levels and weakening, rather than making stronger, students' literacy foundations, practices, and experiences, which would be too detrimental in the long run to our students across the grades as well as the teachers who support learners.
- This proposed change raises concerns about equity due to too many under-prepared teachers teaching the neediest children. An increasingly diverse student population is best served by well-prepared specialists with a depth of knowledge in child development, language development, pedagogy, literature, culturally responsive practice, and learning variations among their students. Specialization means depth of knowledge in a specific area, which is reflected in the International Literacy Association (ILA) and National Council of Teacher of English (NCTE) professional standards.
- Candidates entering their Literacy (Birth-Grade 6) program are certified in early childhood or elementary education and therefore have a foundational knowledge in literacy that they build in the program. If they converted to a Literacy (All Grades) program, their courses would focus on less

advanced content and instructional practices to accommodate candidates who only have a background in secondary education and thus do not have foundations in early language and literacy. Conversely, secondary teachers who are certified in a subject area bring different prior knowledge to their literacy coursework, such as understanding of issues surrounding diversity, literacy in the content area, and assessment.

- The 2004 teacher certification shifts led to fewer core literacy courses in New York State's first Initial certificate programs (often up to 12 credits previously, now at six credits inclusive of English Language Learners), a number lower than most other states. The current Literacy certificates provide the additional foundational knowledge needed in grade-focused areas, including critical coursework for literacy specialists who assume roles as coaches and mentors. The proposal will decrease the literacy skills of teachers who enroll in literacy programs and remain as classroom teachers because they will not be prepared to serve as literacy coaches, give literacy professional development within their schools and districts, or assist content departments with students' literacy needs and challenges.
- Adolescents and early/childhood literacy approaches are very field-specific, and therefore, require separation in order to more richly prepare teachers to meet their students' needs. It is why current certifications are at the early childhood, childhood, and adolescence grade level bands. This sound decision should carry the same weight in literacy. The former Reading K-12 certificate was split into two levels because working with

young children and adolescents is very different and requires different teacher knowledge and dispositions.

- There can be advantages to having a broad understanding of literacy development that spans all grade levels. One never knows what professional context they may find themselves in over the course of a career, and a strong preparation across the pre-school to high school spectrum provides a critical foundation; it allows the practitioner to see the skill and strategy development and application across the full continuum.
- **Proposed Coursework and Practicum Requirements.** Commenters state that:
 - The changes would require literacy candidates to complete a total of 100 practica hours addressing all four developmental levels, which would prolong the time to complete the program, reduce the number of candidates who would pursue a literacy program, and add to the literacy teacher shortage.
 - The proposal will require an increase in the number of courses candidates will be required to take, including the proposed second practicum. Across New York, most of the current Birth-Grade 12 options in literacy teacher preparation programs require more credits (33-42 credits) to accommodate the 100-hour supervised practicum requirement and associated coursework. This will increase the time to graduation and the tuition costs for candidates, which will likely deter applicants who have a range of options for second certificates, typically at 30 credits.

- The proposed increase in practicum hours, combined with the maintenance of elementary and secondary levels, may result in increased difficulty in finding placements for candidates. Many candidates are full-time teachers or full-time substitutes, and as a result, practicum hours must be offered after school or between K-12 school years. Literacy practicum placements, which often occur after school, compete with the vast offerings of after-school and summer activities in school buildings. This makes scheduling 50 practicum hours difficult, and an increase to 100 hours of supervised practicum experience exacerbates the issue. The proposal could require candidates who serve as full-time teachers to be pulled from teaching placements for the additional practicum hours or could require candidates who serve as substitute teachers to deny substitute requests from K-12 school districts for the additional practicum hours. Programs are also having difficulty obtaining practicum sites due to COVID protocols and schools not wanting more people from the outside in their buildings.
- Since Literacy is a second Initial certificate, many teachers who pursue it are already working in schools. The addition of the extra 50 practicum hours may serve as a barrier and drive candidates to other master's programs. One commenter indicated that every candidate in their literacy program completes fieldwork hours within their current classroom. It would be very difficult, logistically, and financially, to ask candidates to complete another 50 hours within school contexts that are outside of their purview and expertise in order to work with students they are not certified to teach.

