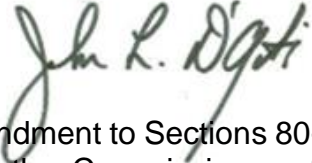
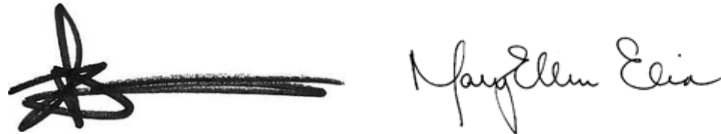




**TO:** The Honorable the Members of the Board of Regents  
**FROM:** John L. D'Agati   
**SUBJECT:** Proposed Amendment to Sections 80-3.3 and 80-3.7 of the Regulations of the Commissioner of Education to Allow Individual Evaluation for Certain Certificate Titles in the Classroom Teaching Service  
**DATE:** July 3, 2018

**AUTHORIZATION(S):**



### SUMMARY

#### Issue for Decision (Consent Agenda)

Should the Board of Regents adopt a proposed amendment to §80-3.3 and §80-3.7 of the Regulations of the Commissioner of Education to allow individual evaluation for certain certificate titles in the classroom teaching service?

#### Reason(s) for Consideration

Review of Policy.

#### Proposed Handling

The proposed amendment is submitted to the Full Board for adoption at its July 2018 Board of Regents meeting (Attachment A is a copy of the proposed amendment).

#### Procedural History

A Notice of Proposed Rule Making was published in the State Register on April 25, 2018. Supporting materials are available upon request from the Secretary to the Board of Regents. Following the 60-day public comment period required under the State Administrative Procedure Act, the Department received comments on the proposed amendment (Assessment of Public Comment is included as Attachment B).

## **Background Information**

For each certificate title in the classroom teaching service, there are typically several pathways for certification. In 2003, the Board of Regents revised the certification requirements for teachers by creating a pathway for individual evaluation for candidates who have not completed an approved teacher education program. The original individual evaluation pathway was established as a means to address teacher shortage areas and included a sunset date of February 1, 2007 for certificates in childhood education and February 1, 2009 for all other certificates in the classroom teaching service. These dates were ultimately extended, resulting in a continuation of individual evaluation for all certificate titles except for Early Childhood, Generalist in Middle Childhood Education, ELA, and Literacy.

Under individual evaluation, candidates are required to submit evidence of coursework and field experience to the Department for evaluation. The Office of Teaching Initiatives (OTI) reviews candidates' transcript(s) and supporting materials to determine if the requirements are met.

## **Proposed Amendment**

The Department has been contacted by numerous districts in different areas of New York State that have indicated that they are having difficulty finding qualified teachers in certain certificate areas. To help address the reported teacher shortages in New York State, the Department is proposing a regulation amendment to reinstate individual evaluation for the following certificate titles:

- Early childhood education (birth-grade 2)
- Childhood education (grades 1-6)
- Generalist in middle childhood education (grades 5-9)
- English language arts (grades 5-9)
- English language arts (grades 7-12)
- Literacy (birth-grade 6)
- Literacy (grades 5-12)

The proposed change will allow qualified candidates to become certified in these areas, creating larger pools of qualified teachers for school district hiring.

## **Related Regents Items**

April 2018 (<http://www.regents.nysed.gov/common/regents/files/418hed1.pdf> )

### **Recommendation**

Department staff recommends that the Board of Regents take the following action:

VOTED: That §80-3.3 and §80-3.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective September 2, 2018.

### **Timetable for Implementation**

If adopted at the July 2018 meeting, the proposed amendment will become effective on September 2, 2018.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. The introductory paragraph for section 80-3.7 of the Regulations of the Commissioner of Education shall be amended, effective September 2, 2018, to read as follows:

This section prescribes requirements for meeting the education requirements for classroom teaching certificates through individual evaluation. [Except as otherwise provided in this section, this option for meeting education requirements shall only be available for candidates who apply for a certificate in childhood education by February 1, 2007 and for candidates who apply for a certificate in early childhood education (birth-grade 2), generalist in middle childhood education (grades 5-9), English language arts (grades 5-9), English language arts (grades 7-12), literacy (birth-grade 6) and literacy grades (5-12) on or before April 30, 2014 provided that upon application candidates qualify for such certificate.] Candidates who apply for any [other certificate] of the certificates in the classroom teaching service as described herein may continue to meet the education requirements for classroom teaching certificates through individual evaluation. Candidates with a graduate degree in science, technology, engineering or mathematics who apply for an initial teaching certificate under subclause (a)(3)(ii)(c)(3) of this section may continue to meet the education requirements for classroom teaching certificates through individual evaluation after May 1, 2014. The candidate must have achieved a 2.5 cumulative grade point average or its equivalent in the program or programs leading to any degree used to meet the requirements for a certificate under this section. In addition, a candidate must 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 content core or pedagogical core semester hour requirements for a certificate under this section. All other requirements for the certificate, including but not limited to, examination and/or experience requirements, as prescribed in this Part, must also be met.

