




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

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To: District Superintendents
Superintendents of Schools
Chancellor of NYC Schools
Superintendent of Buffalo City School District
Superintendent of Rochester City School District
Superintendent of Syracuse City School District
Superintendent of Yonkers City School District
Council of School Administrators – New York City (CSA-NYC)
New York State Council of School Superintendents (NYSCOSS)
New York State School Boards Association (NYSSBA)
New York State United Teachers (NYSUT)
School Administrators Association of New York State (SAANYS)
Big Five Conference

From: Joseph P. Frey 

Subject: April Regents Actions – Teacher Certification Flexibility

I write to make you aware that, at its April 20, 2010 meeting, the Board of Regents adopted emergency regulations concerning teacher certification flexibility that will serve to help school leaders save jobs and retain effective teachers to meet students' needs. The Regents voted to adopt three initiatives originally requested by the Council of School Superintendents on behalf of school districts. Essentially, the changes from a certification perspective will permit general education and special education teachers currently in a school district to be reassigned by the district to teach in grades close to their current certification area; specifically, for kindergarten and the Middle Childhood grades, in order to avoid or mitigate layoffs. These new regulations address certification issues only. Hiring decisions or appointments to tenure areas continue to be governed by existing law and rules.

A change in regulation, as summarized in the attached chart, was adopted and will become effective on April 27, 2010. A second emergency adoption will be necessary at the June Regents meeting and confirmed at the July meeting. This will ensure that the regulations remain continuously in effect until the final regulation becomes effective on August 11, 2010.

For a more complete description of the change in regulations, please see Attachment A which is an excerpt from the Regents item. Attachment B is the final regulation approved by the Board of Regents on April 20th.

It is always important, especially during these trying fiscal times, to work together to shape positive change for the teachers and students in our State. I want to thank the District Superintendents, Superintendents of Schools and representatives of the NYC, Buffalo, Rochester, and Syracuse School districts along with representatives of the following associations for providing comments and participating in meetings on short notice, to share their thoughts and insights with us as we developed the certification flexibility proposal for consideration by the Board of Regents:

- New York State Council of School Superintendents (NYSCOSS)
- New York State School Boards Association (NYSSBA)
- New York State United Teachers (NYSUT)
- School Administrators Association of New York State (SAANYS)
- Council of School Administrators (CSA)
- Big Five Conference

If you have any questions on these new regulations, you may contact Robert Bentley, Assistant Commissioner of the Office of Teaching Initiatives, at (518) 474-4661 or via E-mail to rbentley@mail.nysed.gov.

Attachments

cc: Robert G. Bentley

**Flexibility for Certified General Education & Special Education Classroom Teachers Employed by a School District
to Avoid or Mitigate Reductions in Force**

Present Certification	Additional Requirements Needed to get Limited Temporary Approval ²	Extended Grades to be Taught	Additional Requirements to Complete within 2 Years
1-6 Childhood Education teacher ¹	Qualified under NCLB	Kindergarten	6 credit hours in Early Childhood development
1-6 Childhood Education teacher ¹	Qualified under NCLB	Grades 7 & 8	Content Specialty Test in subject area 6 credit hours in Middle Childhood pedagogy
7-12 Adolescence Education teacher ¹	Qualified under NCLB	Grades 5 & 6 in same subject area	6 credit hours in Middle Childhood pedagogy

1. The flexibility approved by the Regents is for both general education and special education teachers in Grades 1-6 and 7-12.
2. In order to obtain the temporary credential, the school district must have offered the new reassignment and be willing to provide necessary supports to the teacher.

Excerpts from Board of Regents Item on Certificate Flexibility

The purpose of these amendments is to retain effective teachers with appropriate education and experience who may be reassigned to meet the needs of other students.

Grades 7-12 Academic Area Certification Extended to Grades 5 and 6

The proposed amendment provides a level of flexibility in certification similar to that of the Experiment in Organizational Change. During a period of fiscal crisis, a district could reassign a teacher who is employed by the district and certified in the classroom teaching service in a subject area in grades 7-12 to teach that same subject area in grades 5 or 6 through a limited extension to the teacher's existing certificate. The limited extension will be valid for two years and shall be valid with that employing entity only. A full extension may be issued to the candidate if the candidate meets the requirements within those two years.

Childhood Education Extended to Kindergarten

The proposed amendment authorizes a teacher who is currently certified in childhood education (grades 1-6) to be reassigned to teach kindergarten under a limited extension to their existing certificate for a two-year period while they complete six semester hours of pedagogical coursework in early childhood education. At that point, the teacher could apply for the full extension to teach kindergarten.

Childhood Education Extended to Grades 7 and 8

Similar to the regulation on the Experiment in Organizational Change, the proposed amendment authorizes a certified and qualified elementary school teacher (grades 1-6) to be reassigned to a position teaching an academic subject in grades 7 and 8. The teacher would need to have appropriate education and experience for such teaching assignment as demonstrated by earning Highly Qualified status under NCLB in order to be granted a limited extension to their existing certificate title. Also, the teacher must agree to: 1) successfully complete the Content Specialty Test in that subject area, and 2) complete 6 semester hours of course work in Middle Childhood Education, within the next two years to qualify for the full certificate extension when their limited extension expires.