- **Teacher Interests.** Commenters state that:
 - Most early childhood, elementary, or high school teachers are not interested in working outside of their initial area of certification. Candidates who hold the Literacy (Grades 1-6) certificate may not enroll in a Literacy (All Grades) certificate program because they have no intention to teach in middle or high school settings. The extension to add developmental levels to their program appeals to very few teachers, typically teachers working in a middle school.
 - With respect to the proposed Literacy (All Grades) certificate only, candidates will simply switch to a non-literary option more closely aligned with their initial certification and comfort area, further impacting literacy shortages. Candidates will pursue a degree in a discipline in which they teach (e.g., math).
 - A commenter who is the director of a secondary literacy program surveyed 50 candidates and found that 45 of them would not have enrolled in a Literacy (All Grades) program. They further said that these candidates are needed to promote literacy in middle and high school subject area courses. Another commenter teaches in this program and surveyed candidates who are completing their last course. They stated that the candidates agree that eliminating the Literacy (Grades 5-12) certificate would have altered their own plans. A third commenter, who is the director of the Literacy (Birth-Grades 6) program at the same institution of higher education as the other commenters, expressed that the majority of their students have identified a specific interest in working in early childhood

and elementary settings only, report that they are less likely to attend a program that is for all grades, and are likely instead to seek out programs in other areas that are specific to teaching in these settings.

- Many candidates who complete a literacy program are interested in gaining expertise in literacy that they can utilize within their current classroom. A commenter asserts that these candidates are better prepared to teach reading and writing across the content areas, are more attentive to children who are struggling due to the depth of study in child development, and know a range of teaching methods so that they can differentiate instruction to meet children's needs. Since literacy challenges must be addressed across all content areas, not just by reading specialists, providing this coursework to educators is of extreme importance. A commenter who is a social studies teacher described first-hand experience with the importance of incorporating literacy instruction into grades 5-12 discipline-specific instruction. This commenter expressed concern that the current proposal would deprive candidates of the opportunity to pursue the Literacy (Grades 5-12) certificate.
- Retaining the Literacy (Birth-Grade 6) and Literacy (Grades 5-12) certificate options will make it possible for teachers who do not intend to become literacy specialists to be able to readily increase their literacy knowledge and improve their teaching practices in reading and writing. Eliminating the developmental level certificates will decrease the literacy teaching skills of both elementary teachers and secondary content area teachers.

- **Impact on Programs.** Commenters state that:
 - The proposed amendment will greatly impact the institutions that produce the greatest number of literacy teachers.
 - One commenter expressed that while the proposed change may benefit some colleges or school districts in the state, it will negatively affect others, including the schools served by their program in New York City and Long Island by reducing the number of trained literacy specialists they graduate.
 - The proposal may result in institutions of higher education requiring an increase in funding to hire additional faculty and staff to teach additional courses that currently existing certification levels do not require (i.e., secondary literacy course instruction for Birth-Grade 6 candidates, elementary literacy course instruction for Grades 5-12 candidates).
 - A tremendous drop in enrollment and sunsetting of secondary and elementary programs will impact and likely eliminate, faculty positions since colleges might say that they no longer need as many faculty in literacy to run and teach an all-grades literacy program. These program cuts will impact accreditation processes at the institution.
 - Institutions of higher education may no longer be able to offer a Special Education/Literacy dual certification program due to the increase in coursework and practicum hours brought about by the proposed changes. This may result in a decrease of Special Education certificate holders and exacerbate Special Education teacher shortages.

