

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 305, 3001, 3006, 3009.

1. Subdivision (b) of section 80-1.2 of the Regulations of the Commissioner of Education is amended, effective December 4, 2013, to read as follows:

(b) Certificates, dates of issuance.

(1) . . .

(2) [Certificates] For purposes of reissuances, renewals and other extensions of time validity provided in this Part, expiration dates for certificates issued pursuant to the provisions of this Part shall [date from] be calculated from either the first day of [either] February or September in the year of issuance, whichever date occurs first after the certificate is issued. However, all certificate holders shall be authorized to be employed in the public schools of this State in the area of his or her certificate title, on the date such certificate is issued.

(3) . . .

(4) [The] Except as otherwise provided in paragraph (6) of this subdivision, the commissioner shall issue initial and professional teachers' certificates valid for the classroom teaching service beginning with an effective date of September 1, 2004, except that the commissioner may continue to issue provisional and permanent teachers' certificates valid for classroom teaching service as specifically prescribed in this Part.

[(5) The commissioner shall not issue temporary licenses for employment as teaching assistants with an effective date that begins after February 1, 2004.

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

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

2. Section 80-1.6 of the Regulations of the Commissioner of Education is amended, effective December 4, 2013, to read as follows:

Section 80-1.6 Extensions of time validity of certificates.

(a) Subject to the limitation provided in subdivision (e) of this section and excluding expired certificates in the classroom teaching service or expired provisional certificate in the title of school administrator and supervisor, the time validity of an expired provisional, initial or transitional certificate may be extended for a period not to exceed two years from the expiration date of such certificate, except as provided in subdivisions (b), (c) and (d) of this section, upon application by the holder of a teaching certificate:

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) . . .

(b) The time validity of expired certificates prescribed in this section, including an expired provisional certificate in the classroom teaching service or an expired provisional certificate in the title of school administrator and supervisor, held by individuals on active duty with the Armed Forces may be extended by the commissioner, upon application by the holder of such certificate, for the time of such active service and an additional 12 months from the end of such service.

(c) The commissioner may extend the time validity of an expired provisional, excluding an expired provisional certificate in the classroom teaching service or an expired provisional certificate in the title of school administrator and supervisor, initial or transitional certificate beyond the two-year extension provided for in subdivision (a) of this section, for a period not to exceed one additional year, if in the six-months preceding the end of the two-year extension, the candidate is faced with extreme hardship or other circumstances beyond the control of the individual and is unable to complete the requirements for the [permanent or] professional certificate in a timely manner.

(d) The commissioner may extend the time validity of an expired provisional, including an expired provisional certificate in the classroom teaching service or an expired provisional certificate in the title of school administrator and supervisor, or initial certificate beyond the extensions provided for in subdivisions (a) and (c) of this section, in increments of one additional year for a candidate who has applied for citizenship or permanent residency, and whose application for citizenship or permanent residency has not been acted upon by the U.S. Citizenship and Immigration Services (USCIS) until the

USCIS acts upon such application. Such candidates must provide documentation satisfactory to the department that they meet these requirements, and that they have completed all academic, testing and experience requirements for permanent or professional certification.

(e) . . .

3. Subparagraphs (i) and (ii) of paragraph (2) of subdivision (a) of section 80-2.1 of the Regulations of the Commissioner of Education is amended, effective December 4, 2013, to read as follows:

(i) Candidates with an expired provisional certificate in the classroom teaching service who apply for permanent teachers' certificates in the classroom teaching service prior to October 1, 2014 shall be subject to the requirements of this Subpart, provided that they have been issued a provisional teacher's certificate in the title for which the permanent certificate is sought and have met all requirements for the permanent certificate on or before February 1, 2004 or while under a provisional certificate that was in effect after that date. All other candidates who apply for permanent teachers' certificates in the classroom teaching service shall be subject to the requirements of this Subpart, provided that they have been issued a provisional teacher's certificate in the title for which the permanent certificate is sought, the provisional certificate is not expired, and the candidate has met all requirements for the permanent certificate on or before February 1, 2004 or while under a provisional certificate that was in effect after that date. Candidates with an expired provisional certificate in the classroom teaching service who apply for permanent teachers' certificates in the classroom teaching service on or after October 1, 2014 or who do not meet these conditions shall be

subject to the requirements of Subpart 80-3 of this Part, unless otherwise specifically prescribed in this Part.

(ii) Candidates with an expired provisional certificate in the title school administrator and supervisor who apply for permanent certificates in the title school administrator and supervisor prior to October 1, 2014 shall be subject to the requirements of this Subpart, provided that they have been issued a provisional certificate in this title and either have met all requirements for the permanent certificate on or before September 1, 2007 or while under a provisional certificate that was in effect after that date. All other candidates who apply for permanent certificates in the title school administrator and supervisor shall be subject to the requirements of this Subpart, provided that they have been issued a provisional certificate in this title, the provisional certificate is not expired, and either the candidate has met all requirements for the permanent certificate on or before September 1, 2007 or while under a provisional certificate that was in effect after that date. Candidates with expired provisional certificates who apply for permanent certificates in the title school administrator and supervisor on or after October 1, 2014 or who do not meet these conditions shall be subject to the requirements of Subpart 80-3 of this Part, unless otherwise specifically prescribed in this Part.