2. Subparagraph (iii) of paragraph (3) of subdivision (a) of section 80-3.3 of the Regulations of the Commissioner of Education shall be amended, effective September 2, 2018, to read as follows:

(iii) The option to complete the education requirements for the certificates specified in subparagraphs (i) and (ii) of this paragraph through equivalent study, as determined by individual evaluation in accordance with the requirements of section 80-3.7 of this Subpart will continue to be available for individuals who hold an initial, professional, provisional or permanent certificate in the classroom teaching service. [For candidates who do not already hold an initial, professional, provisional or permanent certificate in the classroom teaching service, this option will only be available to candidates who apply for a certificate in childhood education by February 1, 2007 or for candidates who apply for a certificate in early childhood education (birth-grade 2), generalist in middle childhood education (grades 5-9), English language arts (grades 5-9), English language arts (grades 7-12), literacy (birth-grade 6) and literacy grades (5-12) on or before April 30, 2014 and who upon application qualify for such certificate; or for candidates who apply for any other certificate in the classroom teaching service.]

**ASSESSMENT OF PUBLIC COMMENT**

Since publication of the Notice of Proposed Rule Making in the State Register on April 25, 2018, the State Education Department (SED) received the following comments on the proposed amendment. Below is an assessment of the public comments received.

**1. COMMENT:**

Commenter suggested that the following certificate titles also have the option to have individual evaluation for certification because they are difficult to fill in a very rural district: Library Media Specialist, Business, Technology/Shop, Agriculture, Earth Science, and English as a New Language.

**DEPARTMENT RESPONSE:**

The individual evaluation pathway for certification is currently an option for all certificate titles in the classroom teaching service, including the certificate titles identified by the commenter, with the exception of the certain titles listed in the Department's proposal. The Department is proposing to reinstate the individual evaluation pathway for the certificate titles for which it is not an option.

**2. COMMENT:**

Commenter who was a teacher in another country applauds the Department for putting forward this proposal. The commenter was surprised that a teaching certificate was required to work upon arriving in the U.S.A. and hopes the proposal is accepted so that teachers will be encouraged to apply for their certificate(s).

**DEPARTMENT RESPONSE:**

No response is necessary because the comment is supportive.

### 3. COMMENT:

Commenter expressed concern about the impact of the Department's proposal on early childhood education teacher preparation because it makes little sense for this constituency and puts very small and vulnerable children at risk across the developmental spectrum in practice. Commenter explains that the problem of increasing the number of early childhood teachers is not the applicants' interest in comprehensive accredited teacher training programs, but rather their means to pay for it and their need to work to pay rent, groceries, etc. Commenter proposes to provide prospective teachers who need financial support with tuition support and/or funded teacher residencies.

### DEPARTMENT RESPONSE:

The individual evaluation pathway to certification enables candidates to demonstrate that they have the content and pedagogical knowledge and skills necessary to teach all students effectively in New York State public schools, including small and vulnerable children.

The Department is exploring multiple ways to address the shortage of teachers and will take the commenter's suggestion into consideration.

### 4. COMMENT:

Commenter believes that reinstating the individual evaluation pathway for certain certificate titles will likely lead to the problematic situation where an individual takes courses at a variety of institutions to fulfill certification requirements and does not get the benefit of a coherent, planned out teacher preparation program. Commenter noted that the Department's proposal would weaken preparation and could likely have a detrimental effect on edTPA outcomes because this performance assessment required

for certification is designed to be completed during a teacher preparation program that provides support.

Commenter states that the proposal is not the way to strengthen the teaching force in New York State and a more effective way to solve the shortage of early childhood teachers would be to ensure salary parity with other teachers, making sure that early childhood teachers can earn a living wage for the important work they do.