- One commenter stated that the proposed amendment would effectively end their popular dual certification program in Childhood Education and Literacy and reduce enrollment in their other single certification literacy programs because those teachers have Initial certification in Early Childhood or Childhood Education and are enrolled in these single certification programs to deepen their knowledge to better teach the same age band.
- **Literacy Teacher Shortage.** Commenters state that:
 - The literacy teacher shortage is not caused by the current developmental level literacy certificates; many universities already have pathways for literacy certification for Birth-Grade 12. The reasons for this shortage are numerous, including encouraging teachers to pursue degrees in TESOL or Special Education rather than becoming literacy specialists.
 - This change might be convenient for smaller districts in the way that they use literacy specialists, but not in New York City and Long Island, since large schools and districts typically do not use teachers in multiple schools and grade levels.
 - School districts will hire fewer literacy professionals to service multiple schools and grade levels, increasing their workload exponentially, making literacy positions less attractive, and contributing further to the shortage.
 - The structure of high schools and their attendant teacher-to-student ratio may be a factor in the teacher shortages at the high school level in literacy. A departmentalized organizational structure is more challenging to navigate for specialists, which might contribute to the shortage.

- **Additional Certification.** Commenters state that:
 - One commenter noted that the current Literacy (Birth-Grade 6) certificate makes graduates eligible for the Early Childhood certificate because it includes coursework focused on the early grades. They are concerned about the impact on candidates available for Early Childhood certification since numerous graduates of their current Literacy (Birth-Grade 6) program take this option, especially those teaching in rural areas.
 - The “or” in the following option within the individual evaluation pathway to certification would not allow those who gain the new Literacy (All Grades) certificate to develop the nuanced, grade-specific expertise that is required of New York State literacy programs: “One year of paid, satisfactory, full-time experience as a literacy teacher at the elementary and/or secondary level may be accepted in lieu of the practicum in literacy when such experience is verified by the employing school district administrator.”

DEPARTMENT RESPONSE: In response to these comments, the Department has revised the proposed practicum requirement. The proposed revised practicum requirement is at least 50 clock hours of college-supervised practica in teaching literacy to students across the grade range of the student developmental levels of the certificate, including pre-kindergarten through grade 4 and grades 5 through 12. This change decreases the clock hours from 100 to 50, which is the current number of clock hours for practica in literacy teacher preparation programs, and would reduce the impact of the proposal on programs. Additionally, this change provides programs with more flexibility to find placements in their local setting that best meet the needs and interests of their candidates in the critical developmental levels.

The Department recognizes that literacy teacher preparation programs would need to offer coursework that addresses the broader student developmental levels of the Literacy (All Grades) certificate (pre-Kindergarten to grade 12). Although this coursework may not go into as much depth as the coursework in current literacy programs, the supportive public comments highlight that coursework that covers pre-Kindergarten to grade 12 would be beneficial for literacy teachers. Additionally, the Literacy (All Grades) certificate would provide school districts with the flexibility to have literacy teachers work with students at the level of their literacy needs, which may not be consistent with their grade level and may span pre-Kindergarten to grade 12. This flexibility would also help address the persistent literacy teacher shortage.

Several commenters indicated that increasing the number of semester hours to offer a Literacy (All Grades) program would deter teachers from pursuing it. Institutions of higher education would not necessarily need to increase the number of semester hours to offer this type of program; this would be a choice made by institutions.

Several commenters also noted that most practicing teachers would not be interested in working outside of their current grade level and would not pursue a Literacy (All Grades) program. In the past, New York State offered an all grades Reading certificate. Additionally, other states offer literacy certificates that span all grades. Therefore, it is reasonable to conclude that there would be candidates who would pursue a Literacy (All Grades) certificate and program. This certificate does not require teachers to teach outside of their area of interest and would make them more marketable for school districts. A supportive public comment also noted that it is often the case that teachers at the beginning of their careers enter the profession thinking

they wish to teach at a specific school level, yet once they have embarked upon their careers, realize they can be most effective at another level.