Summary

Limited Extensions would not be renewable and would expire at the end of the two-year period. It is intended that these Limited Extensions would provide a two-year bridge to authorize teaching for an already experienced teacher who is

seeking to complete any remaining requirements to qualify for the full certificate extension in the new teaching assignment.

The proposed amendment addresses certification issues only. Hiring decisions or appointments to tenure areas continue to be governed by existing law and rules. For example, if, due to a previous reduction in force, a preferred eligibility list exists that covers the tenure area where the district seeks to fill a position, the school district must use the preferred eligibility list first before making any new appointments to that tenure area. Also, any reassignments to a new tenure area require the consent of the teacher and result in the teacher serving a probationary period in the new tenure area.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

1. New subdivisions (k), (l) and (m) are added to section 80-4.3 of the Regulations of the Commissioner of Education is amended, effective April 27, 2010, to read as follows:

(k) Requirements for the issuance of a limited extension to teach a subject in grades 7-8 during a period of immediate fiscal crisis and a 7-8 grade level extension.

(1) Purpose. The purpose of extensions issued under this subdivision, subject to their period of applicability as set forth in paragraph (2) of this subdivision, is to authorize a teacher who is currently employed and certified in the classroom teaching service in childhood education (grades 1-6) or students with disabilities (grades 1-6) or an equivalent certificate title authorizing the teaching of all common branch subjects in childhood education (grades 1-6) to be reassigned by the employing entity to teach that subject in grades 7-8 during a demonstrated fiscal crisis to avoid or mitigate a reduction in force consistent with the requirements of law.

(2) Applicability. The provisions of this subdivision shall apply commencing April 27, 2010 and end on June 30, 2013.

(3) Limitations. A limited extension issued under this subdivision shall be valid for two years from its effective date and shall not be renewable. A limited extension may be issued to a teacher currently employed by an employing entity that meets the requirements in paragraph (4) of this section. A limited extension shall authorize a candidate to teach a subject in grades 7-8 with that employing entity only. Thereafter, a 7-8 grade level extension may be issued to such teacher upon completion of the

requirements in paragraph (5) of this subdivision and shall authorize the teacher to teach a subject in grades 7 and 8 in any employing entity.

(4) Requirements for limited extension. Notwithstanding the provisions of this section, a limited extension may be issued to a candidate in a specific subject area for grades 7 and 8 provided that the candidate meets the requirements in each of the following subparagraphs:

(i) The candidate shall hold a valid provisional, permanent, initial or professional certificate in the classroom teaching service in childhood education (grades 1-6) or students with disabilities (grades 1-6) or an equivalent certificate title authorizing the teaching of all common branch subjects in grades 1 through 6; and

(ii) The candidate shall submit a statement by the Chancellor, in the case of employment with the City School District of the City of New York; or by the superintendent, in the case of other employing boards; or by the chief school officer, in the case of employment with another entity required by law to employ certified teachers certifying that:

(a) the employing entity seeks to reassign a currently employed teacher to a new teaching position in grades 7-8 in a subject area in the classroom teaching service;

(b) the candidate meets the qualification requirements of section 120.6 of this Title, relating to the No Child Left Behind Act of 2001;

(c) the employing entity is in an immediate fiscal crisis and the issuance of an extension in grades 7-8 to such candidate will avoid or mitigate a reduction in force;

(d) the employing entity will provide appropriate support to the currently employed teacher undertaking a new teaching assignment under a limited extension to ensure the maintenance of quality instruction for students;

(e) the employing entity will require, as a condition of employment under the extension, the candidate's enrollment in study at an institution of higher education to complete the requirements in paragraph (5) of this subdivision; and

(f) the employing entity will not assign the employed teacher to teach courses for high school credit;

(5) Requirements for 7-8 grade level extension in a subject. Notwithstanding the provisions of this section, an extension to teach a subject in grades 7-8 shall be issued to a candidate in a specific subject area for grades 7 and 8 provided that the candidate successfully completes the New York State Teacher Certification Examination content specialty test in the subject for which a certificate extension is being sought and six semester hours of coursework in middle childhood education.

(l) Requirements for a limited extension to teach kindergarten during a period of immediate fiscal crisis and a kindergarten extension.

(1) Purpose. The purpose of extensions issued in this subdivision, subject to their period of applicability as set forth in paragraph (2) of this subdivision, is to authorize a teacher who is currently employed and certified in the classroom teaching service in childhood education (grades 1-6) or students with disabilities (grades 1-6) or an equivalent certificate title authorizing the teaching of all common branch subjects in childhood education (grades 1-6) to be reassigned by the employing entity to teach

kindergarten during a demonstrated immediate fiscal crisis to avoid or mitigate a reduction in force consistent with the requirements of law.

(2) Applicability. The provisions of this subdivision shall apply commencing April 27, 2010 and end on June 30, 2013.