#### DEPARTMENT RESPONSE:

Since not all individuals interested in becoming a teacher have completed or are able to complete an approved teacher preparation program, the Department created several certification pathways for candidates to demonstrate that they have the content and pedagogical knowledge and skills necessary to teach all students effectively in New York State public schools. One of these pathways is for the individual evaluation of candidates who have not completed a teacher preparation program. The coursework requirements for the individual evaluation pathway for certification are based on the educational study requirements for New York State approved teacher preparation programs, including completing a general education core in the liberal arts and sciences, a content core, a pedagogical core, and a student teaching experience. The individual evaluation pathway also allows specific teacher employment experiences to be accepted in lieu of student teaching.

The vendor for the edTPA provides [resources for candidates](#) who are not affiliated with a teacher preparation program, such as the Making Good Choices support guide, video tutorials, FAQs, and customer support contact information.

The Department is exploring multiple ways to address the shortage of teachers and is open to considering suggestions. However, the suggestion to pay teachers more



money would be determined by their employer. Therefore, no response is necessary with respect to this suggestion.

#### 5. COMMENT:

Commenter applauds the Department's awareness of a teacher shortage, but strongly opposes the proposed regulation amendment because it would not assure that educators have completed a teacher certification program in order to be adequately prepared to fill these vital roles, which would be an egregious disservice to students. Commenter explains that the New York Teaching Standards ensure that educators can identify, teach to, and meet the needs of all students and the proposed regulation would seriously undermine these efforts as early childhood and childhood teachers would not be required to complete a rigorous, accredited teacher preparation program, including the supervised field experiences and student teaching necessary to refine their skills. Commenter states that nationally-accredited teacher preparation programs have demonstrated the ability to explicitly teach and coach a set of competencies so that the children of New York State are assured of a well-prepared teacher in each classroom. Commenter believes that the state would never cut corners like this with other professions and it is unacceptable to do this for the teaching profession. Commenter recommends that the Department work on a coordinated approach to address recruitment and retention concerns while maintaining quality teacher preparation.

#### DEPARTMENT RESPONSE:

Since not all individuals interested in becoming a teacher have completed or are able to complete an approved teacher preparation program, the Department created several certification pathways for candidates to demonstrate that they have the content and pedagogical knowledge and skills necessary to teach all students effectively in New

York State public schools. One of these pathways is for the individual evaluation of candidates who have not completed a teacher preparation program. The coursework requirements for the individual evaluation pathway for certification are based on the educational study requirements for New York State approved teacher preparation programs, including completing a general education core in the liberal arts and sciences, a content core, a pedagogical core, and a student teaching experience. The individual evaluation pathway also allows specific teacher employment experiences to be accepted in lieu of student teaching.

The Department is exploring multiple ways to address the retention of teachers and will take the commenter's suggestion into consideration.

#### 6. COMMENT:

Commenter feels that reducing the certification requirements for all who daily care for and educate young children at this time, when there are other means of fixing the concern of needing more highly qualified early childhood teachers, especially in the rural areas of the State, sends the wrong message and allows more marginal early childhood education programs to exist. Commenter's primary concern is that candidates will not benefit from a high-quality program designed by qualified experienced professionals using standards recognized in each discipline. Commenter also does not believe that it is not sustainable for the Department to examine each course taken, including the syllabus, assessments, and rubrics, and to monitor the extensive field experience at different levels and communities. Commenter notes that not one discipline is studied in depth to learn about early childhood education, but many; general discipline courses do not suffice. Commenter describes that we have tried an independent route before and still see the

result of poorly prepared early childhood teachers implementing inappropriate practices today.

Instead of the individual evaluation pathway, commenter suggests that New York State should increase the requirements to become an early childhood educator in this time of great awareness of the impact the environment has on early attachment and learning, requiring all higher education early childhood programs to achieve national recognition by the National Association for the Education of Young Children (NAEYC) and for those teachers seeking to extend a certification into early childhood education required to take four additional courses specific to early child development, setting up environments and caring for young children.

#### DEPARTMENT RESPONSE:

Since not all individuals interested in becoming a teacher have completed or are able to complete an approved teacher preparation program, the Department created several certification pathways for candidates to demonstrate that they have the content and pedagogical knowledge and skills necessary to teach all students effectively in New York State public schools. One of these pathways is for the individual evaluation of candidates who have not completed a teacher preparation program. The coursework requirements for the individual evaluation pathway for certification are based on the educational study requirements for New York State approved teacher preparation programs, including completing a general education core in the liberal arts and sciences, a content core, a pedagogical core, and a student teaching experience; candidates complete more than general discipline courses. The individual evaluation pathway also allows specific teacher employment experiences to be accepted in lieu of student teaching. In addition, the Office of Teaching Initiatives is currently able to review certificate

applications on a sustained basis, including analyzing course syllabi when appropriate and verifying candidates' teaching experience through student teaching or employment.