The “or” in the following option within the individual evaluation pathway to certification would allow teachers who have one year of acceptable literacy teaching experience to meet the practicum requirement for the Literacy (All Grades) certificate, facilitating the transition to the proposed certificate and increasing the number of candidates qualified for the certificate during the literacy teacher shortage: “One year of paid, satisfactory, full-time experience as a literacy teacher at the elementary and/or secondary level may be accepted in lieu of the practicum in literacy when such experience is verified by the employing school district administrator.”

For the above reasons, the Department does not propose revisions to the proposed amendment in response to the public comments other than the proposed revised practicum requirement.

4. COMMENT: Several commenters who do not support the proposed regulatory amendment made the following suggestions:

- Establish the Literacy (All Grades) certificate while continuing to offer the current Literacy (Birth-Grade 6) and Literacy (Grades 5-12) certificates.
- Reduce the practica hours to 50 clock hours. One commenter specifically suggested at least 25 clock hours in teaching literacy to students at the birth to grade 6 level and at least 25 hours in teaching literacy to students at the grades 7-12 level.
- Amend the current literacy certification requirements so that candidates who hold one literacy certificate can earn the other literacy certificate with one

additional 25-hour practicum instead of a 50-hour practicum, making literacy certification in Birth-Grade 12 have 75 practicum hours rather than 100.

- Create smaller grade level extensions for the current literacy certificates, similar to the grades 5-6 extension for English Language Arts (Grades 7-12) certificate holders, that would require 2-3 courses instead of 6-7 courses.
- Create a new certificate in literacy coaching since coaching positions involve working with school administrators and teachers in different ways than reading specialists who work exclusively with students. States in the Tri-State area do not offer such a certificate, which would allow New York State to fill a highly needed niche in literacy certification.
- Create temporary certificates for Literacy (Birth-Grade 6) or Literacy (Grades 5-12) certificate holders if they accept positions in schools located in areas with documented shortages, allowing these schools to hire them while giving them easy pathways to certification in all grades that can be completed in one year.
- Broader use of the Supplementary certificate by teachers. For example, at one institution of higher education, candidates complete one literacy certificate and then (if needed) complete a full-year mentored experience in their school district to obtain the second literacy certificate, plus any coursework they may be missing as non-degree students.
- Provide a two-year window to allow current literacy programs to apply to the New York State Department of Education for certificate extensions to the additional grades not already offered by the currently existing certification levels.

- Offer an expedited option for institutions of higher education that already have a literacy program to add an advanced graduate certificate option (e.g., add the second literacy grade band). For example, at one institution of higher education, they routinely support candidates who have completed one literacy certificate (or completed a Professional in another certificate area) with the coursework and supervised practicum courses they need to obtain a second certificate and write letters to support their individual evaluation pathway application.
- Provide flexibility for individual school districts to allow teachers with dual certification to move across teaching assignments to address temporary needs without losing tenure in their original certification areas.
- Allow teachers with tenure in one certification area to move to a literacy specialist position without needing to re-start the tenure process for the new position (or loss their original tenure).
- Privilege the hiring of all classroom teachers who have a master's degree at the appropriate grade level by school administrators.
- Support and incentivize current teachers in pursuing an Advanced Certificate in literacy program by school administrators, addressing the specific needs at both the Birth-Grade 6 and Grades 5-12 developmental levels.
- Offer incentives to address literacy teacher shortages.
- Offer free or reduced tuition to educators for teaching literacy offered, which would be funded by the State.
- Offer scholarships and internships to support pre-service, novice, and veteran teachers so they are better prepared to move across elementary and

secondary levels, if the certification changes occur, because the proposed change may lead to a greater need for more literacy-based professional development for teachers, especially when a teacher is moved from a secondary teaching position to an elementary position or vice versa.