(3) Limitations. A limited extension issued under this subdivision shall be valid for two years from its effective date and shall not be renewable. A limited extension may be issued to a teacher currently employed by an employing entity, provided that the requirements in paragraph (4) of this section are met. A limited extension shall authorize a candidate to teach kindergarten with that employing entity only. Thereafter, a kindergarten extension may be issued to such teacher upon completion of the requirements in paragraph (5) of this subdivision and shall authorize the teacher to teach kindergarten in any employing entity.

(4) Requirements for a limited extension. Notwithstanding the provisions of this section, a limited extension may be issued to a candidate to teach kindergarten provided that the candidate meets the requirements in each of the following subparagraphs:

(i) The candidate shall hold a valid provisional, permanent, initial or professional certificate in the classroom teaching service in childhood education (grades 1-6) or students with disabilities (grades 1-6) or an equivalent certificate title authorizing the teaching of all common branch subjects in grades 1 through 6; and

(ii) The candidate shall submit a statement by the Chancellor, in the case of employment with the City School District of the City of New York; or by the superintendent, in the case of other employing boards; or by the chief school officer, in

the case of employment with another entity required by law to employ certified teachers certifying:

(a) the employing entity seeks to reassign a currently employed teacher to a new teaching position in kindergarten;

(b) the candidate meets the qualification requirements of section 120.6 of this Title, relating to the No Child Left Behind Act of 2001;

(c) the employing entity is in an immediate fiscal crisis and the issuance of a limited extension in kindergarten to such candidate will avoid or mitigate a reduction in force;

(d) the employing entity will provide appropriate support to the currently employed teacher undertaking a new teaching assignment under an extension to ensure the maintenance of quality instruction for students; and

(e) the employing entity will require, as a condition of employment under the extension, the candidate's enrollment in study at an institution of higher education to complete the requirements in paragraph (5) of this subdivision.

(5) Requirements for kindergarten extension. Notwithstanding the provisions of this section, a kindergarten extension may be issued to a candidate provided that the candidate satisfactorily completes six semester hours of pedagogical coursework in early childhood development.

(m) Requirements for the issuance of a limited extension to teach a subject in grades 5-6 during a period of immediate fiscal crisis and a 5-6 grade level extension in a subject.

(1) Purpose. The purpose of extensions issued under this subdivision, subject to their period of applicability as set forth in paragraph (2) of this subdivision, is to authorize a teacher who is currently employed and certified in the classroom teaching service in a certain subject in grades 7-12 and who has demonstrated an appropriate academic background to teach in the subject area of his/her grade 7-12 certificate, to be reassigned by the employing entity to teach that subject in grades 5-6 during a demonstrated immediate fiscal crisis to avoid or mitigate a reduction in force, consistent with the requirements of law.

(2) Applicability. The provisions of this subdivision shall apply commencing April 27, 2010 and end on June 30, 2013.

(3) Limitations. A limited extension issued under this subdivision shall be valid for two years from its effective date and shall not be renewable. A limited extension may be issued to a teacher currently employed by an employing entity that meets the requirements in paragraph (4) of this section. A limited extension shall authorize a candidate to teach a subject in grades 5-6 with that employing entity only. Thereafter, a 5-6 grade level extension may be issued to such teacher upon completion of the requirements in paragraph (5) of this subdivision and shall authorize the teacher to teach a subject in grades 5-6 in any employing entity.

(4) Requirements for a limited extension to teach a subject in grades 5-6. Notwithstanding the provisions of this section, a limited extension may be issued to a candidate in a subject for grades 5-6 provided that the candidate meets the requirements in each of the following subparagraphs:

(i) The candidate shall hold a valid provisional, initial, permanent, or professional certificate in English language arts (7-12), language other than English (7-12), mathematics (7-12), biology (7-12), chemistry (7-12), earth science (7-12), physics (7-12), or social studies (7-12); and

(ii) The candidate shall submit a statement by the Chancellor, in the case of employment with the City School District of the City of New York; or by the superintendent, in the case of other employing boards; or by the chief school officer, in the case of employment with another entity required by law to employ certified teachers certifying:

(a) the employing entity seeks to reassign a currently employed teacher to a new teaching position in grades 5-6 in a subject area in the classroom teaching service;

(b) the candidate meets the qualification requirements of section 120.6 of this Title, relating to the No Child Left Behind Act of 2001;

(c) the employing entity is in an immediate fiscal crisis and the issuance of a limited extension to such candidate to teach grades 5-6 will avoid or mitigate a reduction in force;

(d) the employing entity will provide appropriate support to the currently employed teacher undertaking a new teaching assignment under a limited extension to ensure the maintenance of quality instruction for students; and

(e) the employing entity will require, as a condition of employment under the extension, the candidate's enrollment in study at an institution of higher education to complete the requirements in paragraph (5) of this subdivision.

(5) Requirements for a 5-6 grade level extension in a subject area. A 5-6 grade level extension may be issued to a candidate in a specific subject area provided that the candidate meets the requirements of subdivision (b) of this section.