The Department will consider the commenter's suggestions for increasing the requirements to become an early childhood educator and will continually work with the field to strengthen the preparation of early childhood educators.

#### 7. COMMENT:

Commenter expresses concerns for teacher candidates seeking early childhood certification through the individual evaluation pathway, including not being afforded a high-quality program designed by highly qualified faculty using standards recognized in each discipline. Commenter notes that teacher education program curricula are mapped to assure that the standards needed to receive national recognition are embedded within the coursework. Commenter states that the Department has increased the course and clinical field experience requirements and rigor for teacher certification and there is no effective way to check the comprehensiveness of teaching candidates seeking the individual evaluation pathway; checking the actual content requires an examination of the course syllabi, assessments, and rubrics; linked fieldwork hours; and student dispositions. In contrast to adolescent education where candidates learn the discipline through an undergraduate major, commenter indicates that no undergraduate degree program provides the complex knowledge and skills needed to become a high-quality teacher of infants through second grade and these teachers need particular coursework such as learning through play and working with families. Commenter observes that there is a shortage of undergraduate Early Childhood Education Programs Upstate and on Long Island, resulting in a shortage of early childhood teachers, and worries that the

individual evaluation pathway will likely cause more programs to shrink and close, which would only further increase a shortage of high-quality trained teacher candidates.

**DEPARTMENT RESPONSE:**

Since not all individuals interested in becoming a teacher have completed or are able to complete an approved teacher preparation program, the Department created several certification pathways for candidates to demonstrate that they have the content and pedagogical knowledge and skills necessary to teach all students effectively in New York State public schools. One of these pathways is for the individual evaluation of candidates who have not completed a teacher preparation program. The coursework requirements for the individual evaluation pathway for certification are based on the educational study requirements for New York State approved teacher preparation programs, including completing a general education core in the liberal arts and sciences, a content core, a pedagogical core, and a student teaching experience. The individual evaluation pathway also allows specific teacher employment experiences to be accepted in lieu of student teaching. The pedagogical coursework addresses the knowledge needed in each certificate area, such as early childhood. In addition, the Office of Teaching Initiatives reviews course syllabi when appropriate and verifies candidates' teaching experience through student teaching or employment.

The individual evaluation pathway is not designed to supplant teacher education programs. This option provides flexibility for candidates, especially from out-of-state, who are able to complete courses that would prepare them for the classroom across an extended period of time at one or more institutions of higher education and were not able to complete a teacher preparation program due to personal circumstances, such as raising a family, changing a career, or having financial constraints.

## 8. COMMENT:

Commenter notes that there are certified teachers with student loan debt who have been teaching for years and are not making a livable wage. Commenter believes that the Department's proposal will allow individuals with little to no teacher training to enter the field and make the same money. Commenter states that the proposal is not good for the students or the teaching profession because it will dumb down the professional population, make it easier for individuals to shift into teaching unprepared, and put more onto appropriately certified teachers to help these individuals figure out how to work with a variety of student populations. Commenter feels that the proposal undermines the hard work of certified teachers by hiring individuals who snuck through a loophole because New York State is not interested in paying teachers what they're worth. Commenter thinks the shortage should have been expected when it is more difficult for people to get into teacher education programs. Commenter suggests to pay teachers more so that they stay in the profession and find schools appropriately and stop the APPR plans so that more teachers will want to teach.

## DEPARTMENT RESPONSE:

The individual evaluation pathway to certification enables candidates to demonstrate that they have the content and pedagogical knowledge and skills necessary to teach all students effectively in New York State public schools, preparing them for the classroom.

The Department is exploring multiple ways to address the shortage of teachers and is open to considering suggestions. The suggestion to pay teachers more money is something determined by employers. In addition, the annual professional performance

reviews (APPR) or its equivalent is a statutory requirement for all classroom teachers. Therefore, no response is necessary to these suggestions.