- Incentivize schools' hiring of literacy coaches, reading specialists, and other reading professionals, and incentivize teachers to go into the field of literacy education, by the New York State Education Department. For example, small salary increments or additional funds for teachers who conduct literacy professional development within their schools or districts could encourage elementary or secondary teachers to use their existing literacy certificate or seek out graduate coursework and literacy certification. Literacy teachers often take on additional roles in schools and districts, such as providing coaching and providing professional development, so perhaps they could be paid a bit more than classroom teachers for their additional training, roles, and responsibilities.
- Provide funding to all public school districts to increase the hiring of literacy specialists and literacy coaches using tax revenues from mobile sports gambling and wagering, which were proposed to support elementary and secondary education.
- Establish a statewide "literacy communication network" that includes both higher education and school leaders and identifies where any potential teacher shortages exist in New York City and the State so that there is awareness of staffing needs among literacy professionals, school leaders, and teachers.

- Look introspectively to examine the barriers that keep teachers out of the profession and table the proposal until further working group-style discussions can be had by a variety of stakeholders, including candidates, classroom teachers, school administrators, and institutions of higher education.
- Make any adjustments to the grade bands of certificates as part of a system-wide teacher certification change that incorporates all certification areas, rather than a stand-alone change, avoiding a situation in which barriers and unintentional consequences will likely occur.

DEPARTMENT RESPONSE: In response to these comments, the Department has revised the proposed practicum requirement (please see Comment #3). The Department did not revise the proposal in response to suggestions unrelated to the practicum requirement for several reasons, including that those suggestions would not address the literacy teacher shortage to the same extent as the current revised proposed amendment and would involve hiring, retention, and compensation practices that are at the school district level and not within the Department's control. The Department will continue to examine barriers to teacher certification and reach out to stakeholders for feedback and suggestions to address teacher shortages.

For the suggestions related to tenure, educators who are dually certified and teach a substantial portion of their time (i.e., 40% or more of their total time) in one or more of their designated tenure areas would accrue seniority in such designated area(s) (8 NYCRR section 30-1). They would not be able to accrue seniority in a tenure area in which they were not working, such as accruing seniority in the elementary tenure area while completing a substantial portion of their time in literacy. This regulation protects educators who are accruing tenure based on their workload. The revised proposed

amendments, however, allow teachers to earn tenure in the literacy and reading tenure area regardless of what grade band they are serving.

For the above reasons, the Department does not propose additional revisions in response to the above proposals.

5. COMMENT: Several commenters who do not support the proposed regulatory amendment recommended that the Department collect and analyze data regarding literacy teacher shortages. One commenter recommended that the Board of Regents consider examining disaggregated data by geographic region to determine which certification areas are in need in those areas outside of New York City and collecting more specific information about regional literacy specialist shortages at the Birth-Grade 6 and Grades 5-12 levels. Another commenter suggested delaying the effective date of certificate changes until more data can be collected and analyzed because it can determine actual percentages of literacy teacher shortages, as well as specific geographic regions in which literacy teacher shortages are more prominent, which is a more concrete and transparent method to confirm the need to change literacy certifications and requirements, if at all.

Another commenter wondered if the reason offered by the Department for the proposed regulatory amendment – “to help address the persistent statewide shortage of literacy teachers” – reflects specific areas of New York State rather than all regions. The commenter states that they have not seen data showing that downstate has a shortage of literacy-certified teachers; asserts that New York State and the NYC Department of Education (NYCDOE) have not listed the literacy certificate area as a shortage area, and states that the NYCDOE has not increased the hiring of literacy specialists in schools over the years. The commenter, therefore, thinks that the proposal is catering to

particular regions without clearly attending to the ramifications of what such a change may have on regions that provide more literacy teacher preparation programs than other regions.

A final commenter stated that, historically, the New York data reported in federal reports are often inaccurate since the Title II process collects and reports data on graduates who obtain their first Initial certificate and not their second Initial certificate (e.g., Literacy). While they acknowledge the recent shortage reports stemming from State Education Department data, they question the probative value of that data as, by default, all certified literacy teachers possess certification in another area. They indicate that data will assist in understanding the specific shortages, both regionally and by grade levels, and strongly encourage the Board of Regents to collect more data to understand literacy shortage issues (e.g., regions, grade bands, impact on other initial certificates).