#### 9. COMMENT:

Commenter states that the Department must require at least some level of teacher training, even an abridged version, before letting individuals in classrooms who “worked in the field”. Commenter explains that individuals who want to teach complete intense coursework, hundreds of hours of student teaching, and lesson planning and asks why individuals would be hired who never had to do any of these requirements. Commenter proposes to go back to when a subject area certificate covered all grades, allowing a teacher who cannot find a teaching position in one grade to apply for a position in an understaffed grade. Commenter shares that these teachers would have completed education coursework and evaluators can evaluate any subject and grade because good teaching is good teaching. In addition, commenter requests to eliminate the edTPA as a certification requirement because practicing teachers videotape themselves to send to an evaluator and only the person who hired them, the principal, should evaluate them.

#### DEPARTMENT RESPONSE:

The individual evaluation pathway to certification enables candidates to demonstrate that they have the content and pedagogical knowledge and skills necessary to teach all students effectively in New York State public schools. The coursework requirements for the individual evaluation pathway for certification are based on the educational study requirements for New York State approved teacher preparation programs, including completing a general education core in the liberal arts and sciences, a content core, a pedagogical core, and a student teaching experience. The individual

evaluation pathway also allows specific teacher employment experiences to be accepted in lieu of student teaching.

The Department is exploring multiple ways to address the shortage of teachers and is open to considering suggestions. However, the Department does not have plans to extend the grade levels of subject area certificates to cover all grades as suggested by the commenter. The commenter's suggestion to eliminate the edTPA requirement for teacher certification is not related to teacher shortages or the Department's proposal to reinstate individual evaluation for certain certificate titles. Therefore, no response is necessary for this latter suggestion.

#### 10. COMMENT:

Commenter requests that teachers who earned a New York State (NYS) certificate and have teaching experience in NYS should not lose their teaching certificates if they move away and teach in another state for a certain time period. Commenter recommends that these teachers should be welcomed back into NYS public schools, be able to share their expertise with students, and be given a new extended period of time to complete their master's degrees. Thank you for putting students first!

#### DEPARTMENT RESPONSE:

The Initial certificate in the classroom teaching service is valid for five years. The time validity of an expired Initial certificate may be extended for three years under certain conditions, giving teachers time to complete the master's degree required for the Professional certificate. In addition, teachers who have less than three years of teaching experience and meet other requirements may apply for a reissuance of their initial certification, which is valid for five years.



#### 11. COMMENT:

Commenter describes their situation where they hold an expired New York State certificate and is not able to use more than 20 years of experience teaching out of state where they were rated “highly qualified” to obtain a certificate without going through the steps of a new teacher. Commenter thinks that obtaining a certificate should be easier for a tenured teacher with accolades and they should not have to do all that a new teacher has to in order to prove their effectiveness.

#### DEPARTMENT RESPONSE:

The endorsement pathway to certification enables teachers who have taught in out-of-state public schools for three out of the past five years under a valid out-of-state certificate equivalent to the New York State certificate sought to be eligible for an Initial certificate without completing the certification exams.

#### 12. COMMENT:

Commenter believes that the individual evaluation pathway will encourage teachers and administrators to obtain extensions to their licenses, particularly in shortage areas. Commenter highlights that districts are searching for teachers who hold an English language arts (ELA) certificate and the Teaching English to Speakers of Other Languages (TESOL) extension. Commenter states that the individual evaluation pathway would be beneficial in their situation where they are pursuing an ELA Professional certificate in addition to their TESOL and other certificates. Their ELA Supplementary certificate will expire because the coursework requirement was not met. Commenter noted that their graduate coursework completed during their TESOL master’s degree program did not count towards the certificate. Commenter feels that the existing certification process does not consider the benefits of reviewing the complete profile of the educator, but the

proposed individual pathway would do this. Commenter states that the proposed individual pathway should create an impetus for teachers to further their educational pursuits.

DEPARTMENT RESPONSE:

No response necessary because the comment is supportive.

13. COMMENT:

Commenter indicated that they received their teaching certificate in another State and should therefore be allowed to teach in New York.

DEPARTMENT RESPONSE:

See response to Comment #11.

14. COMMENT:

Commenter indicated that changing certification requirements will not fix the root of the problems. If in fact, this change will lure people into teaching, it will do nothing to bolster retention of the newly hired. Commenter thinks this change is misguided and perhaps the better direction would be to bolster neighborhoods and triple support staff in schools that have high needs. If teachers came into classes that had children who were supported and ready to learn, teachers would come.

DEPARTMENT RESPONSE:

The Department is exploring multiple ways to address the retention of teachers and this comment will be considered.