DEPARTMENT RESPONSE: The Department collects data on statewide teacher shortage areas and reports the shortage areas annually to the U.S. Department of Education (USDE). The USDE [Teacher Shortage Area website](#) shows the years in which literacy has been designated a statewide shortage area, and for some years the shortages are reported by region (e.g., New York City). For example, literacy was designated as a shortage area across all grade levels in the three regions of New York City, the remainder of the Big Five (Buffalo, Rochester, Syracuse, and Yonkers school districts), and the rest of the state (not the Big Five) for the 2018-2019 and 2019-2020 school years, and as a statewide shortage area for the 2020-2021, 2021-2022, and 2022-2023 school years.

The shortage area designations are based on teaching assignment data from two school years earlier, which is the most recent available at the time the designations are requested by USDE. The teaching assignment data are from the State Education Department's Personnel Master File (PMF) through the 2019-2020 school year and from the Student Information Repository System (SIRS) database beginning with the 2020-2021 school year. All data are reported by school districts and merged with certification data in the TEACH system to determine shortages. This data is not the Title II data identified by a commenter.

The Department identifies teacher shortage areas based on the percentage of full-time equivalent teaching positions filled by teachers who did not possess the appropriate certification for their teaching assignment. The out-of-certification percentages have been persistently high by region and by grade level of literacy teaching assignments. In the case of literacy teaching shortages, teachers did not hold the appropriate Reading or Literacy certificate for classroom literacy teaching assignments.

For example, based on data for the current 2021-2022 school year, the percentage of full-time equivalent teaching positions filled by teachers who did not possess the appropriate literacy certificate for their elementary (pre-Kindergarten-Grade 6) literacy teaching assignment was 20.33% statewide, 62.30% in New York City, 33.33% among the remainder of the Big Five, and 10.54% in the rest of the state. During this same school year, the percentage of full-time equivalent teaching positions filled by teachers who did not possess the appropriate literacy certificate for their secondary (Grades 7-12) literacy teaching assignment was 17.06% statewide, 33.07% in New York City, 35.48% among the remainder of the Big Five, and 7.49% in the rest of

the state. These data illustrate that there is a severe shortage of literacy teachers. Therefore, no changes are necessary.

6. COMMENT: Several teachers and a literacy coach do not support the proposed regulatory amendment, citing that it will greatly increase the shortage of literacy teachers in New York City and the State. They stated that, had they been required to take additional coursework and additional hours at the level outside of their current certificate grade level (elementary or secondary), they would not have chosen to receive their graduate degree in literacy. They expressed that they do not intend or have an interest in working at the level outside of their current certificate grade level and would not want to take classes and complete practicum hours at both levels. They stated that the additional requirements and credits for this master's degree and Literacy (All Grades) certificate would have made literacy much less appealing, or would not have appealed to them. Five of the commenters stated that they would have chosen instead to complete their graduate coursework in an area other than literacy. One commenter added that they saw the benefit of adding literacy education to their skill set, it was very important to them that the program was focused primarily on the age group they worked with, and they were already employed as a teacher, similar to most of their literacy program classmates, and worked with specific grade levels.

DEPARTMENT RESPONSE: In the past, New York State offered an all grades Reading certificate. Additionally, other states offer literacy certificates that span all grades. Therefore, it is reasonable to conclude that there would be candidates who would pursue a Literacy (All Grades) certificate and program. This certificate does not require teachers to teach outside of their area of interest and would make them more marketable for school districts. A supportive public comment also noted that it is often

the case that teachers at the beginning of their careers enter the profession thinking they wish to teach at a specific school level, yet once they have embarked upon their careers, realize they can be most effective at another level. For the above reasons, the Department does not propose revisions to the proposed amendment in response to the public comments other than the proposed revised practicum requirement.